



# Comprehensive Zoning Code Update



PLANNING COMMISSION  
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**CHAPTER 21.01. PURPOSE AND APPLICABILITY OF THE ZONING CODE****21.01.010. TITLE**

The provisions of this Title 21 of the City of El Paso de Robles Municipal Code shall be known and cited as the “City of El Paso de Robles Zoning Code” or “City of Paso Robles Zoning Code” or “Zoning Code”, and shall also be known and cited as the “City of Paso Robles Zoning Ordinance” or “Zoning Ordinance.”

**21.01.020. PURPOSE AND AUTHORITY**

The purpose of this Title is to promote the growth of the City in an orderly manner and to promote and protect the public health, safety, comfort, and general welfare.

The Zoning Code is enacted based on the authority vested in the City of El Paso de Robles and the State of California, including but not limited to the State Constitution, Planning and Zoning Law (California Government Code Section 65000 et seq.), and the California Health and Safety Code.

**21.01.030. RELATIONSHIP TO PRIOR ORDINANCES**

The provisions of this Zoning Code, as it existed prior to the effective date of Ordinance No. XXX, are repealed and superseded as provided in the ordinance enacting this Title 21. No provision of this Zoning Code shall validate or legalize any land use or structure established, constructed, or maintained in violation of the Zoning Code as it existed prior to repeal by the ordinance enacting this Zoning Code except as addressed by nonconformities created by this Zoning Code.

**21.01.040. RELATIONSHIP TO GENERAL PLAN AND CEQA**

- A. The Zoning Code and Map effectuated by this Title, as amended from time to time by act of the City Council or initiative of the voters, implements the General Plan and consists of the establishment of various zoning districts, including all the territory within which the use of land and buildings and the height and bulk of buildings are regulated. No building or structure shall be erected, reconstructed, or structurally altered in any manner, nor shall any building or land be used for any purpose other than as allowed by and in compliance with this Title and all other ordinances, laws, and maps referred to in this Title.
- B. When a project application pursuant to the provisions of the Zoning Code is determined to be subject to the provisions of the California Environmental Quality Act (CEQA), the application shall be reviewed in accordance with the provisions of the Zoning Code, CEQA (Public Resources Code, Section 21000 et seq.), the CEQA Guidelines (Title 14, California Code of Regulations, Section 15000 et seq.), the Paso Robles CEQA Guidelines, and any environmental guidelines and other applicable rules adopted by the City.

**21.01.050. RELATIONSHIP TO SPECIFIC PLANS**

- A. If a conflict occurs between the requirements of this Zoning Code and standards adopted as part of any applicable specific plan, the requirements of the specific plan shall apply.
- B. To maintain and improve the consistency between plans, the adoption or amendment of a specific plan shall be accompanied by corresponding amendments to the General Plan and other plans which affect the same geographic area.

### 21.01.060. PRIOR RIGHTS AND VIOLATIONS

All departments, officials, and public employees of the City vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Title, and shall issue no permit or license for uses, building, or purposes in conflict with the provisions of this Title; and any such permit or license issued in conflict with the provisions of this Title shall be null and void. It shall be the duty of the Building Official to enforce the provisions of this Title pertaining to the erection, construction, reconstruction, moving, conversion, alteration or addition to any building or structure.

### 21.01.070. EXEMPTIONS FOR CITY PROJECTS

Certain activities of the City of Paso Robles may be exempt from the requirements of this Zoning Code by the City Council.

### 21.01.080. VIOLATION CONSTITUTES A PUBLIC NUISANCE

Any building or structure set up, erected, constructed, altered, enlarged, converted, or moved contrary to the provisions of this Title and any use of any land, building, or premises established, conducted, and/or operated contrary to the provisions of this Title is declared to be unlawful and a public nuisance; and the City Attorney shall, upon order of the City Council, immediately commence action or proceedings for the abatement and removal and enjoinder thereof in the manner prescribed by law, and shall take such other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building or structure, and restrain and enjoin any person, firm, or corporation from setting up, erecting, building, or using any such building contrary to the provisions of this Title.

### 21.01.090. ENFORCEMENT

The provisions of Chapter 1.02 (Penalties) of Title 1 (General Provisions) shall apply.

### 21.01.100. SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this Title is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Title. The City Council declares that it has adopted this Title and each section, subsection, sentence, clause, and phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases may be declared invalid.

## CHAPTER 21.02. INTERPRETATION OF THE ZONING CODE

### 21.02.010. PURPOSE

The purpose of this Section is to specify the authority and procedures for clarifying any ambiguity in the regulations of this Zoning Code and to ensure consistent interpretation and application of this Zoning Code.

## 21.02.020. RULES OF INTERPRETATION

- A. Authority. The Community Development Director ("**Director**") has the authority to interpret provisions of this Zoning Code according to Section 21.08.060 (Community Development Director). Whenever the Director determines that the meaning or applicability of a Zoning Code requirement is subject to interpretation, the Director shall issue a written interpretation consistent with the provisions of Section 21.02.030 (Procedures for Interpretation). The Director may also refer any issue of interpretation to the Planning Commission for a determination.
- B. Terminology. When used in this Chapter, the following rules apply to all provision of this Zoning Code:
1. Language. When used in this Zoning Code, the words "shall," "must," "will," "is to," and "are to" are 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 words indicates otherwise.
  4. Calculations. Residential density and other calculations shall be consistent with the provisions of Section 21.41.020 (Fractions).
  5. Conjunctions. **"And" indicates that all connected items or provisions shall apply. "Or" indicates that the connected items or provisions may apply singly or in any combination. "Either...or" indicates that the connected items and provisions shall apply singly but not in combination. "Includes" and "including" shall mean "including but not limited to."**
  6. Local Reference. **"City" as used in this Zoning Code** means the City of Paso Robles, and all public officials, bodies, and agencies referenced are those of the City unless otherwise stated.
  7. Definitions. As defined in Article 9 (Terms and Definitions) and/or as determined/interpreted by the Director.
  8. State Law Requirements. References to applicable provisions of State law (such as the California Government Code, Subdivision Map Act, Public Resources Code) shall be construed to refer to the applicable State law provisions, as they may be amended from time to time.
  9. Number of Days. Whenever the number of days is specified in this Zoning Code, or in any permit, condition of approval, or notice issued or given as provided in this Zoning Code, the number of days shall be construed as calendar days, unless otherwise specified. 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.
- C. Minimum Requirements. When interpreting and applying the regulations of this Zoning Code, all provisions shall be considered to be minimum requirements, unless specifically stated otherwise.

## 21.02.030. PROCEDURES FOR INTERPRETATION

- A. Authority of Director to Interpret; Referral to Planning Commission. Whenever the Director or designee determines that the meaning or applicability of any of the requirements of this Zoning 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 Planning Commission for determination.

- B. Request for Interpretation. Any party may file a request for an interpretation or determination of this Zoning Code with the Director and shall include with such request the specific provisions in question and any other information necessary to assist the Director in the review.
- C. Record of Interpretation/Determinations. All interpretations and determinations by the Director and Planning Commission shall be made in writing, and a permanent record of such interpretations and determinations shall be kept.
- D. Appeals. Any interpretation of this Zoning Code by the Director or Planning Commission may be appealed in compliance with Chapter 21.25 (Appeals and Calls for Review).

#### 21.02.040. USES NOT CLASSIFIED

- A. Use Not Listed Is Not Allowed. If a use of land is not specifically listed in Article 3 (Zoning Districts, Allowable Uses, and Development Standards), the use shall not be allowed, except as provided below.
- B. Director's **Determination**. Based on the authority granted in Section 21.02.030 (Procedures for Interpretation), the Director may determine that a land use that is not listed in Article 3 (Zoning Districts, Allowable Uses, and Development Standards) may be allowed. In making this determination, the Director shall first make all of the following findings:
  1. The characteristics of, and activities associated with, the use are equivalent to those of one or more of the uses listed in the zoning district as allowable, and will not involve a greater level of activity, density, intensity, traffic generation, parking, dust, odor, noise, emissions, or similar impacts than the uses listed in the zoning district;
  2. The use will meet the purpose/intent of the zoning district that is applied to the location of the use; and
  3. The use will be consistent with the goals, objectives, and policies of the General Plan and/or any applicable Specific Plan, Planned Development Permit, or Special Planned Development Permit.
- C. Applicable Standards and Permit Requirements. When the Director determines that an unlisted land use is equivalent to a listed use, the unlisted use will be treated in the same manner as the listed use in determining where the use is allowed, what permits are required, and what other standards and requirements of this Title apply.

#### 21.02.050. ILLUSTRATIONS

In case of a conflict between the Zoning Code text and any diagram, illustration, graphic, or image contained in the Zoning Code, the text shall take precedence.

### CHAPTER 21.03. ZONING DISTRICTS

#### 21.03.010. ESTABLISHMENT OF ZONING DISTRICTS

- A. General. The City is divided into zoning districts to allow for orderly, planned development and to implement the General Plan. Table 21.03.010-1 (Zoning Districts Established) identifies all zoning districts. All zoning



districts shall be listed and appropriately designated on the official Zoning Map. For purpose of the regulations set out in this Title, the following zoning districts are created:

Table 21.03.010-1: Zones Established

Zoning Map Symbol	Zoning District	Corresponding General Plan Land Use Designation	Applicable Zoning Code Section
<b>Residential Zoning District</b>			
R-A	Residential Agriculture	Residential Suburban	Chapter 21.33
R-1	Single Family Residential	Residential Single Family	Chapter 21.33
R-1/B1, B2, B3, B4	Single Family Residential / Combining Building Size District or B District	Residential Single Family	Chapter 21.33
R-2	Low Density Multi-Family Residential	Residential Multiple Family	Chapter 21.33
R-3	Medium Density Multi-Family Residential	Residential Multiple Family	Chapter 21.33
R-3-O	Medium Density Multi-Family Residential/Office	Residential Multiple Family / Office Professional	Chapter 21.33
R-4	Medium High Density Multi-Family Residential	Residential Multiple Family / Mobile Home Park	Chapter 21.33
R-5	High Density Multi-Family Residential	Residential Multiple Family	Chapter 21.33
<b>Commercial, Industrial, and Airport Zoning District</b>			
OP	Office Professional	Office Professional	Chapter 21.34
CP	Neighborhood Commercial	Neighborhood Commercial	Chapter 21.34
C-1	General Retail Commercial	Community Commercial	Chapter 21.34
C-2	Highway Commercial	Neighborhood Commercial	Chapter 21.34
C-3	Commercial / Light Industrial	Commercial Service	Chapter 21.34
RC	Regional Commercial	Regional Commercial	Chapter 21.34
RL	Resort / Lodging	Resort / Lodging	Chapter 21.34
M	Industrial	Industrial	Chapter 21.34
PM	Planned Industrial	Business Park	Chapter 21.34
AP	Airport	Public Facilities / Business Park	Chapter 21.34
<b>Public Facilities, Parks, Open Space, and Agricultural Zoning District</b>			
AG	Agricultural	Agriculture	Chapter 21.35
POS	Parks and Open Space	Parks and Open Space	Chapter 21.35
OS	Open Space	Parks and Open Space	Chapter 21.35
PF	Public Facilities	Public Facilities	Chapter 21.35
<b>Overlay Zoning Districts</b>			
HOS	Highway-Oriented Sign Overlay	N/A	Section 21.36.020
HP	Historic Preservation Overlay	Historic Preservation Overlay	Section 21.36.030
L	Lodging Overlay	Resort/Lodging Overlay	Section 21.36.040
MU	Mixed-Use Overlay	Mixed Use Overlay	Section 21.36.050
PD	Planned Development Overlay	Planned Development Overlay	Section 21.36.060
SPD*	Special Planned Development Overlay	N/A	Section 21.36.070
SP*	Specific Plan Overlay	Specific Plan Overlay	Section 21.36.080
OP	Office Professional Overlay	Office Professional Overlay	Section 21.36.090
* For established Special Planned Developments and Specific Plans, see Chapter 21.04 and 21.05, respectively.			

- B. Base Zoning District. Every parcel shall have a base zoning district that establishes the primary type and intensity of land use permitted, along with development regulations for that particular type and intensity of land use.
- C. Overlay Zoning District. An overlay zoning district supplements the base zoning district for the purpose of establishing special use or development regulations for a particular area in addition to the provisions of the underlying base zoning district. In the event of conflict between the base zoning regulations and the overlay zoning regulations, the provisions of the overlay zoning district shall apply.

## CHAPTER 21.04. SPECIAL PLANNED DEVELOPMENTS ESTABLISHED

### 21.04.010. PURPOSE

Each Section set forth below contains conditions placed on the use and/or development of certain properties by the ordinances cited therein for Zoning Map amendments for such properties. The conditions listed in each Section are additional to the base zoning district regulations and development projects shall also comply with all other applicable standards and requirements of Title 21 (Zoning) for the zoning district in which a proposed project is located. Where a conflict exists between the provisions set forth in this Chapter and other Title 21 requirements, these provisions shall apply.

### 21.04.020. SPECIAL PLANNED DEVELOPMENT OVERLAY A.

Special Planned Development Overlay A applies to 2501 Theater Drive, a 3.75 acre parcel located approximately 790 feet west of Theater Drive (Parcel B of Parcel Map recorded in Book 35, Page 38 as designated on the official Zoning Map). This parcel is conditioned by Ordinance 529 N.S. to require a conditional use permit for any use. Land uses are limited to those that can safely be served via available easements.

### 21.04.030. SPECIAL PLANNED DEVELOPMENT OVERLAY B.

Special Planned Development Overlay B applies mid-block between Mesa Road, Prospect Avenue, Golden Hill Road and Union Road as designated on the official Zoning Map. Six parcels located south of Mesa Road, are conditioned by Ordinance 560 N.S. as follows:

- A. All land uses are subject to approval of a conditional use permit;
- B. That all fee simple driveway strips from the properties to Prospect Avenue be quitclaimed to those parcels having frontage on Prospect Avenue prior to commercial/light industrial use and/or development of the subject properties;
- C. All landlocked parcels either be merged with adjacent parcels that have frontage on either Golden Hill or Mesa Roads or be provided with access, public utility and drainage easements whose adequacy shall be determined by the Planning Commission prior to recordation.

### 21.04.040. SPECIAL PLANNED DEVELOPMENT OVERLAY C.

Special Planned Development Overlay C applies to the Theater Drive Area. All C-2, PD-zoned properties as designated on the official Zoning Map are conditioned to require a Conditional Use Permit to ensure that land uses will not have a significant adverse effect on the economic vitality of the downtown as required by Ordinance 568 N.S.

**21.04.050. SPECIAL PLANNED DEVELOPMENT OVERLAY D.**

Special Planned Development Overlay D established by Ordinance 568 N.S. is repealed.

**21.04.060. SPECIAL PLANNED DEVELOPMENT OVERLAY E.**

Special Planned Development Overlay E established by Ordinance 568 N.S. is repealed.

**21.04.070. SPECIAL PLANNED DEVELOPMENT OVERLAY F.**

Special Planned Development Overlay F applies to the Commercial Service Area East of Golden Hill Road, South of Union Road and Highway 46 East. All C-3, PD zoned properties, totaling approximately 162 acres, located east of Golden Hill Road, South of Union Road and Highway 46 East as designated on the official Zoning Map are conditioned by Ordinance 560 N.S. as follows:

- A. Those properties that abut residentially-zoned land are conditioned to require the following:
  - 1. Construction of a solid wall of decorative masonry materials such as slumpstone or split-faced block, 6 to 8 feet high; and
  - 2. Provision of a thick landscaped screen, at least 10 feet wide to be planted on commercial property, in a location to be approved by the Development Review Committee; recommended screening materials would include trees or tall shrubs which would grow more than 10 feet high such as Eucalyptus Nicholii and Leyland Cypress.
- B. All land uses in the C-3, PD-zoned properties are subject to approval of a Conditional Use Permit to ensure that the following occur:
  - 1. Commercial light industrial uses do not create noise, visual and/or land use impacts to neighboring land uses;
  - 2. Commercial uses shall be limited to those which the City Council has determined will not have a detrimental effect on the City's goal of revitalizing the downtown.

**21.04.080. SPECIAL PLANNED DEVELOPMENT OVERLAY G.**

Special Planned Development Overlay G applies to the Residential-Agricultural (R-A) Zoned Properties East and West of Airport Road, North of Highway 46 East as designated on the official Zoning Map. The R-A zoned properties are conditioned by Ordinance 594 N.S. as follows:

- A. The minimum lot size (for creation of new lots via subdivision map, parcel map or lot line adjustment) shall be 20 acres.
- B. Two primary dwelling units are permitted on lots that are 20 acres or larger in area.
- C. The City may refer to those sections of the County of San Luis Obispo's Land Use Element and Land Use Ordinance that prescribe land use types and intensities, site design, and site development standards for the agriculture category in approving, conditionally-approving, or denying applications for Building Permits, Development Plans, Variances, and Conditional Use Permits.

#### 21.04.090. SPECIAL PLANNED DEVELOPMENT OVERLAY H.

Special Planned Development Overlay H applies to 1450 Golden Hill Road, an 11.8 acre site (Lot 2 of PR 06-0272) as designated on the official Zoning Map is conditioned by Ordinance No. 951 N.S. to require a Conditional Use Permit to ensure that uses for the site are limited to senior retirement communities/residential care type uses.

#### 21.04.100. SPECIAL PLANNED DEVELOPMENT OVERLAY I.

Special Planned Development Overlay I applies to the 21.4 acre site (Parcel 3 of LLA 07-0293) as designated on the official Zoning Map and is conditioned by Ordinance No. 09-955 N.S. to limit future uses to the following agricultural/recreational related uses, which shall be subject to a Conditional Use permit as noted below:

- A. Crop Production and Processing (1)
- B. Wineries, Breweries, and Distilleries (1)
- C. Tasting Rooms (1)
- D. Cultural Institutions (2)
- E. Commercial Recreation Facility - Outdoor (2)(3)
- F. Hot springs resort/spa (2)(3)
- G. Restaurants (2) (sit down or walk up) with outdoor seating and liquor license
- H. Bed and Breakfast Inn (2)
- I. Hotel (2), maximum 18 rooms
- J. Outdoor Storage as an Accessory Use (1) (shall be screened)
- K. Interpretation Notes (1-3):
  - 1. Permitted use.
  - 2. Conditional use—Requires approval of a Conditional Use Permit.
  - 3. Can be accessory use to a hotel/resort development, subject to approval of a Conditional Use Permit.

**21.04.110. SPECIAL PLANNED DEVELOPMENT OVERLAY J.**

Special Planned Development Overlay J applies to the Paso Robles Gateway Project, subject to the following conditions:

- A. Gateway Annexation Area (NW corner of US 101/SR 46W). The 170-acre site (TR 3120) as designated on the official Zoning Map, is conditioned by Ordinance No. 1098 N.S. to require development of each phase of the site be subject to a Development Plan to ensure future development is consistent with the uses and the high-quality architectural design and character included in the Conceptual Master Development Plan PD 17-009.
- B. The future application(s) shall include project-level details that were not included in the Conceptual Master Development Plan, including architecture, landscaping, colorboards, parking, refined circulation, trash enclosures, fencing, etc.
- C. Future development in the RC-MU-PD-J zoned portions of this site (Areas 2, 4, and 6) are limited to the following uses:
  1. Certified Farmers Markets (a)
  2. Seasonal stands (including Christmas trees and pumpkins) (a)
  3. Wine Tasting Rooms (a)
  4. Winery (a) limited to 500 square feet in size
  5. Residential uses in conjunction with the mixed-use overlay zoning district (residential units shall be located above the first floor or behind the primary commercial use) (b, c)
  6. Libraries, museums, and art galleries (private) (a)
  7. Convention Centers (b)
  8. All permitted or conditionally permitted uses listed under Commercial Recreation Facility – Indoor/Outdoor of Table 21.32-1 (b)
  9. Cocktail Lounges and Bars (a)
  10. Food and Beverage Sales (a)
  11. General merchandise limited to specialized retail and artisans (a)
  12. Pet stores (1)
  13. Restaurants (b) (sit down or walk up)
  14. Barber/beauty shops, nails & tanning salons, massage (a)
  15. Financial services (a)
  16. Offices(a)
  17. Interpretation of Notes (a, b, c)

- a. Permitted use after initial Development Plan
  - b. Conditional use – requires approval of a Conditional Use Permit after initial Development Plan, unless Development Plan specifically authorized the use
  - c. The 17 workforce housing units to be constructed with the Village Commercial Center shall be prohibited from short-term rentals such as vacation rental or Airbnb use. A deed restriction shall be required as a condition of approval for the Development Plan of the phase.
- D. Future development in the R2-RL-PD-J zoned portion of this site (Area 5) shall adhere to the following standards:
1. Area 5 may be developed with either of the following uses:
  2. A 135,000 square-foot resort including: up to 100 rooms (55,740 square feet), 57,000 square foot main lodge (includes 2,500 square foot ballroom, 1,300 square foot conference room, 4,000 square foot restaurant ) 1,300 square foot poolside café/bar, 6,000 square foot spa, 1,000 square foot conference room, +/-15,000 square foot outdoor event area, pool, 165 parking spaces; or
  3. A high-density resort community with a maximum of 80 residential units. The resort community may consist of attached and detached residences. The residences may be on subdivided lots and available for individual ownership. The individual owners may have the option to individually occupy the units long- or short-term and enter the homes into a rental pool for the resort.
  4. In the event a resort is developed with units that are separate from the main resort building, the owner may later convert up to 80 resort units to multi-family attached and detached residences, which may be available for individual ownership. Any converted resort units may be entered into the rental pool for the resort. Any resort units in excess of 80 may not be converted and shall remain owned and operated as part of the resort. Additional parking may be required to ensure the residences are adequately parked.
  5. In the event a high-density residential resort community is developed, a short-term rental management program shall be submitted with the Development Plan for review and approval by the Planning Commission.
- E. Future development in the RL-PD-J zoned portion of this site (Areas 1 and 3) shall adhere to the following standards:
1. The maximum number of lodging units between the two areas is limited to 325.
- F. Allowable uses in the AG-PD-J zoned portion of this site (Area 7) shall be limited to the following:
1. Bee keeping (a)
  2. Cattle, horse & sheep grazing (a)
  3. Crop production (includes dry and irrigated farming, orchards, vineyards) (a)
  4. Crop processing & packaging (does not include wineries, food processing involving cooking, or similar activities) (b)

- 5. Interpretation of Notes (a, b)
  - a. Permitted use
  - b. Conditional use – requires approval of a Conditional Use Permit

21.04.120. RESERVED

CHAPTER 21.05. SPECIFIC PLANS ESTABLISHED

21.05.010. ADOPTED SPECIFIC PLANS

Specific plans adopted by the City of Paso Robles are summarized in Table 21.05.010-1.

Table 21.05.010-1: Adopted Specific Plans

Specific Plan No.	Name	Date Approved	Resolution/ Ordinance No.
SP-1	Union 46 Specific Plan <sup>1</sup>	March 1, 1988	Resolution 88-12
SP-2	Borkey Specific Plan <sup>2</sup> Amendments - Cuesta College Amendment - Fee Update - Subareas B and C - Street Standards - Kiessig Annexation - Setback and Height amendments - Cop/Bastide Village - Subarea B (Traditions) - Subarea B (Commercial) - La Quinta - Experimental Station Street Standard - Experimental Station and River Oaks Multifamily - Buena Vista and Experimental Station Multifamily  - Ayres Hotel - Arjun Apartments	January 8, 1990  February 17, 1998 December 15, 1998 September 21, 1999 April 16, 2002 July 16, 2002 September 3, 2002 December 17, 2002 May 20, 2003 June 17, 2003 April 6, 2004 January 3, 2006 April 4, 2006 June 5, 2007  October 16, 2012 June 18, 2013	Ordinance 588  Ordinance 741 Ordinance 758 Ordinance 779 Ordinance 824 Ordinance 827 Ordinance 836 Ordinance 848 Ordinance 856 Ordinance 860 Ordinance 872 Ordinance 911 Ordinance 915 Ordinance 931 Resolution 07-079 Ordinance 986 Ordinance 992
SP-3	Uptown Town Center Specific Plan <sup>3</sup> Amendments 1 2 3 4 5 6	March 9, 2011  October 18, 2012 October 1, 2013 October 21, 2014 May 19, 2015 August 1, 2017 February 6, 2018	Ordinance 978  Ordinance 984 Ordinance 996 Ordinance 1008 Ordinance 1015 Ordinance 1042 Ordinance 1050
SP-4	Olsen – South Chandler Ranch Specific Plan <sup>4</sup>	February 20, 2020	Resolution 20-026
SP-5	Beechwood Specific Plan <sup>5</sup>	October 6, 2020	Resolution 20-153
SP-6	Reserved – North Chandler Ranch Specific Plan		
1. Chapter 3 of the Union 46 Specific Plan establishes maximum densities (number of dwelling units) that may be developed within subareas and various development regulations such as: minimum lot sizes, maximum developable			

Table 21.05.010-1: Adopted Specific Plans

Specific Plan No.	Name	Date Approved	Resolution/ Ordinance No.
	<p>slopes, setbacks, and grading limitations that supplement and supersede certain development regulations for underlying zoning districts shown on the Zoning Map.</p> <p>2. Chapter 3 of the Borkey Specific Plan establishes maximum densities (number of dwelling units) that may be developed within subareas and various development regulations such as: minimum lot sizes, agricultural buffers, setbacks, and other standards that supplement and supersede certain development regulations for underlying zoning districts shown on the Zoning Map.</p> <p>3. Chapter 5 of the Uptown Town Center Specific Plan is a form-based zoning code that includes a regulating plan and detailed regulations for development of properties within the area covered by this specific plan. This regulating plan map supersedes the Zoning Map, which was amended to delete all zoning districts, base and overlay, that predated adoption of this specific plan. The regulations in Chapter 5 do refer to certain chapters and sections in this Title as having effect within the area covered by the specific plan.</p> <p>4. Chapter 3 of the Olsen-South Chandler Specific Plan is a form-based zoning code that includes a regulating plan and detailed regulations for development of properties within the area covered by this specific plan. This regulating plan map supersedes the Zoning Map, which was amended to delete all zoning districts, base and overlay, that predated adoption of this specific plan. The regulations in Chapter 3 do refer to certain chapters and sections in this Title as having effect within the area covered by this specific plan and establishes maximum densities (number of dwelling units) that may be developed within subareas and various development regulations such as: minimum lot sizes, agricultural buffers, setbacks, and other standards that supplement and supersede certain development regulations. To the extent any regulation within the specific plan conflicts with this Title, the specific plan shall govern.</p> <p>5. Chapter 2 of the Beechwood Area Specific Plan is a form-based zoning code that includes a regulating plan and detailed regulations for development of properties within the area covered by this specific plan. This regulating plan map supersedes the Zoning Map, which was amended to delete all zoning districts, base and overlay, that predated adoption of this specific plan. The regulations in Chapter 2 do refer to certain chapters and sections in this Title as having effect within the area covered by this specific plan and establishes maximum densities (number of dwelling units) that may be developed within subareas and various development regulations such as: minimum lot sizes, agricultural buffers, setbacks, and other standards that supplement and supersede certain development regulations. To the extent any regulation within the specific plan conflicts with this Title, the specific plan shall govern.</p>		

**CHAPTER 21.06. ZONING MAP**

**21.06.010. ZONING MAP**

This Zoning Code, together with a Zoning Map, is hereby adopted in compliance with current State planning, zoning, and development laws. Changes in the boundaries of identified zoning districts shall be made by ordinance. The boundaries, designations, and locations, of the districts established by this Zoning Code shall be shown upon the map(s) entitled "Zoning Map for the City of Paso Robles" and referred to in this Zoning Code as the Zoning Map. Any additional maps (such as setback map, height map) adopted shall also be a part of this Zoning Code by reference.

**21.06.020. RIGHTS-OF-WAY AND VACATED BOUNDARY LINES**

Where a public street or alley is officially vacated, the property areas associated with the vacated street or alley shall be included within the zoning district or zoning districts of the adjoining properties. If the adjoining properties are in different zoning districts, 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 such street, alley, or right-of-way was a boundary between two or more different zoning districts, the new zoning district or zoning district boundary shall be the property line that is created by the vacation.



**21.06.030. UNCERTAINTY OF BOUNDARIES**

Where the exact boundaries of a zoning district cannot be readily or exactly ascertained by reference to the Zoning Map of the City, the boundaries shall be deemed to be along the nearest street or lot line, as the case may be and as determined by the Director. If a zoning district boundary line divides or splits a lot, the lot may be deemed to be included within the zoning district which is the more restrictive unless the major portion of the lot is in the less restrictive zoning district, then the latter may be deemed to be the zoning at the discretion of the Planning Commission. The provisions of this Section shall not apply to acreage.

**21.06.040. CLASSIFICATION OF ANNEXED LANDS**

Any land within the incorporated limits of the City of Paso Robles, now or in the future, and not designated or indicated as any other zoning district on the Zoning Map shall be immediately zoned to be consistent with the General Plan. In the interim period, between annexation and actual zoning of the property, the Planning Commission may grant use permits for uses conforming to the General Plan. Conditions of the use permit shall include yard, height, lot area, and parking requirements of the zoning district most closely conforming to the General Plan designation.

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**CHAPTER 21.08. PLANNING AUTHORITIES****21.08.010. PURPOSE AND APPLICABILITY**

- A. Purpose and Applicability. This Chapter describes the authority and responsibilities of each review authority (City Council, Planning Commission, Development Review Committee, Zoning Administrator, and Community Development Director) in the administration of this Title 21, including review and action on permits and other approvals required by this Zoning Code.
- B. Elevate Review. In compliance with any discretionary approval, each review authority may defer action and refer the request to the next higher review authority for the final decision.

**21.08.020. CITY COUNCIL**

- A. Review Authority on Specified Planning Matters. The City Council shall be the review authority for all legislative actions and shall make final decisions as indicated in Table 21.08.070-1 (Review Authority) and as follows, including action on related California Environmental Quality Act (CEQA) environmental documents, following a public hearing and recommended action by the Planning Commission:
  - 1. Development Agreements. Consider and adopt, reject, or modify Development Agreements pursuant to Chapter 21.12 (Development Agreements).
  - 2. General Plan and Zoning Text/Map Amendments. Consider and adopt, reject, or modify proposed amendments to the General Plan (map or text), Zoning Code, and Zoning Map pursuant to Chapter 21.10 (Amendments to the General Plan, Zoning Code, and Zoning Map).
  - 3. Specific Plans and Amendments. Consider and adopt, reject, or modify specific plans or amendments to specific plans (and related Master Development Plans, as applicable) pursuant to Chapter 21.14 (Specific Plans).
  - 4. Historic Preservation. Consider and adopt, reject, or modify the Historic Resources Inventory and Historic Preservation Districts pursuant to Chapter 21.62 (Historic Preservation).
  - 5. Historic Certificate of Appropriateness for Landmark Properties. Consider and adopt, reject, or modify applications for proposed modifications to a building, structure, object, or site on a State or Federal historic registry, or State historic resources inventory (with a California Historic Resource Status Code of 1-5) pursuant to Chapter 21.62 (Historic Preservation).
  - 6. Demolition of Historic Resources. Review and approve, conditionally approve, or deny applications for the demolition of historic resources pursuant to Chapter 21.62 (Historic Preservation).
  - 7. Special Planned Developments. Review and approve, conditionally approve, or deny applications for Special Planned Developments (and related Master Development Plans, as applicable) pursuant to Chapter 21.11 (Special Planned Developments).
  - 8. Development Plans Including Modifications for Height (Habitable Space). Review and approve, conditionally approve, or deny applications for Development Plans pursuant to Section 21.16.020 (Development Plan Modifications) that include habitable space above maximum height limits.

9. Oak Tree Removals. Review and approve, conditionally approve, or deny applications for oak tree removal permits for 10 or more oak trees pursuant to Chapter 10.01 (Oak Tree Preservation).
  10. Subdivisions. Review and approve, conditionally approve, or deny applications for Final Maps pursuant to Title 22 (Subdivisions).
  11. Street Abandonments. Review and approve, conditionally approve, or deny applications for street abandonments, consistent with Streets and Highways Code Sections 8300-8363.
- B. Appeals. The City Council shall hear and decide appeals of Planning Commission decisions pursuant to Chapter 21.25 (Appeals and Calls for Review).
- C. Imposition of Conditions. In making decisions on applications, the City Council may impose conditions as necessary to make required findings to implement the General Plan, any applicable specific plans, and the Municipal Code standards that apply to development, and to further the public health, safety, and general welfare of the community.

### 21.08.030. PLANNING COMMISSION

- A. Establishment. The Planning Commission shall be established as set forth in Chapter 2.20 (Planning Commission) of the Municipal Code.
- B. General Duties and Functions. The Planning Commission shall perform the duties and have all of the rights, powers, and privileges specified and provided for in the Municipal Code or by State law. The functions of the Planning Commission, while not inclusive, shall be to formulate and recommend policies and standards for development of land uses and to perform authorized duties related to development review and as indicated in Subsection C. below, and to perform other functions as the City Council may direct.
- C. Review Authority on Specified Planning Matters. Except when combined with legislative actions or other specified City Council matters, the Planning Commission shall be the review authority and make final decisions, including action on related California Environmental Quality Act (CEQA) environmental documents, for the quasi-judicial permits and actions as indicated in Table 21.08.070-1 (Review Authority) and this Section, following a public hearing in compliance with Chapter 21.26 (Public Hearings and Notice).
1. Conditional Use Permits. Review and approve, conditionally approve, or deny applications for Conditional Use Permits pursuant to Chapter 21.19 (Conditional Use Permits and Administrative Use Permits).
  2. Development Plans. Review and approve, conditionally approve, or deny applications for Development Plans pursuant to Chapter 21.16 (Development Plans).
  3. Development Plan Modifications. Review and approve, conditionally approve, or deny applications for modifications associated with Development Plans pursuant to Section 21.16.020 (Development Plan Modifications), except those under City Council purview per Section 21.16.020.B (Allowed Modifications by City Council).
  4. Site Plans Subject to CEQA. Review and approve, conditionally approve, or deny applications for a Site Plan (Chapter 21.17) when a project is not exempt from CEQA.
  5. Historic Certificate of Appropriateness for Local Historic Resources. Consider and adopt, reject, or modify applications for proposed modifications to a building, structure, object, or site



listed on the Paso Robles Historic Resources Inventory pursuant to Chapter 21.62 (Historic Preservation).

6. Variances. Review and approve, conditionally approve, or deny applications for Variances pursuant to Chapter 21.22 (Variances).
  7. Oak Tree Removals. Review and approve, conditionally approve, or deny applications for oak tree removal permits for between 2 and 9 oak trees pursuant to Chapter 10.01 (Oak Tree Preservation).
  8. Subdivisions. Review and approve, conditionally approve, or deny applications for Tentative Tract Maps and Tentative Parcel Maps pursuant to Title 22 (Subdivisions).
  9. Permit Revocation. Hear and decide proposals to revoke land use and development permits pursuant to Section 21.24.050 (Revocations and Suspensions).
  10. Recommendations. Make recommendations to the City Council on final legislative decisions including development agreements and amendments, General Plan amendments, specific plans and amendments, Zoning Code amendments, Zoning Map amendments, related CEQA environmental documents, street abandonments, and other applicable policy or regulatory matters related to the City's planning process.
  11. Annual Review and Legislative Recommendations. Annually review progress towards implementation of the General Plan prior to City Council review, annually review the capital improvement program of the City for consistencies with the General Plan, and from time to time make recommendations to the City Council based on any new legislation, development trends, or changing economic, social, and environmental conditions.
- D. Appeals.
1. The Planning Commission shall hear and decide appeals of the Development Review Committee, Zoning Administrator, and Director decisions pursuant to Chapter 21.25 (Appeals and Calls for Review).
  2. Decisions by the Planning Commission may be appealed to the City Council in compliance with Chapter 21.25 (Appeals and Calls for Review).
- E. Imposition of Conditions. In making decisions on applications, the Planning Commission may impose conditions as necessary to make required findings to implement the General Plan, any applicable specific plans, the Municipal Code standards that apply to development, and to further the public health, safety, and general welfare of the community.

#### 21.08.040. DEVELOPMENT REVIEW COMMITTEE

- A. Establishment. The Development Review Committee shall be established to review the site, architectural, and landscaping design of new development and improvements of development applications, provide applicants with appropriate design comments, and make recommendations to the Planning Commission to implement the General Plan.
- B. Composition. The Development Review Committee shall be composed of 3 members of the Planning Commission; the Director shall establish a rotating schedule for all Commissioners to serve equal time on the Development Review Committee throughout each calendar year.

- C. Meetings. The Development Review Committee shall hold regularly scheduled meetings open to the public at dates, times, and places determined and posted by the Director.
- D. Review Authority on Specified Planning Matters. Except when combined with legislative actions, the Development Review Committee shall be the review authority and make final decisions as indicated in Table 21.08.070-1 (Review Authority) and this Section:
1. Development Plans. Review and approve, conditionally approve, or deny applications for Development Plans associated with Special Planned Developments if a Master Development Plan was previously prepared in conjunction with the Special Planned Development and construction plans are consistent with the Master Development Plan pursuant to Chapter 21.11 (Special Planned Developments).
  2. Site Plans. Review and approve, conditionally approve, or deny applications for Site Plans pursuant to Chapter 21.17 (Site Plans).
  3. Site Plan Modifications. Review and approve, conditionally approve, or deny applications for modifications associated with Site Plans pursuant to Section 21.17.020 (Site Plan Modifications).
  4. Sign Permits. Review and approve, conditionally approve, or deny applications for Sign Permits pursuant to Chapter 21.52 (Signs), except those signs reviewed by the Zoning Administrator pursuant to Section 21.08.050.C.9 (Sign Permits).
  5. Oak Tree Removals. Review and approve, conditionally approve, or deny applications for oak tree removal permits for a single oak tree that a certified arborist has concluded pursuant to Chapter 10.01 (Oak Tree Preservation).
  6. Other. Perform other responsibilities assigned by the City Council, Planning Commission, City Manager or Director.
- E. Appeals. Decisions by the Development Review Committee may be appealed to the Planning Commission in compliance with Chapter 21.25 (Appeals and Calls for Review).
- F. Imposition of Conditions. In making decisions on applications, the Development Review Committee may impose conditions as necessary to make required findings to implement the General Plan, any applicable specific plans, and the Municipal Code standards that apply to development, and to further the public health, safety, and general welfare of the community.

#### 21.08.050. ZONING ADMINISTRATOR

- A. Establishment. The Office of Zoning Administrator is created pursuant to Section 65900 et seq. of the California Government Code. The purpose of the zoning administration process is to enable routine applications to be acted upon in a less costly, more expeditious manner while still providing full notification of and participation in the zoning review process.
- B. Appointment and Delegation. The Zoning Administrator shall be either the Community Development Director or, as delegated, another employee of the City. When the Zoning Administrator is other than the Community Development Director, that person shall be directly responsible to the Community Development Director while acting in the capacity of Zoning Administrator. The Zoning Administrator may delegate his/her responsibilities to Department staff under the supervision of the Director, including the ability to approve or deny applications.

- C. Review Authority on Specified Planning Matters. The Zoning Administrator shall be the review authority and make final decisions, including action on related California Environmental Quality Act (CEQA) environmental documents for the permits and actions as indicated in Table 21.08.070-1 (Review Authority) and this Section:
1. Administrative Use Permits. Review and approve, conditionally approve, or deny applications for Administrative Use Permits pursuant to Chapter 21.19 (Conditional Use Permits and Administrative Use Permits).
  2. Business Licenses. Review all new business license applications received by the City under Title 5 of the Municipal Code. Application review shall include a review of the location of business as related to the Zoning Code. If the review finds the application conforms to the existing zoning regulations, the Zoning Administrator shall sign the application for processing. If the Zoning Administrator finds the application to be in violation of any section of Title 21, the Zoning Administrator shall inform the applicant of the potential violation and remedies, if any, under this Title.
  3. CEQA Determinations. The Zoning Administrator shall be the review authority and make final decisions on California Environmental Quality Act (CEQA) environmental documents for projects not requiring a public hearing as permitted by the Paso Robles CEQA Guidelines.
  4. Historic Certificate of No Effect. Review and approve, conditionally approve, or deny applications for Historic Certificates of No Effect pursuant to Chapter 21.62 (Historic Preservation).
  5. Home Occupation Permits. Review and approve, conditionally approve, or deny applications for Home Occupation Permits pursuant to Chapter 21.21 (Home Occupation Permits).
  6. Plot Plans. Review and approve, conditionally approve, or deny applications for Plot Plans pursuant to Chapter 21.18 (Plot Plans).
  7. Reasonable Accommodations. Review and approve, conditionally approve, or deny applications for Reasonable Accommodations pursuant to Chapter 21.27 (Reasonable Accommodations).
  8. Short-Term Rental Permit. Review and approve, conditionally approve, or deny applications for Short-Term Rental Permits pursuant to Section 21.64 (Short-Term Rentals).
  9. Sign Permits. Review and approve, conditionally approve, or deny applications for Sign Permits for signs covered under an existing Sign Program and not visible from the public right-of-way and other public vantage points pursuant to Chapter 21.52 (Signs).
  10. Subdivisions. Review and approve, conditionally approve, or deny applications for Lot Line Adjustments and Lot Mergers. See Title 22 (Subdivisions).
  11. Temporary Use Permits. Review and approve, conditionally approve, or deny applications for Temporary Uses pursuant to Chapter 21.20 (Temporary Use Permits).
  12. Other. Perform other responsibilities that involve a public hearing as assigned by the City Council, Planning Commission, City Manager, or Community Development Director.
- D. Appeals. Decisions by the Zoning Administrator may be appealed in compliance with Chapter 21.25 (Appeals and Calls for Review). Decisions on Plot Plans (Chapter 21.18) and Sign Permits (Chapter 21.52) may be appealed to the Development Review Committee. All other decisions may be appealed to the Planning Commission.

- E. Imposition of Conditions. In making decisions on applications, the Zoning Administrator may impose conditions as necessary to make required findings to implement the General Plan, any applicable specific plans, and the Municipal Code standards that apply to development, and to further the public health, safety, and general welfare of the community.

#### 21.08.060. COMMUNITY DEVELOPMENT DIRECTOR

- A. Appointment. The Community Development Director, referred to in this Zoning Code as the Director, shall be appointed by the City Manager.
- B. General Authority. The Director shall be responsible for performing all of the functions designated by State law and this Title and shall perform other responsibilities directed by the City Council, Planning Commission, or City Manager.
- C. Administration and Interpretations. The Director shall be responsible for the administration of the regulations and provisions of this Title 21 (Zoning Code), including interpretations and determination on the meaning or applicability of the regulations contained in this Zoning Code that are believed to be in error or are unclear, as outlined in Chapter 21.02 (Interpretation of the Zoning Code).
- D. Adoption of Procedures. The Director shall be responsible for the establishment and, from time-to-time amendment, subject to the approval of the Planning Commission, of rules and procedures necessary to process, review, notify, and make findings and a determination of the items set forth in this Title.
- E. Delegation and Supervision. The Director may delegate the responsibilities of the Director to Department staff under the supervision of the Director.
- F. Appeals. Decisions by the Director may be appealed to the Planning Commission in compliance with Chapter 21.25 (Appeals and Calls for Review).

#### 21.08.070. PERMIT REVIEW AUTHORITY SUMMARY

Table 21.08.070-1 (Review Authority) identifies the review authority responsible for reviewing and making decisions on each type of application required by this Zoning Code.

Table 21.08.070-1: Review Authority

Type of Action	Applicable Code Section	Review Authority			
		Director/Zoning Administrator	Development Review Committee	Planning Commission	City Council
<i>Legislative Actions</i>					
General Plan Amendment	21.10	Review	--	Recommend	Decision
Zoning Map Amendment	21.10	Review	--	Recommend	Decision
Zoning Code Amendment	21.10	Review	--	Recommend	Decision
Special Planned Development and Master Development Plan	21.11	Review	Recommend	Recommend	Decision
Development Agreement	21.12	City Manager Review	--	Recommend	Decision
Specific Plan and Specific Plan Amendment	21.14	Review	Recommend	Recommend	Decision
<i>Planning Permits and Approvals: Quasi-Judicial and Administrative/Ministerial Actions</i>					
<i>Development Review</i>					
Development Plan	21.16.010	Review	Recommend	Decision	Appeal
Development Plan Modifications	21.16.020	Review	Recommend	Decision	Appeal
Development Plan Modifications – Height (Habitable Space)	21.16.020	Review	Recommend	Recommend	Decision
Site Plan	21.17.010	Review	Decision	Appeal	Appeal
Site Plan Modifications	21.17.020	Review	Decision	Appeal	Appeal
Plot Plan	21.18	Decision	Appeal	Appeal	Appeal
Variance	21.22	Review	Recommend	Decision	Appeal
<i>Use Permits</i>					
Administrative Use Permit	21.19	Decision	--	Appeal	Appeal
Conditional Use Permit	21.19	Review	Recommend	Decision	Appeal
Temporary Use Permit	21.20	Decision	--	Appeal	Appeal
<i>Other Permits</i>					
Home Occupation Permit	21.21	Decision	--	Appeal	Appeal
Reasonable Accommodation	21.27	Decision	--	Appeal	Appeal
<i>Historic Resources</i>					

Table 21.08.070-1: Review Authority

Type of Action	Applicable Code Section	Review Authority			
		Director/Zoning Administrator	Development Review Committee	Planning Commission	City Council
Designate Local Historical Resources	21.62	Review	Recommend	Recommend	Decision
Historic Certificate of Appropriateness for Historic Landmarks	21.62	Review	Recommend	Recommend	Decision
Historic Certificate of Appropriateness for Local Historic Resources	21.62	Review	Recommend	Decision	Appeal
Historic Certificate of No Effect	21.62	Decision	--	Appeal	Appeal
Demolition of Historic Resources	21.62	Review	Recommend	Recommend	Decision
<i>Oak Tree Removal</i>					
Oak Tree Removal Permit (1 Tree)	10.01.030	Review	Decision	Appeal	Appeal
Oak Tree Removal Permit (2-9 Tree)	10.01.030	Review	--	Decision	Appeal
Oak Tree Removal Permit (10+ Tree)	10.01.030	Review	--	Recommend	Decision
Short-term Rental Permit	21.64	Decision	--	Appeal	Appeal
Sign Permit	21.52	Review	Decision	Appeal	Appeal
Sign Permits under a Sign Program or not visible from PROW	21.52	Decision	Appeal	Appeal	Appeal
<i>Subdivisions</i>					
Tentative Tract Maps and Tentative Parcel Maps	Title 22	Review	Recommend	Decision	Appeal
Final Maps	Title 22	Review	Recommend	Recommend	Decision
Lot Line Adjustments	Title 22	Decision	--	Appeal	Appeal
Street Abandonments	21.08.020.A	Review	--	Recommend	Decision

Notes:

- (1) "Recommend" means that the review authority makes a recommendation to a higher decision-making body; "Decision" means that the review authority makes the final decision on the matter; and "Appeal" means that the review authority may consider and decide upon appeals to the decision of an earlier decision making body, in compliance with Chapter 21.25 (Appeals and Calls for Review).
- (2) See Section 21.15.080 (Post Decision Procedures) regarding Development Review Committee review of certain Development Plan and Site Plan details for final approval.
- (3) For any discretionary action or permit, the review authority may defer action and refer the request to the next higher review authority for the final decision in compliance.

### 21.08.080. ADDITIONAL PERMITS MAY BE REQUIRED

A land use on property that complies with the permit requirement or exemption provisions of this Zoning 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 this Zoning Code shall eliminate the need to obtain any permits required by any other Municipal Code provisions or any applicable county, regional, State, or Federal regulations.

### 21.08.090. NONCOMPLYING PERMITS

The Building Official shall not issue any building permit for the construction of any building, structure, facility, or alteration, the construction of which or the proposed use of which would constitute a violation of this Title.

## CHAPTER 21.09. APPLICATION PROCESSING AND COMMON PROCEDURES

### 21.09.010. PURPOSE AND APPLICABILITY

- A. Procedures. This Chapter establishes uniform procedures and requirements for the preparation, filing, and initial processing of land use and development permits and approvals provided for in this Title, unless superseded by a specific requirement of this Title or State law.
- B. Failure to Follow Requirements. Failure to follow the procedural requirements shall not invalidate City actions taken in the absence of a clear showing of intent not to comply with this Zoning Code.

### 21.09.020. MULTIPLE PERMIT APPLICATIONS

- A. Concurrent Filing. An applicant for a development project that requires the filing of more than one application pursuant to this Zoning Code shall file all related applications concurrently, together with all application fees required by Section 21.09.040 (Application and Other Related Fees), unless these requirements are waived by the Director.
- B. Concurrent Processing. Multiple applications for the same project shall be processed concurrently and shall be reviewed—and approved or denied—by the highest review authority designated by this Zoning Code for any of the applications. For example, a project for which applications for Zoning Map Amendment and a Conditional Use Permit are filed shall have both applications decided by the City Council, instead of the Planning Commission being the final decision-making authority for the Conditional Use Permit as otherwise required by Table 21.08.070-1 (Review Authority). In the example cited, the Planning Commission would still hear all the applications (the Zoning Map Amendment and the Conditional Use Permit) and forward recommendations to the City Council.

### 21.09.030. APPLICATION PREPARATION AND FILING

- A. Application Contents. Applications for amendments, entitlements, and other matters pertaining to this Zoning Code shall be filed with the Department in the following manner:
  1. The application shall be made on forms furnished by the Department.
  2. **The necessary fees shall be paid in compliance with the City's fee resolution.**

3. The application shall be accompanied by the information identified in the Department handout for the particular application. The requested information may include exhibits, maps, materials, plans, reports, and other information required by the Department that describe clearly and accurately the proposed work, its potential environmental impact, and its effect on the terrain, existing improvements, and the surrounding neighborhood.
- B. Incomplete Applications. The Zoning Administrator may reject any application that does not supply the required information or is incomplete.
  - C. Application Content. The accuracy of all information, maps, and lists submitted shall be the responsibility of the applicant.
  - D. Status of Application. Acceptance of the application does not constitute an indication of approval by the City nor of the application being deemed complete. If an applicant fails to provide all of the information required in the application or any additional information required in support of the application, the application will not be deemed complete.
  - E. Pre-Application Conference and Concept Plan Presentation for Legislative Actions.
    1. A prospective applicant for legislative actions (such as Zoning Amendments, Specific Plans, and General Plan Amendments) shall request a pre-application conference with the Zoning Administrator or designee before completing and filing a permit application required by this Zoning Code, followed by a presentation of a concept plan to the City Council.
    2. The purpose of a pre-application conference and concept plan presentation is generally to review the conceptual project with the City Council and receive preliminary feedback to inform the project application.
    3. Neither the pre-application conference nor feedback provided by the City Council on the concept plan shall be construed as either a recommendation for approval or denial of the application or project.
    4. An applicant is encouraged to perform an early-stage outreach with residents and property owners to address and, if possible, resolve any concerns that interested persons may have regarding potential impacts of proposed project on surrounding neighborhoods and properties.
    5. A pre-application conference/concept plan submittal does not establish the date for determining a preliminary application to be complete for the purposes of implementing the provisions of California Government Code Section 65589.5 (see Section 21.09.080) or Section 65913.4 (see Section 21.09.090).

#### 21.09.040. APPLICATION AND OTHER RELATED FEES

- A. Filing Fees Required.
  1. The City Council shall, by resolution, establish a schedule of fees for amendments, entitlements, and other matters pertaining to this Zoning Code. The schedule of fees may be changed or modified only by resolution of the City Council.
  2. **The City's processing fees shall be cumulative. For example, if an application for Design Review also involves a Variance, both fees shall be charged.**



3. Processing shall not commence on an application until required fees have been paid. Without the application fee, the application shall not be deemed complete.
- B. Refunds and Withdrawals.
1. Recognizing that filing fees are utilized to cover City costs of public hearings, mailing, posting, transcripts, and staff time involved in processing applications, refunds due to a disapproval are not allowed, unless associated with an unused portion of a deposit.
  2. In the case of a withdrawal, the Zoning Administrator may authorize a partial refund based upon the pro-rated costs to date and determination of the status of the application at the time of withdrawal. The City **Council may establish a refund schedule in the City's fee resolution.**

#### 21.09.050. ELIGIBLE APPLICANTS

- A. Owner or Authorized Agent. An application may only be filed by the owner of the subject property or a lessee or authorized agent of the property owner with the written consent of the property owner. With the **Zoning Administrator's** approval, a lessee with the exclusive right to use the property for a specified use may file an application related to that use.
- B. Signature Required. The application shall be signed by the owner of record or may be signed by the lessee or by authorized agent of the property owner if written authorization from the owner of record is filed concurrently with the application.

#### 21.09.060. INITIAL APPLICATION REVIEW

- A. Determination of Completeness. Within the timelines prescribed by law, the Zoning Administrator shall review each application for completeness and accuracy before it is accepted as being complete. The Zoning **Administrator's** determination of completeness shall be based on the Community Development **Department's list of required** application contents and any additional written instructions provided to the applicant in any preliminary review and/or during the initial application review period. The provisions of California Government Code Section 65589.5(o) shall apply until such time such section is no longer law.
1. Notification of Applicant. As required by California 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 processing, or that the application is incomplete and that additional information, specified in the **Zoning Administrator's** letter, shall be provided. This requirement shall not apply to any legislative actions.
  2. Processing Schedule Upon Completeness. Upon being deemed complete, application processing shall begin and the applicant shall be sent a processing schedule with tentative dates for referrals, environmental review, and decision on the application.
  3. Submittal of Additional Information.
    - a. When the Zoning Administrator determines that 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 (preferably electronic/digital material), as required by the Zoning Administrator, rather than verbally.

- c. The **Zoning Administrator's** review of any information resubmitted by the applicant shall be accomplished in compliance with Paragraph 21.09.060.A.1 above, along with another 30-day period of review for completeness for each resubmittal necessary.
4. Application Available for Public Review. After an application has been accepted as complete, in compliance with the Freedom of Information Act, the City may, if requested, make the application available for public review.
5. Environmental Information. Upon review of an initial application or after an application has been accepted as complete, the Zoning Administrator 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 CEQA Guidelines.
6. Expiration of Application. If an applicant fails to provide the additional information specified in the Zoning Administrator letter within 90 days following the date of the letter, the application shall expire and be deemed abandoned consistent with Section 21.09.100 (Administrative File Close-Out Program), unless an extension is approved by the Zoning Administrator for good cause shown. After the expiration of an application, future City consideration shall require the submittal of a new, complete application and associated filing fees.
- B. Referral of Application. At the discretion of the Zoning Administrator, or where otherwise required by this Zoning 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. Multi-unit Residential and Mixed-Use Developments. Housing development projects as defined by Government Code Section 65589.5(h)(2) and housing development projects applying for approval under Government Code Section 65913.4 shall be subject to streamlining procedures outlined in Sections 21.09.080 (Housing Accountability Act Streamlined Review) and 21.09.090 (Procedures for Applications filed under Government Code Section 65913.4 (SB 35)), respectively.
- D. Wireless Communications Facilities. The review for completeness and the processing of wireless communications facilities applications shall comply with applicable Federal Communication Commission regulations.
- E. Project Review Procedures. No permit shall be issued in any case mentioned in this Title until such drawings and sketches have been approved by the appropriate review authority; and all buildings, structures, and grounds shall be constructed and installed in accordance with the approved drawings and sketches.
  1. Investigation of Facts. Following receipt of a completed application, the Zoning Administrator shall investigate the facts necessary for action consistent with the purpose of this Title.
  2. Inspection of Premises.
    - a. Pre-inspections. The property owner or authorized agent shall give the Zoning Administrator access to the premises subject to the application 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 for the proposed use or development.

- b. Post-inspections. Following application approval, the property owner or authorized agent shall give the Zoning Administrator access to the subject premises to confirm compliance with this Zoning Code and all conditions of permit approval.
- 3. Staff Report Preparation. For those application approvals requiring a public hearing, a staff report shall be prepared describing the conclusions about the proposed land use and development as to its compliance and consistency with the provisions of the Zoning Code, other applicable provisions of the Municipal Code, and the actions, goals, objectives, and policies of the General Plan.

#### 21.09.070. ENVIRONMENTAL REVIEW

- A. CEQA Review. Within 30 days of 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 not a "project" as defined by CEQA;
  - 2. The proposed project is exempt from the requirements of CEQA;
  - 3. A Negative Declaration or Mitigated Negative Declaration may be issued; or
  - 4. An Environmental Impact Report (EIR) and related documents 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.
- D. Review Authority. The review authority of any required CEQA document shall be the same as the review authority for the applicable permit or action, except:
  - 1. The review authority may defer action and refer the request to the next higher review authority for the final decision, in which case the next higher review authority shall act on both the request and the CEQA document; and
  - 2. The Development Review Committee shall defer action to the Planning Commission on projects that are subject to CEQA and no statutory or categorical exemptions apply.

#### 21.09.080. HOUSING ACCOUNTABILITY ACT STREAMLINED REVIEW

- A. Applicability. This Section applies to housing development projects as defined by Government Code Section 65589.5(h)(2).
- B. Conflicting provisions. This Section provides additional procedures that shall be followed for applicable projects. If conflicts occur between other procedures in Title 21 and the procedures of this Section, this Section shall control. Terms defined in Government Code Section 65589.5 shall apply to this Section and shall control in the event of a conflict between definitions in this Section and definitions in Government Code Section 65589.5.

## C. Application Filing.

1. Preliminary Application Filing (Optional). An applicant may file a preliminary application consistent with Government Code Section 65941.1.
  - a. A preliminary application shall be filed on a form provided by the City with the required fee. If the City has not prepared a form, a preliminary application shall be filed on the standardized form adopted by the California Department of Housing and Community Development.
  - b. Within 180 calendar days after submitting a preliminary application, an applicant shall submit a full application for the housing development.
2. Full Application. An applicant may file a full application for a housing development without filing a preliminary application. The full application shall be filed on a form provided by the City with the required fee.

## D. Completeness Review.

1. Preliminary Application. If a preliminary application is filed, the preliminary application shall be deemed complete when the preliminary application containing all of the information listed in the preliminary application form is submitted. If all listed information is not provided, the City shall request the missing information from the applicant.
2. Full Application.
  - a. Once a full application is submitted, the City shall inform the applicant in writing within 30 calendar days of submittal or resubmittal that the application is complete or incomplete and the additional information required consistent with Government Code Section 65943. Only information requested in the City's application forms can be requested. If the City does not provide written notification within this time frame, the application shall be deemed complete. The City shall review each resubmittal within the 30-day period and cannot request information that was not listed in the first incompleteness letter.
  - b. If an applicant receives written notification that the application is incomplete, and a preliminary application was submitted for the housing development, the applicant shall submit the information needed to complete the application within 180 calendar days of receiving the written notification of incompleteness. If the applicant does not submit this information within this time frame, the preliminary application shall expire and have no further force or effect.
  - c. If a second determination of incompleteness is provided, the applicant shall be able to appeal the decision to the City Council. The City shall make a decision on the appeal no **later than 60 calendar days after receipt of the applicant's written appeal. The initial** appeal may be to the Planning Commission, but in that case the City Council shall still make a decision within 60 days. If the decision on the appeal is not made within this time frame, the application shall be deemed complete.

## E. Compliance Review.

## 1. Scope of Review.

a. Housing Development with a Preliminary Application Submittal. A housing development for which a preliminary application was submitted shall only be subject to the ordinances, policies, and standards adopted and in effect when the preliminary application is submitted, except in the following circumstances:

- (1) A fee, charge, or other monetary exaction increase resulting from an automatic annual adjustment based on an independently published cost index that is referenced in the ordinance or resolution establishing the fee or monetary exaction.
- (2) A preponderance of the evidence in the record establishes that subjecting the housing development to an ordinance, policy, or standard beyond those in effect when the preliminary application was submitted is necessary to mitigate or avoid a specific, adverse impact upon the public health or safety, and there is no feasible alternative method to satisfactorily mitigate or avoid the adverse impact.
- (3) Subjecting the housing development to an ordinance, policy, standard, or any other measure, beyond those in effect when the preliminary application was submitted is necessary to avoid or substantially lessen an impact consistent with CEQA.
- (4) The housing development has not commenced construction within 2.5 years **following the date of the housing development's final approval (as defined in Government Code Section 65589.5(o)(1)(D))**.
- (5) The number of residential units or square footage of construction proposed changes by 20 percent or more, exclusive of any increase resulting from a density bonus, incentive, concession, waiver, or similar provision.

b. Housing Development without a Preliminary Application Submittal. A housing development shall be subject to objective standards in effect when the application was deemed complete.

## 2. Review Time Frames.

a. Applications for a housing development containing 150 or fewer units shall be reviewed for compliance with applicable objective standards within 30 calendar days of being deemed complete.

b. Applications for a housing development containing more than 150 units shall be reviewed for compliance with applicable objective standards within 60 calendar days of being deemed complete.

## 3. Compliance Determination.

a. The City shall identify the specific standard(s) that the project does not comply with and provide an explanation of the reason(s) why the housing development is considered to be inconsistent or non-compliant with identified provisions and shall provide the written determination to the applicant.

- b. A housing development is considered in compliance with Chapter 21.50 (Objective Design Standards for Mixed Use and Multi-Family Developments), and shall not require a Zoning Map Amendment, if the housing development complies with objective General Plan standards but the zoning for the housing development site is inconsistent with the General Plan.
  4. Limited Hearings/Meetings. If a housing development complies with applicable objective standards, the City shall not conduct more than 5 public hearings (including continuances), workshops, or similar meetings after the full application is complete in connection with the approval of the housing development consistent with Government Code Section 65905.5. Meetings required by CEQA are exempt from the limit.
- F. Findings and Decision.
1. Findings.
    - a. If the proposed housing development complies with applicable objective General Plan, zoning, and subdivision standards and criteria, including design review standards, the City may only deny the housing development or conditionally approve the housing development at a lower density if the City makes written findings supported by a preponderance of the evidence in the record that:
      - (1) The housing development would have a specific, adverse impact upon the public health or safety unless the housing development is denied or conditionally approved at a lower density. A "specific, adverse impact" means a "significant, quantifiable, direct, and unavoidable impact, based on identified written public health or safety standards, policies, or conditions as they existed on the date that the project was deemed complete"; and
      - (2) There is no feasible method to satisfactorily mitigate or avoid the adverse impact other than the denial of the housing development or conditional approval of the housing development at a lower density.
    - b. If the housing development includes 20 percent of units affordable to very low- or low-income households, 100 percent of units affordable to moderate- or middle-income households, an emergency shelter, or farmworker housing as defined in subdivision (h) of Section 50199.7 of the Health and Safety Code, the City shall approve the housing development unless the City makes written findings supported by a preponderance of the evidence in the record, as to at least one of the findings in Government Code Section 65589.5(d).
  2. Decision Time Frames. The City shall approve or deny the housing development within the following applicable period:
    - a. 90 days from Environmental Impact Report certification;
    - b. 60 days from Environmental Impact Report certification for an affordable housing development consistent with Government Code Section 65950(a)(3);
    - c. 60 days from adoption of a Negative Declaration; or
    - d. 60 days from determination of CEQA exemption.

- G. Post-Decision Procedures. Post-decision procedures for the required permit (full application) shall be followed provided those procedures do not conflict with applicable Government Code sections for housing developments (for example, Housing Accountability Act, Government Code Section 65589.5).

#### 21.09.090. PROCEDURES FOR APPLICATIONS FILED UNDER CALIFORNIA GOVERNMENT CODE SECTION 65913.4 (SB 35)

- A. Applicability.
1. This Section applies to housing development projects applying for approval under California Government Code Section 65913.4.
  2. This Section shall remain in effect for the same period as Senate Bill 35 provisions contained in California Government Code Section 65913.4. Unless Senate Bill 35 provisions are extended by the State Legislature, this Section shall remain in effect only until January 1, 2026, and as of that date is repealed.
  3. The California Environmental Quality Act (CEQA) does not apply to projects eligible under California Government Code Section 65913.4.
- B. Definitions. Terms defined in California Government Code Section 65913.4 shall apply to this Section and shall control in the event of a conflict between definitions in this Section and definitions in California Government Code Section 65913.4.
- C. Application Filing.
1. Preliminary Application Filing. An applicant shall file a notice of intent to submit an application in conformance with this Section in the form of a preliminary application consistent with California Government Code Section 65941.1.
    - a. Form. A preliminary application shall be filed on a form provided by the City with the required fee. If the City has not prepared a form, a preliminary application shall be filed on the standardized form adopted by the California Department of Housing and Community Development.
    - b. Timeline. Within 180 calendar days after submitting a preliminary application, an applicant shall submit a full application, provided scoping consultation has concluded consistent with Paragraph 21.09.090.C.2 (Scoping Consultation).
  2. Scoping Consultation.
    - a. Upon receipt of the preliminary application, the City shall contact the Native American Heritage Commission for assistance in identifying any California Native American tribe that should be noticed. The City shall provide a formal notice of the applicant's intent to submit a full application to each required California Native American tribe within 30 days of preliminary application submittal. The formal notice shall be consistent with California Government Code Section 65913.4(b).
    - b. If, within 30 days of receipt of the formal notice, any California Native American tribe that was formally noticed accepts the invitation to engage in scoping consultation, the City shall commence scoping consultation within 30 days of receiving that response.

- c. Scoping consultation shall be conducted consistent with California Government Code Section 65913.4(b). If, after scoping consultation is concluded, a development is not eligible for streamlining in accordance with this Section, the City shall provide written documentation as required by California Government Code Section 65913.4(b) to the applicant and any California Native American tribe that is a party to that scoping consultation.
3. Full Application. If the development remains eligible to apply under this Section after scoping consultation consistent with California Government Code Section 65913.4(b) has concluded, an applicant may file a full application on a form provided by the City with the required fee.
- D. Completeness Review. The City shall review an application for compliance consistent with Subsection E below (Compliance Review); there shall be no separate or additional time frame for completeness review. Only the items necessary to determine compliance with the provisions contained in California Government Code Section 65913.4(a) shall be required.
- E. Compliance Review.
  1. Scope of Review. The review **authority's scope of review is limited to all of the provisions** contained in California Government Code Section 65913.4(a) and the objective standards in effect at the time of preliminary application submittal.
  2. Review Time Frames and Review Authority.
    - a. Consistency Review. The Zoning Administrator shall determine if the application complies with all of the provisions contained in California Government Code Section 65913.4(a) and applicable objective standards within the following time frames:
      - (1) Within 60 calendar days of application submittal for applications that include 150 or fewer housing units.
      - (2) Within 90 calendar days of application submittal for applications that include 151 or more housing units.
    - b. Design Review or Public Oversight. Any design review or public oversight (for example, Design Review Committee and/or Planning Commission review) to determine if the application complies with all of the provisions contained in California Government Code Section 65913.4(a) and applicable objective standards shall occur within the following time frames:
      - (1) Within 90 calendar days of application submittal for applications that include 150 or fewer housing units.
      - (2) Within 180 calendar days of application submittal for applications that include 151 or more housing units.
  3. Compliance Determination.
    - a. Compliant Application. If the application complies with all of the provisions contained in California Government Code Section 65913.4(a) and all applicable objective standards, the City shall complete any design review or public oversight and any subdivision approval within the time frames listed in this Subsection E (Compliance Review). Only



objective design and subdivision standards may be applied. See Subsection F below (Decision on Project).

- b. Non-Compliant Application. If the application does not comply with all of the provisions contained in California Government Code Section 65913.4(a) and all applicable objective standards, the review authority shall make the following determination:
  - (1) If the application does not comply with all of the provisions contained in California Government Code Section 65913.4(a) and all applicable objective standards, the review authority shall provide the applicant with written documentation of which standards the development conflicts with and an explanation of the reasons the development conflicts with each standard.
  - (2) Resubmitted Application. If the project was found to be non-compliant, the applicant may resubmit the application for Senate Bill 35 streamlining, and the City shall review it for compliance with all of the provisions contained in California Government Code Section 65913.4(a) and all applicable objective standards subject to the same timelines in this Section.
  - (3) Project Ineligible. If the project is ineligible for Senate Bill 35 streamlined processing, the applicant may elect to submit an application for the applicable discretionary approval.

F. Decision on Project.

1. Project Approval and Findings. The review authority shall approve the application if the review authority finds that the proposed development is compliant with all of the provisions contained in California Government Code Section 65913.4(a) and all applicable objective standards, including objective subdivision standards.
2. Conditions of Approval. The review authority may impose conditions of approval provided those conditions of approval are objective and broadly applicable to development within the city.

G. Post-decision Procedures.

1. Subsequent Permits. Any necessary subsequent permits shall be issued on a ministerial basis subject to applicable objective standards. If a public improvement is necessary to implement a development subject to this Section, and that public improvement is located on land owned by the City, the review authority shall process any approvals needed as required by California Government Code Section 65913.4(h)(3).
2. Post-Approval Modifications.
  - a. Post-Approval Modification Request. An applicant may request a modification to an approved development if that request is made prior to the issuance of the final building permit.
  - b. Applicability of Objective Standards to Project Changes. The review authority shall only apply objective standards in effect when the original application was submitted, except that objective standards adopted after the date of original submittal may be applied in any of the following instances:

- (1) The total number of residential units or total square footage of construction changes by 15 percent or more; or
  - (2) The total number of residential units or total square footage of construction changes by 5 percent or more, and it is necessary to subject the development to an objective standard beyond those in effect when the application was submitted in order to mitigate or avoid a specific adverse impact upon public health or safety, for which there is no feasible alternative method to satisfactorily mitigate or avoid.
- c. **Post-Approval Project Change Review Timeframe and Decision.** The review authority shall determine if the project change is consistent with objective standards and issue a **decision on the applicant's** project change request within 60 days after submittal unless design review is required, in which case a decision shall be made within 90 days.
3. **Expiration.** An application approved consistent with this Section shall remain valid for 3 years; however, an application approval shall not expire if the development includes public investment in housing affordability, beyond tax credits, where 50 percent of the units are affordable to households making at or below 80 percent of the area median income consistent with California Government Code Section 65913.4(f).
  4. **Extension.** At the discretion of the review authority, a 12-month extension may be granted consistent with California Government Code Section 65913.4(f)(3).

#### 21.09.100. ADMINISTRATIVE FILE CLOSE-OUT PROGRAM

- A. **Timeframe.** Any development application that has been found to be inactive (defined as no written correspondence or plan submittal) for a time period of 90 days or more will be subject to the administrative file close-out program.
  1. Notification will be sent to an applicant on an incomplete application stating that they have 14 days to notify the Planning Division in writing as to their intentions to proceed.
  2. Notification will be via certified mail.
- B. **Action.** If no written response is received in that 14-day time frame, the application will be "deemed abandoned" and the file will be closed. If written response is received in the 14-day time frame, it will be to the discretion of the Zoning Administrator to keep the file active.
- C. **Refund.** Any refund of fees shall be in accordance with the amount of administrative time and costs expended on the individual application.

### CHAPTER 21.10. AMENDMENTS TO THE GENERAL PLAN, ZONING CODE, AND ZONING MAP

#### 21.10.010. PURPOSE AND APPLICABILITY

- A. **Purpose.** This Chapter provides procedures for the amendment of this Zoning Code, the Official Zoning Map, and the General Plan when there are compelling reasons to do so. More specifically, this Chapter addresses:

1. Amendments to the General Plan, to address changes in State or Federal law and problems and opportunities that were unanticipated at the time of adoption or the last amendment; and
  2. Amendments to the Zoning Code and Zoning Map, whenever the public necessity, convenience, general welfare, or good practice justify such amendment, consistent with the General Plan.
- B. Applicability. The procedures in this Chapter shall apply to:
1. All proposals to change the text of the General Plan and the maps that illustrate the application of its provisions; and
  2. All proposals to change the text of this Zoning Code or to revise a zoning district or boundary line shown on the Zoning Map.

#### 21.10.020. REVIEW AUTHORITY

The review authority for all amendments to the General Plan, Zoning Code, and Zoning Map shall be as described in Table 21.08.070-1 (Review Authority).

#### 21.10.030. INITIATION OF AMENDMENT

An amendment to the General Plan, Zoning Code, or Zoning Map may be initiated by any qualified applicant identified in Section 21.09.050 (Eligible Applicants), the Director, or by a motion of the City Council or Planning Commission.

#### 21.10.040. APPLICATION PROCESSING

- A. Application Filing and Processing.
1. If initiated by the filing of an amendment application by a qualified applicant as specified in Section 21.10.030 (Initiation of Amendment), above, the application shall be processed in compliance with Chapter 21.09 (Application Processing and Common Procedures).
  2. The application shall include the information and materials specified in the most up-to-date Department handout for amendment applications, together with the required fee in compliance with the Fee Schedule.
  3. For General Plan Amendments, the Department shall send out referrals to all of the affected agencies and City departments for their review and comment in compliance with California Government Code Section 65352 (Referral of plans).
  4. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 21.10.070 (Required Findings), below. The Planning Division may require an applicant to submit such additional information and supporting data as considered necessary to process the application.
- B. Timing of General Plan Amendments. The mandatory elements of the General Plan may be amended up to 4 times in a single calendar year, as authorized by and subject to the provisions of California Government Code Section 65358.

### 21.10.050. PLANNING COMMISSION HEARING AND RECOMMENDATION

- A. Planning Commission Hearing. Before submitting a recommendation report to the City Council, the Planning Commission shall conduct at least one public hearing in accordance with Section 21.26 (Public Hearings and Notice).
- B. Recommendation to City Council. Following the public hearing, the Planning Commission shall make a recommendation on the proposed amendment to the City Council. Such recommendation shall include the reasons for the recommendation, findings related to Section 21.10.070 (Required Findings) and Section 21.10.080 (General Plan Consistency Required for Zoning Amendments) if applicable, and the relationship of the proposed amendment to other adopted documents.
  - 1. Approval. If the Planning Commission has recommended approval of the proposed amendment, the City Council is required to take final action pursuant to Section 21.10.060 (City Council Hearing and Action).
  - 2. Denial. If the Planning Commission has recommended against the proposed amendment, the City Council is not required to take any further action unless an appeal is filed in accordance with Chapter 21.25 (Appeals and Calls for Review).

### 21.10.060. CITY COUNCIL HEARING AND ACTION

- A. City Council Hearing. After receiving the recommendation from the Planning Commission, the City Council shall hold a hearing in accordance with Section 21.26 (Public Hearings and Notice). The notice for the hearing shall include a summary of the Planning Commission recommendation.
- B. City Council Action.
  - 1. Adopt, Modify, or Deny. After the conclusion of the hearing, the City Council may adopt, modify, or deny the proposed amendment.
  - 2. Referral to Planning Commission. If the City Council proposes any substantial revision not previously considered by the Planning Commission during its hearings, the proposed modification shall be first referred to the Planning Commission for its recommendation in compliance with California Government Code Sections 65356 and 65857. Failure of the Planning Commission to report back to the City Council within the time limits identified in California Government Code Sections 65356 and 65857 following the referral shall be deemed approval by the Planning Commission of the proposed modification(s).

### 21.10.070. REQUIRED FINDINGS

An amendment to this Zoning Code, the Official Zoning Map, or the General Plan may be approved only if all the following findings are first made, as applicable to the type of amendment:

- A. Findings for General Plan Amendments.
  - 1. The proposed 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; is suitable in terms of 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 Zoning Code and Zoning Map Amendments.

1. The proposed amendment is consistent with the General Plan and any applicable specific plan;
2. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare;
3. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code; and
4. Specific to Zoning Map amendments, the affected site is physically suitable in terms of design, location, operating characteristics, shape, size, topography; is suitable in terms of 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.

#### 21.10.080. GENERAL PLAN CONSISTENCY REQUIRED FOR ZONING AMENDMENTS

The Planning Commission shall not recommend and the City Council shall not adopt a Zoning Amendment unless the proposed amendment is found to be consistent with the General Plan.

### CHAPTER 21.11. SPECIAL PLANNED DEVELOPMENTS (SPD)

#### 21.11.010. PURPOSE AND APPLICABILITY

- A. **Purpose.** The purpose of the Special Planned Development (SPD) zoning overlay is to provide for innovation and flexibility in the design of residential, mixed-use, commercial, and industrial developments. Approval of a Special Planned Development zoning overlay can allow modification of certain development standards as specified in Section 21.11.050 (Allowed Modifications to Development Standards), discourage/prevent premature subdivision of commercial and industrial land before a Master Development Plan has been approved, and/or provide a conceptual review/approval process for projects that are filed in conjunction with subdivision applications.
- B. **Applicability.** The Special Planned Development zoning overlay may be used in combination with any base zoning district. The Special Planned Development zoning overlay functions as a negotiated exchange through which the City can offer flexibility of certain development standards in exchange for specific project amenities (such as recreational facilities, usable open space, special design features).

#### 21.11.020. APPLICATION PROCESSING

- A. **Application.** An application for a Special Planned Development shall be filed and processed on the prescribed application forms in accordance with the procedures in Chapter 21.09 (Application Processing

and Common Procedures). It is the responsibility of the applicant to provide evidence in support of the findings required by Section 21.11.060 (Required Findings). Initial review of the application, including time requirements and requests for information, shall be as provided in Section 21.09.060 (Initial Application Review).

- B. Review Authority. The City Council shall act as the review authority for Special Planned Development applications based on consideration of the requirements of this Chapter.
- C. Additional Permit Requirements. Any parcel with a Special Planned Development zoning overlay applied shall also require approval of either:
  1. A Development Plan with final site plan, landscape plan, and final architectural elevations and materials; or
  2. A Master Development Plan with conceptual site plan, landscape concept and design guidelines. Subsequent to approval of a Master Development Plan, a Development Plan shall also be required with final site plan, landscape plan, and final architectural elevations and materials.

#### 21.11.030. PLANNING COMMISSION HEARING AND RECOMMENDATION

- A. Planning Commission Hearing. Before submitting a recommendation report to the City Council, the Planning Commission shall conduct at least one public hearing in accordance with Section 21.26 (Public Hearings and Notice).
- B. Recommendation to City Council. Following the public hearing, the Planning Commission shall make a recommendation on the proposed Special Planned Development to the City Council. Such recommendation shall include the reasons for the recommendation and findings related to Section 21.11.060 (Required Findings) and Section 21.10.080 (General Plan Consistency Required for Zoning Amendments).
  1. Approval. If the Planning Commission has recommended approval of the proposed Special Planned Development, the City Council shall take final action pursuant to Section 21.11.040 (City Council Hearing and Action).
  2. Denial. If the Planning Commission has recommended against the proposed Special Planned Development, the City Council is not required to take any further action unless an appeal is filed in accordance with Chapter 21.25 (Appeals and Calls for Review).

#### 21.11.040. CITY COUNCIL HEARING AND ACTION

- A. City Council Hearing. After receiving the recommendation from the Planning Commission, the City Council shall hold a hearing in accordance with Section 21.26 (Public Hearings and Notice). The notice for the hearing shall include a summary of the Planning Commission recommendation.
- B. City Council Action.
  1. Adopt, Modify, or Deny. After the conclusion of the hearing, the City Council may adopt, modify, or deny the proposed Special Planned Development.
  2. Referral to Planning Commission. If the City Council proposes any substantial revision not previously considered by the Planning Commission during its hearings, the proposed modification shall be first referred to the Planning Commission for its recommendation in compliance with California Government Code Sections 65857. Failure of the Planning Commission to report back to

the City Council within the time limits identified in California Government Code Sections 65857 following the referral shall be deemed approval by the Planning Commission of the proposed modification(s).

### 21.11.050. ALLOWED MODIFICATIONS TO DEVELOPMENT STANDARDS

- A. Allowed Modifications. A Special Planned Development zoning overlay may allow different development standards to be applied than are otherwise required in the base zoning district. A Special Planned Development zoning overlay may be used to:
1. Provide flexibility in minimum lot sizes, widths, and depths to result in a superior site design (such as to cluster lots to preserve natural resources) and may exceed maximum allowed density if consistent with General Plan goals and policies;
  2. Modify setback requirements to result in a superior site design (such as to permit zero lot line development design where appropriate);
  3. Modify the grading and hillside development standards of Chapter 21.47 (Grading and Hillside Development), if it can be demonstrated that such modifications will preserve the integrity of the existing topography and basic land form of the site, meet the intent of preservation of natural resources, and/or conserve/provide for open space;
  4. Modify sign standards of Chapter 21.52 (Signs) including sign area and height, as part of a master sign program;
  5. Modify parking standards of Chapter 21.48 (Parking and Loading Regulations) to allow alternate parking standards including quantity of spaces or alternative surface materials;
  6. Modify the types and intensities/density of land uses within any base zoning district (if in a commercial zoning district and proposing residential uses, coupled with allocation of surplus density units);
  7. In commercial and industrial zoning districts, limit the types and intensities of land uses within any zoning district through requiring a Conditional Use Permit to be obtained before any new use may be established;
  8. Implement General Plan policies that apply to specific issues not addressed by the base zoning district regulations;
  9. Establish specific building heights for an individual project where it is determined that allowing the buildings to exceed the height limitations of the Zoning Code would be appropriate based on due consideration of:
    - a. The proportion, scale, and nature of the project;
    - b. The visual quality and aesthetics of the project;
    - c. The design of the project;
    - d. The project's compatibility with the established character of surrounding development;
    - e. The project's ability to not create an adverse visual impact or otherwise have a negative effect on public views from nearby roads and other public vantage points; and

- f. The project's risk to fire life-safety when considering building safety features and emergency response capability;
  - 10. Provide flexibility to modify other public improvements, such as the width and location of parkways and sidewalks when such modifications can be demonstrated to not adversely affect public safety; and
  - 11. Modify other Zoning Code standards also allowed to be modified by Section 21.16.020 (Development Plan Modifications).
- B. Prohibited Modifications. Special Planned Development zoning overlay shall not be used to:
- 1. Create lots of less than the minimum size, width, and depth required for lots within the R-1 Zoning District where the finished graded slopes of a lot are 10 percent or greater in slope (exclusive of 2:1 or lesser slopes approved for pads, benches, driveways, and usable yard areas); and
  - 2. Modify safety requirements for public improvements such as engineered street and driveway design or street widths.

#### 21.11.060. REQUIRED FINDINGS

The City Council shall make all of the following findings in order to approve or conditionally approve a Special Planned Development application. The City Council shall deny an application for a Special Planned Development if it is unable to make any of the required findings applicable to that project, in which case it shall state the reasons for that determination.

- A. Consistency. The proposed Special Planned Development is consistent with the goals and policies established by the General Plan, particularly the purpose of the applicable Land Use Category;
- B. Design or Public Benefit. The proposed Special Planned Development will result in better, more creative, and higher quality architectural and site development design or greater public benefit than would otherwise be allowed under adopted development standards;
- C. Compatibility. The proposed Special Planned Development is compatible with surrounding development;
- D. Sensitive to Topography and Natural Resources. The proposed Special Planned Development is sensitive to the natural topography of the site, minimize alterations to the land, and maintain and enhance significant natural resources, including, but not limited to, oak woodlands, natural drainage ways and open space preservation;
- E. Circulation. The proposed Special Planned Development's vehicular, bikeway, and pedestrian circulation system is designed to be efficient and well-integrated with the overall city circulation system; and
- F. General Welfare. The proposed Special Planned Development does not pose adverse impacts on the public health, safety, and general welfare, nor on neighboring properties in particular.

#### 21.11.070. SPECIAL PLANNED DEVELOPMENTS ESTABLISHED

See Section Chapter 21.04 (Special Planned Developments Established).



**CHAPTER 21.12. DEVELOPMENT AGREEMENTS****21.12.010. PURPOSE AND APPLICABILITY**

- A. Purpose. This Chapter establishes procedures and requirements for considering and entering into legally binding Development Agreements with applicants for development projects as specified in and as authorized by California Government Code, Sections 65864-65869.5 et seq.
- B. Incorporation by Reference. The City incorporates by reference the provisions of California Government Code Sections 65864-65869.5. In the event of any conflict between those statutory provisions and this Chapter, the statutes shall control.
- C. Applicability. Used in conjunction with Annexation, General Plan Amendment, Specific Plan, Rezoning, Planned Development, Tentative Tract Map, and/or Conditional Use Permit approvals, Development Agreements establish the mutually agreeable terms and conditions under which development projects may proceed. Development Agreements are best used for large, complex, or phased projects that require extended construction time, and which involve numerous public improvements such as streets, utilities, storm drainage improvements, public parking, trails, schools, parks, open space, and other improvements of community-wide benefit. The Development Agreement can specify the rules, standards, policies, fees, and regulations to which the project is subject.

**21.12.020. APPLICATION FILING, PROCESSING, AND REVIEW**

- A. Application. An application for a Development Agreement shall be filed and processed on the prescribed application forms in accordance with the procedures in Chapter 21.09 (Application Processing Procedures). It is the responsibility of the applicant to provide evidence in support of the findings required by Section 21.12.050 (Required Findings). Initial review of the application, including time requirements and requests for information, shall be as provided in Section 21.09.060 (Initial Application Review).
- B. Eligible Applicants. Any person having legal or equitable interest in real property may apply for a Development Agreement consistent with Section 21.09.050 (Eligible Applicants), except that a person may not file, and the Director shall not accept, an application which is the same as, or substantially the same as, an application which was denied within the previous year, unless the application is initiated by the City Council.
- C. Review Authority.
  - 1. The City Manager shall negotiate the specific components and provisions of the Development Agreement on behalf of the City for Planning Commission review and recommendation to the City Council. The City Manager may request input from other affected departments as needed.
  - 2. The Planning Commission shall act as the advisory body and review the Development Agreement to provide a recommendation to the City Council.
  - 3. The City Council shall act as the review authority, and after receiving recommendations from the Planning Commission, may adopt, reject, modify, or take no action on a Development Agreement based on consideration of the requirements of this Chapter.
- D. Preapplication Review. Before submitting an application and support materials, applicants shall discuss the proposal with the Director. At such review, the applicant should present a preliminary site plan and show basic features of the proposed project, including its public purposes and/or benefits. The Director may

request the City Council provide authorization to process the application. The City Council shall, upon request, determine whether or not to direct staff to accept a filed application for future consideration. Such a **review shall be at the City Council's** sole discretion.

### 21.12.030. CONTENTS OF DEVELOPMENT AGREEMENT

Development Agreements shall include the following:

- A. The duration of the agreement, including a specified termination date;
- B. Public benefits contributed by the project in exchange for the benefits to the project provided by the Development Agreement.
- C. The land uses and site plan to be permitted on the property;
- D. The density or intensity of land use to be permitted;
- E. The maximum height, size, and location of proposed buildings;
- F. The reservation or dedication of land for public purposes to be secured, including, but not limited to, rights-of-way, open space preservation, and public access easements;
- G. Proposed exceptions from zoning regulations or other development standards (including subdivision standards), and findings where required;
- H. The time schedule established for periodic review as required by Section 21.12.090 (Periodic Review); and
- I. Development agreements may also include additional terms, conditions, and restrictions in addition to those listed in Subsections A-H of this Section. These additional terms may include, but are not limited to:
  1. Development schedules providing that construction of the proposed development as a total project or in phases be initiated and/or completed within specified time periods;
  2. The construction of public facilities required in conjunction with such development, including but not limited to vehicular and pedestrian rights-of-way, public art and other landscape amenities, drainage and flood-control facilities, parks and other recreational facilities, sewers and sewage treatment facilities, sewer lift stations, and water well and treatment facilities or payment of fees in lieu of such dedications and improvements;
  3. Method of financing such improvements and, where applicable, reimbursement to developer or City;
  4. City fees, fee credits, and payment timing;
  5. Prohibition of one or more uses normally listed as permitted, accessory, subject to review or subject to Conditional Use Permit in the zoning district normally allowed by right;
  6. Limitations on future development or special terms, restrictions, requirements or conditions under which subsequent development approvals and discretionary actions not included in the agreement may occur;
  7. The requirement of a faithful performance bond where deemed necessary to and in an amount deemed sufficient to guarantee the faithful performance of specified terms, conditions, restrictions

and/or requirements of the agreement. In lieu of a bond, the applicant may deposit with the City Clerk certificates of deposit or other security acceptable to the Director of Administrative Services;

8. Specific design criteria for the exteriors of buildings and other structures, including colors and materials, landscaping, and signs;
9. Special yards, open spaces, trails, staging areas, buffer areas, fences and walls, public art, landscaping, and parking facilities, including vehicular and pedestrian ingress and egress;
10. Performance standards regulating such items as noise, vibration, smoke, dust, dirt, odors, gases, garbage, heat, and the prevention of glare or direct illumination of adjacent properties;
11. Limitations on operating hours and other characteristics of operation which the City Council determines could adversely affect the reasonable use and enjoyment of surrounding properties; and
12. An indemnity clause requiring the applicant to indemnify and hold the City harmless against claims arising out of or in any way related to the actions of applicant in connection with the application or the development process, including all legal fees and costs.

#### 21.12.040. HEARINGS, RECOMMENDATION, AND ACTION.

- A. Initiation of hearings. Hearings on a Development Agreement may be initiated:
  1. Upon the filing of an application in accordance with the procedures in Chapter 21.09 (Application Processing and Common Procedures); or
  2. By the City Council by a simple majority vote.
- B. Planning Commission Hearing and Recommendation. When the City Manager determines Development Agreement negotiations are complete, the item shall be scheduled for Planning Commission hearing in accordance with Section 21.26 (Public Hearings and Notice). Following the public hearing, the Planning Commission shall make a recommendation on the proposed Development Agreement to the City Council. Such recommendation shall include the reasons for the recommendation and findings related to Section 21.12.050 (Required Findings). **The Director shall transmit the Planning Commission's written recommendation and complete record of the application to the City Council.**
  1. Approval. If the Planning Commission has recommended approval of the Development Agreement, the City Council is required to take final action pursuant to Subsection 21.12.040.C (City Council Hearing and Action).
  2. Denial. If the Planning Commission has recommended against the Development Agreement, the City Council is not required to take any further action unless an appeal is filed in accordance with Chapter 21.25 (Appeals and Calls for Review).
- C. City Council Hearing and Action.
  1. Hearing. After receiving the report from the Planning Commission but no later than the time specified by Section 65943 of the California Government Code, the City Council shall hold a public hearing in accordance with Section 21.26 (Public Hearings and Notice). Notice of the hearing shall also be mailed or delivered to any other local agency expected to provide essential facilities or services to the property that is the subject of the Development Agreement.

2. Ordinance Required. The City Council shall adopt Development Agreements via ordinance.
  3. Ordinance First Reading. After the City Council completes the public hearing, the City Council may introduce the ordinance for first reading by title only and approve, modify, or deny the Development Agreement. Matters not previously considered by the Planning Commission during its hearing may, but need not, be referred to the Planning Commission for report and recommendation. The Planning Commission may, but need not, hold a public hearing on matters referred to it by the City Council.
  4. Ordinance Second Reading. If the City Council votes to adopt a Development Agreement, the ordinance shall require a second reading, unless otherwise obviated by Paragraph 21.12.060.A.2.
- D. Failure to Receive Notice. The failure to receive notice by any person entitled thereto by law or this Chapter does not affect the authority of the City to enter into a Development Agreement.
- E. Irregularity in Proceedings. No action, inaction, or recommendation regarding the proposed Development Agreement shall be held void or invalid, or be set aside by a court by reason of any error, irregularity, informality, neglect, or omission as to any matter pertaining to the application, notice, finding, record, hearing, report, recommendation, or any other matters of procedure whatsoever unless, after an examination of the entire record, the court is of the opinion that the error was judicial and that a different result would have been probable if the error had not occurred or existed.

#### 21.12.050. REQUIRED FINDINGS

The review authority may approve a Development Agreement only if it first makes all of the following findings:

- A. The proposed Development Agreement is consistent with the General Plan and any applicable specific plan;
- B. The proposed Development Agreement promotes the general welfare, allows more comprehensive land use **planning, and provides substantial public benefits or necessary public improvements, making it in the City's** interest to enter into the Development Agreement with the applicant; and
- C. The proposed project and Development Agreement:
  1. Will not adversely affect the health, safety, or welfare of persons living or working in the surrounding area;
  2. Will be appropriate at the proposed location and will be compatible with adjacent land uses; and
  3. Will not have a significant adverse impact on the environment.

#### 21.12.060. EXECUTION AND RECORDATION

- A. Adoption by Ordinance—Execution of Contract.
  1. The Development Agreement shall be approved by the adoption of an ordinance. The ordinance shall refer to and incorporate by reference the text of the Development Agreement and findings related to Section 21.12.050 (Required Findings). Upon the approval of the ordinance following its first reading, the City shall enter into the Development Agreement by the execution thereof by the City Manager.
  2. No ordinance shall be finally adopted via a second reading and the City Manager shall not execute a Development Agreement until it has been executed by the applicant and all other parties to the

agreement. If the applicant has not executed the agreement or agreement as modified by the City Council, and returned the executed agreement to the City Clerk within 60 days following the **ordinance's first reading, the approval shall be deemed withdrawn, and the City Council shall not give a second reading to such ordinance, nor shall the City Manager execute the agreement.**

3. Such 60-day time period may be extended upon approval of the City Council.
- B. Recordation of executed agreement. Following the execution of a Development Agreement by the City Manager, the City Clerk shall record the executed agreement with the County Recorder.

#### 21.12.070. EFFECT OF APPROVED AGREEMENT

- A. Existing Rules and Regulations. **Unless otherwise specified in the Development Agreement, the City's** rules, regulations, and official policies governing permitted uses of the property, density and design, and improvement standards and specifications applicable to development of the property shall be those City rules, regulations, and official policies in force on the effective date of the Development Agreement.
- B. Future Rules and Regulations. A Development Agreement shall not prevent the City, in subsequent actions applicable to the property, from applying new rules, regulations, and policies that do not conflict with those rules, regulations, and policies applicable to the property as set forth in the Development Agreement. A Development Agreement shall not prevent the City from denying or conditionally approving any subsequent land use project or authorization for the project on the basis of such rules, regulations, and policies. Unless otherwise specified in the Development Agreement, a Development Agreement shall not exempt the applicant from obtaining future discretionary land use approvals. A Development Agreement shall not preclude the City from adopting and implementing emergency measures regarding water or sewer deficiencies when the City Council determines that such action is necessary to protect public health and safety. If such action becomes necessary, the City Council reserves the right to suspend water and sewer service on an equitable basis until such deficiencies are corrected.
- C. State and Federal Rules and Regulations. In the event that any regulation or law of the State of California or the United States, enacted or interpreted after a Development Agreement has been entered into prevents or precludes compliance with one or more provisions of the Development Agreement, then the Development Agreement may be modified or suspended in the manner and pursuant to the procedures specified in the Development Agreement, as may be necessary to comply with such regulation or law.

#### 21.12.080. ENFORCEMENT AND CONTINUING VALIDITY

- A. Enforcement. Unless and until amended or canceled in whole or in part as provided in Section 21.12.100 (Amendment and Cancellation of Development Agreements), a Development Agreement shall be enforceable by any party to the agreement, regardless of any change in regulations which alters or amends the regulations applicable to the project covered by a Development Agreement, except as specified in Sections 21.12.090 (Periodic Review).
- B. Continuing Validity. The Development Agreement shall be binding upon, and the benefits of the agreement shall inure to all successors in interest to the parties to the agreement.

#### 21.12.090. PERIODIC REVIEW

The applicant shall be required to demonstrate compliance with the provisions of the Development Agreement at least once a year at which time the Director shall review each approved Development Agreement.

- A. Finding of Compliance. If the Director, based on substantial evidence, finds compliance by the applicant with the provisions of the Development Agreement, no action is required.
- B. Finding of Noncompliance.
1. If the Director finds the applicant has not complied with the provisions of the Development Agreement, the Director may issue a finding of noncompliance, which may be recorded by the City with the County Recorder after it becomes final. The Director shall specify in writing to the applicant the respects in which the applicant has failed to comply and shall set forth terms of compliance and specify a reasonable time for the applicant to meet the terms of compliance. If the applicant does not comply with any terms of compliance within the prescribed time limits, the Development Agreement shall be subject to termination or revision pursuant to this Chapter. It is the duty of the applicant or his successor in interest to provide evidence of good-faith compliance with the **agreement to the Director's satisfaction at the time of their review. Refusal by the applicant or their successor in interest to provide the required information shall be prima facie evidence of violation of such agreement.**
  2. If at the end of the time period established by the Director, the applicant or his successor in interest has failed to comply with the terms of the agreement or has not submitted evidence substantiating such compliance, the Director shall notify the City Council of their findings, recommending such action as the Director deems appropriate, including legal action to enforce compliance or to terminate or modify the agreement.
  3. When the Director notifies the City Council that a Development Agreement is being violated, a public hearing shall be scheduled before the City Council to consider the matter. Procedures for conduct of such hearing shall be the same as provided for initiation and consideration of a Development Agreement.
  4. If the City Council determines that the applicant or his successor in interest is in violation of a Development Agreement, it may take one of the following actions:
    - a. Schedule the matter for City Council hearing for modification or possible termination of the agreement. Procedures for hearing notice shall be the same as provided in Chapter 21.26 (Public Hearings and Notice); or
    - b. Continue the matter for further consideration.
- C. Modification or Termination for Violations.
1. Findings. After the hearing required by Paragraph 21.12.090.B.4, the City Council may terminate or modify the agreement upon finding that:
    - a. Terms, conditions, and obligations of any party to the Development Agreement have not been met;
    - b. The scope, design, intensity, or environmental effects of project were represented inaccurately;
    - c. The project has been or is being built, operated, or used in a manner that differs significantly from approved plans, permits, or other entitlements; or
    - d. Parties to the agreement have engaged in unlawful activity, or have used bad faith in the performance of, or the failure to perform their obligations under the agreement.

2. Modifications. Such remedial action may include, but is not limited to, changes to project design or uses, operating characteristics, or necessary on-site or off-site improvements that are determined to be reasonably necessary to protect public health, safety, or welfare, and to correct problems caused by or related to noncompliance with terms of the agreement.

### 21.12.100. AMENDMENT AND CANCELLATION OF DEVELOPMENT AGREEMENTS

- A. Mutual Agreement. A Development Agreement may be amended, extended, or canceled in whole or in part, by mutual consent of all parties to the agreement or their successors in interest.
  1. Major Amendment. Changes to the terms and key deal points of the Development Agreement shall be considered a major amendment and shall require a formal amendment approved by the City Council.
  2. Minor Amendments and Interpretations – Operating Memos. Both parties may agree to minor **amendments and interpretations of the Development Agreement in the form of an “Operating Memorandum (Operating Memo).” Operating Memos shall be approved by the City Manager and the Developer.**
  3. Procedures. Procedures for amendment (except minor amendments and interpretations per Paragraph 21.12.100.A.2), time extensions, or cancellation of the Development Agreement by mutual consent shall be the same as provided for initiation and consideration of such agreement.
- B. After Finding of Noncompliance. If a finding of noncompliance does not include terms of compliance, or if applicant does not comply with the terms of compliance within the prescribed time limits, the Director may refer the Development Agreement to the City Council for termination or revision. After the public hearing, the City Council may terminate the Development Agreement, modify the finding of noncompliance, or rescind the finding of noncompliance, and issue a finding of compliance.
- C. Recordation. If the parties to the agreement or their successors in interest amend or cancel the Development Agreement, or if the City terminates or modifies the Development Agreement for failure of the applicant to fully comply with the provisions of the Development Agreement, the City Clerk shall record notice of such action with the County Recorder.
- D. Rights of the Parties After Cancellation or Termination. If a Development Agreement is cancelled or terminated, all rights of the applicant, property owner, or successors in interest under the Development Agreement shall terminate and the applicant, property owner, or successors in interest shall otherwise comply with City codes, regulations, development standards and other applicable laws in effect at the time of termination of the agreement. If a Development Agreement is terminated following a finding of noncompliance, the City may, in its sole discretion, determine to return all benefits, including reservations or dedications of land, and payments of fees, received by the City.

## CHAPTER 21.13. DEVELOPMENT AGREEMENTS ESTABLISHED

### 21.13.010. CITY COUNCIL ADOPTED DEVELOPMENT AGREEMENTS

This Chapter lists the Development Agreements adopted by the City of Paso Robles.

**21.13.020. OLSEN – SOUTH CHANDLER RANCH SPECIFIC PLAN DEVELOPMENT AGREEMENT**

Ordinance 1089

Adoption date March 3, 2020

Parties: City of Paso Robles and Olsen Ranch 212, LLC

**21.13.030. OLSEN – SOUTH CHANDLER RANCH SPECIFIC PLAN PLANNING AREA 9 DEVELOPMENT AGREEMENT**

Ordinance 1090

Adoption date March 3, 2020

Parties: City of Paso Robles and Fuentez Family, LLC

**21.13.040. OLSEN – SOUTH CHANDLER RANCH SPECIFIC PLAN – OUR TOWN DEVELOPMENT AGREEMENT**

Ordinance 1091

Adoption date March 3, 2020

Parties: City of Paso Robles and Our Town Properties Ownership Group

**21.13.050. PASO ROBLES GATEWAY ANNEXATION DEVELOPMENT AGREEMENT**

Ordinance 1099

Adoption date July 9, 2020

Parties: City of Paso Robles and Quorum Realty Fund IV, LLC

**21.13.060. BEECHWOOD SPECIFIC PLAN DEVELOPMENT AGREEMENT**

Ordinance 1102

Adoption date October 20, 2020

Parties: City of Paso Robles and The Beechwood Owners Group

**CHAPTER 21.14. SPECIFIC PLANS**

**21.14.010. PURPOSE AND APPLICABILITY**

- A. Purpose. This Chapter provides a method for preparing, processing, reviewing, and adopting Specific Plans in compliance with California Government Code Section 65450 et seq., or as that section may be amended or replaced from time to time. In addition, this Chapter provides a method for amending Specific Plans to ensure their continued effectiveness and responsiveness to market demands over time. A Specific Plan is



intended to provide for flexibility in the establishment of land use regulations by allowing for innovative use of land resources and development; a variety of building, development, and housing types; land use mixes; site design; development concepts; and effective and safe pedestrian and vehicular circulation.

- B. **Applicability.** Once adopted, a Specific Plan shall govern all use and development of properties within the bounds of that Specific Plan.
1. Where a Specific Plan is silent regarding development standards, the provisions of this Title shall govern. The Director shall have the authority to determine which provisions of this Title apply where a Specific Plan is silent.
  2. When a use is not specifically listed as permitted in the Specific Plan, the Director shall assign the land use or activity to a classification that is substantially similar in character. Land uses not listed in the Specific Plan as permitted or not found to be substantially like a permitted use are prohibited.
  3. No discretionary entitlement applications or other permits may be approved, adopted, or amended within an area covered by a Specific Plan, unless found to be consistent with the adopted Specific Plan.

#### 21.14.020. INITIATION OF SPECIFIC PLANS

The following entity may submit or initiate an application for a Specific Plan or Specific Plan Amendment:

- A. A majority of the City Council; or
- B. The Director; or
- C. **An application filed by the owner(s) of one or more parcels, or the owner's authorized agent, that would be the subject of the Specific Plan.** If the property for which a Specific Plan or Specific Plan amendment is proposed is held in multiple ownerships, all the owners or their authorized agents shall join in filing the application. If initiated by a property owner(s), a pre-application conference as specified in Subsection D, below is required.
- D. **Pre-Application Conference Required.** A pre-application conference with the Director is required before the filing of a Specific Plan application. The City may establish fees for the pre-application conference.
  1. The purpose of the pre-**application conference is to allow the property owner(s) or property owner's agent** to obtain information before entering into commitments requiring that the applicant incur substantial expense in the preparation of plans, surveys, and other data.
  2. The preliminary consultations shall include, but are not limited to, the following:
    - a. Proposed land uses to be developed within the project area;
    - b. Development concepts to be employed;
    - c. Schematic plans, illustrative material, and narrative sufficient to describe the general relationships between land uses, and the intended design character and scale of principal features; and

- d. A preliminary time schedule for development, including quantitative data (such as population, building units, land use acreage, and other data) sufficient to illustrate phasing of development and potential impact on public service requirements.
- 3. Pre-application review shall not constitute any representation on the part of the City that a Specific Plan will be prepared or approved for the property or that any other application pending or otherwise will be approved.

#### 21.14.030. SPECIFIC PLAN PROJECT REVIEW

Development within a Specific Plan area is subject to the review process set forth in Chapter 21.15 (Development Review) unless the text of the applicable Specific Plan provides otherwise. Development projects proposed within Specific Plans shall require approval of either:

- A. A Master Development Plan with conceptual site plan, landscape concept and design guidelines. Subsequent to approval of a Master Development Plan, Development Review pursuant to Chapter 21.15 (Development Review) shall also be required; or
- B. A Development Plan, Site Plan, or Plot Plan pursuant to Chapter 21.15 (Development Review) with final site plan, landscape plan, and final architectural elevations and materials.

#### 21.14.040. HEARINGS, RECOMMENDATION, AND ACTION

- A. Planning Commission Hearing and Recommendation.
  - 1. Planning Commission Hearing. Before submitting a recommendation report to the City Council, the Planning Commission shall conduct at least one public hearing in accordance with Section 21.26 (Public Hearings and Notice).
  - 2. Recommendation to City Council. Following the public hearing, the Planning Commission shall make a recommendation on the proposed Specific Plan to the City Council. Such recommendation shall include the reasons for the recommendation and findings related to Section 21.14.050 (Required Findings) and, if applicable, Section 21.10.080 (General Plan Consistency Required for Zoning Amendments).
    - a. Approval. If the Planning Commission has recommended approval of the proposed Specific Plan, the City Council is required to take final action pursuant to Subsection 21.14.040.B (City Council Hearing and Action).
    - b. Denial. If the Planning Commission has recommended against the proposed Specific Plan, the City Council is not required to take any further action unless an appeal is filed in accordance with Chapter 21.25 (Appeals and Calls for Review).
- B. City Council Hearing and Action.
  - 1. City Council Hearing. After receiving the recommendation from the Planning Commission, the City Council shall hold a hearing in accordance with Section 21.26 (Public Hearings and Notice). The notice for the hearing shall include a summary of the Planning Commission recommendation.
  - 2. Adopt, Modify, or Deny. After the conclusion of the hearing, the City Council may adopt, modify, or deny the proposed Specific Plan.

3. Referral to Planning Commission. If the City Council proposes any substantial revision not previously considered by the Planning Commission during its hearings, the proposed modification shall be first referred to the Planning Commission for its recommendation in compliance with California Government Code Sections 65356. Failure of the Planning Commission to report back to the City Council within the time limits identified in California Government Code Sections 65356 following the referral shall be deemed approval by the Planning Commission of the proposed modification(s).

#### 21.14.050. REQUIRED FINDINGS

Prior to adopting a Specific Plan, the Planning Commission (on recommendation) and City Council shall make all of the following findings:

- A. The Specific Plan or amendment thereto is consistent with the goals, objectives, and policies of the General Plan;
- B. The Specific Plan or amendment thereto would not be detrimental to the public health, safety, or welfare of the community;
- C. The Specific Plan or amendment thereto includes provisions that ensure that adequate public facilities will be available to serve the range of development described in the plan;
- D. The subject property (or properties) proposed for the Specific Plan has unique characteristics such as topography, location, size or surroundings that are enhanced by special land use and development standards; and
- E. The Specific Plan results in the development of desirable character and use types that will be compatible with the surrounding area, provides effective buffering from adjacent uses, and includes policies for the protection of prominent ridgelines, oak trees, and other natural resources.

#### 21.14.060. ADOPTION OF A SPECIFIC PLAN

- A. Specific Plans may be adopted by either resolution and/or ordinance.
- B. Resolutions shall govern those components of Specific Plans that are:
  1. Policy statements describing the vision for development;
  2. Descriptions of the proposed distribution, location, extent, and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities; and
  3. Programs of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out Paragraphs 21.14.060.B.1 and 21.14.060.B.2.
- C. Ordinances shall govern those components of Specific Plans that act as zoning regulations for the areas covered by Specific Plans, including:
  1. The distribution, location, and extent of the uses of land, including open space, within the area covered by the plan; this would include "regulating plans", land use/zoning maps; and
  2. The regulations for development of said lands.

### 21.14.070. POST DECISION PROCEDURES

- A. Expiration and Extension. Since Specific Plan applications are flexible, expiration will be determined on a case-by-case basis. Most Specific Plan approvals will not expire unless replaced by a subsequently adopted Specific Plan or rendered obsolete by adoption of a conflicting General Plan designation. In some cases, however, limiting the duration of an approval may be appropriate when the Specific Plan is linked to another entitlement that expires. The resolution adopting a Specific Plan shall specify the duration of the Specific Plan and any means of extension, which may include an evaluation of an applicant's due diligence in satisfying Specific Plan provisions.
- B. Amendment.
1. Procedure. An adopted Specific Plan may be amended through the same procedure specified by this Chapter for the adoption of a Specific Plan.
  2. Frequency. The Specific Plan may be amended as often as deemed necessary by the City Council, in compliance with California Government Code Section 65453.

### 21.14.080. SPECIFIC PLANS ESTABLISHED

See Chapter 21.05 (Specific Plans Established).

## CHAPTER 21.15. DEVELOPMENT REVIEW

### 21.15.010. PURPOSE AND APPLICABILITY

- A. Purpose. Development review is established to ensure that new development supports the goals and policies of the General Plan and other adopted plans and guidelines. The specific purposes of the Development Review process are to:
1. Promote excellence in site planning and design and the harmonious appearance of buildings and sites;
  2. Ensure that new and modified uses and development will be compatible with the existing and potential development of the surrounding area; and
  3. Supplement other City regulations and standards to ensure control of aspects of design that are not otherwise addressed.
- B. Applicability. Development review is required prior to construction and Building Permit issuance for any structure, or to relocate, rebuild, or significantly enlarge or modify any existing structure or site.

### 21.15.020. TYPES OF DEVELOPMENT REVIEW ESTABLISHED

- A. Types of Development Review and Review Authority. Three levels of development review are hereby established:
1. Development Plans. Review of major development projects shall be conducted by the Planning Commission as Development Plans.

- 2. Site Plan. Review of minor development projects shall be conducted by the Development Review Committee as Site Plans.
- 3. Plot Plan. Review of minor details shall be conducted by the Zoning Administrator as Plot Plans.
- B. Thresholds. Unless otherwise specified in this Section, thresholds identified in Table 21.15.030-1 (Review Authority for Development Review) shall be cumulative over a 5-year period. The starting point for the 5 years shall be when the Certificate of Occupancy has been issued.
- C. CEQA Review. Notwithstanding Table 21.15.030-1 (Review Authority for Development Review), the Zoning Administrator may determine that certain Site Plans and Plot Plans are not exempt from CEQA; in any case where a Site Plan or Plot Plan requires preparation of an Initial Study or Environmental Impact Report, the project and related CEQA action shall be reviewed by the Planning Commission.

**21.15.030. DEVELOPMENT REVIEW AUTHORITY SUMMARY**

Table 21.15.030-1 (Review Authority for Development Review) summarizes the review authority responsible for reviewing and making decisions on Development Plans, Site Plans, and Plot Plans. See also Chapters 21.16 (Development Plans), Chapter 21.17 (Site Plans), and Chapter 21.18 (Plot Plans) for additional requirements and clarifications.

Table 21.15.030-1 Review Authority for Development Review

Development Type	Application Type / Review Authority <sup>(1)(2)</sup>		
	Plot Plan/ Zoning Administrator	Site Plan/ Development Review Committee	Development Plan/ Planning Commission
<b>RESIDENTIAL CONSTRUCTION ACTIVITIES</b>			
<b>Residential New Construction</b>			
Single-family dwelling unit (on lots with or without slope)	Decision	--	Appeal
Single-family dwelling unit in PD Zoning District or SPD Overlay Zoning District	Review	Recommend	Decision
Two-family dwellings	Decision	--	--
Ministerial plot plan review for accessory dwelling units (ADUs)	Decision	--	--
Multi-family (2-10 dwelling units)	Review	Decision	Appeal
Multi-family (11+ dwelling units)	Review	Recommend	Decision
<b>Residential Additions, Modifications, and/or Accessory Structures</b>			
Single-family additions, exterior alterations, and/or accessory structures requiring a building permit	Decision	Appeal	Appeal
Multi-family additions, exterior alterations, and/or accessory structures that are not visible from public streets and vantage points and do not increase number of units but requiring a building permit	Decision	Appeal	Appeal
Multi-family additions, exterior alterations, and/or accessory structures that are visible from public streets and vantage points	Review	Decision	Appeal

Table 21.15.030-1 Review Authority for Development Review

Development Type	Application Type / Review Authority <sup>(1)(2)</sup>		
	Plot Plan/ Zoning Administrator	Site Plan/ Development Review Committee	Development Plan/ Planning Commission
<b>Other Residential Construction or Improvements</b>			
Fences and walls (those requiring a building permit)	Decision	--	Appeal
Pools and spas	Decision	--	Appeal
<b>NON-RESIDENTIAL CONSTRUCTION ACTIVITIES</b>			
<b>Non-Residential New Construction</b>			
Less than 10,000 sf	Review	Decision	Appeal
Less than 10,000 sf if all necessary infrastructure has not been installed	Review	Recommend	Decision
10,000 sf or greater	Review	Recommend	Decision
Accessory structures and/or exterior alterations not visible from public streets and other public vantage points	Decision	--	Appeal
Accessory structures and/or exterior alterations visible from public streets and other public vantage points	Review	Decision	Appeal
<b>Non-Residential Additions</b>			
Minor additions (less than 1,000 sf not visible from the public right-of-way)	Decision	--	Appeal
Mid-size additions (less than 10% or 10,000 sf, whichever is greater)	Review	Decision	Appeal
Major additions (10% or more or 10,000 sf, whichever is greater)	Review	Recommend	Decision
<b>Other Non-Residential Construction</b>			
Fences and walls (all) and screening for outside storage and display areas	Decision	--	Appeal
Landscaping	Decision	--	Appeal
Parking lots	Decision	--	Appeal
Installation of such items as automatic teller machines, replacement gasoline pumps, trash bin enclosures, electrical transformer boxes, and freestanding solar collectors (PV systems)	Decision	--	Appeal
<b>SIGNS AND SIGN PROGRAMS</b>			
Comprehensive Sign Programs	Review	Recommend	Decision
Sign Permit	Review	Decision	Appeal
Change of copy within existing sign structures, directional signs, and signs implemented as part of an approved Sign Program that are not visible from a public right-of-way and/or other public vantage points	Decision	--	Appeal
<b>OTHER REVIEW</b>			
Outdoor seating areas for restaurants	Decision	--	Appeal

Table 21.15.030-1 Review Authority for Development Review

Development Type	Application Type / Review Authority <sup>(1)(2)</sup>		
	Plot Plan/ Zoning Administrator	Site Plan/ Development Review Committee	Development Plan/ Planning Commission
Pregrading (20,000 square feet or less)	Review	Decision	Appeal
Pregrading (more than 20,000 square feet)	Review	Recommend	Decision
Special Planned Developments	Review	Recommend	Decision
Subdivisions/Condominiums	Review	Recommend	Decision

Notes:

1. "Decision" means that the review authority makes the final decision on the matter; "Appeal" means that the review authority may consider and decide upon appeals to the decision of an earlier review authority, in compliance with Chapter 21.25 (Appeals and Calls for Review); "Recommend" means that the review authority should provide preliminary review and forward input to the next higher review authority for consideration.
2. A review authority may defer action and refer the request to the next higher review authority for the final decision in compliance with Subsection 21.08.010.B (Elevate Review).

**21.15.040. APPLICATION FILING, PROCESSING, AND REVIEW**

- A. Application. An application for a Development Review permit shall be filed with the Zoning Administrator in compliance with Chapter 21.09 (Application Processing and Common Procedures).
- B. Dedications and Public Improvements. In order for applications to be found to be complete, any applicable dedications and public improvements listed below must be either completed or an agreement to complete them, in a form to be approved by the City, shall be submitted with the application:
  1. All dedications for adjacent streets necessary to provide the minimum right-of-way width to meet City standards for the applicable classification of the subject streets;
  2. All street improvements necessary to provide the minimum standards established by City standards for the applicable classification of the subject streets, including, but not limited to, curbs, gutters, sidewalks, paving, street lights, and pedestrian and bicycle paths;
  3. **All sewer, water, and storm drain system improvements necessary for compliance with the City's adopted master plans for these systems and any applicable specific plans;**
  4. All fire prevention measures, including, but not limited to, on- and off-site fire hydrants and emergency vehicle access indicated by City-adopted codes, policies, and standards;
  5. All open space and recreation dedications and improvements necessary for compliance with General Plan policies, any applicable specific plans, and other City-adopted plans.
- C. Time Limit On Approval.
  1. Approval of Development Plans, Site Plans, and Plot Plans shall be valid for a period of not more than 2 years following the date of approval. Development Plans approved concurrently with a Tentative Tract or Parcel Map shall have the same expiration time period as the subdivision approval. If, at the end of a 2-year period, one of the situations listed below has occurred, said approval shall become invalid.

- a. A building or grading permit has not been issued; or
  - b. A building or grading permit has been issued but construction or grading has not commenced within 180 days of the issuance; or
  - c. A building or grading permit has been issued and construction or grading has commenced but has subsequently lapsed for a period of 180 days; or
  - d. A written request for a time extension request and the applicable fee have not been received; or
  - e. A Tentative Tract or Parcel Map associated with the Development Plan, Site Plan, or Plot Plan has expired.
2. Time extensions, not exceeding 2 years per extension, may be granted by the review authority as follows:
- a. Process. A written request and applicable fee shall be submitted to the Department no later than the date of expiration of approval.
  - b. Planning Commission. For projects originally approved by the Planning Commission or City Council, a time extension shall be considered by the Planning Commission.
  - c. Development Review Committee. For projects originally approved by the Development Review Committee, a time extension shall be considered by the Development Review Committee.
  - d. Zoning Administrator. For projects originally approved by the Zoning Administrator, a time extension shall be considered by the Zoning Administrator.
- D. Referrals Up to Next Level of Review.
1. In their respective reviews of Site Plans and Plot Plans, the Development Review Committee and Zoning Administrator may refer project applications up to the next (higher) level of review (for example, Development Plan and Site Plan, respectively) if it appears that such referral is necessary to accomplish the purposes of this Title. Examples where such a referral may be indicated include, but are not limited to, the following:
    - a. The project is located on a scenic corridor or gateway to the City as designated by the General Plan or other visually-prominent location;
    - b. There are unique circumstances about the design of a particular development project or about the quality of design in its neighborhood.
  2. If a project application is referred by the Zoning Administrator to the Development Review Committee for Site Plan review, no additional fee shall be required. However, if a development project is referred by the Development Review Committee to the Planning Commission for Development Plan review, the applicable fee for Development Plan review may be required as condition of approval.



### 21.15.050. PUBLIC MEETINGS AND NOTICE

- A. Development Plan.
1. Hearing. The Planning Commission shall conduct a public hearing on an application for a Development Plan before making a decision on the application to approve, approve subject to conditions, or deny the application.
  2. Notice. Notice of the hearing shall be provided and the hearing shall be conducted in compliance with Chapter 21.26 (Public Hearings and Notice).
- B. Site Plan.
1. Public Meeting. The Development Review Committee shall conduct a meeting that is open to the public on an application for a Site Plan before making a decision on the application to approve, approve subject to conditions, or deny the application.
  2. On-Site Posted Notice.
    - a. Projects That Require Notice. Notice of the project application shall be required for:
      - (1) Projects consisting of 2-10 residential units; and
      - (2) Projects requesting Site Plan Modifications pursuant to Section 21.17.020 (Site Plan Modifications).
    - b. Format. The on-site notice shall be posted on the subject site at least 48 hours prior to the meeting. A minimum of 1 notice, at least 11 inches by 17 inches in size, shall be posted along each street frontage. The posting shall be placed in the ground or on a fence, wall, or building façade that is set back no more than 10 feet from the street property line.
- C. Plot Plan. Public hearings and notice shall not be required. The Zoning Administrator shall issue a Decision Letter within 30 days of deeming the application complete.

### 21.15.060. DEVELOPMENT REVIEW CRITERIA

The criteria for evaluation under the Development Review processes shall be in compliance with the adopted development standards and applicable design guidelines of the area in which the proposed project is located. All projects shall be consistent with applicable design guidelines. An application may be denied if the information provided by the applicant is insufficient to determine compliance with the guidelines.

### 21.15.070. CONDITIONS OF APPROVAL

- A. General. In approving a Development Review Permit, the review authority may impose reasonable conditions deemed necessary to ensure compliance with adopted standards or applicable required findings and may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.
- B. Timing. Unless otherwise indicated in a condition of approval, all conditions and requirements imposed through Development Review shall be completed prior to occupancy of new buildings or additions, installation of signs, or operation of a new land use.

1. Exceptions. With the posting of security such as a performance bond or other method acceptable to the City, the following improvements may be completed after the above-mentioned events:
  - a. Unless otherwise indicated in a condition of approval, the installation of required landscaping may be postponed for a period no longer than 12 months;
  - b. If specifically provided for in a condition of approval of a Development Plan, required improvements, other than landscaping, may be postponed for periods to be determined by the Planning Commission.
2. Failure to Comply. Failure to comply with the requirements of Development Review constitutes a violation of this Zoning Code, which may be punishable as prescribed in Section 21.01.090 (Enforcement).

## 21.15.080. POST DECISION PROCEDURES

- A. Delegation of Development Plan Details to the Development Review Committee. Following approval of a Master Development Plan or Development Plan at a public hearing, the review authority may refer certain details of Master Development Plan or Development Plan applications to the Development Review Committee or Zoning Administrator for final approval. Examples of the appropriate level of details to be referred would include but would not be limited to single-family dwellings within planned development overlay zoning districts, landscaping materials, signage, building elevation details including colors, and masonry walls and fences. See Section 21.24.040 (Permit Modifications).
- B. Delegation of Site Plan Details to the Zoning Administrator. Following approval of a Site Plan, the Development Review Committee may refer certain details to the Zoning Administrator for final approval. Examples of the appropriate level of details to be referred would include, but would not be limited to, landscaping materials, signage, building elevation details including colors, and masonry walls and fences. See Section 21.24.040 (Permit Modifications).
- C. Extensions, Modifications, and Appeals. The procedures and requirements in Chapter 21.24 (Entitlement Implementation, Extensions, Modifications, and Revocations), and those related to appeals in Chapter 21.25 (Appeals and Calls for Review) shall apply following the decision on a Development Review application.

## CHAPTER 21.16. DEVELOPMENT PLANS

### 21.16.010. DEVELOPMENT PLAN REQUIREMENTS

- A. Planning Commission Hearing. A Development Plan is a discretionary Planning Commission review process that includes public notice with a public hearing.
- B. Projects Subject to Development Plan. The following types of development projects shall be subject to Planning Commission approval of a Development Plan:
  1. Single-Family Residential. All single-family residential units located within a Planned Development Overlay Zoning District, a Special Planned Development Overlay Zoning District, and/or involving 11 or more units.
  2. Multi-Family Residential.
    - a. Housing development projects with 11 or more dwelling units per lot. (NOTE: This is figured cumulatively, for example, the addition of an 11th dwelling unit shall require

- approval of a development plan; threshold measurement shall be as defined in Subsection 21.15.020.B.)
- b. Residential projects with 10 or fewer units that do not comply with Chapter 21.50 (Objective Design Standards for Mixed-Use and Multi-Family Development).
3. Commercial, Industrial, and Institutional.
    - a. Construction of buildings with 10,000 or more gross square feet.
    - b. A major addition that expands the size of the building by 10 percent or more or 10,000 gross square feet, whichever is greater, and not exceeding 1 such addition in any 12-month period.
    - c. Construction of buildings with less than 10,000 gross square feet if all necessary infrastructure has not been installed, all necessary dedications have not been made, or special conditions are necessary.
    - d. Construction of a lodging use within a Lodging Overlay Zoning District (Section 21.36.040).
  4. Pregrading. Pregrading of a site (without any accompanying Development Plans) where the surface area is greater than 20,000 square feet. (NOTE: This is figured cumulatively, for example, the addition of 1,000 square feet of graded area to a 19,000 square-foot graded area shall require approval of a Development Plan.)
  5. Planned Development and Special Planned Development Overlay Zoning Districts. All development in the Planned Development Overlay Zoning or Special Planned Development Overlay Zoning District.
  6. Resort Lodging Zoning District. All new buildings, major additions, and exterior alterations to existing buildings and structures in the RL Zoning District.
  7. Sign Programs. Comprehensive sign programs.
  8. Projects Subject to Environmental Review. Projects subject to CEQA for which either a negative declaration, mitigated negative declaration, or an environmental impact report is required.
- C. Required Findings. Before a Development Plan approval may be granted, the review authority shall make all of the findings set forth in this Subsection, unless otherwise noted, and may impose conditions of approval as necessary to make these findings:
1. The design and intensity (density) of the proposed project is consistent with the following:
    - a. The goals and policies established by the General Plan;
    - b. The policies and development standards established by any applicable specific plan;
    - c. The Zoning Code, including the purpose and intent of the zoning districts in which a development project is located as well as applicable design and development standards; and

- d. All other adopted codes, policies, standards, and plans of the City, including design guidelines adopted by Resolution by the Planning Commission.
- 2. The proposed project will not be detrimental to the public health, safety, or welfare, or be injurious to property or other improvements in the vicinity.
- 3. The proposed project accommodates the aesthetic quality of the City as a whole, especially where development will be visible from gateways to the City and scenic corridors and contributes to the orderly development of the City as a whole.
- 4. The proposed project is compatible with, and is not detrimental to, surrounding land uses and improvements, provides appropriate visual appearance, and contributes to the mitigation of any environmental and social (such as privacy) impacts.
- 5. The proposed Development Plan is compatible with existing scenic and environmental resources such as hillsides, stream courses, oak trees, vistas, historic buildings and structures.
- 6. For Special Planned Developments, the proposed Development Plan is in conformance with the findings listed in Section 21.11.060 (Required Findings).
- 7. **For a project that is defined as a “Housing Development Project” by the Housing Accountability Act** (California Government Code Section 65589.5(h)(2)), and any project evoking any provision of state law that references objective design standards for residential development, including but not limited to California Government Code Section 65589.5 (Housing Accountability Act) and California Government Code Section 65913.4 (SB 35), the proposed project complies with all applicable objective General Plan, Zoning Code, Subdivision, and development standards including objective design review standards. Findings 1 – 6 above are not required.

**21.16.020. DEVELOPMENT PLAN MODIFICATIONS**

- A. Purpose. The Development Plan Modification is established for the purpose of allowing development approaches that are not permitted as a matter of right but which may be considered compatible and appropriate if such uses or features are designed or arranged on a site or in a structure in a particular manner and in accordance with conditions imposed by the review authority, allowing the review authority to make minor deviations from the development standards applicable to a property in order to promote an integrated design approach and quality.
- B. Allowed Modifications by City Council. The City Council shall be authorized to make modifications to zoning standards to allow for projects to exceed maximum height limits with habitable space as part of the Development Plan approval process.
- C. Allowed Modifications by Planning Commission. The Planning Commission shall be authorized to make modifications to zoning standards as part of the Development Plan review process as outlined in Table 21.16.020-1 (Development Plan Modifications).

Table 21.16.020-1  
Development Plan Modifications

Modification	Zoning Code Section
Detached Accessory Structures.	
Modification to standards for large detached accessory structures (larger than 120 square feet) in R-A and R-1 Zoning Districts	Subparagraph 21.33.040.C.2.a

Table 21.16.020-1  
Development Plan Modifications

Modification	Zoning Code Section
Modification to standards for accessory structures larger than 120 square feet in multi-family zoning districts	Subparagraph 21.33.060.C.2.b
Modification to standards for large canopies and detached patio covers (over 120 square feet)	Subparagraph 21.43.030.C.11.a
Modification to allow RV/Boat Shelters in interior or rear setbacks or in required structure separation areas	Paragraph 21.43.030.C.12
Fences.	
Modification to allowed fence or wall height in the front yard for commercial or industrial uses (8 feet)	Subparagraph 21.44.030.A.1.b
Modification to allowed fence or wall height (side and rear yards)	Paragraph 21.44.030.A.2
Height.	
Modification to allow height projections above height limits for architectural enhancements that do not include habitable space, including chimneys, architectural features, roof slope, elevator/stair towers, and water tanks and silos	Paragraph 21.41.040.A.2 (Table 21.41.040-1)
Modification to maximum height in the RL Zoning District	Subsection 21.34.080.B
Hillsides.	
Modification to maximum vertical height of graded slopes	Section 21.81.050
Modification to retaining wall heights (2 ft or more)	Section 21.81.050
Modification to minimum distance between retaining walls	Section 21.81.050
Modification to allow individual pad grading for 15-35% slope	Section 21.81.050
Modification for minimum lot size and depth for lots with multiple slope categories	Subsection 21.81.060.B
Lighting. Modification to lighting standards	Section 21.82.030
Lot Size. Modification to provide flexibility in minimum lot sizes and widths in R-A and R-1 Zoning Districts	Subparagraph 21.33.040.A.1.c
Noise. Modification to noise standards	Section 21.83.120
Objective Design Standards. Modifications to Objective Design Standards for Multifamily and Mixed-Use Development	Section 21.50.030
Setbacks.	
Modification to required front setback in R-1 Zoning District	Subparagraph 21.33.040.A.1.a
Modification to allow reduced garage door setback on private streets in multi-family zoning districts	Subsection 21.33.060.K
Modifications to setback, fencing, or landscaping requirements in nonresidential zoning districts adjacent to residential zoning districts	Subsection 21.33.040.D
Modification to front or street side setback in C-2 and C-3 Zoning Districts with residential frontage on same block	Subsection 21.34.070.A
Modification to setback requirements in public and open space zoning districts adjacent to residential zoning districts	Paragraph 21.35.040.B
Modification to setback requirements in Mixed-Use Overlay Zoning District	Subsection 21.36.050.F
Modification to determination of the front and side of a corner lot.	Section 21.41.140

Table 21.16.020-1  
Development Plan Modifications

Modification	Zoning Code Section
Signs. Modification to allowed number of signs and sign area/height for Highway-Oriented Signs	Subsection 21.52.060.E
Parking.	
Modification to parking standards resulting in up to 20% reduction in required spaces	Subsection 21.48.040.D
Modification to allow for non-permanent parking lot surfacing material for nonresidential uses	Subparagraph 21.48.100.B.3.c
Nonconformities:	
Modification to allow reestablishing nonconforming structures	Subsection 21.76.010.C
Modification to allow restoration of nonconforming structures	Subsection 21.76.010.D

D. Required Findings. Before a Development Plan Modification approval may be granted, the review authority shall make all of the findings set forth in this Subsection and may impose conditions of approval as necessary to make these findings:

1. All applicable findings of Subsection 21.16.010.C (Required Findings) are made;
2. There are no alternatives to the requested modification, such as a modification allowed through a Density Bonus (Chapter 21.61), that could provide an equivalent level of benefit to the applicant with less potential detriment to surrounding owners and occupants or to the public.
3. The modification will not be detrimental to the health, safety, or general welfare of the persons within the vicinity.
4. The modification results in a superior project (such as more usable open space, more creative design, better interface with neighboring properties and/or public realm, less grading or a less exposed public view of grading, protection of oak trees, provision of deed-restricted affordable housing, etc.)
5. The characteristics of the project and the degree of potential for the project to negatively impact neighboring properties justify the modification.
6. The modification does not preclude or prevent adequate fire protection.
7. The modification does not impair the sight distance of vehicles on the street or on the driveway of adjacent lots.
8. For parking reductions, the parking reduction is supported by a parking demand study that outlines the unique characteristics of the proposed use, trip reduction or alternative parking measures, and evidence that the reduction will not be detrimental to surrounding properties. Based on the parking study, the Planning Commission may impose conditions deemed necessary to ensure that the appropriate parking demand is maintained as set forth in the parking demand study.
9. The modification complies with any additional findings or conditions for the individual modification.

E. Filing of Application. An application for a Development Plan Modification shall comply with Chapter 21.09 (Application Processing and Common Procedures) and shall contain a description of the modification and a justification for the request including specific facts to support the required findings and any additional

information or materials necessary for processing and review of the application that may be requested by the review authority to facilitate review of the application.

## CHAPTER 21.17. SITE PLANS

### 21.17.010. SITE PLAN REVIEW REQUIREMENTS

- A. Development Review Committee Meeting. A Site Plan is a review process of minor development projects by the Development Review Committee that includes a public meeting.
- B. Projects Subject to Site Plan. The following types of development projects shall be subject to Development Review Committee approval of a Site Plan:
  1. Single-Family Residential.
    - a. Dwellings within the Planned Development Overlay Zoning District.
    - b. Dwellings within the Special Planned Development Overlay Zoning District if referred from a higher review authority;
    - c. Dwellings requesting a Site Plan Modification allowed by Section 21.17.020 (Site Plan Modifications).
  2. Multi-Family Residential.
    - a. Housing development projects with 2 to 10 dwelling units per lot that are defined as a **“housing development project”** by the **Housing Accountability Act (California Government Code Section 65589.5(h)(2))**.
    - b. Room additions, accessory buildings, and exterior alterations to multi-family housing developments that are visible from public streets and other public vantage points.
  3. Commercial, Industrial, and Institutional.
    - a. Construction of buildings with less than 10,000 gross square feet if all necessary infrastructure has been installed, all necessary dedications have been made, and no special conditions are necessary.
    - b. An mid-size addition that expands the size of the building by up to 10 percent or 10,000 gross square feet, whichever is greater, and not exceeding one such addition in any 12-month period, provided that all necessary infrastructure has been installed, all necessary dedications have been made, and no special conditions are necessary. (See exception for small additions not visible from public streets and other public vantage points in Plot Plans [Section 21.18.010]).
    - c. Accessory buildings up to 10,000 square feet provided that all necessary infrastructure has been installed, all necessary dedications have been made, and no special conditions are necessary.
    - d. Exterior alterations to existing buildings that are visible from public streets and other public vantage points.

- e. Fences, walls, and screening for outside storage and display areas.
- 4. Pregrading. Pregrading of a site (without any accompanying development plans) where the surface area is 20,000 or less square feet.
- 5. Signs. All signs, except signs implemented as part of an approved Sign Program and that are not visible from a public right-of-way, change of copy within existing sign structures, and directional signs.

**21.17.020. SITE PLAN MODIFICATIONS**

- A. Purpose. The Site Plan Modification is established for the purpose of allowing development approaches that are not permitted as a matter of right but which may be considered compatible and appropriate if such uses or features are designed or arranged on a site or in a structure in a particular manner and in accordance with conditions imposed by the review authority, allowing the review authority to make minor deviations from the development standards applicable to a property in order to promote an integrated design approach and quality.
- B. Allowed Modifications by the Development Review Committee. The Development Review Committee shall be authorized to make modifications to zoning standards as part of Site Plan review process as outlined in Table 21.17.020-1 (Site Plan Modifications).

Table 21.17.020-1  
Site Plan Modifications

Modification	Zoning Code Section
Architectural Standards (R-A and R-1).	
Modification to architectural standards for primary and accessory structures in single-family residential zoning districts.	Subparagraph 21.33.040.D.5.a
Modification to allow metal roof or siding materials.	Subparagraph 21.33.040.D.1.b.4 Paragraph 21.33.040.D.2 Subparagraph 21.33.040.D.5.b
Detached Accessory Structures.	
Modification to standards for small detached accessory structures (120 square feet or smaller) in R-A and R-1 Zoning Districts	Subparagraph 21.33.040.C.2.b
Modification to standards for small accessory structures (120 square feet or smaller) in multi-family zoning districts	Subparagraph 21.33.060.C.2.b
Modification to standards for small canopies and detached patio covers (120 square feet or smaller)	Subparagraph 21.43.030.C.11.b
Fences.	
Modification to allowed fence or wall height in the front yard for residential and office professional uses	Subparagraph 21.44.030.A.1.a
Modification to allowed fence or wall height in the front yard for commercial or industrial uses (6 feet)	Subparagraph 21.44.030.A.1.b
Modification to allowed fence height on reverse corner lots	Paragraph 21.44.030.B.2
Height. Modification to allow minor height projections above height limits including flagpoles and mechanical equipment	Paragraph 21.41.040.A.2 (Table 21.41.040-1)
Hillsides.	
Modification to retaining wall height (up to 2 additional vertical feet)	Section 21.81.050
Landscaping standards in hillsides	Section 21.81.050



Table 21.17.020-1  
Site Plan Modifications

Modification	Zoning Code Section
Landscaping. Modification to landscaping requirements.	Subsection 21.45.020.H
Mechanical Equipment Screening. Modification to mechanical screening requirements.	Subsection 21.47.020.D
Nonconformities. Additions or alterations to extend nonconforming setback or height	Section 21.76.010.B
Parking.	
Modification to allow tandem spaces	Paragraph 21.48.040.E.1
Modification to allow for non-permanent parking lot surfacing material for residential uses	Subparagraph 21.48.100.B.3.b
Modification to slope for single-family residential parking spaces	Subparagraph 21.48.100.D.1.e
Modification to allow for non-permanent surfacing material for single-family residential driveways	Subparagraph 21.48.110.A.5.b
Modification to allow for driveway gradient and driveway width requirements	Subsection 21.48.110.B
Modification to off-street loading requirements	Subsection 21.48.120.C
Open Space Standards. Modification to open space requirements.	Paragraph 21.33.060.E.3
Refuse Enclosures. Modification to development standards for refuse and recycling areas	Subsection 21.51.030.C
Setbacks. Modification to require rear setbacks in R-1 Zoning District abutting public school district owned facilities	Subparagraph 21.33.040.A.1.b
Signs. Modification to configuration and location and sign area height requirements in Uptown Town Center Specific Plan	Subsection 21.52.060.E (Table 21.52.060-1)

C. Required Findings. Before a Site Plan Modification approval may be granted, the review authority shall make all of the findings set forth in this Subsection, unless otherwise noted, and may impose conditions of approval as necessary to make these findings:

1. There are no feasible alternatives to the requested modification, such as an incentive or concession allowed through a Density Bonus (Chapter 21.61), that could provide an equivalent level of benefit to the applicant with less potential detriment to surrounding owners and occupants or to the public.
2. The modification will not be detrimental to the health, safety, or general welfare of the persons within the vicinity.
3. The modification results in a superior project (such as more usable open space, more creative design, better interface with neighboring properties and/or public realm, less grading or a less exposed public view of grading, protection of oak trees, provision of deed-restricted affordable housing, etc.)
4. The characteristics of the project and the degree of potential for the project to negatively impact neighboring properties justify the modification.
5. The modification does not preclude or prevent adequate fire protection.
6. The modification does not impair the sight distance of vehicles on the street or on the driveway of adjacent lots.

7. The modification complies with any additional findings or conditions for the individual modification.
- D. Filing of Application. An application for a Site Plan Modification shall comply with Chapter 21.09 (Application Processing and Common Procedures) and shall contain a description of the modification and a justification for the request including specific facts to support the required findings and any additional information or materials necessary for processing and review of the application that may be requested by the review authority to facilitate review of the application.

## CHAPTER 21.18. PLOT PLANS

### 21.18.010. PLOT PLAN REVIEW REQUIREMENT

- A. Zoning Administrator Review of Plot Plans. A Plot Plan is a ministerial review for compliance of a development project with the applicable standards in the Zoning Code, relevant specific plan or other planning document, and/or a previously approved entitlement..
- B. Projects Subject to Plot Plan. The following types of development projects shall be subject to Zoning Administrator approval of a Plot Plan:
1. Single-Family Residential.
    - a. Individual single-family residences.
    - b. Referrals from the higher review authority for dwellings within the Planned Development Overlay Zoning District and/or the Special Planned Development Overlay Zoning District.
  2. Multi-Family Residential Additions. Room additions, accessory buildings, and exterior alterations that are not visible from public streets and other public vantage points and that do not increase the number of dwelling units on site.
  3. Commercial, Industrial, and Institutional.
    - a. Minor additions less than 1,000 square feet, accessory buildings, and exterior alterations that are not visible from the public right-of-way and other public vantage points.
    - b. Change of copy within existing sign structures, directional signs, and signs implemented as part of an approved Sign Program that are not visible from a public right-of-way.
    - c. Outdoor seating areas for restaurants outside the Uptown/Town Center Specific Plan area.
    - d. Landscaping.
    - e. Parking lots.
    - f. Installation of accessory uses/structures such as automatic teller machines, replacement gasoline pumps, trash bin enclosures, electrical transformer boxes, electric charging stations, and freestanding solar collectors (photovoltaic systems).

### 21.18.020. PLOT PLAN REVIEW CODE CONSISTENCY

Plot plan review processes are a ministerial review where the development project must be consistent with all applicable zoning standards, without modifications. Any requests for modifications to development standards for a project subject to Plot Plan review will elevate the development review to Site Plan, Development Plan, or Special Planned Development review, depending on the modification requested.

## CHAPTER 21.19. CONDITIONAL USE PERMITS AND ADMINISTRATIVE USE PERMITS

### 21.19.010. PURPOSE AND APPLICABILITY

- A. Purpose. The Conditional and Administrative Use Permit review and approval process is intended to apply to uses that are usually consistent with the purposes of the zoning district where they are proposed but require special consideration to ensure that they can be designed, located, and operated in a manner that will not interfere with the use and enjoyment of surrounding properties. Conditional Use and Administrative Use Permits, which may be revocable and conditional, are intended to provide sufficient flexibility in the use regulations to further the objectives of this Zoning Code and to provide the City with the opportunity to impose special conditions to mitigate potential impacts that could result from allowing the use(s) at the requested location.
- B. Applicability. Approval of a Conditional Use Permit or Administrative Use Permit is required for uses or developments specifically identified in Table 21.33.030-1, and/or any other section of this Title that requires a Conditional Use Permit or Administrative Use Permit.

### 21.19.020. REVIEW AUTHORITY

- A. Conditional Use Permits. The Planning Commission shall act as the review authority for Conditional Use Permits based on consideration of the requirements of this Chapter.
- B. Administrative Use Permits. The Zoning Administrator shall act as the review authority for Administrative Use Permits. The Zoning Administrator may, at his/her discretion, refer any application for an Administrative Use Permit for a project that may generate substantial public controversy or involve significant land use policy decisions to the Planning Commission for decision. In that case, the application shall be processed as a Conditional Use Permit.

### 21.19.030. APPLICATION PROCESSING

An application for a Conditional Use Permit or Administrative Use Permit shall be filed and processed on the prescribed application forms in accordance with the procedures in Chapter 21.09 (Application Processing and Common Procedures). It is the responsibility of the applicant to provide evidence in support of the findings required by Section 21.19.050 (Required Findings) below. Initial review of the application, including time requirements and requests for information, shall be as provided in Section 21.09.060 (Initial Application Review).

## 21.19.040. NOTICE AND HEARING

- A. Conditional Use Permits.
1. The Planning Commission shall conduct a public hearing on an application for a Conditional Use Permit before making a decision on the application to approve, approve subject to conditions, or deny the application.
  2. Notice of the hearing shall be provided and the hearing shall be conducted in compliance with Chapter 21.26 (Public Hearings and Notice).
- B. Administrative Use Permits. Before a decision on an Administrative Use Permit is made, the City shall provide mailed notice as follows:
1. Notice Required.
    - a. Public notice shall be mailed to every property owner and occupant within 300 feet of the proposed project site. Such notice shall be mailed no less than 10 business days prior to **the scheduled Zoning Administrator's decision date and shall include information about the proposed project, the Zoning Administrator's pending decision, and information about when and how an appeal may be filed as set forth in Chapter 21.25 (Appeals and Calls for Review).**
    - b. The mailed notice shall state that the Zoning Administrator will decide whether to approve, approve subject to conditions, or deny the Administrative Use Permit application on a date specified in the notice, and that a public hearing will be held only if requested in writing by any interested person before the specified date for the decision.
    - c. Any written request for a hearing shall be based on issues of significance directly related to the application (such as provision of evidence that the request cannot meet one or more of the findings specified in Section 21.19.050 (Required Findings) below).
    - d. If the Zoning Administrator determines that the evidence has merit and can be properly addressed by a condition(s) added to the Administrative Use Permit approval, the Zoning Administrator may consider the permit without a hearing in compliance with Subparagraph 21.19.040.2. b., below.
  2. Hearing.
    - a. If a public hearing is requested and the provisions of Subparagraph 21.19.040.B.1.c., above, do not apply, a hearing before the Zoning Administrator shall be scheduled, noticed, and conducted in compliance with Chapter 21.26 (Public Notices and Hearings).
    - b. If no public hearing is requested, the Zoning Administrator shall render a decision on or after the date specified in the notice referred to in Subparagraph 21.19.040.B.1.a., above.

## 21.19.050. REQUIRED FINDINGS

The review authority may approve or conditionally approve a Conditional Use Permit or Administrative Use Permit only if it first makes all of the following findings:

- A. Consistency. The proposed use is consistent with the General Plan and any applicable specific plan; and is allowed within the applicable zoning district, subject to the granting of a Conditional Use Permit or Administrative Use Permit, and complies with all other applicable provisions of this Zoning Code and the Municipal Code;
- B. Compatibility. The design, location, size, and operating characteristics of the proposed activity will be compatible with the existing and future land uses in the vicinity;
- C. Suitability.
  - 1. The site is physically suitable in terms of:
    - a. Its design, location, shape, size, and operating characteristics of the proposed use in order to accommodate the use, site improvements, loading, and parking;
    - b. Streets and highways adequate to accommodate public and emergency vehicle (such as fire and medical) access;
    - c. Public protection services (such as fire protection, police protection, etc.); and
    - d. The provision of utilities (such as potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.).
  - 2. The measure of site suitability shall be required to ensure that the type, density, and intensity of use being proposed will not adversely affect the public convenience, health, interest, safety, or general welfare, constitute a nuisance, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located.
  - 3. Housing Development Projects. **For a project that is defined as a "Housing Development Project"** by the Housing Accountability Act (California Government Code Section 65589.5(h)(2)), and any project evoking any provision of state law that references objective design standards for residential development, including but not limited to California Government Code Section 65589.5 (Housing Accountability Act) and California Government Code Section 65913.4 (SB 35):
    - a. If the proposed project complies with all applicable objective General Plan, Zoning Code, Subdivision, and development standards including objective design review standards (Chapter 21.50), Finding B above is not required.
    - b. If the proposed project does not comply with all applicable objective General Plan, Zoning Code, Subdivision, and development standards including objective design review standards (Chapter 21.50) and the project has chosen an alternative, discretionary development review path, Finding B above shall be required.

#### 21.19.060. CONDITIONS OF APPROVAL

In approving a Conditional Use Permit or Administrative Use Permit, the review authority may impose conditions deemed necessary to ensure compliance with adopted standards or the findings required by Section 21.19.050 (Required Findings) and may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

**21.19.070. PERMIT TO RUN WITH THE LAND**

A Conditional Use Permit or Administrative Use Permit approved in compliance with the provisions of this Chapter shall continue to be valid upon a change of ownership of the business, parcel, service, structure, or use that was the subject of the permit application in the same area, configuration, and manner as it was originally approved in compliance with this Chapter.

**21.19.080. CONDITIONAL USE PERMIT/DEVELOPMENT PLAN COMBINED ACTION**

For projects that require both a Conditional Use Permit and a Development Plan, these applications may be consolidated with one combined set of conditions of approval and one approval resolution.

**21.19.090. POST DECISION PROCEDURES**

- A. Expansion of Uses. No expansion of uses or services as described in the original application shall be allowed unless a new or amended Conditional Use Permit or Administrative Use Permit, as applicable, is first filed and approved for the proposed expansion, in compliance with this Chapter.
- B. Extensions, Modifications, and Appeals. The procedures and requirements in Chapter 21.24 (Entitlement Implementation, Extensions, Modifications, and Revocations), and those related to appeals in Chapter 21.25 (Appeals and Calls for Review) shall apply following the decision on a Conditional Use Permit or Administrative Use Permit application.

**CHAPTER 21.20. TEMPORARY USE PERMITS****21.20.010. PURPOSE AND APPLICABILITY**

- A. Purpose. This Chapter establishes a process for review and approval of certain uses that are intended to be of limited duration of time and will not permanently alter the character or physical facilities of the site where they occur.
- B. Applicability. For purposes of this Chapter, a temporary land use activity is defined as a land use that is interim, non-permanent, and/or seasonal in nature, located on private property, and lasting from 1 to 30 days, and generally not more than 30 consecutive days in duration. Temporary uses shall consist of the following categories:
  - 1. Exempt Temporary Uses. Exempt temporary uses, as identified in Section 21.20.020 (Exempt Temporary Uses), that do not require issuance of a Temporary Use Permit.
  - 2. Allowed Temporary Uses. Non-exempt temporary uses, including special events, as identified in Section 21.20.030 (Allowed Temporary Uses), that require a Temporary Use Permit.

**21.20.020. EXEMPT TEMPORARY USES**

The following uses do not require a Temporary Use Permit:

- A. Seasonal stands (such as pumpkin and Christmas tree sales) without a caretaker unit lasting up to 90 days.
- B. Construction offices in conjunction with construction of a building or other approved development project.

- C. Parking lot sales and other promotional events where only on-site businesses are participating and lasting no more than 7 days.
- D. Garage and rummage sales (subject to Section 21.20.040).
- E. Temporary food service (such as food trucks, barbecues) lasting less than 7 days in one location on a property with an existing commercial or industrial use (subject to Section 21.20.040).
- F. Sidewalk vending (subject to Section 21.20.040).

### 21.20.030. ALLOWED TEMPORARY USES

- A. The following activities may be approved by a Temporary Use Permit:
  1. Real estate sales offices (within approved development projects).
  2. Parking lot sales and other promotional events where only on-site businesses are participating and lasting 7 or more days (if less than 7 days, no Temporary Use Permit is required).
  3. Trailers/temporary buildings in conjunction with an existing on-site business and remaining no more than 12 months.
  4. Temporary food service (such as food trucks, barbecues) lasting 7 or more days at one location (if less than 7 days, no Temporary Use Permit is required) when located on a property with an existing commercial or industrial use (subject to 21.20.040).
  5. Seasonal stands (such as pumpkin and Christmas tree sales) with a caretaker unit lasting up to 90 days.
  6. Circuses, carnivals, fairs, festivals, and concerts lasting up to 30 days.
  7. Off-site construction yards with a valid building permit (no Temporary Use Permit is required if on an immediately adjacent property).
  8. Similar temporary uses as determined by the Zoning Administrator.
- B. Temporary Uses Requiring an Administrative Use Permit. Other temporary events and special events, outdoor sales, and displays may be allowed with the approval of an Administrative Use Permit pursuant to Chapter 21.19 (Conditional Use Permits and Administrative Use Permits) so long as they are determined to not impact neighboring uses or otherwise create significant impacts.

### 21.20.040. USES REQUIRING SPECIAL REGULATORY PROVISIONS

Because of the temporary nature and unique aspects of certain activities, special regulatory provisions are established for the following:

- A. Rummage Sales. Rummage sales are expressly prohibited within the City limits, except when conducted by a charitable or nonprofit organization within a completely enclosed permanent building or structure, or when located on the site of an existing church, social hall, school, clubhouse, auditorium, recreation building, theater, or a location of similar nature.

## B. Garage or Yard Sales.

1. Garage or yard sales may be conducted at dwellings throughout the City; provided, that the merchandise which has been placed on sale is the result of the normal accumulation of used items acquired by a single family or group of families, and is not in any way connected with an established business.
2. The occupants of a dwelling shall be limited to 2 garage or yard sales per year, each having a duration of no more than 2 consecutive days.
3. Signs advertising garage or yard sales shall not be posted on public property. Signs on private property shall be removed within 24 hours after the sale.

## C. Food Trucks/Trailers. Food trucks and trailers are subject to the following provisions:

1. Food trucks and trailers shall be located on property that is private and has existing commercial uses and only as an accessory use to an existing business.
2. Food trucks and trailers shall vend from a paved surface.
3. Food trucks and trailers and associated equipment (such as tables, chairs, garbage receptacles, etc.) shall not alter the circulation pattern of parking lots nor shall they be parked in restricted areas **marked for "no parking", "fire lane", etc.**
4. Food trucks shall not block egress from a building.
5. Food trucks shall provide adequate garbage receptacles for customer disposal of garbage.
6. Food truck operators shall have a valid City of Paso Robles business license.
7. Food trucks and associated equipment shall not be stored overnight at the location of vending.

## D. Sidewalk Vending. Sidewalk vendors are subject to the following provisions:

1. Sidewalk vending is permitted only on paved sidewalks within the public right-of-way and City parks.
2. Sidewalk vending shall not block the accessible path of travel nor curb ramps.
3. Sidewalk vending is not permitted within parks with a concession agreement.
4. Stationary vending is not permitted in residential zoning districts.
5. Sidewalk vendors shall have a valid City of Paso Robles business license.
6. No motorized vehicles are permitted on City sidewalks or within parks.
7. Carts, tables, and other equipment and supplies shall not be left unaccompanied nor stored in the public right-of-way or parks overnight.



### 21.20.050. APPLICATION PROCESSING

An application for a Temporary Use Permit shall be filed and processed on the prescribed application forms in accordance with the procedures in Chapter 21.09 (Application Processing and Common Procedures). An application for a Temporary Use Permit for a seasonal stand with a caretaker unit, circus, carnival, fair, festival, and concert shall be filed no less than 60 days prior to the date on which the temporary use is planned to commence. An application for a Temporary Use Permit for all other allowed uses shall be filed no less than 2 weeks prior to the date on which the temporary use is planned to commence. The Zoning Administrator may waive this time period requirement based on circumstances which prevent a timely filing.

### 21.20.060. ACTION BY THE ZONING ADMINISTRATOR

All requests for Temporary Use Permits on private property may be approved, conditionally approved, or denied by the Zoning Administrator (subject to agreement by other affected departments). The Zoning Administrator may refer applications to the Planning Commission or its designated subcommittees.

### 21.20.070. FINDINGS FOR APPROVAL AND REVOCATION

- A. Required Findings. The review authority may approve or conditionally approve a Temporary Use Permit application only if it first makes all of the following findings:
1. The proposed use is temporarily permitted within, and would not impair the integrity and character of, the subject zoning district and complies with all applicable provisions of the Building and Fire Codes.
  2. The subject site is physically suitable for the type and density/intensity of the proposed use.
  3. The location, size, design, and operating characteristics of the proposed temporary use will not adversely impact surrounding properties.
  4. The proposed temporary use will not adversely impact the public health, safety, or welfare.
  5. There will be no potentially significant negative impacts upon environmental quality and natural resources that could not be properly mitigated and monitored.
  6. There are adequate provisions for public access, parking, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to the public health and safety.
- B. Revocation. A Temporary Use Permit may be revoked or modified by the Zoning Administrator if any one of the following findings can be made:
1. That circumstances have changed so that one or more of the required findings can no longer be made;
  2. That the Temporary Use Permit was obtained by fraud or misrepresentation;
  3. That one or more of the conditions of the Temporary Use Permit have not been met; and
  4. That the use is in violation of any statute, ordinance, law, or regulation.

**21.20.080. CONDITIONS OF APPROVAL**

- A. General. In approving a Temporary Use Permit, the review authority may impose conditions deemed necessary to ensure compliance with adopted standards or the findings required in Subsection 21.20.070.A (Required Findings) and may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.
- B. Conditions. Conditions may include, but are not limited to, the following: hours of operation, provisions for parking areas, lighting and signage, traffic circulation and access, performance standards, and other measures necessary to not adversely impact surrounding properties.

**21.20.090. PERMIT DURATION**

In no case shall a Temporary Use Permit be approved for longer than 12 months. Approval of a Temporary Use Permit shall not be an entitlement that runs with the land and shall not be assignable or transferable to any other person.

**21.20.100. CONDITION OF SITE FOLLOWING TEMPORARY USE**

Each site occupied by a temporary use shall be cleaned of debris, litter, or any other evidence of the temporary use upon completion or removal of the use and shall continue to be used in compliance with this Title.

**CHAPTER 21.21. HOME OCCUPATION PERMITS****21.21.010. PURPOSE AND APPLICABILITY**

- A. Purpose. It is the purpose of this Chapter to:
1. Define home occupations as an accessory use of a dwelling unit for operating a business as allowed by this Chapter;
  2. Allow for the conduct of home occupations that are deemed incidental to, and compatible with, surrounding residential uses;
  3. Recognize that a residential property owner or resident has a limited right to conduct a small business from a legal residence, and that a neighbor, under normal circumstances, would not be aware of its existence;
  4. Maintain the residential character of residential neighborhoods; and
  5. Prevent the use of home occupations from transforming a residential neighborhood into a commercial area.
- B. Applicability. No person shall commence or carry on any home occupation within the City without first having procured a Home Occupation Permit approval from the Zoning Administrator. The Zoning Administrator shall issue an approval when the applicant shows that the home occupation meets all requirements of this Chapter. Every home occupation shall fully comply with all City, County, and State codes, ordinances, rules, and regulations.

- C. Permit Not Transferable. No Home Occupation Permit shall be transferred or assigned, nor shall the permit authorize any person, other than the person named therein, to commence or carry on the home occupation for which the permit was issued.

#### 21.21.020. COMPLIANCE WITH STANDARDS AND CONDITIONS

- A. Compliance Required. Home occupations shall comply with the applicable locational, developmental, and operational standards identified in this Section as well as any conditions imposed on the Home Occupation Permit.
- B. Required Standards. Each home occupation shall comply with all of the following standards:
1. The profession or other occupation shall be carried on by 1 or more members of the household residing on the premises and no more than 1 non-resident full-time equivalent employee, with only one such employee working at the premises at any one time.
  2. Only 1 additional personal vehicle for the non-resident is permitted on the property or public right-of-way while employee is working at the premises.
  3. Parking of commercial vehicles associated with the home occupation shall meet the following requirements:
    - a. A vehicle with external lettering or other script pertaining to the home occupation is considered to be a commercial vehicle. Such lettering or script shall not divulge the **dwelling's location**.
    - b. No more than 1 commercial vehicle (self-propelled and/or a towable trailer with equipment) parked on the property or the public right-of-way is allowed unless a modification is approved through the Site Plan Modification process (Section 21.17.020) if provided with adequate screening and found to not be a nuisance for the neighborhood.
    - c. Commercial vehicle shall not have a rated gross vehicle weight (GVW) capacity in excess of 10,000 lbs. If a modification is approved by the Development Review Committee to allow additional vehicles, the combined GVW of all vehicles shall not exceed 10,000 lbs.
    - d. Commercial vehicles shall be parked/located outside the front setback.
    - e. Commercial vehicles shall be located behind a fence at least 6 feet in height.
  4. The profession or other occupation shall be carried on wholly within the main building or an accessory building.
  5. Not more than 50 percent of the floor area of the ground floor of the principal building is used for the occupation.
  6. There shall be no exterior storage of materials or equipment (including food trucks, trailers, construction equipment, and oversized vehicles not otherwise permitted by Subsection 21.20.020.B), and no other exterior indication of such home occupation or variation from the residential character of the principal building except those required to ensure adequate screening.

7. There shall be no retail sales on the premises except for “cottage food operations” as defined by Section 113758 of the California Health and Safety Code for which no more than 1 client is allowed within the premises at a time.
  8. The following types of businesses are considered allowable as home occupations:
    - a. Home office for services provided or conducted outside of the home or on the internet;
    - b. Tutoring/teaching, including musical or dance instruction, provided that no more than 1 student is served at a time;
    - c. “Cottage food operations” as defined by Section 113758 of the California Health and Safety Code and subject to prior issuance of a permit for a cottage food operation from the County Health Department as required by Health and Safety Code Section 114365;
    - d. Handcraft or artwork production, including, but not limited to, pottery and ceramics, artistic glass or metalwork, electronic components, woodcarving and woodworking (except for mass-production operations such as cabinet shops), antique furniture restoration, painting and photography, except when such use involves on-site use of equipment requiring more than standard household electrical current at 110 or 220 volts or that produces noise, dust, odor, light, or vibration detrimental to occupants of adjoining dwellings;
    - e. Daycare for up to 14 children;
    - f. Personal trainer, provided that no more than 1 student is served/present onsite at any one time;
    - g. Art studio;
    - h. Tailor/dress-maker; or
    - i. Similar uses as determined by the Zoning Administrator.
  9. There shall be no onsite signs identifying the business.
  10. Hours of operation shall be limited to normal business hours that are compatible with a neighborhood environment.
- C. Modifications.
1. Allowed Modifications. Modifications to home occupation standards may be allowed through a Site Plan Modification (Section 21.17.020) as follows:
    - a. Types of businesses not listed as an allowed home occupation (except those listed as prohibited in Section 21.21.030 [Excluded Operations]) may be allowed.
  2. Findings. In approving such a request, the review authority shall consider impacts on privacy, noise, and other concerns of abutting property owners, and make the required findings (Subsection 21.17.020.C).

### 21.21.030. EXCLUDED OPERATIONS

- A. Prohibited Businesses. The following types of businesses are not permitted as home occupations:
1. Animal hospital;
  2. Medical practices including medical, dental, chiropractic, and similar services;
  3. Massage;
  4. Pet sitting with overnight stays;
  5. Automotive repair;
  6. Small engine repair;
  7. Mobile (tire and oil change) car repair,
  8. Barber or beauty shop;
  9. Restaurant;
  10. Tavern;
  11. Wine-tasting;
  12. Automotive dealership of any size/type; or
  13. Similar uses as determined by the Zoning Administrator to not be compatible with residential activities and/or to have the possibility of affecting the health or safety of residents, because of the potential for the use to create dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or would be hazardous because of materials, processes, products, or wastes, shall not be allowed.
- B. Exception for Hardship. The Planning Commission may grant an exception to the strict application of the above requirements when the applicant is able to show that there is a hardship upon the applicant which warrants such an exception. In such cases, the applicant must prove that the activity for which the permit is requested is one that is light, clean, free from noise, and will have no adverse effect upon the residential character of the neighborhood. All such applications shall be granted by a Conditional Use Permit and shall be subject to annual review.

### 21.21.040. BUSINESS LICENSE REQUIRED

Every Home Occupation Permit permittee shall obtain and maintain a valid business license.

### 21.21.050. APPLICATION FILING, PROCESSING, AND REVIEW

Applications for Home Occupation Permits shall be filed, in writing, with the Zoning Administrator by the person who intends commencing or carrying on a home occupation. The application shall be upon forms furnished by and in the same manner prescribed by the Zoning Administrator. Where the applicant is not the owner of the lot on which the

home occupation is proposed to be conducted, the application shall be accompanied by the written consent of the owner or his/her agent.

#### 21.21.060. REQUIRED FINDINGS AND DECISION

- A. Review Authority and Required Findings. The Zoning Administrator (or the Planning Commission on a referral or appeal) may approve a Home Occupation Permit application, with or without conditions, only if it first makes all of the following findings. Failure of the review authority to make all of the following findings shall result in denial of the Home Occupation Permit application:
1. The proposed home occupation will be consistent with the General Plan, any applicable specific plan, and the development and design standards of the subject residential zoning district;
  2. The proposed home occupation shall be located and conducted in full compliance with all of the standards specified in this Chapter and all conditions imposed on the Home Occupation Permit;
  3. The proposed home occupation will not be detrimental to the public convenience, health, interest, safety, or welfare, or materially injurious to the properties or improvements in the immediate vicinity; and
  4. The proposed home occupation will not interfere with the use or enjoyment of neighboring existing or future residential development and will not create traffic or pedestrian hazards.
- B. Decision. Within 30 working days after the filing of a complete application for a Home Occupation Permit, the Zoning Administrator shall either issue, issue with conditions, or deny the permit and shall serve notice of such action upon the applicant by sending a copy of such notice to the applicant at the address appearing on the application. The **Zoning Administrator's** decision shall be final unless an appeal is filed pursuant to Chapter 21.25 (Appeals and Calls for Review).

#### 21.21.070. PERMIT EXPIRATION

Home Occupation Permits shall immediately expire upon discontinuance of the home occupation or expiration of the business license.

#### 21.21.080. INSPECTIONS

The Zoning Administrator shall have the right at any time during normal City Hall business hours, upon request, to enter and inspect the premises subject to a Home Occupation Permit in order to verify compliance with permit conditions of approval.

#### 21.21.090. ACKNOWLEDGEMENT BY APPLICANT

A Home Occupation Permit shall not be valid until signed by the applicant and homeowner, with the signature(s) acknowledging the 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.

#### 21.21.100. PERMIT NOT TRANSFERABLE

A new Home Occupation Permit and Business License, for the same or different home occupation conducted by a new resident, shall be obtained before conducting an allowed home occupation.

### 21.21.110. CHANGES IN HOME OCCUPATION

A change in the type of home occupation activity (such as a change from one allowed activity to another allowed activity) conducted by the original resident/permittee shall also require a new Home Occupation Permit and Business License before conducting an allowed home occupation.

### 21.21.120. POST-DECISION PROCEDURES

The procedures and requirements in Chapter 21.24 (Entitlement Implementation, Extensions, Modifications, and Revocations), and those related to appeals in Chapter 21.25 (Appeals and Calls for Review) shall apply following the decision on a Home Occupation Permit application.

## CHAPTER 21.22. VARIANCES

### 21.22.010. PURPOSE AND APPLICABILITY

- A. Purpose. The Variance procedure is intended to permit minor adjustments to the strict application of the provisions of this Title where it would deprive the property owner of privileges enjoyed by similar properties because of the subject **property's unique and special conditions**.
- B. Applicability. Variances may be granted to vary or modify dimensional and performance standards but may not be granted to allow uses or activities that this Title does not authorize for a specific lot or property size.
- C. Limitations. This Chapter does not grant the power to approve Variances to allow land uses or activities in a zoning district where the use or activity is explicitly prohibited.

### 21.22.020. APPLICATION FILING, PROCESSING, AND REVIEW

- A. Application. An application for a Variance shall be filed and processed on the prescribed application forms in accordance with the procedures in Chapter 21.09 (Application Processing and Common Procedures). It is the responsibility of the applicant to provide evidence in support of the findings required by Section 21.22.030 (Required Findings) below. Initial review of the application, including time requirements and requests for information, shall be as provided in Section 21.09.060 (Initial Application Review).
- B. Review Authority. The Planning Commission shall act as the review authority for Variance applications based on consideration of the requirements of this Chapter.
- C. Notice and Hearings.
  - 1. The Planning Commission shall conduct a public hearing on an application for a Variance before making a decision on the application to approve, approve subject to conditions, or deny the application.
  - 2. Notice of the hearing shall be provided and the hearing shall be conducted in compliance with Chapter 21.26 (Public Hearings and Notice).

### 21.22.030. REQUIRED FINDINGS

The review authority may approve a Variance application, with or without conditions, only if it first makes all of the following findings:

- A. The Variance will not be detrimental to the public health, safety or welfare or injurious to the subject property or other improvements in the vicinity;
- B. The Variance will not authorize a use or activity that is not otherwise expressly authorized in the subject **property's zoning classification**;
- C. There are exceptional or extraordinary circumstances applicable to the subject property (such as location, shape, size, surroundings or topography), so that the strict application of this Title denies the property owner of privileges enjoyed by others in the vicinity and identical zoning district;
- D. The Variance will not create a special privilege for the subject property that is inconsistent with the limitations on other properties in the vicinity and within the same zoning district; and
- E. The granting of the application is necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship;
- F. The Variance is not contrary to the purpose, goals, and policies of the General Plan, the Zoning Code and any applicable specific plan.

### 21.22.040. PRECEDENTS

Each application shall be reviewed on an individual case-by-case basis and the approval of a prior Variance is not admissible evidence for the approval of a new Variance.

### 21.22.050. CONDITIONS OF APPROVAL

In approving a Variance, the review authority may impose conditions deemed necessary to ensure compliance with adopted standards or the findings required in Section 21.22.030 (Required Findings) and may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

### 21.22.060. PERMIT TO RUN WITH THE LAND

A Variance approved in compliance with the provisions of this Chapter shall run with the land and confer the rights granted to and conditions placed upon the applicant onto subsequent property owners.

### 21.22.070. POST DECISION PROCEDURES

The procedures and requirements in Chapter 21.24 (Entitlement Implementation, Extensions, Modifications, and Revocations), and those related to appeals in Chapter 21.25 (Appeals and Calls for Review) shall apply following the decision on a Variance application.

## CHAPTER 21.23. RESERVED



## CHAPTER 21.24. ENTITLEMENT IMPLEMENTATION, EXTENSIONS, MODIFICATIONS, AND REVOCATIONS

### 21.24.010. PURPOSE AND APPLICABILITY

This Chapter provides requirements for the implementation, or “exercising,” of the entitlements required by this Title, including time limits and procedures for approving extensions of time, modifying approved entitlements, and revoking entitlements.

### 21.24.020. EFFECTIVE DATES OF ENTITLEMENTS

No building permit shall be issued until after the effective dates of final decisions, as indicated in this Section, and then only in accordance with the terms and conditions of the entitlement granted:

- A. General Plan Amendments. Immediately following City Council adoption of a resolution specifying the decision made.
- B. Specific Plans (Adoption and Amendment).
  - 1. Adopted by Resolution. Immediately following City Council adoption of a resolution specifying the decision made.
  - 2. Adopted by Ordinance. Thirty days following the second reading of an ordinance.
- C. Zoning Code Amendments (Map and Text). Thirty days following the second reading of an ordinance.
- D. Final Maps. Immediately following City Council adoption of a resolution specifying the decision made.
- E. Tentative Tract Maps and Tentative Parcel Maps. Fifteen calendar days following review authority adoption of a resolution specifying the decision made; provided, that an appeal has not been filed to the City Council and/or that the City Council has not called the Tentative Tract Map or Parcel Map up for City Council hearing.
- F. Lot Line Adjustments. Fifteen calendar days following Zoning Administrator decision; provided, that an appeal has not been filed to the Planning Commission and/or that the Planning Commission has not called the Lot Line Adjustment up for Commission hearing.
- G. Development Review – Development Plan (with or without modifications). Fifteen calendar days following review authority adoption of a resolution specifying the decision made; provided, that an appeal has not been filed to the City Council and/or that the City Council has not called the Development Plan up for City Council hearing.
- H. Development Review – Site Plan (with or without modifications). Fifteen calendar days following review authority decision; provided, that an appeal has not been filed to the Planning Commission and/or that the Planning Commission has not called the decision up for Planning Commission review;
- I. Development Review – Plot Plan. Fifteen calendar days following a decision by the Zoning Administrator; provided, that an appeal has not been filed to the Development Review Committee;

- J. Conditional Use Permits. Fifteen calendar days following review authority adoption of a resolution specifying the decision made; provided, that an appeal has not been filed to the City Council and/or that the City Council has not called the Conditional Use Permit up for City Council hearing;
- K. Administrative Use Permits. Fifteen calendar days following a decision by the Zoning Administrator; provided, that an appeal has not been filed to the Planning Commission;
- L. Special Planned Development Zoning Overlay. Thirty calendar days following the second reading of an ordinance.
- M. Variances. Fifteen calendar days following review authority adoption of a resolution specifying the decision made; provided, that an appeal has not been filed to the City Council and/or that the City has not called the Variance up for City Council hearing;
- N. Street Abandonments. Immediately following City Council adoption of a resolution specifying the decision made;
- O. Temporary Use Permits. Immediately following a decision by the Zoning Administrator; provided, that an appeal has not been filed to the Planning Commission;
- P. Home Occupations. Immediately following a decision by the Zoning Administrator; provided, that an appeal has not been filed to the Planning Commission;
- Q. Zoning Verification. Immediately following a decision by the Zoning Administrator;
- R. Interpretations of the Zoning Code. Immediately following a decision by the Zoning Administrator; provided, that an appeal has not been filed to the Planning Commission or City Council; and
- S. Short-Term Rental Permit. Fifteen calendar days following the decision of the Zoning Administrator; provided that an appeal has not been filed to the Planning Commission and/or the Planning Commission has not called the Short-Term Rental Permit up for Commission hearing.

#### 21.24.030. TIME TO IMPLEMENT AND TIME EXTENSIONS

- A. Time Period. The review authority, in the granting of any entitlement, may specify a time, consistent with the purposes of the use and necessary to safeguard the public safety, health and welfare, within which the proposed use must be undertaken and actively and continuously pursued. If no time period is specified, any entitlement granted under this Title shall automatically expire when no project or use or time extension (Subsection 21.24.030.C) has been initiated within 2 years after the date of the approval and become null and void.
- B. Reasonable Limits. Any time limit set by the applicable review authority shall be reasonable, based upon the size and the nature of the proposed project.
- C. Actions for Active and Continuous Pursuit. If, at the end of a 2-year period, one of the situations listed below has occurred, said approval shall become invalid.
  1. A building or grading permit has not been issued; or
  2. A building or grading permit has been issued but construction or grading has not commenced within 180 days of the issuance; or

3. A building or grading permit has been issued and construction or grading has commenced but has subsequently lapsed for a period of 180 days; or
  4. A written request for a time extension request and the applicable fee have not been received; or
  5. A tentative tract or parcel map associated with the Development Plan, Site Plan, or Plot Plan has expired.
- D. Time Extensions.
1. **The applicant's written request for a time extension shall be** submitted prior to expiration of the entitlement, together with any filing fee.
  2. The review authority that approved an entitlement shall be the review authority for an application for a time extension except:
    - a. As provided in Subsection 21.15.040.C (Time Limit on Approval);
    - b. For projects originally approved by the City Council, a time extension shall be considered by the Planning Commission; or
    - c. Unless an alternate review authority is specified in the approving resolution.
  3. A public hearing in compliance with Chapter 21.26 (Public Hearings and Notice) shall be required for matters that originally required a public hearing.
  4. Time extensions can be granted by the review authority for up to 2 years per request.
  5. In the event the review authority denies the request for extension, the applicant may, within 15 days of the decision, appeal the decision in compliance with Chapter 21.25 (Appeals and Calls for Review).
- E. Time Extension Required Findings. An extension of the entitlement, permit, or approval may be granted only if the review authority first makes all of the following findings:
1. There have been no changes in circumstances that would preclude the review authority from making the findings upon which the original approval was based;
  2. There have been no changes to the provisions of the General Plan, Zoning Code, or other laws or policies applicable to the project since the original approval;
  3. There have been no changes in the character of the site or its surroundings that affect how the standards of the General Plan or Zoning Code apply to the project; and
  4. 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.
- F. Further Extensions Deemed New Application. An application for an extension of the entitlement, permit, or approval in excess of 8 years following the original date of approval (original 2 years plus up to an additional 6 years) shall be treated as a new application. Entitlements approved concurrently with a tentative tract or parcel map shall have the same expiration time period as the tentative map.

- G. Effect of Expiration. Where the entitlement, 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 entitlement, permit, or approval;
  3. The applicant shall have no rights previously granted under the entitlement, 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. The new application(s) shall be subject to the regulations in effect at time of submittal.

#### 21.24.040. PERMIT MODIFICATIONS

- A. Conformance Required.
1. A development or new land use allowed by an entitlement, permit, or approval authorized by this Chapter 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 any desired changes to an entitlement, permit, or approval to the Zoning Administrator 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 (such as hours of operation, expansion of a use, redesign, etc.) as originally proposed by the applicant or approved by the review authority.
  4. Changes shall not be implemented until first approved by the applicable review authority in compliance with this Section and may be requested either before or after construction or establishment and operation of the approved use.
- B. Notice of Hearing. A public hearing in compliance with Chapter 21.26 (Public Hearings and Notice) shall be required for matters that originally required a public hearing, except for the minor changes outlined below in Subsection 21.24.040.C (Minor Changes by Development Review Committee or Zoning Administrator).
- C. Minor Changes by Development Review Committee or Zoning Administrator.
1. Development Plan. The Development Review Committee, following criteria established by the Planning Commission from time to time, may authorize minor changes to an approved Development Plan.
  2. Site Plan. The Zoning Administrator, following criteria established by the Planning Commission from time to time, may authorize minor changes to an approved Site Plan or Plot Plan.
  3. Criteria for Approval. The review authority may approve or conditionally approve minor changes to an approved Development Plan or Site Plan that:
    - a. Are consistent with all applicable provisions of this Title and the spirit and intent of the original approval; and

- b. Do not involve a feature of the project that was:
  - (1) A basis for findings in a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report for the project;
  - (2) A basis for conditions of approval for the project;
  - (3) A basis for making a required finding in granting the permit or approval; or
  - (4) A specific consideration by the review authority in granting the permit or approval.
- c. Do not involve any expansion or intensification of the use or structure.

### 21.24.050. REVOCATIONS AND SUSPENSIONS

Any entitlement, permit, or approval granted under this Title may be revoked or revised for cause if any of the conditions or terms of the entitlement, permit, or approval are violated or if any law or ordinance is violated.

- A. **Initiation of Proceeding.** Revocation proceedings may be initiated by the City Council, Planning Commission, or Zoning Administrator.
- B. **Public Notice, Hearings, and Action.** After conducting a duly noticed public hearing, the applicable review authority shall act on the proposed revocation.
- C. **Required Findings.** The review authority may revoke or modify the entitlement if it makes any of the following findings:
  - 1. The approval was obtained by means of fraud or misrepresentation of a material fact either through the omission of a material statement in the application, or in public hearing testimony;
  - 2. Circumstances under which the entitlement, permit, or approval was granted have been changed by the applicant to a degree that one or more of the findings required to grant the original permit or approval can no longer be made;
  - 3. Failure or refusal to allow inspections for compliance;
  - 4. There is or has been a violation of or failure to observe the terms or conditions of approval, or the use has been conducted in violation of the provisions of this Title, or any applicable local or State law or regulation;
  - 5. Improvements authorized by the entitlement, permit, or approval are in violation of any code, law, ordinance, regulation, or statute; or
  - 6. The use or structure is being operated or maintained in a manner detrimental to the public safety, health and welfare, or to be a nuisance.
- D. **Notice of Action.** Following review authority action to revoke or modify a permit, the Zoning Administrator shall issue a Notice of Action within 10 days. The Notice shall describe the review authority's **action with its** findings. The Zoning Administrator shall mail notice to the permit holder and to any person or entity who requested the revocation proceeding.

## CHAPTER 21.25. APPEALS AND CALLS FOR REVIEW

### 21.25.010. PURPOSE AND APPLICABILITY

This Chapter establishes procedures for the appeal of determinations and decisions rendered by a review authority and for calls for review.

### 21.25.020. REVIEW AUTHORITY

- A. Planning Commission. The Planning Commission may call for a review of any determination or policy decision rendered by the Development Review Committee, Zoning Administrator, or Director.
- B. City Council. The City Council may call for a review of any decision rendered by the Planning Commission, Development Review Committee, Zoning Administrator, or Director.
- C. Appeals. Appeals must be filed in the manner prescribed by Section 21.25.030 (Filing and Processing of Appeals). The Review Authority for appeal of each discretionary planning action shall be as listed in Table 21.08.070-1 (Review Authority) and more generally as listed below:
  - 1. Zoning Administrator and Director Decisions. Any decision of the Zoning Administrator or Director may be appealed to the Development Review Committee or Planning Commission (see Table 21.08.070-1 (Review Authority) by applicants or any interested party.
  - 2. Development Review Committee Decisions. Any decision of the Development Review Committee may be appealed to the Planning Commission by applicants or any interested party.
  - 3. Planning Commission Decisions. Any decision of the Planning Commission may be appealed to the City Council by applicants or any interested person.

### 21.25.030. FILING AND PROCESSING OF APPEALS

- A. Eligibility to Appeal. Any interested person or agency may appeal a Director, Zoning Administrator, Development Review Committee, or Planning Commission decision.
- B. Filing and Processing of Appeals.
  - 1. Director, Zoning Administrator, or Development Review Committee Decisions. Appeals of Director, Zoning Administrator, or Development Review Committee decisions may be made by interested persons or agencies by filing an appeal application, to be received by the Department no later than 15 calendar days following the decision of the Director, Zoning Administrator, or Development Review Committee being appealed. The application shall specify the person making the appeal, the decision being appealed, and shall state in clear and concise language the reasons for the appeal. The appeal shall be scheduled for public hearing with the Planning Commission as specified in Chapter 21.26 (Public Hearings and Notice) within 30 days of receipt of the letter of appeal.
  - 2. Planning Commission Decisions.
    - a. Appeals of Planning Commission decisions made by interested persons or agencies must be made in writing and accompanied by a fee to be established by resolution of the City Council, and received by the Department no later than 15 calendar days following the

decision of the Planning Commission being appealed. The written application shall specify the person making the appeal, the decision being appealed, and shall state in clear and concise language the reasons for the appeal.

- b. After the filing of an application for an appeal, the Director shall refer the application to the City Clerk who will schedule the appeal for City Council review and hearing. The appeal shall be scheduled for public hearing with the City Council as specified in Chapter 21.26 (Public Hearings and Notice).

C. Decision.

- 1. Planning Commission. Following review and consideration of an appeal, the Planning Commission shall have the authority to modify, overrule, or sustain the decisions of the Development Review Committee, Zoning Administrator, and Director. The decision of the Planning Commission shall be final unless either of the following occurs:
  - a. The Planning Commission's decision on the appeal is further appealed to the City Council in accordance with Paragraph 21.25.030.C.2; or
  - b. The City Council calls the Planning Commission's decision on the appeal up for City Council review in accordance with Subsection 21.25.040.B (Initiation by City Council Members).
- 2. City Council. Following a hearing on an appeal or any Planning Commission decision called up for City Council review, the City Council shall have the authority to modify, overrule, or sustain the decisions of the Planning Commission.

- D. Effect of Decision. The determination and order of the Planning Commission or, if appeal or call for review is had under the foregoing provisions, the determination and order of the City Council, is final and conclusive upon the applicant.

## 21.25.040. FILING AND PROCESSING OF CALLS FOR REVIEW

- A. Initiation by Planning Commissioners. Any Planning Commissioner may initiate a call for review of a Director, Zoning Administrator, **or Development Review Committee's determination or decision filed no later than 15 calendar days** following the determination or decision. Such request shall be made in writing before the effective date of the action.
- B. Initiation by City Council Members. Any City Council member may initiate a call for review of a Director, Zoning Administrator, Development Review Committee, or Planning Commission's determination or decision filed no later than fifteen calendar days following the decision or determination. Such request shall be made in writing before the effective date of the action.
- C. Consideration of Call for Review. The Planning Commission or City Council's **call for review shall be** scheduled for public hearing as specified in Chapter 21.26 (Public Hearings and Notice) within 30 days of receipt of the call for review.

## CHAPTER 21.26. PUBLIC HEARINGS AND NOTICE

### 21.26.010. PURPOSE AND APPLICABILITY

This Chapter establishes procedures for public hearings and notice of certain decisions required by this Zoning Code.

### 21.26.020. PUBLIC HEARING PROCEDURES

- A. Hearing Requirements. Whenever the provisions of this Title require a public hearing, the hearing shall be conducted in compliance with the requirements of State law as follows:
1. Generally. Hearings shall be conducted pursuant to procedures adopted by the hearing body. Hearings are not required to be conducted according to technical rules relating to evidence and witnesses.
  2. Time and Place of Hearing. A hearing shall be held at the date, time, and place for which notice was given.
  3. Scheduling. Hearings before the City Council shall be scheduled by the City Clerk. All other hearings shall be scheduled by the Zoning Administrator.
- B. Presentation. **An applicant or an applicant's representative may make a presentation of a proposed project.**
- C. Public Hearing Testimony. Any person may appear at a public hearing and submit oral or written evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing representing an organization shall identify the organization being represented.
- D. Time Limits. The presiding officer may establish time limits for individual testimony and require that individuals with shared concerns select one or more spokespersons to present testimony on behalf of those individuals.
- E. Continuance of Public Hearing. Any hearing may be continued from time to time without further notice, provided the chair of the hearing body announces the date, time, and place to which the hearing will be continued before the adjournment or recess of the hearing.
- F. Investigations. The hearing body may cause such investigations to be made as it deems necessary and in the public interest in any matter to be heard by it. Such investigation may be made by a committee of one or more members of the hearing body or by City staff. The facts established by such investigation shall be submitted to the hearing body either in writing, to be filed with the records of the matter, or in testimony before the hearing body, and may be considered by the review authority.
- G. Decision. The public hearing shall be closed before a vote is taken.
- H. Deferral of Final Decision. The hearing body may announce a tentative decision and defer action on a final decision until appropriate findings and/or conditions have been prepared.

### 21.26.030. NOTICE REQUIREMENTS FOR HEARINGS

Unless otherwise specified, whenever the provisions of this Title require public notice, the City shall provide notice in compliance with State law and the following:

- A. Contents of Public Hearing Notice. Notice of a public hearing shall include all of the following information, as applicable:
1. Process Information.
    - a. The name of the hearing body;



- b. The date, time and place of the hearing or the date of action when no public hearing is required; and
    - c. A brief description of the **City's general procedure concerning the submission of public comments and conduct of hearings and decisions (such as the public's right to appear and be heard).**
  - 2. Project Information.
    - a. The name of the applicant and owner of the subject property;
    - b. **The City's file number(s) assigned to the application;**
    - c. A general explanation of the matter to be considered;
    - d. Whether any modifications to development standards are proposed; and
    - e. A general description, in text or by diagram, of the location of the property that is the subject of the hearing.
  - 3. Statement on Environmental Document. A statement on compliance with the California **Environmental Quality Act (CEQA) and the City's CEQA Guidelines** and whether the review authority will consider approval of a Notice of Exemption, a proposed Negative Declaration or Mitigated Negative Declaration, or certification of a proposed final Environmental Impact Report, as applicable.
- B. Methods of Notice of Public Hearings. Notice of public hearings shall be provided by the Department as follows:
  - 1. Mailed Notice. Postmarked at least 10 calendar days before the date of the public hearing, the Zoning Administrator, or the City Clerk for hearings before the City Council, shall provide notice by First Class mail delivery to:
    - a. The applicant for the proposal in question and the owner of the subject property;
    - b. The owners and occupants of all real property within 300 feet of the site of the proposal in question;
    - c. Each local agency expected to provide roads, schools, sewage, streets, water, or other essential facilities or services to the property which is the subject of the application, whose ability to provide those facilities and services may be significantly affected; and
    - d. Any person or group who has filed a written request for notice regarding the specific application.
  - 2. Alternative Method for Large Mailings. If the total number of owners and occupants to whom notice would be mailed or delivered is greater than 1,000, instead of mailed notice, the Zoning Administrator or City Clerk may choose to provide the alternative notice allowed by California Government Code Section 65091(a)(4).
  - 3. Newspaper Notice. At least 10 days before the date of the public hearing, notice shall be published in a newspaper of general circulation.

4. Posted Notice. At least 10 days before the date of the public hearing, notice (no less than 11 inches by 17 inches) shall be posted in a format approved by the Department in a prominent place on or near the subject property site.
  5. Additional Notice. In addition to the types of notice required above, the Zoning Administrator may require any additional notice with content or using a distribution method (such as posting on the City's web site) as the Zoning Administrator determines is necessary or desirable.
- C. Failure to Notify Individual Properties. The validity of the proceedings shall not be affected by the failure of any property owner, resident, or community organization to receive a mailed notice.
- D. Street Abandonments. Public hearings for review of street abandonments shall be noticed as required by the California Streets and Highways Code.

#### 21.26.040. NOTICE REQUIREMENTS FOR DEVELOPMENT REVIEW COMMITTEE MEETINGS

See Subsection 21.15.050.B (Site Plan) for notice requirements associated with Development Review Committee meetings for Site Plan review.

### CHAPTER 21.27. REASONABLE ACCOMMODATIONS

#### 21.27.010. PURPOSE AND APPLICABILITY

- A. Purpose. This Chapter establishes the procedures 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 (**"the Acts"**) in the application of zoning law and other land use regulations, policies, procedures, and conditions of approval.
- B. Applicability.
1. A request for Reasonable Accommodation may be made by any person with a disability, their representative, or any other entity, when the application of zoning law or other land use regulation, policy, or procedure 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. A request for Reasonable Accommodation may include a change 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.
  4. An applicant seeking Reasonable Accommodation pursuant to this Chapter may seek an accommodation that is also available under other provisions allowing for modifications of otherwise applicable standards under this Title. In such case, an accommodation under this Chapter shall be in lieu of any approval, permit, or entitlement that would otherwise be required.
  5. An applicant submitting a request for Reasonable Accommodation pursuant to this Chapter may request an accommodation not otherwise available under this Title.

**21.27.020. APPLICATION FILING, PROCESSING, AND REVIEW**

- A. Application Requirements. In addition to any other information that is required under this Title, an applicant submitting a request for reasonable accommodation shall provide the following information:
1. Applicant's name, address, telephone number, and email address;
  2. Address of the property for which the request is being made;
  3. The current actual use of the property;
  4. The code provision, regulation(s), policy, or procedure for which accommodation is requested;
  5. A statement describing why the requested accommodation is reasonably necessary to make the specific housing available to the applicant, including information establishing that the applicant is disabled under applicable laws. Any information related to a disability status and identified by the applicant as confidential shall be retained in a manner so as to respect the applicant's privacy rights and shall not be made available for public inspection;
  6. Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling; and
  7. Such other relevant and permissible information as may be requested by the Zoning Administrator or their designee.
- B. Review Authority. The Zoning Administrator shall have the authority to consider and act on requests for reasonable accommodation. Requests submitted for concurrent review with another discretionary land use application shall be reviewed by the review authority for the discretionary land use application.
- C. Approval. An application filed pursuant to this Chapter may be approved, approved subject to conditions, or denied.
- D. Fees. There shall be no fee in connection with the filing of a request for Reasonable Accommodation. If the request for Reasonable Accommodation is filed concurrently with an application for an additional approval, permit or entitlement, the applicant shall pay only the fee for the additional approval, permit, or entitlement.

**21.27.030. FINDINGS AND DECISION**

- A. Findings. Before a Reasonable Accommodation request may be granted, the review authority shall make all of the following findings:
1. The person that will live in the housing that is the subject of the modification is a qualified individual with a disability protected under fair housing laws;
  2. The modification is necessary to make housing available to disabled persons protected under fair housing laws;
  3. The requested modification would not impose an undue financial or administrative burden on the City; and
  4. The requested modification would not constitute a fundamental alteration of the City's zoning or building laws, policies, procedures, or subdivision program.

- B. Decision. The Zoning Administrator shall issue a decision letter within 30 days of deeming the application complete and may either grant, grant with modifications, or deny a request for reasonable accommodations in accordance with the required findings (Subsection 21.27.030.A).

#### 21.27.040. RESCISSION OF APPROVAL OF REASONABLE ACCOMMODATION

Any approval or conditional approval of an application filed pursuant to this Chapter may provide for its rescission or automatic expiration under appropriate circumstances.

#### 21.27.050. POST DECISION PROCEDURES

- A. General. The procedures and requirements in Chapter 21.24 (Entitlement Implementation, Extensions, Modifications, and Revocations), and those related to appeals in Chapter 21.25 (Appeals and Calls for Review) shall apply following the decision on a Reasonable Accommodation application.
- B. Termination. A Reasonable Accommodation shall terminate if the accommodation is no longer required, or if the recipient of the accommodation no longer resides at the property.

#### CHAPTER 21.28. RESERVED

#### CHAPTER 21.29. RESERVED

#### CHAPTER 21.30. RESERVED

#### CHAPTER 21.31. RESERVED

**Article 3: Zoning Districts, Allowable Uses, and Development Standards**

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**CHAPTER 21.32. LAND USE REGULATIONS IN ZONING DISTRICTS**

- A. Allowed Uses. Table 21.32-1 (Zoning District Use Regulations) indicates the uses allowed within each zoning district and any permits required to establish the use, pursuant to Article 2 (Code Administration and Permits). Land uses are defined in Chapter 21.91 (Land Use Definitions). Uses defined in Chapter 21.91 (Land Use Definitions) and not listed in Table 21.32-1 (Zoning District Use Regulations) are prohibited. Additional permits may be required for development projects and construction.
- B. Zoning Administrator Determination. Land uses are defined in Chapter 21.91 (Land Use Definitions). In cases where a specific land use or activity is not defined, the Zoning Administrator shall assign the land use or activity to a classification that is substantially similar in character. Land uses not listed in the table or not found to be substantially similar to the land uses listed in the table are prohibited.
- C. Specific Use Regulations. Where the last column in Table 21.32-1 (Zoning District Use Regulations) includes a Chapter, Section, Subsection, or Paragraph, the regulations in the referenced Chapter, Section, Subsection, or Paragraph shall apply to the use. Additionally, there may be limits and restrictions within overlay zoning districts and specific plan areas.
- D. Abbreviations of Zoning Districts in Table 21.32-1. The first row in Table 21.32-1 includes all zoning districts by abbreviation. The full name of each zoning district is:
1. R-A: Residential Agriculture
  2. R-1: Single Family Residential
  3. R-2: Low Density Multi-Family Residential
  4. R-3: Medium Density Multi-Family Residential
  5. R-4: Medium High Density Multi-Family Residential
  6. R-5: High Density Multi-Unit Family Residential
  7. OP: Office Professional
  8. CP: Neighborhood Commercial
  9. C-1: General Retail Commercial
  10. C-2: Highway Commercial
  11. C-3: Commercial/Light Industrial
  12. RC: Regional Commercial
  13. RL: Resort/Lodging
  14. M: Industrial
  15. PM: Planned Industrial
  16. AP: Airport

- 17. AG: Agricultural
- 18. POS: Parks and Open Space
- 19. OS: Open Space
- 20. PF: Public Facilities

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TABLE 21.32-1: Zoning District Use Regulations

EXPLANATION OF CODES USED IN THIS CHART

A (administrative use) denotes a land use which requires approval of an Administrative Use Permit per Chapter 21.19 (Conditional Use Permits and Administrative Use Permits).

P (permitted use) denotes a land use that is permitted.

C (conditional use) denotes a land use that requires approval of a Conditional Use Permit (CUP) per Chapter 21.19 (Conditional Use Permits and Administrative Use Permits).

-- (non-permitted use) denotes a land use that is not permitted.

T (temporary use) denotes a land use that requires approval of a temporary use permit per Chapter 21.20 (Temporary Use Permits).

\* A specific use regulation applicable only to the zoning district in which the \* (or \*\*, or \*\*\*) is listed

Land Use	R-A	R-1	R-2	R-3	R-4	R-5	OP	CP	C-1	C-2	C-3	RC	RL	M	PM	AP	AG	POS	OS	PF	Specific Use Regulations	
Residential Uses																						
Accessory Dwelling Unit	P	P	P	P	P	P	P	--	--	--	--	--	--	--	--	--	P	P	--	--	See Chapter 21.58 (Accessory Dwelling Units)	
Multi-Family Dwelling	--	--	P	P	P	P	C	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
Mobile Home Park	--	--	--	--	C	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	See Section 21.69.140 (Mobile Home Parks)
Single-Family Dwelling	P	P	P	P	P	P	P*	--	--	--	--	--	--	--	--	--	P	P**	--	--	* Development Review Committee approval required. See Subsection 21.34.050.C (Additional Development Standards and Regulations in OP Zoning District)  ** C if lot less than 20 acres. See Section 21.35.060 (Additional Development Standards and Regulations in POS Zoning District).	
Urban Dwelling Unit	P	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Per California Government Code Section 65852.21. See Chapter 21.65 (Urban Dwelling Units)

Land Use	R-A	R-1	R-2	R-3	R-4	R-5	OP	CP	C-1	C-2	C-3	RC	RL	M	PM	AP	AG	POS	OS	PF	Specific Use Regulations
<b>Special Residential Uses</b>																					
Caretaker Residence																					
One per business	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P	--	P	P	--	--	
More than one per business	--	--	--	--	--	--	C	C	C	C	C	--	--	C	C	--	C	C	--	--	
Communal Housing	--	--	C	C	C	C	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
Employee Housing - Small	P*	P*	P	P	P	P	--	--	--	--	--	--	--	--	--	--	P*	--	--	--	* Employee housing is not permitted on properties within the Airport Land Use Plan
Employee Housing - Large	P*	P*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	--	--	--	
Family Day Care Home	P	P	P	P	P	P	P	--	--	--	--	--	--	--	--	--	P	P	--	--	In permitted residential units.
Home Occupation Business	P	P	P	P	P	P	P	P	--	--	--	--	--	--	--	--	P	P	--	--	See Chapter 21.21 (Home Occupation Permits)
Residential Care - General	--	C	C	C	C	C	--	--	--	--	--	--	--	--	--	--	--	--	--	--	See Section 21.69.200 (Residential Care Facilities)
Residential Care - Limited	P	P	P	P	P	P	P	--	--	--	--	--	--	--	--	--	P	P	--	--	
Residential Care - Assisted Living	--	--	C	C	C	C	C	--	--	--	--	--	--	--	--	--	--	--	--	--	See Section 21.69.200 (Residential Care Facilities)
Senior Housing	--	--	P	P	P	P	C	--	--	--	--	--	--	--	--	--	--	--	--	--	
Supportive Housing	P	P	P	P	P	P	C	--	--	--	--	--	--	--	--	--	P	--	--	C	
Transitional Housing	P	P	P	P	P	P	C	--	--	--	--	--	--	--	--	--	P	--	--	C	
<b>Commercial – Retail and Restaurant Uses</b>																					
Certified Farmers Market and Year-Round Roadside Produce Stands	--	--	--	--	--	--	--	--	--	C	C	C	C	C	C	C	C	C	--	--	
Cocktail Lounges and Bars	--	--	--	--	--	--	--	C	C	C	C	C	C	C	--	C	--	--	--	--	
Commercial Kitchen	--	--	--	--	--	--	--	P	P	P	P	P	--	P	P	P	--	--	--	--	
Food and Beverage Sales	--	--	--	--	--	--	P*	P	P	P	P	P	P	P	P	P	--	--	--	--	* Prohibited on 12 <sup>th</sup> Street
Mobile Home Sales	--	--	--	--	--	--	--	--	--	--	C	C	--	P	--	C	--	--	--	--	
Nurseries and Garden Centers - Heavy Equipment	--	--	--	--	--	--	--	--	--	--	C	C	--	C	--	--	C	C	--	--	See Section 21.69.170 (Outdoor Sales, Displays, and Storage)
Nurseries and Garden Centers - Retail	--	--	--	--	--	--	--	P	P	P	P	P	--	P	--	--	C	C	--	--	See Section 21.69.170 (Outdoor Sales, Displays, and Storage)

Land Use	R-A	R-1	R-2	R-3	R-4	R-5	OP	CP	C-1	C-2	C-3	RC	RL	M	PM	AP	AG	POS	OS	PF	Specific Use Regulations
Restaurants	--	--	--	--	--	--	P*	P	P	P	P	P	P	P	P	P	C	--	--	--	* Prohibited on 12 <sup>th</sup> Street
Restaurants - Drive-through	--	--	--	--	--	--	--	--	C	P*	P*	P*	--	P*	P*	P*	--	--	--	--	* P if more than 300 feet from the nearest residential zoning district; C if 300 feet or less from the nearest residential zoning district
Retail - General	--	--	--	--	--	--	P*	P	P	P	P	P	--	P	--	P	--	--	--	--	* Prohibited on 12 <sup>th</sup> Street See Section 21.69.170 (Outdoor Sales, Displays, and Storage)
Retail - Restricted	--	--	--	--	--	--	--	C	C	C	C	C	--	C	--	C	--	--	--	--	See Section 21.69.210 (Retail – Restricted)
Retail - Secondhand Goods with Donation Drop Off	--	--	--	--	--	--	--	--	--	C	C	C*	--	C	--	--	--	--	--	--	* Facilities shall be located no closer than 1,000 feet from each other
Tasting Rooms	C	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	C	C	--	--	
Vehicle Charging Station	--	--	--	--	--	--	P*	P	P	P	P	P	P	P	P	P	--	--	--	P	* Prohibited on 12 <sup>th</sup> Street
Vehicle Fuel Sales and Accessory Service	--	--	--	--	--	--	--	C	C	C	C	--	--	--	C	C	--	--	--	--	See Section 21.69.50 (Vehicle Fuel Sales and Accessory Service)
Vehicle Sales	--	--	--	--	--	--	--	--	C	C	C	C	--	C	--	C	C	--	--	--	Including auto service as accessory use
Commercial – Services and Recreation																					
Animal Care Services																					
Commercial Animal Keeping	P*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	P*	--	--	* Administrative Use Permit and Conditional Use Permit as required by Section 21.69.050 (Animal Keeping, Commercial)
Grazing, Temporary	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	
Equestrian Facilities	C	--	--	--	--	--	--	--	--	--	C	--	C	--	--	C	C	C	--	--	See Section 21.69.110 (Equestrian Facilities)
Kennels, Pet Boarding	C	--	--	--	--	--	--	--	--	C	C	--	--	C	--	--	C	--	--	--	
Veterinarian	C	--	--	--	--	--	C*	C	C	C	C	--	--	C	--	--	P	--	--	--	* Small animals only. Prohibited on 12 <sup>th</sup> Street
Amphitheaters/Stadiums	--	--	--	--	--	--	--	--	--	--	C	--	C	--	--	C	--	C	--	C	

Land Use	R-A	R-1	R-2	R-3	R-4	R-5	OP	CP	C-1	C-2	C-3	RC	RL	M	PM	AP	AG	POS	OS	PF	Specific Use Regulations
Business Support Services	--	--	--	--	--	--	--	--	P	P	P	P	--	P	P	P	--	--	--	--	
Cemeteries	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	--	--	--	C	* Allowed outside Airport Land Use Plan Safety Zone 1 only
Commercial Recreation Facility - Indoor	--	--	--	--	--	--	--	P	P	P	P	P	C*	--	--	--	--	--	--	--	* Accessory to a hotel/resort development only
Commercial Recreation Facility - Outdoor	--	--	--	--	--	--	--	--	--	C	C	C	C*	C	--	--	C*	C	--	C	
Cardrooms	--	--	--	--	--	--	--	--	C	C	C	--	--	--	--	--	--	--	--	--	
Contracted Services	--	--	--	--	--	--	--	--	--	P	P	--	--	P	--	P	--	--	--	--	
Day Care Center	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	--	C
Equipment Rental	--	--	--	--	--	--	--	--	--	C*	C	--	--	C	--	C	--	--	--	--	* Prohibited on Creston Road
Financial Institution	--	--	--	--	--	--	P*	P	P	P	P	P	C	P	--	P	--	--	--	--	* Prohibited on 12 <sup>th</sup> Street
Funeral Services	--	--	C*	C*	C*	C*	--	--	C	C	C	C	--	C	--	C	--	--	--	C	* If located within 300 feet of existing cemetery
Hot Springs Resort/Spa	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	--	C	C	--	C	
Medical Services - Doctor Office	--	--	--	--	--	--	P	P	P	P	P	P	--	P	C	P	--	--	--	--	
Medical Services - Hospitals	--	--	--	--	--	--	--	--	--	--	C	--	--	--	--	C	--	--	--	--	
Medical Services - Clinic, Urgent Care	--	--	--	--	--	--	C*	--	C	C	C	--	--	--	--	C	--	--	--	--	* Prohibited on 12 <sup>th</sup> Street
Office - Professional/ Administrative	--	--	--	--	--	--	P	P	P	P	P	P	--	P	P	P	--	--	--	--	
Personal Services - General	--	--	--	--	--	--	--	P	P	P	P	P	P*	P	--	P	--	--	--	--	* When accessory to a lodging use
Personal Services - Restricted	--	--	--	--	--	--	--	C	C	C	C	C	C*	C	--	C	--	--	--	--	* When accessory to a lodging use See Section 21.69.160.
Tattoo Parlor	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	--	--	--	--	--	See Section 21.69.240 (Tattoo and Body Art Establishments)
Theaters	--	--	--	--	--	--	--	C*	C*	C*	C*	C*	--	--	--	--	--	--	--	--	* With a finding that a theater will not be detrimental to the city's efforts to revitalize the downtown
Educational Uses																					
School - Public	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	--	C

Land Use	R-A	R-1	R-2	R-3	R-4	R-5	OP	CP	C-1	C-2	C-3	RC	RL	M	PM	AP	AG	POS	OS	PF	Specific Use Regulations
School - Private	--	C	C	C	C	C	--	C	C	C	C	--	--	C	C	C	--	--	--	C	
School - Business, Trade	--	--	--	--	--	--	--	--	P	P	P	P	--	P	P	P	C	--	--	C	
Industry, Manufacturing and Processing, Warehousing, and Wholesaling Uses																					
Composting, Green Waste Facility	--	--	--	--	--	--	--	--	--	--	C	--	--	--	--	--	C	--	--	C	
Crop Production and Processing	P	C	--	--	--	--	--	--	--	--	C	C	C	C	C	P	P	--	--	--	
Food and Kindred Products Processing	--	--	--	--	--	--	--	--	--	--	P	--	--	P	P	P	--	--	--	--	
Industrial - Heavy	--	--	--	--	--	--	--	--	--	--	C	--	--	C	C	C	--	--	--	--	
Industrial - Light	--	--	--	--	--	--	--	--	--	--	P*	--	--	P*	P*	P*	--	--	--	--	* Subject to approval of a conditional use permit if includes outdoor activities
Industrial - Artisan	--	--	--	--	--	--	--	C	C	C	P	C	C	P	P	P	--	--	--	--	
Recycling Collection Centers	--	--	--	--	--	--	--	--	--	--	C	--	--	C	--	C	--	--	--	--	Shall not include collection of hazardous/toxic items
Resource Extraction	--	--	--	--	--	--	--	--	--	--	C	C	--	C	C	--	C	C	--	--	See Chapter 21.86 (Surface Mining and Reclamation)
Self Storage Facility	--	--	--	--	--	--	--	--	--	C*	C	--	--	C	--	--	--	--	--	--	See Section 21.69.150 (Self Storage Facilities) * Prohibited north of Highway 46E
Vehicle Services and Repair																					
Major Repair/Body Work	--	--	--	--	--	--	--	--	--	--	C	C	--	C	--	C	--	--	--	--	
Minor Repair/Maintenance	--	--	--	--	--	--	--	--	--	--	P	P	C	--	P	--	P	--	--	--	
Vehicle Rental and Accessory Services	--	--	--	--	--	--	--	--	--	--	P	P	P	--	P	--	P	--	--	--	
Car Wash	--	--	--	--	--	--	--	--	--	--	C	C	C	--	C	--	C	--	--	--	
Warehousing, Wholesale or Distribution	--	--	--	--	--	--	--	--	--	--	P	P	--	P	P	P	--	--	--	--	

Land Use	R-A	R-1	R-2	R-3	R-4	R-5	OP	CP	C-1	C-2	C-3	RC	RL	M	PM	AP	AG	POS	OS	PF	Specific Use Regulations
Wineries, Breweries, and Distilleries	C	--	--	--	--	--	--	--	--	--	P	--	C	P	P	P	P	C	--	--	
Lodging																					
Bed and Breakfast Inns	C	C	C	C	C	C	C	--	C	C	C	C	C	C	--	C	C	--	--	--	See Section 21.69.060 (Bed and Breakfast Inns)
Hotels and Motels	--	--	--	--	--	--	--	--	P	P	P	C	P	P	--	P	C	--	--	--	
Recreational Vehicle Parks	--	--	--	--	--	--	--	--	--	C	C	C	C	C	--	C	C	C	--	--	
Rural Recreation and Camping	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	--	C	C	--	--	
Public and Quasi-Public Uses																					
Assembly Facility - General (Small)	--	--	--	--	--	--	C	C	C	C	C	C	C	C	C	C	C	C	--	C	
Assembly Facility - General (Large)	--	--	--	--	--	--	--	C	C	C	C	C	C	--	--	--	--	--	--	C	
Assembly Facility - Religious	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	--	C	
Cultural Institutions	C	C	C	C	C	C	P*	P	P	P	P	P	P	P	P	P	C	C	--	C	*On 12 <sup>th</sup> Street, shall be of a neighborhood scale and orientation with no open storage of materials or equipment
Government Buildings and Facilities	C	C	C	C	C	C	--	P	P	P	P	P	P	P	P	P	C	P	--	P	
Emergency Shelter – General	--	--	--	--	--	--	--	--	--	--	C	--	--	--	P*	--	--	--	--	C	*Only in Commerce Industrial Park (on properties facing Sherwood Road, Commerce Way, Fontana Road, and Linne Road. See Section 21.69.090 (Emergency Homeless Shelters - General).
Emergency Shelter - Low Barrier Navigation Center	--	--	--	--	--	--	P	--*	--*	--*	--*	--*	--*	--*	--*	--*	--	--	--	--	*P only on properties in the Mixed-Use Overlay Zoning District
Emergency Shelter - Domestic Violence	--	--	P	P	P	P	--	--	--	--	--	--	--	--	--	--	--	--	--	C	

Land Use	R-A	R-1	R-2	R-3	R-4	R-5	OP	CP	C-1	C-2	C-3	RC	RL	M	PM	AP	AG	POS	OS	PF	Specific Use Regulations
Public Parks and Recreation Facilities	P	P	P	P	P	P	--	P	P	P	P	P	P	P	P	P	--	P	P*	P	* Limited to passive recreation including pedestrian and equestrian trails
Transportation, Communication, and Infrastructure Uses																					
Airport, Landing Strip, Helicopter, Spaceport Operations	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	
Broadcasting Studios	--	--	--	--	--	--	--	--	P	P	P	P	--	P	P	P	C	--	--	--	
Electrical Generation and Storage Facilities	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	C	C	C	--	C	See Section 21.69.080 (Electricity Generation and Storage Facilities)
Parking Facilities	--	C	C	C	C	C	C	P	P	P	P	P	C	P	P	P	--	--	--	--	
Transit Facility	--	--	--	--	--	--	P*	P	P	P	P	P	P	P	P	P	--	--	--	--	* Prohibited on 12 <sup>th</sup> Street
Truck Terminals	--	--	--	--	--	--	--	--	--	--	C	--	--	C	--	C	--	--	--	--	
Truck Stops	--	--	--	--	--	--	--	--	--	C	C	--	--	C	--	--	--	--	--	--	
Public Utilities Facilities - Minor	P	C	C	C	C	C	--	P	P	P	P	P	P	P	P	P	P	P	--	P	
Public Utilities Facilities - Major	--	--	--	--	--	--	--	C	C	C	C	C	C	C	C	C	C	C	--	C	
Vehicle Storage Lots	--	--	--	--	--	--	--	--	--	--	C	--	--	C	--	C	--	--	--	--	
Wireless Communication Facilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	--	C	Allowed with an Administrative Use Permit in the ROW. See Chapter 21.66 (Wireless Communications Facilities)
Specific Uses																					
Drive-Through or Drive-Up Facilities	--	--	--	--	--	--	--	--	P	P	P	P	--	P	P	P	--	--	--	--	
Outdoor Storage as an Accessory Use																					
If property and adjacent streets are improved and storage is screened	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P	P	--	--	--	See Section 21.69.170 (Outdoor Sales, Displays, and Storage)

Land Use	R-A	R-1	R-2	R-3	R-4	R-5	OP	CP	C-1	C-2	C-3	RC	RL	M	PM	AP	AG	POS	OS	PF	Specific Use Regulations
If property and adjacent streets are not improved and storage is screened	--	--	--	--	--	--	--	C	C	C	C	C	--	C	C	C	P	--	--	--	See Section 21.69.170 (Outdoor Sales, Displays, and Storage)
Temporary Uses																					
Circuses, Carnivals, Fairs, Festivals, and Concerts	--	--	--	--	--	--	--	--	--	--	--	--	T	--	--	--	T	T	T	T	See Chapter 21.20 (Temporary Use Permits)
Mobile Homes, As Temporary Caretaker Units During Construction of a Permanent Building	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	--	--	See Chapter 21.20 (Temporary Use Permits)
Outdoor Temporary and/or Seasonal Sales	--	--	--	--	--	--	T	T	T	T	T	T	T	T	T	T	T	T	--	--	May also include a temporary caretaker unit. See Chapter 21.20 (Temporary Use Permits)
Parking Lot Sales and Other Promotional Events	--	--	--	--	--	--	--	T	T	T	T	T	--	T	T	T	--	--	--	--	Where only on-site businesses are participating (if longer than 7 days) See Chapter 21.20 (Temporary Use Permits)
Temporary Food Service	--	--	--	--	--	--	--	T	T	T	T	T	T	T	T	T	T	--	--	--	When located at the business's permanent location or in conjunction with a non-profit fundraising event (greater than 7 days) See Chapter 21.20 (Temporary Use Permits)
Food Truck Court	--	--	--	--	--	--	--	T	T	T	T	T	T	T	T	T	--	--	--	T	See Section 21.69.120 (Food Truck Court) and Chapter 21.20 (Temporary Use Permits)
Temporary Off-Site Construction Yards	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	--	T	T	In conjunction with a valid building permit See Chapter 21.20 (Temporary Use Permits)
Temporary Real Estate Sales Offices	T	T	T	T	T	T	T	T	T	T	T	T	--	T	T	T	--	--	--	--	Within approved development projects See Chapter 21.20 (Temporary Use Permits)



Land Use	R-A	R-1	R-2	R-3	R-4	R-5	OP	CP	C-1	C-2	C-3	RC	RL	M	PM	AP	AG	POS	OS	PF	Specific Use Regulations	
Trailer/Temporary Building Use																						
In conjunction with an existing on-site business (2 year maximum)	T	T	--	--	--	--	--	T	T	T	T	T	--	T	T	T	T	T	--	--	See Chapter 21.20 (Temporary Use Permits)	
In conjunction with the construction of a building and with available paved parking (maximum of 1 year)	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	--	T	See Chapter 21.20 (Temporary Use Permits)

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**CHAPTER 21.33. RESIDENTIAL ZONING DISTRICTS (R-A, R-1, R-2, R-3, R-4, R-5)****21.33.010. PURPOSE AND APPLICABILITY**

- A. Residential Zoning Districts Purpose. The purpose of the residential zoning districts is to:
1. Accommodate a full range of housing types and densities consistent with the General Plan;
  2. Preserve, protect, and enhance the character of residential neighborhoods;
  3. Ensure adequate light, air, privacy, and open space for each dwelling;
  4. Ensure that the scale and design of new development and alterations and additions to existing structures are compatible with the scale, mass, and character of their neighborhoods; and
  5. Provide sites for public and semi-public land uses, such as parks and public safety facilities, that will serve City residents and will complement surrounding residential development.
- B. Residential Agricultural Zoning District (R-A) Purpose. The R-A Zoning District is intended to accommodate semi-rural, detached single-family dwellings. This zoning district implements the General Plan Residential Suburban and Agriculture designations.
- C. Single-Family Residential Zoning District (R-1) Purpose. The R-1 Zoning District is established to accommodate detached single-family dwellings developed at a density between 1 and 6 units per acre. This zoning district implements the General Plan Residential Single Family designation.
- D. R-Combining District: B Zoning Districts (B-1, B-2, B-3, B-4, B-5) Purpose. The B Zoning District is established to encourage and preserve rural areas of the City developed with and planned for low-density residential neighborhoods away from its core. The B Zoning District is a combining district that provides additional regulations regarding lot standards and minimum setbacks in the R-1 Zoning District.
- E. Low Density Multi-Family Residential Zoning District (R-2) Purpose. The R-2 Zoning District is established to accommodate low-scale attached housing types and implements the General Plan Residential, Multiple-Family, Low Density designation.
- F. Medium Density Multi-Family Residential Zoning District (R-3) Purpose. The R-3 Zoning District is established to accommodate multi-family housing types and implements the General Plan Residential, Multiple-Family, Medium Density designation.
- G. Medium Density Multi-Family Residential/Office Professional Zoning District (R-3-O) Purpose. The R-3-O Zoning District is established to accommodate a combination of multi-family housing types and office professional uses, and implements the General Plan Residential, Multiple-Family, Medium Density and Office Professional designations.

- H. Medium High Density Multi-Family Residential Zoning District (R-4) Purpose. The R-4 Zoning District is established to accommodate multi-family buildings and mobile home developments. This zoning district implements the General Plan Residential, Multiple-Family, Medium-High Density designation.
- I. High Density Multi-Family Residential Zoning District (R-5) Purpose. The R-5 Zoning District is established to accommodate multi-family buildings and implements the General Plan Residential, Multiple-Family, High Density designation.

### 21.33.020. LAND USE REGULATIONS

Uses permitted by right and subject to approval of a Conditional Use Permit shall be as listed in Chapter 21.32 (Land Use Regulations in Zoning Districts). Conditional Use Permits applications shall be processed pursuant to Chapter 21.19 (Conditional Use Permits and Administrative Use Permits).

### 21.33.030. DEVELOPMENT STANDARDS IN SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS (R-A AND R-1)

- A. General Development Standards.
  - 1. Standards. New structures and alterations to existing structures shall be designed and constructed in compliance with the requirements in Table 21.33.030-1 (General Development Standards for Single-Family Residential Zoning Districts).
  - 2. Process. Chapter 21.15 (Development Review) is required prior to Building Permit issuance for any structure, or to relocate, rebuild, or significantly enlarge or modify any existing structure or site.
- B. Additional Regulations. In addition to other sections of the Zoning Code,
  - 1. Exceptions and additional regulations are included in Section 21.33.040 (Additional Residential Development Standards in Single-Family Residential Zoning Districts).
  - 2. See also the development standards in Article 4 (Regulations and Standards Applicable to All Zoning Districts).

Table 21.33.030-1: Development Standards for R-A, R-1 and R-1 Combining Districts

Development Feature	R-A	R-1	R-1, B-1	R-1, B-2	R-1, B-3	R-1, B-4	R-1, B-5	Additional Regulations
Minimum Lot Size								
0 – 4.99% Slope	3 acres	7,000 sf	7,500 sf	10,000 sf	20,000 sf	1 acre	2 acres	
5 – 9.99% Slope		10,000 sf	10,000 sf	10,000 sf	20,000 sf	1 acre	2 acres	
10 – 14.99% Slope		12,500 sf	12,500 sf	12,500 sf	20,000 sf	1 acre	2 acres	
15 – 24.99% Slope		15,000 sf	15,000 sf	15,000 sf	20,000 sf	1 acre	2 acres	
25 – 34.99% Slope		20,000 sf	20,000 sf	20,000 sf	20,000 sf	1 acre	2 acres	
Minimum Lot Width								
0 – 4.99% Slope	100 ft	70 ft	70 ft	80 ft	100 ft	100 ft	100 ft	
5 – 9.99% Slope		80 ft	80 ft	80 ft	100 ft	100 ft	100 ft	
10 – 14.99% Slope		100 ft	100 ft	100 ft	100 ft	100 ft	100 ft	
15 – 24.99% Slope		120 ft	120 ft	120 ft	120 ft	120 ft	120 ft	
25 – 34.99% Slope		150 ft	150 ft	150 ft	150 ft	150 ft	150 ft	
Maximum Lot Coverage	40%	50%						
Maximum Height	30 ft	35 ft for primary structures; 15 ft for detached accessory structures						See Paragraph 21.41.040.A.2 (Table 21.41.040-1: Allowed Projections Above Height Limits)
Minimum Setbacks <sup>1</sup>								
Front								
Primary Structures	25 ft	15 ft	15 ft	15 ft	20 ft	20 ft	20 ft	
Garage Door <sup>2</sup>	25 ft	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft	
Detached Accessory Structures <sup>3</sup>	25 ft	15 ft	15 ft	15 ft	20 ft	20 ft	20 ft	
Side – Street								
Primary Structures	20 ft	10 ft	10 ft	10 ft	15 ft	15 ft	15 ft	
Garage Door <sup>2</sup>	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft	
Detached Accessory Structures	20 ft	10 ft	10 ft	10 ft	15 ft	15 ft	15 ft	

Table 21.33.030-1: Development Standards for R-A, R-1 and R-1 Combining Districts

Development Feature	R-A	R-1	R-1, B-1	R-1, B-2	R-1, B-3	R-1, B-4	R-1, B-5	Additional Regulations
Side – Interior								
Primary Structures on Lot 65 ft wide or more	20 ft	5 ft on one side and 10 ft on the other side	10 ft	10 ft	15 ft	15 ft	15 ft	
Primary Structures on Lot less than 65 ft wide	20 ft	5 ft	10 ft	10 ft	15 ft	15 ft	15 ft	
Detached Accessory Structures	20 ft	3 ft	3 ft	3 ft	3 ft	3 ft	3 ft	
Rear								
Primary Structures	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft	See Subparagraph 21.33.040.A.1.b
Detached Accessory Structures	20 ft	3 ft	3 ft	3 ft	3 ft	3 ft	3 ft	Detached accessory structures shall not be located within 5 feet of any alley.
Structure Separations	6 ft							See Subsection 21.33.040.B

Notes:

1. See Section 21.41.120 (Determining Setbacks) and Section 21.41.130 (Projections into Setbacks).
2. This setback pertains to garage doors with sectional, roll-up doors that open directly toward a street. Garages with single-panel, swing-up doors that open directly toward a street shall be set back at least 25 feet from the property line.
3. Detached accessory structures (as defined in Section 21.92.190 [“**Structure, Detached Accessory**”]) shall not be located closer to the front property line than the front wall of the main structure oriented toward the street.

### 21.33.040. ADDITIONAL DEVELOPMENT STANDARDS IN SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS

#### A. Additional Setback Standards.

##### 1. Modifications.

- a. **Front Setback Reduction.** A reduction in the required front setback to no less than 5 feet may be allowed through a Development Plan Modification (Section 21.16.020) if, in addition to the findings of Subsection 21.16.020.D, all of the following findings can be made:
  - (1) The reduction is necessary to preserve oak trees and/or minimize major grading;
  - (2) The project maintains either a 20-foot setback from the garage door or a 5-foot setback from the garage door, if the garage door faces the street; and
  - (3) The reduced setback would not be inconsistent with an established neighborhood pattern.
- b. **Rear Setbacks Reduction Adjacent to Public School District-Owned Property.** On R-1 zoned properties that have rear setbacks that back up to public school district-owned public facilities (explicitly excluding properties with rear setbacks that abut public streets or alleys, detention basins, bike paths), a Site Plan Modification (Section 21.17.020) may be allowed to reduce rear setbacks to a minimum of 10 feet for single-story additions to existing buildings. This reduction in rear setbacks may not be approved in conjunction with new home construction. In approving such a request, the review authority shall consider impacts on the views, privacy, and other concerns of abutting property owners, and make the required findings (Subsection 21.17.020.C).
- c. **Lot Size and Width.** Within R-A and R-1 zoning districts, modifications to lot size and width may be allowed through a Development Plan Modification (Section 21.16.020) if, in addition to the findings of Subsection 21.16.020.D, the following findings can be made:
  - (1) The modification would facilitate a superior site design (such as to cluster lots to preserve natural resources); and
  - (2) The project as a whole does not exceed maximum allowed density.

#### B. Structure Separation Standards.

The minimum separations between detached structures, both main and accessory, shall be 6 feet, as measured from the exterior walls or vertical posts to support roofs. To be considered attached, structures shall be made structurally a part of, and shall have a common roof with, the primary structure (s), except patio covers may be considered attached but located away from the building as allowed by Subsection 21.43.030.B (Attached Patio Covers in Residential Zoning Districts).

#### C. Additional Detached Accessory Structure Standards.

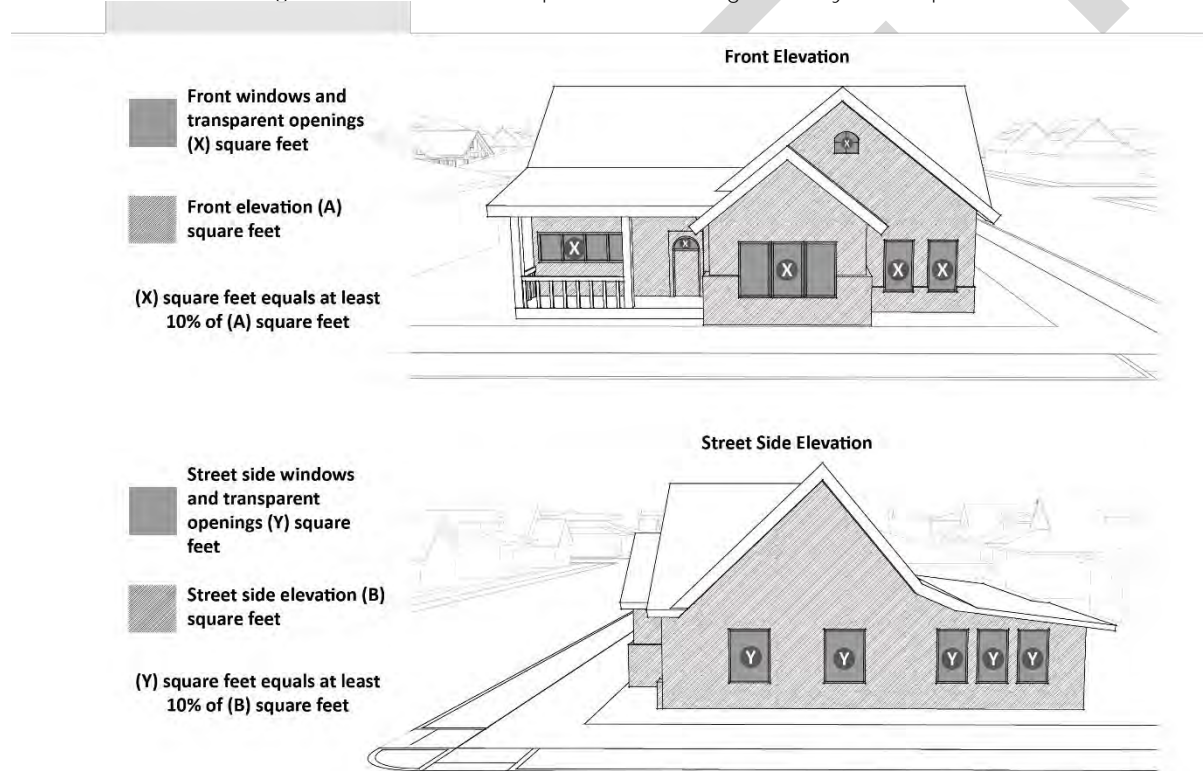
1. **Standards – General.** Detached accessory structures shall conform to the following requirements:

- a. The cumulative gross floor area of all detached accessory structures on a lot shall not exceed 50 percent of the gross floor area, including any attached garage, of the primary structure.
  - b. Detached accessory structures shall be located behind the front plane (and/or street side plane, as applicable) of the primary structure.
  - c. Detached accessory structures shall be constructed to be architecturally compatible with the primary structure(s) in terms of materials, colors, relief treatment for elevations, and roofing materials. The Zoning Administrator shall make determinations of compatibility.
2. Modifications - General.
- a. Large Detached Accessory Structures - Process. Modifications to standards for large detached accessory structures (over 120 square feet) may be allowed through a Development Plan Modification (Section 21.16.020).
  - b. Small Detached Accessory Structures - Process. Modifications to standards for small detached accessory structures (120 square feet or smaller) may be allowed through a Site Plan Modification (Section 21.17.020).
  - c. Findings. In approving such a request, the review authority shall consider impacts on the views, privacy, and other concerns of abutting property owners, and make the required findings Subsection 21.16.020.D or Subsection 21.17.020.C, as applicable.
3. Modifications for Shelters for Recreational Vehicles, Boats, Campers, Travel Trailers, or Similar Vehicles. See Paragraph 21.43.030.C.12.
- D. General Architectural Requirements for Primary Structures.
1. Roofs.
    - a. Allowed Roof Types. Roofs shall be one of the following types:
      - (1) Gable;
      - (2) Shed; or
      - (3) Hipped.
    - b. Regulations for All Roofs. All roofs shall:
      - (1) Have a pitch of at least 3:12;
      - (2) Have at least 2 planes/orientations; and
      - (3) Have eaves, rakes, or overhangs, extending the length of the roof, with an 18-inch minimum projection.
      - (4) Roofing materials shall consist of concrete or clay tile, fire-retardant wood shake, asphalt composition, or other similar noncombustible material. Metal roof materials for single-family homes and detached accessory structures are not

allowed unless approved through a Site Plan Modification, consistent with Paragraph 21.33.040.D.5.

2. Siding. Siding shall consist of stucco, wood, fiber cement, brick, or other similar hard, durable material. Metal siding material for single-family homes and detached accessory structure is not allowed unless approved through a Site Plan Modification, consistent with Paragraph 21.33.040.D.5.
3. Required Entryway Distinction. Frontages facing the public right of way shall include a porch, gabled entry, distinct change in roof line or columns, or have some other significant architectural distinction to define the entryway. On corner lots, the street side façade is not required to comply. See Figures 21.50.070-4 and 21.50.070-5 for typical entryway features.
4. Transparencies. All front and street side elevations shall incorporate windows and transparent openings that constitute a minimum of 10 percent of the applicable elevation.

Figure 21.33.040-1: Transparencies in Single-Family Developments



5. Modifications.
  - a. General. Modifications to architectural requirements for primary structures may be allowed through a Site Plan Modification (Section 21.17.020). In approving such a request, the review authority shall consider impacts on the views, privacy, and other concerns of abutting property owners, and make the required findings (Subsection 21.17.020.C).



- b. Metal Exterior Building Conditions. In addition to the required findings for a Site Plan Modification (Subsection 21.17.020.C), for projects that include a request for metal exterior building materials, the review authority shall find:
  - (1) The material and the way that it is proposed to be applied to the structure is compatible with the architectural theme of the structure;
  - (2) The material would not conflict with the residential character of the home and surrounding neighborhood;
  - (3) The proposed use of and manner in which it would be applied demonstrates a high quality of craftsmanship; and
  - (4) The design and materials used for primary structure and detached accessory structures on the same lot are compatible.

E. Parking Design. Each single-family residence shall be provided with 2 covered parking spaces. See Section 21.48.100 (Parking Area Design and Development Standards).

**21.33.050. DEVELOPMENT STANDARDS IN MULTI-FAMILY RESIDENTIAL (R-2, R-3, R-4, R-5) ZONING DISTRICTS**

- A. General Development Standards. New structures and alterations to existing structures shall be designed and constructed in compliance with the requirements in Tables 21.33.050-1 (Multi-family Zoning Districts Maximum Density Based on Average Slope) and 21.33.050-2 (General Development Standards for Multi-Family Residential Zoning Districts).
- B. Additional Regulations. In addition to other sections of the Zoning Code,
  - 1. Exceptions and additional regulations are included in Section 21.33.060 (Additional Residential Development Standards in Multi-Family Residential Zoning Districts);
  - 2. Additional regulations for properties adjacent to single-family zoning districts are included in Section 21.33.070 (Additional Regulations for Properties Adjacent to Single-Family Residential (R-1) Zoning Districts); and
  - 3. See also the development standards in Article 4 (Regulations and Standards Applicable to All Zoning Districts).

Table 21.33.050-1: Multi-family Zoning Districts Maximum Density Based on Average Slope

Average Slope of Developable Area (%)	Maximum density (density units/acre) <sup>1,2</sup>					
	R-2 Zoning District		R-3 Zoning District		R-4 Zoning District	R-5 Zoning District
	Blocks No. 1 Through 196 of the Original City Subdivision	Other Areas of the City <sup>2</sup>	Blocks No. 1 Through 196 of the Original City Subdivision	Other Areas of the City		
0 — 4.99	12.0	8.0	18.5	12.0	16.0	20.0
5 — 9.99		6.5		9.5	13.0	16.0
10 — 14.99		5.0		7.5	10.0	13.0
15 — 24.99		4.0		6.5	8.5	10.5
25 — 34.99		3.0		5.0	6.5	8.0

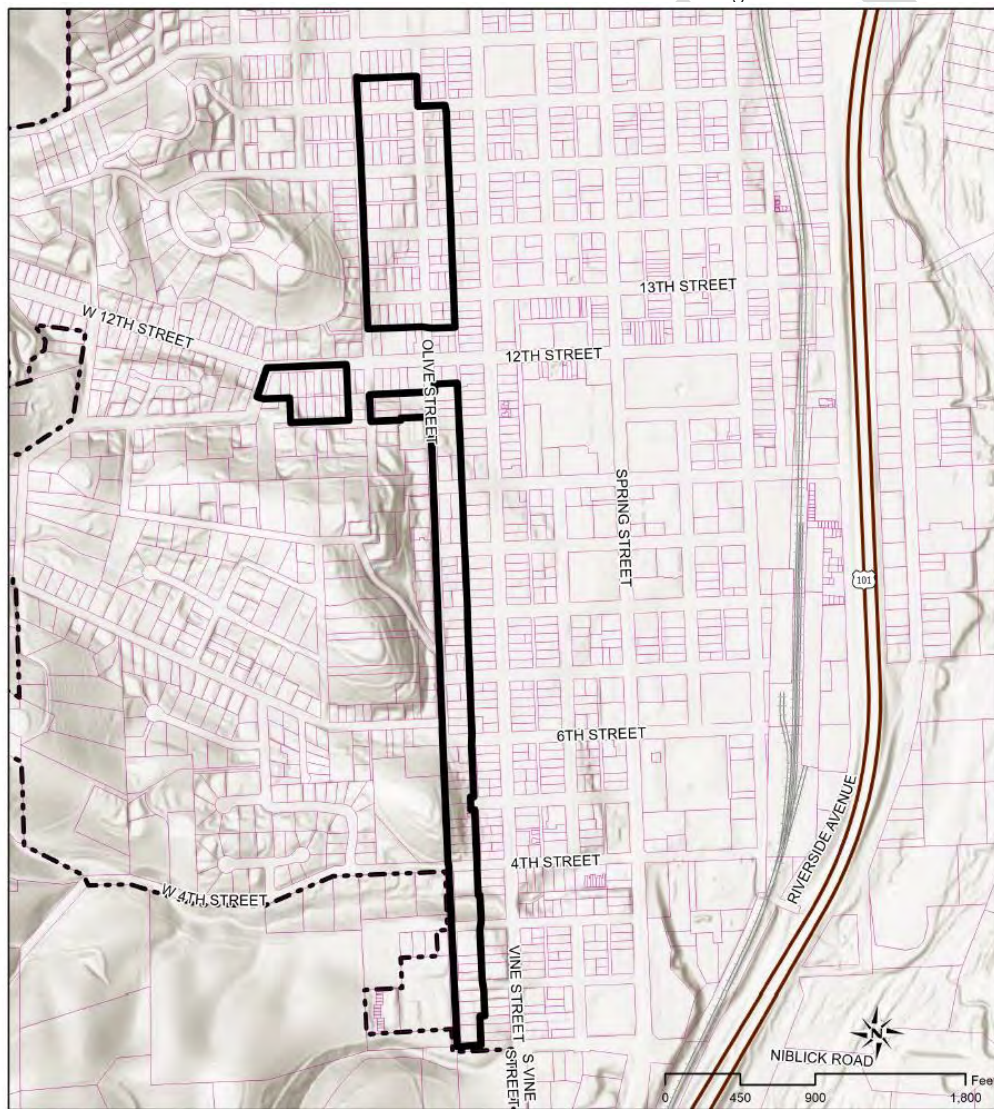
Table 21.33.050-1: Multi-family Zoning Districts Maximum Density Based on Average Slope

Average Slope of Developable Area (%)	Maximum density (density units/acre) <sup>1,2</sup>					
	R-2 Zoning District		R-3 Zoning District		R-4 Zoning District	R-5 Zoning District
	Blocks No. 1 Through 196 of the Original City Subdivision	Other Areas of the City <sup>2</sup>	Blocks No. 1 Through 196 of the Original City Subdivision	Other Areas of the City		

1. See also Paragraph 21.41.080.A.2 (Fractional Density).

2. See Subsection 21.33.060.A (Special Density Standards).

Figure 21.33.050-1: R-2 and R-3 zoned lots in Blocks 1-196 of the Original Subdivision of the City



Tables 21.33.050-2: General Development Standards for Multi-Family Residential Zoning Districts

Development Standards	R-2	R-3	R-4	R-5	Additional Regulations
Minimum Lot Size	None	10,000 sf	15,000 sf	20,000sf	See Subsection 21.33.060.G (Subdivisions to Create Detached Single-Family Units in Multi-Family Zoning Districts)
Minimum Lot Width	50	--	--	--	
Height Limit Primary Structure Accessory Structures	35 ft 15 ft	40 ft 15 ft	40 ft 15 ft	40 ft 15 ft	See Paragraph 21.41.040.A.2 (Table 21.41.040-1: Allowed Projections Above Height Limits)
Minimum Setbacks					
Front	See Section 21.33.060.B, Table 21.33.060-2 (Setbacks in Multi-Family Zoning Districts)				See Section 21.41.120 (Determining Setbacks) and Section 21.41.130 (Projections into Setbacks)
Side – Interior					
Side – Street					
Rear					
Structure Separations – Minimum	10 ft				See Subsection 21.33.060.D (Structure Separation Standards)
Open Space – Minimum per unit (shared or private)	Multifamily: 375 sf Senior Housing: 200 sf				See Subsection 21.33.060.E (Open Space and Recreational Amenities)

**21.33.060. ADDITIONAL DEVELOPMENT STANDARDS IN MULTI-FAMILY RESIDENTIAL ZONING DISTRICTS**

- A. Special Density Standards. Where the zoning districts listed in Table 21.33.060-1 appear on the Zoning Map, the density limits listed in Table 21.33.060-1 shall apply, regardless of the underlying average slope category and density listed in Table 21.33.050-1. All other development standards applicable in the general zoning district (for example, R-2, R-3, R-4, R-5) shall apply.

Table 21.33.060-1: Special Density Standards

Zoning District	Maximum density (density units/ acre)
R-2, B-3	6.5
R-3-10	10
R-4-20	20
R-5-20	20

- B. Setback Requirements. All structures shall comply with the setback requirements in Table 21.33.060-2. For townhouse-type condominium units and small lot developments with individual lots for each unit, setbacks from the property lines defining each unit are not required. However, all primary and accessory buildings shall be set back from the project’s exterior property lines as indicated in Table 21.33.060-2.

Table 21.33.060-2: Setbacks in Multi-Family Zoning Districts<sup>1</sup>

Yard	Setback	Notes/Exceptions
FRONT SETBACK (Minimum) <sup>2</sup>		
From arterial streets	25 ft	
From local and private streets	15 ft	See Subsection 21.41.120.B

Table 21.33.060-2: Setbacks in Multi-Family Zoning Districts<sup>1</sup>

Yard	Setback	Notes/Exceptions
From alleys	5 ft	
GARAGE DOORS (Minimum): Applies where garage doors open directly toward a street or alley.		
Public Streets	20 ft	
Private Streets	20 ft	1. See Subsection 21.41.120.B 2. See Subsection 21.33.060.K (Modifications for Garage Door Setbacks)
Alleys	5 ft	Adequate setback/clearance shall be provided to allow the garage door to be opened without encroaching into the alley.
STREET SIDE SETBACK (Minimum)		
From arterial streets	25 ft	
From local and private streets	10 ft	See Subsection 21.41.120.B
INTERIOR SIDE SETBACK (Minimum)		
Primary Structures	1 story: 5 ft 2 stories: 10 ft 3+ stories: 15 ft	1. On lots that are 50 feet or less in width, structures with 2 stories may be set back 5 feet regardless of number of stories. 2. Where front doors face a side yard, the doorway shall be set back 10 feet. 3. Setbacks from alleys shall be 5 feet, unless a front door faces the alley, in which case the doorway shall be set back 10 feet.
Detached Accessory Structures	From property line: 3 ft From alleys: 5 ft	
REAR		
Primary Structures	1-2 stories: 10 ft 3+ stories: 15 ft	
Detached Accessory Structures	From property line: 3 ft From alleys: 5 ft	
Notes		
1. See Section 21.50.090 (Transition to Adjacent R-1 Zoning District) for additional setbacks and regulations required for properties adjacent to single-family residential zoning districts. 2. Detached accessory structures (as defined in Section 21.92.190 ["Structure, Detached Accessory"]) shall not be located closer to the front property line than the front wall of the main structure oriented toward the street.		

C. Detached Accessory Structures.

1. Standards.

- a. Gross Floor Area. For projects with 4 or fewer units, the cumulative gross floor area of all detached accessory structures on a lot (excluding clubhouses and/or common recreation rooms) shall not exceed 50 percent of the gross floor area, including any attached garage, of the primary structure(s). Applicants may apply for an exception to this requirement through a Development Plan Modification request (Section 21.16.020).
- b. Location. In addition to the standards listed in Table 21.33.060-2 (Setbacks in Multi-Family Zoning Districts), detached accessory structures shall be located behind the front plane of the primary structure closest to the public right-of-way.

2. Modifications.

- a. Large Detached Accessory Structures - Process. Modifications to standards for large detached accessory structures (over 120 square feet) may be allowed through a Development Plan Modification (Section 21.16.020).

- b. Small Detached Accessory Structures - Process. Modifications to standards for small detached accessory structures (120 square feet or smaller) may be allowed through a Site Plan Modification (Section 21.17.020).
  - c. Findings. In approving such a request, the review authority shall consider impacts on the views, privacy, and other concerns of abutting property owners, and make the required findings (Subsection 21.16.020.D or Subsection 21.17.020.C, as applicable).
3. Modifications for Shelters for Recreational Vehicles, Boats, Campers, Travel Trailers, or Similar Vehicles. See Paragraph 21.43.030.C.12.
- D. Structure Separation Standards. The minimum separations between detached structures, both main and accessory, shall be 10 feet, as measured from the exterior walls or vertical posts to support roofs. To be considered attached, structures shall be made structurally a part of, and shall have a common roof with a primary structure.
- E. Open Space and Recreational Amenities.
1. Size and Type of Open Space. Required open space may be provided as private (for the exclusive use of the residents of 1 dwelling unit), shared (accessible to all of the residents of a development), or a combination of private and shared open spaces. Private open space shall have 1.5 times the value of shared open space. That is, a 200 square foot private open space area will be the equivalent of 300 square feet of shared open space.
    - a. Private open space, when provided, shall comply with the following standards:
      - (1) Ground floor units: an area enclosed with a 3- to 6-foot-high fence with a minimum area of 100 square feet. No ground floor private open space shall be located within the front or street side setback.
      - (2) Upper floor units: a private balcony with a minimum area of 50 square feet. This area shall not include walkways to adjacent units.
    - b. Shared open space, when provided, shall comply with the following standards:
      - (1) Slope of 10 percent or less.
      - (2) Minimum horizontal dimension of 15 feet.
      - (3) Not be located within front or street side setbacks, buildings, parking, or drive areas but may be located within interior side and rear setbacks.
    - c. Roof-top open space (such as balcony or deck over a garage) is eligible as part of the calculation for open space. If access is limited to individual units, it shall be considered private open space. If access is available to multiple units, it shall be considered shared open space.
    - d. See Subsection 21.45.020.E (Residential Open Space Areas).

2. Recreational Amenities.

- a. Playgrounds. **Children’s playgrounds**, including permanent play equipment designed for children of all abilities and ages, are required consistent with Table 21.33.060-3 (Open Space Required Amenities). Senior housing is exempt from this requirement.
- b. Other Amenities. Other recreational amenities include, but are not limited to, picnic areas with barbecue pits and tables, spas, pools, clubhouses and recreation rooms, sports courts (such as basketball courts and half-courts, tennis courts pickleball courts). Other recreational amenities are required consistent with Table 21.33.060-3 (Open Space Required Amenities).
- c. Provision of Playgrounds and Amenities. See Table 21.33.060-3 (Open Space Required Amenities).

Table 21.33.060-3: Open Space Required Amenities

Number of units	Number of playgrounds	Number of other amenities
0—10	—	—
11—25	1	—
26—50	1	1
51—75	2	1
76—100	2	2
101—150	3	2
151+	3	3

- d. Playgrounds shall comply with the following:
  - (1) Playgrounds shall be located in areas that are safely accessible and easily supervised.
  - (2) Each playground shall include a minimum of 3 permanent play equipment features (such as slide, swings, monkey bars, etc.) designed for children of all abilities and ages, or the equivalent in size, scale, and recreation diversity.
  - (3) One or more playgrounds may be combined as a larger playground, as long as the cumulative number of play equipment features complies with Subparagraph 21.33.060.E.2.c.
  - (4) Each playground shall incorporate shade trees or shade structures.
- e. Amenities such as barbecue areas, picnic tables, and adult supervision areas for playgrounds shall be well landscaped to provide a shaded environment for the users.
- f. Multi-family residential developments consisting of 40 or more dwelling units shall provide either a community/recreation room or a day care center. The minimum size of such a facility shall be no less than 20 square feet for each dwelling unit in the development and shall be a minimum of 1,200 square feet. If a day care center is provided, it shall be operated in accordance with State law governing day care services.
- g. The nature, design, and adequacy of all playgrounds and other recreation amenities shall be subject to Planning Commission approval as part of a Development Plan.

3. Modifications. Modifications to open space requirements may be allowed through a Site Plan Modification (Section 21.17.020). In approving such a request, the review authority shall make the findings required for a Site Plan Modification (Subsection 21.17.020.C).
- F. Other Amenities.
1. Laundry Rooms. Multi-family developments with 5 or more dwelling units shall either provide washer and dryer hook-ups in each unit or provide a laundry room (or rooms) with 1 washer and 1 dryer for every 8 dwelling units. Fractions shall be rounded to nearest whole number.
  2. Bus Shelters. A bus shelter shall be installed at each multi-family development with 32 or more dwelling units, unless exempted by the Zoning Administrator. Reasons for such exemptions may include the existence of sufficient bus shelters in close proximity to the subject development or unlikelihood of bus routes being extended to the subject development. The type and design of the bus shelter shall conform to standards adopted by the City Council.
  3. Storage rooms/lockers. For each dwelling unit in a multi-family development, a separate, enclosed, lockable storage space at least 250 cubic feet in area shall be provided. Such storage space may be located:
    - a. In a carport allocated to such unit (if a garage is provided to a dwelling unit, the storage requirement is deemed to be met); or
    - b. Attached to such unit, but accessible only from the exterior; or
    - c. Elsewhere in the development but not interior to any residential unit (such as in a storage building).
- G. Subdivisions to Create Detached Single-Family Units in Multi-Family Zoning Districts. For projects **that meet the definition of a “small home lot development” pursuant to** California Government Code Section 66499.40, where a conflict exists between this Section and California Government Code Section 66499.40, California Government Code Section 66499.40 shall prevail.
- H. Refuse and Recycling Areas. In compliance with Chapter 21.51 (Refuse and Recycling Areas).
- I. Mechanical Equipment and Screening. In compliance with Chapter 21.47 (Mechanical Equipment and Screening).
- J. Prohibition on Vehicle Repair. Major repair of vehicles and equipment, whether or not owned by residents, shall be prohibited in parking lots, front and street side yards, and any required open space areas. Major repair includes major engine or transmission/differential overhaul and body work.
- K. Modifications for Garage Door Setbacks. Modifications to garage door setback requirements may be allowed through a Development Plan Modification (Section 21.16.020) for projects on private streets. In approving such a request, the review authority shall make the findings required for a Development Plan Modification (Subsection 21.16.020.D), and where it can be demonstrated that such a modification will allow for:
1. A minimum of 24 feet clear backup space for vehicles;
  2. A setback of no less than 5 feet; and
  3. Adequate space to open the garage door.

### 21.33.070. DEVELOPMENT STANDARDS IN THE MULTI-FAMILY RESIDENTIAL / OFFICE PROFESSIONAL (R-3-O) ZONING DISTRICTS

- A. General Development Standards. See Section 21.33.050 (Development Standards in Multi-Family Residential Zoning Districts) and Section 21.33.060 (Additional Development Standards in Multi-Family Residential Zoning Districts)
- B. Uses Allowed. Uses permitted by right and subject to approval of a Conditional Use Permit shall be as listed in Chapter 21.32 (Land Use Regulations in Zoning Districts) for the Office Professional (OP) Zoning District.

### 21.33.080. ADDITIONAL REGULATIONS FOR PROPERTIES ADJACENT TO SINGLE-FAMILY RESIDENTIAL (R-1) ZONING DISTRICTS

- A. Standards for Multi-family Residential Adjacent to Single Family Residential Zoning Districts. See Section 21.50.090 (Transition to Adjacent R-1 Zoning District).

## CHAPTER 21.34. COMMERCIAL, INDUSTRIAL, AND AIRPORT ZONING DISTRICTS (OP, CP, C-1, C-2, C-3, RC, RL, M, PM, AP)

### 21.34.010. PURPOSE AND APPLICABILITY

- A. Commercial, Industrial, and Airport Zoning Districts Purpose. The purposes of the Commercial, Industrial, and Airport zoning districts are to:
  1. Provide opportunities for a variety of commercial and industrial business types that contribute to the diversity and stability of the **city's economy**.
  2. Encourage a diverse mix of goods, services, office, and research and development uses, including small and independent businesses, to enrich the lives of residents, employees, and visitors and increase employment opportunities.
  3. Promote commercial and industrial development that will enhance the identity and vitality of specific areas and corridors.
  4. On a case-by-case basis, allow for residential uses via the Mixed-Use Overlay District to create walkable, complete neighborhoods.
- B. Office Professional Zoning District (OP) Purpose. The Office Professional Zoning District is intended to provide opportunities for the establishment of professional and commercial offices, along with limited retail and services land uses, while preserving residential character and residential uses within existing neighborhoods. Innovative uses of existing structures shall be encouraged. All new activities and new construction/remodeling shall not detract from the existing character of the neighborhood, particularly with regards to design compatibility with buildings listed in the City's inventory of historic structures.
- C. Neighborhood Commercial Zoning District (CP) Purpose. The Neighborhood Commercial Zoning District provides locations for convenience shopping and personal service businesses that cater to the surrounding neighborhood.
- D. General Retail Commercial Zoning District (C-1) Purpose. The General Retail Commercial Zoning District is established to provide areas for a diversity of retail, service, and entertainment-related commercial



- businesses, either as stand-alone enterprises or clustered in shopping centers or districts. The range of uses are intended to be those that serve city-wide needs.
- E. Highway Commercial Zoning District (C-2) Purpose. The Highway Commercial Zoning District is established to provide areas for vehicle-oriented and commercial service uses. The range of uses is intended to serve city-wide and regional needs.
- F. Commercial/Light Industrial Zoning District (C-3) Purpose. The Commercial/Light Industrial Zoning District is established to provide areas for more intense commercial operations and light industrial uses, serving residents and providing opportunities for diverse and compatible light industrial and creative business enterprises.
- G. Regional Commercial Zoning District (RC) Purpose. The Regional Commercial Zoning District is established to provide areas where diverse commercial enterprises can work together to meet retail shopping demands locally and regionally.
- H. Resort/Lodging Zoning District (RL) Purpose. The Resort/Lodging Zoning District is established to provide areas for visitor-oriented lodging and recreation opportunities near tourism and visitor-oriented destinations.
- I. Industrial Zoning District (M) Purpose. The Industrial Zoning District is established to provide areas for general industrial uses, such as manufacturing and fabrication, industrial services, outside storage, vehicle repair, warehousing, and wholesale distribution.
- J. Planned Industrial Zoning District (PM) Purpose. The Planned Industrial Zoning District is established to provide areas where innovation and flexibility in the design and function of industrial developments can be achieved.
- K. Airport Zoning District (AP) Purpose. The Airport Zoning District is established to accommodate properties on the Paso Robles Municipal Airport and within the Airport Land Use Plan adopted by the County Airport Land Use Commission. Development within the Airport Zoning District is subject to special review based on the provisions in the Airport Land Use Plan. Portions of the Airport Influence Area covered **by the Airport Land Use Plan are envisioned as the City's opportunity for future industrial development**, particularly business parks and industry associated with the potential future expansion of the Paso Robles Municipal Airport. As a result of safety and noise constraints, residential land uses beyond entitlements granted prior to the effective date of these provisions are considered to be an incompatible land use.

#### 21.34.020. LAND USE REGULATIONS

Uses permitted by right and subject to approval of a Conditional Use Permit shall be as listed in Chapter 21.32 (Land Use Regulations in Zoning Districts). Conditional Use Permits applications shall be processed pursuant to Chapter 21.19 (Conditional Use Permits and Administrative Use Permits).

**21.34.030. DEVELOPMENT STANDARDS**

## A. General Development Standards.

1. Standards. New structures, and alterations to existing structures, shall be designed and constructed in compliance with the requirements in Table 21.34.030-1 (General Commercial, Industrial, and Airport Zoning Districts Development Standards).
2. Process. Chapter 21.15 (Development Review) is required prior to Building Permit issuance for any structure, or to relocate, rebuild, or significantly enlarge or modify any existing structure or site.

## B. Additional Regulations. In addition to other sections of the Zoning Code,

1. Additional regulations for properties adjacent to residential zoning districts are included in Section 21.34.040;
2. Exceptions and additional regulations are included in Sections 21.34.050 through 21.34.090 by zoning district;
3. See also the development standards in Article 4 (Regulations and Standards Applicable to All Zoning Districts); and
4. See also the adopted Commercial and Industrial Design Guidelines.

Table 21.34.030-1 General Commercial, Industrial, and Airport Zoning Districts Development Standards

Development Standards	OP	CP	C-1	C-2	C-3	RC	RL	M	PM	AP
Additional Regulations by Zoning District	Section 21.34.050	Section 21.34.060		Section 21.34.070	Section 21.34.070	Section 21.34.060	Section 21.34.080			Section 21.34.090
Minimum Lot Area	1,000 sf	—	2,000 sf	5,000 sf	5,000 sf	—	—	5,000 sf	10,000 sf	10,000 sf
Minimum Lot Width	50 ft	—	—	50 ft	50 ft	—	—	50 ft	—	50 ft
Height Limit <sup>1</sup>	35 ft; 15 ft for accessory structures	32 ft	40 ft	50 ft	50 ft	32 ft	35 ft	50 ft	50 ft	60 ft
Minimum Setbacks <sup>2</sup>										
Front	15 ft	10-25 ft, depending on frontage; see 21.34.060.A.1	25 ft	-- See 21.34.070.A		10-25 ft, depending on frontage; see 21.34.060.A.1	—	—	15 ft	—
Side – Street	10 ft	10-25 ft, depending on frontage; see 21.34.060.A.1	25 ft	-- See 21.34.070.A		10-25 ft, depending on frontage; see 21.34.060.A.1	—	—	15 ft	
Side – Interior	5 ft; 3 ft for detached accessory structures	— See also 21.34.060.A.2	--	--	--	— See also 21.34.060.A.2	-- See Subsection 21.34.080.C	—	—	
Rear	10 ft; 5 ft for detached accessory garage; 3 ft for detached accessory structures	— See also 21.34.060.A.2	--	--	--	— See also 21.34.060.A.2	-- See Subsection 21.34.080.C	—	—	
<p>1. See Paragraph 21.41.040.A.2 (Table 21.41.040-1: Allowed Projections Above Height Limits)</p> <p>2. See Section 21.34.040 for additional setbacks and regulations required for properties adjacent to single-family residential zoning districts.</p>										

#### 21.34.040. ADDITIONAL REGULATIONS FOR PROPERTIES ADJACENT TO RESIDENTIAL ZONING DISTRICTS

- A. Setback Adjacent to Residential Zoning Districts.
1. All Nonresidential Zoning Districts Except RL. Unless a larger setback is required by another provision of the Zoning Code, where a nonresidential property line abuts a residential zoning district, the abutting setback shall be:
    - a. Interior Side Setback: 5 feet
    - b. Rear Setback: 10 feet
  2. RL zoning district. See Subsection 21.34.080.C (Additional Setback Requirements).
- B. Fence. A solid wall or fence not less than 6 feet in height shall be placed and maintained on interior lot lines abutting property in a residential zoning district.
- C. Landscape Buffer.
1. A minimum five-foot-wide landscape buffer (clear of any wall footings) shall be provided adjacent to a residential zoning district. Evergreen screening trees shall be:
    - a. Planted at a minimum interval of 15 feet along interior property lines abutting the residential zoning district;
    - b. Consist of species that attains a 20-foot minimum height at maturity; and
    - c. Minimum 15-gallon size at time of planting.
- D. Modifications. Modifications to the requirements in this Section may be allowed through a Development Plan Modification (Section 21.16.020). In approving such a request, the review authority shall consider impacts on the views, privacy, and other concerns of abutting property owners, and make the findings required for a Development Plan Modification (Subsection 21.16.020.D).

#### 21.34.050. ADDITIONAL DEVELOPMENT STANDARDS AND REGULATIONS IN OP ZONING DISTRICT

- A. Site Development Criteria. The site development criteria described below and in Table 21.34.030-1 (Commercial, Industrial, and Airport Zoning Districts Development Standards) shall be used in conjunction with the standards listed in this Subsection and the design guidelines set forth in Paragraph 21.34.050.B.2.
1. Maximum Density: 12 units/acre
  2. Maximum Lot Coverage: 75%
  3. Accessory Structures. The cumulative gross floor area of all detached accessory structures on a lot shall be limited to 50 percent of the floor area of the primary structure and shall be architecturally compatible with the primary structure.

## B. Development Review and Design Provisions.

1. Site Plan Review Required. All new building construction, building additions, exterior remodel, and site improvements in the Office Professional zoning district shall be subject to Site Plan review (Chapter 21.17), unless a Development Plan is required by Subsection 21.16.010.B (Projects Subject to Development Plan).
2. Design Considerations. The purpose of these design considerations is to ensure development that is compatible with the existing residential and historic neighborhood context that characterizes much of the Office Professional Zoning District.
  - a. Neighborhood Compatibility. The renovation of existing buildings, or the construction of new buildings, shall strive to be compatible with and sensitive to the immediate environment of the site and neighborhood relative to architectural design, scale, bulk, density and unit size; in identity and neighborhood character (historic, residential, or other); in building orientation and setback; and visual integrity.
  - b. Historic Character Preservation. See Chapter 21.62 (Historic Preservation).
  - c. Access and Circulation. Primary access to the site, along with parking and service areas, should be from a public alley wherever possible. Driveway access from the front of a parcel to parking in the rear is discouraged.
  - d. Detached Accessory Structures. Accessory buildings shall be compatible in their function and architectural design to the main/primary building(s) on site, including such features as building style, materials, and roofline.
  - e. Fencing and Screening. The use of fences and walls should be consistent with the overall design theme of on-site buildings.

## C. Residential Dwellings.

1. Primary Use. New residential as a primary use shall comply with development standards of the R-3 Multi-family Residential Zoning District (Sections 21.34.030 and 21.34.050) and Chapter 21.50 (Objective Design Standards for Mixed-Use and Multi-Family Development).
2. Accessory Use. A limit of 1 new residential dwelling, accessory to existing office/office related uses, may be established subject to review by the Development Review Committee (for exterior building or site design modifications), provided the new development is consistent with the development and design requirements of this Chapter. Such dwelling may be either detached or part of the primary structure containing the office professional use.

### 21.34.060. ADDITIONAL DEVELOPMENT STANDARDS AND REGULATIONS IN CP AND RC ZONING DISTRICTS

## A. Setbacks.

1. Front and Street Side Setback Requirements in CP and RC Zoning Districts.
  - a. Arterial streets: 25 feet
  - b. Collector and local streets:

- (1) Where residential zoning districts face the subject streets either across the street from, or on the same side of the street adjacent to, the RC- or CP-zoned property, the setback shall be 25 feet.
  - (2) Where commercial, industrial, public facility, or parks and open space zoning districts face the subject streets either across the street from, or on the same side of the street adjacent to, the RC- or CP-zoned property, the setback shall be 10 feet; however, along freeway frontage streets, more than 10 feet may be required as condition of approval of a Development Plan.
2. Interior Side and Rear Setbacks. As part of the Development Review process (Chapter 21.15), the City may require provision of certain setbacks for buildings, structures, parking and loading spaces and back-up aisles, outside storage areas, outside display areas, trash enclosures, utility transformers, and similar facilities where necessary to provide a buffer between the proposed commercial uses and existing or future neighboring uses.
- B. Requirements for Shared Access, Parking and Other Facilities. To achieve the purposes of this Chapter, Development Plans may be conditioned to provide for future shared motor vehicular, bicycle, and pedestrian access, parking and other facilities (such as drainage basins and utilities) between the subject development site and adjacent properties.
- C. Requirements for Compatible Site and Architectural Design. To achieve the purposes of this Chapter, Development Plans may be conditioned to provide site and architectural design that is compatible with any existing high-quality development on adjacent properties.
- D. Nonconforming Buildings and Sites. For those properties on which buildings were constructed and/or sites completely or partially developed prior to July 1, 1992, where such construction and/or development does not conform to the development standards of this Chapter, and which are the subject of Development Plan applications for new or expanded land uses, the Planning Commission may, in its review and evaluation of said Development Plan applications, take either of the following actions as necessary to achieve the purposes of this Title and Chapter and of the General Plan:
1. Impose conditions of Development Plan approval to require that certain existing buildings and/or site improvements be reconstructed to meet present standards; and/or
  2. Authorize the continued use of existing buildings and/or site improvements in their nonconforming state.

#### 21.34.070. ADDITIONAL DEVELOPMENT STANDARDS AND REGULATIONS IN C-2, C-3, AND PM ZONING DISTRICTS

- A. Front and Streetside Setbacks in C-2 and C-3 Zoning Districts. In the C-2 and C-3 zoning districts where the frontage in a block (on the same side of the street) is partially in a residential zoning district, a front setback of 10 feet and a street side setback of 5 feet is required. Modifications to this standard may be allowed through a Development Plan Modification (Section 21.16.020) In approving such a request, the review authority shall make the findings required for a Development Plan Modification (Subsection 21.16.020.D).
- B. PM Zoning District. In the PM Zoning District, pavement in the front setback shall be limited to 40 percent of the required front setback.

### 21.34.080. ADDITIONAL DEVELOPMENT STANDARDS AND REGULATIONS IN RL ZONING DISTRICT

- A. Development Permit Requirements.
1. All new buildings, major additions, and exterior alterations to existing buildings and structures in the RL district shall be subject to approval of a Development Plan (Chapter 21.16).
  2. In addition to compliance with Section 21.15.040 (Application Filing, Processing, and Review), Development Plans in the RL zoning district shall also show conceptual design of major improvements (such as buildings, parking, and drives) on any adjacent vacant or partially developed RL- or RC-zoned lots.
  3. Approval of plans for minor additions, exterior alterations, and sign copy changes may be delegated by the Planning Commission to the Development Review Committee or to Zoning Administrator, subject to design guidelines adopted by the Planning Commission. Minor additions and exterior alterations shall be considered to be those that have minimal visual effect.
- B. Modification for Height. Modification to the height requirement (Table 21.34.030-1) may be allowed through a Development Plan Modification (Section 21.16.020) to allow building heights up to 75 feet. In approving such a request, the review authority shall make the findings required for a Development Plan Modification (Subsection 21.16.020.D).
- C. Additional Setback Requirements. When a parcel adjoins a residential zoning district, including residential zoning districts located in the unincorporated County, side and rear setbacks shall be increased to 25 feet along the property line(s) adjacent to the residential zoning district.

### 21.34.090. ADDITIONAL REGULATIONS IN THE AP ZONING DISTRICT.

- A. Conditional Uses in AP Zoning District. Uses allowed by right and subject to approval of a Conditional Use Permit in the AP Zoning District shall be as listed in Chapter 21.32 (Land Use Regulations in Zoning Districts). The use regulations listed in Chapter 21.32 are in addition to those prescribed by the Airport Land Use Plan (ALUP). When the use regulations are more restrictive in the ALUP, the provisions of the ALUP shall apply. Development of land within the AP Zoning District shall be in conformance with the standards listed in the ALUP adopted pursuant to Public Utilities Code, Sections 21670 et seq.
- B. Development Plan Required. All new development in the AP Zoning District shall be subject to approval of a Development Plan (Chapter 21.16).

## CHAPTER 21.35. PUBLIC FACILITIES, PARKS AND OPEN SPACE, OPEN SPACE, AND AGRICULTURAL ZONING DISTRICTS (PF, POS, OS, AG)

### 21.35.010. PURPOSE AND APPLICABILITY

- A. Public Facilities Zoning District (PF) Purpose. The Public Facilities Zoning District is established to provide a district for facilities owned and operated by public agencies (city, county, state, and local districts, including public schools).
- B. Parks and Open Space Zoning District (POS) Purpose. The Parks and Open Space Zoning District is established to provide a district for public and private properties that are to be used for parks, open space, and recreational land uses.

- C. Open Space Zoning District (OS) Purpose. The Open Space Zoning District provides a category for public and private properties that are to be used only for conservation of natural resources and passive open space activities such as hiking trails and equestrian trails.
- D. Agricultural Zoning District (AG) Purpose. The purpose of the Agricultural Zoning District is to allow and protect the operation of agricultural uses, maintain open space, and provide viable land uses in areas impacted by airport operations consistent with the Land Use Element of the General Plan.

**21.35.020. LAND USE REGULATIONS**

Uses permitted by right and subject to approval of a Conditional Use Permit shall be as listed in Chapter 21.32 (Land Use Regulations in Zoning Districts). Conditional Use Permits applications shall be processed pursuant to Chapter 21.19 (Conditional Use Permits and Administrative Use Permits).

**21.35.030. DEVELOPMENT STANDARDS**

- A. General Development Standards.
  - 1. Standards. New structures and alterations to existing structures shall be designed and constructed in compliance with the requirements in Table 21.35.030-1 (General Development Standards for Public, Parks, Open Space, and Agricultural Zoning Districts).
  - 2. Process. Chapter 21.15 (Development Review) is required prior to Building Permit issuance for any structure, or to relocate, rebuild, or significantly enlarge or modify any existing structure or site.
- B. Additional Regulations. In addition to other sections of the Zoning Code,
  - 1. Exceptions and additional regulations are included in Sections 21.35.040 - 21.35.070 by zoning district; and
  - 2. See also the development standards in Article 4 (Regulations and Standards Applicable to All Zoning Districts).

Table 21.35.030-1  
General Development Standards for Public, Parks, Open Space, and Agricultural Zoning Districts

Development Standards	PF	POS	OS	AG	Additional Regulations
Minimum Lot Area	5,000 sf	—	—	20 acres	
Minimum Lot Width	50 ft	—	—	—	
Maximum Lot Coverage	—	50%	—	—	
Maximum Density	N/A	1 dwelling unit per lot for all lots 20 acres greater	N/A	2 dwelling units per lot for all lots 20 acres or greater	
Height Limit	50 ft	35 ft for primary structure; 15 ft for accessory structures	35 ft	32 ft	See Paragraph 21.41.040.A.2 (Table 21.41.040-1: Allowed Projections Above Height Limits)
Minimum Setback					
Front	—	15 ft	—	50 ft	
Side – Street	—	10 ft	—	50 ft	



Table 21.35.030-1  
 General Development Standards for Public, Parks, Open Space, and Agricultural Zoning Districts

Development Standards	PF	POS	OS	AG	Additional Regulations
Side – Interior	—	10 ft	—	25 ft	
Rear	—	20 ft	—	25 ft	
Structure Separations	—	10 ft	—	—	

**21.35.040. ADDITIONAL REGULATIONS FOR PROPERTIES ADJACENT TO RESIDENTIAL ZONING DISTRICTS**

- A. Setback Adjacent to Residential Zoning Districts. Unless a larger setback is required by another provision of the Zoning Code, where a Public Facilities, Parks and Open Space, Open Space, or Agricultural Zoning District property line abuts a residential zoning district, the abutting setback shall be:
  - 1. Interior Side Setback: 5 feet
  - 2. Rear Setback: 10 feet
  - 3. Interior Side and Rear Setbacks for Buildings Taller than 2 Stories: 20 feet
- B. Modifications. Modifications to the setback requirement may be allowed through a Development Plan Modification (Section 21.16.020). In approving such a request, the review authority shall make the findings required for a Development Plan Modification (Subsection 21.16.020.D).

**21.35.050. ADDITIONAL DEVELOPMENT STANDARDS AND REGULATIONS IN PF ZONING DISTRICT**

- A. Creation of New Lots. New lots may be created via subdivision map, parcel map, or lot line adjustment to define the boundaries of public and private parks and recreational facilities and open space areas. New lots shall not be created with the intent of creating opportunities for single-family residential land use.
- B. Front and Streetside Setbacks in PF Zoning District. In the PF Zoning District where the frontage in a block (on the same side of the street) is partially in a residential zoning district, a front setback of 10 feet and a street side setback of 5 feet is required.

**21.35.060. ADDITIONAL DEVELOPMENT STANDARDS AND REGULATIONS IN POS ZONING DISTRICT**

- A. Creation of New Lots. New lots may be created via subdivision map, parcel map, or lot line adjustment to define the boundaries of public and private parks and recreational facilities and open space areas. New lots shall not be created with the intent of creating opportunities for single-family residential land use.
- B. Permitted and Conditional Uses. Uses permitted by right and subject to approval of a Conditional Use Permit in the POS Zoning District shall be as listed in Chapter 21.32 (Land Use Regulations in Zoning Districts). As noted in Table 21.32-1 (Zoning District Use Regulations), the following conditions apply to development of single-family dwellings:
  - 1. One single-family dwelling shall be allowed on privately owned lots that are 20 acres or larger in area.

- a. Exceptions:
  - (1) One single-family dwelling per lot is allowed on existing lots that are 1 acre or larger that were annexed into the City after January 12, 1992;
  - (2) On those lots created for open space purposes as part of a subdivision of land zoned for residential, commercial, or industrial use, no residential use shall be permitted.
- 2. A Conditional Use Permit shall be required for 1 single-family dwelling per lot on lots less than 20 acres in area, subject to meeting the lot size, width, depth, and grading standards of the R-1 Zoning District, given the natural slope, and provided that oak trees, stream courses, and any other significant natural feature will not be adversely affected by development of a single-family dwelling.
  - a. Exception: On those lots created for open space purposes as part of a subdivision of land zoned for residential, commercial, or industrial use, no residential use shall be permitted.

#### 21.35.070. ADDITIONAL DEVELOPMENT STANDARDS AND REGULATIONS IN AG ZONING DISTRICT

- A. Agricultural Buffers. Buffers consistent with Policy LU-2E and Action Item 4 of the General Plan may be used as guidelines when considering establishment of a nonagricultural use adjacent to an existing AG-zoned parcel.
- B. View Shed Area - Highway 46 corridor. Highway 46 is a main entrance into the City and therefore a sensitive view shed area whose appearance contributes to the perception of the City. All buildings, structures, and outdoor activities visible from the Highway 46 corridor shall be reviewed for consistency with General Plan policies. Project review should consider landscaping, scale of development, signage, relationship to natural setting, circulation, and architecture for nonresidential buildings.
- C. Development Review. All permitted uses require either a Development Plan, Site Plan or Plot Plan approval as outlined in Chapter 21.15 (Development Review) of this Title, except that any level of review specifically called for in this Chapter, including no permit required, shall supersede the established thresholds as stated in Chapter 21.15 (Development Review). In addition, Subparagraph 21.17.010.B.3.a (regarding all necessary infrastructure has been installed) shall not apply to development within the AG Zoning District.
- D. Dedication of Public Rights-of-Way. All development projects subject to Conditional Use Permit, Development Plan, or Site Plan approval shall offer to dedicate for public street purposes one-half of the planned street or as otherwise determined by the City Engineer, consistent with the General Plan.
- E. Street Improvements. All development projects within the AG Zoning District shall install street improvements unless exempted by the review authority based on a recommendation from the City Engineer.
- F. Water Wells.
  - 1. New wells established exclusively for agricultural uses within the AG Zoning District are allowed in accordance with Title 14 of this Code.
  - 2. New wells established exclusively for domestic uses within the AG Zoning District are allowed in accordance with Title 14 of this Code.

3. Commercial uses within the AG Zoning District shall not be permitted to establish water wells unless approved by the Utilities Department Director or City Council.
- G. Residential Development. All residential development and related activities shall comply with R-1 Zoning District regulations listed in Chapter 21.33 (Residential Zoning Districts) unless otherwise stated in this Chapter.
- H. Accessory Structures.
1. All Accessory Structures. Development standards for accessory structures shall be the same as those listed in Section 21.35.030 (Development Standards) and Table 21.35.030-1 (General Development Standards for Public Facilities, Parks and Open Space, Open Space, and Agricultural Zoning Districts) of this Chapter.
  2. Agricultural Accessory Structures. Agricultural accessory structures shall comply with 21.35.060.H.1 (All Accessory Structures). In addition, all agricultural accessory structures shall be set back a minimum of 100 feet from any dwelling unit other than those on site, except for existing lots of 3 acres or less.
- I. Household Pets. All regulations for household pets in Title 8 of the Municipal Code shall apply, except that the maximum number of dogs shall be increased from 3 to 6. Greater than 6 dogs constitutes a Kennel, Pet Boarding use.
- J. Airport Compatibility. All development within the Airport Land Use Area shall comply with the adopted Airport Land Use Plan.
- K. Agricultural Preserves. All legal lots of record in the AG Zoning District are eligible for agricultural preserve contracts under the Williamson Act (California Land Conservation Act of 1965).
- L. Grading for Agricultural Purposes. All earth-moving activities subject to a grading permit for terracing, roads, or other agricultural purposes, not associated with the construction of buildings or structures, requires Plot Plan approval.
- M. Access, Parking, and Frontage Requirements. All driveways, parking areas, access, and frontage improvements shall be reviewed by the City Engineer and Fire Chief, who may approve exceptions to Chapter 21.48 (Parking and Loading Regulations).
- N. Sales of Agricultural Products—Temporary. Temporary retail sales of agricultural products, except hay, grain, and feed sales, in the AG Zoning District requires Temporary Use Permit (Chapter 21.20) approval subject to the following:
1. At least 50 percent of all products for sale must be grown on the site of the stand, on adjacent contiguous parcels, or on other agricultural parcels in the County owned or leased by the owner of the site on which the stand is located. The sale of other than agricultural products is limited to handcrafted items, packaged food, and tobacco products, which shall not exceed 10 percent of all annual product sales.
  2. Retail sales are conducted for a period not to exceed 120 days in a calendar year. A temporary stand vacated or unused for a period exceeding 60 days is to be entirely removed from the site.
  3. A minimum of 3 off-street parking spaces shall be provided.

- O. Crop Production and Processing. Crop Production and Processing shall be subject to the following:
1. Setbacks: 200 feet from all property lines;
  2. Location: 400 feet from all dwelling units other than those on site;
  3. The application shall include a description of all processes and equipment proposed for use on the site, and a description of measures proposed to minimize the off-site effects of dust, odor, or noise generated by the proposed operation.
- P. Conditionally Permitted Uses—Specific Development Standards.
1. Composting/Green Waste Recycling. Requires Conditional Use Permit (Chapter 21.19) approval subject to the following:
    - a. Minimum site area: 20 acres;
    - b. Setback: minimum 1,000 feet from any school or dwelling unit other than those on site and no closer than 1 mile from any residential zoning district;
    - c. Additional Notice. The public notice required for a hearing on a Conditional Use Permit by Chapter 21.26 (Public Hearings and Notice) shall include additional mailed notice to all owners of property located within 1,500 feet of the exterior boundaries of the site.
  2. Livestock Auction/Sales. Requires Conditional Use Permit (Chapter 21.19) approval subject to the following:
    - a. Minimum site area: 20 acres;
    - b. Setback: minimum 1,000 feet from any school or dwelling unit other than those on site and no closer than 1 mile from any residential zoning district;
    - c. Additional Notice. The public notice required for a hearing on a Conditional Use Permit by Chapter 21.26 (Public Hearings and Notice) shall include additional mailed notice to all owners of property located within 1,500 feet of the exterior boundaries of the site.
  3. Sales of Agricultural Products—Year Round. Retail sales of agricultural products year-round, except hay, grain, and feed, in the AG Zoning District requires Conditional Use Permit (Chapter 21.19) approval subject to the following:
    - a. At least 50 percent of all products for sale must be grown on the site of the stand, on adjacent contiguous parcels, or on other agricultural parcels in the county owned or leased by the owner of the site on which the stand is located. The sale of other than agricultural products is limited to handcrafted items, packaged food, and tobacco products, which are not to exceed 10 percent of all annual products sales.
    - b. Minimum side and rear setbacks: no closer than 100 feet to any dwelling unit other than those on site.
    - c. A minimum of 5 off-street parking spaces shall be provided.

- Q. Right to Farm. For nonagricultural land uses occurring near agricultural uses, see Section 21.69.220 (Right to Farm) regarding a person's and/or entity's right to farm.

## CHAPTER 21.36. OVERLAY ZONING DISTRICTS (HOS, HP, MU, PD, L, SPD, SP)

### 21.36.010. PURPOSE AND APPLICABILITY

- A. Purpose. Overlay zoning districts are created for the purpose of providing tailored regulations for uses and operations in specific geographic area to implement the provisions of the General Plan and to comply with various federal or state regulations. The regulations for an overlay zoning district are either in addition to those applicable to the underlying primary zoning district (Section 21.12.010) or establish restrictions.
- B. Applicability. The provisions of this Chapter shall apply to all uses in the primary zoning district and shall be in addition to the regulations for the primary zoning district. Whenever conflicts exist between this Chapter and other sections of the Zoning Code, the most restrictive shall apply.

### 21.36.020. HIGHWAY-ORIENTED SIGN OVERLAY

- A. Purpose and Applicability. It is the intent of the Highway-Oriented Sign (HOS) Overlay Zoning District to regulate the height and design of pole signs oriented towards highways.
- B. Development Standards. See Subsection 21.52.080.H (Highway-Oriented Signs).

### 21.36.030. HISTORIC PRESERVATION OVERLAY

- A. Purpose. It is the intent of the Historic Preservation (HP) Overlay Zoning District to encourage the preservation, restoration, and renovation of buildings and/or neighborhoods of architectural significance or interest, consistent with Chapter 21.62 (Historic Preservation).
- B. Applicability. The Historic Preservation Overlay Zoning District may be applied to any area containing 1 or more buildings of historic interest. In determining the boundary of the zoning district, the Planning Commission shall consider whether or not the buildings or building are historically significant or of interest, if they have sufficient educational value to warrant consideration for museum use, if they can be retained in their original or present use, if they are adaptive to re-use, and/or if they are adaptive to a new use without damage to those architectural elements that contribute to their significance and if preservation or restoration is economically feasible. In determining the boundary to be included in the Historic Preservation Overlay Zoning District, the Planning Commission shall consider the location of the buildings to be preserved, the original building site of the buildings, the present relationship between different buildings of significance or interest, the architectural continuity of the streets on which the buildings are located, the surrounding uses, the visibility of the buildings to the general public, and the encroachment of detrimental uses. In making such determination, the Planning Commission shall seek to balance the public benefit with any adverse effects to the economic value of adjacent development.
- C. Development Review. The Planning Commission shall adopt guidelines for the review of new buildings or structures in the Historic Preservation Overlay Zoning District. Such guidelines shall consider building spacing, lot coverage, yard limits, setbacks, density of use, bulk, height, materials textures, scale, orientation, the rhythm of the block face, and the general spirit of the area. Applications for any new building or structure in HP Overlay Zoning District shall be referred to the Planning Commission for architectural review. The Planning Commission shall review applications for new structures in the Historic Preservation Overlay Zoning District, and may impose such restrictions or conditions as it deems necessary to comply with the intent of Chapter 21.62 (Historic Preservation).

**21.36.040. LODGING OVERLAY****A. Purpose.**

1. The Lodging (L) Overlay Zoning District is intended to provide a means through which the City Council (and, through the Development Review process, the Planning Commission) can consider and selectively provide appropriate locations for resort hotels, motels, bed and breakfast inns, and similar forms of visitor-serving lodging (along with related accessory/ancillary land uses).
2. The City's adopted economic development strategy establishes the goal of developing the City into an "end destination" tourist attraction. Providing a Lodging (L) Overlay Zoning District can assist in achieving this goal by encouraging consideration of appropriate locations for resorts, lodging, and related/ancillary land uses (without providing the broader range of permitted and conditionally permitted land uses and the accompanying neighborhood and environmental impacts that are associated with a commercial or industrial General Plan or zoning designation). The L Overlay Zoning District can be established on any property, subject to approval of a zone change application.
3. Considerations upon which to base approval or denial of an L Overlay Zoning District application shall include but not be limited to adequacy of streets and highways to handle the anticipated traffic, and compatibility with adjacent and nearby land uses. The City Council may determine not to consider an L Overlay Zoning District application without the accompanying site plan and elevation designed to demonstrate how the design of the project could be considered compatible with the surrounding neighborhood.

**B. Uses Permitted—Approval Process.** Unless approved by City Council in conjunction with the adoption of the L Overlay Zoning District, once the City Council has approved an L Overlay Zoning District for a specific property, through the Development Plan process (Section 21.16.010) the Planning Commission may approve, conditionally approve or deny an application for a permitted land use provided for under the L Overlay Zoning District provisions. The permitted land uses are:

1. Resort and other hotels;
2. Motels and motor hotels;
3. Bed and breakfast inns;
4. Similar land uses as determined by the Planning Commission.

**C. Accessory/Ancillary Land Uses.** In conjunction with or subsequent to approval of a permitted land use, applicants may request Planning Commission approval for accessory/ancillary land uses. Accessory/ancillary land uses cannot be established independent of permitted (primary) land uses. All accessory/ancillary land uses are subject to approval, conditional approval, or denial of the Planning Commission, based on a finding of compatibility with both the permitted land use and the neighborhood setting:

1. Spa and other recreation facilities;
2. Restaurant facilities;
3. Meeting or conference rooms;

4. Retail sales operations related to the primary land use;
  5. Other visitor serving/complementary land uses determined by the Planning Commission to be consistent with the implementation of the City's economic development strategy.
- D. Conditionally Permitted Land Uses. The Planning Commission shall consider a Conditional Use Permit application for the following uses in the L Overlay Zoning District:
1. Caretaker dwelling units; and
  2. Other land uses or activities (including but not limited to outdoor recreation) involving lights, noise, or other characteristics that could have an impact on neighboring land uses.

### 21.36.050. MIXED-USE OVERLAY

- A. Purpose. The purpose of the Mixed-Use (MU) Overlay Zoning is to provide for locations appropriate for development of multi-family residential in nonresidential zoning districts, either in combination with commercial uses or as stand-alone residential development projects. The Mixed-Use Overlay Zoning District is intended to encourage a mix of land uses in areas appropriate for intensified, compact, infill development. It is also intended to create areas that have activity throughout the day, every day, and that provide a variety of goods, services, and jobs within walking distance of residences.
- B. Applicability. A property designated with a Mixed-Use Overlay Zoning District is not required to be developed with a mixed-use development; such property may be developed with any of the uses permitted or conditionally permitted in the underlying zoning district as well as uses permitted by Subsection 21.36.050.C.
- C. Allowed Uses. In addition to the uses allowed in the underlying base district per Table 21.32-1 (Zoning District Use Regulations), in the Mixed-Use Overlay Zoning District, the following uses are also allowed:
1. Multi-Family Dwellings;
  2. Mixed-use developments combining allowed nonresidential uses (as provided in Chapter 21.32 [Land Use Regulations]) in the underlying zone with multi-family dwellings;
  3. Communal Housing;
  4. Family Day Care Home;
  5. Residential Care – General, Limited, and Assisted Living.
  6. Senior Housing;
  7. Supportive Housing; and
  8. Transitional Housing.
- D. General Site Development Standards. New residential land uses shall be designed, constructed, and/or established in compliance with the requirements in Table 21.36.050-1 (Development Standards for Mixed-Use Overlay Zoning District).

Table 21.36.050-1: Development Standards for Mixed-Use Overlay Zoning District

Development Standards	Site Development Criteria
Maximum Height	The height regulations of the underlying zoning district shall apply.
Minimum Setbacks	The setback regulations of the underlying zoning district shall apply to commercial uses. For Residential Uses: Front and Street Side: 10 ft/garages 20 ft Side: 5 ft first story; 10 ft for upper stories Rear: 10 ft See Subsection 21.50.090.A (Setbacks Adjacent to R-1 Zoning District).
Maximum Density	30 dwelling units per acre
Building Features	The objective design standards in Chapter 21.50 (Objective Design Standards for Mixed-Use and Multi-Family Development) shall apply.
Minimum Open Space	Private Open Space: 100 sf per dwelling unit Common Open Space: 100 sf per dwelling unit Only common space may be provided if increased to 300 sf per dwelling unit.  Required open space may be provided as private (for the exclusive use of the residents of one dwelling unit), shared (accessible to all of the residents of a development), or a combination of private and shared open spaces.  Private open space may be provided as private yards, balconies, porches or ground level or rooftop patios.  Shared open space may be provided as courtyards, plazas, balconies, ground level, or rooftop patios.  Walkways, corridors, or paseos shall not be included as open space.  See Subsection 21.45.020.E (Residential Open Space Areas).
Parking	See Chapter 21.48 (Parking and Loading Regulations)
Residential Storage	Each residential unit shall provide a minimum of 200 cubic feet of secured storage space. This does not include any closets contained within individual dwelling units. Storage space may be incorporated into dwelling unit or provided within a parking area.
Refuse and Recycling Areas	See Chapter 21.51 (Refuse and Recycling Areas)
Laundry Facilities	Laundry facilities consisting of at least 1 washer and 1 dryer per 6 dwelling units, or portion thereof, shall be provided onsite.
Sign Program	For projects with more than 1 leasable commercial space, a sign program shall be submitted and approved when the mixed-use project is considered by the Planning Commission (program does not need to include sign copy unless desired).

- E. Setback Modification. Modifications to reduce the required setbacks to no less than 5 feet may be allowed through a Development Plan Modification (Section 21.16.020). In approving such a request, the review authority shall make the findings required for a Development Plan Modification (Subsection 21.16.020.D) and all of the following findings:
1. The reduction is necessary to preserve oak trees and/or minimize major grading; and
  2. The reduced setback would not be inconsistent with an established neighborhood pattern.



**21.36.060. PLANNED DEVELOPMENT OVERLAY**

- A. Purpose. The purpose of the Planned Development (PD) Overlay Zoning District is to identify properties where a Development Plan is required, regardless of thresholds identified in Subsection 21.16.010.B (Projects Subject to Development Plan).
- B. Development Plan Required. In combination with any base zoning district, development projects proposed within a Planned Development Overlay Zoning District require approval of a Development Plan (Chapter 21.16).
- C. Compliance with Standards. Development projects proposed within a Planned Development Overlay Zoning District shall comply with the standards of this Title unless a modification is approved through a Site Plan Modification (Section 21.17.020) or Development Plan Modification (Section 21.16.020).

**21.36.070. SPECIAL PLANNED DEVELOPMENT OVERLAY**

- A. Purpose and Applicability. As specified in Section 21.11.010 (Purpose and Applicability).
- B. Review Authority and Additional Permit Requirements. As specified in Section 21.11.020 (Application Processing).
- C. Allowed Modifications to Standards. As specified in Section 21.11.050 (Allowed Modifications to Standards).
- D. Required Findings. As specified in Section 21.11.060 (Required Findings)
- E. Special Planned Developments Established. See Chapter 21.04 (Special Planned Developments Established).

**21.36.080. SPECIFIC PLAN OVERLAY**

- A. Purpose and Applicability. As specified in Section 21.14.010 (Purpose and Applicability).
- B. Specific Plan Initiation and Project Review. As specified in Section 21.14.020 (Initiation of Specific Plans), Section 21.14.030 (Specific Plan Project Review), and Section 21.14.040 (Hearings, Recommendation, and Action).
- C. Required Findings. As specified in Section 21.14.050 (Required Findings).
- D. Specific Plans Established. See Chapter 21.05 (Specific Plans Established).

**21.36.090. OFFICE PROFESSIONAL OVERLAY**

- A. Purpose. The Office Professional (OP) Overlay Zoning District is intended to retain and provide for residential uses as the primary use in accordance with the base residential zoning district (such as R-2 or R-3), but to act as a transitional zoning district that could accommodate mixed office and residential uses. Approval of a Conditional Use Permit is required in order to establish professional or medical office uses (or other related commercial service or retail uses ancillary to office). A Conditional Use Permit may be approved if neighborhood compatibility and preservation of residential character can be demonstrated.

Innovative uses of existing structures shall be encouraged. All new activities and new construction/remodeling shall not detract from the existing character of the neighborhood, particularly with regards to design compatibility with buildings listed in the City's inventory of historic structures.

- B. Allowed Uses. In addition to the uses allowed in the underlying base zoning district per Table 21.32-1 (Zoning District Use Regulations), in the Office Professional Overlay Zoning District the following uses are also allowed:
1. Residential dwellings at densities permitted by the base residential zoning district; and
  2. All other uses permitted by the base residential zoning district.
- C. Uses Conditionally Permitted—Planning Commission Approval. Conditionally permitted uses in the Office Professional Overlay Zoning District are as follows:
1. Medical Services - Doctor Office;
  2. Office - Professional/Administrative;
  3. Cultural Institutions;
  4. Bed and Breakfast Inns;
  5. Assembly Facility – Religious;
  6. Accessory buildings that are compatible in design and function to primary structures; and
  7. Other uses as determined by the Planning Commission as being similar in class and nature to conditionally permitted uses listed in this Section.
- D. Nonpermitted Uses. Nonpermitted uses in the Office Professional Overlay Zoning District are as follows:
1. Medical Services - Clinic, Urgent Care;
  2. Medical Services - Hospitals;
  3. Government Buildings and Facilities; and
  4. Other uses not specifically provided for within this Section.
- E. Conversion of Residential Structures. No structure originally designed as a residence, or as an accessory structure or addition to a residence, shall be used for any commercial or office uses unless the following criteria are met:
1. Conditional Use Permit Required. Such office or commercial activity may be permitted only after first obtaining a Conditional Use Permit. The establishment of an office professional or related use shall, at a minimum, be subject to the same site development criteria, performance standards, design parameters and other governing regulations of the Office Professional Zoning District, but additional standards and/or controls may be applied through the Conditional Use Permit process in order to maintain neighborhood compatibility.
  2. Additional Standards and Controls. Additional standards and controls applied through the Conditional Use Permit process may include, but may not be limited to: increased landscaping and

screening requirements of structures and parking areas from adjacent dwellings; increased limitations on hours of business operation; limitation on the number of employees associated with a given use; limitation on client schedules or specialized techniques for site maintenance and/or development.

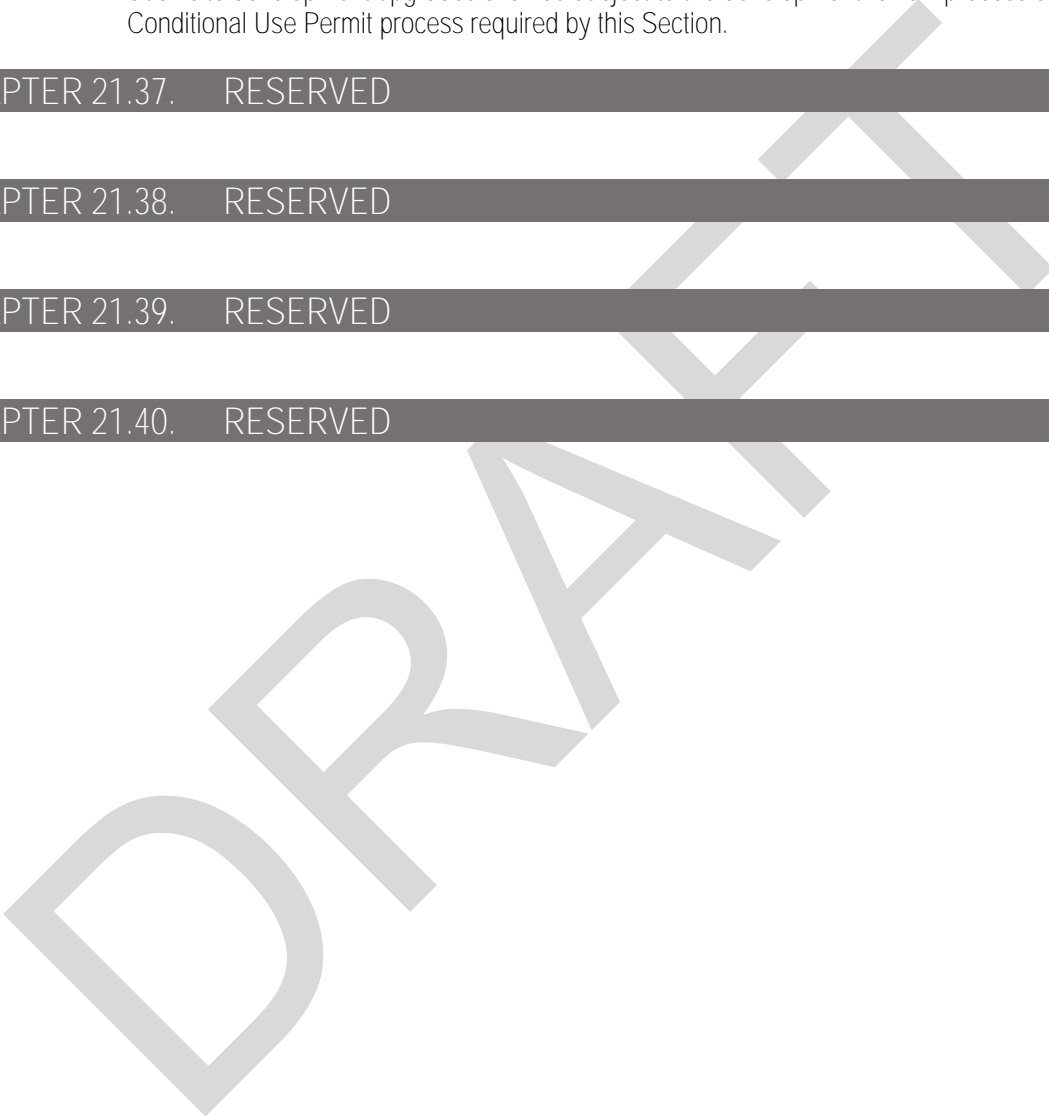
3. Site Development Upgrades. The building and site shall be improved to meet all code requirements for an office or commercial development. This includes such things as but not limited to Building Code requirements, Fire Code requirements and site development code requirements. Such site development upgrades shall be subject to the development review process as part of the Conditional Use Permit process required by this Section.

CHAPTER 21.37. RESERVED

CHAPTER 21.38. RESERVED

CHAPTER 21.39. RESERVED

CHAPTER 21.40. RESERVED



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**CHAPTER 21.41. RULES OF MEASUREMENT****21.41.010. PURPOSE AND APPLICABILITY**

This Chapter provides general rules for measurement and calculation applicable to all zoning districts unless otherwise stated in this Title.

**21.41.020. FRACTIONS**

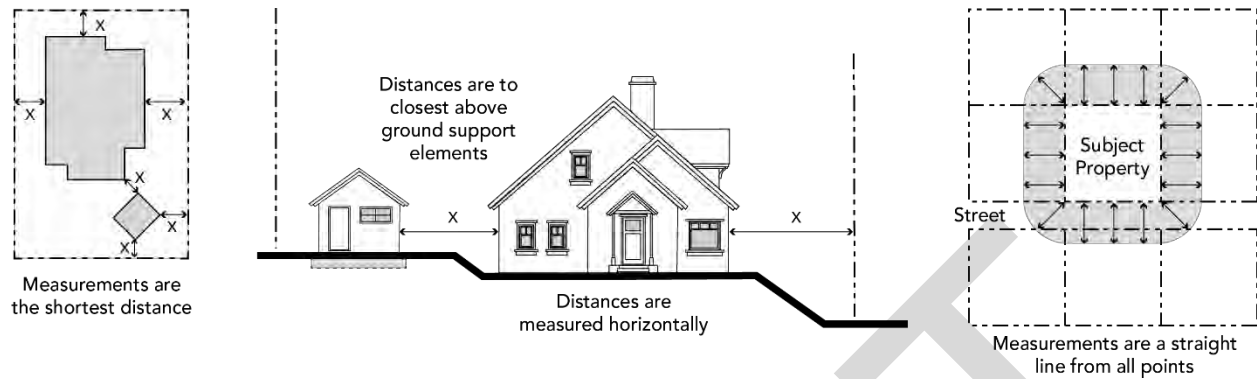
Whenever this Code requires consideration of distances, parking spaces, dwelling units, or other aspects of development or the physical environment expressed in numerical quantities, and the result of a calculation contains a fraction of a whole number, the results will be rounded as follows:

- A. General Rounding. Fractions exceeding one-half (0.5) or greater shall be rounded up to the nearest whole number and fractions less than one-half (0.5) shall be rounded down to the nearest whole number, except as otherwise provided.
- B. Fractional Density Rounding. See Subparagraph 21.41.080.A.2.c (Calculating Fractional Density).
- C. Exception for State Affordable Housing Density Bonus. When calculating fractions related to permitted bonus density units for projects eligible for bonus density pursuant to Chapter 21.61 (Density Bonus), any fractional number of units shall be rounded up to the next whole number.

**21.41.030. MEASURING DISTANCES**

- A. Measurements Are Shortest Distance. Where a required distance is indicated, such as the minimum distance between a structure and a lot line, the measurement shall be made at the closest or shortest distance between the two objects, unless otherwise specifically stated.
- B. Distances Are Measured Horizontally. When determining distances for setbacks, all distances shall be measured along a horizontal plane from the appropriate line, edge of building, structure, storage area, parking area, or other object. These distances shall not be measured by following the topography or slope of the land unless otherwise specifically stated.
- C. Measurements Involving a Structure. Measurements involving a structure shall be made to the closest vertical support element of the structure. Structures or portions of structures that are underground shall not be included in measuring required distances unless otherwise specifically stated.
- D. Measuring Radius. When a specified land use is required to be located a minimum distance from another land use, the minimum distance is measured in a straight line from all points along the lot line of the subject project, in all directions.

Figure 21.41.030-1: Measuring Distances

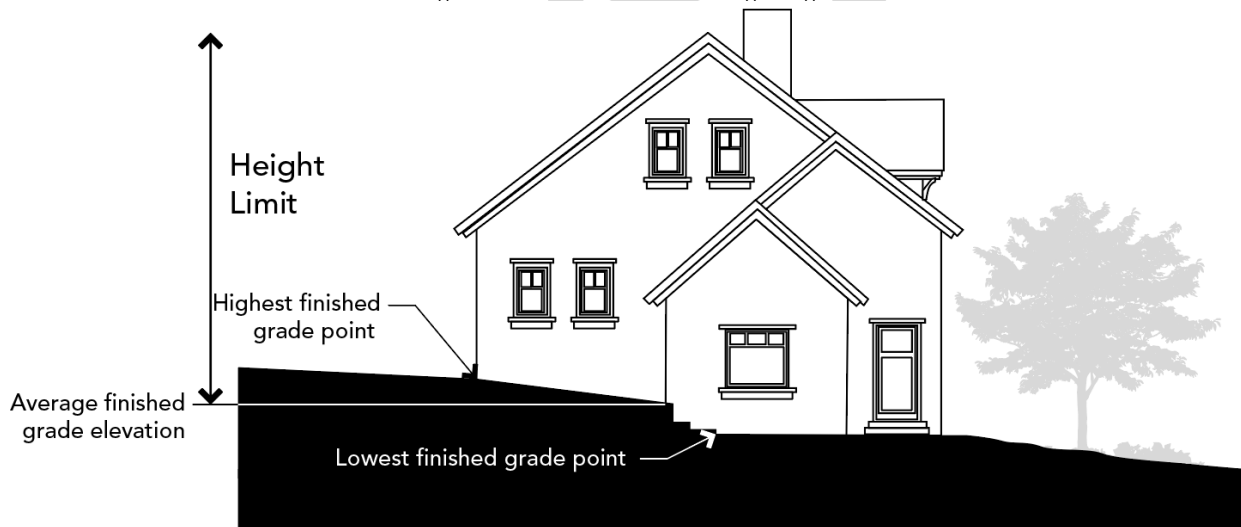


21.41.040. MEASURING HEIGHT

A. Structures.

1. General. Building height is measured from the average level of the highest and lowest points where the vertical plane of the exterior walls touches finished grade to the highest point on the roof.

Figure 21.41.040-1: Measuring Height



2. Allowed Projections/Modifications. The structures listed in Table 21.41.040-1 (Allowed Projections Above Height Limits) may exceed the maximum allowed building height for the zoning district in which they are located, subject to the limitations stated; and further provided, that no portion of a structure in excess of the building height limit may contain habitable areas. In approving such a request, the review authority shall make the findings required for a Development Plan Modification (Subsection 21.16.020.D) or Site Plan Modification (Subsection 21.17.020.C) as indicated in Table 21.41.040-1 (Allowed Projections Above Height Limits).



Table 21.41.040-1: Allowed Projections Above Height Limits

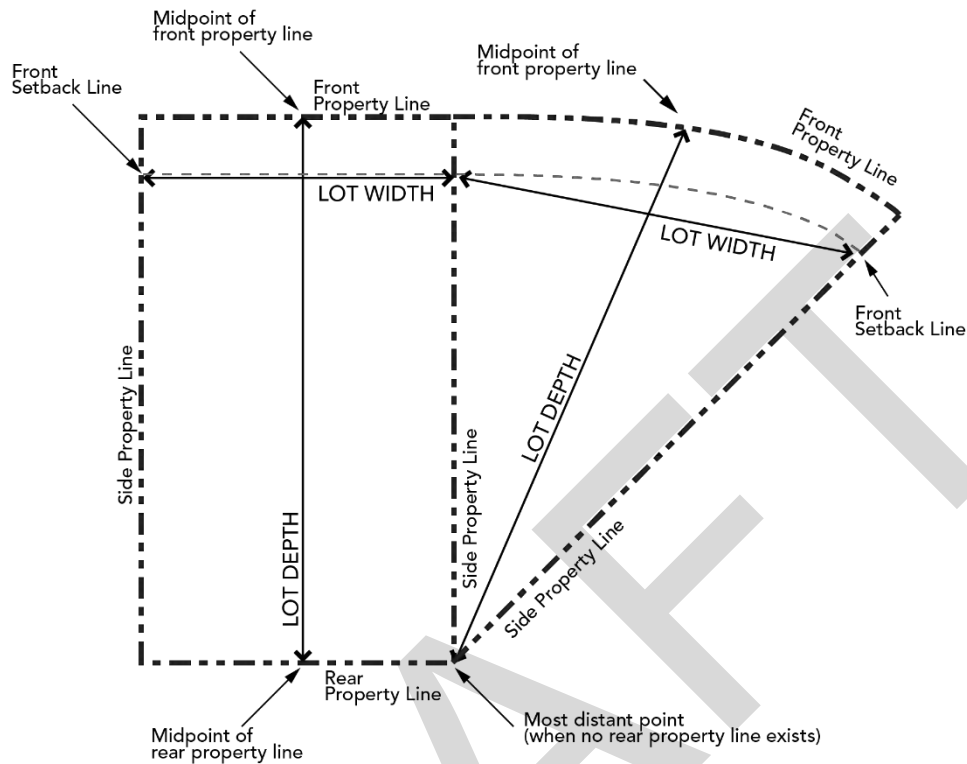
Structures Allowed Above the Height Limit	Maximum Vertical Projection Above the Height Limit	Maximum Coverage and Locational Limitation	Type of Action Required
Chimneys	8 ft	None	Development Plan Modification (Section 21.16.020)
Nonhabitable architectural features such as tower elements, cupolas, bell towers, church steeples, and similar structures	10 ft	Limited to a total of 20% of roof area. Features shall be an <b>integral part of the structure's</b> architecture, materials, and style.	
Nonhabitable space to allow for varied roof forms and/or roof slope	10 ft	None	
Elevator and stair towers (for multi-family and non-residential buildings only)	16 ft	Limited to a total of 10% of roof area.	
Flagpoles	10 ft	None	Site Plan Modification (Section 21.17.020)
Fire escapes, catwalks, and open railings required by law	Not to exceed Building Code requirements		None
Mechanical equipment	5 ft	Must be set back from exterior walls 1 foot for every foot of projection above the height limit and screened consistent with Paragraph 21.47.020.B.1.	Site Plan Modification (Section 21.16.020)
Telecommunications facilities, antennas, microwave equipment, and radio towers	Subject to the provisions of Chapter 21.66 (Wireless Communications Facilities)		
Water tanks and silos	10 ft	Limited to a total of 25% of the lot area, or 10% of the roof area of all on-site structures, whichever is less. Must be located at least 25 feet from any property line	Development Plan Modification (Section 21.16.020)

- B. Fences, Walls, and Hedges. Except as provided in Chapter 21.44 (Fences, Walls, and Hedges), the height of a fence or hedge shall be measured from the highest adjacent grade.

**21.41.050. MEASURING LOT WIDTH AND DEPTH**

- A. Lot Width. Lot width is the measured distance between the side lot lines, measured at the front building setback line.
- B. Lot Depth. Lot depth is the measured distance along an imaginary straight line drawn from the midpoint of the front property line of the lot to the midpoint of the rear property line or to the most distant point on any other lot line where there is no rear lot line.

Figure 21.41.050-1: Measuring Lot Width and Depth



## 21.41.060. DETERMINING AVERAGE SLOPE

- A. Average Slope. One of the following methods for determining average slope shall be used:
1. Basic Method. Where a line drawn between highest and lowest points on a parcel is adequate to represent direction and extent of slope for the entire parcel, the difference in elevation between the high and low points, divided by the horizontal distance between the points, shall determine the average slope.
  2. Sectional Method. Where the parcel contains distinct sections of differing slope, the average slope of each section may be determined according to either the basic method in Paragraph 21.41.060.A.1 of this Section or the contour measurement method in Paragraph 21.41.060.A.3 of this Section. **The average slope of each section is then used in proportion of the section's area to the total area to determine the average slope of the entire parcel.**
  3. Contour Measurement Method. Where precise measurement of the average slope is required due to varied slope conditions or complex topography, the following formula will be used:

$$\text{Average slope (\%)} = 100(I)(L)/A$$

Where:

I = Contour interval in feet. Contour intervals shall not exceed 5 feet.

L = Combined length of contour lines measured within the developable area.

A = Developable area of subject parcel (in square feet)

### 21.41.070. DETERMINING DEVELOPABLE AREA

The "developable area" of a lot is the area where development shall be allowed to occur. The following excluded areas shall be deducted from developable area:

- A. Any area of the lot with natural slopes of 35 percent or greater;
- B. Any area of the lot within the critical root zones of a compact grouping of 10 or more mature oak trees ("mature" as defined in Chapter 10.01 of this Municipal Code), where critical root zones between trees in the grouping are separated by 10 feet or less; and
- C. Any dedication necessary to provide for the full rights-of-way of arterial and/or collector streets, as designated by the Circulation Element of the General Plan, adjacent to and/or within a proposed subdivision, parcel map or lot line adjustment, in accordance with adopted standards for City streets.

### 21.41.080. DETERMINING DENSITY

- A. Residential Density Calculation.
  - 1. General Density Calculation.
    - a. R-A, R-1, AG, and POS Zoning Districts.
      - (1) In the R-A, R-1, AG, and POS Zoning Districts, each single-unit dwelling (excluding accessory dwelling units [Chapter 21.58] and urban dwelling unit projects [Chapter 21.65]) counts as 1 density unit.
      - (2) Site topography lot size limitations and resulting density limitations are outlined in Table 21.33.030-1 (Development Standards for R-A, R-1, and R-1 Combining Districts).
  - 2. Fractional Density.
    - a. Purpose and Applicability. To encourage smaller units that are affordable by design, the City recognizes fractional density units. Fractional density units do not apply to adopted specific plan areas that are associated with Development Agreements unless specifically amended to allow fractional density.
    - b. Density Units. Density units differ from dwelling units as a dwelling unit with less than 1,000 square feet of habitable area is counted as less than 1 density unit. The following density unit values apply to all multi-family residential zoning districts (R-2 through R-5), Uptown/Town Centre Specific Plan districts, and in the Mixed-Use (MU) Overlay Zoning District.
      - (1) Studio and 1-bedroom dwelling units 600 square feet or less = 0.50 density unit
      - (2) Studio and 1-bedroom dwelling units 601 to 1,000 square feet = 0.66 density unit
      - (3) 2-bedroom and greater dwelling units and all dwelling units over 1,000 square feet = 1.00 density unit
      - (4) All dwelling units approved prior to January 1, 2021 shall be counted as 1 density unit.

## c. Calculating Fractional Density.

- (1) Fractions. Maximum residential development potential shall be the lot area (in whole and fractional acres), multiplied by the maximum density allowed. The resulting number (in density units, carried out to the nearest one hundredth (0.01) unit) shall be the maximum residential development potential. For example, when a calculation results in a density of 4.74 units, up to 9 units that are less than 600 square feet in size would be permitted; when a calculation results in a density of 4.75 units, up to 10 units less than 600 square feet in size would be permitted. Any combination of dwelling types and numbers may be developed, so long as their combined density unit values do not exceed the maximum residential development potential.
- (2) Order of Operations. The densities permitted by Paragraph 21.41.080.A.1 (General Density Calculation) of this Section shall be modified based on site topography/slope, then density bonus (if requested by an applicant), prior to any fractional density calculation.
- (3) For all regulations other than maximum density, (such as parking requirements, minimum lot size, etc.), regulations shall be based on the number of units, not based on the number of fractional density units.

B. Densities for Residential Care Facilities (General and Assisted Living). See Paragraph 21.69.200.B.1 (Density).

## 21.41.090. DETERMINING FLOOR AREA

- A. Generally. The floor area of a building is the sum of the gross, habitable space of the horizontal areas of all floors of a building or other enclosed structure, measured from the outside perimeter of the exterior walls and/or centerlines of party walls separating such buildings or portions thereof.
- B. Excluded from Floor Area: Nonresidential Uses. Net floor area, for the purposes of determining floor area and calculating parking requirements for nonresidential uses, is the sum of the gross horizontal areas of all floors, mezzanines, and lofts of the building, including all enclosed and conditioned areas except the following, which are excluded from floor area:
  1. Covered or enclosed stairways, stairwells, and elevator shafts;
  2. Mechanical, electrical, and communication equipment rooms that do not exceed 2 percent of the **building's gross floor area**;
  3. Areas that qualify as usable open space such as balconies and outdoor terraces;
  4. Areas normally used for drive-in customer service such as drive-in windows and as pump service areas; and
  5. Areas used for off-street parking spaces or loading spaces, driveways, ramps between floors of a multilevel parking garage, and maneuvering aisles that are located below the finished grade of the property.
- C. Excluded from Floor Area: Residential. Net floor area for residential uses, for the purposes of determining the maximum allowable size of detached accessory structures, is the sum of the gross horizontal areas of all

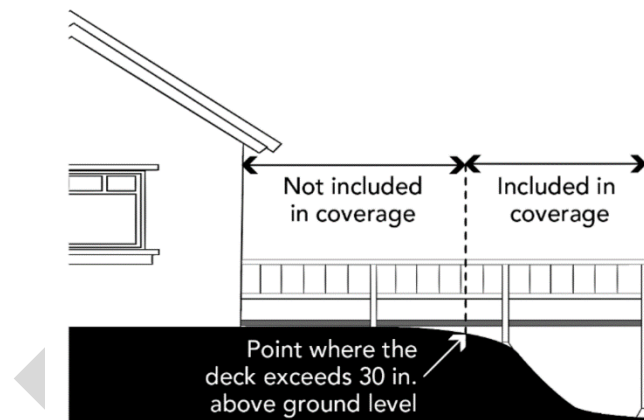
floors, mezzanines, and lofts of the building, including all enclosed and conditioned areas (including attached garages) except the following, which are excluded from floor area:

1. Basements if the top of the finished floor above the basement is less than 2 feet above existing grade.

#### 21.41.100. DETERMINING LOT COVERAGE

- A. General. Lot coverage is the ratio of the total footprint area of all structures on a lot to the net lot area, typically expressed as a percentage. The footprints of all principal and accessory structures, including garages, carports, covered patios, and roofed porches shall be summed to calculate lot coverage.
- B. Exemptions. Exempted from lot coverage computation are:
  1. Unenclosed and unroofed decks, uncovered patio slab, porches, landings, balconies and stairways that are 30 inches or less in height, as measured from the adjacent existing grade;

Figure 21.41.100-1: Lot Coverage Exemption for Certain Decks



2. Eaves, roof overhangs, and awnings projecting up to 3 feet from a wall;
3. Swimming pools and hot tubs that are not enclosed in roofed structures or decks over 30 inches in height;
4. Up to 800 square feet of an accessory dwelling unit. Any additional square footage of an accessory dwelling unit shall be included in lot coverage.

#### 21.41.110. DETERMINING PARKING REQUIREMENT

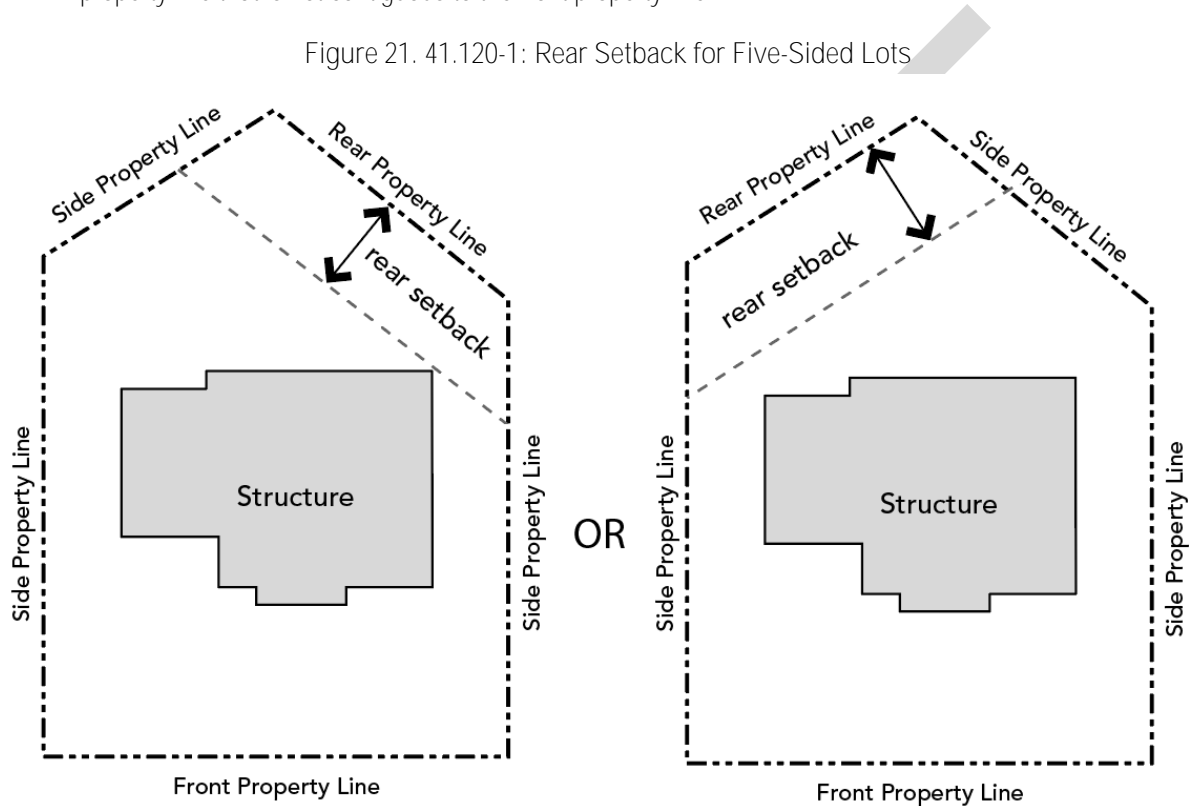
See Subsection 21.48.020.A (Calculation of Required Parking Spaces).

#### 21.41.120. DETERMINING SETBACKS

- A. General.
  1. Measurement. A setback line is parallel to and at the specified distance from the corresponding front, side, or rear property line.

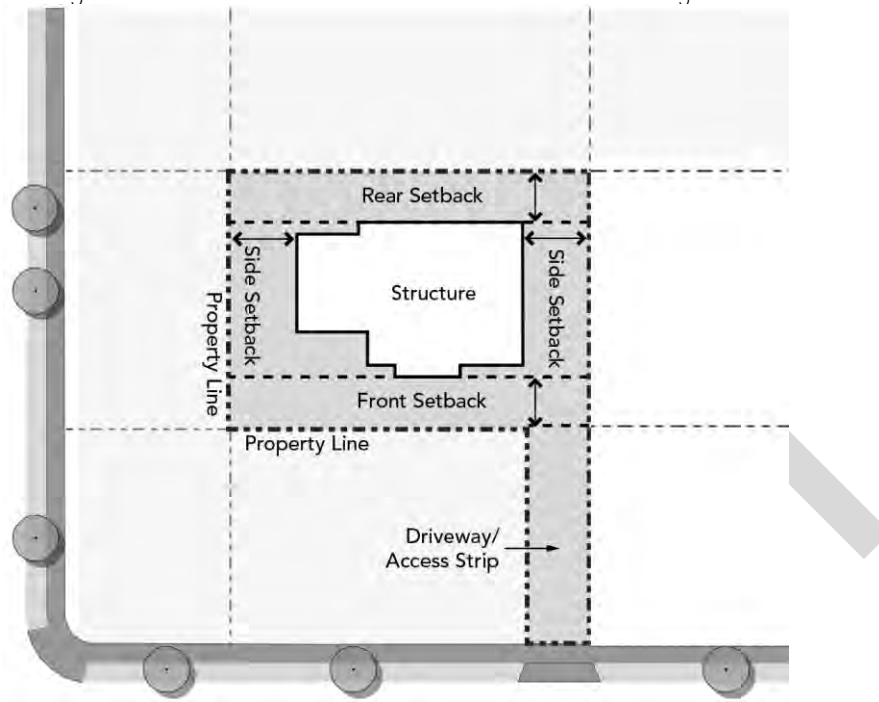
- 2. Unobstructed. Required setbacks shall be unobstructed from the ground to the sky except as allowed by Section 21.41.130 (Projections into Setbacks).
- B. Front and Street-Side Setbacks on Private Streets. On private streets, front setback line and street-side setback lines and minimum distance to garage doors are measured from the edge of pavement if no sidewalk exists.
- C. Rear Setbacks for Five-Sided Lots. The rear setback on five-sided lots may be measured from either property line that is not contiguous to the front property line.

Figure 21. 41.120-1: Rear Setback for Five-Sided Lots



- D. Determination of Front Setback for Flag Lots. The front setback for flag lots shall be measured from that property line adjacent and perpendicular to the driveway/access strip, excluding the driveway/access strip.

Figure 21.41.120-2: Determination of Front Setback for Flag Lots



21.41.130. PROJECTIONS INTO SETBACKS

- A. Allowed Projections into Setbacks. Building projections may encroach into required setbacks according to the standards of Table 21.41.130-1 (Allowed Projections into Required Setbacks), subject to all applicable requirements of the Building Code.

Table 21.41.130-1: Allowed Projections into Setbacks

Projection	Front	Street Side	Interior Side	Rear	Additional Regulations
R-A and R-1 Zoning Districts					
Architectural features such as cornices and eaves	3 ft	3 ft	3 ft	3 ft	See Section 21.43 (Awnings, Canopies, and Patio Covers).
Covered porch over entry	6 ft	3 ft	May not encroach	May not encroach	Porches shall be open on 3 sides and the design and materials shall be architecturally compatible with the building.
Uncovered porches, decks, stoops, and outside stairs					
All elements 30 inches or less above ground elevation	6 ft	6 ft	4 ft	May encroach to within 10 feet of rear property line	
All elements more than 30 inches above ground elevation	6 ft	6 ft	2 ft	May not encroach	
Multi-Family Zoning Districts (R-2, R-3, R-4, and R-5) and OP					
Architectural features such as cornices, eaves, and cantilevered balconies	5 ft	3 ft	3 ft	May encroach to within 10 feet of rear property line	See Section 21.43 (Awnings, Canopies, and Patio Covers).

Table 21.41.130-1: Allowed Projections into Setbacks

Projection	Front	Street Side	Interior Side	Rear	Additional Regulations
Covered porch at entry	6 ft	2 ft	May not encroach	May not encroach	Porches shall be open on 3 sides. See Chapter 21.50 (Objective Design Standards).
Uncovered porches, decks, stoops, and outside stairs	6 ft	2 ft	2 ft	May not encroach	
Note: See also Subsection 21.41.130.E (Stormwater Protection Setback) which limits encroachments near a property line.					

- B. Attached Accessory Structures in R-A and R-1 zoning districts. Attached accessory structures such as patio covers consistent with Subsection 21.42.030.D (Attached Accessory Structures) are allowed to encroach into rear setbacks up to 10 feet from the rear property line in R-A and R-1 Zoning Districts. Any eaves associated with attached accessory structures shall comply with allowed encroachments listed in Table 21.41.130-1 (Allowed Projections into Setbacks).
- C. Detached Accessory Structures. Detached accessory structures shall comply with setback requirements listed by zoning district in Article 3 (Zoning Districts, Allowable Uses, and Development Standards). Any eaves associated with detached accessory structures shall comply with allowed encroachments listed in Table 21.41.130-1 (Allowed Projections into Setbacks) and Subsection 21.41.130.E (Stormwater Protection Setback).
- D. Mechanical Equipment at Grade. See Paragraph 21.47.020.B.3 (Setbacks).
- E. Stormwater Protection Setback. No projection listed in Table 21.41.130-1 (Allowed Projections into Setbacks) may extend closer than 3 feet from a property line or encroach into a public utility easement unless the projection does not slope toward the property line or easement boundary, or a gutter is provided. In that case, the projection may extend to 1 foot from the property line or to the easement boundary.
- F. Conflict with Building Code. Where any allowance of this Title conflicts with applicable building codes, the more restrictive shall apply.
- G. Measurement. Projections are measured from the exterior wall of the building to the applicable property line unless otherwise noted.

**21.41.140. DETERMINING THE FRONT AND SIDE OF CORNER LOTS**

- A. The narrowest frontage of the corner lot facing the street is the front, irrespective of the direction in which the building faces.
- B. The Zoning Administrator shall determine the front of a lot if there is a difference of 5 feet or less between the side and front dimensions.
- C. Modification to which property line is the front when the difference in the side and front dimensions are greater than 5 feet may be approved through a Development Plan Modification (Section 21.16.020). In approving such a request, the review authority shall ensure the project observes the appropriate setbacks and meets the rear yard usable space requirements.



**CHAPTER 21.42. ACCESSORY STRUCTURES****21.42.010. PURPOSE AND APPLICABILITY**

Regulations applicable to accessory structures are established to ensure that the development and use of accessory structures do not adversely impact abutting properties with respect to drainage, aesthetics, noise, and safety.

**21.42.020. PERMIT REQUIREMENTS**

The provisions of Chapter 21.15 (Development Review) of this Title shall apply.

**21.42.030. DEVELOPMENT STANDARDS**

- A. General Detached Accessory Structure Standards. The provisions contained in the following sections of Article 3 (Zones, Allowable Uses, and Development Standards) shall apply where specific to detached accessory structures:
1. Section 21.33.030 (Development Standards in Single Family Residential Zoning Districts)
  2. Section 21.33.040 (Additional Development Standards in Single-Family Residential Zoning Districts)
  3. Section 21.33.050 (Development Standards in Multi-Family Zoning Districts)
  4. Section 21.33.060 (Additional Development Standards in Multi-Family Zoning Districts)
  5. Section 21.34.030 (Development Standards)
  6. Section 21.34.040 (Additional Development Standards in OP Zoning District)
  7. Section 21.35.030 (Development Standards)
  8. Section 21.35.050 (Additional Development Standards in AG Zoning District)
- B. Relation to Existing Structures. A detached accessory structure may only be constructed on a lot on which there is a permitted primary structure to which the accessory structure is related.
- C. Additional Standards for Awnings, Canopies, and Patio Covers. Patio covers in residential zoning districts are considered attached accessory structures if located within 1 foot of the primary structure, and are not required to share a common wall or roof structure. See Chapter 21.43 (Awnings, Canopies, and Patio Covers).

**CHAPTER 21.43. AWNINGS, CANOPIES, AND PATIO COVERS****21.43.010. PURPOSE AND APPLICABILITY**

Regulations applicable to awnings and patio covers as defined in Article 9 (General Definitions) are established to ensure that the development and use of awnings and canopies do not adversely impact abutting properties with respect to aesthetics and projections.

**21.43.020. PERMIT REQUIREMENTS**

The provisions of Chapter 21.15 (Development Review) shall apply.

**21.43.030. DEVELOPMENT STANDARDS**

- A. Awnings. Awnings shall comply with the setback encroachment allowances of architectural features such as cornices, eaves, and awnings per Table 21.41.130-1 (Allowed Projections into Setbacks).
- B. Attached Patio Covers in Residential Zoning Districts. Attached patio covers consistent with Subsection 21.42.030.C (Attached Accessory Structures) shall comply with the following standards:
1. Open Sides. Attached patio covers shall be open on two or more sides. Patio covers that are open on only one side or enclosed shall comply with the minimum requirements for setbacks associated with the structure.
  2. Allowed Encroachments. Attached patio covers shall comply with the setback encroachment allowances described in Section 21.41.130 (Projections into Setbacks), except eaves and cornices of patio covers shall comply with the setback encroachment allowances of architectural features such as eaves and cornices.
  3. Lot Coverage. Attached patio covers shall count toward maximum lot coverage requirements.
  4. Materials. Attached patio covers shall not use corrugated metal or fiberglass roofing materials except when accessory to a single-family use.
- C. Detached Patio Covers and Canopies in Residential Zoning Districts. Detached patio covers and canopies shall comply with the following standards:
1. Location. In all residential zoning districts, canopies and detached patio covers shall not be located within any front yard, street side yard, or driveway.
  2. Setbacks. Setbacks for canopies and detached patio covers shall be the same as for detached accessory structures.
  3. Height. The maximum height for canopies and detached patio covers shall be no greater than 10 feet.
  4. Projections. See Section 21.41.130 (Projections into Setbacks).
  5. Number. No residential property shall have more than 3 canopies and/or detached patio covers, regardless of size (small or large, as defined in Section 21.92.030 **["C" Definitions]**).
  6. Lot Coverage. Canopies and detached patio covers shall count toward maximum lot coverage requirements.
  7. Materials. Reflective or mirrored type covering material shall be prohibited on canopies and detached patio covers.
  8. Repair and Maintenance. Canopies, canopy structures, and detached patio covers shall be maintained in good condition. Any structure considered to be in disrepair, as determined by the Zoning Administrator, shall be repaired, replaced, or removed from the site.

9. Small Canopies.
  - a. The length on any one side of a small canopy, as defined in Section 21.92.030, shall not exceed 12 feet.
  - b. Small canopies are not required to comply with maximum cumulative gross floor area requirements of detached accessory structures (Paragraph 21.33.040.C.1.a and Paragraph 21.33.060.C.1.a).
10. Large Canopies. Large canopies, as defined in Section 21.92.030, shall comply with maximum cumulative gross floor area requirements of detached accessory structures (Paragraph 21.33.040.C.1.a and Paragraph 21.33.060.C.1.a).
11. Modifications.
  - a. Large Canopies and Detached Patio Covers. Modifications to standards for canopies or detached patio covers that are larger than 120 square feet may be approved through a Development Plan Modification (Section 21.16.020). In approving such a request, the review authority shall consider impacts on the views, privacy, and other concerns of abutting property owners, and make the required findings (Subsection 21.16.020.D).
  - b. Small Canopies and Detached Patio Covers. Modifications to standards for canopies or detached patio covers that are 120 square feet or smaller may be approved through a Site Plan Modification (Section 21.16.020). In approving such a request, the review authority shall consider impacts on the views, privacy, and other concerns of abutting property owners, and make the required findings (Subsection 21.17.020.C).
12. Modifications for Shelters for Recreational Vehicles, Boats, Campers, Travel Trailers, or Similar Vehicles.
  - a. An application for a Development Plan Modification (Section 21.16.020) shall be required for any canopy, carport, or similar shelter for recreational vehicles, boats, campers, travel trailers, or similar vehicles, but not including automobiles, trucks, motorcycles, all-terrain vehicles, and nontravel trailers, proposed to be placed:
    - (1) Within the interior side setback and rear setback, or
    - (2) Within the structure separations prescribed in Subsections 21.33.040.B or 21.33.060.D.
  - b. In approving such a request, the Planning Commission shall consider impacts on the views, privacy, and other concerns of abutting property owners, make the required findings (Subsection 21.16.020.D), and find that:
    - (1) All of the materials used in the construction of the shelter are noncombustible (such as steel or aluminum).
    - (2) The shelter structure is open on all four sides to prevent gasoline or other fuel fumes from collecting to a point where a heater or refrigerator pilot in the vehicle might ignite them.
    - (3) The shelter structure does not exceed 14 feet in height as measured from the top of floor to the ridge or highest point of the roof.

- (4) The shelter structure shall not be used for conducting maintenance on the vehicle (such as overhaul, draining of fluids, tune-ups or other mechanical work).

## CHAPTER 21.44. FENCES, WALLS, AND HEDGES

### 21.44.010. PURPOSE AND APPLICABILITY

The purpose of these regulations is to achieve a balance between concerns for privacy and public concerns for enhancement of the community appearance, visual image of the streetscape, and overall character of neighborhoods. These regulations apply to any type of visible or tangible obstruction that has the effect of forming a physical or visual barrier between properties or between property lines and the public right-of-way, including, but not limited to, any type of artificially constructed barriers of wood, metal, or concrete posts connected by boards, rails, panels, wire, or mesh, and any type of natural growth such as hedges and screen plantings.

### 21.44.020. PERMIT REQUIREMENTS

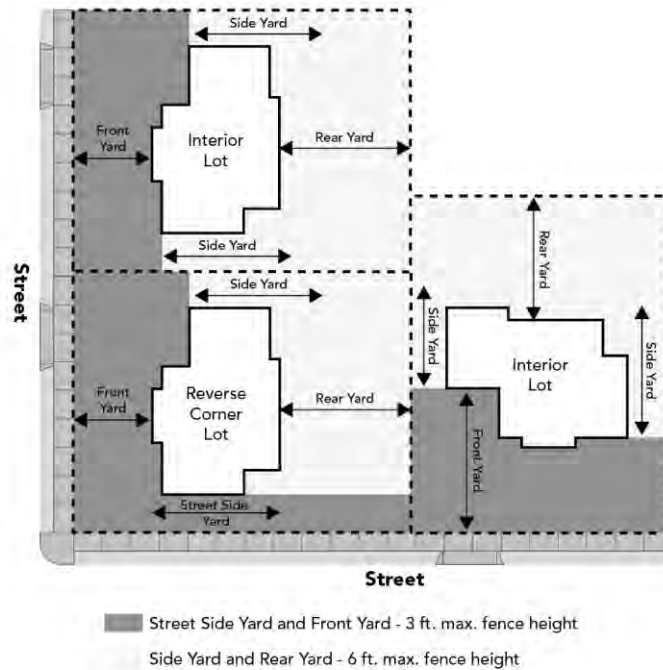
The provisions of Table 21.15.030-1 (Review Authority for Development Review) in Chapter 21.15 (Development Review) of this Title shall apply.

### 21.44.030. DEVELOPMENT STANDARDS

- A. General. Fences (including masonry walls, hedges, and screen plantings) shall be subject to the following regulations:
1. Front Yard. Fences in the front yard (between the front property line and the nearest line of a primary building) shall not exceed 3 feet in height except in the following cases:
    - a. Modifications - Residential and Office Professional Uses. Modification to the front yard fence height requirement for residential and office professional uses may be modified through a Site Plan Modification (Section 21.17.020) to allow for a fence in the front yard up to 4 feet in height, provided that the fence shall be constructed in a manner to allow reasonable visibility through it. In approving such a request, the review authority shall make the findings required for a Site Plan Modification (Subsection 21.17.020.C).
    - b. Modifications - Commercial and Industrial Uses.
      - (1) Six Feet. Modification to the front yard fence height requirement for commercial and industrial uses may be allowed through a Site Plan Modification (Section 21.17.020) to allow for a fence in the front yard up to 6 feet in height.
      - (2) Eight Feet. Modification to the front yard fence height requirement for commercial and industrial uses may be allowed through a Development Plan Modification (Section 21.16.020) to allow for a fence up to 8 feet high.
      - (3) Findings. In approving such a request, the review authority shall make the applicable findings required for a Site Plan Modification (Subsection 21.17.020.C) or Development Plan Modification (21.16.020.D) as well as the following:
        - (a) The fence is constructed in a manner to allow reasonable visibility through it and

- (b) The fence is constructed with decorative material, such as ornamental metal, masonry wall with a stucco finish, or similar.
  2. Side and Rear Yard. Fences located in the side yard (between a primary building and side property line not including the front yard) and rear yard (between a primary building and the rear property line) shall not exceed 6 feet in height except in the following cases:
    - a. Residential and Office Professional Uses. Modification to the side and/or rear yard fence height requirement for residential and office professional uses may be allowed through a Development Plan Modification (Section 21.16.020) for a fence up to 8 feet high in those side and rear setbacks that abut commercial and/or industrial uses.
    - b. Commercial and Industrial Uses. Modification to the side and/or rear yard fence height requirement for commercial and industrial uses may be allowed through a Development Plan Modification (Section 21.16.020) for a fence up to 8 feet in height in a side and/or rear yard.
    - c. Findings. In approving such a request, the review authority shall make the findings required for a Development Plan Modification (Subsection 21.16.020.D).
  3. Outdoor Storage Areas. Refer to Subsection 21.69.170.C (Outdoor Storage Areas).
  4. Fences Atop Retaining Walls. Where a fence is placed on top of, or is an integral part of, a retaining wall, the height of a fence shall be measured from the higher of the finished grades on either side of the retaining wall.
  5. Fence Material Limitations. In residential zoning districts, barbed wire and electric fences may only be used on properties zoned for single-family use (for example, R-1 or R-A) that are at least one-half acre in area or larger. In residential zoning districts, razor wire may not be used for fencing.
  6. Retaining Wall Heights. See Section 21.81.040 (Hillside Development Standards) for additional restrictions on retaining wall heights.
  7. **Driver's Visibility.** Fences shall be constructed so as to not interfere with traffic safety sight areas or public safety consistent with Chapter 21.55 (Visibility at Intersections).
- B. Fence Restrictions in R-1 Zoning District: Reverse Corner Lots.
  1. Fence Height. Where the street side yard of a reversed corner lot fronts onto a local street, no fence higher than 3 feet shall be placed in the street side yard.

Figure 21.44.030-1 Fence Restrictions in R-1 Zoning District



2. Modification. Modification to the fence height requirement may be allowed through a Site Plan Modification (Section 21.17.020) for a fence height not to exceed 4 feet. In approving such a request, the review authority shall make the findings required for a Site Plan Modification (Subsection 21.17.020.C) and find that it can be demonstrated that such a height will not impair the sight distance of vehicles on the street or on the driveway of the lot to the rear of a reversed corner lot.
- C. Nonconforming Fences. See Section 21.78.020 (Nonconformities Regarding Fences).

**CHAPTER 21.45. LANDSCAPING AND OPEN SPACE**

**21.45.010. PURPOSE AND APPLICABILITY**

- A. Purpose.
1. To establish a framework to review landscape and irrigation plans consistently and improve the physical appearance of the City by providing visual and ecological relief in the urban environment;
  2. To establish minimum landscape development standards for the design, provision, and maintenance of landscaped areas, and encourage irrigation methods and suggested plant species to develop a measure of uniformity and quality in overall landscaping design; and
  3. To promote the value and long-term benefits of landscapes to provide an attractive living, working and recreating environment, while recognizing the need to invest water and other resources as efficiently as possible.

- B. **Applicability.** The requirements within this Chapter apply to new construction and rehabilitated landscapes for commercial, industrial, and residential projects.

#### 21.45.020. GENERAL PROVISIONS

- A. **Required Landscape Planting Areas.**
1. **Landscaping in Setbacks.**
    - a. R-1 Zoning Districts. All front yard areas shall be landscaped.
    - b. All other Zoning Districts. Outside the R-1 Zoning District, all visible yards shall be landscaped.
  2. **Unused Areas.** All areas of a building site not identified on a site plan intended for a specific use or purpose, except where enclosed and blocked from the view of public streets by solid fencing and/or buildings, shall be landscaped.
  3. **Parking Areas.** Parking areas shall be landscaped in compliance with Chapter 21.48 (Parking and Loading Regulations).
- B. **Landscaping Materials.**
1. **Live Plant Requirement.** A minimum of 30 percent of required landscaped area shall be covered with live plant materials at maturity.
  2. **Mixture of Plant Materials.** Landscaping shall consist of combinations of trees, shrubs, and ground covers with careful consideration given to eventual size and spread, susceptibility to disease and pests, durability, and adaptability to existing soil and climatic conditions.
  3. **Natural Turf Limitations.** See Section 21.56.030 (Turf Limitations for New Construction and Rehabilitated Landscapes).
  4. **Non-Plant Materials.** The following may be used to meet the minimum required landscape planting areas (Subsection 21.45.020.A) but shall not be used to meet the minimum live plant area required by Paragraph 21.45.020.B.1 unless otherwise allowed by a Site Plan Modification or Development Plan Modification (Subsection 21.45.020.H):
    - a. **Pervious Materials.** Non-plant materials such cinder, bark, gravel, and similar materials.
    - b. **Hardscape.** Embellished pavement, fountains, and similar hardscape.
- C. **Maintenance.** Landscaping shall be maintained in an orderly and healthy condition in compliance with this Chapter. This includes proper pruning, staking, sowing of lawns, weeding, removal of litter, fertilizing, monitoring for pests and disease, replacement of plants when necessary, and regular watering.
- D. **Driver's Visibility.** Trees and shrubs shall be planted and maintained so that at maturity they do not interfere with traffic safety sight areas or public safety. Notwithstanding other provisions of this Section, landscaping shall comply with Chapter 21.55 (Visibility at Intersections).

## E. Residential Open Space Areas.

1. Location. Required common and private residential open space may be located on the ground, on terraces, or on rooftops, shall be landscaped or developed for active or passive recreation and may include roofed recreation areas, swimming pools, or unenclosed porches where not otherwise prohibited.
2. Minimum Dimensions. Private open space shall have a minimum dimension of 8 feet at the ground floor and 5 feet if located on the second story or above. Shared open space shall have no minimum horizontal dimension less than 15 feet.
3. Usability. Open space should be designed with the functional use as the primary goal, not as left over or awkwardly designed space.

F. Oak Tree Preservation and Street Trees. Oak tree preservation and street tree requirements shall be as required by Title 10 of this Municipal Code.

G. Hillside Landscaping. See Paragraph 21.81.040.D.5 (Landscaping).

H. Landscape Modifications. Designs, materials, or methods of installation not specifically prescribed by this Chapter may be approved by the review authority through a Site Plan Modification (Section 21.17.020). In approving such a request, the review authority shall find, in addition to the findings associated with a Site Plan Modification (Subsection 21.17.020.C), that the proposed design, material, or method provides approximate equivalence to the specific requirements of this Chapter or is otherwise satisfactory and complies with the intent of these provisions.

I. Nonconforming Landscaping. See Section 21.78.030 (Nonconforming Landscaping).

## 21.45.030. WATER EFFICIENT LANDSCAPING

See Chapter 21.56 (Water Efficient Landscaping) for water efficient landscaping requirements.

## CHAPTER 21.46. RESERVED

## CHAPTER 21.47. MECHANICAL EQUIPMENT AND SCREENING

### 21.47.010. PURPOSE AND APPLICABILITY

- A. Purpose. For the purposes of this Chapter, mechanical equipment shall include machines and devices, including backflow devices, HVAC units, fans, vents, generators, and elevator motors integral to the regular operation of climate control, electrical, plumbing, and similar building systems.
- B. Applicability. The standards of this Chapter apply to:
  1. New development;
  2. New equipment that is added to serve existing buildings; and
  3. Condominium conversions.



**21.47.020. GENERAL PROVISIONS**

- A. General Screening. All exterior mechanical equipment shall be screened or incorporated into the design of buildings so as not to be visible from the public right-of-way, highways, passenger railways, or abutting residential zoning districts.
- B. Location. Exterior mechanical equipment shall be screened to the height of the particular piece of equipment, as follows:
1. Roof-Mounted Equipment. Mechanical equipment may be mounted on roofs, provided the equipment is concealed from view from adjacent at-grade public streets with solid architectural features that are integrated into the overall architectural design, such as a roof well or parapet wall.
    - a. Exception. For detached single-family residences (and accessory dwelling units), air-conditioning and evaporative cooling systems shall not be mounted on the roof.
  2. Equipment at Grade. When located on the ground adjacent to a building, mechanical equipment shall be:
    - a. Located behind the front face of the building unless determined to be infeasible by the City Utilities and Emergency Services Departments; and
    - b. Screened by landscaping or an architecturally compatible screen or a combination of materials from the view of the street or surrounding properties.
      - (1) A mechanical equipment screen shall fully block the view of the equipment with structural/architectural materials that match the architectural style and materials of the adjacent structure.
      - (2) When landscaping is used, proposed plant materials shall have the capability of achieving 60 percent of total view blockage within 18 months of planting, and 100 percent of total view blockage within 3 years of planting.
      - (3) Backflow devices shall utilize a combination of fencing and landscape screening unless determined to be infeasible by the City Utilities and Emergency Services Departments.
  3. Setbacks. Mechanical equipment may be located within required setbacks, provided Building Code requirements are met.
- C. Height Limit Projection. Roof-mounted equipment and related architectural screening that exceed maximum height limits are subject to the provisions of Table 21.41.040-1 (Allowed Projections Above Height Limits) in Paragraph 21.41.040.A.2.
- D. Screening Modifications. Modifications to the provisions of this Chapter may be allowed through a Site Plan Modification (Section 21.17.020). In approving such a request, the review authority shall find, in addition to the findings associated with a Site Plan Modification (Subsection 21.17.020.C), that screening is infeasible due to health and safety, structural limitations, or utility requirements.

**CHAPTER 21.48. PARKING AND LOADING REGULATIONS****21.48.010. PURPOSE AND APPLICABILITY**

A. Purpose. The purpose of this Chapter is to:

1. Require parking spaces and loading spaces for all land uses that are sufficient in number, size, and arrangement;
2. Minimize the negative environmental and urban design impacts of parking lots, driveways, and drive aisles within parking lots;
3. Establish standards and regulations for safe and well-designed parking, unloading, and vehicle circulation areas that minimize conflicts within parking lots and, where appropriate, create buffers from surrounding land uses;
4. Offer flexible means of minimizing the amount of area devoted to parking by allowing reductions in the number of required spaces in transit-served locations, shared parking facilities, and other situations expected to have lower vehicle parking demand; and
5. Reduce urban run-off and heat island effect.

B. Applicability.

1. New Buildings/Uses. At the time of erection of any building or structure, off-street parking spaces **associated with the building's use**, with adequate and proper provision for ingress and egress by standard size automobiles shall be provided.
2. Reconstruction, Expansion, and Change in Use of Existing Buildings.
  - a. Nonresidential. When a change in use, expansion of a use, or expansion of floor area creates an increase of 20 percent or more in the number of required on-site parking or loading spaces, on-site parking and loading shall be provided according to the provisions of this Chapter.
  - b. Residential. When any building is remodeled, reconstructed, or changed in use by the addition of dwelling units, such additional garage or parking facilities as may be required must be provided, except for accessory dwelling units pursuant to Chapter 21.58 (Accessory Dwelling Units) or urban dwelling unit projects pursuant to Chapter 21.65 (Urban Dwelling Units).
  - c. General.
    - (1) Existing parking shall be maintained, and additional parking shall be required only for such addition, enlargement, or change in use and not for the entire building or site.
    - (2) If the number of existing parking spaces is greater than the requirements for such use, the number of spaces in excess of the prescribed minimum may be counted toward meeting the parking requirements for the addition, enlargement, or change in use.
    - (3) A change in occupancy is not considered a change in use unless the new occupant is in a different land use classification than the former occupant pursuant to Table 21.32-1 (Zoning District Use Regulations).

3. Parking Provisions of Uptown/Town Center Specific Plan. Buildings or land uses within the boundaries of the Uptown/Town Center Specific Plan are subject to the parking requirements of said specific plan.
4. Nonconforming Parking. See Section 21.78.010 (Nonconforming Parking).

## 21.48.020. GENERAL PROVISIONS

### A. Calculation of Required Parking Spaces.

1. Area-Based Standards.
  - a. Area-based parking space ratios shall be computed based on floor area in square feet. Floor area shall be calculated in compliance with Section 21.41.090 (Determining Floor Area).
  - b. The Zoning Administrator is authorized to determine the area measurement for uses or portions of uses not located within buildings or structures.
2. Bedroom-Based Standards. Where a parking requirement is stated as a ratio of parking spaces to bedrooms, any rooms having the potential of being a bedroom and meeting the standards of the Building Code as a sleeping room shall be counted as a bedroom.
3. Vehicle Service and Repair Standards. For vehicle services and repair uses, floor area shall include all onsite structures, including office and lobby space, garages, and automotive service bays.
4. Multiple Uses.
  - a. Multiple Uses. When two or more uses are located on the same lot or within the same building or structure, the required parking for each use shall be calculated separately. The number of on-site parking spaces required shall be the sum total of the requirements for the individual uses, unless as otherwise provided for by this Chapter.
  - b. Mixed Functions. Where a building occupied by a single use contains several functions, such as sales, office, and storage areas, parking shall be as required for the principal use for the floor area (calculated consistent with Subsection 21.41.090.B); except that when storage areas are larger 2,000 square feet, the parking requirement is to be determined separately for those areas, as specified for warehouse, wholesale, and distribution.

### B. Spaces for Handicapped. Handicapped spaces shall be provided as required by State statute.

### C. General Requirements.

1. Accessibility. Parking and loading areas shall be accessible for its intended purpose during all hours of operation.
2. Parking Charge. The parking of motor vehicles shall be without monetary charge when such parking is required in conjunction with uses permitted by this Chapter.
3. Storage of Vehicles Prohibited. The parking facilities required by this Chapter shall be only for the temporary parking of vehicles used in conjunction with the uses they serve. This Chapter does not apply where vehicle storage is permissible as a primary or accessory land use.

## 21.48.030. REQUIRED PARKING SPACES

- A. Parking Space Requirements. The number of required spaces for land uses are as set forth in Table 21.48.030-1 (Off-Street Parking Spaces Required). These provisions are established as the maximum number of parking spaces required. Where specific parking requirements are not listed, an interpretation of parking impacts and spaces needed based on a similar use may be determined by the Director.

Table 21.48.030-1  
Off-Street Parking Spaces Required

Type of Land Use	Number of Off-street Parking Spaces
Residential Uses	As specified below
Single Family	2 covered spaces per residence
Multi-Family	<ul style="list-style-type: none"> <li>• 1 space per studio or 1 bedroom unit less than 600 square feet; 1.5 spaces per studio or 1 bedroom unit greater than 600 square feet</li> <li>• 2 space per 2 or more bedrooms</li> <li>• 1 guest space per 5 units</li> </ul>
Caretaker Unit	1 per unit
Residential Care Facilities	
General	1 per every 5 beds
Limited	None beyond the parking required for other residential uses of the same type.
Assisted Living	1 per every 5 beds
Supportive Housing	None beyond the parking required for other residential uses of the same type.
Transitional Housing	None beyond the parking required for other residential uses of the same type.
Commercial and Service Uses	
All, except as specified below	3 spaces per 1,000 square feet of floor area, except as specified below
Medical Services, Doctor Office (Free-standing)	4 per 1,000 square feet of floor area
Assembly Facility	
General (Large)	Assembly uses with floor areas 3,000 square feet or larger: 10 per 1,000 square feet in the assembly seating area
General (Small)	
Religious	
Restaurants (Free-standing)	5 per 1,000 square feet of floor area
Restaurants – Drive-through (Free-standing)	
Hotels/Motels	<ul style="list-style-type: none"> <li>• 1 space per guest room;</li> <li>• 1 employee space per 15 rooms; and</li> <li>• Parking for accessory uses open to public (for example, restaurant, conference rooms: see specific parking requirement per use and reduce parking requirement for each accessory use by 30%)</li> </ul>
Recreational Vehicle Parks	As determined through PD/CUP process
Bed and Breakfast	2 spaces for manager/residents, and 1 per guest room
Vehicle Fuel Sales and Accessory Service	2 spaces plus any additional spaces for ancillary uses such as a mini-mart or auto repair
Car Wash	4 per 1,000 square feet of floor area
Vehicle Services and Repair – Major Repair/Body Work	
Vehicle Services and Repair – Minor Repair/Maintenance	
Industrial Uses	
Warehouse, Wholesale, and Distribution	1 per 1,000 square feet of floor area Wine Storage: 1 per 5,000 square feet of floor area
Self Storage Facility	2 spaces plus 1 space per 30 storage units and as required for any caretaker unit

Table 21.48.030-1  
Off-Street Parking Spaces Required

Type of Land Use	Number of Off-street Parking Spaces
Manufacturing	1 per 500 square feet of floor area
Wineries, Breweries, and Distilleries	1 per 1,000 square feet of floor area

**21.48.040. PARKING REDUCTIONS AND MODIFICATIONS**

- A. **Mixed-Use Parking Standards.** In a mixed-use development (residential and non-residential uses within the same building or on the same parcel), 66 percent of the parking spaces required for commercial use may be used to meet the parking requirement for residential use.
- B. **Joint Use Parking Standards.** When a primarily weekday and daytime use (for example, office, daycare center) is located within 300 feet of a primarily weekend or nighttime use (for example, assembly facility), up to 66 percent of the parking spaces for the daytime use may be used to meet the parking requirement for the nighttime use. The reverse is also true: up to 66 percent of the parking spaces for a night time use may be used to satisfy the parking requirement for the daytime use subject to the following conditions:
  - 1. The applicant shall demonstrate to the satisfaction of the review authority that there is no substantial conflict in the principal operating hours of the buildings or uses for which the joint use of off-street parking facilities is proposed.
  - 2. Parties concerned in the joint use of off-street parking facilities shall enter into a legally binding agreement for such joint use. The agreement, when approved as conforming to the provisions of this Chapter, shall be recorded in the Office of the County Recorder and copies filed with the City. The minimum term for such an agreement shall be 15 years.
- C. **Historic Resources.** A reduction in parking requirements may be permitted as an historic preservation incentive per Subsection 21.62.090.B (Parking Requirement Reduction).
- D. **Major Parking Modifications.** The number of required parking spaces for any use may be reduced by up to 20 percent through a Development Plan Modification (Section 21.16.020) as follows:
  - 1. **Criteria for Approval.** A Development Plan Modification for a parking reduction may be approved if the review authority finds, in addition to the findings associated with a Development Plan Modification (Subsection 21.16.020.D) that special conditions exist that will reduce parking demand at the site. Special conditions might include, but are not limited to, the nature of the proposed operation; proximity to frequent transit service; transportation characteristics of persons residing, working, or visiting the site; or because the applicant has undertaken a transportation demand management program.
  - 2. **Parking Demand Study.** **In order to evaluate a proposed project's compliance with the above criteria,** submittal of a parking demand study prepared by a licensed Traffic Engineer, or as approved by the City Engineer, that substantiates the basis for granting a parking reduction shall be required.
  - 3. **Exception.** This Subsection allowing for a reduction in parking shall not be used for any of the following:
    - a. Any use located within the Uptown/Town Center Specific Plan area;
    - b. Any residential use (excepting an age-restricted development); or

- c. Any hotel or motel.
- E. Minor Parking Modifications. Modifications to specific parking standards may be approved through a Site Plan Modification (Section 21.17.020) as follows:
  - 1. Tandem Parking. Tandem parking may be allowed through a Site Plan Modification. In approving a request for tandem parking, the review authority shall find, in addition to the findings associated with a Site Plan Modification (Subsection 21.17.020.C), that tandem parking is appropriate for the specified use and site.

#### 21.48.050. OFF-SITE PARKING

- A. Provisions for Off-Site Parking. Parking facilities shall be located on the lot on which the principal land use is located unless such spaces cannot reasonably be located on such lot. In such a case, parking spaces may be located on any land within 300 feet of the property with the principal land use; provided, that the following conditions are met:
  - 1. A legally binding written agreement between the owner of the property with the parking spaces and the principal land user assuring the retention of the parking spaces for the principal use shall be properly drawn and executed by the parties concerned, approved as to form by the City Attorney and shall be recorded in the Office of the County Recorder and copies filed with the City prior to issuance of a Building Permit or Certificate of Occupancy for the principal use. The term of such an agreement shall be a minimum of 15 years.
  - 2. The principal use shall be permitted to continue only as long as its parking requirements are met.

#### 21.48.060. BICYCLE PARKING

- A. Multi-family development with 10 or more units shall provide a minimum of 2 bicycle rack spaces for every 10 units on site.
- B. Non-residential development projects shall provide a minimum of 2 bicycle rack spaces for each 20,000 square feet of gross floor area. In addition, for sites with 50,000 square feet of gross floor area, 2 secured locker bike parking facilities shall be provided for each increment of 50,000 square feet of gross floor area.
- C. For parking lots that require 20 or more parking spaces, a 5 percent reduction in parking spaces shall be allowed in exchange for providing 4 bike rack spaces.

#### 21.48.070. MOTORCYCLE PARKING

One motorcycle parking space shall be provided for each 20 vehicle spaces required. Motorcycle spaces shall be a minimum of 6 feet wide and 10 feet long. Projects that provide more motorcycle spaces than required may reduce the required car spaces at the rate of 1 car space for each 5 additional motorcycle spaces.

#### 21.48.080. PARKING FOR ELECTRIC VEHICLES

- A. Parking spaces for electric vehicles shall be provided for all new developments in accordance with the requirements of the CalGreen Building Standards Code and/or successor code and local City codes,

whichever yields the greater number of spaces. These dedicated parking spaces shall count toward the minimum required parking spaces for the associated use.

- B. All electric vehicle spaces shall be equipped with electric vehicle charging equipment as set forth in the CalGreen Building Standards Code and/or successor code and local City codes the use of which the property owner or operator may require payment at his or her discretion.
- C. Any charging or similar equipment shall not be placed within the required parking space dimensions and shall not obstruct any pedestrian path of travel.

#### 21.48.090. PARKING FOR STORAGE OF COMMERCIAL VEHICLES, RECREATIONAL VEHICLES, AND BOATS

The parking and storage of commercial and recreational vehicles (including recreational vehicles, boats, campers, trailers, farm equipment, or similar) as an accessory use on private property is subject to the following standards.

- A. Commercial Vehicles and Equipment. See Municipal Code Chapter 12.38 (Parking Restrictions) and Chapter 21.69.170.C (Outdoor Storage Areas).
- B. Recreational Vehicles and Boats.
  - 1. Public Streets. See Municipal Code Chapter 12.38 (Parking Restrictions).
  - 2. Paving and Surfacing. Recreational vehicles shall be stored on a permanent surface listed in Subparagraph 21.48.100.D.2.a.
  - 3. Dwelling Use Prohibited. No recreational vehicle or tiny home on wheels shall be used for dwelling purposes on any site for any amount of time with the following exceptions:
    - a. Within a permitted Recreational Vehicle Park; or
    - b. Subject to approval of a Temporary Use Permit (see Chapter 21.20), a recreational vehicle may be used as caretaker residences in commercial and industrial districts for temporary events such as pumpkin or Christmas trees sales or on the site of a construction project with an approved and active building permit provided that the recreational vehicle be removed within 7 days of the end of the temporary event or before final occupancy for a construction project.
  - 4. Fluid Collection Systems. Drip pans or other fluid collection systems shall be used on any recreational vehicle that shows evidence of leaky fluids.

#### 21.48.100. PARKING AREA DESIGN AND DEVELOPMENT STANDARDS

- A. Parking Space Minimum Dimensions.
  - 1. General. Parking spaces shall be designed in compliance with the provisions in Table 21.48.100-1.

Table 21.48.100-1  
Parking Space Standards

Type of Parking Space	Width	Length
Standard		
Covered spaces (for example, garage or carport)	10 feet	20 feet
Uncovered spaces	9 feet	18 feet
Compact	8 feet	16 feet
Parallel spaces	8 feet	22 feet
Accessible	Compliant with the California Building Code	

2. Compact Spaces. Compact spaces may be provided for up to 30 percent of required spaces.
3. Measurement.
  - a. The width of enclosed parking spaces may be measured from the outer wall of a garage or the outer edge of a support post for a carport. Garage door openings shall be at least 8 feet in width for a one-car opening and 16 feet for a two-car opening.
  - b. A two-foot overhang for bumpers is permitted into landscaping or walkways provided that wheel stops are provided and minimum widths for disabled access are maintained.

B. Parking Lot Design.

1. Maneuvering Aisle Minimum Dimensions. Parking drive aisles shall be designed in compliance with the provisions in Table 21.48.100-2 and with Fire Department standards including for turnarounds.

Table 21.48.100-2  
Parking Lot Aisle Standards

Parking Angle	Stall Depth	Minimum Aisle Width	Traffic Direction
Parallel	22 feet	12 feet	One Way
	22 feet	20 feet	Two Way
30	16 feet 4 inches	12 feet	One Way
45	18 feet 9 inches	14 feet	One Way
60	19 feet 10 inches	18 feet	One Way
90	18 feet	24 feet	Two Way

2. Slope. Parking spaces shall not have front-to-back or side-to-side grades that exceed 5 percent slope.
3. Parking lot surface materials.
  - a. General. Parking lot surface materials shall minimize impervious surfaces and be constructed from permanent materials such as asphalt, porous asphalt, concrete, porous concrete, pavers, or turf block. Decomposed granite is not considered a permanent surface.
  - b. Modifications for Residential Uses. On residential lots larger than 1 acre, non-permanent parking lot materials such as gravel, roadbase, or other suitable materials may be allowed through approval of a Site Plan Modification (Section 21.17.020). In approving such a request,



the review authority shall make the findings required for a Site Plan Modification (Subsection 21.17.020.C), and all of the following findings:

- (1) The parking surface is compacted to resemble a paved surface, located in the rear half of the lot and/or located behind the primary structure, and accompanied by adequate landscape screening, and
  - (2) Adequate mechanisms are installed and maintained to prevent track out of non-permanent parking lot materials from tires before reaching any public right-of-way.
- c. Modifications for Nonresidential Uses. Non-permanent parking lot materials such as gravel, roadbase, or other suitable materials may be allowed through approval of a Development Plan Modification (Section 21.16.020). In approving such a request, the review authority shall make the findings required for a Development Plan Modification (Subsection 21.16.020.D), and all of the following findings:
- (1) The parking spaces are overflow parking spaces provided above the required number of parking spaces; and
  - (2) Adequate mechanisms are installed and maintained to prevent track out of non-permanent parking lot materials from tires before reaching any public right-of-way.
3. Location in Setbacks and Required Screening. Required parking spaces may be located in required setbacks in all zoning districts. Parking areas located in setbacks shall provide a landscape buffer of 10 feet between the front property line and the parking area, 5 feet between a street side property line and the parking area, and 3 feet between an interior (side or rear) property line and the parking area.
4. Drainage.
- a. Parking lot drainage shall be designed in compliance with current postconstruction stormwater management requirements.
  - b. Parking lots shall include perimeter curbing and shall incorporate inlets and outlets to direct surface runoff into and out of bioretention and/or landscape areas. Flat edge curbing is acceptable if wheel stops are provided.
5. Backing Out onto Arterials. Driveways that serve 5 or more residences, any non-residential land uses, and any use on an arterial or greater road as designated in the Circulation Element of the General Plan shall be designed so that vehicles do not back out of parking spaces directly onto the street or highway, unless determined to be infeasible by the City Engineer.
6. One-Way Signs. Directional signs shall be installed for one-way driveways and ramps to indicate one-way circulation.
7. Maintenance. Parking areas, driveways, maneuvering aisles, ramps, and turnaround areas shall be kept free of obstructions at all times.
8. Wheel Stops. Wheel stops shall be installed for parking spaces at least 2 feet from any adjacent walkway, sidewalk, street, or alley.
9. Access. The location and design of all street or alley entrances and exits to off-street parking facilities shall be subject to the approval of the City Engineer.

10. Striping. All parking spaces shall be striped in a manner clearly showing the layout of the spaces.
  11. Screening. Parking lots with 6 or more parking spaces shall be screened from view from any adjacent residentially zoned or developed property on all sides of the parking lot. Screening materials may include solid opaque fencing (excluding chain link with slats), masonry, or earth berms in combination with landscaping and shall be at least 5 feet in height, and not more than 6 feet in height, either for fence or walls and/or combination of fencing and walls and earth berm.
  12. Temporary Parking. The parking facilities required by this Chapter shall be for the temporary parking of vehicles used in conjunction with the uses they serve. For long-term storage of vehicles, see Subsection 21.69.170.C (Outdoor Storage Areas).
- C. Landscaping.
1. In addition to the landscaping required by Subsection 21.45.020.A, 8 square feet of landscape area shall be provided for every parking space in parking lots with 6 or more spaces. Emphasis shall be given to shade tree installation to inhibit heat buildup in parking areas. In parking areas with 20 or more cars, the design shall demonstrate a minimum of 25 percent shade cover within 5 years through selection of shade tree species.
  2. Design of landscaping for parking areas in all zoning districts (except for one single-family residence) is subject to Development Review Committee approval.
  3. Landscape areas shall be designed to function as bioretention areas designed to filter, store and infiltrate storm water, utilizing mulch, soil and plant root systems, to retain, degrade and absorb pollutants. These can include bioretention swales, rain gardens or storm water planters. The use of an engineered soil mix and appropriate vegetation is important to facilitate bioretention functions. Where infiltration into underlying native soils is not appropriate, a perforated underdrain can convey treated runoff to a storm drain or surface drainage.
- D. Off-street Parking, Driveways and Vehicle Storage.
1. Single-Family Residential Development.
    - a. General. All uses shall provide off-street parking spaces and facilities as required by Section 21.48.030 (Required Parking Spaces). The number and location of all driveways shall be subject to approval of the City Engineer.
    - b. Landscaped Setback. Driveways parallel to a street (such as circular driveways and hammerhead turnarounds) shall be designed to provide a minimum 10-foot-wide maintained landscaped setback between the street right-of-way and the parallel edge of the driveway closest to the street right-of-way.
    - c. Parking Location. No automobile, truck, motorcycle, recreational vehicle, boat, camper, trailer, farm equipment or similar vehicle, materials or equipment shall be parked or stored between a dwelling and the street except on paved driveways.
    - d. Paved Area. Except for lots with circular drives, pavement of the front yard shall be limited to 50 percent of the front yard. On corner lots, pavement of the street side yard shall be limited to 10 percent of the street side yard unless the garage/carport is accessed via the side street. In such a case, pavement of the street side yard may be increased to provide direct access to the garage/carport. Pavement in front and street side yard areas shall not exceed what is

necessary to access off-street parking facilities. The balance of all areas between the main building and each street frontage shall be landscaped and maintained in a neat and orderly manner.

e. Parking Space Slope for Single Family Residential Uses.

- (1) General. Where provided, off-street parking spaces created in front of a garage door shall comply with Paragraph 21.48.100.D.1 (Slope).
- (2) Modification. Parking space slope may be modified through a Site Plan Modification (Section 21.17.020) to allow parking spaces on slopes of up to 15 percent. In approving such a request, the review authority shall make the findings required for a Site Plan Modification (Subsection 21.17.020.C) and find that the creation of the parking spaces would otherwise necessitate extensive grading.

2. Multi-Family Residential Development.

- a. General. All uses shall provide off-street parking spaces, drives and facilities as required by Section 21.48.030 (Required Parking Spaces).
- b. Landscaped Setback. Driveways parallel to a street (such as circular driveways and hammerhead turnarounds) shall be designed to provide a minimum ten-foot-wide landscaped setback between the street right-of-way and the parallel edge of the driveway closest to such street right-of-way.
- c. Screening. Parking lots located between public streets and multi-family dwellings shall be screened with either a three-foot-high decorative masonry wall or a three-foot-high landscaped earthen berm.
- d. Parking Location. Parking and storage for automobiles, trucks, motorcycles, recreational vehicles, boats, campers, trailers, farm equipment or similar vehicles or equipment shall only be parked or stored on paved parking spaces designated for residential units and may not be parked or stored in parking spaces designated for visitors.

E. Maintenance of Parking Facilities.

1. All parking areas shall be kept clean and free of dust, mud, and trash. Parking areas shall be used only for the purpose of parking vehicles. Where landscaping is provided within or along parking areas, adequate irrigation and maintenance shall be provided.
2. Striping, marking, directional signs, lighting, screening and all other improvements required by this Chapter shall be adequately maintained.

## 21.48.110. DRIVEWAY STANDARDS

A. Generally. The following standards are applicable to all driveways.

1. Minimum width.
  - a. Driveways serving no more than 4 or fewer residential dwelling units shall have a minimum width of 12 feet. (Exception: Accessory dwelling units developed in accordance with Chapter 21.58 [Accessory Dwelling Units] shall not be included in this calculation.)

- b. Driveways serving 5 or more residential dwelling units or a non-residential development shall have a minimum width of 24 feet.
  2. Minimum Back-Up Distance. The minimum back-up distance between a detached garage or carport shall be 24 feet to a sidewalk or side or rear property line. Garages and carports that back up to a paved alley may include the 20-foot-wide alley in back up distance measurement.
  3. Vertical Clearance. Driveways shall have a minimum vertical clearance of 13 feet 6 inches.
  4. Long Driveways. Driveways exceeding 150 feet in length shall provide a turnaround in compliance with the California Fire Code and subject to approval of the Fire Marshal.
  5. Driveway Surface Materials.
    - a. General. Driveways shall be constructed with permanent surfacing with materials such as asphalt, porous asphalt, concrete, porous concrete, bricks, pavers, or turf block. Decomposed granite (DG) is not considered a permanent surface.
    - b. Modifications for Single-Family Residential Uses. For single-family residential uses, non-permanent driveway materials such as gravel, roadbase, or other suitable materials may be allowed through a Site Plan Modification (Section 21.17.020). In approving such a request, the review authority shall make the findings required for a Site Plan Modification (Subsection 21.17.020.C, and all of the following findings:
      - (1) Adequate mechanisms are installed and maintained to prevent track out of non-permanent driveway materials from tires before reaching any public right-of-way; and
      - (2) The driveway material alternation complies with City Engineering Standards.
  6. Drainage. Driveway drainage shall be conveyed to on-site landscape.
  7. Slope. Driveways shall not exceed a maximum slope of 15 percent. Driveways shall have either a continuous cross slope that conveys runoff to adjacent landscaping or a crowned surface which conveys each side to landscape areas.
  8. Access. Driveways shall not be located more than 500 feet from the street or alley to the parking area served.
  9. Common Driveways. Common driveways shared by more than one lot shall be allowed when proper easements or agreements have been executed and filed with the City, and recorded with the County Recorder.
  10. Backing Out onto Arterials. Driveways that serve 5 or more residences, any non-residential land uses, and any use on an arterial or greater road as designated in the Circulation Element of the General Plan shall be designed so that vehicles do not back out of parking spaces directly onto the street or highway, unless determined to be infeasible by the City Engineer.
- B. Driveway Gradient and Width Modifications. Where topography or other physical factors such as existing setbacks, lot dimensions, and oak trees, combine to make development in accordance with driveway standards infeasible, modifications may be allowed through a Site Plan Modification (Section 21.17.020). In approving such a request, the review authority shall make the findings required for a Site Plan Modification (Subsection 21.17.020.C), and the following finding:

1. The project is subject to and will comply with any mitigation measures necessary to ensure adequate fire protection. The Fire Department reserves the right to require that residential fire sprinkler systems be installed when emergency access is restricted.

#### 21.48.120. OFF-STREET LOADING REQUIREMENTS.

- A. Required Loading Spaces. Every structure or part thereof erected or occupied for retail business, service, manufacturing, storage, warehousing, hotel, mortuary, or any other use similarly involving the receipt or distribution by vehicles of space in accordance with the following requirements:
  1. Commercial Zoning Districts. Within any commercial zoning district, 1 loading space is required for each 10,000 square feet of gross floor area.
  2. Industrial Zoning Districts. Within any industrial zoning district, 1 loading space is required for each 15,000 square feet of gross floor area.
- B. Size. For the purpose of this Section, an off-street loading space, exclusive of adequate access drives and maneuvering space, shall have minimum dimensions of 12 feet by 40 feet and an overhead clearance of 14 feet in height above the alley or street grade.
- C. Modifications. Modifications to off-street loading requirements may be allowed through a Site Plan Modification (Section 21.17.020). In approving such a request, the review authority shall make the findings required for a Site Plan Modification (Subsection 21.17.020.C).

#### CHAPTER 21.49. RESERVED

#### CHAPTER 21.50. OBJECTIVE DESIGN STANDARDS FOR MIXED-USE AND MULTI-FAMILY DEVELOPMENT

#### 21.50.010. PURPOSE.

This Section establishes objective design standards (ODS) intended to facilitate high-quality site planning and building design and to accelerate housing production through the clear communication of design objectives and efficient permitting process for qualifying residential and mixed-use development projects.

#### 21.50.020. APPLICABILITY

- A. Applicable State Laws. This Chapter applies to projects conducted pursuant to any provision of State law that references objective design standards for residential development, including but not limited to California Government Code Section 65589.5 (Housing Accountability Act) and California Government Code Section 65913.4 (SB 35), as may be amended from time to time.
- B. Applicable Projects. This Chapter applies to the following development projects in the multi-family residential districts (R-2-R-5) and to mixed-use developments in the Office Professional Zoning District and Mixed-Use Overlay Zoning District:
  1. New development of residential units; and
  2. The following remodels and additions:

- a. Any second story addition;
  - b. An addition of more than 40 percent of the existing floor area;
  - c. Remodels where alterations remove more than 50 percent of the exterior walls or remove more than 50 percent of the roof framing; and
  - d. Conversion of existing nonresidential space to a residential use.
3. Additions of 40 percent or less of the existing floor area are not subject to this Chapter, but shall utilize the same exterior colors and materials as the existing structure to which the addition is applied.

**21.50.030. ALTERNATIVE REVIEW PROCESS/MODIFICATIONS**

Applicants who elect to provide alternative design approaches to the objective design standards in this Chapter can do so by filing an application for a Development Plan Modification (Section 21.16.020). If the applicant elects to utilize an alternative design approach, the review authority shall use these Objective Design Standards as guidelines for the quality of design required in the City, and make the findings required for a Development Plan Modification (Subsection 21.16.020.D).

**21.50.040. RELATIONSHIP TO OTHER STANDARDS AND REQUIREMENTS**

Development projects subject to this Chapter shall also comply with all other applicable standards and requirements of Title 21 (Zoning) for the zoning district in which a proposed project is located. Where a conflict exists between the objective design standards set forth in this Chapter and other Title 21 requirements, these provisions shall apply.

**21.50.050. BUILDING DESIGN AND ARTICULATION**

- A. Number of Strategies Required by Building Type. Building designs shall incorporate the number of design strategies indicated in Table 21.50.050-1 (Minimum Required Number of Design Strategies by Building Type). Where “all” is indicated, all design strategies in that Subsection shall be incorporated. Where a number is indicated, projects must include that number of design strategies, choosing from the design strategy options listed in Subsections C-E below.

Table 21.50.050-1: Minimum Required Number of Design Strategies by Building Type

Building Type	Minimum Number of Required Design Strategies Incorporated			
	Required Components Tier 1	Wall Plane Tier 2	Fenestration Tier 3	Roofs Tier 4
1 unit	All	0	2	0
2-10 units				
Building façades 100 ft or less in length	All	1	2	1
Building façades more than 100 ft in length	All	2	2	1
11+ units				
Building façades 100 ft or less in length	All	1	3	2
Building façades more than 100 ft in length	All	2	3	2
Mixed-use with at least 1 residential unit				
Building façades 100 ft or less in length	All	1	3	2
Building façades more than 100 ft in length	All	2	3	2

B. Tier 1 Design Strategies. Required Components. Projects shall comply with all standards listed in this Subsection, as required by Table 21.50.050-1 (Minimum Required Number of Design Strategies by Building Type).

1. Building Orientation. Buildings visible from the public right-of-way shall have at least 1 pedestrian entry oriented toward the primary street. On corner parcels, additional pedestrian entries may be oriented toward both the primary street and a secondary street. (See Section 21.50.070 [Frontage Standards].)
2. Minimum Ground Floor Height for Nonresidential Uses. The minimum interior floor-to-floor height of nonresidential ground floor spaces shall be 12 feet. Minimum ground floor height shall be measured from the ground floor of the first story to the finished floor elevation of the second story.
3. Transparencies. Façades shall incorporate windows and openings providing light to adjacent spaces, rooms, and uses as follows:
  - a. Nonresidential Ground-Floor Uses.
    - (1) Windows and openings of nonresidential uses on the ground floor visible from the primary street shall constitute a minimum of 30 percent of the ground-floor building faces.
    - (2) Windows and openings of nonresidential uses on the ground floor visible from any secondary street shall constitute a minimum of 20 percent of the ground-floor building faces.

Figure 21.50.050-1: Ground Floor Nonresidential Transparencies



- (3) Windows shall provide a clear and transparent view into ground-floor nonresidential uses or shall display merchandise to reinforce a pedestrian scale.

- b. Nonresidential Upper-Floor Uses. Windows and openings of nonresidential uses on upper floors that face streets shall constitute a minimum of 10 percent of upper floor building faces visible from the public right-of-way.
    - c. Residential Uses. Windows and openings of residential uses shall constitute a minimum of 15 percent of all building faces.
  - 4. Blank Walls. The maximum length of any blank wall visible from the public right-of-way, meaning without a window, opening, or other massing break, shall be limited to 20 feet in length.
  - 5. Building Corner Treatments. For mixed-use and multi-family projects with 11 or more units, the corners of a building on street-facing facades shall incorporate at least one of the following, located within 25 feet of the corner of the building, which may also be used to satisfy wall plane requirements of Subsection 21.50.050.C (Tier 2 Variation Design Strategies: Wall Plane):
    - a. Change in material, color, fenestration pattern or a combination of these, varied from the rest of the façade.
      - (1) Materials and colors shall be returned at least 4 feet or 10 percent of the building façade, whichever is more, from exterior corners or may dead end into a projecting or recessed façade feature.
      - (2) Materials and colors shall be vertically applied to a minimum of 80 percent of the building height.
    - b. Plaza with a minimum area of 200 square feet and located within 2 feet of the adjacent sidewalk grade. The corner plaza open space shall be designed as an accessible outdoor space with seating and canopy trees or small shade structures. As part of a mixed-use building, the plaza may be designed as an outdoor dining area connected to an adjacent restaurant on the ground floor. The outdoor area may be partially covered by a canopy or awning but must be open to the air on two sides;
    - c. A three-dimensional tower element, which extends between 3 and 6 feet in height above the top of the adjacent building façades;
    - d. A change in height of at least 4 feet greater or less than the height of the abutting adjacent façade;
    - e. A different roof style from the roof style associated with the abutting adjacent façade.
    - f. Massing break with minimum dimensions of 1 foot in depth by 3 feet in length by 8 feet in height located within 25 feet of the corner.
- C. Tier 2 Variation Design Strategies: Wall Plane. All façades facing the public right-of-way shall include variation that cumulatively equals at least 25 percent of the total façade plane area that faces the public right-of-way. To achieve the 25 percent wall plane variation, projects shall incorporate, at a minimum, the number of design strategies identified in in Table 21.50.050-1 (Minimum Required Number of Design Strategies by Building Type) for Tier 2 (Wall Plane), choosing from the list of design strategies in Paragraph 21.50.050.C.1.
  - 1. Menu of Wall Plane Variation Design Strategy Options



- a. Plaza or Forecourt: Provide a plaza or forecourt framing the entrance. The minimum dimensions of a plaza or forecourt shall be 12 feet in depth by 12 feet in length, designed as an accessible outdoor space with seating and canopy trees or small shade structures. As part of a mixed-use building, the plaza may be designed as an outdoor dining area connected to an adjacent restaurant on the ground floor. The outdoor area may be partially covered by a canopy or awning but must be open to the air on two sides.
- b. Upper Story Stepback. Provide an upper story (top-most) front stepback, a minimum of 5 feet in depth by 15 percent of the façade's total length.
- c. Balconies. Provide balconies in compliance with Subsection 21.50.060.B (Balconies), which may be recessed or projected.
- d. Bay Windows. Provide bay windows that project at least 16 inches and not more than 3 feet from the façade nor exceed 8 feet in length. If more than 1 bay window is provided on a façade, there shall be at least 4 feet of horizontal separation between the 2 bay windows.
- e. General Massing Break. Provide a general massing break, which may extend the height of a building's façade; extend the height of a building's upper stories; and/or may be recessed or projected from the façade with minimum dimensions of 1 foot in depth by 3 feet in length by 8 feet in height.

Figure 21.50.050-2: Wall Plan Variation Options



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Figure 21.50.050-3: How to Measure Wall Plane Variation



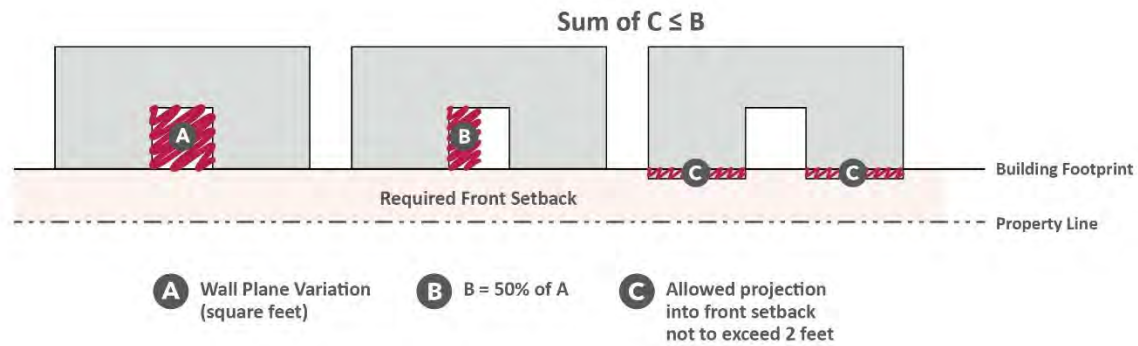
- Vertical Elements on Horizontal Buildings. Where Tier 2 strategies are required, buildings longer than 100 feet shall include at least 1 design strategy that adds a vertical element to offset the horizontal length of the building. The vertical element shall be taller than it is wide.

Figure 21.50.050-4: Vertical Elements on Horizontal Buildings



- Wall Plane Variation Projections into Front Setbacks. Up to 50 percent of the wall plane variation requirement shall be allowed to encroach into a required front setback by a maximum of 2 feet, if an equivalent area is set back 2 feet or more beyond the required front setback. However, in no case shall a building encroach into the public right-of-way.

Figure 21.50.050-5: Wall Plane Variation Projections into Front Setbacks



Measurement. Massing breaks shall be measured from the building footprint, regardless of the setback.

- D. Tier 3 Design Strategies: Fenestration and Materials. Projects shall incorporate, at a minimum, the number of design strategies identified in Table 21.50.050-1 (Minimum Required Number of Design Strategies by Building Type) for Tier 3 (Fenestration and Materials), choosing from the list of strategies below. Design strategies shall be applied to all building façades, including those not facing the public right-of-way.
1. For nonresidential uses, provide awnings with a minimum three-foot depth, covering at least 75 percent of windows and doors on the ground floor (see Subsection 21.50.060.A [Awnings]).
  2. Exceed all applicable minimum transparency requirements (per Paragraph 21.50.050.B.3 [Transparencies]) by an additional 5 percentage points.
  3. Inset all windows by at least 2 inches from face of glass to face of window trim (or to face of exterior wall if there is no trim).
  4. Window trim on all windows, with a minimum width of 3.5 inches.
  5. Non-vinyl window frame material on all windows.
  6. Lintels applied over all window openings.
  7. Windowsills projecting a minimum of 2 inches beyond the building façade on all windows.
  8. Wood detailing applied to define a façade plane change between stories (not at the roof level) applied as either:
    - a. Corbeled end beams or rafter tails, projecting a minimum of 18 inches beyond the building façade, running the length of the façade plane change, which shall be applied to no less than 50 percent of the façade length; or
    - b. Post and beam supports, with a minimum dimension of 6 inches, applied under all balconies. Post and beam supports shall extend a minimum of 18 inches from the building facade.

Figure 21.50.050-6: Corbeled End Beams

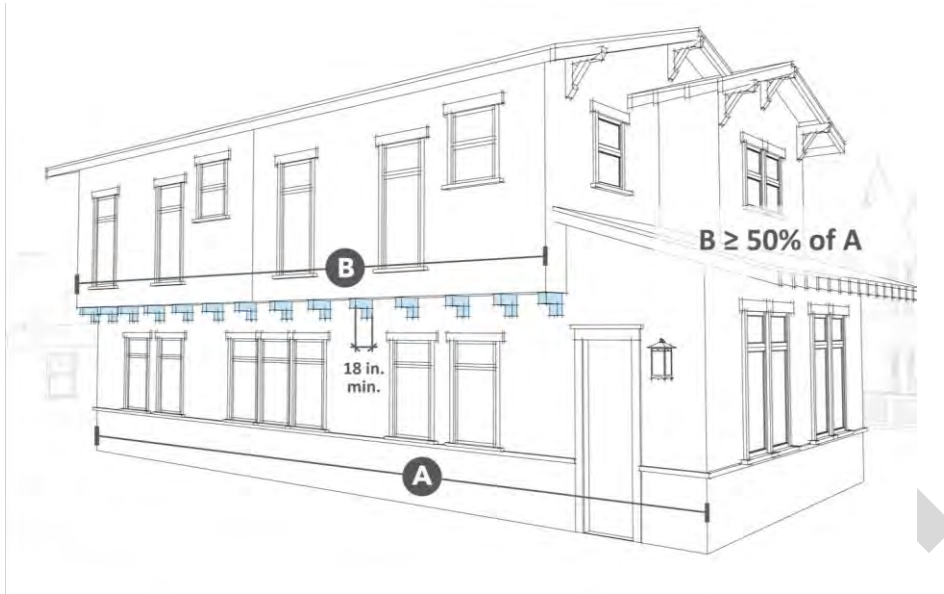


Figure 21.50.050-7: Post and Beam Supports



9. Use of a secondary cladding material (per Subsection 21.50.080.A [Exterior Building Wall Materials]) that is different from the primary cladding material (per Section 21.50.080.A [Exterior Building Wall Materials]). Secondary cladding material shall be applied for a minimum of 10 percent of all façade areas, or 3 feet of cladding along the base for the full length of all façades. Exception:

where window sills are lower than 3 feet, secondary cladding shall be applied up to the level of the lowest window sill.

10. Exceed porch width minimum requirements (per Paragraph 21.50.070.C.3 [Porch Frontage Requirements]) by an additional width equal to at least 10 percent of the length of the building façade on which the porch is located.

Figure 21.50.050-8: Exceed Porch Width Minimum Requirements



- E. Tier 4 Design Strategies: Roofs. Projects shall incorporate, at a minimum, the number of design strategies identified in Table 21.50.050-1 (Minimum Required Number of Design Strategies by Building Type) for Tier 4 (Roofs), choosing from the list of strategies below.
  1. Dormers applied to at least 50 percent of the windows of an upper floor visible from the public right-of-way, but no less than 2 windows.
  2. Eaves and rakes, with an 24-inch minimum projection, applied on all roof sections.
  3. Corbeled end beams or rafter tails at provided eaves, projecting a minimum of 16 inches beyond the building façade and placed at a distance of between 2 and 3 feet between each corbeled end beam/rafter tail, for the length of each roof eave.
  4. A cornice projecting a minimum of 4 inches and a maximum of 8 inches, extending the length of the building.
  5. Combining more than one roof type; the secondary roof type shall represent at least 25 percent of the total roof line. See Subsection 21.50.060.C (Roofs) for allowed roof types.

6. Variation in the roof profile, by either:
  - a. Varying the height of the same roof type by at least 18 inches in height for each 1 to 3 units exposed on that elevation;
  - b. Varying the pitch of the same roof type by at least 25 percent; or
  - c. Gables equal to at least 40 percent of the façade length.

Figure 21.50.050-9: Gabled Roof Profile



7. Installing either clay tile or standing seam metal roof for at least 50 percent of roof area.

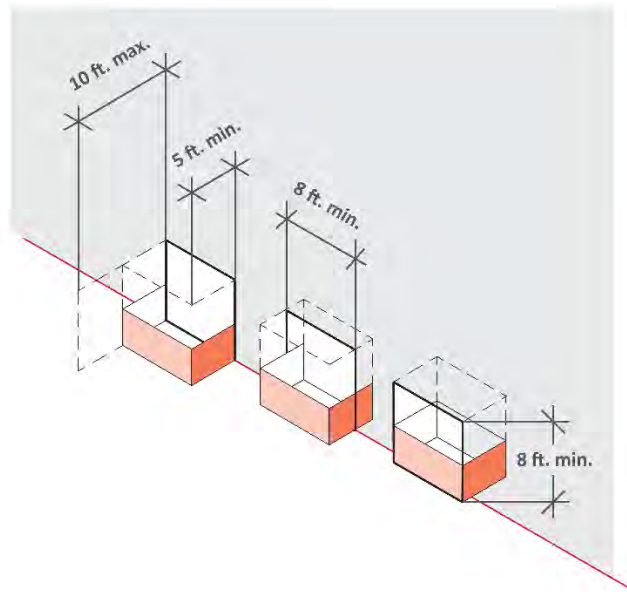
**21.50.060. REQUIREMENTS FOR ALL AWNINGS, BALCONIES, ROOFS, MECHANICAL EQUIPMENT, AND DETACHED ACCESSORY STRUCTURES.**

The following standards shall apply to all roofs, awnings, balconies, mechanical equipment, and detached accessory structures incorporated into development projects subject to this Chapter:

- A. Awnings. The following standards shall apply to awnings:
  1. Awnings shall be placed above storefront doors and may be placed above windows.
  2. Awnings shall be a minimum of 5 percent larger than the width of the opening to emphasize building proportions.
  3. Awnings shall be constructed of canvas, wood, or metal.

4. Awnings or canopies may encroach into the public right-of-way over the sidewalk, extending to a distance within 2 feet of the face of a curb. Any awnings that encroach into the public right-of-way shall maintain 8 feet clear as measured from grade and shall be required to be reviewed and approved by the City Engineer.
- B. Balconies. The following standards shall apply to balconies:
1. Where visible from the public right-of-way, occupiable private balcony guardrails/enclosure walls shall not be transparent and shall maintain a minimum of 50 percent and a maximum of 75 percent opacity. Materials used to create opacity materials shall be permanent fixtures, not fabric.
  2. When private balconies project from a building façade, the maximum depth shall be 10 feet, measured from the building footprint, regardless of the setback.
  3. To count toward required open space, balconies shall be a minimum of 8 feet in width, 5 feet in depth, and 8 feet in height.
  4. Unoccupiable balconies, such as Juliet balconies, can be used to fulfill a Tier 2 wall plane variation requirement per Subsection 21.50.050.C, but shall not count toward required open space. Unoccupiable balconies shall be a minimum of 3 feet wide and 12 inches deep.

Figure 21.50.060-1: Balcony Projection/Recess



- C. Roofs. The following standards shall apply to roofs:
1. Allowed Roof Types. Roofs shall be one of the following types:
    - a. Gable;
    - b. Flat;
    - c. Shed; or
    - d. Hipped.

2. Regulations for All Roofs. All roofs shall:
  - a. Have a pitch of at least 3:12 when not flat;
  - b. Have at least 2 planes/orientations; and
  - c. Have eaves, rakes, or overhangs, extending the length of the roof, with an 18-inch minimum projection.
3. Regulations for Gable Roofs. Where the nonvertical end of a gable roof faces the street, gables equal to at least 25 percent of the façade length are required along the street-facing side. If fewer gables are provided, the vertical side of a gable shall be oriented toward the street.
4. Regulations for Flat Roofs. Flat roofs, applied as a secondary roof type and not exceeding 50 percent of the roof line, are allowed, provided the flat roof incorporates at least one of the following:
  - a. A cornice, projecting a minimum of 4 inches and a maximum of 8 inches, extending the length of the flat roof;
  - b. An eave with an 24-inch minimum projection, extending the length of the flat roof;
  - c. A three-dimensional tower element, which extends between 3 and 6 feet in height above the top of the adjacent building façades; or
  - d. A change in height of at least 4 feet greater or less than the height of the abutting adjacent façade for at least 25 percent of the roofline in each elevation visible from a public right-of-way.
5. Regulations for Shed Roofs. Shed roof types, applied as either a primary or secondary roof type, shall comply with at least one of the following measures:
  - a. Vary the pitch of the roof by at least 25 percent;
  - b. Vary the orientation of roofs;
  - c. Vary height by at least 4 feet greater or less than the height of the abutting adjacent façade; or
  - d. Use a shed roof as a secondary roof type (coupled with a different primary roof type).
- D. Mechanical Equipment. Mechanical equipment shall be located and screened pursuant to Chapter 21.47 (Mechanical Equipment and Screening).
- E. Detached Accessory Structures. Detached accessory structures shall be designed to be consistent with the architecture of the main building, using the same materials and colors.



**21.50.070. FRONTAGE STANDARDS**

- A. Allowable Frontage Types by Building Type. All building designs shall incorporate at least one of the frontage types allowed for that building type for each street-facing elevation, as identified in Table 21.50.070-1 (Allowed Frontage Types by Number of Residential Units) and described in Subsections B and C below.

Table 21.50.070-1: Allowed Frontage Types by Number of Residential Units

Building Type	Frontage Type		
	Storefront	Arcade	Porch
Mixed-use with at least 1 residential unit	Allowed	Allowed	Allowed only associated with residential entries
1 unit	--	--	Allowed
2-10 units	--	--	Allowed
11+ units	--	Allowed	Allowed

- B. Requirements for All Frontage Types.
  - 1. Entries associated with individual ground-floor dwelling units or a lobby entrance serving several units shall be oriented toward a street or internal pathway/courtyard.
  - 2. Within vertical mixed-use buildings, pedestrian access to the residential uses shall be separate, such as via a lobby, from access points to commercial uses.
- C. Standards for Individual Frontage Types.
  - 1. Storefront Frontage Requirements.
    - a. The minimum dimensions for storefront frontage elements shall be as in Table 21.50.070-2.

Table 21.50.070-2: Storefront Frontage Elements

Storefront Element	Minimum
<b>A</b> Width of storefront bay(s)	10 feet
<b>B</b> Height to bottom of awning/canopy (clear)	8 feet
<b>C</b> Height of bulkhead	1 foot

Note: See also Figure 21.50.070-1: Storefront Frontage Requirements for a graphic depiction of A, B, and C.

Figure 21.50.070-1: Storefront Frontage Requirements



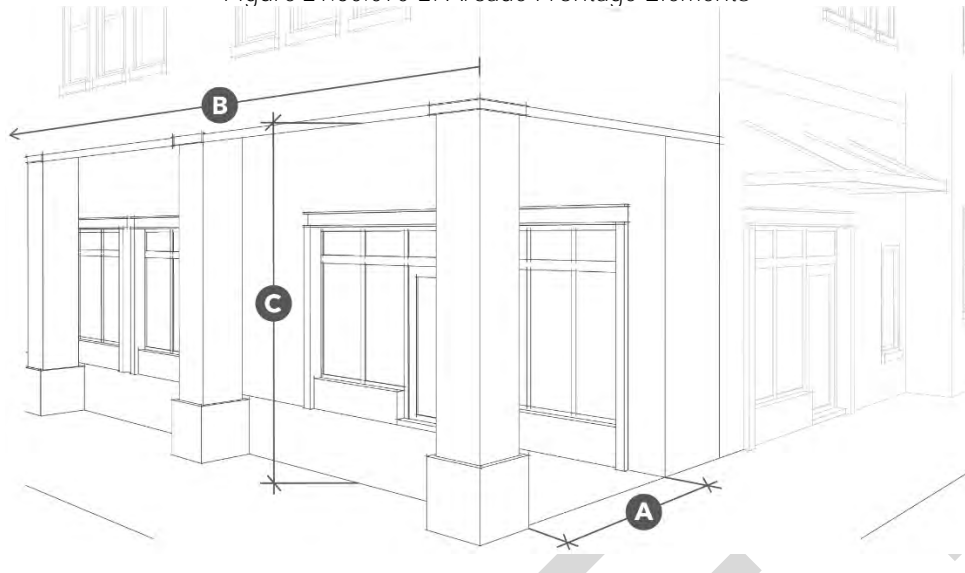
- b. A storefront frontage may be recessed or in line with required front setback.
  - c. Storefront glass shall be clear without reflective coating or dark tinting. Lightly tinted glazing that is less than 15 percent and low emissivity is acceptable.
  - d. Glass in transom and clerestory windows may be clear, stained glass, or frosted glass.
  - e. Doors shall use the same materials and design as display windows and framing.
  - f. Bulkheads, where used, may include any of the following materials: ceramic tile, wood panels, polished stone, or glass tile.
  - g. Awnings shall comply with Section 21.50.060.A (Awnings).
2. Arcade Frontage Requirements.
- a. The minimum dimensions for arcade frontage elements shall be as in Table 21.50.070-3.

Table 21.50.070-3: Arcade Frontage Elements

Arcade Element	Minimum
<b>A</b> Depth - façade to interior column face	8 feet
<b>B</b> Length along frontage - percent of building façade width	75%
<b>C</b> Height - sidewalk to ceiling	12 feet

Note: See also Figure 21.50.070-2: Arcade Frontage Requirements for a graphic depiction of A, B, and C.

Figure 21.50.070-2: Arcade Frontage Elements



- b. Along primary frontages, arcade column spacing shall correspond to storefront openings.
  - c. Column height shall be between 4 to 6 times the column width. Column spacing and colonnade detailing, including lighting, shall be consistent with the style of the building to which it is attached.
3. Porch Frontage Requirements.
- a. The minimum dimensions for porch frontage elements shall be as in Table 21.50.070-4.

Table 21.50.070-4: Porch Frontage Elements

Frontage Element		1-10 Residential Units		11+ Residential Units	
		Minimum	Maximum	Minimum	Maximum
<b>A</b>	Porch depth	4 feet	N/A	7 feet	N/A
<b>B</b>	Porch width	6 feet	N/A	12 feet	N/A
<b>C</b>	Floor height measured from adjacent finished grade	--	3 feet	--	3 feet
<b>D</b>	Porch height measured from porch surface to porch ceiling	8 feet	12 feet	8 feet	12 feet

Note: See also Figure 21.50.070-4: Projecting Porch Entry and Figure 21.50-070-5: Recessed Porch Entry for graphics corresponding to A, B, C, and D.

- b. Porches shall correspond directly with the building entry(s) to which the porch provides access.
- c. Porches shall include a gabled entry, distinct change in roof line or columns, or have some other significant architectural distinction to define the entryway.
- d. Exterior stairs leading to the porch may be perpendicular or parallel to the adjacent sidewalk.
- e. For projecting porches, porch depth shall be measured between the wall and the outside column face. Porch width shall be measured from the outside of corner columns. Where no

columns exist (in the case of a cantilever or half wall), porch width and depth shall be measured from the edge of any stoop and the inside edge of any half wall.

- f. For recessed porches, porch depth shall be measured between the recessed portion of the wall and the ultimate building façade. Porch width shall be measured between the walls, with no point being less than the required minimum width.

Figure 21.50.070-4: Projecting Porch Entry

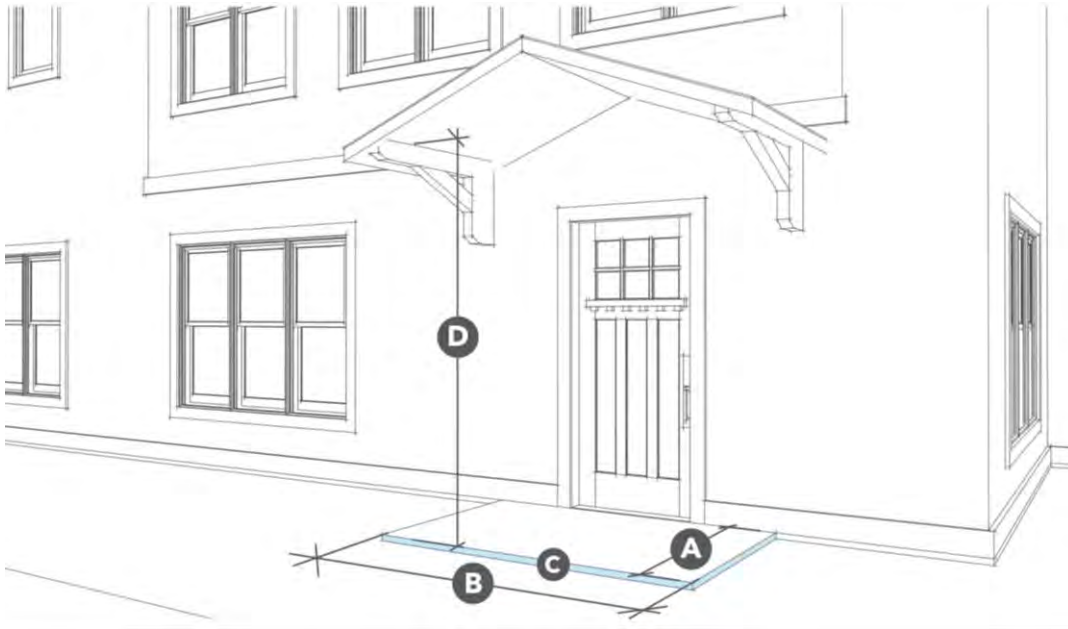
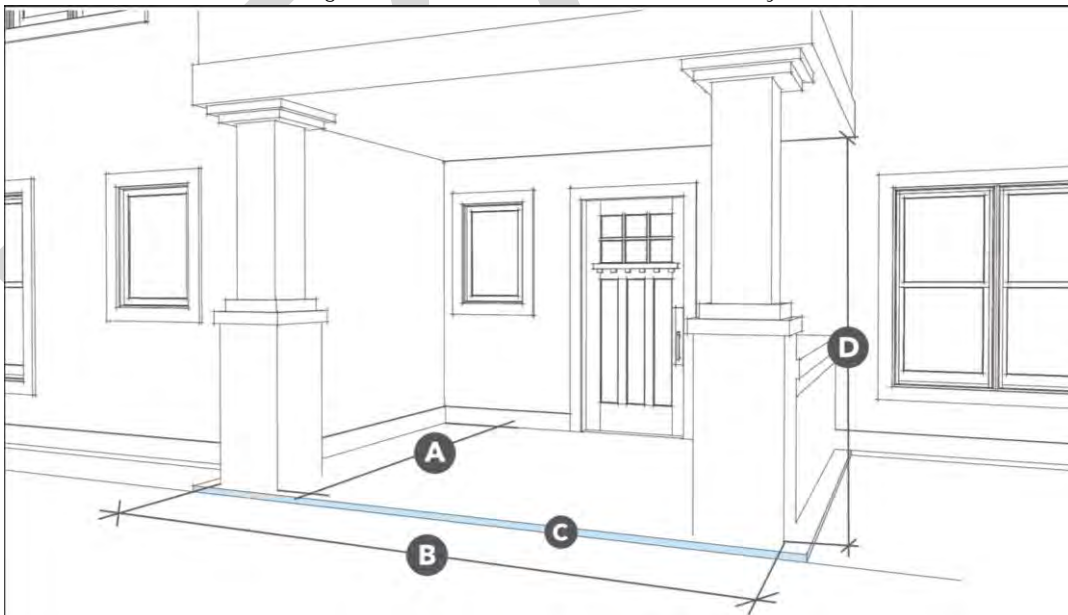


Figure 21.50.070-5: Recessed Porch Entry



**21.50.080. BUILDING MATERIALS AND COLORS**

A. Exterior Building Wall Materials.

1. Allowed and Prohibited Materials. Table 21.50.080-1 (Exterior Building Materials) identifies allowed and prohibited exterior building wall materials. Materials not listed are prohibited unless approved through a discretionary review process. Veneers, where applied, shall be returned at least 4 feet from exterior corners or dead end into a projecting or recessed façade feature, whichever is less.

Table 21.50.080-1: Exterior Building Materials

Wall Materials	Standard	Additional Regulations
Brick (including brick veneer)	P	
Stone (unpainted)	P	Veneer (not panels)
Stucco	P	Fine sand or hand troweled only
Finished wood, wood veneer, engineered wood, engineered synthetic wood (Trex or similar), wood siding	P	
Fiber cement siding and panels	P	
Plaster (rated for outdoor use)	P	
Concrete (poured in place or precast)	S	
Ceramic tile	A	For bulkheads below display windows and decorative accents only
Glass (transparent spandrel)	A	
Glass (block)	A	
Metal (standing seam, weathering steel [Corten or similar], or corrugated)	S	
Vinyl	N	
Plastic	N	
Glass (mirrored, tinted, reflective)	N	
Gloss tiles	N	
T-111 Plywood	N	
Plywood	N	
Composite wood panel	N	
Rough stucco (such as lace, dash, worm finish)	N	

P: Primary or secondary material  
 S: Secondary or accent material only  
 A: Accent material only  
 N: Not allowed/prohibited

2. Application Requirement. Detailed drawings shall indicate how sheet or panelized materials will be joined, and how lines formed by control joints related to other architectural details shall be provided.

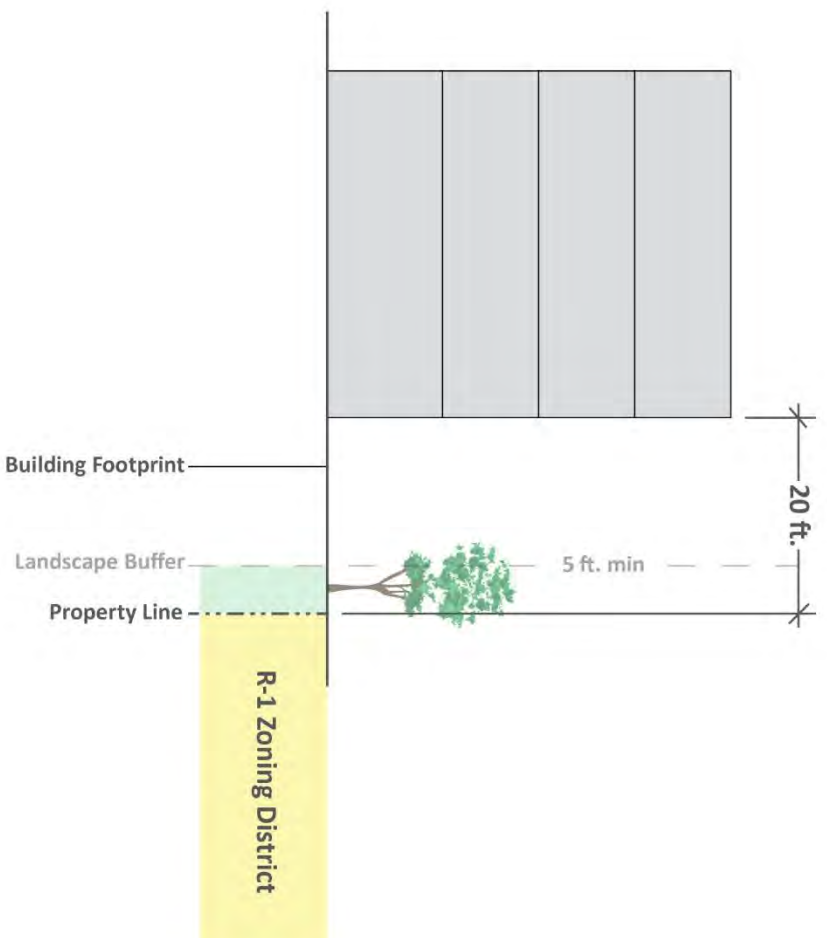
- B. Windows and Doors. Mirrored glass is prohibited.
- C. Polyurethane Foam. Exterior decorative molding, cornices, and trim constructed with exposed polyurethane foam are prohibited.
- D. Roof Materials. Roof materials shall not be reflective, glossy, or polished.
- E. Color Variety.
  1. The number of colors appearing on the entire building exterior shall be at least 2 and not more than 4 (or 4 tones of the same color). This color variety requirement may be met with trim, eaves and rakes, rafter tails, secondary cladding materials, or other accent materials of a different color or colors that differ from the primary facade color. A different color roof shall not count as a different color for the purposes of this Subsection.
  2. Certain materials (such as brick or stone) have distinct coloring in their natural state and shall count as an element of color, to be incorporated into the overall design.

#### 21.50.090. TRANSITION TO ADJACENT R-1 ZONING DISTRICT

Where the side or rear property line abuts a property in the R-1 zoning district, the following standards shall apply.

- A. Setbacks Adjacent to R-1 Zoning District. Where a property line abuts an R-1 Zoning District, the abutting setback (either rear or side) shall be 20 feet for buildings taller than 2 stories, except that buildings that house only pool spa filter and heating systems may be set back 5 feet.
- B. Window Orientation. Projects that are more than 2 stories in height and that contain 11 or more units shall orient less active uses (such as bedrooms and bathrooms) toward the adjacent R-1 Zoning District property line. Windows associated with kitchens and living areas shall not be oriented toward the adjacent R-1 Zoning District property line.
- C. Balcony Orientation. Upper story balconies on buildings visible from the adjacent R-1 Zoning District shall not be oriented toward the adjacent R-1 Zoning District property line.
- D. Landscape Buffer. A minimum 5-foot-wide landscape buffer (clear of any wall footings) shall be provided adjacent to an R-1 Zoning District. Evergreen screening trees shall be:
  1. Planted at a minimum interval of 15 feet along interior property lines abutting an R-1 Zoning District;
  2. Consist of species that attains a 20-foot minimum height at maturity; and
  3. Minimum 15-gallon size at time of planting.

Figure 21.50.090-1: Transitions to Adjacent R-1 Zoning District



**CHAPTER 21.51. REFUSE AND RECYCLING AREAS**

**21.51.010. PURPOSE AND APPLICABILITY**

- A. Purpose. This Chapter establishes standards for the location, development, and operations of refuse and recycling enclosures to ensure that the storage of trash, green waste, and recyclable materials does not have significant adverse health consequences, minimizes adverse impacts on surrounding properties, and complies with State law.
- B. Applicability. All new and expanded commercial and industrial projects with a floor area exceeding 500 square feet, all intensifications of commercial and industrial uses, all new multi-unit residential projects located in any zoning district, and all new mixed-use projects shall be required to provide and maintain at least 1 trash enclosure. Trash enclosures may be located indoors or outdoors to meet the requirements of this Chapter.

**21.51.020. GENERAL PROVISIONS**

- A. Maintenance. Maintenance of each enclosure area and any bins and containers shall be the responsibility of the property owner. The property owner shall be responsible for keeping the area clean and free of litter, rodents and insects. Enclosures that are damaged to the point of non-use will result in a service interruption if the hauler cannot access the containers and shall be repaired within 90 days.

- B. Regular Collection. The property owner is responsible for arranging the regular collection or pick-up of refuse and recyclable and/or organic materials stored in the container area. Materials shall not be allowed to accumulate such that a visual, public health, or safety nuisance is created.

### 21.51.030. DEVELOPMENT STANDARDS

- A. Size and Location. Refuse, including organic waste and fats, oils, and grease, and recycling collection areas shall be sized and located as provided below. Additional storage area and alternative designs may be required based on the types and quantities of materials to be generated by the proposed land use and the mode of collection. Additional design requirements may be applied for the purposes of preventing stormwater pollution discharges.
1. Size and Number. Refuse and recycling collection areas shall be adequate in capacity, number, and distribution to accommodate all trash, garbage, recyclables, green waste, organic waste, and any other waste until such items are picked up by the City or its contracted collector. The City Solid Waste and Recycling Manager shall determine the minimum numbers of bins/enclosures necessary for all required waste containers for a multi-family and nonresidential development as a function of the proposed design.
  2. Location.
    - a. Refuse and recycling collection areas shall be located outside the required front yard and street side yard, parking spaces, landscaped areas, and any other area required by the Municipal Code to be constructed or maintained unencumbered according to fire codes and other applicable building and public safety laws.
    - b. Detached enclosures shall be located a minimum of 10 feet from any structure and, in commercial areas, 25 feet from any residentially zoned property line.
- B. Design of Enclosure Area.
1. Enclosures shall be constructed of the same architectural design and materials of the primary structures on site, or shall be constructed of a darker earthtone textured block. Trash enclosures shall use opaque materials that obscure views of the trash containers. Chain link fencing is prohibited in enclosures and doors when visible from the public right-of-way or abutting residential properties.
  2. The interior dimensions of the enclosure shall provide convenient and secure access to the containers to prevent access by unauthorized persons and to minimize scavenging, while allowing authorized persons safe access for disposal and collection of materials.
  3. All outdoor enclosures shall have full roofs with adequate height clearance to enable ready access to any containers.
  4. All outdoor enclosures shall incorporate stormwater pollution reduction measures as required by the Stormwater Manager.
- C. Modification. Modifications to development standards for refuse and recycling areas may be allowed through a Site Plan Modification (Section 21.17.020). In approving such a request, in addition to the findings associated with a Site Plan Modification (Subsection 21.17.010.C), the review authority shall find that the proposed design, material, or method provides approximate equivalence to the specific requirements of this Chapter or is otherwise satisfactory and complies with the intent of these provisions. The City Solid Waste



and Recycling Manager reserves the right to require specific safety measures, interior dimensions, openings, grades, and other numerical proportions to ensure the City or its contracted collector can service the enclosure in compliance with State law.

## CHAPTER 21.52. SIGNS

### 21.52.010. PURPOSE AND APPLICABILITY

- A. Purpose. These regulations and standards for signs are established to provide a comprehensive system of reasonable, effective, consistent, content-neutral, and nondiscriminatory sign standards and requirements to:
1. Protect the general public health, safety, welfare, and aesthetics of the City;
  2. Provide for the identification of uses in a manner appropriate to the activity conducted on a site and consistent with the purposes of the zoning district in which the site is located;
  3. Eliminate confusing, distracting, or dangerous sign displays that interfere with vehicular and pedestrian movement;
  4. Prevent damage to or interference with the normal use of public property;
  5. Ensure the proper maintenance of signs;
  6. Ensure freedom of expression for sign uses, including noncommercial speech, by maintaining a content-neutral approach and appropriately regulating the time, place, and manner under which signs may be displayed;
  7. Preserve and improve the appearance of the City, protect the City from visual clutter and blight, and promote attractive and harmonious structures and environments by regulating the design, character, location, type, quality of materials, scale, illumination, and maintenance of signs; and
  8. Balance the rights of individuals to convey their messages and the right of the public to be protected against the unrestricted proliferation of signs and to provide for fair and equal treatment of sign users.
- B. Applicability.
1. The regulations of this Chapter apply to all signs as defined in Section 21.52.020 (Definitions) that are placed on private property, including but not limited to signs that are specifically exempted in this Chapter and:
    - a. Billboards, which are addressed in Title 19 (Billboard Signs), and
    - b. Bench signs and sandwich board/A-frame signs in the public right-of-way, which are addressed in Chapter 11.30 (Street Furniture).
  2. Content-based restrictions may be imposed in limited instances where the City has a compelling governmental interest in such restrictions and the restrictions are narrowly tailored to achieve that interest.

- C. Severability. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this Chapter is held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, such decision shall not affect the validity or enforceability of the remaining portions of this Chapter.

## 21.52.020. DEFINITIONS

- A. Signs. The following definitions shall apply to signs and sign-related regulations:
1. A-Frame Sign. A temporary freestanding sign constructed of two rigid signs connected on one edge, typically the top. For A-Frame Signs in the public right-of-way, see Chapter 11.30 (Street Furniture).
  2. Architecturally Integrated Base. A support structure for a monument sign that is constructed from materials compatible with the building or development.
  3. Awning Sign. An identification sign that is painted or applied to the face, valance, or side panel of an awning or canopy.
  4. Banner. A temporary sign composed of cloth, canvas, plastic, fabric, or similar lightweight, nonrigid material that can be mounted to a building with screws, cord, rope, cable, or a similar method. **This sign type does not include flags (see “Flags”) or feather signs (see “Feather Signs”).**
  5. Bench Sign. A prohibited sign located on a bench or similar structure.
  6. Billboard. As defined in Section 19.01.040 of Title 19 (Billboards).
  7. Commercial Sign. A sign that is meant to draw attention to a commercial use.
  8. Conforming Sign. A sign that is legally installed in accordance with Federal, State, and local permit requirements and laws.
  9. Construction Site Sign. A temporary sign at an active construction site.
  10. Content-Neutrality; Time, Place, and Manner Regulations. Consistently applicable, nondiscriminatory sign regulations that specify—without reference to the content of the message—when, how, and where a sign can be displayed, with physical standards such as but not limited to height, size, and location, that allow the sign to be readable.
  11. Copy. The message or content of a sign, which may include letters, numbers, logos, figures, and/or images.
  12. Directory Sign. A freestanding or wall-mounted sign located at a multi-tenant structure intended to list the location of multiple businesses within the structure or business center.
  13. Door and Window Sign. Any sign affixed to, painted to, or in contact with a door and/or window, and which is intended to be seen from the exterior.
  14. Double-Faced Sign. A sign constructed to display its message on two parallel opposing (back-to-back) faces.
  15. Exception. An approval to deviate from the criteria of this Chapter.

16. Face. **See “Sign Face”.**
17. Feather Sign. A prohibited temporary sign constructed of cloth, canvas, plastic fabric, or similar lightweight, non-rigid material, typically taller than it is longer, and supported by a single vertical pole mounted into the ground or on a portable structure. This sign type does not include flags (see “flag”).
18. Flag. A fabric, cloth, plastic, vinyl, canvas, leather, or other similar material sheet of square, rectangular, or triangular shape that is attached to a staff cord and mounted on a pole. This sign type includes official flags of national, state, or local governments. This sign type does not include feather signs (see “feather sign”), banners (see “banners”), or pennants (see “pennants”).
19. Floor Treatment. Special exterior floor treatment on private non-residential properties, such as paint indicating the name of the business and/or a business logo.
20. Freestanding Sign. A sign supported by a structure connected permanently to the ground or displayed directly upon a base connected permanently to the ground that is not structurally connected to a building or other structure.
21. Governmental Sign. A governmental sign for control of traffic and other regulatory purposes, including street signs, danger signs, railroad crossing signs, and signs of public service companies indicating danger and aids to service or safety.
22. Hanging Sign. An identification sign hung from an awning, canopy, or other building projection.
23. Highway-Oriented Sign. A freestanding sign exceeding 6 feet in height, located within the Highway-Oriented Sign Overlay Zoning **District as indicated on the City’s Zoning Map.** Highway-oriented signs are permitted only on properties with a business that is associated with vehicle fuel sales, restaurant, motel, hotel, or vehicle sales uses.
24. Illuminated Sign. A sign for which an artificial source of light is used to make the message readable. This definition shall include internally and externally lighted signs and reflectorized, glowing, or radiating signs.
25. Inflatable Sign. A prohibited sign consisting of any object intended to draw attention to a commercial business that is enlarged or inflated and floats, is tethered in the air, is activated by air or moving gas, or is located on the ground or on a building with or without copy or other graphic.
26. Informational Sign. A sign erected for the safety or convenience of the public including, but not limited to, signs such as “one way”, “entrance”, “exit”, “restrooms”, “telephone”, “No Smoking”, “Manager’s Office”, house numbers, business addresses, and other signs of a similar nature that do not promote or advertise a business, product, or property.
27. Interior Sign. A sign located completely within a building or structure, except for window signs.
28. Master Sign Program. A uniform design for signs within a multi-tenant center.
29. Message. **See “Copy.”**
30. Multi-Faced Sign. A sign constructed to display its message on three or more connected faces.

31. Multi-tenant center. A commercial, office, or industrial building or complex of buildings that accommodates three or more tenants (businesses or activities). Multi-tenant centers may be located on a single lot or on several lots that were developed under a master development plan.
32. Monument Sign. **See “Freestanding Sign.”**
33. Noncommercial Sign. Any sign that does not draw attention to any commercial use and instead contains a noncommercial message related to Debate or commentary on topics of public concern; for example, politics, religion, philosophy, science, or art.
34. Nonconforming Sign. A sign that was legally established prior to the effective date of Chapter 21.52 (Signs) and that does not conform to the provisions of that Chapter. Signs that require City approval but have been established without the benefit of City approval are considered illegal signs and are subject to abatement pursuant to Subsection 21.52.110.A (Abatement).
35. Off-Premises or Off-Site Sign. A prohibited sign that promotes a business, activity, product, or service available on property other than that on which the sign is located, or which directs the public to a business or activity on another property.
36. Parapet. A wall or railing that protects the edge of a platform or roof.
37. Pennant. A temporary sign generally made of flexible materials, usually cloth, paper or plastic. This definition does not include a flag of any nation, state or political subdivision.
38. Permanent Sign. A sign constructed of durable materials and attached to a building, structure, or the ground in a manner that will resist environmental loads such as wind, precludes ready removal or movement of the sign, and is intended to exist for the duration of time that the use or occupant is located on the premises.
39. Pole Sign. A prohibited freestanding sign that is greater than 6 feet in height and mounted on an **elevated pole(s), does not include “Highway Oriented Signs”**. **See Subsection 21.52.080.E** for existing pole signs.
40. Projecting Sign. A sign that is mounted to a building perpendicular to the plane of the building surface.
41. Roof Sign. A sign erected on or above the roofline of a building or a sign painted on or attached directly to the roof.
42. Sign. Any physical form of visual communication (including, but not limited to, objects, pictures and architectural features) that is intended to be viewed from outdoor public areas. A sign includes all parts, portions, units and materials composing same, together with illumination, frame, background, structure, support and anchorage.
43. Sign Face. The area of a sign on which copy is intended to be placed.
44. Sign Area. The area contained within a single continuous perimeter enclosing all parts of such sign copy, excluding any structural elements outside the limits of the sign required to support the sign.
45. Single Face Sign. A sign with only one face plane.

- 46. Temporary Sign. A sign which is designed, constructed and intended to be on display for a limited period of time, typically made of lightweight or flimsy materials that can be easily and quickly mounted or removed. Does not include signs in the public right-of-way (which are subject to the requirements of Chapter 11.30 for Street Furniture).
- 47. Three-Dimensional Sign. Any sign which is a three-dimensional, sculptured, or molded representation of an animate or inanimate object that identifies, advertises, or otherwise directs attention to a product or business.
- 48. Traffic Control Sign. **See “Governmental Sign.”**
- 49. Vehicle-Mounted Sign. A prohibited sign that is affixed to an automobile, truck, trailer or other vehicle where the primary purpose of the vehicle relates to its use as a sign, whether parked on public or private property. A vehicle-mounted sign does not include a sign on a vehicle that is used for the purpose of lawfully making deliveries of sales or merchandise or rendering services from such vehicles. A vehicle-mounted sign also does not include a sign that advertises the sale of the vehicle to which it is affixed.
- 50. Wall-Mounted or Building-Mounted Sign. An identification sign mounted on an exterior wall of a building.
- 51. Window Sign. **See “Door or Window Sign.”**

#### 21.52.030. SIGNS EXEMPT FROM PERMIT REQUIREMENTS

Signs specified in this Section are exempt from the fee and permit requirements of Section 21.52.060 (Sign Permit, Sign Program, and Modification Requirements) to the extent allowed by this Chapter. Signs specified in this Section shall not count towards cumulative allowable sign area, but must satisfy all other construction permit requirements, as applicable (such as building, electrical, plumbing, grading, encroachment, etc.).

- A. Directory Sign. One directory sign per street frontage as follows:
  - 1. Maximum area: 1 square foot per tenant, up to 24 square feet.
  - 2. Maximum height: 6 feet.
  - 3. Internal illumination prohibited.
- B. Door and Window Signs. Signs on doors and/or windows are allowed, provided such signs cover no more than 30 percent of the total glass area of the window and/or door on which they are placed and further provided such signs are not be placed above a height of 6 feet from the adjacent exterior building grade.
- C. Flags. Flags of any nation, state, or municipality may be flown. This exemption does not apply to feather signs or pennants as defined in Section 21.52.020 (Definitions).
- D. Floor Treatments. Floor treatments, as defined in Section 21.52.020 (Definitions) shall have an area of no more than 1 square foot per lineal foot of building or tenant space frontage, be completely flush with the surrounding pavement, and shall be on a floor or pavement that is completely horizontal.
- E. Governmental Signs. Governmental signs required by law are exempt from the fee and permit provisions of this Chapter.

- F. Informational Signs. No such sign shall exceed 2 square feet in area.
- G. Interior Signs. Any interior sign placed within the window perimeter and within 3 feet of the glass is subject to the limits for window signs specified in Subsection 21.52.030.B (Door and Window Signs) of this Section.
- H. Repair and change of copy of conforming signs. No fee or permit shall be required to repair, clean, repaint or refurbish any lawful conforming sign or to change the copy of any conforming sign.
- I. Temporary Signs. As allowed in Section 21.52.090 (Temporary Signs).

#### 21.52.040. PROHIBITED SIGNS

Those classes of signs designated in this Section are expressly prohibited and shall not be erected in any zoning district.

- A. Bench Signs. Bench signs as defined in Section 21.52.020 (Definitions) are prohibited.
- B. Conflict with Traffic Control Signs. Any sign or sign structure that by color, wording, or location resembles or conflicts with any traffic control sign or device is prohibited.
- C. Feather Signs. Feather signs as defined in Section 21.52.020 (Definitions) are prohibited.
- D. Inflatable Signs. Inflatable signs as defined in Section 21.52.020 (Definitions) are prohibited.
- E. Flashing Signs. Any sign that rotates (except for flags, pennants, and other similar types of signs), flashes, changes, reflects, blinks, or appears to do any of the foregoing—except for those signs that only portray time and temperature—is prohibited.
- F. Off-Premises Signs. Off-premises signs are prohibited, except for billboards (see Title 19), authorized temporary signs, and directory signs that are in conformance with this Chapter, or any other off-premises sign that is allowed by this Chapter.
- G. Pole Signs. New pole signs are prohibited except as approved as a highway-oriented sign consistent with Subsection 21.52.080.H (Highway Oriented Signs).
- H. Traffic Hazard. Any sign that creates a safety hazard by obstructing the clear view of pedestrian and vehicular traffic is prohibited.
- I. Vehicle-Mounted Signs. Vehicle-mounted signs as defined in Section 21.52.020 (Definitions) are prohibited. This Section is not intended to prohibit the display of commercial message that may cover all or part of a vehicle and that serves the purpose of advertising a commercial message as long as that vehicle is in operation and whose primary purpose is for regular transportation. The following criteria may be used in determining whether the primary purpose of the motor vehicle is a sign. It is not necessary that any one or all the listed criteria are met in order to determine that a sign is a prohibited vehicle-mounted sign:
  1. Whether the vehicle is in operating condition, currently registered, and licensed to operate on public streets when applicable.
  2. While the business is open, the vehicle is not moved, and the vehicle is so parked or placed that the signs thereon are displayed to the public.

3. Whether the vehicle is regularly parked in a location and in a manner so as to be observed by passers-by.
4. Whether the vehicle is actively used as a vehicle in the daily function of the business to which such signs relate.
5. Whether the sign includes directional copy that would only be applicable if parked in the vicinity of the use.

**21.52.050. SIGNS ON PUBLIC RIGHT-OF-WAY OR PUBLIC PROPERTY.**

- A. No person, other than a City official or City staff member, shall cause a sign to be placed or projected into the right-of-way of a public street or on any public property without the express permission of the City.
- B. It is unlawful at any time to erect or place upon or maintain upon any utility pole, traffic regulating sign, lamppost, street, sidewalk, or appurtenance thereto, any advertising material of any nature whatsoever, unless allowed pursuant to Chapter 11.30 (Street Furniture). This provision shall not apply to or restrict any public utility or public authority from erecting any signs or other markers that may be necessary for public health, safety, or welfare.

**21.52.060. SIGN PERMIT, SIGN PROGRAM, AND MODIFICATION REQUIREMENTS**

- A. Review Authority. Table 21.52.060-1 (Sign Permit Review Authority Summary) identifies the review authority responsible for reviewing and making decisions on each type of application required by this Chapter. In addition to sign permit review, applicants must also satisfy all other permit requirements, as applicable (such as building, electrical, plumbing, grading, encroachment, etc.).

Table 21.52.060-1: Sign Permit Review Authority Summary

Permit	Review Authority			
	Zoning Administrator	Development Review Committee	Planning Commission	City Council
Permanent Sign Visible from PROW	Review	Decision	Appeal	Appeal
Permanent Sign Not Visible from PROW	Decision	--	Appeal	Appeal
Highway-Oriented Sign	--	Review	Decision	Appeal
Sign Program (in conjunction with Development Review)	Review	Decision in conjunction with Site Plan review	Appeal of Site Plan review Decision in conjunction with Development Plan review	Appeal

- B. Sign Permit. A Sign Permit is required to erect, move, alter, replace, or reconstruct any sign except those exempted by Section 21.52.030 (Signs Exempt from Permit Requirements). An application for a Sign Permit shall be filed and processed on the prescribed application forms in accordance with the procedures in Chapter 21.09 (Application Processing and Common Procedures).
- C. Sign Programs. A sign program is intended to unify all signs within a multi-tenant project with signs that are architecturally compatible with the architectural theme of the buildings.
1. A master sign program is required for a commercial center or building with 5 or more tenants.
  2. A master sign program shall comply with the standards of this Chapter unless a Development Plan modification is approved by the review authority (Development Plan Modification [Section 21.16.020])
  3. A master sign program shall include criteria for the size, type, location, colors, materials, illumination, and design of all signs allowed in the center.
  4. The master sign program shall describe the review and approval process for amendment to the master sign program.
- D. Development Review Process.
1. Possible Actions. The review authority shall review an application for a Sign Permit for conformance with this Chapter.
    - a. Approval. If the application meets the requirements of this Chapter, the review authority shall approve the application, which will result in the issuance of a Sign Permit.
    - b. Conditional Approval. If the application does not meet the requirements of this Chapter, the review authority may issue a conditional approval and require that the sign comply with this Chapter. If a conditional approval is granted, the review authority may require specific amendments to a Sign Permit application before a permit will be issued.
    - c. Denial. If the review authority determines that the Sign Permit application does not comply with the provisions of this Chapter and an exception is not approved pursuant to Section 21.52.060.E (Modifications), the review authority shall deny the application.
  2. Notice of Action. Within 10 working days of the decision, the City shall provide a written notice to the applicant. In the case of a denial or conditional approval, the written notice shall inform the applicant of the manner in which the application fails to conform to the requirements of this Chapter and any adopted conditions of approval.
  3. Appeal. **An applicant whose application has been denied by the review authority's decision may be appealed in compliance with Chapter 21.25 (Appeals and Calls for Review).**
  4. Written Record. The Community Development Department shall prepare and maintain a written record of decisions regarding the approval (including any modifications), conditional approval, or a denial of Sign Permit applications.
- E. Modifications.
1. Allowed Modifications. Modifications to sign standards may be allowed through either a Site Plan Modification (Section 21.17.020), Development Plan Modification (Section 21.16.020), or Special



Planned Development (Section 21.11.020) as indicated in Table 21.52.060-2 (Sign Modifications), provided:

- a. No modification from the provisions of Section 21.52.040 (Prohibited Signs) is allowed.
- b. No modification shall allow signage in the public right of way.
- c. A Site Plan Modification (Section 21.17.020) shall not allow any increase in sign area.

Table 21.52.060-2: Sign Modifications

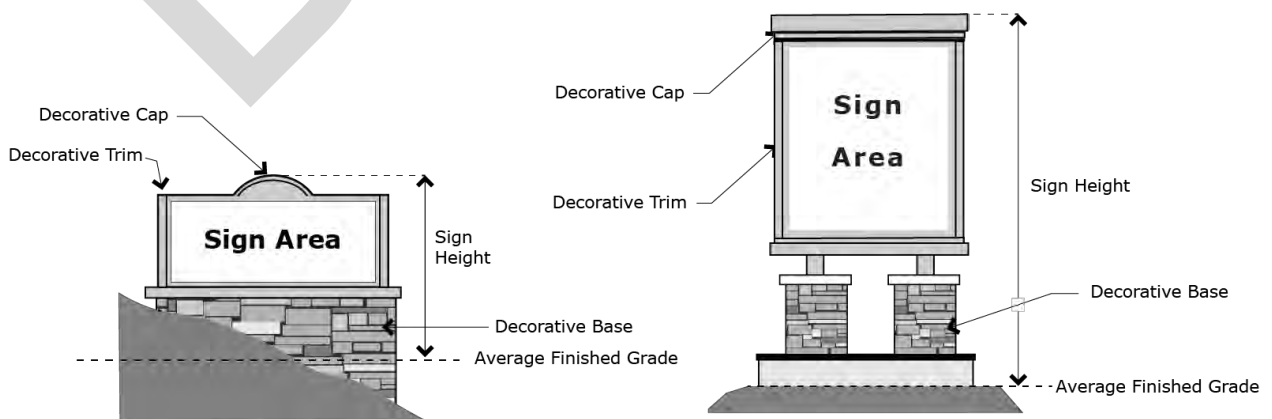
Modification	Required Process		
	Special Planned Development	Development Plan Modifications	Site Plan Modification
Request for Modification to Sign Requirements related to:	<ul style="list-style-type: none"> <li>• Modifications to sign area</li> <li>• Modifications to sign height</li> </ul>	<ul style="list-style-type: none"> <li>• Modifications to allowed number of signs</li> </ul>	<ul style="list-style-type: none"> <li>• Configuration and location modifications</li> <li>• Modification to wall-mounted sign area height in Uptown/Town Center Specific Plan</li> </ul>

- 2. Findings. In approving such a request, the review authority shall make the applicable findings required for a Site Plan Modification (Subsection 21.17.020.C) or Development Plan Modification (21.16.020.D) as well as determining that there are practical difficulties, physical restrictions, unusual building features (or similar characteristics) not generally shared by other properties in the same zoning district.

**21.52.070. SIGN MEASUREMENT**

- A. Sign Height. The height of a sign shall be measured from the average ground level adjacent to the base of a sign to the highest part of the sign. Where a sign is placed on an earth berm, raised planter, or similar feature, the height of a sign shall include all or a portion of such a feature.

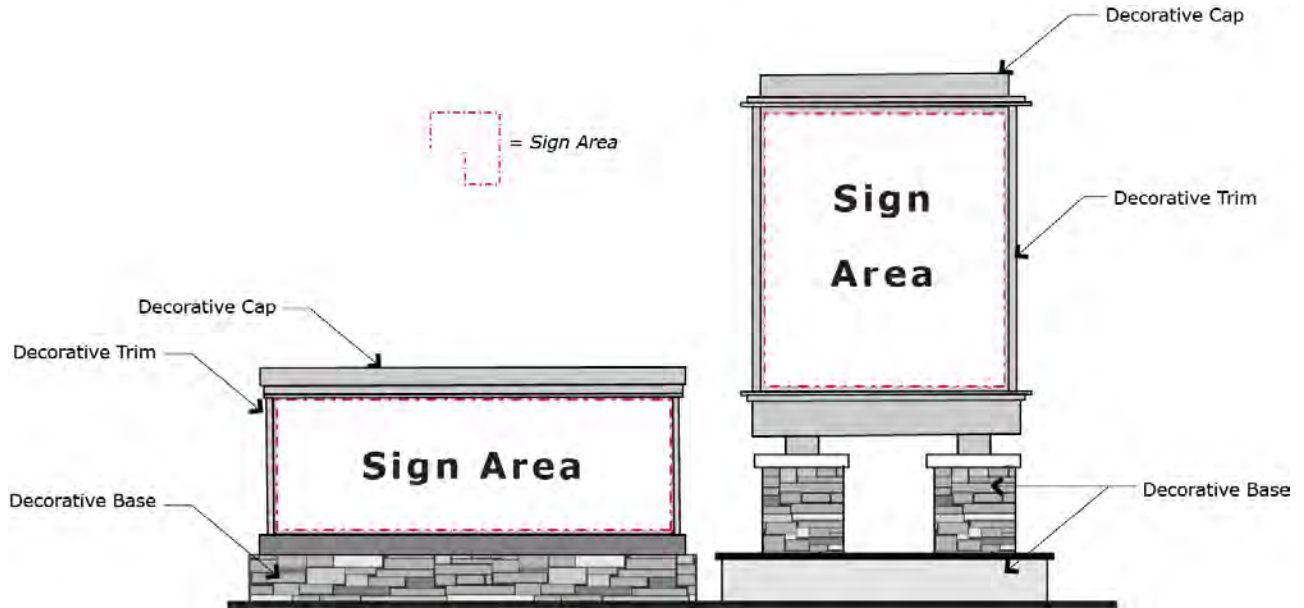
Figure 21.52.070-1 Calculating Sign Height



B. Sign Area.

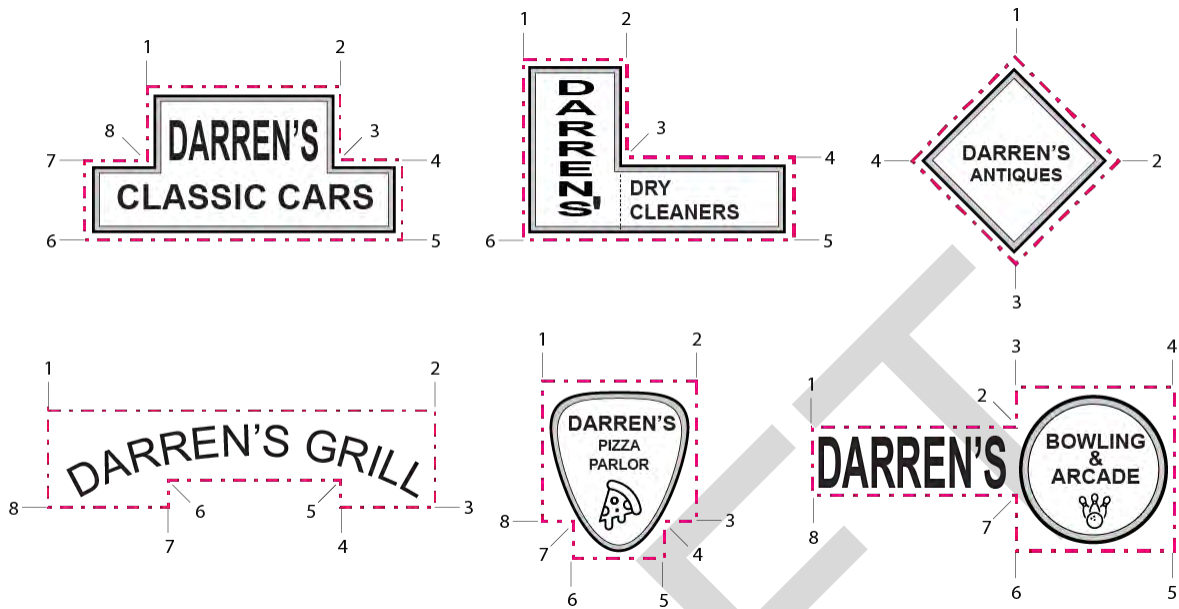
1. Calculating Sign Area—Generally. Supporting structures, such as sign bases, columns, and decorative features shall not be included in any calculation of sign area, provided that they contain no lettering, graphics, or brand colors except for addresses. See Figure 21.52.070-2.

Figure 21.52.070-2 Calculating Sign Area - Generally



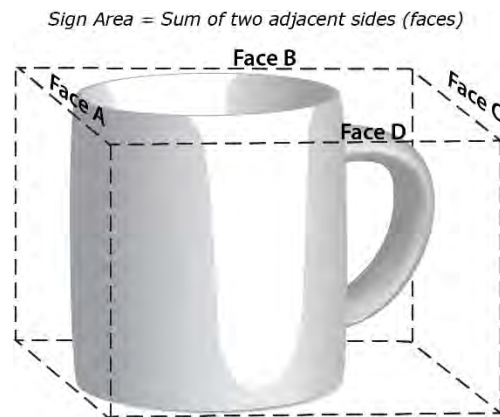
2. Calculating Sign Area—Single-Faced Signs. Sign area for single-faced signs shall be calculated by enclosing the extreme limits of all sign backing and borders, brand colors, emblem, logo, representation, writing, or other display within a single continuous perimeter composed of horizontal and vertical lines with no more than 8 corners.

Figure 21.52.070-3 Calculating Sign Area – Single-Faced Signs



3. **Calculating Sign Area—Double-Faced Signs.** Only one face of a double-faced sign shall be used to calculate the permitted area of a double-faced sign. Double-faced (back-to-back) signs shall be regarded as a single sign when the sign is mounted on a single structure. Where the two faces are not equal in size, the larger sign face shall be used.
4. **Calculating Sign Area—Multi-Faced Signs.** On a multi-faced sign, the combined sum of the area of all faces shall be used to calculate the permitted area of the sign.
5. **Calculating Sign Area—Three-Dimensional Signs.** Signs that consist of, or have attached to them, 1 or more 3-dimensional objects (for example, balls, cubes, clusters of objects, sculpture, or statue-like trademarks) may have a sign area that is the sum of 2 adjacent sides of the smallest cube (rectangular cuboid) that will encompass the sign. Signs with 3-dimensional objects that project 6 inches or less from the sign face shall be measured as a single-face sign. See Figure 21.52.070-4.

Figure 21.52.070-4 Calculating Sign Area for Three-Dimensional Sign



## 21.52.080. PERMANENT SIGNS

- A. Signs Requiring a Permit. This Section identifies the types of permanent signs allowed, zoning districts where specific sign types are allowed, and the limitations on the establishment of such signs. All signs described in this Section shall require a Sign Permit.
- B. General Sign Standards. All signs under this Section shall be subject to the following sign standards, unless a Modification is granted, pursuant to Section 21.52.060.E (Modifications).
1. Building-Mounted Maximum Sign Area. For any building or tenant space frontage, the total maximum sign area for all building-mounted signs, except window signs and not including freestanding signs, shall not exceed 1 square foot of sign area for every linear foot of building with street frontage, except as otherwise required by Subsection 21.52.080.L (OP Zoning District – Additional Regulations).
  2. Compatibility with Architecture. Signs shall utilize materials, colors, and design motifs that are compatible with the architecture and color of the buildings on-site.
  3. Proportional to Building. Signs shall be designed in scale and proportion to the building they serve.
  4. Colors. Sign colors and materials shall complement the colors and architecture of the building. The use of fluorescent colors for sign backgrounds are not allowed. The use of stark white for an internally illuminated background is not allowed.
  5. Illumination. All illuminated signs shall be designed in such a way as to avoid undue glare or reflection of light on private property in the surrounding area. High-intensity lights shall be avoided. Instead, lighting shall be directed at the sign and placed in the least visible manner possible.
  6. Residential Zoning Districts. In a residential zoning district, permanent signs are allowed as follows:
    - a. To identify a subdivision or multi-unit project; and/or
    - b. To identify a legally established business that is the primary use on the property (specifically excluding home occupation businesses, family day care homes, limited residential care facilities, and similar uses where residential use is the primary use on the property).

7. Noncommercial Signs. In each instance and under the same conditions to which this Chapter permits any sign, a sign containing an ideological, religious, or other noncommercial speech shall be permitted wherever commercial signage is permitted.
- C. Awning Signs. Awning signs shall be painted or applied flat against the awning surface. Awning signs shall count toward the square footage limit of building-mounted signs (Paragraph 21.52.080.B.1 [Building-Mounted Maximum Sign Area]).
- D. Billboards. Billboard sign criteria are listed in Title 19 (Billboards).
- E. Existing Pole Signs. Existing pole signs, as defined by this Chapter, may be restored and refaced with new sign text, provided that all of the following criteria are met:
  1. Location. The existing pole sign shall not be located within the public right-of-way.
  2. Size. **The sign's size and/or height shall not be increased.**
- F. Freestanding Signs. Freestanding signs shall be subject to the following requirements:
  1. Location. Freestanding signs shall not be placed in the public right-of-way, or any location that would obstruct motorists' clear view of pedestrian and vehicular traffic, as determined by the City Engineer. Wherever possible, freestanding signs shall be located within landscaped areas.
  2. Support Structure. The supporting structure of a freestanding sign shall be an architecturally integrated base, posts, or a decorative block wall. If mounted on a block wall, the top of the sign face shall not exceed 6 feet in height and the wall shall meet the height and setback requirements for a fence listed in Chapter 21.44 (Fences, Walls, and Hedges) including any modifications approved by the applicable review authority.
  3. Fueling Stations. Price signs shall be incorporated into freestanding signs. Fueling station signs shall not exceed 24 square feet in area and 6 feet in height. Fueling station signs shall comply with all applicable State laws.
  4. Small Centers. Freestanding signs on properties with one or two businesses or activities shall be subject to the following regulations:
    - a. Number of Signs. No more than one sign per street frontage.
    - b. Sign Area. Freestanding signs shall not exceed 32 square feet in sign area, except for service station signs as specified in Paragraph 21.52.080.F.3 (Fueling Stations) of this Subsection.
    - c. Height. Freestanding signs shall not exceed 6 feet in height.
  5. Multi-Tenant Centers. Freestanding signs in a multi-tenant center with three or more tenants shall be subject to the following regulations:
    - a. Number. No more than one freestanding sign shall be permitted per 300 linear feet of street frontage.
    - b. Sign Area. Freestanding signs shall not exceed 32 square feet in sign area, except for service station signs as specified in Paragraph 21.52.080.F.3 (Fueling Stations) of this Subsection.
    - c. Height. Freestanding signs shall not exceed 6 feet in height.

- d. Spacing. Freestanding signs shall be at least 200 feet apart from any other freestanding sign.
  - e. Master Sign Program. The theme of a sign in a multi-tenant center shall be approved as part of the master sign program during the development review for the center.
  - f. Design. A freestanding sign in a multi-tenant center shall be consistent in terms of graphics, materials, and color with the signage of the entire center.
6. Development of 10 Acres or More. In developments of 10 acres or more, 1 freestanding sign that meets the following standards shall be allowed in addition to freestanding signs allowed in multi-tenant centers:
- a. Size. The freestanding sign shall not exceed 100 square feet in sign area.
  - b. Height. The freestanding sign shall not exceed 12 feet in height.
  - c. Placement. The freestanding sign shall only be placed on exterior public streets that surround the project. Such freestanding sign shall not be placed on the interior streets within the subdivision.
  - d. Spacing. The freestanding sign shall be at least 200 feet from any other freestanding sign.
- G. Hanging Signs.
1. Maximum Sign Area. Hanging signs shall count toward the square footage limit of building-mounted signs (Paragraph 21.52.080.B.1).
  2. Clearance and Projection Limits. A hanging sign shall have a minimum vertical clearance of 8 feet and 6 inches above a public or private sidewalk or driveway. A hanging sign shall comply with applicable building and fire codes.
- H. Highway-Oriented Signs. Highway-oriented signs are subject to the approval of a Conditional Use Permit and may be placed only in the Highway-Oriented Sign Overlay Zoning District as indicated on the City's Zoning Map. Highway-oriented signs shall be allowed in addition to any allowed freestanding signs as specified in Subsection 21.52.080.F (Freestanding Signs) when such signs meet the following requirements:
1. Purpose. Highway-oriented signs may be approved for properties with businesses that are vehicle fuel sales, restaurants, motels, hotels, and vehicle sales and other regional commercial/highway-oriented uses, as determined by the Planning Commission as part of the Conditional Use Permit process, or by the Development Review Committee for sign copy changes on existing highway-oriented signs.
  2. Design. The City shall limit the number, height, and visual impact of highway-oriented signs when considering the Conditional Use Permit. Highway-oriented signs shall be discouraged if adequate signs can be provided on the sides of buildings and in the form of monument signs.
  3. Height. The height of highway-oriented signs shall be limited to 30 feet. Height may be measured from the adjacent ground or to the adjacent highway surface measured where the highway is closest to the sign, whichever is higher. In the case where the sign is within 500 feet of more than one highway, the sign height shall be measured to the higher of the two highways.
  4. Maximum Sign Size. The highway-oriented sign shall not exceed:

- a. Highway Oriented-Signs on Highway 46 East:
  - (1) 150 square feet in sign area for a multi-tenant center; or
  - (2) 60 square feet in sign area for a single tenant property.
- b. Highway Oriented-Signs on Highway 101:
  - (1) 300 square feet in sign area for a multi-tenant center; or
  - (2) 150 square feet in sign area for a single tenant property.
- 5. Number of Signs. No more than 1 highway-oriented sign per acre of property shall be permitted. Combining multiple signs onto a single sign structure is strongly encouraged.
- 6. Minimum Property Size. Highway-oriented signs are permitted on sites with a 1-acre minimum size unless the highway-oriented sign was approved as a part of a comprehensive sign program for a multi-use center (under which the City may approve pole signs for smaller parcels).
- I. Projecting Signs.
  - 1. Maximum Sign Area. A projecting sign shall be limited to a maximum sign area of 25 square feet, and shall count toward the square footage limit of building-mounted signs (Paragraph 21.52.080.B.1).
  - 2. Limitation on Placement. Projecting signs shall be attached at right angles to a building and shall have no more than 2 faces.
  - 3. Clearance and Projection Limits. A projecting sign shall have a minimum vertical clearance of 8 feet and 6 inches above a public or private sidewalk or driveway. A projecting sign shall comply with applicable building and fire codes.
- J. Roof Signs. Roof signs shall count toward the square footage limit of building-mounted signs (Paragraph 21.52.080.B.1). Roof signs shall not project above the highest ridge or parapet.
- K. Wall-Mounted Signs. Wall-mounted signs shall count toward the square footage limit of building-mounted signs (Paragraph 21.52.080.B.1). For shopping centers with buildings that have entrances oriented toward a parking lot, they shall be allowed an additional 50 percent more sign area, provided that the additional sign area is not added to the base sign area permitted in 1 sign.
- L. OP Zoning District – Additional Regulations. Notwithstanding the above regulations, signs on 12<sup>th</sup> Street within the OP Zoning District are limited to the following signage:
  - 1. Wall-Mounted Signs. Wall-mounted signs shall not exceed 2 square feet in size, and their placement on the building shall be architecturally integrated.
  - 2. Freestanding Signs. Freestanding signs may not exceed 24 square feet in area and 4 feet in height in order to be in proper scale and proportion to the residential character of this area.
  - 3. Illumination. Signs shall not be internally illuminated. Exterior sign illumination shall be kept to a minimum and reviewed for appropriateness by the Development Review Committee.

4. Awning, Hanging, and Projecting Signs. Awning signs, hanging signs, and projecting signs shall adhere to the sign standards of the Uptown/Town Centre Specific Plan.

#### 21.52.090. TEMPORARY SIGNS

- A. Purpose. In addition to Section 21.52.010 (Purpose and Applicability) of this Chapter, the purpose of this Section is to ensure that temporary signs do not create a distraction to the traveling public by limiting the proliferation of temporary signs and eliminating aesthetic blight and litter that are detrimental to the public's health, safety, and general welfare.
- B. General Standards for All Temporary Signs.
  1. Temporary Sign Content Neutrality. All regulations and standards in this Section are to be exercised in light of the City's **content neutrality policy**. **These provisions are not intended to limit, censor, or restrict free speech.**
  2. Relationship to Permanent Sign Regulations. The number and area of temporary signs shall not be included in the calculation of permanent sign area.
  3. Illumination Prohibited. Temporary signs shall not be illuminated.
  4. Secure Placement. All temporary signs shall be installed securely in the ground or attached to a building. Banner signs shall be installed on a building wall.
  5. Sign Placement. Temporary signs are allowed on private property only subject to permission of the property owner.
  6. Design Standards. "Day-glow" and fluorescent colors are prohibited. Lettering shall be of professional quality, done in uniform, readily legible characters. Signs shall be constructed of materials that can withstand outdoor weather conditions, such as cloth, canvas, or vinyl plastic. Paper and cardboard are prohibited materials.
  7. Noncommercial Signs. In each instance and under the same conditions to which this Chapter permits any sign, a sign containing an ideological, religious, or other noncommercial speech shall be permitted wherever commercial signage is permitted.
  8. Permitting. Temporary signs shall be exempt from fee and permit requirements unless a modification is requested for temporary commercial signs consistent with Section 21.52.060 (Sign Permit, Sign Program, and Modification Requirements).
- C. Temporary Sign Standards: Location, Size, and Quantity. Temporary commercial signs shall conform to the following regulations unless a Modification is approved by the applicable review authority consistent with Section 21.52.060 (Sign Permit, Sign Program, and Modification Requirements).
  1. Location.
    - a. Temporary Commercial Signs. Temporary commercial signs shall be allowed:
      - (1) In residential zoning districts:
        - (a) on properties with a legally established business that is the primary use on the property (specifically excluding home occupation businesses, family day care



homes, limited residential care facilities, and similar uses where residential use is the primary use on the property);

(b) on properties where a City Building Permit has been issued and is actively under construction;

(c) on properties where there is a garage, yard, estate sale; and

(d) on properties listed for sale or lease.

(2) In nonresidential zoning districts.

b. Temporary Noncommercial Signs. Temporary noncommercial signs shall be allowed on any property in residential zoning districts.

2. Size and Quantity. Temporary signs shall not in the aggregate exceed 1 square foot per linear foot of building or tenant space frontage. For properties without a building, temporary signs shall not in the aggregate exceed 32 square feet in area.
3. Quantity. No property shall have more than 2 temporary signs at one time. In the case of a multi-tenant center, no business shall have more than 2 temporary signs at any one time.
4. Duration and Removal. Temporary signs shall be posted for no more than 30 consecutive days, separated from other occasions by a period of not less than 30 days, and for no more than a cumulative 90 days within any calendar year. Any such sign shall be removed within 7 days of the conclusion of any time-specific event associated with such signage. Temporary construction signs shall be removed at time of issuance of the certificate of occupancy. Temporary noncommercial signs may be posted for a total of 90 days in a calendar year. If a temporary noncommercial sign is related to a specific event, it shall be removed no later than 7 days following said event.
5. Exception for New Businesses. During the first 30 days that a new business is open, there are no limitations on the size, location, and nature of a banner sign, as long as the sign(s) does not adversely affect the public health, safety, or welfare.

#### 21.52.100. NONCONFORMING SIGNS – COPY CHANGES

A nonconforming sign shall not be structurally altered, increased in area, relocated, or used or modified in a manner that would change the physical characteristics of the sign. Changes to sign copy on nonconforming signs shall require a Sign Permit subject to review and approval by the Development Review Committee.

#### 21.52.110. ADMINISTRATION AND ENFORCEMENT

A. Abatement.

1. Nuisance Abatement. Signs not in compliance with this Chapter may be declared to be a public **nuisance, and be abated in compliance with the requirements of the City's Municipal Code Chapter 9.06** (Nuisance Abatement). Alternatively, signs not in compliance with this Chapter and deemed to be a minor violation by the enforcement officer may be enforced through the City's administrative citation process as set forth in Chapter 1.03 (Administrative Citation) of the Municipal Code.
2. Summary Abatement. Signs located in the public right-of-way may be declared to be a public nuisance subject to summary abatement by the City's enforcement official, as defined in Municipal

Code Chapter 9.06 (Nuisance Abatement). In addition to any criminal or civil penalties prescribed by law, the actual costs of abatement of such signs shall become a debt owed to the City by the person responsible for or causing placement of the sign.

- B. **Abandoned Signs.** A sign shall be deemed abandoned in the following circumstances:
1. **Change in Use.** Any sign advertising a use, occupancy or product that has not existed for a period of 180 consecutive calendar days shall be deemed obsolete or abandoned. It shall be unlawful for any sign owner, the occupant of such premises, or the owner of any such premises to fail or refuse to remove an abandoned or obsolete sign or sign support, pole or structure following an order to do so.
  2. **Expiration of Event.** The property owner or person responsible for the installation of a temporary sign authorized by this Chapter relating to a specific event shall remove the sign promptly following the expiration of the event unless different time limits apply to the sign as specifically provided for in this Chapter. Any such sign relating to a specific event shall be deemed obsolete or abandoned 7 days following said event. If the City removes the sign following its abandonment, the removed sign will be held by the City for a period of 30 days and the property/sign owner notified of the same. Failure to respond to the notification may result in the destruction of the sign or disposal by the City.
- C. **Failure to Maintain.** All signs shall be kept in a good state of repair and preservation. A sign may be deemed abandoned if, after 90 days written notice to the permit holder, the permit holder has failed or refused to maintain the sign. Upon such declaration, the sign may be considered abandoned and abated as provided in Subsection 21.52.110.B (Abandoned Signs) of this Section.
- D. **Hazardous or Unsafe Signs.** The enforcement official, upon identification of a hazardous or unsafe sign, shall give written notice to the property owner and/or party responsible for the sign or the condition or conditions that render the sign hazardous or unsafe, and an order to abate the public nuisance caused by the existence of the hazardous or unsafe sign. Hazardous and unsafe signs include, but are not limited to, signs that obstruct views of pedestrian and vehicular traffic at street intersections or driveways, signs that create a glare or other visual distraction that impedes a driver's ability to see, and signs that are dilapidated, structurally unsound or pose a fire threat. The enforcement official shall determine an appropriate time period for abatement of the public nuisance based on the degree of hazard. At the expiration of the time period, if the hazard has not been voluntarily abated, the enforcement official shall proceed to abate the nuisance in compliance with the procedures contained in Municipal Code Chapter 9.06. E. (Right of Entry). When it is necessary to make an inspection to enforce the provisions of this Chapter, or when the enforcement official has reasonable cause to believe that there exists any sign or a condition that makes such sign unsafe, abandoned, illegal or nonconforming, the enforcement official may petition the court to enter the lot, building, or premises on which such sign is located at all reasonable times to inspect the sign or to perform any duty imposed by this Chapter.

## 21.52.120. MURALS

The provisions of Chapter 21.63 (Murals) of Title 21 (Zoning) shall apply.

**CHAPTER 21.53. SWIMMING POOLS****21.53.010. PURPOSE AND APPLICABILITY**

This Chapter establishes consistent and uniform requirements for the design of swimming pools, spas, and any body of water having a depth of more than 18 inches and related equipment.

**21.53.020. DEVELOPMENT STANDARDS**

- A. Swimming Pool Fencing. All swimming pools shall be completely enclosed by a permanent fence or building at least 5 feet in height. The fence shall comply with the provisions of Chapter 17.12 (Security of Bodies of Water to be used for the Purpose of Human Immersion) of Title 17 (Buildings and Construction). Fabric mesh fencing shall not meet the requirements of this Section.
- B. R-1 Zoning Districts.
  - 1. Swimming pools and spas shall comply with the front and street side setback and shall not extend farther into the front yard setback than the front wall of the main building.
  - 2. Swimming pools shall be located a minimum of 3 feet from any side or rear property line, as measured from the edge of the water.
  - 3. Filter and heating systems for pools and spas shall not be located closer than 20 feet to any dwelling other than the property owner's and shall be fully screened from view offsite by a solid fence.
- C. Multi-Family Zoning Districts (R-2, R-3, R-4, and R-5).
  - 1. Swimming pools and spas and their filter and heating systems are considered to be accessory buildings and shall comply with the setbacks established for such structures in Chapter 21.33 (Residential Zoning Districts) of Article 3 (Zoning Districts, Allowable Uses, and Development Standards).

**CHAPTER 21.54. UNDERGROUND UTILITIES****21.54.010. PURPOSE AND APPLICABILITY**

This Chapter establishes standards for the siting of all electrical, telephone, cable television, and similar distribution lines providing direct service to a development site.

**21.54.020. GENERAL PROVISIONS**

- A. All new utility service lines shall be under-grounded unless determined to be infeasible or unduly cost prohibitive as determined by the City Engineer.
- B. Transformers, control points, and other utility housings shall be located so as to minimize their visual impact and shall be screened in a manner approved by the review authority.

**CHAPTER 21.55. VISIBILITY AT INTERSECTIONS****21.55.010. PURPOSE AND APPLICABILITY**

- A. Purpose. This Chapter is intended to maintain clear sight visibility at street intersections by minimizing obstructions caused by vegetation and structures.
- B. Applicability. Visibility requirements are applicable to every intersection of 2 or more public or private streets.

**21.55.020. GENERAL PROVISIONS**

Vegetation and structures located on a property at any corner from intersecting streets shall comply with City Engineering standards.

**CHAPTER 21.56. WATER EFFICIENT LANDSCAPING****21.56.010. PURPOSE AND APPLICABILITY**

- A. Purpose. Consistent with California State Law, it is the purpose of this Chapter to:
  - 1. Promote the values and benefits of landscapes while recognizing the need to use water resources as efficiently as possible;
  - 2. Establish a structure for planning, designing, installing, maintaining, and managing water efficient landscapes in new construction and rehabilitated projects.
- B. Applicability. The requirements within this Chapter apply to new construction and rehabilitated landscapes for commercial, industrial, and residential projects that are subject to the Development Review process (Chapter 21.15) and/or a Building Permit.
  - 1. Development Review Process. In conjunction with the submittal of a project for Development Review (Chapter 21.15), conceptual landscape plans shall be provided that demonstrate that the design of the landscaping complies with the standards within this Chapter. These plans shall be reviewed by the applicable review authority.
  - 2. Building Permit. In conjunction with the submittal of a project for building plan check, final landscape and irrigation plans shall be submitted with the project in compliance with this Chapter. After a plan check review by the Planning and/or Public Works Departments for compliance with this Chapter, a building permit may be issued. Fees consistent with the fees established for building plan check will be applied for staff review of the landscape and irrigation plan.
  - 3. Certificate of Completion. Once the landscape and irrigation plans and necessary documentation have been provided in substantial compliance with the Landscape Documentation Package (LDP), a Certificate of Completion may be issued. A Certificate of Completion shall be issued prior to the project receiving a Certificate of Occupancy by the Building Division.
  - 4. Landscape and Irrigation Installation. Landscaping and irrigation shall be installed per the approved plans prior to the issuance of a Certificate of Occupancy or "final" of the building/project.

5. Landscape Bond. For projects that have a landscape area of one-half acre or greater, a bond may be posted, which would allow a building to be finalized and a Certificate of Occupancy to be issued prior to the site landscape and irrigation being completed. The bond shall be based on an estimate for labor and materials to complete the landscape and irrigation project per the approved plans, plus an additional 25 percent. The applicant shall fill out the Landscape Bond Security Agreement along with the necessary bonding information, to the Community Development Department for review and approval to determine the specific bond amount. For projects that have a landscape area of less than one-half acre, the Community Development Director or his or her designee may approve a bond to be posted, which would allow a building to be finalized and a Certificate of Occupancy to be issued prior to the site landscape and irrigation being completed.

## 21.56.020. DEFINITIONS

The following definitions shall apply within Chapter 21.56:

- A. "Estimated Total Water Use" (ETWU) means the total water used for the landscape as calculated in the Water Efficient Landscape Worksheet.
- B. "Evapotranspiration adjustment factor" (ETAF) means a factor of 0.55 for residential areas and 0.45 for nonresidential areas, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape. The ETAF for new and existing (non-rehabilitated) Special Landscape Areas shall not exceed one. The ETAF for existing non-rehabilitated landscapes is 0.8.
- C. "Flow sensor" means an inline device installed at the supply point of the irrigation system that produces a repeatable signal proportional to flow rate. Flow sensors must be connected to an automatic irrigation controller, or flow monitor capable of receiving flow signals and operating master valves.
- D. "Irrigation efficiency" means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices.
- E. "Landscape Architect" means a person who holds a license to practice landscape architecture in the State of California as described in the Business and Professions Code Section 5615.
- F. "Landscaped area" means all the planting areas, turf areas, and water features in a landscape design plan subject to the Maximum Applied Water Allowance calculation. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (for example, open spaces and existing native vegetation).
- G. "Landscape contractor" means a person licensed by the state of California to construct, maintain, repair, install, or subcontract the development of landscape systems.
- H. "Landscape water meter" means an inline device installed at the irrigation supply point that measures the flow of water into the irrigation system and is connected to a totalizer to record water use.
- I. "Master shut-off valve" is a valve installed at the irrigation supply point which controls water flow into the irrigation system. When this valve is closed water will not be supplied to the irrigation system. A master valve will greatly reduce any water loss due to a leaky station valve.

- J. "Maximum Applied Water Allowance" (MAWA) means the upper limit of annual applied water for the established landscaped area as calculated as calculated in the Water Efficient Landscape Worksheet.
- K. "Rehabilitated landscape" means any re-landscaping project that requires a permit, plan check, or development review.
- L. "Runoff" means water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape area. For example, runoff may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a slope.
- M. "Soil moisture sensing device" or "soil moisture sensor" means a device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.
- N. "Turf" means a ground cover surface of mowed grass, which may include annual bluegrass, Kentucky bluegrass, perennial ryegrass, red fescue, tall fescue, Bermudagrass, Kikuyu grass, seashore paspalum, St. Augustinegrass, zoysiagrass, and buffalo grass.
- O. "Valve" means a device used to control the flow of water in the irrigation system.
- P. "Water conserving plant species" means a climate-adapted plant species identified as having a low plant factor (Water Use Classification of Landscape Species plant factor of 0.3 or less).
- Q. "Water Efficient Landscape Worksheet" means calculations of the maximum applied water allowance and estimated total water use using specific landscape hydrozone areas, plant factors in accordance with the Water Use Classification of Landscape Species, and irrigation efficiencies, Evapotranspiration adjustment factors, and regional evapotranspiration rate. The worksheet is on file with the Community Development Department.
- R. "Water Use Classification of Landscape Species" (WUCOLS) means the Water Use Classification of Landscape Species list published by the University of California Cooperative Extension and the Department of Water Resources.

#### 21.56.030. TURF LIMITATIONS FOR NEW CONSTRUCTION AND REHABILITATED LANDSCAPES

- A. General. All new construction projects (residential, commercial, industrial) shall comply with the following limitations:
1. Turf areas less than 10 feet in width in any direction are prohibited, unless subsurface irrigation is used and maximum turf areas do not exceed the percentages outlined in this Chapter.
  2. Turf shall be prohibited within the public right-of-way, including parkways.
  3. Developments shall be graded to maximize the on-site distribution of runoff to planted areas.
  4. For non-turf areas, drip irrigation methods and water conserving plant species shall be used.
  5. Landscapes and irrigation systems shall comply with the requirements of Section 21.56.040 (Landscape and Irrigation System Design and Information Requirements).
  6. Covenants, Conditions and Restrictions (CCRs) shall not require turf landscaping nor have the effect of prohibiting low-water use landscaping..

## B. Commercial and Industrial Projects.

1. Water conserving plant species irrigated with a drip irrigation system shall be used for 100 percent of the development's landscaped area, excluding edibles and areas using recycled water.
2. Exceptions. This Subsection does not apply to cemeteries, plant collections as part of botanical gardens and arboretums open to the public, City parks, and school sports fields.

## C. Single Family Residences.

1. Turf grass installed with spray irrigation shall be limited in new and rehabilitated single family residential front yards, street side yards and back yards, to 25 percent of the landscaped area. Providing turf in the front or street side yard, will trigger the requirement for the submittal of the landscape documentation package listed in Subsection 21.56.040.B.
2. The common areas in residential subdivisions (including landscape and lighting district areas) shall be planted with water conserving plant species irrigated with drip irrigation (excepting active play areas such as ball fields, playgrounds, and picnic areas).

## D. Model Homes.

1. Turf grass shall be prohibited in the front yards of model homes and shall be limited to 25 percent of the landscaped area in back and side yards.
2. Model homes shall be used to educate future homeowners about water efficient landscape and irrigation techniques. Education features for model homes shall include:
  - a. The installation of interpretive landscape information signs that describe the principles of water efficient landscapes including features such as hydrozones, appropriate irrigation equipment, and others techniques that contribute to the overall water efficient irrigation theme.
  - b. Information shall be provided to new homeowners that includes techniques on designing, installing, managing, and maintaining water efficient landscapes, and complying with this Chapter.

## E. Multi-Family Residential Projects. Turf grass shall be limited to 20 percent of the landscaped area. The 20 percent limitation shall be exclusive of areas designed as active play surfaces (for example, ballfields, playgrounds, and picnic areas).

## F. Rehabilitated Landscapes. Rehabilitated landscapes shall comply with the turf limitations outlined in Subsections A-F, as appropriate to the property type.

## 21.56.040. LANDSCAPE AND IRRIGATION SYSTEM DESIGN AND INFORMATION REQUIREMENTS

## A. All project landscaping and irrigation plans/designs shall comply with the following standards:

1. The following documents and plans shall be submitted prior to the issuance of a Building Permit for the associated project:
  - a. Project Information

- b. Water Efficient Landscape Worksheet (on file with the Community Development Department)
  - c. Landscape Design Plans
  - d. Irrigation Design Plans
2. The Estimated Total Water Use (ETWU) calculated in the Water Efficient Landscape Worksheet shall not exceed Maximum Applied Water Allowance (MAWA).
  3. The evapotranspiration adjustment factor (ETAF) calculated in the Water Efficient Landscape Worksheet shall not exceed 0.55 for residential projects and 0.45 for non-residential projects.
  4. The irrigation design plans shall utilize rain sensors, either integral or auxiliary, that suspend irrigation during and after rainfall events, shall be required on all irrigation control systems.
  5. Prohibit turf on slopes greater than 20 percent where the toe of the slope is adjacent to an impermeable hardscape.
  6. Water features shall use recirculating water systems.
  7. Prohibit overhead spray irrigation within 24 inches of non-permeable surfaces such as, but not limited to, concrete sidewalks and driveways. Subsurface irrigation may be used as long as other requirements of this Chapter are met. Allowable irrigation within the setback from non-permeable surfaces may include drip, drip line, or other low-flow non-spray type of systems. The setback area may be planted or non-planted. The surfacing of the setback may be mulch, gravel, cobbles, or other permeable material. These restrictions may be modified if the landscape area is adjacent to permeable surfacing, and no runoff occurs or the adjacent non-permeable surface drains entirely to landscaped areas.
  8. Incorporate compost at a rate of at least 4 cubic yards per 1,000 square feet to a depth of 6 inches into the landscape area (unless contra-indicated by soil test).
  9. Irrigation systems shall be designed and constructed to achieve a minimum efficiency of 75 percent for overhead spray devices and 81 percent for drip systems.
  10. All irrigation systems shall include pressure regulators and a master shut-off valve. All irrigation emitters shall meet the requirements set in the ANSI standard, ASABE/ICC 802-2014, "Landscape Irrigation Sprinkler and Emitter Standard". All sprinkler heads installed in the landscape must document uniform distribution with a low quarter of 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.
  11. For irrigations systems serving non-residential landscape areas, a dedicated landscape meter or submeter may be required, depending on the water meter size required to serve the total water demand for the project (indoor and outdoor potable water demands). Refer to Public Works standards to determine if a separate landscape meter is required.
  12. Irrigation systems serving non-residential landscape areas greater than 1,000 square feet shall incorporate dedicated flow sensors that detect and report high flow conditions due to broken pipes, sprinkler heads, or other malfunctions.
  13. Apply a minimum three-inch layer of mulch on all exposed soil surface of planting areas.



14. The architectural guidelines and Covenants, Conditions, and Restrictions of common interest developments shall not have the effect of prohibiting the use of low-water use plants or requiring turf grass in landscaped areas.
- B. Projects with a landscape area equal to or greater than one-half acre shall submit the following information and shall comply with the following standards and conditions. Please note that the landscape area for new residential subdivisions will be calculated on an individual lot basis as each lot develops, not a total of landscape areas prior to subdivision. If there are common areas, or areas within a Landscape and Lighting District that have landscape areas one-half acre or greater, there will be a requirement for an LDP for those areas to be completed prior to the recordation of the final map.
1. All of the items identified in Subsection 21.56.040.A shall apply.
  2. Weather-based irrigation controllers, soil moisture-based controllers, or other self-adjusting irrigation controllers shall be required for irrigation scheduling.
  3. The following documents and plans shall be submitted prior to the issuance of a Building Permit for the associated project and for compliance with the Landscape Documentation Package:
    - a. Project Information
    - b. Water Efficient Landscape Worksheet
    - c. Soil Management Report
    - d. Landscape Design Plan
    - e. Irrigation Design Plan
    - f. Grading Design Plan
  4. The following documents and plans shall be completed and the landscape and irrigation project shall be installed prior to the issuance of a Certificate of Occupancy for the associated project. The Certificate of Completion also requires the documentation of the following items. (Please refer to the Landscape and Irrigation Design Guide for specific forms and criteria).
    - a. Irrigation Scheduling
    - b. Landscape and Irrigation Maintenance Schedule
    - c. Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis
    - d. Irrigation Efficiency
    - e. Stormwater Management
  5. The Project Applicant shall be responsible for costs of City audits, inspections, surveys, analyses, design changes, additional reviews, and resubmittals necessary for compliance with this Chapter.

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## CHAPTER 21.58. ACCESSORY DWELLING UNITS

### 21.58.010. PURPOSE AND APPLICABILITY

- A. Purpose. The purpose of this Chapter is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with California Government Code Sections 66310 - 66342.
- B. Effect of Conforming. An ADU or JADU that conforms to the standards in this Section will not be:
1. Deemed to be inconsistent with the City's General Plan designation or zoning district for the parcel on which the ADU or JADU is located.
  2. Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.
  3. Considered in the application of any local ordinance, policy, or program to limit residential growth.
  4. Required to correct a nonconforming zoning condition, as defined in Section 21.58.020 (Definitions). This does not prevent the City from enforcing compliance with applicable building standards in accordance with California Health and Safety Code Section 17980.12.

### 21.58.020. DEFINITIONS.

As used in this Chapter, terms are defined as follows:

- A. "Accessory dwelling unit" or "ADU" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing dwelling unit. An accessory dwelling unit also includes the following:
1. An efficiency unit, as defined by Section 17958.1 of the California Health and Safety Code; and
  2. A manufactured home, as defined by Section 18007 of the California Health and Safety Code.
- B. "Accessory structure" means a detached structure that is accessory and incidental to a dwelling unit located on the same lot.
- C. **"Attached ADU"** means an ADU that shares a common roof structure or a common wall with the primary residence and may include conversion of existing space within the existing residence.
- D. "Complete independent living facilities" means permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel where the single-family or multi-family dwelling is or will be situated.
- E. **"Detached ADU"** means an ADU that does not meet the definition of **"attached ADU"**.
- F. "Efficiency kitchen" means a kitchen that includes all of the following:
1. A cooking facility with appliances.
  2. A food preparation counter and storage cabinets that are of a reasonable size in relation to the size of the JADU.

- G. **“Habitable space”** is defined in Section 21.92.080 (**“H” Definitions**).
- H. **“High-quality transit corridor”** has the meaning defined in California Public Resources Code Section 21155.
- I. **“Interior ADU” means** a JADU or ADU converted from existing space that is enclosed on all sides (not a porch, patio cover, or similar) in a dwelling unit or accessory structure.
- J. **“Junior accessory dwelling unit” or “JADU” means** an ADU that satisfies all of the following:
1. It is no more than 500 square feet in size.
  2. It is contained entirely within an existing or proposed single-family structure. An enclosed use within the residence, such as an attached garage, is considered to be a part of and contained within the single-family structure.
  3. It includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure.
  4. If the unit does not include its own separate bathroom, then it contains an interior entrance to the habitable space of the existing or proposed single-family structure in addition to an exterior entrance that is separate from the main entrance to the primary dwelling.
  5. It includes an efficiency kitchen, as defined in Subsection 21.58.020.F above.
- K. **“Local ADU” means an ADU that** meets the requirements of Sections 21.58.050 (Requirements for all ADUs) and 21.58.060 (Additional Requirements for Local ADUs), but does not meet the criteria for a Statewide Exemption ADU (as outlined in Table 21.58.040-1 [Criteria for Statewide Exemption ADUs and JADUs]).
- L. **“Major transit stop”** has the meaning defined in California Public Resources Code Section 21155
- M. **“Multi-family dwelling”** means a structure with 2 or more attached dwellings on a single lot.
- N. **“Nonconforming zoning condition”** means a physical improvement on a property that does not conform with current zoning standards.
- O. **“Passageway”** means a pathway that is unobstructed clear to the sky and extends from a street to an entrance of the ADU or JADU.
- P. **“Public transit”** means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
- Q. **“Statewide Exemption ADU” means an ADU or JADU that** meets the criteria of 1 or more of the types of ADUs listed in Table 21.58.040-1 [Criteria for Statewide Exemption ADUs and JADUs].

## 21.58.030. APPLICATION REVIEW

- A. ADUs and JADUs require approval of a Building Permit only.
- B. The City shall approve or deny a Building Permit application to create an ADU or JADU within 60 days from the date that the City receives a completed application. If the City has not approved or denied the completed application within 60 days, the application is deemed approved unless either:

1. The owner of the parcel requests a delay, in which case the 60-day time period is put on hold for the period of the requested delay; or
  2. When an application to create an ADU or JADU is submitted with an application to create a new single-family or multi-family dwelling on the same parcel, the City may delay acting on the permit application for the ADU or JADU until the City acts on the permit application to create the new single-family or multi-family dwelling, but the application to create the ADU or JADU will still be considered ministerial and acted upon without discretionary review or a hearing.
- C. If the City denies an application to create an ADU or JADU, the City shall provide the applicant with comments that include, among other things, a list of all the defective or deficient items and a description of how the application may be remedied by the applicant. Notice of the denial and corresponding comments shall be provided to the applicant within the 60-day time period established by Paragraph 21.58.030.B.1 above.
- D. A Demolition Permit for a detached accessory structure that is to be replaced with an ADU shall be reviewed with the application for the ADU and issued before or at the same time as the permit for the ADU.

**21.58.040. ADU CLASSIFICATIONS.**

- A. Local ADUs. ADUs that do not meet the criteria for a Statewide Exemption ADU (any of the types of ADUs listed in Table 21.58.040-1 [Criteria for Statewide Exemption ADUs and JADUs]) are subject to the development standards listed in both Sections 21.58.050 (Requirements for all ADUs) and 21.58.060 (Additional Requirements for Local ADUs).
- B. Statewide Exemption ADUs and JADUs. ADUs and JADUs described in California Government Code Section 66323 and meeting the criteria in Table 21.58.040-1 (Criteria for Statewide Exemption ADUs and JADUs) are subject to the development standards in Section 21.58.050 (Requirements for all ADUs) only.

Table 21.58.040-1: Criteria for Statewide Exemption ADUs and JADUs

Site Type	Maximum Number	ADU Type	Criteria Each ADU or JADU shall satisfy all of the applicable requirements
Lot in a residential or mixed-use zoning district with a proposed or existing single-family dwelling	One JADU	JADU	Complies with the requirements of California Government Code Sections 66333 - 66339.
	AND One ADU	Interior ADU (Converted space)	- Is either: <ul style="list-style-type: none"> <li>• within the space of an existing or proposed single-family dwelling; or</li> <li>• within the existing space of an accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress; and</li> </ul> - Has exterior access that is independent of that for the single-family dwelling; and - Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.

Table 21.58.040-1: Criteria for Statewide Exemption ADUs and JADUs

Site Type	Maximum Number	ADU Type	Criteria Each ADU or JADU shall satisfy all of the applicable requirements
		Detached ADU (Limited)	<ul style="list-style-type: none"> <li>- The total floor area (including any attached garage) is 800 square feet or smaller; and</li> <li>- The height does not exceed the applicable height limit in Table 21.58.050-1 (ADU Maximum Height).</li> </ul>
Lot in a residential or mixed-use zoning district with existing or proposed multi-family dwellings	At least 1 interior ADU; up to a quantity equal to 25% of the number of primary dwelling units in the proposed or existing multi-family dwelling	Interior ADU (Converted space)	<ul style="list-style-type: none"> <li>- Located within a portion of an existing multi-family dwelling structure that is not used as habitable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages; and</li> <li>- Complies with State building standards for dwellings.</li> </ul>
	OR		
	No more than 2 detached ADUs per lot	Detached ADU (Limited)	<ul style="list-style-type: none"> <li>- Each ADU is detached from the primary dwelling units but may be attached to another ADU</li> <li>- The total floor area of each ADU (including any attached garage) is 800 square feet or smaller</li> <li>- The height does not exceed the applicable height limit in Table 21.58.050-1 (ADU Maximum Height).</li> </ul>

**21.58.050. REQUIREMENTS FOR ALL ADUS**

The following requirements apply to all ADUs and JADUs, including both Statewide Exemption ADUs and Local ADUs. (Local ADUs are also subject to the requirements in Section 21.58.060).

- A. Zoning. An ADU may be created on a parcel that is zoned to allow a single-family dwelling or multi-family dwelling.
- B. Quantity.
  - 1. On a site with an existing or proposed single-family dwelling unit, a maximum of one JADU and one ADU are allowed (whether Statewide Exemption ADUs or Local ADUs) excepting projects approved pursuant to Chapter 21.65 (Urban Dwelling Units) or Chapter 22.34 (Urban Lot Splits), which are subject to the requirements of those Chapters.
  - 2. On a site with an existing or proposed multi-family dwelling, only one type of Statewide Exemption ADU is allowed as indicated in Table 21.58.040-1 (Criteria for Statewide Exemption ADUs and JADUs).
- C. Minimum Size.
  - 1. The minimum size of an ADU or JADU shall be at least that of an efficiency unit as defined in California Health and Safety Code Section 17958.1.



2. No application of a development standard shall limit an ADU to less than 800 square feet (including any attached non-habitable space). When necessary, development standards shall be modified by the Zoning Administrator in the following order and only as necessary to enable the construction of an 800 square-foot ADU:
    - a. Lot coverage (applicable to Local ADU only);
    - b. Structure separation;
    - c. Open space (applicable to Local ADU only);
    - d. Height;
    - e. Rear and side setbacks;
    - f. Front setback;
    - g. Oak tree preservation (Chapter 10.01).
- D. Setbacks
1. For an ADU constructed in the same location and to the same dimensions as an existing structure that is enclosed on all sides (for example, not a porch, patio over, or similar) no setback is required.
  2. For an ADU (or elements thereof) not constructed in the same location and to the same dimensions as an existing structure, the following setbacks shall apply:
    - a. The front setback shall be the same as for a primary dwelling unit in the applicable zoning district.
    - b. The side and rear setback shall be 4 feet.
  3. Local ADUs may opt to utilize the height/setback combinations listed in Table 21.58.060-2 (Local ADU Allowed Height/Setback Combinations).
- E. Structure Separation. A minimum separation of 6 feet shall be maintained between an ADU and other structures on the property (excepting structures to which they are attached).
- F. Maximum Height. The maximum height permitted for an ADU shall be as specified in Table 21.58.050-1 (ADU Maximum Height). Local ADUs have the option to utilize expanded maximum height limits pursuant to Table 21.58-060-2 (Local ADU Allowed Height / Setback Combinations).

Table 21.58.050-1: ADU Maximum Height

ADU Type	Site Type	Maximum Height
Attached ADU	All sites	25 feet and no more than 2 stories
Detached ADU	Site with an existing or proposed multi-family dwelling with more than 1 story above grade	18 feet
	Site that is located within one-half mile walking distance of a major transit stop or a high-quality transit corridor	18 feet, and up to 2 additional feet in height (for a maximum of 20 feet) if roof pitch on the ADU is the same as the roof pitch of the primary dwelling unit.
	Site that is located further than one-half mile walking distance of a major transit stop or a high-quality transit corridor	16 feet

G. Parking.

1. Generally. One off-street parking space is required for each ADU in addition to parking spaces required for the primary residence(s) and subject to the following:
  - a. Parking may be provided as tandem parking, including on a paved driveway provided:
    - (1) No required parking shall be allowed in the front setback unless the driveway has a minimum depth of 20 feet.
    - (2) Unless otherwise determined by the Zoning Administrator to be unsafe or incompatible with specific site or regional topographical or fire and life safety conditions.
  - b. Parking shall be located on the same lot as the ADU, on a paved surface, without encroachment beyond the lot boundaries, and accessed by a paved driveway.
2. Exceptions. No parking is required for an ADU in the following situations:
  - a. JADUs meeting the criteria indicated in Table 21.58.040-1 (Criteria for Statewide Exemption ADUs and JADUs).
  - b. ADUs converted as part of a proposed or existing space of a primary dwelling or existing accessory structure meeting the criteria indicated in Table 21.58.040-1 (Criteria for Statewide Exemption ADUs and JADUs).
  - c. ADUs located within one-half mile walking distance of an access point for public transit such as a public bus stop.
  - d. ADUs located within a historic district (See Chapter 21.62).
  - e. When there is an established car share vehicle stop located within 1 block of the ADU.

- f. When the permit application to create an ADU is submitted with an application to create a new single-family or new multi-family dwelling on the same lot, provided that the ADU or the lot satisfies any other criteria listed in Subparagraphs 21.58.050.G.2.a through 21.58.050.G.2.e.
3. Replacement. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU on the same lot or is converted to an ADU, those off-street parking spaces are not required to be replaced. This provision does not apply where a JADU is established by conversion of any garage; in which case, the loss of required parking spaces shall be replaced in kind.
4. Parking Design. ADUs shall comply with Chapter 21.48 (Parking and Loading Regulations) and the following standards:
  - a. Orientation. Parking for ADUs and JADUs shall not be designed so that vehicles can only back into the street if it is an arterial or greater street, as designated in the Circulation Element of the General Plan.
  - b. Turn Arounds. Parking spaces for ADUs and JADUs shall not block circular drives or hammerhead turn-arounds that serve the primary dwelling unit(s) to provide means by which vehicles can enter a street head-first.
  - c. Within the Uptown/Town Center Specific Plan, parking shall be designed and located as required for the applicable building type and zoning district.
- H. Fire Sprinklers.
  1. Fire sprinklers are required in an ADU or JADU if sprinklers are required in the primary residence.
  2. The construction of an ADU or JADU does not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling(s).
- I. Passageway. No passageway, as defined by Section 21.58.020 (Definitions), is required for an ADU or JADU.
- J. Rental Term. No ADU, JADU, or any portion of an ADU or JADU permitted on or after January 1, 2020 shall be rented for a term that is shorter than 30 days.
- K. No Separate Conveyance. Except as otherwise provided in California Government Code Section 66341, no ADU or JADU shall be sold or otherwise conveyed separately from the lot and/or the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multi-family lot).
- L. JADU Owner Occupancy Requirements. For any property with a JADU, a natural person with legal or equitable title to the parcel shall reside on the same lot in the primary dwelling, an ADU, or the JADU as the person's legal domicile and permanent residence. However, this owner occupancy requirement shall not apply to any JADU owned by a governmental agency, land trust, or housing organization.
- M. Deed Restriction. Prior to issuance of a Building Permit for an ADU or JADU, a deed restriction shall be recorded against the title of the property in the County recorder's office and a copy filed with the Zoning Administrator. The deed restriction shall run with the land and bind all future owners. The form of the deed restriction will be provided by the City and shall provide that:

1. Except as otherwise provided in California Government Code Sections 66340 - 66342, the ADU or JADU shall not be sold separately from the primary dwelling.
  2. The ADU or JADU is restricted to the approved size and to other attributes allowed by this Section.
  3. The deed restriction runs with the land and may be enforced against future property owners.
  4. The ADU or JADU shall not be rented for a term that is shorter than 30 days.
  5. The deed restriction may be removed if the owner eliminates the ADU or JADU. To remove the deed restriction, an owner shall make a written request of the Zoning Administrator, providing evidence that the ADU or JADU has in fact been eliminated. The Zoning Administrator shall then determine whether the evidence supports the claim that the ADU or JADU has been eliminated. The Planning Commission shall hear and decide appeals of Zoning Administrator decisions pursuant to Chapter 21.25 (Appeals and Calls for Review). If the building containing the ADU or JADU is not entirely physically removed but is only eliminated by virtue of having a necessary component of an ADU or JADU removed, the remaining structure and improvements shall otherwise comply with applicable provisions of this Zoning Code.
  6. The deed restriction is enforceable by the Zoning Administrator or their designee for the benefit of the City. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the City is authorized to obtain any remedy available at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the ADU or JADU in violation of the recorded restrictions or abatement of the illegal unit.
- N. City Water. ADUs and JADUs shall be served by City water system unless the property is distant from City water supply as defined by Section 14.06.136 (Private Well Permit Eligibility). Any use of a well shall be subject to the requirements of Chapter 14.06 (Regulations of Well Construction, Repair, Modification, and Destruction).
- O. City Sewer. ADUs and JADUs shall be served by the City sewer system when reasonably available as specified in Section 14.08.270 (Permit for Septic System). For ADUs and JADUs where the sewer is not available, a private wastewater system shall meet the requirements of Article III (Private Wastewater Systems) of Chapter 14.08 (Sewerage System Operations) and the Onsite Wastewater Treatment System (OWTS) Policy of the California Regional Water Quality Control Board.
- P. Building and Safety.
1. Building Code Compliance. All ADUs and JADUs shall comply with all local building code requirements.
  2. No Change of Occupancy. Construction of an ADU does not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code, unless the Building Official or Code Enforcement Division Officer makes a written finding based on substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety. Nothing in this Subsection prevents the City from changing the occupancy of a space that was non-habitable space or that was only permitted for nonresidential use and was subsequently converted for residential use in accordance with this Chapter.

**21.58.060. ADDITIONAL REQUIREMENTS FOR LOCAL ADUS**

- A. The following development requirements apply only to Local ADUs, which are not Statewide Exemption ADUs (the criteria for Statewide Exemption ADUs is listed in Table 21.58.040-1 [Criteria for Statewide Exemption ADUs and JADUs]).
- B. General Development Standards.

Table 21.58.060-1: Local ADU Development Standards

Development Standard Category	Requirement
1. Maximum Size of Habitable Space	The maximum size of the habitable space for a detached or attached ADU is 1,200 square feet. No application of a development standard shall limit the ADU to less than 800 square feet (including any attached non-habitable space). When necessary, development standards shall be modified pursuant to Paragraph 21.58.050.C.2.
2. Maximum Size of Non-Habitable Space	Outside the Uptown/Town Center Specific Plan, the maximum size for any non-habitable space (e.g., garage) that is part of a detached ADU shall be 500 square feet. Within the Uptown/Town Center Specific Plan, garages shall be as allowed for the applicable building type in the applicable zoning district. Exceptions shall be subject to approval of a Conditional Use Permit pursuant to Chapter 21.19 (Conditional Use Permits and Administrative Use Permits).
3. Maximum Lot Coverage	In the R-1 Zoning District, ADUs shall not cause the total lot coverage to exceed 50 percent.
4. Minimum Open Space	ADUs shall be provided 200 square feet of private open space with a minimum dimensions of 10 feet.
5. Landscaping	At least one 15-gallon size canopy tree shall be planted for every ADU and JADU. The tree may be located in the private open space, front yard, or as a street tree.
6. Architectural Requirements.	<p>The exterior of an ADU shall include 4 or more of the following elements:</p> <ul style="list-style-type: none"> <li>a. The same roof style (e.g., gable, hip, etc.) as the roof style of the primary dwelling(s);</li> <li>b. The same roof slope as the dominant roof slope of the primary dwelling(s), with the dominant roof slope being the slope shared by the largest portion of the roof;</li> <li>c. The same roof material and color as the primary dwelling(s);</li> <li>d. The same primary siding material or color as the primary dwelling(s);</li> <li>e. The same eave depth as the primary dwelling(s);</li> <li>f. The same window and door trim as the primary dwelling(s);</li> <li>g. Porch, bay window, or other facade articulation to break up flat wall planes.</li> </ul>
7. Entrance	The ADU shall have an independent exterior entrance, apart from that of the primary dwelling.

Table 21.58.060-1: Local ADU Development Standards

Development Standard Category	Requirement
8. Grading	ADUs are subject to the numerical grading and hillside development standards in Chapter 21.81 (Hillside Development).
9. Uptown/Town Center Specific Plan	ADUs within the Uptown/Town Center Specific Plan shall be subject to the objective standards for the applicable building type and the applicable zoning district except where those standards are more restrictive than this Chapter.

- C. Height/Setback Combinations. In addition to the maximum height allowed by Table 21.58.060-1 (Local ADU Development Standards), Local ADUs may utilize the height/setback combinations listed in Table 21.58.060-2 (Local ADU Allowed Height/Setback Combinations).

Table 21.58.060-2: Local ADU Allowed Height / Setback Combinations

ADU Type	Site Type	Minimum Side and Rear Setbacks	Maximum Height
Attached ADUs:	All sites	ADU meets all setback requirements for a dwelling unit in the applicable zoning district.	<ul style="list-style-type: none"> <li>As allowed for a primary dwelling unit in the applicable zoning district.</li> <li>In the Uptown/Town Center Specific Plan, as allowed for the applicable building type in the applicable zoning district.</li> </ul>
Detached ADUs	Sites in the R-1 Zoning District without B-district qualifier (for example, B-1, B-2, B-3, B-4, and B-5)	ADU meets side setback requirements for a dwelling unit in the R-1 Zoning District and has a rear setback no less than 10 feet.	25 feet and no more than 2 stories
	Sites outside the Uptown/Town Center Specific Plan with an alley on the rear property line	ADU meets side setback requirements for a dwelling unit in the applicable zoning district and has a rear setback no less than 10 feet (a ground floor garage with a garage door facing the alley may be set back 4 feet from the rear property line provided the habitable portions of the building are set back 10 feet from the property line).	

**21.58.070. IMPACT FEES.**

- A. No City-imposed impact fees shall be charged to an accessory dwelling unit that is less than 750 square feet in size. For purposes of this Section, "impact fee" means a "fee" under California Government Code Section 66000(b) and a fee under California Government Code Section 66477. "Impact fee" does not include any connection fee or capacity charge for water or sewer service.
- B. The impact fee required for an ADU that is 750 square feet or larger in size shall be charged proportionately in relation to the size of the primary dwelling unit.

### 21.58.080. NONCONFORMING ZONING CODE CONDITIONS, BUILDING CODE VIOLATIONS, AND UNPERMITTED STRUCTURES.

- A. Generally. The City shall not deny an ADU or JADU application due to a nonconforming zoning condition, building code violation, or unpermitted structure on the lot that does not present a threat to the public health and safety and that is not affected by the construction of the ADU or JADU.
- B. Unpermitted ADUs Constructed before 2018.
1. Permit to Legalize. As required by State law, the City may not deny a permit to legalize an existing, but unpermitted ADU that was constructed before January 1, 2018, if denial is based on either of the following grounds:
    - a. The ADU violates applicable building standards, or
    - b. The ADU does not comply with California Government Code Sections 66310 - 66342 or this Chapter.
  2. Exceptions:
    - a. Notwithstanding Paragraph 21.58.080.B.1 (Permit to Legalize), the City may deny a permit to legalize an existing, but unpermitted ADU that was constructed before January 1, 2018, if the City makes a finding that correcting a violation is necessary to protect the health and safety of the public or of occupants of the structure.
    - b. Paragraph 21.58.080.B.1 (Permit to Legalize) does not apply to a building that is deemed to be substandard in accordance with California Health and Safety Code Section 17920.3.

## CHAPTER 21.59. ADULT BUSINESS USES

### 21.59.010. PURPOSE AND FINDINGS

- A. Purpose. The purpose and intent of this Chapter is to provide for the comprehensive and orderly regulation of adult business uses. It is recognized that adult businesses possess certain characteristics that can have a detrimental effect upon adjacent areas. It is also recognized that locating adult businesses in the vicinity of facilities frequented by minors will cause the exposure of minors to adult material that, because of their immaturity, may adversely affect them. Therefore, special regulation of these uses is necessary to ensure that any adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhoods or have an adverse effect on minors.

The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult-oriented materials. Similarly, it is neither the intent nor the effect of this ordinance to restrict or deny access by adults to adult-oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of adult-oriented entertainment to their intended market.

- B. Findings. Based on evidence concerning the adverse secondary effects of adult uses on the community contained in findings incorporated in the cases of *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 426 U.S. 50 (1976), *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991), *City of Erie v. Pap's A.M.*, 120 S. Ct. 1382 (2000) and on studies in other communities including, but not limited to: Phoenix, Arizona (1979); Minneapolis, Minnesota (1980); St. Paul, Minnesota; Houston, Texas (1983); Garden Grove, California (1991); Los Angeles, California (1977); Whittier, California (1978); Austin, Texas (1986); Seattle, Washington (1989); Oklahoma City, Oklahoma (1986); Cleveland, Ohio (1977); Beaumont, Texas (1982); Tucson, Arizona (1990); Indianapolis, Indiana (1984) the City Council finds:
1. Adult businesses are linked to increases in the crime rates in those areas in which they are located and in surrounding areas;
  2. Both the proximity of adult businesses to sensitive land uses and the concentration of adult businesses tend to result in blight and deterioration of the areas in which they are located;
  3. The proximity and concentration of adult businesses adjacent to residential, recreational, religious, educational uses, as well as their proximity to other adult business uses can have adverse secondary effects on local businesses and residences;
  4. There is substantial evidence that an increase in crime tends to accompany, concentrate around, and be aggravated by adult businesses, including but not limited to an increase in the crimes of narcotics distribution and use, prostitution, pandering, and violence against persons and property. The studies from other cities establish convincing evidence that adult businesses that are not regulated as to permissible locations often have a deleterious effect on nearby businesses in residential areas, causing, among other adverse secondary effects, an increase in crime and a decrease in property values;
  5. The locational requirements established by this Chapter do not unreasonably restrict the establishment or operation of constitutionally protected adult businesses in the City of Paso Robles, and a sufficient reasonable number of appropriate locations for adult businesses are provided by this Chapter;
  6. Evidence indicates that some dancers, models and entertainers, and other persons who publicly perform sexual activities or publicly display specified anatomical areas in adult businesses have been found to engage in sexual activities with patrons of adult businesses on the site of the adult business;
  7. Evidence demonstrates that fully enclosed booths, individual viewing areas, and other small rooms whose interiors cannot be seen from public areas of the establishment regularly have been found to be used as a location for engaging in unlawful sexual activity. Offering and providing such space encourages such activities, which creates unhealthy conditions;
  8. Persons frequent certain adult theaters, adult arcades, and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses;
  9. As a result of the above, and the increase in incidents of sexually transmitted diseases, the City has a substantial interest in adopting regulations that will reduce, to the greatest extent possible, the possibility for the occurrence of prostitution and casual sex acts in adult businesses. At least 50 communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, gonorrhea, syphilis, human immunodeficiency virus infection (HIV-



- AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections and shigella infections;
10. Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities;
  11. A reasonable licensing procedure is an appropriate mechanism to place the burden of that reasonable regulation on the owners and the operators of the sexually oriented businesses. Further, such a licensing procedure will place an incentive on the operators to see that the adult business is run in a manner consistent with the health, safety and welfare of its patrons and employees, as well as the citizens of the City. It is appropriate to require reasonable assurances that the licensee is the actual operator of the adult business, fully in possession and control of the premises and activities occurring therein;
  12. The City Council, in adopting operational standards, recognizes that these standards do not preclude reasonable alternative avenues of communication. The City Council takes note of the proliferation of adult material on the Internet and its availability as an alternative avenue of communication. The City Council also considers and relies on published decisions examining the proliferation of communications on the Internet. *Reno v. American Civil Liberties Union*, 521 U.S. 844 (1997) (the principle channel through which many Americans now transmit and receive sexually explicit communication is the Internet); *Anheuser-Busch v. Schmoke*, 101 F.3d 325, 329 (4th Cir. 1996), cert. denied 520 U.S. 1204 (1997) (rejecting a First Amendment challenge to a Baltimore ordinance restricting alcohol advertisements on billboards acknowledging that the Internet is one available channel of communication; *U.S. v. Hockings*, 129 F.3d 1069 (9th Cir. 1997); see also *U.S. v. Thomas*, 74 F.3d 701 (6th Cir. 1996), cert. denied, 519 U.S. 820 (recognizing the Internet as a medium for transmission of sexually explicit material in the context of obscenity prosecutions). The emergence of the Internet brings with it a virtually unlimited additional source of adult oriented sexual material available to interested persons in every community with a mere keystroke. An adult business no longer has to be "actually" physically located in a City to be available in the community;
  13. Possible harmful effects may be caused by the exposure of adult businesses to children and minors. The City Council desires to minimize and control the adverse secondary side effects associated with the operation of adult businesses and thereby protect the health, safety, and welfare of its citizens, protect the citizens from increased crime, preserve the quality of life, preserve property values and the character of surrounding neighborhoods and businesses, deter the spread of urban blight and protect against the spread of communicable and sexually transmitted diseases; and
  14. The City Council does not intend to proscribe the communication of erotic messages or any other communicative element or activity, but rather only to prevent or reduce the secondary impacts associated with such public nudity.

**21.59.020. DEFINITIONS**

- A. The following terms used in this Chapter shall have the specific meanings defined here. In the event of any conflict between these terms and those used in Article 9 (Terms and Definitions) of this Title, the terms defined in this Section shall prevail for adult business uses.
- B. “Adult Bookstore” means any establishment selling or renting books, magazines, periodicals or other printed matter, photographs, films, motion pictures, slides, tapes, video cassettes, compact discs (CDs), digital video discs (DVDs), records or any other forms of visual or audio representation, 25 percent or more of which, by number, are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
- C. “Adult **Business**” means any adult bookstore, adult motion picture theater, adult mini-motion picture arcade, adult hotel or motel, adult theater, adult model studio, body painting studio, and any other business involving specific sexual activities or display of specified anatomical areas.
- D. “Adult Cabaret” means any nightclub, bar, restaurant, or similar establishment which, as a preponderance of the entertainment presented, features:
1. Live performances which are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas; and/or
  2. Films, motion pictures, video cassettes, slides, compact discs (CDs), digital video discs (DVDs), or other photographic reproductions whose dominant or predominant character and theme is the depiction of specified sexual activities or specified anatomical areas for observation by patrons.
- E. “Adult Hotel or Motel” means a hotel or motel wherein material is presented which is distinguished or characterized by more than an incidental or occasional portrayal of matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
- F. “Adult Mini-Motion Picture Theater” means any establishment with a capacity of up to 5 persons where, for any form of consideration, films, motion pictures, video cassettes, compact discs (CDs), digital video discs (DVDs), slides or similar photographic reproductions are shown, in which 25 percent or more of the total presentation time is devoted to the showing of material whose dominant or predominant character and theme is the depiction of specified sexual activities or specified anatomical areas for observation by patrons.
- G. “Adult Model Studio” means any establishment open to the public where for any form of consideration or gratuity, human models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculpted, photographed or otherwise depicted by persons other than the proprietor paying such consideration or gratuity. This provision shall not apply to any school of art, film, association, partnership, corporation or institution which meets the requirements established in the Education Code of the State of California for the issuance or conferring of a diploma.
- H. “Adult Motion Picture Arcade” means any place to which the public is allowed or invited wherein coin or token-operated, or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to 5 or fewer persons per machine, at any one time, and where the dominant or predominant character or theme of the images so displayed is depiction of specified sexual activities or specified anatomical areas.
- I. “Adult Motion Picture Theater” means any establishment, with the capacity of 6 or more persons where, for any form of consideration, films, motion pictures, slides, tapes, CDs, DVDs or any other form(s) of visual or audio representation, 25 percent of which, by number, are characterized by an emphasis upon the

depiction or description of specified sexual activities or specified anatomical areas for observation by patrons.

- J. **“Adult Theater”** means any theater, concert hall, auditorium, or similar establishment, either indoor or outdoor in nature, which for any form of consideration and as a preponderance of the entertainment presented, features live performances whose dominant or predominant character and theme is emphasized on specified sexual activities or exposure of specified anatomical areas for observation by patrons.
- K. **“Body Painting Studio”** means any establishment or business which provides the service of applying paint or any other substance, whether transparent or not, to or on the human body when such body is wholly or partially nude in terms of specified anatomical areas.
- L. **“Massage Parlor”** means any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs. This excludes all medical and dental practitioners and any state-licensed masseuse operating as or in conjunction with a medical or dental office, chiropractor, beauty salon, health gym, or other health-related business.
- M. **“Nude, Nudity, or State of Nudity”** means the showing of the human male or female genitals, pubic area, vulva, anus, or anal cleft with less than a fully opaque covering, the showing of the female breast with less than fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.
- N. **“Public Parks and Public Facilities”** means all public parks, recreational fields, libraries, community centers, and government buildings such as City Hall, the post office, County offices, police and fire stations but does not include publicly owned land leased for private commercial purposes.
- O. **“Public or Private Educational Facilities”** means any institution of learning whether public or private, which offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the State Board of Education, including any nursery school, kindergarten, elementary school, junior high school, senior high school, community or junior college, four-year college or university, or any special institution of learning under the jurisdiction of the State Department of Education. It shall also mean any public or private daycare or preschool provider with greater than 6 children.
- P. **“Religious Institutions”** means any buildings that are used primarily for religious worship and related religious activities.
- Q. **“Residentially Zoned Properties”** means property in the R-A, R-2, R-3, R-4, R-3-0 Zoning Districts (with or without Planned Development Overlay). It includes residential zoning designations in the County outside of City limits.
- R. **“Specified Anatomical Areas”** means and includes any of the following:
1. Less than complete and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point above the top of the areola; or
  2. Human male genitals in a discernibly turgid state, even if completely or opaquely covered; or
  3. Any device, costume, or covering that simulates any of the body parts included in Paragraphs 21.59.020.R.1 or 21.59.020.R.2 of this Subsection.

- S. “Specified Sexual Activities” means and includes any of the following:
1. The fondling or touching of human genitals, pubic regions, buttocks, anus or female breasts; or
  2. Sex acts, normal or perverted, actual or simulated, including but not limited to, intercourse, oral copulation, or sodomy; or
  3. Masturbation, actual or simulated; or
  4. Excretory functions as part of, or in connection with, any of the activities set forth in Paragraphs 21.59.020.S.1 through 21.59.020.S.3 of this Subsection.
- T. “Youth-oriented Facilities” means any facility used primarily by youths (under 18 years of age) for physical or social activities and operated by a profit or nonprofit organization such as boys and girls clubs, private recreational fields, miniature golf courses, water slides, video arcades and other recreational facilities.

### 21.59.030. GENERAL REQUIREMENTS

- A. Adult Business License Requirement. In order to establish and operate an adult business within the areas allowed under the provisions of this Chapter, an Adult Business License shall be obtained from the Planning Commission. The following rules shall apply:
1. The Planning Commission shall issue or deny the Adult Business License to the applicant after a public hearing, which shall be held within 30 days from receipt of a complete application and the applicable fees.
  2. Failure of the Planning Commission to approve or deny the license application within the 30 days shall result in the license being granted.
  3. If the application is denied, the Planning Commission shall notify the applicant and explain the reason(s) for denial. Notification shall be sent by certified United States mail, return receipt requested, to the address provided on the license application, which shall be considered the correct address. Each applicant has the burden to furnish any change of address to the Planning Commission, by certified United States mail, return receipt requested.
  4. In the event that an application is denied, the applicant may seek review of such action by the City Council in accordance with Subsection 21.59.030.H (Appeal of Denial, Suspension or Revocation).
  5. In the event that the applicant does not prevail on its appeal to the City Council, it may seek judicial review pursuant to section 21.59.030.I (Judicial Review).
- B. Findings. Prior to approving an application for an Adult Business License, the Planning Commission shall make the following findings:
1. The adult business will be located in an area allowed by the City's Zoning Code; and
  2. The size and shape of the site proposed for the use is adequate to allow the full development of the proposed use in a manner not detrimental to the particular area; and
  3. The traffic generated by the proposed use will not impose an undue burden upon the streets and highways in the area; and

4. That the conduct of entertainment, as proposed by the applicant, if a license is granted, will comply with all applicable laws, including, but not limited to, all City, County, and State regulations; and
  5. The applicant has not knowingly made any false, misleading or fraudulent statement of facts in the license application, or any other document required by the City in conjunction therewith.
- C. Establishment Defined. As used in this Chapter, the establishment of an adult business means and includes any of the following:
1. The opening or commencement of any adult business as a new business;
  2. The conversion of an existing business, whether or not an adult business, to an adult business;
  3. The addition of any adult business to any other existing business; or
  4. The relocation of any adult business.
- D. Application Requirements.
1. In addition to the submittal requirements for an Adult Business License, the following shall be submitted prior to an application being deemed complete:
    - a. The name, permanent address, and fingerprints of applicant;
    - b. The name and proposed business address of the applicant. If the applicant is a corporation, the applicant's name shall be exactly as set forth in its articles of incorporation; and the applicant shall show the name and residence address of each of the officers and directors of the corporation. If the applicant is a general partnership or a limited partnership, the application shall show the name and residence address of each of the general partners of the partnership. If the applicant is a limited liability company, the application shall show the name and residence address of each of the managing members of the limited liability company;
    - c. A detailed description of the proposed entertainment, including type of entertainment and number of persons engaged in the entertainment;
    - d. Hours of operation and a floor plan showing where the specific entertainment uses are proposed to be conducted within the building and the admission fee, if any, to be charged;
    - e. The name or names of the person or persons who have the management or supervision responsibilities of the applicant's business and of any entertainment;
    - f. A statement of the nature and character of the applicant's business, if any, to be carried on in conjunction with such entertainment;
    - g. A site area map showing the proposed business location and plotting of all uses listed in compliance with Subsection 21.59.040.A (Location).

Prior to the time limit set forth in Subsection 21.59.030.A (Adult Business License Requirement) within which the Planning Commission shall grant or deny an Adult Business License application, the Police Department shall complete a background investigation of all parties specified above in the application.

- E. Additional Public Hearing Notices. The public notice required for a public hearing on an application for an Adult Business License shall include mailed notices to all property owners and residents or tenants located within 1,000 feet of the exterior boundaries of the parcel on which the business is proposed to be located. This shall be in addition to the notice requirements in Section 21.26.030 (Notice Requirements for Hearings).
- F. Transfer of License. A licensee shall not transfer his or her license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the application.
- G. Suspension or Revocation of License. An Adult Business License may be suspended or revoked in accordance with the procedures and standards of this Subsection.
1. Based on a determination that grounds for permit revocation exist, the Planning Commission shall furnish written notice of the proposed suspension or revocation to the licensee. Such notice shall set forth the time and place of a hearing, and the ground(s) upon which the hearing is based, the pertinent code sections and a brief statement of the factual matters in support thereof. The notice shall be mailed, postage prepaid, addressed to the last known address of the licensee, or shall be delivered to the licensee personally, at least 10 days prior to the hearing date. Hearings shall be conducted in accordance with the City's procedures.
  2. A licensee may be subject to suspension or revocation of his or her permit, or be subject to other appropriate remedial action, including the imposition of additional conditions, for any of the following causes arising from the acts or omissions of the licensee, or an employee, agent, partner, director, stockholder, or manager of an adult business:
    - a. The licensee has knowingly made any false, misleading, or fraudulent statement of material facts in the application for a permit, or in any report or record required to be filed with the City.
    - b. The licensee, employee, agent, partner, director, stockholder, or manager of an adult business has knowingly allowed, and has failed to make a reasonable effort to prevent the occurrence of any of the following on the premises of the adult business:
      - (1) Any act of unlawful sexual intercourse, sodomy, oral copulation, or masturbation;
      - (2) Use of the establishment as a place where unlawful solicitations for sexual intercourse, sodomy, oral copulation, or masturbation openly occur;
      - (3) Any conduct constituting a criminal offense that requires registration under Section 290 of the California Penal Code;
      - (4) The occurrence of acts of lewdness, assignation, or prostitution, including any conduct constituting violations of Sections 315, 316, or 318 of Subdivision (b) of Section 647 of the California Penal Code;
      - (5) Any act constituting a violation of provisions in the California Penal Code relating to obscene matter or distribution of harmful matter to minors, including but not limited to Sections 311 to 313.4; or
      - (6) Any conduct prohibited by this Chapter.
    - c. Failure to abide by any action previously imposed by an appropriate City official.

3. After holding the hearing in accordance with the provisions of this Subsection, if the Planning Commission finds and determines that there are grounds for action, the Planning Commission shall do one of the following:
    - a. Issue a warning;
    - b. Suspend the license for a specified period not to exceed 6 months; or
    - c. Revoke the permit.
  4. Any adult business that is operating in violation of the requirements of this Zoning Code is declared to constitute a public nuisance and, in addition to actions authorized in this Subsection, may be subject to abatement or enjoined from further operation by the City.
- H. Appeal of Denial, Suspension or Revocation. After denial of an application for an adult business license, or after denial of renewal of a license, or suspension or revocation of a license, the applicant or person to whom the license was granted may seek review of such administrative action by the City Council.
- I. Judicial Review — Stay Pending Trial Court Decision.
1. Judicial review of any final administrative decision after appeal under this Chapter issuing, denying, suspending or revoking, or imposing other discipline upon, an Adult Business License may be had pursuant to Code of Civil Procedure Section 1094.8. The applicant shall be provided written notice of the time limits references in Code of Civil Procedure Section 1094.8 to the appellant when transmitting the decision.
  2. A final administrative decision issuing, denying, suspending or revoking, or imposing other discipline upon, an Adult Business License shall be stayed for a period of 21 days after the decision becomes final, and the adult business shall be entitled to operate pursuant to the permit during the 21-day time period.
  3. Upon the timely filing of a request for judicial review pursuant to Code of Civil Procedure Section 1094.6 or Section 1094.8, the administrative decision issuing, denying, suspending, or revoking, or imposing another discipline upon an Adult Business License shall be stayed until the request for judicial review is dismissed or until a decision on the merits is issued by the trial court. The adult business shall be entitled to operate during the stay.
- J. Enforcement.
1. Separate Offense for Each Day. Any person who knowingly violates any provision of this Chapter shall be guilty of a separate offense for each and every day during any portion of which any such person commits, continues, allows, or causes a violation thereof and shall be punished accordingly.
  2. Public Nuisance. Any use or condition caused or allowed to exist in violation of any of the provisions of this Chapter shall be and is hereby declared a public nuisance and may be summarily abated by the City pursuant to Chapter 9.06 (Nuisance Abatement) of Title 9 (Public Safety) of the **City's Municipal Code**. Any person who knowingly violates, causes, or permits another person to violate any provision of this Chapter commits an infraction. Any person convicted of an infraction shall be subject to a fine to the maximum amount allowed by State law. Any person twice convicted of an infraction for repeat violations of the same provision within a 12-month period may be charged with a misdemeanor upon being issued a citation for the repeated violation of the same

provision. Any person convicted of a misdemeanor shall be subject to punishment to the maximum extent permitted by State law.

3. Civil Injunction. The violation of any provision of this Chapter shall be and is hereby declared to be contrary to the public interest and shall, at the discretion of City, create a cause of action for injunctive relief.
  4. Administrative Penalties. In addition to the civil remedies and criminal penalties set forth above, any person who violates the provisions of this Chapter may be subject to administrative penalties, as set forth by the City.
- K. Severability. If any section, subsection, subdivision, sentence, clause, or phrase in this Chapter or any part thereof is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter or any part thereof. The City Council hereby declares that it would have passed each section irrespective of the fact that nay one or more subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.

#### 21.59.040. DEVELOPMENT AND PERFORMANCE STANDARDS

Any adult business otherwise authorized and/or operating within the City shall be established, located, and operated consistent with each and every of the following:

- A. Location.
  1. All adult businesses as defined in this Chapter shall be located in the Airport (AP) Zoning District only.
  2. Within the AP Zoning District, no adult businesses shall be established within 500 feet of the following uses within or outside the City limits:
    - a. Residentially zoned properties;
    - b. Public or private educational facilities;
    - c. Religious institutions;
    - d. Public parks and public facilities;
    - e. Youth-oriented facilities;
    - f. Bars or taverns.
  3. Within the AP Zoning District, no adult business may be established within 1,000 feet of another adult business as defined by Section 21.59.020 (Definitions).
  4. The distance of 500 or 1,000 feet shall be measured in a straight line from the closest property line of the adult business to the closest property line of any of the preceding uses.



- B. Limitations on Display of Harmful Matter in Newsracks. The limitations on display of material, which is harmful to minors as contained within Chapter 11.35 (Newsracks) of Title 11 (Streets and Sidewalks) of the **City's Municipal Code**, shall apply to private property as well as to the public right-of-way.
- C. Prohibition Against Minors in an Adult Business. It shall be unlawful for any licensee, operator, or other person in charge of any adult business to allow to enter, or remain within the adult business, any person who is not at least 18 years of age or to provide any service for which this Chapter requires a license, to any person who is not at least 18 years of age.
- D. Concealing Specified Sexual Activities and Specified Anatomical Areas from Public View. No adult business shall be operated in any manner that allows the observation of any material or activities depicting, describing, or relating to specified sexual activities or specified anatomical areas from any public way or from any location outside the building or area of such establishment. This provision shall apply to any display, decoration, sign, show window, or other opening. No exterior door or window on the premises shall be propped or kept open at any time while the business is open, and any exterior windows shall be covered with opaque covering at all times.
- E. Posting Notices Relating to Minors. No person under the age of 18 years shall be allowed within an adult business at any time. The building entrance to an adult business shall be clearly and legibly posted with a notice indicating that persons under 18 years of age are prohibited from entering the premises. Said notice shall be constructed and posted to the satisfaction of the Director or his or her designee.
- F. Indoor Areas Open to View by Management. All indoor areas of the adult business where patrons or members of the public are allowed, excluding restrooms, shall be open to view by management at all times.
- G. Security Guards. Any adult business shall employ security guards in order to maintain the public peace and safety, based upon the following standards:
1. Adult businesses featuring live entertainment shall provide at least 1 security guard at all times while the business is open. If the occupancy limit of the adult business is greater than 35 persons, an additional security guard shall be on duty.
  2. Security guards shall be charged with preventing violations of law and enforcing compliance by patrons with the requirements of these regulations. Security guards shall be uniformed in such a manner so to as to be readily identifiable as a security guard by the public and shall be duly licensed as a security guard as required by applicable provisions of State law. No security guard required pursuant to this Subsection shall act as a door person, ticket seller, ticket taker, admittance person, entertainer or performer, or sole occupant of the manager's station while acting as a security guard.
- H. Register and License Number of Employees.
1. Each person who will perform in live entertainment depicting specified anatomical areas or involving specified sexual activities shall submit a registration form to the Chief of Police that contains the person's name, residence address, telephone number, driver's license number and written evidence that the person is at least 18 years of age.
  2. Unless the person cannot provide written evidence of his or her age, upon the submission of such registration form, the person shall be issued a temporary license to perform in live entertainment as described in Paragraph 21.59.040.H.1 of this Subsection.

3. The Chief of Police or his or her designee shall issue a permanent license to the person within 10 days of receipt pending verification of the person's age.
  4. Every licensee of an adult business that provides live entertainment depicting specified anatomical areas or involving specified sexual activities shall maintain a register of all past and current persons so performing at the adult business and their license numbers. Such register shall be available for inspection during regular business hours by any Police Officer of the City.
- I. Inspection.
1. An applicant or licensee shall allow representatives of the Police Department, Emergency Services Department, Community Development Department or other City departments or agencies to inspect the premises of an adult business for the purpose of ensuring compliance with the law, at any time the adult business is occupied or open for business.
  2. It is a violation of this Chapter for a person who operates an adult business or that person's agent or employee to refuse to allow such lawful inspection of the adult business at any time it is open for business.
- J. Restroom Facilities. The adult business shall provide and maintain separate restroom facilities for male patrons and employees and female patrons and employees. Male patrons and employees shall be prohibited from using the restroom(s) for females, except to carry out duties of repair, maintenance and cleaning of the restroom facilities. The restrooms shall be free from any adult material. Restrooms shall not contain television monitors or other motion picture or video projection, recording, or reproduction equipment. The foregoing provisions of this Subsection shall not apply to an adult business that deals exclusively with the sale or rental of adult material that is not used or consumed on the premises, such as an adult bookstore or adult video store, and which does not provide restroom facilities to its patrons or the general public.
- K. Additional Regulations for Adult Motion Picture Arcade. Any adult business that is also an adult motion picture arcade shall comply with the following provisions:
1. The interior of the adult business shall be configured in such a manner that there is an unobstructed view from a manager station of every area of the adult business to which any patron is allowed access for any purpose, excluding restrooms. If the adult business has 2 or more manager stations designated, then the interior of the adult motion picture arcade shall be configured in such a manner that there is an unobstructed view from at least 1 of the manager stations of each area of the adult business to which any patron is allowed access.
  2. It shall be the duty of the licensee to ensure that the view area required by Paragraph 21.59.040.K.1 of this Subsection is at all times unobstructed by any doors, walls, merchandise, display racks, or other materials while the adult business is open to patrons.
  3. No viewing room or booth may be occupied by more than 1 person at any time.
  4. The walls or partitions between viewing rooms or booths shall be maintained in good repair at all times, with no holes between any 2 such rooms such as would allow viewing from one booth into another or such as to allow physical contact of any kind between the occupants of any 2 such booths or rooms.
  5. Customers, patrons, or visitors shall not be allowed to stand idly by in the vicinity of any such video booths, or remain in the common area of such adult business, other than the restrooms, unless actively engaged in shopping for or reviewing the products available or on display for purchaser

viewing. Signs prohibiting loitering shall be posted in prominent places in and near the video booths.

6. The floors, seats, walls, and other interior portions of all video booths shall be maintained clean and free from waste and bodily secretions. The presence of human excrement, urine, semen, or saliva in any such booth shall be evidence of improper maintenance and inadequate sanitary controls.
- L. Additional Regulations Relating to Live Entertainment. The following additional requirements shall pertain to adult businesses providing live entertainment depicting specified anatomical areas or involving specified sexual activities, except for businesses regulated by the California Department of Alcoholic Beverage Control.
1. No person shall perform live entertainment for patrons of an adult business except upon a stage that is at least 24 inches above the level of the floor and which is separated by a distance of at least 10 feet from the nearest area occupied by patrons. A fixed rail(s) at least 30 inches in height shall be maintained by establishing the separations between performers and patrons required by this Subsection.
  2. "Performer" shall mean any person who is an employee or independent contractor of the adult business, or any person who, with or without compensation or other form of consideration, performs live entertainment for patrons of an adult business.
  3. The adult business shall provide separate dressing room facilities for performers, which are exclusively dedicated to the performers' use.
  4. The adult business shall provide an entrance/exit for performers that is separate from the entrance/exit used by patrons.
  5. The adult business shall provide access for performers between the stage and the dressing rooms, which is completely separated from the patrons. If such separate access is not physically feasible, the adult business shall provide a minimum three-foot wide walk aisle for performers between the dressing room area and the stage, with a railing, fence, or other barrier separating the patrons and the performers that is capable of preventing any physical contact between patrons and performers.
  6. No performers, either before, during, or after performances, shall have physical contact with any patron and no patron shall have physical contact with any performer either before, during, or after performances by such performer. This Paragraph shall only apply to physical contact anywhere on or within the premises of the adult business, including off-street parking areas.
  7. No patron shall directly pay or give any gratuity to any performer, and no performer shall solicit any pay or accept any gratuity from any patron.
  8. No owner or other person with managerial control over an adult business shall allow any person on the premises of the adult business to engage in a live showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque coverage over any part of the nipple or areola and/or covered male genitals in a discernibly turgid state. This Paragraph may not be complied with by applying an opaque covering simulating the appearance of the specified anatomical part required to be covered.

## M. Additional Regulations for Adult Motels.

1. Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated 2 or more times in a period of time that is less than 10 hours creates a rebuttable presumption that the establishment is an adult hotel or motel.
2. It is a violation of this Chapter when, as a person in control of a sleeping room in a hotel, motel or similar commercial establishment that does not have an Adult Business License, the person rents or sub-rents a sleeping room to a person and, within 10 hours from the time the room is rented, rents or sub-rents the same sleeping room again.
3. For purposes of Paragraphs 21.59.040.M.1 and 21.59.040.M.2 of this Subsection, the terms "rent" or "sub-rent" mean the act of allowing a room to be occupied for any form of consideration.

## N. Additional Regulations Relating to the Exhibition of Sexually Explicit Films, Videos or Live Entertainment in Viewing Rooms. A person who operates or causes to be operated an adult business, other than an adult motel, which exhibits on the premises in a viewing room of less than 150 square feet of floor space, a film, video cassette, CD, DVD, live entertainment or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

1. Upon application for an adult business license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of 1 or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be allowed. A manager's station may not exceed 32 square feet of floor area. The diagram shall also designate the place at which the license will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions of all areas of the interior of premises to an accuracy of plus or minus 6 inches. The Chief of Police may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was first prepared.
2. No alteration in the configuration or location of a manager's station may be made without the prior written approval of the Chief of Police.
3. It is the duty of the licensee of the adult business to ensure that at least 1 licensed employee is on duty and situated in each manager's station at all times that any patron is present inside the adult business.
4. The interior of the adult business shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the adult business to which any patron is allowed access for any purpose, excluding restrooms. Restrooms may not contain video viewing equipment. If the adult business has 2 or more designated manager's stations, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the adult business to which any patron is allowed access for any purpose from at least 1 of the manager's stations. The view required by this Subsection shall be by direct line of sight from the manager's station.
5. It shall be the duty of the licensee to ensure that the view area specified in this Subsection remains unobstructed at all times by any doors, curtains, partitions, walls, merchandise, display racks or other materials.

6. It shall be the duty of the licensee to ensure that no patron is allowed access to any area of the adult business, which has been designated, as an area in which patrons will not be allowed pursuant to Paragraph 21.59.040.N.1 of this Subsection.
  7. No viewing room may be occupied by more than 1 person at any time.
  8. The adult business shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are allowed access at an illumination of not less than 5 foot candles as measured at the floor level.
  9. It shall be the duty of the licensee to ensure that the illumination required by this Subsection is maintained at all times that any patron is present in the premises.
  10. No openings of any kind shall exist between viewing rooms or booths.
  11. No person shall make or attempt to make an opening of any kind between viewing booths or rooms.
  12. The licensee shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist, and, if any do exist, promptly repair any such openings or holes prior to any use of such booths by patrons.
  13. The licensee shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.
  14. The licensee shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used within 48 inches of the floor.
  15. It is a violation of this Chapter for a person having a duty under this Subsection to knowingly fail to fulfill that duty.
- O. Additional Regulations for Adult Model Studios.
1. An adult model studio shall not employ any person under the age of 18 years.
  2. It is a violation of this Chapter for a person under the age of 18 years to appear semi-nude or in a state of nudity in or on the premises of an adult model studio. It is a defense to prosecution under this Section if the person under 18 years was in a restroom not open to public view or visible to any other person.
  3. It is a violation of this Chapter for a person to appear in a state of nudity, or knowingly allow another to appear in a state of nudity in an area of an adult model studio premises, which can be viewed from the public right-of-way.
  4. An adult model studio shall not place or allow a bed, sofa, or mattress in any room on the premises, except that a sofa may be placed in a reception room open to the public.

**CHAPTER 21.60. CANNABIS****21.60.010. PURPOSE AND APPLICABILITY**

The purpose of this Chapter is to regulate personal, medical, and commercial cannabis uses. Nothing in this Chapter shall preempt or make inapplicable any provision of State or Federal law.

**21.60.020. DEFINITIONS**

The definitions for this Chapter shall be as defined in Section 3.22.030 (Definitions) of the Municipal Code. Additionally, the following definitions shall apply:

- A. "Commercial cannabis activity" includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, distribution, or sale of cannabis and cannabis products for recreational use.
- B. "Delivery" means the commercial transfer of cannabis or cannabis products to a customer. "Delivery" also includes the use by a retailer of any technology platform owned and controlled by the retailer, or independently licensed under California law, that enables customers to arrange for or facilitate the commercial transfer by a licensed retailer of cannabis or cannabis products.
- C. "Licensee" means the holder of any state issued license related to cannabis activities, including but not limited to licenses issued under Division 10 of the California Business and Professions Code.
- D. "Cannabis accessories" means any equipment, products, or materials of any kind that are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, smoking, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis or cannabis products into the human body.
- E. "Private residence" means a house, an apartment unit, a mobile home, or other similar dwelling.
- F. "Sale" includes any transaction whereby, for any consideration, title to cannabis is transferred from 1 person to another, and includes the delivery of cannabis or cannabis products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of cannabis or cannabis products by a licensee to the licensee from whom such cannabis or cannabis products was purchased.
- G. Any term defined in this section also means the very term as defined in the California Business and Professions Code or the California Health and Safety Code, unless otherwise specified.

**21.60.030. GENERAL REGULATIONS****A. Personal Recreational Use.**

1. **General.** For purposes of this Subsection, personal recreational use, possession, purchase, transport, or dissemination of cannabis shall be considered unlawful in all areas of the City to the extent it is unlawful under State law.
2. **Outdoor Cultivation.** A person may not plant, cultivate, harvest, dry, or process cannabis plants outdoors in any zoning district of the City. No use permit, building permit, variance, or any other permit or entitlement, whether administrative or discretionary, shall be approved or issued for any such use or activity.
3. **Indoor Cultivation.** A person may not plant, cultivate, harvest, dry, or process cannabis plants inside a private residence, or inside an accessory structure to a private residence located upon the grounds of a private residence, or inside any other enclosed structure within any zoning district of the City. No Use Permit, Building Permit, Variance, or any other permit or entitlement, whether administrative or discretionary, shall be approved or issued for any such use or activity.
  - a. Subject to obtaining an Indoor Cultivation Permit from the Community Development Department, this Chapter shall not prohibit the cultivation of 6 or fewer live cannabis plants within a single private residence or inside an accessory structure located upon the grounds of a private resident that is fully enclosed and secured and in compliance with Health and Safety Code Sections 11362.1 and 11362.2.
  - b. The Community Development Department will issue application and processing guidelines for the Indoor Cultivation Permit. No Indoor Cultivation Permit shall be issued prior to the release of these guidelines, and no permit shall be granted which has not complied fully with the application and processing requirements. The City Council may institute a fee for the Indoor Cultivation Permit by resolution.

**B. Medical Use.**

1. Cultivation of medical cannabis pursuant to Section 11362.77 of the California Health & Safety Code is subject to the cultivation requirements laid out in Subsection 21.60.030.A (Personal Recreational Use) of this Section.
2. The establishment or operation of any medical cannabis collective, cooperative, dispensary, operator, establishment, or provider shall be considered a prohibited use in all zoning district of the City. No Use Permit, Variance, Building Permit, or any other entitlement or permit, whether administrative or discretionary, shall be approved or issued for the establishment of any collective, cooperative, dispensary, operator, establishment, or provider in any zoning district, and no person shall otherwise establish such businesses or operations in any zoning district.
3. **Exception.** The establishment or operation of a medical cannabis delivery service is allowed in the City, provided a Use Permit, Variance, Building Permit, Business License, and all other entitlements or permits have been approved pursuant to this Zoning Code.
4. Medical cannabis delivery services are only conditionally allowed in the Riverside Corridor (RSC) and the C-3 Zoning District, subject to the granting of a Conditional Use Permit and all of the following requirements:

- a. Medical cannabis delivery services shall operate from a physical location that is properly licensed by the State and shall perform retail sales exclusively by delivery. Medical cannabis shall not be offered, displayed, provided or sold from a storefront open to the general public. All other commercial cannabis activity shall be prohibited at the premises.
- b. Sales of non-medical, adult-use cannabis from the premises shall be prohibited.
- c. Pursuant to California Business and Professions Code Section 26054(b), medical cannabis delivery services shall not be located within a 600-foot radius of a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center that is in existence at the time the license is issued, unless the Planning Commission finds that the proposed site will not pose a threat to the public health, safety, and welfare of the surrounding community and properties.
- d. The Planning Commission shall serve as the review authority for issuance of a Conditional Use Permit to medical cannabis delivery services. In addition to complying with all procedures and requirements for issuance of a Use Permit specified in Chapter 21.19 (Conditional Use Permits and Administrative Use Permits), the Planning Commission shall consider the following additional factors in determining whether to approve or deny a Conditional Use Permit:
  - (1) Whether the use is likely to enhance the economic vitality of the area in which is proposed to be located;
  - (2) Whether the applicant has adequately addressed potential adverse impacts of the use and appropriate mitigation measures;
  - (3) Whether the proposed use is likely to result in an overconcentration of the use in the surrounding area; and
  - (4) The extent of support or opposition to the proposed use and location from members of the community.
- e. All Conditional Use Permits issued pursuant to this Subsection shall be conditioned on the permittee's compliance with all State laws and regulations applicable to medical cannabis delivery services, including obtaining and maintaining lawful possession of all necessary State license(s) prior to and during operation of the business. Violations of any applicable State licensing requirements shall be deemed violations of the Conditional Use Permit and may result in revocation of the Conditional Use Permit.
- f. The Director or his or her designee is authorized to develop an appropriate application form and to administer reasonable guidelines and policies necessary to carry out the purposes and intent of Paragraph 21.60.030.B.4 of this Subsection.

C. Commercial Cannabis Activity.

1. The establishment or operation of any business of commercial cannabis activity is prohibited, unless explicitly authorized pursuant to this Chapter. No Use Permit, Variance, Building Permit, or any other entitlement or permit, whether administrative or discretionary, shall be approved or issued for the establishment or operation of any such business or operation. Such prohibited businesses or operations may include, but are not limited to:



- a. The transportation, storage, distribution, or sale of cannabis, cannabis products, or cannabis accessories;
  - b. The cultivation of cannabis;
  - c. The manufacturing or testing of cannabis, cannabis products, or cannabis accessories; or
  - d. Any other business licensed by the State or other government entity under Division 10 of the California Business & Professions Code, as it may be amended from time to time.
2. Exception. The establishment or operation of a commercial cannabis delivery service (for example, non-storefront retail) is allowed in the City only if a Use Permit, Variance, Building Permit, Business License, and all other entitlements or permits have been approved pursuant to this Chapter. The City Council, by resolution, may decide the number of permits authorized to operate a commercial cannabis delivery service within the City. Commercial cannabis delivery services are only allowed in the Riverside Corridor (RSC) and the C-3 Zoning District, subject to the granting of a Conditional Use Permit.
- a. In addition to complying with all procedures and requirements for issuance of a Use Permit specified in Chapter 21.19 (Conditional Use Permits and Administrative Use Permits), the Planning Commission shall consider the following additional factors in determining whether to approve or deny a Conditional Use Permit:
    - (1) Whether the use is likely to enhance the economic vitality of the area in which is proposed to be located;
    - (2) Whether the applicant has adequately addressed potential adverse impacts of the use and appropriate mitigation measures;
    - (3) Whether the proposed use is likely to result in an overconcentration of the use in the surrounding area; and
    - (4) The extent of support or opposition to the proposed use and location from members of the community.
- D. Commercial Cannabis Delivery Activity – Operational Requirements.
- 1. No person shall deliver commercial cannabis anywhere in the City unless they comply with the procedures and requirements of this Chapter.
  - 2. Commercial cannabis delivery services, including those physically located outside the City but delivering to customers within the City, are allowed to deliver commercial cannabis subject to the following requirements:
    - a. All cannabis delivery services shall comply with all applicable State and local laws and regulations.
    - b. All cannabis delivery services shall pay all applicable taxes, including in accordance with Chapter 3.22 (Cannabis Business Tax) of Title 3 (Revenue and Finance) of this Municipal Code.

- c. All cannabis delivery service shall maintain accurate books and records, detailing revenues and expenses of the business it does in the City. At any time upon reasonable request of the City, each cannabis delivery service shall file a sworn statement detailing:
    - (1) the number of sales by the cannabis delivery service; and
    - (2) taxes paid pertaining to cannabis delivery in the City during the previous 12-month period (or shorter period based upon the timing of the request).
  - d. All cannabis delivery services shall obtain all State and local approvals and permits as required in this Chapter and shall be able to show compliance with the regulations of the originating jurisdictions, if applicable.
  - e. All deliveries of cannabis to customers shall only be allowed in the City between the hours of 8:00 A.M. and 10:00 P.M.
  - f. All cannabis delivery services shall provide the City Manager with the name and contact information of an owner and manager who can be reached 24 hours a day. This contact information shall be kept current and shall be updated as necessary to ensure compliance with this Chapter.
- E. Cannabis Delivery Activity – Delivery from Outside the City.
- 1. Cannabis delivery is allowed in the City by operators with physical locations located outside the City, subject to the requirements of this Chapter.
  - 2. All cannabis delivery services shall obtain and maintain a valid business license in accordance with this Chapter and Chapter 3.28 (Business License Tax). In addition to the requirements of Section 3.28.090 (Application—Contents), the applicant, at a minimum, shall submit the following:
    - a. A completed and signed application;
    - b. The requisite application fee;
    - c. Copies of any required State and local licenses to conduct cannabis activity;
    - d. Information and documentation demonstrating compliance with this Chapter;
    - e. The physical address of the property upon which the applicant conducts the cannabis activity (for example, the location where deliveries originate);
    - f. List of all vehicles (make, model, and license plate) that are eligible to conduct delivery in the City. This list shall be kept current by the applicant throughout the duration of the license; and
    - g. Any information or documentation deemed necessary by the City.
  - 3. Each Business License shall be renewed annually in accordance with Section 3.28.110 (Renewal Business License Tax Certificate). In addition to the requirements of Section 3.28.110 (Renewal Business License Tax Certificate), the applicant shall demonstrate that the requirements of this Chapter remain satisfied.

4. Any person aggrieved by any decision with respect to the issuance or refusal to issue such Business License may appeal to the City Manager as set forth in Section 3.28.140 (Appeal).
- F. Existing Medical Cannabis Delivery Services.
1. Pursuant to the provisions of this Subsection, medical cannabis delivery services lawfully operating in the City pursuant to Subsection 21.60.030.B (Medical Use) of this Section as of November 17, 2022 shall be authorized to temporarily deliver commercial cannabis under the terms and conditions of such existing Conditional Use Permit and the operational requirements set forth in Subsection 21.60.030.D (Commercial Cannabis Delivery Activity – Operational Requirements) of this Section.
  2. This temporary authorization shall not grant, guarantee, or entitle the qualifying medical cannabis delivery services to issuance of a permit under this Chapter, nor to a permit under a future superseding ordinance or regulatory framework.
  3. The temporary authorization shall terminate based upon the earliest of the following events:
    - a. From 12 months after the effective date of this ordinance, the temporary authorization shall automatically terminate with no further action or notice required by the City.
    - b. Upon adoption of a superseding ordinance or regulatory framework of commercial cannabis, the temporary authorization to deliver commercial cannabis shall be deemed extended until final approval or denial of the permit, and thereafter the temporary authorization shall be deemed terminated and of no further force and effect. Failure to timely submit a complete application shall result in termination of the temporary authorization.
  4. The temporary authorization granted pursuant to this Subsection does not, in any way, create any right, interest, or entitlement to sell or deliver commercial cannabis. The City may, at any time and for any reason, terminate this temporary authorization.
  5. The assignment or transfer or attempt to assign or transfer the temporary authorization is unlawful and shall be null and void.
  6. The temporary authorization under this Subsection is justified due to the fact that the medical cannabis delivery services previously allowed under Subsection 21.60.030.B (Medical Use) of this Section have undergone extensive review, examination, and scrutiny in Conditional Use Permit proceedings and the findings necessary to establish a medical cannabis delivery service have been made.

#### 21.60.040. VIOLATIONS

No person, whether as principal, agent, employee or otherwise, shall violate, cause the violation of, or otherwise fail to comply with any of the requirements of this Chapter. Every act prohibited or declared unlawful, and every failure to perform an act made mandatory by this Chapter, shall be a misdemeanor or an infraction, at the discretion of the City Attorney or the District Attorney. In addition to the penalties provided in this Section, any condition caused or allowed to exist in violation of any of the provisions of this Chapter is declared a public nuisance and may be abated as provided Chapters 1.02 (Penalties) and 1.03 (Administrative Citation) and/or under State law.

**CHAPTER 21.61. DENSITY BONUS****21.61.010. PURPOSE.**

The purpose of this Chapter is to establish a program in accordance with Section 65915 et seq., of the California Government Code to provide both density increases and other incentives to encourage the creation of housing affordable to moderate-, low-, and very low-income households and units intended to serve seniors, transitional foster youth, disabled veterans, homeless persons, and lower income in the threshold amounts specified in State law.

**21.61.020. APPLICABILITY**

- A. **General.** All proposed housing developments that qualify under California Government Code Section 65915 for a density increase and other incentives, and any qualified land transfer under California Government Code Section 65915, shall be eligible to apply for a density bonus (including incentives and/or concessions) consistent with the requirements, provisions, and obligations set forth in California Government Code Section 65915 et seq, as may be amended.
- B. **Compliance.** The applicant shall comply with all requirements stated in California Government Code Sections 65915 through 65918 (also referred to as California Government Code Section 65915 et seq and State Density Bonus Law). The requirements of State Density Bonus Law, and any amendments thereto, shall prevail over any conflicting provision of this Code.
- C. **Excluded Development.** An applicant shall not receive a density bonus or any other incentive or concession if the housing development would be excluded under State Density Bonus Law.
- D. **Interpretation.** The provisions of this subdivision shall be interpreted to implement and be consistent with the requirements of State Density Bonus Law. Any changes to State Density Bonus Law shall be deemed to supersede and govern over any conflicting provisions contained herein. If any portion of this Chapter conflicts with State Density Bonus Law or other applicable State law, State law shall supersede this Chapter. Any ambiguities in this Chapter shall be interpreted to be consistent with State Density Bonus Law.
- E. **Replacement Housing Requirement.** Pursuant to subdivision (c)(3) of California Government Code Section 65915, the applicant will be ineligible for a density bonus or other incentives unless the applicant complies with the replacement housing requirements therein, including in the following circumstances:
  - 1. The housing development is proposed on any parcel(s) on which rental dwelling units are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income;
  - 2. The housing development is proposed on any parcel(s) on which rental dwelling units that were subject to a recorded covenant, ordinance, or law that restricted rents to levels affordable to persons and families of lower or very low income have been vacated or demolished in the five-year period preceding the application;
  - 3. The housing development is proposed on any parcel(s) on which the dwelling units are occupied by lower or very low-income households; or
  - 4. The housing development is proposed on any parcel(s) on which the dwelling units that were occupied by lower or very low-income households have been vacated or demolished in the five-year period preceding the application.

**21.61.030. DENSITY INCREASE AND OTHER INCENTIVES/CONCESSIONS**

- A. General. If a qualifying affordable housing project or land transfer meets the criteria of California Government Code Section 65915 et seq., the project shall be granted a density bonus, the amount of which shall be as specified in California Government Code Section 65915 et seq., and incentives or concessions also as described in California Government Code Section 65915 et seq.
- B. Density Bonus Units. Except as otherwise required by California Government Code Section 65915, the density bonus units shall not be included when calculating the total number of housing units that qualifies the housing development for a density bonus.
- C. Market-rate Senior Citizen Housing Developments. Market-rate senior citizen housing developments that qualify for a density bonus shall not receive any other incentives or concessions unless California Government Code Section 65915 is amended to specifically require that local agencies grant incentives or concessions for senior citizen housing developments.

**21.61.040. PHYSICAL CONSTRAINTS AND PARKING WAIVERS.**

- A. Physical Constraints. Except as restricted by California Government Code Section 65915 et seq, the applicant for a density bonus may submit a proposal for the waiver or reduction of development standards that have the effect of physically precluding the construction of a housing development incorporating the density bonus and any incentives or concessions granted to the applicant. A request for a waiver or reduction of development standards shall be accompanied by documentation demonstrating that the waiver or reduction is physically necessary to construct the housing development with the additional density allowed pursuant to the density bonus and incorporating any incentives or concessions required to be granted. The City shall approve a waiver or reduction of a development standard, unless it finds that:
  - 1. The application of the development standard does not have the effect of physically precluding the construction of a housing development at the density allowed by the density bonus and with the incentives or concessions granted to the applicant;
  - 2. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of California Government Code Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact;
  - 3. The waiver or reduction of the development standard would have an adverse impact on any real property that is listed in the California Register of Historical Resources; or
  - 4. The waiver or reduction of the development standard would be contrary to State or Federal law.
- B. Parking. The applicant may request, and the City shall grant, a reduction in parking requirements in accordance with California Government Code Section 65915(p), as that section may be amended from time to time.

**21.61.050. RETENTION OF DENSITY BONUS UNITS.**

Consistent with the provisions of California Government Code Section 65915 et seq., prior to a density increase or other incentives being approved for a project, the City and the applicant shall agree in writing to an appropriate method of ensuring the continued availability of the density bonus units.

## 21.61.060. APPLICATION PROCEDURE FOR DENSITY INCREASE OR OTHER INCENTIVES/CONCESSIONS

- A. An application for a density increase or other incentives under this Chapter for a housing development shall be submitted in writing to the City to be processed concurrently with all other entitlements of the proposed housing development. The application for a housing development shall contain information sufficient to fully evaluate the request under the requirements of this Chapter, and in connection with the project for which the request is made, including, but not limited to, the following:
1. A brief description of the proposed housing development;
  2. The total number of housing units and/or shared housing units proposed in the development project, including unit sizes and number of bedrooms. For the purposes of this Section, a **“shared housing unit” means** 1 or more habitable rooms, not within another dwelling unit, that includes a bathroom, sink, refrigerator, and microwave, is used for permanent residence, that meets the **“minimum room area” specified in Section R304 of the California Residential Code (Part 2.5 of Title 24 of the California Code of Regulations), and complies with the definition of “guestroom” in Section R202 of the California Residential Code;**
  3. The total number of units proposed to be granted through the density increase and incentive program over and above the otherwise maximum density for the project site;
  4. The total number of units to be made affordable to or reserved for sale, or rental to, very low, low- or moderate-income households, or senior citizens, or other qualifying residents;
  5. The zoning, General Plan designations, and assessor’s parcel number(s) of the project site;
  6. A vicinity map and preliminary site plan, drawn to scale, including building footprints, driveway(s) and parking layout;
  7. Within zoning districts that rely on a form-based code, a base density study that identifies the density feasible on the site without incentives, concessions, or density bonuses;
  8. The proposed method of ensuring the continued availability of the density bonus units; and
  9. A list of any concession(s) or incentive(s) being requested to facilitate the development of the project, and a description of why the concession(s) or incentive(s) is needed.
- B. The application shall be considered by the Planning Commission and/or the City Council at the same time each considers the project for which the request is being made. If the project is not to be otherwise considered by the Planning Commission or the City Council, the request being made under this Chapter shall be considered by the Director or designee, separately. The request shall be approved if the applicant complies with the provisions of California Government Code Section 65915 et seq.

## CHAPTER 21.62. HISTORIC PRESERVATION

### 21.62.010. PURPOSE AND APPLICABILITY

The purpose of the Historic Preservation Ordinance is to provide for the recognition, preservation, protection, and use of historic resources in the City by establishing procedures and regulations that are necessary to:

- A. Assist the City in identifying and protecting its historic resources;
- B. **Ensure that new development maintains continuity with the City's historic character and scale;**
- C. Maintain historic resources as community assets; and
- D. **Fulfill the City's responsibilities regarding historic resources under applicable State and Federal laws,** including the California Environmental Quality Act (CEQA) and Section 106 of the National Historic Preservation Act of 1966.

#### 21.62.020. ADMINISTRATIVE AND REVIEW AUTHORITIES – POWERS AND DUTIES

- A. Enabling Authority. California Government Code Sections 65850 and 37361 enable City legislative bodies **to provide for “the protection, enhancement; perpetuation, or use of places, sites, buildings, structures, works of art, and other objects having a special character or special historical or aesthetic interest or value.”**
- B. Powers and Duties of the Zoning Administrator. The Zoning Administrator shall be the review authority for Certificates of No Effect (see Paragraph 21.62.080.A.5 [Criteria and Procedure for Issuance of a Certificate of No Effect]).
- C. Powers and Duties of the Planning Commission.
  1. Authority. The Planning Commission shall have the power and it shall be its duty to perform the following acts:
    - a. Hear appeals of Zoning Administrator decisions related to historic preservation (see Appeals and Calls for Review [Chapter 21.25]).
    - b. Act as the review authority for Certificates of Appropriateness (see Paragraph 21.62.080.A.6 [Criteria and Procedure for Issuance of a Certificate of Appropriateness]) for projects that affect a Local Historic Resource. For Certificates of Appropriateness affecting a Historic Landmark, see Paragraph 21.62.020.C.2.
    - c. Encourage public understanding of and involvement in the unique historic, cultural, and architectural heritage of the City through educational and interpretive programs.
    - d. Educate property owners and the general public about historic preservation policies, procedures, and practices.
    - e. Explore means for the protection, retention, and use of any designated or potential historic resource, but not limited to, appropriate legislation and financing, such as encouraging independent funding organizations or private, local, State or Federal assistance.
    - f. Pursue or support the designation of individual properties or historic districts in the National Register of Historic Places to enable property owners to make use of Federal tax incentives.
    - g. Recommend and encourage the protection, enhancement, appreciation, and use of structures of historic, cultural, architectural, community, or aesthetic value which have not been designated as historic resources but are deserving of recognition.
    - h. Perform any other functions that may be designated by the City Council.

2. Advisory. The Planning Commission shall be the advisory body to the City Council on the following matters related to historic preservation:
  - a. Make recommendations to the City Council for Certificates of Appropriateness (see Paragraph 21.62.080.A.6 [Criteria and Procedure for Issuance of a Certificate of Appropriateness]) that affect a Historic Landmark.
  - b. Make recommendations to the City Council for applications for demolition affecting designated historic resources (Subsection 21.62.080.B [Demolition of Designated Historic Resources]).
  - c. Make recommendations to the City Council for projects affecting City-owned, designated historic resources, including changes to public and semi-public interior spaces.
  - d. Recommend to the City Council that certain sites, buildings, structures, objects or districts having a significant historical, cultural, architectural, community or aesthetic value as part of the heritage of the City be designated as historic resources or historic districts.
  - e. Make recommendations to the City Council on issues related to historic preservation in the General Plan.
  - f. In coordination with the Main Street Association, recommend that the City Council confer recognition upon the owners of designated historic resources by means of certificates, plaques, or markers.
  - g. Recommend that the City Council issue commendations to owners who have rehabilitated their property in an exemplary manner.
  - h. Advise the City Council and other advisory bodies as necessary on historic preservation issues.
- D. Powers and Duties of the City Council.
  1. The City Council shall be the review authority on the following matters related to historic preservation:
    - a. Appeals of Planning Commission decisions related to historic preservation (see Appeals and Calls for Review [Chapter 21.25]);
    - b. Certificates of Appropriateness (see Paragraph 21.62.080.A.6 [Criteria and Procedure for Issuance of a Certificate of Appropriateness]) for projects that affect a Historic Landmark;
    - c. Projects affecting City-owned, designated historic resources, including changes to public and semi-public interior spaces.
    - d. Additions to or removal of local historic resources from the Paso Robles Historic Resources Inventory (Paragraph 21.62.030.A.1).
    - e. Adoption or modification of a historic district (Paragraph 21.62.030.A.2 [Historic Districts]).
    - f. Designation of historic signs (Paragraph 21.62.030.A.3 [Historic Signs]).



- g. Demolitions affecting designated historic resources (Subsection 21.62.080.B [Demolition of Designated Historic Resources]).
2. Referral. Matters not previously considered by the Planning Commission during its hearing may, but need not, be referred back to the Planning Commission by the City Council for report and recommendation. The Planning Commission may, but need not, hold a public hearing on matters referred to it by the City Council.

### 21.62.030. CRITERIA FOR DESIGNATION OF HISTORIC RESOURCES

Within the City, there are locally identified historic resources and there are State or Federally identified historic resources as specified in the following subsections.

- A. Local Historic Resources. A building, structure, object, or site is designated a historic resource in the City if it is listed in the Paso Robles Historic Resources Inventory or is a contributor to a designated historic district. Historic resources and contributors to designated historic districts are eligible for special protection and incentives that non-designated historic resources do not receive. The City has three designation categories to recognize local historic resources:
- 1. Historic Resources Inventory. The Paso Robles Historic Resources Inventory identifies buildings, structures, objects, and sites that are designated historic resources due to individual historic significance with character defining features, integrity of location, design, setting, materials, workmanship, feeling, or association, that meets at least one of the following criteria:
    - a. Are identified as historic resources through survey or other evaluation;
    - b. Are included on any list of historic and cultural resources, including, but not limited to, the National Register of Historic Places, the California Register, and the State historic resources inventory (with a California Historic Resource Status Code of 1-5);
    - c. **The resource reflects special elements of the City's historical, archaeological, cultural, social, economic, aesthetic, engineering, or architectural development;**
    - d. It is identified with persons or events significant in local, State, or national history;
    - e. It embodies distinctive characteristics of a style, type, period, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship; or whether the building or structure represents an established and familiar visual feature of a neighborhood or community of the City;
    - f. It has yielded or has the potential to yield, information important to the history or prehistory of Paso Robles, California, or the nation; or
    - g. The interior of a public or semi-public space or feature may be designated as part of a historic resource if it meets all of the following criteria:
      - (1) Historically the space has been open to the public;
      - (2) The materials, finishes, or detailing are intact, or later additions are reversible;
      - (3) The plan, layout, and features of the space are illustrative of its historic function;
      - (4) Its form and features articulate a particular concept of design; or

- (5) There is evidence of distinctive craftsmanship.

The Paso Robles Historic Resources Inventory shall be kept on file with the Community Development Department, and distributed to the City Clerk, the Public Works Director, the Emergency Services Director, the Paso Robles Historical Society, and the Paso Robles Public Library.

2. Historic Districts. A historic district is a significant concentration, linkage, or continuity of buildings, structures, objects, or sites unified historically or aesthetically in a distinguishable way or in a geographically definable area. A historic district will typically have both contributors and noncontributors within its boundaries. Contributors are considered historic resources and are eligible for special protection and incentives that noncontributors do not receive. Noncontributors are not regulated under this chapter. The criteria for Designating a Historic District are buildings, structures, objects, or sites that relate to each other in a distinguishable way or in a geographically definable area may be designated as a historic district by meeting at least one of the following:
- a. They are a contiguous grouping of resources that meet at least one of the criteria identified for inclusion on the Historic Resource Inventory;
  - b. They are a noncontiguous grouping of thematically related properties;
  - c. They are in a definable area possessing a concentration of historic, scenic, or thematic sites, which contribute to each other and are unified by plan, physical development, or architectural quality;
  - d. They reflect significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes, or distinctive examples of park or community planning; or
  - e. They have a unique location, singular physical characteristics, or are an established and familiar visual feature of a neighborhood, community, or the City.
3. Historic Signs. The City Council may declare a sign to be of "historic significance" upon application by the sign's owner and a recommendation from the Planning Commission. For a sign to be declared "historically significant" and added to the Historic Resources Inventory, all the following conditions shall be met:
- a. Time. The sign and the use to which it pertains shall have been in continuous existence at the present location for not less than 20 consecutive years.
  - b. Graphic. The sign is an appurtenant graphic (for example, an on-premises sign that relates to the use of the property).
  - c. Uniqueness. The sign is unique and enhances the cultural, historic, or aesthetic quality of the community, as determined by the Director.
  - d. Safety. The sign is structurally safe or is capable of being made so without substantially altering its historic significance.
- B. Historic Landmarks. A historic landmark is a building, structure, object, or site on a State or Federal historic registry, or on the State historic resources inventory (with a California Historic Resource Status Code of 1-5).

**21.62.040. ESTABLISHED HISTORIC RESOURCES**

- A. Historic Resources Inventory. The City shall create and maintain a list of historic resources in Paso Robles known as the Historic Resources Inventory, which shall be adopted by resolution of the City Council.
- B. Historic Districts. Historic Districts shall be shown on the Zoning Map per Section 21.36.030 (Historic Preservation Overlay).
- C. Historic Landmarks. Historic Landmarks shall be those listed in the California Register of Historic Resources, National Register of Historic Places, or similar State or Federal historic registry.

**21.62.050. PROCEDURE FOR DESIGNATION OF HISTORIC RESOURCES**

- A. The designation of Local Historic Resources shall be approved by the City Council upon the recommendation of the Planning Commission in the following manner:
  - 1. Nominations for designation on or removal from the Paso Robles Historic Resources Inventory may be initiated by the owner of record of the property or structure, the Zoning Administrator, the Planning Commission, the City Council, or any other organization with a recognized interest in historical preservation.
  - 2. Nominations for designation or modification of historic districts may be initiated by the owner of a property that is included in the proposed district, the Zoning Administrator, the Planning Commission, the City Council, or any other organization with a recognized interest in historical preservation.
  - 3. Applications originating from outside the Zoning Administrator, the Planning Commission, or the City Council shall complete the nomination form provided by the Community Development Department and shall be accompanied by applicable fees.
  - 4. For designation or modification of a historic district, the applicant shall provide documentation by letter or petition that a majority of the owners of property within the proposed district support the designation; a map with the boundaries of the proposed district; and an inventory and photographs of all properties in the proposed district, including both contributing and noncontributing properties.
  - 5. For modification to the Historic Resources Inventory, if the applicant is not the owner of the property, the Community Development Department shall, within 10 days of receipt of the nomination, notify the owner in writing that an application for designation has been submitted. For designation of a historic district, the Community Development Department shall, within 10 days of receipt of the nomination, notify all property owners within the proposed district in writing that an application for designation has been submitted.
  - 6. Within 30 days of the receipt of a nomination, the Director shall determine if the nomination form is complete.
  - 7. There shall be a work moratorium beginning the day the nomination form is deemed complete while the Planning Commission's public hearing or the City Council's decision is pending. During the moratorium, demolition or alteration permits will not be issued. The work moratorium will end upon the earlier of the City Council's decision on the proposed designation, a moratorium termination date designated by the City Council, or 180 calendar days from the date of commencement of the moratorium, whichever is less.

8. The Planning Commission shall schedule a public hearing on all nominations, whether originating with the Commission or with another party. If a nomination originates from outside the Commission, the public hearing shall be held within 90 days of the receipt of a complete application for designation.
9. After the public hearing, the Planning Commission shall recommend approval in whole or in part or disapproval of the application for designation in writing to the City Council, outlining the findings used to make its decision.
10. The City Council, within 60 days of the Planning Commission's recommendations concerning proposed designations, shall schedule a public hearing on all nominations and by resolution approve the recommendations in whole or in part, or shall by motion disapprove them in their entirety. If the City Council approves a proposed designation, notice of the City Council's decision shall be sent to applicants and owners of a designated property.
11. Matters not previously considered by the Planning Commission during its hearing may, but need not, be referred back to the Planning Commission by the City Council for report and recommendation.
12. Notice of the hearings shall be given in the manner provided for in Chapter 21.26 (Public Hearings and Notice).

#### 21.62.060. RESCINDING OR AMENDING DESIGNATION

The City Council, upon the recommendation of the Planning Commission, may amend or rescind any designation of a historic resource, in the same manner and procedure described in Section 21.62.050 (Procedure for Designation of Historic Resources).

In rescinding or amending the designation of a historic resource, the City Council shall make the finding that the building, structure, object, or district no longer meets the designation criteria due to:

- A. New information that compromises the significance of the property; or
- B. Destruction of the historic resource or contributor to a historic district through a catastrophic event that has rendered the structure a hazard to public health, safety, or welfare; or
- C. The demolition, relocation, or removal of the historic resource or contributor to a historic district.

#### 21.62.070. HISTORIC RESOURCE EVALUATIONS

Within 30 days of receipt of an application for a Building Permit to demolish or relocate a structure pursuant to Municipal Code Chapter 17.16 (Demolition of Buildings and Structures), but prior to the issuance of said Building Permit, the Zoning Administrator shall determine whether the structure has potential historic significance based on the criteria for the designation of historic resources in this Chapter. If the Zoning Administrator determines that such potential exists, the structure shall not be demolished or relocated unless and until an environmental assessment is completed pursuant to the provisions of the California Environmental Quality Act (CEQA). The cost of conducting this environmental assessment shall be borne entirely by the applicant for the demolition permit.

If an environmental assessment is completed pursuant to CEQA and findings indicate that demolition of the structure would have a significant effect on the environment, the structure shall not be demolished or relocated unless the City Council, based on a recommendation from the Planning Commission, makes one or more of the following findings:

- A. That the demolition or relocation of the structure is necessary to proceed with a project consistent with and supportive of identified goals and objectives of the General Plan, and the demolition of the structure will not have a significant effect on the achievement of the purposes of this division or the potential effect is outweighed by the benefits of the new project;
- B. In the case of an application for a permit to relocate, that the structure may be moved without destroying its historic or architectural integrity and importance; or
- C. That the demolition or relocation of the structure is necessary to protect or to promote the health, safety, or welfare of the citizens of the City, including the need to eliminate or avoid blight or nuisance.

#### 21.62.080. ALTERATION, DEMOLITION, OR RELOCATION OF A HISTORIC RESOURCE

- A. Alteration and Repair to Historic Resources
  - 1. Approval Process for Alterations or Repairs to Historic Resources. It shall be unlawful for any person, owner, or entity to directly or indirectly alter, remodel, demolish, grade, remove, construct, reconstruct, or restore any designated historic, without first obtaining a Certificate of Appropriateness or Certificate of No Effect.
  - 2. California Historical Building Code. When a building is determined eligible by the Building Official, an applicant may opt to utilize the California Historical Building Code for alterations to historical resources.
  - 3. Alterations that are Exempt from Review. The provisions for the issuance of a Certificate of Appropriateness or a Certificate of No Effect shall not be construed to prevent ordinary maintenance and repair which does not change the design, materials, architectural elements, or site features of a designated historic resource or a building, structure, object, or site listed in the Paso Robles Historic Resources Inventory. The following activities may be exempted from the review procedures:
    - a. Routine maintenance and minor repairs;
    - b. Exterior painting;
    - c. Replacing deteriorated roofing materials with the same type of material already in use;
    - d. Addition or removal of screens, awnings, canopies and similar incidental appurtenances;
    - e. Addition or removal of landscape walls and fences;
    - f. Addition or removal of exterior lighting;
    - g. Addition or removal of landscaping;
    - h. Addition or removal of driveways and walkways; and
    - i. Interior alterations (unless a historic resource designation includes interior features).
  - 4. Alterations that Require Review. All proposed alterations or repairs to a designated historic resource that are not listed in Paragraph 21.62.080.A.3 (Alterations that are Exempt from Review),

shall receive a Certificate of No Effect or a Certificate of Appropriateness from applicable review authority prior to the commencement of any work.

The Zoning Administrator can issue a Certificate of Appropriateness if it is determined that demolition, removal, or substantial alteration of a historic resource is immediately necessary to protect the public health, safety, or welfare.

5. Criteria and Procedure for Issuance of a Certificate of No Effect.
  - a. Findings. The Zoning Administrator shall issue a Certificate of No Effect if all of the following findings are made:
    - (1) The work is minor and clearly meets applicable City design guidelines and the **Secretary of the Interior's Standards for Rehabilitation; and**
    - (2) The proposed work will not diminish, eliminate or adversely affect the character of the historic resource; and
    - (3) The project is exempt from environmental review pursuant to the State CEQA Guidelines.
  - b. Eligibility. If the Zoning Administrator determines that the proposed work is not eligible for a Certificate of No Effect, then the applicant shall apply for and obtain a Certificate of Appropriateness.
  - c. Expiration. The Certificate of No Effect shall expire 1 year from the date of issuance unless work is started within that time. No changes shall be made to the approved plans for which a Certificate of No Effect was issued without resubmitting to the Zoning Administrator for approval of the changes.
6. Criteria and Procedure for Issuance of a Certificate of Appropriateness.
  - a. Findings. The review authority shall issue a Certificate of Appropriateness if all the following findings are made:
    - (1) The proposed work will not diminish, eliminate or adversely affect the character of the historic resource; and
    - (2) The proposed work is found to be consistent with applicable design guidelines adopted by the City Council. In the absence of applicable design guidelines, the proposed **work is found to be consistent with the Secretary of the Interior's Standards for Rehabilitation; and**
    - (3) The project will not cause a significant adverse effect as defined in the State CEQA guidelines.
  - b. Procedure. The review authority shall conduct a public hearing and shall make findings to approve, deny, approve with conditions, or continue the application with specific direction for additional information needed to make a recommendation or decision.
  - c. Expiration. A Certificate of Appropriateness shall expire 12 months from the date of issuance unless work is started within that time or a time extension application has been received with applicable fee. No changes shall be made to the approved plans after the

issuance of a Certificate of Appropriateness without resubmittal and determination of the necessary approval process for the proposed changes.

- d. Process for Revocation of Certificate of Appropriateness. Revocation proceedings may be initiated upon a motion by the Zoning Administrator, Planning Commission, or City Council. Once revocation proceedings have been initiated, all work being done in reliance upon such certificate or associated permits shall be immediately suspended until a final determination is made regarding the revocation. The decision to revoke a Certificate of Appropriateness shall be made by the review authority which approved the certificate following a noticed public hearing. A Certificate of Appropriateness may be revoked or modified for any of the following reasons:

- (1) Noncompliance with any terms or conditions of the Certificate of Appropriateness;
- (2) Noncompliance with any provisions of this chapter; or
- (3) A finding of fraud or misrepresentation used in the process of obtaining the certificate.

#### B. Demolition of Designated Historic Resources

1. Approval Process for the Demolition of Designated Historic Resources. No person shall demolish any building or structure until a permit has been issued by the Building Official in accordance with the provisions set forth in Municipal Code Chapter 17.16 (Demolition of Buildings and Structures).

Upon receipt of an application for a permit to demolish a building or structure, the Building Official shall forward the application to the Zoning Administrator, who shall determine if the building or structure is a designated historic resource.

2. Process for Issuance of a Demolition Permit for a Designated Historic Resource. If the Zoning Administrator determines that the building or structure proposed for demolition is a designated historic resource, the Planning Commission shall make a recommendation to the City Council, who will make the final determination per the procedures outlined in Municipal Code Section 17.16.050 (Processing Procedures) after conducting a public hearing.

The City Council may require a 180-day continuance for consideration of the demolition permit request with an option to extend the continuance for an additional 180-day period should that become necessary. The purpose of the continuance, and the possible extension, is to provide adequate time to investigate alternatives to demolition.

The building or structure shall not be demolished unless the City Council, with a recommendation from the Planning Commission, makes 1 or more of the following findings:

- a. There is no feasible alternative to demolition.
- b. There is sufficient evidence, including evidence provided by the applicant, that the property retains no reasonable economic use, taking into account the condition of the structure, its location, the current market value, and the costs of rehabilitation to meet the requirements of the Building Code or other City, State or Federal law;

- c. That the demolition or relocation of the structure is necessary to proceed with a project consistent with and supportive of identified goals and objectives of the General Plan, and the demolition of the structure will not have a significant effect on the achievement of the purposes of this division or the potential effect is outweighed by the benefits of the new project;
- d. In the case of an application for a permit to relocate, that the structure may be moved without destroying its historic or architectural integrity and importance; or,
- e. That the demolition or relocation of the structure is necessary to protect or to promote the health, safety or welfare of the citizens of the City, including the need to eliminate or avoid blight or nuisance.

### 21.62.090. PRESERVATION INCENTIVES

In addition to any other incentive of Federal or State law, owners of properties designated as historic resources or contributors to historic districts may apply for the following:

- A. Use of the California Historic Building Code. Whenever applicable, the property owner may elect to use the California Historic Building Code for alterations, restorations, new construction, removal, relocation, or demolition of a designated historic resource.
- B. Parking Requirement Reduction. Addition of floor area to a building designated as a historic resource or a **contributor to a historic district of up to 25 percent shall be exempt from the City's standard parking** requirements if such addition is determined by the review authority to preserve or enhance the historical features of the building, consistent with Paragraph 21.62.080.A.5 (Criteria and Procedure for Issuance of a Certificate of No Effect) and Paragraph 21.62.080.A.6 (Criteria and Procedure for Issues of a Certificate of Appropriateness).
- C. Change of Use. The City will encourage compatible adaptive reuse of historic properties.
- D. Technical Assistance. The City will provide technical advice and assistance to owners of historic resources regarding grants, and State and Federal preservation incentives for historic resources.
- E. Mills Act Historic Property Contracts. The City will implement California Government Code Sections 50280-50290, allowing the approval of historic property contracts by establishing a uniform procedure for the owners of qualified historic properties within the City to enter into contracts with the City.

### 21.62.100. MAINTENANCE

- A. Purpose. The purpose of this Section is to preserve, protect, and perpetuate the elements of the historic fabric unique to designated historic resources and contributors to historic districts, and to prevent the need **for demolition or destruction due to neglect of important resources in the City's history.**
- B. Maintenance Requirements.
  - 1. Designated historic resources and contributors to historic districts shall be maintained in good repair.
  - 2. Designated historic resources and contributors to historic districts shall be maintained in watertight condition to preclude decay problems caused by water. Deteriorated, insufficient, or ineffective waterproofing of exterior walls, roofs, foundations, floors, windows, or doors shall be promptly



addressed to prevent further decay, deterioration, or possibility of injury to the public and/or the property.

3. The façade shall be properly maintained through repair, paint, or any necessary treatment, so as to prevent decay, water or moisture intrusion, damage to the structure, and/or injury to the public. Defective or insufficient weather protection for exterior treatments and facades, including lack of paint or protective covering shall be promptly addressed, and repaired or stabilized to prevent further decay, deterioration, and possibility of injury to members of the public and/or property.
  4. Roof, foundation, and structure shall be maintained through proper treatment and repair to prevent decay, demolition by neglect, loss of historic materials and features, damage to the structure, and/or injury to the public. Defective materials or deterioration which may cause any or all portions of roofs, foundations, walls, or other structural members to deteriorate shall be promptly addressed, and repaired or stabilized to prevent further decay, deterioration, loss of historic fabric, and possibility of injury to members of the public and/or property.
  5. Buildings elements such as cornices, chimneys, etc. shall be properly maintained to prevent decay, demolition by neglect, loss of historic fabric, and possibility of injury. Deteriorated or defective building elements shall be promptly addressed, and repaired or stabilized to prevent further decay, deterioration, loss of historic fabric, and possibility of injury to members of the public and/or property.
- C. Penalty for Demolition without a Demolition Permit. If a designated historic resource is demolished without a demolition permit as required by this Chapter, no building or construction-related permits shall be issued, and no permits or use of the property shall be allowed, from the date of demolition for a period of 3-years.
- D. Procedure for Applying Penalties.
1. For purposes of this Section, the demolition shall be presumed to have occurred on the date the City has actual knowledge of the demolition. The owner shall have the burden of proving a different date if one is claimed.
  2. The Zoning Administrator shall provide notice by certified mail of the applicability of this Section to the property owner and any other person known to have an interest in the property as soon as practicable after having knowledge that the provisions of this Section are applicable to the subject property. The date the City first had actual knowledge of the demolition shall be stated in the notice.
  3. **The Zoning Administrator's decision may be appealed** pursuant to Chapter 21.25 (Appeals and Calls for Review).
  4. The review authority may grant relief from the requirements of this Section if the following findings are made:
    - a. The violation of this Section did not involve a historic resource, either individually or as a contributor to a district; or
    - b. New construction serves an overriding public benefit and will not be detrimental or injurious to property or improvements in the vicinity of the project site, or to the public health, safety, or general welfare.

## CHAPTER 21.63. MURALS

### 21.63.010. PURPOSE AND APPLICABILITY

The purpose of this Chapter is to allow and encourage through a City registration process the establishment and maintenance of original art murals on private buildings on a content-neutral basis on certain terms and conditions that assure placement and maintenance of such artwork serves the community's long-term industry and aesthetic interests without placing financial burden on the City and/or community.

### 21.63.020. GENERAL REGULATIONS

- A. City Art Mural Policy for Private Buildings. The Director is authorized to implement and administer a City art mural policy for private buildings, as adopted by the City Council by resolution, which establishes requirements for murals on private buildings including but not limited to the following: a neighborhood involvement process, design standards, height and size limitations, and safety requirements. The policy shall also require the applicant to advise the mural artist(s) in writing of the artist's rights pursuant to California law and federal law, including but not limited to California Civil Code Section 987, the California Art Preservation Act ("CAPA"), and the Visual Artist's Rights Act of 1990 ("VARA") as codified within the Copyright Act of 1976, 17 United States Code (U.S.C.) Section 101, et. seq., as these acts may be amended from time to time.
- B. Original Art Mural on Private Building.
1. Allowed Original Art Murals. An application that meets all the following criteria, and which is not otherwise prohibited by this Chapter, will be allowed:
    - a. Submission of a complete original art mural application, submitted on forms furnished by the Director;
    - b. Compliance with all the requirements of the original art mural policy for private buildings referred to in Subsection 21.63.020.A (City Art Mural Policy for Private Buildings), above, and all requirements of this Zoning Code;
    - c. Certification that the mural will remain in place, without alteration, for a minimum period of 5 years, except in limited circumstances as may be specified in an original mural art on private buildings policy, and further that the applicant agrees to maintain the mural in place in good condition during the life of the original mural art;
    - d. Location of the mural within the Uptown/Town Center Specific Plan area adopted by the City Council, as it may be amended from time to time; and
    - e. Payment of any registration fee required by this Chapter or the art mural policy for private buildings.
  2. Prohibited Original Art Murals. The following original art murals are prohibited:
    - a. Murals on residential buildings with fewer than 5 dwelling units;
    - b. Murals in or on a public right-of-way;

- c. Murals on buildings regulated by Chapter 21.62 (Historic Preservation) unless a Certificate of Appropriateness (Paragraph 21.62.080.A.6) has been approved by the City Council;
- d. Murals for which compensation is given or received for the display of the mural or for the right to place the mural on another's property. The applicant shall certify in the permit application that no compensation will be given or received for the display of the mural or the right to place the mural on the property; and
- e. Murals which would result in a property becoming out of compliance with the provisions of this Title or land use conditions of approval for the development on which the mural is to be located.

### 21.63.030. NEIGHBORHOOD INVOLVEMENT

- A. Community Meeting Required. Applicants seeking to register an original art mural with the City shall conduct a noticed community meeting on the mural proposal at which time interested members of the public may review and comment upon it.
- B. Mailed Notice. Postmarked at least 10 calendar days before the date of the community meeting, the Zoning Administrator shall provide notice by First Class mail delivery to:
  - 1. The applicant for the proposal in question and the owner of the subject property; and
  - 2. The owners and occupants of all real property within 300 feet of the site of the proposal in question;
- C. Community Meeting Complete. No original Art Mural Registration Certificate shall be issued until the applicant certifies that he or she has completed the required neighborhood involvement process. This is a process requirement only and an original Art Mural Registration Certificate will not be granted or denied based upon the content of the mural.

### 21.63.040. REGISTRATION

- A. Vintage Art mural Registration. Murals created prior to October 2, 2018 and which received approval through a City-approved process that offered an opportunity for public input may be registered as a vintage original art mural, subject to completing a vintage original art mural application and paying a registration fee, if applicable.
- B. Art Mural Registration Fee. The City Council may adopt a resolution authorizing a fee to register with the City an original or vintage art mural. Such fees shall not exceed the actual costs of administration of the original and vintage art mural registration process.

### 21.63.050. VIOLATIONS

An unregistered mural is considered an illegal sign and will be enforced in accordance with this Zoning Code. Further, City registration of an original art mural or vintage art mural does not exempt the applicant and/or building owner from complying with any other applicable requirements of the Paso Robles Municipal Code.

## CHAPTER 21.64. SHORT-TERM RENTALS

### 21.64.010. SCOPE, PURPOSE, AND FINDINGS

- A. The purpose of this Chapter is to document the procedures and regulations that govern the application for, and the issuance and implementation of, permits for the operation of any short-term rental use within the City.
- B. The City Council hereby finds that unregulated transient occupancy uses in residential and non-residential zoning districts present a threat to the public welfare relating to compatibility with residential uses and preservation of the character of the neighborhoods in which they are located.
- C. The City Council hereby finds that the adoption of a comprehensive ordinance regulating the issuance of and operating conditions attached to Short-Term Rental Permits is necessary to protect the public health, safety and welfare. The purpose of this Chapter is to provide a permit system and to impose operational requirements to minimize the potential adverse impacts to surrounding neighbors of transient uses in residential neighborhoods and zoning districts, such as traffic congestion, street parking, and noise, and to ensure the health, safety, and welfare of renters and guests patronizing short-term rentals.
- D. The provisions of this Chapter will also benefit the public welfare by providing an additional source of revenue to the City, as operators of short-term rentals are required to pay transient occupancy tax to the City, which will offset some of the additional costs of providing services to the renters.
- E. The City Council hereby finds that the City's regulation of short-term rental uses in accordance with this Chapter is a valid exercise of the City's police power in furtherance of the legitimate governmental interests documented in this Chapter.
- F. The City Council hereby finds that short-term rentals are an allowable accessory use to legally permitted, existing residential dwellings within all zoning districts subject to the regulations of this Code section, applicable Council resolutions, and other sections of this Code.

### 21.64.020. DEFINITIONS

The following terms, as used in this Chapter, shall have the meanings prescribed.

"Applicant" means any person, firm, partnership, association, joint venture, corporation, or an entity, combination of entities or consortium, who seeks or seek approval of a Short-Term Rental Permit under the authority of this Chapter.

"Authorized agent" means the person specifically authorized by an owner, in writing, to represent and act on behalf of the owner and to act as an operator, manager and contact person of a non-hosted accommodation, and, along with the owner, to provide and receive any notices identified in this chapter on behalf of the owner.

"Bed and breakfast". See Section 21.91.030 ("**B** Definitions).

"Bedroom" means any habitable room with no less than 70 square feet of floor area and no dimension less than 7 feet, in a dwelling, with at least 1 wall located along an exterior wall with a window that can be used for emergency egress, and equipped with ventilation, heating, smoke detector and carbon monoxide detector. Egress window requirements shall be based on the California Building Code requirements at the time of original construction of the room.

"Director" means the Director of Community Development of the City, or a designee of the Community Development Director or City Manager.

"Enforcement officer" means the Director, Chief Building Official, Fire Marshal, City Manager, or any other City employee designated by the Director or City Manager to enforce this Chapter.

"Good neighbor brochure" means a handbook prepared by the City regarding the general rules of conduct to be followed by renters and applicable provisions of this Code.

"Guest" means an invitee of a renter or other person visiting a renter of a short-term rental unit who does not rent the unit.

"Homeshare" means a short-term rental structure in which the owner both resides and remains during the time a renter is occupying the short-term rental unit. This can include an accessory dwelling unit (ADU) located on the same parcel as with the primary residence occupied by the owner. As a homeshare, the owner may be absent from the property during the time a renter is occupying the short-term rental unit for a maximum of 30 days within any calendar year, only if an authorized agent has been designated and provided to the City to respond to complaints as required in Section 21.64.050 (Short-Term Rental Hotline).

"Hotline" means the telephonic service maintained by the City for the purpose of receiving complaints regarding the operation of any short-term rental.

"Hotline contact" means the person designated on the permit who shall be available by telephone 24 hours a day, 7 days a week during the entire time a short-term rental property is occupied by a renter.

"Non-hosted accommodation" means a short-term rental structure that is not occupied by either the owner or an authorized agent while it is being occupied by a renter. A non-hosted accommodation permit may operate as a homeshare, but not the converse.

"Owner" means the person or entity holding fee title to the real property that is the subject of a Short-Term Rental Permit.

"Permit" means the permit issued by the City, in accordance with the procedures set forth in this Chapter, allowing an owner or authorized agent to rent a short-term rental unit at the specified location.

"Permittee" means the person or entity to whom a permit is issued pursuant to this Chapter.

"Renter" means a person, not an owner or authorized agent, renting or occupying a short-term rental property for fewer than 28 days in accordance with the terms of this Chapter. For purposes of Chapter 3.26 (Transient Occupancy Tax), "renter" shall have the same meaning as "transient," as defined in Section 3.26.020 (Definitions).

"Short-term rental" means any habitable structure constructed for residential occupancy under the California Building Code for which a rental contract for occupancy has been made for a term of 27 days or fewer and which the short-term rental use is permitted to operate, pursuant to a current and valid permit on file with the City. Short-term rentals include both homeshares and non-hosted accommodations.

**"Zoning Administrator" means** the Community Development Director of the City, or a designee of the Community Development Director or City Manager.

**21.64.030. PERMIT REQUIREMENTS**

- A. No owner may operate, or allow a subject property to be operated, as a short-term rental unless and until it has been issued:
  - 1. A permit issued by the City in accordance with Chapter 21.64 (Short-Term Rentals).
  - 2. A Business License tax certificate, pursuant to Chapter 3.28 (Business License Tax) of this Code. Together, the owner and owner’s authorized agent shall be responsible for applying for and for renewing the Business License tax certificate and the permit.
- B. All Short-Term Rental Permits shall be consistent with Table 21.64.030-1 (Short-Term Rental Permitting Table) and Table 21.64.030-2 (Non-Hosted Accommodation Separation Requirement).

Table 21.64.030-1 Short-Term Rental Permitting Table

Rental type	Homeshare permit	Non-hosted accommodation permit
Short-term rental	Short-Term Rental Permit may be issued for the following: <ul style="list-style-type: none"> <li>• Primary dwelling</li> <li>• Second units</li> <li>• Guest houses</li> <li>• Multi-family residential apartments</li> <li>• Residential portions of mixed use structures</li> </ul> Interpretations: 1. A maximum of 2 homeshare Short-Term Rental Permits will be issued per legal parcel in the R-1 Zoning District	Short-Term Rental Permit may be issued for the following: <ul style="list-style-type: none"> <li>• Primary dwelling</li> <li>• Second unit</li> <li>• Residential portions of mixed-use structures consistent with interpretation (2).</li> </ul> Interpretations: 1. Multi-family residential apartment units (four or more dwellings per lot) may not be used as non-hosted short-term rentals. 2. No more than 2 non-hosted Short-Term Rental Permits will be issued per legal parcel.
Bed and breakfast—Food service	Conditional Use Permit and County Environmental Health Permit	Not permitted

- C. No Short-Term Rental Permit for a non-hosted accommodation shall be issued in conflict with Table 21.64.030-2 (Non-Hosted Accommodation Separation Requirement), except for:
  - 1. Permit applicants in possession of a valid short-term rental business license, with an application submitted date on or before July 16, 2019 shall be exempt from the numeric requirements for purposes of permit issuance.
  - 2. Homeshare permits are not subject to the separation requirement.

Table 21.64.030-2 Non-Hosted Accommodation Separation Requirement

Zoning district	Minimum separation distance	Interpretation
R-1 Single-Family Residential	100 feet	1. Measured from perimeter of property line. 2. Does not apply to a second Short-Term Rental Permit on the same lot.
All other zoning districts	0 feet	No separation requirement

- D. The application form for a permit shall be available from the Community Development Department. A separate permit application is required for each rental address or individual rental unit. The owner (for a homeshare permit) or the owner and registered authorized agent (for a non-hosted accommodation permit) shall be required to provide, maintain, and keep current the following information on the permit application:
1. Name and contact information (including home/business telephone numbers, mobile phone numbers, email address, and permanent mailing address) of the owner and authorized agent, if any, of the short-term rental property.
  2. Identification of whether the short-term rental is a homeshare and/or non-hosted accommodation.
  3. Address of the short-term rental property.
  4. Floor plan (to scale) showing all interior rooms and location of each bedroom with number of beds (including sofa beds or hide-a-beds) to be rented as part of the short-term rental and approximate square footage in the short-term rental property, and the maximum number of overnight renters, subject to the limitations set forth in Subsection 21.64.030.E (Permit Application Process) below.
  5. Site plan showing entire property on which short-term rental unit is located, including the power panel disconnect, house water main valve, number and location of designated on-site parking spaces available (including garage parking) for use by renter(s), and storage location of trash containers and scheduled day for trash pickup.
  6. Evidence satisfactory to the City that each bedroom meets all local building and safety code requirements.
  7. Acknowledgement that the owner, and the authorized agent, if any, has read all regulations pertaining to the operation of a short-term rental, including this Chapter, the City's business license tax requirements (Chapter 3.28), the City's transient occupancy tax requirements (Chapter 3.26), City Council Resolution 17-082 creating the Paso Robles Tourism Improvement District and agreement to pay the required assessments thereunder, the San Luis Obispo County Visitors and Conference Bureau (dba Visit SLO CAL) and agreement to pay the required assessments thereunder, and to comply with any additional administrative regulations promulgated by the Director to implement this Chapter.
  8. The name and all forms of contact information of the registered contact person (who may be the owner or the authorized agent, if any) who shall be available by telephone 24 hours a day, 7 days a week, and who shall be able to respond within thirty minutes of receipt of a complaint while the short-term rental property is occupied by a renter.
  9. Any other information as the Director deems reasonably necessary to administer this Chapter.
  10. Acknowledgement and agreement that any and all use of the property for short-term rental shall cease upon transfer of the property, expiration of the permit, or revocation of the permit, pursuant to Section 21.64.060 (Enforcement).
  11. Agreement to hold harmless, indemnify, and defend the City against any claims or litigation arising from the issuance or revocation of the permit.
  12. Agreement to pay any costs to enforce the conditions of the permit, including, but not limited to any City authority response to verified nuisance complaints, or inspections of the short-term rental property.

13. Certification under penalty of perjury as to the accuracy of the information provided on the permit application and agreement to comply with all conditions of the permit and this Chapter.
- E. Permit Application Process.
1. Processing Fee. The City Council, by resolution, shall specify from time to time, in its master fee schedule, the amount of the permit application and processing fee, based upon the City's reasonable estimated costs for processing and reviewing the permit application materials and maintaining the hotline. The permit application and processing fee shall be non-refundable.
  2. Numeric Limits on the Processing and Issuance of Short-Term Rental Permits. The City Council, by resolution, may adopt procedures to implement permit issuance, including the establishment of application periods, waitlists, and/or grace periods for applicants already in possession of valid short-term rental business licenses, and may limit the total number of Short-Term Rental Permits available for issuance.
  3. Review. Upon review of the materials submitted with the permit application, the Director shall determine whether a permit will be issued or the application is incomplete and notify the applicant within 60 days. If the Director determines that the permit may be issued upon compliance with certain conditions, the Director shall notify the applicant in writing of the nature of the conditions that shall be satisfied in order to receive a permit. If the Director determines that the permit should be denied, the Director shall notify the applicant in writing of the reasons for the denial. The decision of the Director may be appealed to the Planning Commission pursuant to the procedures set forth in Chapter 21.25 (Appeals and Calls for Review).
  4. Permit Renewal. No earlier than 12 months and at least 60 days prior to the expiration of a permit, the owner and the authorized agent, if any, of a short-term rental shall submit an application to renew the permit on a form available from the City, along with a renewal fee in an amount to be established by resolution of the City Council in the City's master fee schedule. The owner or authorized agent shall identify any notice of violation or concern (including any compliance or citation issued by the City) issued for the short-term rental use during the permit term and shall document how the violation or concern has been addressed. If the Director determines that any past violation or concern has not been adequately addressed, or that a history of past violations is detrimental to the public health, safety, or welfare, the Director may determine that the permit is ineligible for renewal for a period of 12 months. The applicant or any interested person may appeal the decision of the Director to the Planning Commission pursuant to the procedures set forth in Chapter 21.25 (Appeals and Calls for Review).
  5. Permit Transfer Prohibited. No permittee shall transfer, or attempt to transfer, a permit to any other person.
  6. Exceptions: Short-term Rental Permits may be transferred to a new owner in the TC-1 and TC-2 Zoning Districts (uptown/town center specific plan) and any other "T" zoning districts.
- F. Permit Conditions. Each permit issued pursuant to this Chapter shall be subject to all of the following conditions:
1. The term of each permit issued pursuant to this Chapter shall be for 3 years. Upon the expiration or lapse of any permit, it shall be of no further force or effect.
  2. A copy of the permit and good neighbor brochure shall be posted in a prominent location inside the short-term rental unit.



3. The permittee shall require any renter to sign an agreement acknowledging receipt of the good neighbor brochure and agreement to comply with its terms. If the rental is through a third party hosted on-line platform, the permittee shall require the third party to provide an on-line link to the good neighbor brochure and a mechanism by which a renter shall provide an acknowledgement of receipt of the good neighbor brochure and agreement to comply with its terms.
4. The permittee shall require renters to utilize the designated on-site parking spaces, to the maximum extent possible.
5. The permittee shall limit:
  - a. Parking on public streets;
  - b. Overnight occupancy; and
  - c. Daytime guests of the short-term rental property to the numbers specified in the following table:

Table 21.64.030-3 Short-Term Rental Parking and Occupancy Limits

# of bedrooms	Minimum on-site parking	Total # of overnight occupants (9:00 P.M. to 7:00 A.M.)	Maximum # of daytime occupants (7:00 A.M. to 9:00 P.M.)
0/1 bedrooms	1	2	6
2 bedrooms	2	4	8
3 bedrooms	3	6	10
4 bedrooms	4	8	12
5 bedrooms	5	10	14

Exceptions to Table 21.64.030-2 (Short-Term Rental Parking and Occupancy Limits):

- (1) The Director may approve exceptions to the parking requirements for short-term rentals with existing, non-conforming on-site parking deficiencies in all zoning districts.
  - (2) Children 2 years of age and under are not counted as occupants.
6. The permittee shall provide access to the garage of the short-term rental if the garage has been included in the determination of the number of available on-site parking spaces.
  7. It is the intent of the City to enforce sections of the Streets and Highways Code related to the provision for emergency vehicle access. Accordingly, no limousine or bus parking, and no stopping without the driver's presence, shall be allowed in any manner that would interfere with emergency vehicle access. In the event of an emergency, the vehicle driver shall immediately move the vehicle from the emergency vehicle access area.
  8. The permittee shall provide appropriate refuse and recycling service for the short-term rental property. Property shall be free of debris both onsite and in the street. Refuse and recycling cans shall be maintained in a clean and sanitary condition, stored in the approved onsite location, moved to the pickup location no more than 24 hours prior to trash pickup, and returned to storage no more than 24 hours after pickup.

9. The permittee shall post in a conspicuous interior location near the entry door, an informational sign for renters with important notices, rules, and regulations; immediate contact information for owner/agent, police, and emergency services; hotline telephone number; emergency procedures; site address; maximum allowed number of permitted overnight renters, daytime occupants, and vehicles; neighborhood quiet time regulations; and trash pickup instructions and trash pickup days.
  10. The permittee shall ensure that the renters and/or guests of the short-term rental property do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this Code, including but not limited to any City noise regulations including Chapter 9.07 (Prohibited Conduct).
  11. The permittee shall, upon notification that renters and/or guests of the short-term rental property have violated any permit conditions (including any unreasonable noise or disturbances, disorderly conduct, or violations of this Code or State law), promptly act to stop the violator(s) and prevent a recurrence of the violation, provided, however, that the City does not intend to authorize, and the City does not authorize, the permittee to act as a peace officer or place himself or herself in harm's way.
  12. The permittee shall not allow the short-term rental property to be used for any gathering where the number of persons will exceed the permitted daytime occupancy limits, as set forth in this Section, unless an approved City use permit for a special event has been obtained.
  13. The owner or authorized agent shall be available to respond to any nuisance complaints within 30 minutes, at all times when the short-term rental is rented, twenty-four hours a day.
  14. The permittee shall allow the City, upon 24-hour notice from the City, to inspect, with cause, the short-term rental for compliance with the requirements of this Chapter. Permittee shall pay an inspection fee in an amount set by the City Council by resolution for the City's master fee schedule based on the estimated reasonable cost to perform the inspection.
  15. Within 10 days of permit issuance, the owner or agent shall notify all neighbors, within 100 feet of the perimeter of the property, that a Short-Term Rental Permit has been obtained. Notification will include a copy of the good neighbor brochure and the owner's name and phone number.
- G. Rental Agreements. The permittee shall enter into a written rental agreement with the renter of any short-term rental property, or shall enter into an agreement provided by a third party hosted on-line platform, which agreement shall, at a minimum, include the following:
1. The name, address, mobile phone, text, and email address of the renter.
  2. The terms and conditions of the rental agreement, including occupancy limits, noise prohibitions and vehicle parking requirements.
  3. Acknowledgment by the renter that he or she is legally responsible for compliance by all occupants of the short-term rental and any guests with the conditions of this Section and the terms of the rental agreement.
  4. Acknowledgment by the renter of receipt of a copy of the good neighbor brochure.
  5. Acknowledgment and agreement that the City may inspect the short-term rental property, for cause, upon 24 hours' notice.

**21.64.040. OCCUPANCY AND GUEST LIMITS FOR SHORT-TERM RENTALS**

The number of overnight occupants and guests for each short-term rental property shall be limited in accordance with Table 21.64.030-2 (Non-Hosted Accommodation Separation Requirement) and State law, based on the number of bedrooms identified in the Short-Term Rental Permit.

**21.64.050. SHORT-TERM RENTAL HOTLINE**

- A. The City shall establish and maintain a non-emergency hotline telephone number for the express purpose of receiving complaints regarding the operation of any short-term rental property, and forwarding those complaints to both the owner and authorized agent, if any, for that short-term rental property for immediate resolution of the complaint, and/or, if necessary, to the Paso Robles Police Department if the complaint has not been resolved. Owner/authorized agent will be responsible for paying any and all City costs incurred in response to the complaint. The hotline number and the City complaint policy shall be included in all permits, the good neighbor brochure, and in all rental agreements for all short-term rental properties. In addition, the City shall post the hotline number on the City website.
- B. The City/hotline shall maintain a record of complaints received on the hotline that shall include the following information:
1. Date and time of complaint;
  2. Nature of complaint;
  3. Address of the short-term rental property that is the subject of the complaint;
  4. Complainant's name, address, and contact information;
  5. Actions taken by the hotline attendant in response to the complaint including, but not limited to: persons contacted, including law enforcement, if applicable, and date and time of actions taken in response to complaint; and
  6. Corrective action taken by owner/authorized agent in response to complaint.
- C. Hotline Response.
1. The owner or authorized agent shall resolve the complaint within 30 minutes of being notified of a complaint by the hotline.
  2. The owner or authorized agent shall notify the hotline attendant of the corrective action taken and results obtained within thirty minutes of being notified of a complaint by the hotline.
  3. If the owner or authorized agent believes the situation is unsafe, they shall immediately contact the Police Department for assistance. Proactively contacting the Police Department for assistance will not be counted as a permit violation.

**21.64.060. ENFORCEMENT**

- A. Revocation of Permit. Any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor. At any time during the term of permit, the Director is authorized to initiate proceedings to revoke a permit (or pursue any other remedy set forth in Title 1 (General Provisions) of this Code), if the Director determines in his or her discretion that:

1. The permittee provided materially false or misleading information in any submittal required under this Chapter; or
2. The permittee has committed a total of 3 violations of a combination of any of the violations specified in Subsection 21.64.060.B (Cause for Revocation for Non-Renewal of a Permit) below within a 12-month period; or
3. The permittee fails to maintain an active Business License tax certificate per Chapter 3.28.

In the event the Zoning Administrator determines that any of the conditions described above exists, the Director is authorized to issue an order specifying the violations to be cured. If the permittee fails to cure the violations identified in the order within the time period specified, the Director may pursue any of the remedies set forth in Title 1 of the Paso Robles Municipal Code, including but not limited to the issuance of administrative citations, revocation of permit, criminal prosecution, and/or civil action. The City Council may, by resolution, establish escalating administrative fines for violations of this Chapter. The applicant or any interested person may appeal the decision of the Zoning Administrator to the Planning Commission pursuant to the procedures set forth in Chapter 21.25 (Appeals and Calls for Review).

B. Cause for Revocation or Non-Renewal of a Permit.

1. Failure to remit required fees and taxes.
2. Attempt to transfer the permit to another owner.
3. Operation for other than the specific purpose of the property as a short-term rental including, but not limited to:
  - a. Criminal activity, habitual public nuisance, or serial violation of the ordinance take place at, on, or with respect to the short-term rental property.
  - b. Keeping of a disorderly place; that is, the ownership and/or management of any property purported to be a short-term rental where unlawful practices regularly occur will result in the loss of the Short-Term Rental Permit.
4. Operation of the property for other than the specific purpose of a short-term rental including but not limited to allowing or taking part in dealing of controlled substances, gambling, pandering, or prostitution, or sub-letting for such illegal use or uses.
5. Keeping of a disorderly place, defined as 1 or more criminal complaints verified within a 12-month period or 2 or more complaints requiring law enforcement response, also within 12-month period.
6. The property constitutes a public nuisance pursuant to Section 9.06.030 (Nuisances) of this Code. In addition to any other remedy allowed by law, the City may enforce the provisions of this Chapter through the provisions Chapter 9.06 (Nuisance Abatement) of this Code, including civil, criminal, and administrative abatement proceedings, administrative citations, and penalties.
7. Failing to comply with regulations specified (by written notice) all related corrective measures within a 30-day period.
8. Advertising the short-term rental and purposely not including in the advertisement display the Short-Term Rental Permit identification.
9. Failure to comply with the short-term rental occupancy and parking requirements.

10. Failure to maintain solid waste and recycling consistent with short-term rental requirements.
- C. Operating Without a Permit. Operating a short-term rental without a permit is a violation of this Code and any person operating a short-term rental without a permit is guilty of a misdemeanor subject to the enforcement process and a fine of not more than \$1,000. Each owner and/or authorized agent is guilty of a separate offense for each and every day during any portion of which the violation of this Chapter or any rule or regulation promulgated there under is continued.
- D. Pursuant to California Government Code Section 38771, the City Council hereby declares the following condition to constitute a public nuisance: operating and/or maintaining a short-term rental without a valid permit.
- E. The penalties in this Chapter are in addition to, and not in lieu of, any other available remedy at law. All remedies prescribed under this Chapter shall be cumulative and the election of 1 or more remedies shall not bar the City from the pursuit of any other remedy for the purpose of enforcing the provisions hereof or in the abatement of any public nuisance.

## CHAPTER 21.65. URBAN DWELLING UNITS

### 21.65.010. PURPOSE.

The purpose of this section is to allow and appropriately regulate urban dwelling units in accordance with California Government Code Section 65852.21.

### 21.65.020. DEFINITION.

An "urban dwelling unit" means the definition listed in Section 21.91.220 ("**U**" Definitions).

### 21.65.030. APPLICATION.

- A. Only individual property owners may apply for an urban dwelling unit. "Individual property owner" means a natural person holding fee title individually or jointly in the person's own name or a beneficiary of a trust that holds fee title. "Individual property owner" does not include any corporation or corporate person of any kind (partnership, LP, LLC, C corp, S corp, etc.) except for a community land trust (as defined by California Revenue and Tax Code Section 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by Section 214.15).
- B. An application for an urban dwelling unit shall be submitted on the City's approved form and shall include information showing compliance with the applicable standards contained within this Code.
- C. When determined necessary by the Zoning Administrator, the applicant shall obtain a Certificate of Compliance for the lot in conformance with the Subdivision Map Act.
- D. Only a complete application will be considered. The City shall inform the applicant in writing of any incompleteness within 30 days after the application is submitted.
- E. The City may establish a fee to recover its costs for adopting, implementing, and enforcing this Chapter of the Code, in accordance with applicable law. The City Council may establish and change the fee by resolution. The fee shall be paid with the application.
- F. Other sections of this Code are applicable to the extent they:

1. Are objective;
  2. Avoid physically precluding a primary dwelling unit and urban dwelling unit least 800 square feet in floor area each; and
  3. Do not conflict with Chapter 21.65 (Urban Dwelling Units).
- G. In the event of a conflict, the provisions of Chapter 21.65 (Urban Dwelling Units) control.

#### 21.65.040. APPROVAL.

- A. An application for an urban dwelling unit shall be approved or denied ministerially, by the Zoning Administrator, without discretionary review. Requirements for urban dwelling units may not be modified with an applications for Site Plan Modifications (Section 21.17.020) or Development Plan Modifications (Section 21.16.020).
- B. The ministerial approval of an urban dwelling unit shall not take effect until the City has confirmed that the required documents have been recorded, such as the deed restriction and easements.
- C. The approval shall require the owner and applicant to hold the City harmless from all claims and damages related to the approval and its subject matter.
- D. The approval shall require the owner and applicant to reimburse the City for all costs of enforcement, including attorneys' fees and costs associated with enforcing the requirements of this Code.

#### 21.65.050. REQUIREMENTS.

An urban dwelling unit project shall satisfy each of the following requirements:

- A. Map Act Compliance. The lot shall have been legally subdivided.
- B. Zoning District. Urban dwelling units are allowed in the R-1 Zoning District.
- C. Lot Location.
  1. The lot shall not be located on a site that is any of the following described by any of the subparagraphs of California Government Code Section 65913.4(a)(6)(B)—(K), as may be amended from time to time:
    - a. Prime farmland, farmland of statewide importance, or land that is zoned or designated for agricultural protection or preservation by the voters.
    - b. A wetland.
    - c. Within a very high fire hazard severity zone, unless the site complies with all fire-hazard mitigation measures required by existing building standards.
    - d. A hazardous waste site that has not been cleared for residential use.
    - e. Within a delineated earthquake fault zone, unless all development on the site complies with applicable seismic protection Building Code standards.
    - f. Within a 100-year flood hazard area, unless the site either:

- (1) Has been subject to a letter of map revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction, or
  - (2) Meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program and Chapter 21.80 (Floodplain Management) of this Code.
- g. Within a regulatory floodway, unless all development on the site has received a no-rise certification and is in compliance with City's flood plain ordinance (Chapter 21.80).
  - h. Land identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan.
  - i. Habitat for protected species.
  - j. Land under conservation easement.
- D. Not Historic. The parcel shall not contain a structure listed on the City's historic resources inventory, be a historic property, or be within a historic district that is included on the State historic resources inventory. Nor may the parcel be or be within a site that is designated by ordinance as a City or County landmark or as a historic property or district.
- E. No Impact on Protected Housing. The urban dwelling unit project shall not require or include the demolition or alteration of any of the following types of housing:
- 1. Housing that is income-restricted for households of moderate, low, or very low income.
  - 2. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its policy power.
  - 3. Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (California Government Code Sections 7060—7060.7) at any time in the 15 years prior to submission of the urban lot split application.
  - 4. Housing that has been occupied by a tenant in the last 3 years. The applicant and the owner of a property for which an urban dwelling unit is sought shall provide a sworn statement as to this fact with the application for the parcel map. The City may conduct its own inquiries and investigation to ascertain the veracity of the sworn statement, including but not limited to, surveying owners of nearby properties; and the City may require additional evidence of the applicant and owner as necessary to determine compliance with this requirement.
- F. Unit Standards.
- 1. Quantity.
    - a. No more than 2 dwelling units of any kind may be built on a lot that results from an Urban Lot Split (Chapter 22.34). For purposes of this paragraph, "unit" means any dwelling unit, including, but not limited to, a primary dwelling unit, an ADU, or a JADU.
    - b. A lot that is not created by an urban lot split may have a primary dwelling unit, urban dwelling unit, plus any ADU or JADU that is allowed under State law and Chapter 21.58 (Accessory Dwelling Units).

2. Unit Size.
  - a. The total floor area of an urban dwelling unit that is developed under this Chapter shall be a minimum of 800 square feet of conditioned living space.
  - b. No application of a development standard shall physically preclude the construction of up to two 800-square foot units on the lot. When necessary, development standards shall be modified by the Zoning Administrator in the following order and only as necessary to enable the construction of two 800 square-foot units:
    - (1) Maximum lot coverage (see Table 21.33.030-1 [Development Standards for R-A, R-1 and R-1 Combining Districts]);
    - (2) Structure separation (see Table 21.33.030-1 [Development Standards for R-A, R-1 and R-1 Combining Districts]);
    - (3) Open space;
    - (4) Height;
    - (5) Rear and side setbacks;
    - (6) Front setback;
    - (7) Oak tree preservation (Chapter 10.01).
  
3. Height and Setback Restrictions.
  - a. Existing structures. No setback is required for an existing legally established structure that is converted into an urban dwelling unit or for a new urban dwelling unit that is constructed in the same location and to the same dimensions as an existing legally established structure.
  - b. Urban dwelling units shall conform to the front setback for a primary dwelling unit in the applicable zoning district (see Table 21.33.030-1 [Development Standards for R-A, R-1 and R-1 Combining Districts]).
  - c. Urban dwelling units shall be limited to the side and rear setback and height combinations listed in Table 21.65.050-1 (Allowed Urban Dwelling Unit Height / Setback Combinations).

Table 21.65.050-1: Allowed Urban Dwelling Unit Side and Rear Setback / Height Combinations

Minimum Side and Rear Setbacks	Maximum Height
No less than 4 feet	16 feet and one story
No less than the setback requirements for a primary residence in the applicable zoning district (see Table 21.33.030-1 [Development Standards for R-A, R-1 and R-1 Combining Districts])	The maximum height allowed for a primary residence in the applicable zoning district (see Table 21.33.030-1 [Development Standards for R-A, R-1 and R-1 Combining Districts])

- d. No rooftop deck is permitted on any new or remodeled dwelling or structure on a lot with a urban dwelling unit.



4. Demolition Cap. The urban dwelling unit project may not involve the demolition of more than 25 percent of the existing exterior walls of an existing dwelling unless the site has not been occupied by a tenant in the last 3 years.
5. Open Space. All lots shall provide a usable, unobstructed natural or manufactured (graded) area 10 feet in depth for each dwelling unit. "Usable" means that the slope is not more than 5 percent. Where a residential building is designed to be built into existing natural slopes, this requirement may be met by providing either a five-foot wide usable manufactured area no less than the full width of a dwelling unit, or a deck a minimum of 10 feet in depth and no less than the full width of a dwelling unit.
6. Parking. Each new primary dwelling unit or urban dwelling unit shall have at least 1 covered, off-street parking space per unit unless a parking space shall not be imposed by the City pursuant to California Government Code Section 66314(d)(10).
7. Architecture.
  - a. If there is a legal primary dwelling on the lot that was established before the urban dwelling unit, the urban dwelling unit shall match the existing primary dwelling unit in exterior materials, color, and dominant roof pitch. The dominant roof slope is the slope shared by the largest portion of the roof.
  - b. If there is no legal primary dwelling on the lot before the urban dwelling unit, the primary dwelling unit and urban dwelling unit shall match each other in exterior materials, color, and dominant roof pitch. The dominant roof slope is the slope shared by the largest portion of the roof.
  - c. The urban dwelling unit and any primary dwelling unit built at the same time as the urban dwelling unit shall use at least 5 of the following architectural features on all front and any street side elevations and at least 3 of the following architectural features on all interior side and rear yard elevations, as appropriate for the building type and style:
    - (1) Dormers;
    - (2) Gables;
    - (3) Recessed entries;
    - (4) Covered porch entries;
    - (5) Cupolas or towers;
    - (6) Pillars or posts;
    - (7) Eaves (minimum six-inch projection);
    - (8) Off-sets in building face or roof (minimum 16 inches);
    - (9) Window trim;
    - (10) Bay or oriel windows;
    - (11) Balconies;

- (12) Decorative patterns on exterior finishes (for instance, scales/shingles, wainscoting, ornamentation, and similar features); and
    - (13) Decorative cornices and roof lines.
  - d. All exterior lighting shall be limited to down-lights that are shielded so that the light source is not visible from off-site. Shielding shall be at least 2 inches in dimension.
  - e. No window or glass door of a dwelling that is constructed on the lot may have a direct line of sight to an adjoining residential window within 10 feet. Fencing, landscaping, or privacy glass (such as frosted glass) may be used to provide screening and prevent a direct line of sight.
- 8. Nonconforming Conditions. An urban dwelling unit may only be approved if all nonconforming zoning conditions are corrected.
- 9. Frontage Improvements. Frontage improvements for an urban dwelling unit shall be required to the extent applicable and consistent with State law and in conformance with Section 11.12.030 (Required Frontage Improvements—Curb, Gutter, Sidewalk, Curb Ramps, Driveway Aprons, Street and Alley Paving). Frontage improvements shall be constructed, prior to final occupancy of the first dwelling unit (primary or urban dwelling unit) constructed after application for an urban dwelling unit.
- 10. Utilities.
  - a. Each primary dwelling unit and urban dwelling unit on the lot shall have its own direct utility connection to each utility service provider.
  - b. Urban dwelling units shall be served by the City sewer system when reasonably available as specified in Section 14.08.270 (Permit for Septic System). For urban dwelling units where the sewer is not available, a private wastewater system shall meet the requirements of Article III (Private Wastewater Systems) of Chapter 14.08 (Sewerage System Operations) and the Onsite Wastewater Treatment System (OWTS) Policy of the California Regional Water Quality Control Board. A percolation test shall be completed within the last 5 years or, if the percolation test has been recertified by a licensed civil engineer, within the last 10 years.
  - c. Urban dwelling units shall be served by City water.
  - d. Building and Safety. All structures built on the lot shall comply with all current local building standards. A project under this Chapter is a change of use and subjects the whole of the lot, and all structures, to the City's current Code.
- 11. Slope. Urban dwelling units are subject to the objective standards for Hillside Development (Chapter 21.81).
- G. Fire-Hazard Mitigation Measures.
  - 1. All dwellings on the site must comply with current Building and Fire Code requirements for dwellings in a very high fire hazard severity zone.
  - 2. Prior to submitting an application for an urban lot split, the applicant must obtain a Certificate of Compliance with all applicable fire-hazard mitigation measures in accordance with this subpart.

The City or its authorized agent must inspect the site, including all structures on the site, and certify as to its compliance. The certificate must be included with the application. The applicant must pay the City's costs for inspection. Failure to pay is grounds for denying the application.

H. Separate Conveyance.

1. The dwelling units on the lot may not be owned or conveyed separately from each other.
2. Condominium airspace divisions and common interest developments are not permitted within the lot.
3. All fee interest in the lot and all the dwellings must be held equally and undivided by all individual property owners.

I. Regulation of Uses.

1. Residential-only. No non-residential use is permitted on the lot.
2. No Short-Term Rentals. No dwelling unit on the lot may be rented for a period of less than 30 days.
3. Owner Occupancy. Unless the lot was formed by an urban lot split (Chapter 22.34), the individual property owners of a lot with an urban dwelling unit shall occupy 1 of the dwellings on the lot as the owners' principal residence and legal domicile.

J. Notice of Construction.

1. At least 30 business days before starting any construction of an urban dwelling unit, the property owner shall give written notice to all the tenants and owners of record of each of the adjacent residential parcels, which notice shall include the following information:
  - a. Notice that construction has been authorized,
  - b. The anticipated start and end dates for construction,
  - c. The allowed hours of construction,
  - d. Contact information for the project manager (for construction-related complaints),
  - e. Contact information for the property owner, and
  - f. Contact information for the Community Development Department.
2. This notice requirement does not confer a right on the noticed persons or on anyone else to comment on the project before permits are issued. Approval is ministerial. Under State law, the City has no discretion in approving or denying a particular project under this Chapter. This notice requirement is purely to promote neighborhood awareness and expectation.

K. Deed Restriction. The owner shall record a deed restriction, acceptable to the City, that does each of the following:

1. Expressly prohibits any rental of any dwelling on the property for a period of less than 30 days.
2. Expressly prohibits any non-residential use of the lot.

3. Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot.
4. If the lot is not created by an Urban Lot Split (Chapter 22.34): expressly requires the individual property owners to live in 1 of the dwelling units on the lot as the owners' primary residence and legal domicile.
5. States that:
  - a. If the lot is formed by an Urban Lot Split it is subject to the City's Urban Lot Split (Chapter 22.34) regulations, including all applicable limits on dwelling size and development standards.
  - b. Development on the lot is limited to development of a primary dwelling unit (Sections 21.33.030 [Development Standards in Single-Family Residential Zoning Districts and 21.33.040 [Additional Development Standards in Single-Family Residential Zoning Districts), Urban Dwelling Unit (Chapter 21.65), and Accessory Dwelling Units (Chapter 21.58) except as otherwise provided or required by State law.

#### 21.65.060. SPECIFIC ADVERSE IMPACTS.

- A. Notwithstanding anything else in this Section, the City may deny an application for an urban dwelling unit if the Building Official makes a written finding, based on a preponderance of the evidence, that the project would have a "specific, adverse impact" on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
- B. "Specific adverse impact" has the same meaning as in California Government Code Section 65589.5(d)(2): "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" and does not include:
  1. Inconsistency with the Zoning Code or general plan land use designation; or
  2. The eligibility to claim a welfare exemption under California Revenue and Taxation Code Section 214(g).
- C. The Building Official may consult with and be assisted by planning staff and others as necessary in making a finding of specific, adverse impact.

#### 21.65.070. REMEDIES.

If an urban dwelling unit violates any part of this Code or any other legal requirement:

- A. The buyer, grantee, or lessee of any part of the property has an action for damages or to void the deed, sale, or contract.
- B. The City may:
  1. Bring an action to enjoin any attempt to sell, lease, or finance the property.
  2. Bring an action for other legal, equitable, or summary remedy, such as declaratory and injunctive relief.

3. Pursue criminal prosecution, punishable by imprisonment in County jail or State prison for up to 1 year, by a fine of up to \$10,000, or both; or a misdemeanor.
4. Record a notice of violation.
5. Withhold any or all future permits and approvals.
6. Pursue all other administrative, legal, or equitable remedies that are allowed by law or this Code.

## CHAPTER 21.66. WIRELESS COMMUNICATIONS FACILITIES

### 21.66.010. PURPOSE AND APPLICABILITY

- A. Intent and Purpose. The purpose of this Chapter is to regulate the installation, operation and maintenance of wireless communications facilities in the City while providing placement, design, and screening criteria to protect the public health, safety, general welfare, and quality of life in the City consistent with applicable Federal and State requirements. Additionally, the standards in this Chapter make wireless communications reasonably available while preserving the visual aesthetics of the community through the promotion of stealthing techniques that architecturally integrate or camouflage wireless communications facilities with their surroundings.
- B. Applicability and Exemptions. The requirements of this Section apply to all wireless communications facilities, except as exempted. The following are exempt from the provisions of this Chapter:
  1. Amateur Radio Antenna. Any antenna, including its support structure, used by an authorized amateur radio operator licensed by the Federal Communications Commission that does not exceed a height of 15 feet above the maximum allowable building height of the zoning district in which it is located. For the purpose of this Section, amateur radio means the licensed non-commercial, non-professional, private use of designated radio bands for purposes of private recreation including the non-commercial exchange of messages and emergency communication. This includes HAM radio and citizens band antenna.
  2. Government Antenna. Any antenna, dish, or similar equipment owned and/or operated by any government entity.
  3. Radio or Television Antenna. Any ground- or building-mounted antenna that receives radio or television signals for use only by owners or occupants of the property or development on which the antenna is located that does not exceed a height of 10 feet above the maximum allowable building height for the zoning district in which the antenna is located.
  4. Satellite Dish Antenna. Ground- or building-mounted dish antenna that is 1 meter (39.37 inches) or less in diameter and is designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals as defined by Section 207 of the Telecommunications Act of 1996, Title 47 of the Code of Federal Regulations, and any interpretive decisions thereof issued by the Federal Communications Commission.
  5. Temporary Facility. Placement of a temporary wireless communications facility for a period of not more than 30 days following Federal, State or City declaration of an emergency or disaster or as part of a City permitted or sponsored special event.
  6. Wi-Fi Routers. Any wireless facilities located within a structure and intended to provide wireless service only within the same structure, including Wi-Fi hotspots and access points.

## 21.66.020. DEFINITIONS

For the purposes of this Chapter, the following terms and phrases have the meaning ascribed to them in this Chapter.

- A. "Co-location" means the same as defined by the Federal Communications Commission in 47 C.F.R. Section 1.40001(b)(2), as may be amended, which defines that term as the mounting or installation of a new wireless communications facility on an eligible support structure that is existing at the time a complete application for the new wireless communications facility is received by the City pursuant to Section 21.66.030 (Permit Requirements). As an illustration and not a limitation, the Federal Communications Commission's definition effectively means **"to add" and does not necessarily refer to more than** one wireless communications facility installed at a single site.
- B. **"Existing wireless communications facility"** means the same as defined by the Federal Communications Commission in 47 C.F.R. Section 1.40001(b)(4), as may be amended, which provides that a constructed wireless communications facility that has been reviewed and approved under the applicable zoning and permitting process or is legal nonconforming pursuant to Section 21.74.020 (Establishment of Legal Nonconforming Status).
- C. **"Freestanding wireless communications facility" means** a freestanding antenna support structure erected to support wireless communication facilities, associated equipment cabinets, and connecting appurtenances. This includes guyed towers, self-supporting lattice towers, monopoles, camouflage structures, replacement utility poles, and other self-supporting poles and towers accommodating wireless communication antennas.
- D. **"Modification, Major" and "Modification, Minor"** mean an alteration proposed or made to an existing wireless communication facility and shall not have the same meaning as a Site Plan Modification (Section 21.17.020) or Development Plan Modification (Section 21.16.020).
- E. "Public right-of-way" means a public alley or street.
- F. "Wireless communications facility" means a facility that transmits and/or receives electromagnetic or radio frequency waves, including, but not limited to towers, antennas, monopoles, distributed antenna systems, wireless utility monitoring and control services, support or accessory structures and related equipment. Amateur radio operators are not included in this definition.

## 21.66.030. PERMIT REQUIREMENTS

- A. Permitting Process.
  - 1. New Wireless Communications Facilities.
    - a. New Wireless Communications Facilities Outside the Public Right-of-Way. A Conditional Use Permit is required for wireless communications facilities outside of the public right-of-way. See Table 21.32-1 (Zoning District Use Regulations) for zoning districts where wireless communications facilities are permitted subject to approval of a Conditional Use Permit pursuant to Chapter 21.19 (Conditional Use Permit and Administrative Use Permits).
    - b. New Wireless Communications Facilities in the Public Right-of-Way.
      - (1) An Administrative Use Permit is required for wireless communications facilities in the public right-of-way pursuant to Chapter 21.19 (Conditional Use Permit and

Administrative Use Permits). Administrative Use Permit applications shall be reviewed, approved, conditionally approved, or denied by the Zoning Administrator in consultation with the City Engineer.

- (2) Wireless communications facilities in the public right-of-way are subject to the standards in Section 21.66.040 (Development and Design Standards), Section 21.66.050 (Operation and Maintenance), and Section 21.66.060 (City Changes to the Public Right-of-Way). The applicant shall provide scaled drawings signed by a licensed professional demonstrating that any encroachments in the public right-of-way will not affect handicapped accessibility or traffic safety. Applicants shall also obtain all applicable encroachment and building approvals and permits.

## 2. Modifications to Existing Wireless Communications Facilities.

- a. Major Modifications. Major modifications to an existing wireless communications facility shall be subject to the applicable permitting process required for a new wireless communications facility in Paragraph 21.66.030.A.1 (New Wireless Communications Facilities). Major modifications are those that meet one or more of the following criteria:

- (1) The modification would:
  - (a) Not comply with conditions of approval in the Conditional Use Permit or Administrative Use Permit, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in any of the criteria of Subsection 21.66.030.C (Application Factors Considered – Findings of Approval).
  - (b) Entail any excavation or deployment outside the existing site; or
  - (c) Defeat the concealment elements of the eligible support structure.
- (2) For wireless communications facilities outside the public right-of-way, the modification would:
  - (a) Increase the height of the tower by more than 10 percent or by the height of 1 additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater;
  - (b) Involve adding an appurtenance to the body of the tower that 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 appurtenance, whichever is greater; or
  - (c) Involve installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed 4 cabinets that are outside of or visible from outside of any existing equipment screening enclosure.
- (3) For wireless communications facilities in the public right-of-way the modification would:

- (a) Increases the height of the structure by more than 10 percent or more than 10 feet, whichever is greater;
    - (b) Involve adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than 6 feet; or
    - (c) Involve installation of any new equipment cabinets on the ground if there are no preexisting ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10 percent larger in height or overall volume than any other ground cabinets associated with the structure.
  - b. Minor Modifications. The following are considered minor modifications to an existing wireless communications facility and shall be subject to approval of a building permit only.
    - (1) Decrease or do not increase capacity, including alterations such as replacing the existing antenna with a smaller antenna, installing quieter equipment, or decreasing the number of antennas.
    - (2) Where a proposed wireless communications facility will be placed on a previously approved wireless communications facility and is consistent with requirements of the applicable Conditional Use Permit, Administrative Use Permit, or other installation permit.
    - (3) Any co-location that meets the requirements of California Government Code Section 65850.6.
    - (4) Modification of an existing wireless tower or base station that does not substantially change the dimension of such tower or base station within the meaning of Public Law 112-96, Section 6409(a) and any Federal Communications Commission regulations or orders interpreting this Section, including Wireless Infrastructure Order FCC 14-153 (2014). An application for a modification pursuant to this Subparagraph shall expressly request treatment under this Subparagraph and shall identify, with supporting documentation, how the modification qualifies under this Subparagraph.
- B. Application Submittal Requirements.
  - 1. In addition to the submittal requirements for any applicable Conditional Use Permit or an Administrative Use Permit pursuant to Chapter 21.19 (Conditional Use Permits and Administrative Use Permits), the following information shall be provided in a manner deemed appropriate by the Zoning Administrator:
    - a. Documentation of compliance with Federal Communications Commission regulations pertaining to radio frequency emissions, including cumulative emissions from any existing wireless communications facilities on the site and the proposed wireless communications facility;
    - b. An accurate representation of the appearance and visual impact of the wireless communications facility;



- c. Pursuant to Paragraph 21.66.030.C.2, evidence of a significant gap in service (if applicable); and
  - d. Documentation demonstrating compliance of the wireless communications facility with the application factors listed in Subsection 21.66.030.C (Application Factors Considered – Findings for Approval);
2. The applicant shall be financially responsible any third-party review of the application submittal items if deemed necessary by the Zoning Administrator.
- C. Application Factors Considered - Findings for Approval.
1. In addition to the required findings for any applicable Conditional Use Permit or an Administrative Use Permit pursuant to Chapter 21.19 (Conditional Use Permits and Administrative Use Permits), the review authority shall make the following findings before granting approval for a wireless communications facility:
    - a. The wireless communications facility complies with the design and development standards in this Chapter and with the applicable zoning standards where the wireless communications facility is proposed to be located;
    - b. The wireless communications facility complies with height and setback standards;
    - c. When exceptions to the design and development standards in this Chapter are requested, the applicant has demonstrated the exception is justified due to a significant gap in service that cannot be remedied with a compliant wireless communications facility;
    - d. The wireless communications facility is sufficiently distant from residential uses to protect public health, prevent nuisance, and to be consistent with the character of the neighborhood;
    - e. The wireless communications facility is compatible with the nature of uses on adjacent and nearby properties;
    - f. The surrounding topography and landscaping will assist in the screening of the wireless communications facility and will not contribute to its visibility off site;
    - g. The stealth design and screening are of high quality and are compatible with the surrounding neighborhood, offsite views, other nearby structures;
    - h. The wireless communication facility will not have a significantly negative impact on public views and the visual quality of the surrounding areas;
    - i. There are no facilities or buildings reasonably available for collocation;
    - j. The wireless communications facility will not have a significantly negative impact to the future use and aesthetics of the public right-of-way and streetscape character; and
    - k. The wireless communications facility will not have a significantly negative impact to historic structures, historic districts, parks, and the Downtown historic core.

2. In the event that the review authority cannot make findings that the proposed application meets all development standards set forth in this Chapter, the review authority may still approve the application if the following can be documented:
  - a. The applicant has demonstrated by clear and convincing evidence that the facility is necessary to close a significant gap in the operator's service coverage.
  - b. The applicant has demonstrated by clear and convincing evidence that no feasible alternative site exists that would close a significant gap in the operator's service coverage and that the alternative site under consideration would not result in any adverse impacts to public health, safety, and general welfare.

#### 21.66.040. DEVELOPMENT AND DESIGN STANDARDS

- A. Compliance. All new wireless communications facilities and significant modifications to an existing wireless communications facility shall comply with the applicable development and design standards in this Section except when there is a significant gap in service.
- B. Standards for All Wireless Communications Facilities.
  1. Wireless communications facilities shall be integrated into existing or proposed facilities that are functional for other purposes. The review authority shall have the authority to determine, based on evidence presented, that such integration is neither practical nor feasible based on the size of the proposed wireless communications facility, the area of coverage to be achieved by the wireless communications facility, or other factors supported by evidence.
  2. Wireless communications facilities shall incorporate stealth design to minimize aesthetic impacts on surrounding land uses. Stealth design means that the wireless communications facility is designed to closely blend into the surrounding environment or building and to be minimally visible. Stealth designed antennas and related equipment are either not readily visible beyond the property on which it is located, or, if visible, appear to be part of the existing building, landscape, or environment rather than the wireless communications facility.
  3. Wireless communications facilities and any methods to screen wireless communications facilities that are located on the sides or roof of a building shall be match the color of the building and be compatible with the architecture of the building.
  4. Accessory equipment shall be co-located within an existing equipment enclosure or undergrounded to the extent technologically feasible. If co-location or undergrounding are not feasible, the equipment shall be designed to match the architecture of adjacent buildings and/or be screened from public view by walls, fences, parapets, landscaping, and similar treatments.
  5. Monopoles, antennas, and support structures for antennas shall be no greater in diameter or any other cross-sectional dimension than is reasonably necessary for the proper functioning and physical support of the wireless communications facility and future co-location of additional wireless communications facilities.
  6. No wireless communications facility or any portion thereof shall be located within a required setback area unless such location is indicated on the application and requested as part of the application and is approved by the review authority based on information presented to the review authority.

7. Wireless communications facilities shall adhere to the height limitations for a structure in the zoning district in which they are located.
  8. Wireless communications facilities shall comply with the City's noise ordinance. The City may request that an applicant provide an acoustical analysis to prove compliance. Wireless communications facilities operating in excess of the maximum sound levels permitted by the noise ordinance shall be enclosed to achieve compliance with the noise ordinance. Backup generators or similar equipment that operates only during power outages or other emergencies are exempt from this requirement. Testing of such backup generators or similar equipment may only occur during standard daytime hours.
  9. No wireless communications facility shall, by itself or in conjunction with other wireless communications facilities, generate radio frequency emissions and/or electromagnetic radiation in excess of Federal Communications Commission standards and any other applicable regulations. All wireless communications facilities shall comply with all standards and regulations of the Federal Communications Commission, and any other agency of the State or Federal government agency with the authority to regulate wireless communications facilities.
- C. Standards for Freestanding Wireless Communications Facilities. In addition to the standards in Subsection 21.66.040.B (Standards for All Wireless Communications Facilities), the following are required for freestanding wireless communications facilities:
1. An applicant for a freestanding wireless communications facility shall demonstrate as part of the application that a proposed wireless communications facility cannot be placed on an existing building, utility pole, streetlight, or co-located.
  2. Freestanding wireless communications facilities shall be located in areas where existing topography, vegetation, buildings or other structures provide the greatest amount of screening to minimize aesthetic impacts on surrounding land uses.
  3. Freestanding wireless communications facilities shall be designed to allow for co-location of additional antennas.
  4. Freestanding wireless communications facilities shall not utilize guy wires or other diagonal or horizontal support structures.
  5. Exterior lighting of freestanding wireless communications facilities is prohibited unless required by the Federal Aviation Administration (FAA) or other government agency.
- D. Standards for Wireless Communications Facilities in the Public Right-of-Way. In addition to the standards in Subsection 21.66.040.B (Standards for All Wireless Communications Facilities), the following are required for wireless communications facilities in the public right-of-way:
1. No Administrative Use Permit shall be issued unless the applicant is authorized to place wireless communications facilities within the public right-of-way by franchise, certificate of convenience and necessity, City license, or otherwise. Any City license may be granted in the City's sole discretion as property owner, and not as land use regulator.
  2. Wireless communications facilities shall have subdued colors and non-reflective materials that blend in with the surrounding area to the satisfaction of the Zoning Administrator.

3. The height of any new wireless communications facility pole or structure shall not exceed 10 vertical feet more than the maximum height allowed in the nearest adjacent zoning district.
4. In residential areas, wireless communications facilities shall not be located within 300 feet of another wireless telecommunications facility; this does not include co-location of sites.
5. All wireless communications facilities and equipment shall be built in compliance with the Americans with Disabilities Act (ADA) and traffic safety standards, including but not limited to surface access in and around facilities.
6. Utility and Light Poles.
  - a. Antennas in the public right-of-way shall be co-located or installed on existing utility or light poles, except when impractical or technologically infeasible. No new poles may be installed except as replacements for existing poles, or when the applicant provides evidence as part of the application showing why and how complying with the foregoing standard would be impractical or technologically infeasible.
  - b. If a City streetlight or other City-owned structure is used, compensation shall be paid to the City as the owner in compliance with applicable agreements and/or fee schedules.
  - c. All installations on utility poles shall fully comply with California Public Utilities Commission General Order 95.
  - d. The maximum height of any antenna or antenna radome shall not exceed 6 feet above the height of an existing light pole.
  - e. Revocation for Non-Use. Wireless communications facility permits shall be revoked if not used within 180 days from the date of approval. The 180-day period may be extended for additional time upon written request to and written approval of the Zoning Administrator.
7. Equipment Location.
  - a. 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 and/or motorists as determined by the City Engineer.
  - b. Ground-mounted equipment shall be undergrounded to the extent technologically feasible. Ground-mounted equipment that cannot be undergrounded shall be screened, to the fullest extent possible, either within the equipment contained in the pole or through the use of landscaping, walls, or other decorative features, to the satisfaction of the Zoning Administrator.
  - c. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Zoning Administrator or his/her designee.
  - d. The wireless communications facility shall not interfere with the use of the public right-of-way and existing subterranean infrastructure and shall not interfere with the **City's plans** for modification of such location and infrastructure.

**21.66.050. OPERATION AND MAINTENANCE**

All wireless communications facilities shall comply at all times with the following operation and maintenance standards. All necessary repairs and restoration shall be completed by the permittee, owner, operator or any designated maintenance agent within 48 hours after discovery or notification of the need.

- A. Each permittee of a wireless communications facility shall provide the City with the name, address and 24-hour local or toll-free contact phone number of the permittee, the owner, the operator and the agent **responsible for the maintenance of the facility (“contact information”). Contact information shall be updated within 7 days of any change.**
- B. All wireless communications facilities, including, but not limited to, telecommunication towers, poles, accessory equipment, lighting, fences, walls, shields, cabinets, artificial foliage or camouflage, and the facility site shall be maintained in good condition, including ensuring the facilities are reasonably free of:
  1. General dirt and grease;
  2. Chipped, faded, peeling, and cracked paint;
  3. Rust and corrosion;
  4. Cracks, dents, and discoloration;
  5. Missing, discolored or damaged artificial foliage or other camouflage;
  6. Graffiti, bills, stickers, advertisements, litter, and debris;
  7. Broken and misshapen structural parts; and
  8. Any damage from any cause.
- C. Graffiti shall be removed from a wireless communications facility as soon as practicable, and in no instance more than 24 hours from the time of notification by the City.
- D. All trees, foliage or other landscaping elements approved as part of the wireless communications facility shall be maintained in good condition at all times, and the permittee, owner, and operator of the wireless communications facility shall be responsible for replacing any damaged, dead, or decayed landscaping.
- E. The permittee shall replace its facilities, after obtaining all required permits, if maintenance or repair is not sufficient to return the facility to the condition it was in at the time of installation.
- F. Each facility shall be operated and maintained to comply at all times with the noise standards of this Code and any wireless communications facility conditions of approval, and shall be operated and maintained in a manner that will minimize noise impacts to surrounding residents.
- G. Each owner or operator of a wireless communications facility shall routinely inspect each site to ensure compliance with the standards set forth in this Chapter and any conditions of approval.

**21.66.060. CITY CHANGES TO THE PUBLIC RIGHT OF WAY**

- A. The permittee shall modify, remove, or relocate its wireless communications facility, or portion thereof, without cost or expense to the City, if and when made necessary by any abandonment, change of grade, alignment or width of any street, sidewalk or other public facility, including the construction, maintenance, or operation of any other City underground or aboveground facilities including but not limited to sewers, storm drains, conduits, gas, water, electric or other utility systems, or pipes owned by City or any other public agency. Said modification, removal, or relocation of a wireless communications facility shall be completed within a reasonable relocation time frame as determined by the Zoning Administrator. In the event a wireless communications facility is not modified, removed, or relocated within said period of time, City may cause the same to be done at the sole expense of applicant. Further, in the event of an emergency, the City may modify, remove, or relocate wireless communications facilities without prior notice to applicant provided applicant is notified within a reasonable time period thereafter.

**21.66.070. SATELLITE DISH ANTENNAE**

Satellite dish antennae with diameters of 24 inches or less shall not be installed within a required front yard or within 5 feet of any side or rear property line. Satellite dish antennae with diameters greater than 24 inches shall comply with the following regulations:

- A. They shall only be mounted on the ground and shall not be mounted on the roof of any building or structure;
- B. They shall not be located in any required front yard or within 5 feet of a side or rear property line;
- C. They shall not exceed 15 feet in height, including any platform or structure upon which they are mounted;
- D. They shall not extend beyond the property lines of the lot on which they are placed;
- E. They shall not be unnecessarily bright, shiny, or reflective; and
- F. The visual impact from adjacent properties and streets shall be minimized via screening by fences, landscaping, buildings, or topography.

**21.66.080. ABANDONMENT OR DISCONTINUATION OF USE**

- A. Within 30 days of discontinuation of use, the wireless communications facility operator shall notify the Zoning Administrator in writing that use of the wireless communications facility has been discontinued. A wireless communications facility shall be completely removed, and the site returned to its pre-wireless-communications-facility condition within 180 days of discontinuation of use.
- B. Non-operation, disuse (including, but not limited to, cessation of wireless services) or disrepair for 180 days or more shall constitute abandonment under this Chapter or any predecessors to this Chapter.
- C. A wireless communications facility that is not removed within 180 days of abandonment or discontinued use will be considered a nuisance and, in addition to any other available remedy, will be subject to abatement under Chapter 9.06 (Nuisance Abatement).
- D. The City may require a performance bond or other sufficient security in an amount rationally related to the cost of removing the wireless communications facility and all related facilities and equipment on the site, as determined by the Zoning Administrator. However, the City may not require the owner or operator to post a cash deposit or establish a cash escrow account as security under this Paragraph. In setting the amount of the bond or security, the Zoning Administrator shall take into consideration the estimate of removal costs.

**21.66.090. REVOCATION FOR VIOLATION.**

Any permit granted in accordance with the terms of this Chapter for a wireless communications facility may be revoked if any of the conditions or terms of such permit or variance are violated or if any law or ordinance is violated in connection therewith.

**21.66.100. REMOVAL AND RESTORATION**

- A. Upon termination or revocation of the permit or abandonment of the wireless communications facility, the permittee, owner, or operator shall remove its wireless communications facility and restore the site to its natural condition, except for retaining the landscaping improvements and any other improvements at the discretion of the City. Removal shall be in accordance with proper health and safety requirements and all ordinances, rules, and regulations of the City. The facility shall be removed from the property at no cost or expense to the City. If the wireless communications facility is located on private property, the private property owner shall also be independently responsible for the expense of timely removal and restoration.
- B. Failure of the permittee, owner, or operator to promptly remove its facility and restore the property within 30 days after termination or revocation of the permit or abandonment of the facility, shall be a violation of this Code, and be grounds for:
1. Prosecution
  2. Calling of any bond or other assurance required by this Chapter or conditions of approval of permit.
  3. Removal of the facilities by the City in accordance with the procedures established under this Code **for abatement of a public nuisance at the owner's expense; and/or**
  4. Any other remedies permitted under this Code.
- C. Summary Removal. In the event the City Engineer determines that the condition or placement of a wireless communications facility located in the public right-of-way constitutes a dangerous condition obstruction of the public right-of-way, or an imminent threat to public safety, or determines other circumstances require immediate corrective action, the City Engineer may cause the facility to be removed summarily and immediately without advance notice or a hearing. Written notice of the removal shall be served upon the person who owns the facility within 5 business days of removal and all property removed shall be preserved **for the owner's pick-up** as feasible. If the owner cannot be identified following reasonable effort or if the owner fails to pick up the property within 60 days, the facility shall be treated as abandoned property.
- D. Removal of Facilities by the City. In the event the City removes a wireless communications facility in accordance with nuisance abatement procedures or summary removal, any such removal shall be without any liability to the City for any damage to such facility that may result from reasonable efforts of removal. In addition to the procedures for recovering costs of nuisance abatement, the City may collect such costs from any performance bond posted and to the extent such costs exceed the amount of the performance bond, collect those excess costs in accordance with this Code. Unless otherwise provided herein, the City has no obligation to store such facility. Neither the permittee, owner nor operator shall have any claim if the City destroys any such facility not timely removed by the permittee, owner, or operator after notice, or removed by the City.

**21.66.110. USE OF OUTSIDE CONSULTANTS**

From time to time, the City may need the services of a qualified outside consultant to serve as third-party reviewer or supplement staff to review and make appropriate recommendations including, but not limited to, compliance with radio frequency emissions standards and/or identification of alternative solutions where there is a possibility that a proposed facility could result in a significant impact to the surrounding area. The use of outside consultants shall be at the applicant's expense. The cost of these services shall be in addition to all other applicable fees associated with the project and shall be contracted for and administered by the City.

**21.66.120. STATE OR FEDERAL PREEMPTION.**

Notwithstanding any other provision of this Chapter to the contrary, if any provision(s) of this Chapter would give rise to a claim by an applicant that a proposed action by the City would prohibit or have the effect of prohibiting the provision of personal wireless services within the meaning of 47 USC 332(c)(7), or otherwise are preempted or prohibited by state or federal law, evidence of such effect may be grounds for a Variance from the requirements of this Chapter or an appeal of any decision denying an application for a wireless communications facility.

**CHAPTER 21.67. RESERVED**

**CHAPTER 21.68. RESERVED**

DRAFT



**Article 6: Standards for Specific Land Uses and Activities**

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**CHAPTER 21.69. STANDARDS FOR SPECIFIC LAND USES AND ACTIVITIES****21.69.010. PURPOSE AND APPLICABILITY**

The purpose of this Chapter is to establish standards for the location, site planning, development, and operations of certain land uses that are allowed within individual or multiple zones, as set forth in Chapter 21.32 (Land Use Regulations in Zoning Districts), and for activities that require special standards to reduce their potential adverse impacts.

**21.69.020. ACCESSORY DWELLING UNITS**

The provisions of Chapter 21.58 (Accessory Dwelling Units) of Title 21 (Zoning Code) shall apply.

**21.69.030. ADULT BUSINESS USES**

The provisions of Chapter 21.59 (Adult Business Uses) of Title 21 (Zoning Code) shall apply.

**21.69.040. ANIMAL KEEPING, ACCESSORY TO RESIDENTIAL USE**

Animal keeping is allowed as an accessory use to a primary residential use. Animals shall be kept in compliance with Title 8 (Animal Control) of the Municipal Code, and the following standards:

- A. Bee Keeping in Single-Family Residential Zoning Districts.
1. Beekeeping shall be in compliance with the California Food and Agricultural Code and California Health and Safety Code.
  2. Beekeeper. The person who is the owner of or in possession of an apiary shall be registered as a beekeeper with the County of San Luis Obispo Department of Agriculture/Weights and Measures.
  3. Minimum Lot Area. The minimum lot area upon which bees may be kept is 7,000 square feet.
  4. Quantity of Hives. The number of hives shall be limited to 1 for every 7,000 square feet of lot area and no more than 6 hives.
  5. Location of Hives. Hives shall be located at least 25 feet from residences on adjacent lots and outside the front yard of a lot.
  6. Setbacks. Hives shall be located a minimum of 5 feet from the side and rear lot lines and a minimum of 20 feet from public rights-of-way or private streets.
  7. Orientation. Hive entrances shall face away from lot lines.
  8. Barrier. A 6-foot wall, fence, or hedge shall be located between hives and adjacent lots, or hives shall be placed at a minimum of 8 feet above ground level of the adjacent lot. The purpose of this provision is to provide a solid barrier to help direct bees over 6 feet above ground level when departing the lot to minimize interactions between bees and individuals in the vicinity.
  9. Water Source. A water source for bees shall be provided at all times on the property where the bees are kept to discourage bee visitation at swimming pools, hose bibs, and other water sources on adjacent public or surrounding property.

- B. Horses in Residential Districts. The maintenance of horses (including horses, mules, burros, and ponies) for private use in residential zoning districts shall be permitted subject to the following procedures, regulations and requirements, the general requirements of this Chapter, and only after first obtaining approval by the Zoning Administrator.
1. Minimum Lot Area. The minimum lot area upon which a horse may be kept shall be 1 acre without the need for a Conditional Use Permit. To keep a horse on a lot less than 1 acre (but no smaller than 20,000 square feet) a Conditional Use Permit must first be obtained.
  2. Maximum Animal or Acreage Ratio. A maximum of 2 adult horses and their immature offspring may be kept on a 1-acre parcel. One additional adult animal and their immature offspring may be kept for each additional ½ acre (Note: immature offspring shall be defined as a colt or a foal which has not yet been weaned—typically up to 1 year of age).
  3. Density Cap. No more than 4 horses may be kept on any given parcel unless a Conditional Use Permit is first obtained.
  4. Structures and Setbacks. Stables, corrals, and similar buildings for the keeping of such animals are allowed, provided that none shall be located nearer than 100 feet from the front property line or 50 feet from any existing dwelling on an adjacent lot.
  5. Drainage. Every parcel of land upon which such animals are maintained shall be well drained. The surface of corrals or enclosures shall be graded to prevent the accumulation of storm or nuisance water. In no case shall surface runoff with manure or associated debris be diverted onto or across surrounding properties.
  6. Maintenance. It is unlawful to keep such animals or the premises in an offensive, obnoxious, or unsanitary condition. It is the intention that no nuisance, private or public, be maintained.
  7. Nonpermitted Activities. The operation of commercial animal-related activities shall be prohibited within residential zoning districts. Such prohibited activities shall include, but may not be limited to: boarding of a horse(s) other than those owned by the resident of the property, public riding stables, rental of animals, breeding services, and arenas.
  8. Visiting Horses. Transient visits by horses to a property (such as for joint riding ventures or loading and unloading in trailers) shall not exceed 12 hours in a period of 30 days.
  9. Conformity Required. No horse shall be kept within the City for any periods of time unless the requirements of this Section are met. Noncompliance with these regulations shall be deemed a public nuisance and shall be handled within the authority and scope of this Chapter and Chapter 1.02 (Penalties). Consistent with provisions for dealing with public nuisance abatement, the cost for the abatement of such nuisance shall be the responsibility of the property owner.
  10. When a Conditional Use Permit is Required. When a Conditional Use Permit is required by this Section, the standards applied to such Conditional Use Permit shall be, at a minimum, subject to the same standards noted within this Section, but may also include additional standards and/or controls in order to maintain neighborhood compatibility. Such controls may include, but may not be limited to, increased setbacks of structures from dwellings, improved structural integrity of fencing, and specialized schedules or techniques for site maintenance and/or development.

- C. Other Animals in Residential Districts. The maintenance of large animals other than horses (including cows, sheep, goats, llama, and ostrich, but specifically excluding swine, which are prohibited except where Commercial Animal Keeping is allowed) may be allowed only after first obtaining a Conditional Use Permit (Chapter 21.19). The keeping of such animals shall, at a minimum, be subject to the same standards as applicable to horse keeping, but additional standards and/or controls may be applied through the Conditional Use Permit process in order to maintain neighborhood compatibility. Such additional standards may include, but may not be limited to, increased setbacks of structures from dwellings, improved structural integrity of fencing, and specialized schedules or techniques for site maintenance and/or development.

Animals shall satisfy all applicable requirements of the U.S. Department of Agriculture, Fish and Wildlife Service, U.S. Department of Public Health, California Department of Fish and Wildlife, and the California Department of Food and Agriculture.

**21.69.050. ANIMAL KEEPING, COMMERCIAL**

- A. Purpose. The purpose of this Section is to provide reasonable standards for the commercial keeping and raising of animals to avoid and minimize adverse impacts on adjacent properties (including, but not limited to, the propagation of flies and other disease vectors, dust, noise, offensive odors, soil erosion, and sedimentation) **and to preserve the City's quality and character**, where Commercial Animal Keeping as defined in Chapter 21.91 (Land Use Definitions) is allowed by Chapter 21.32 (Land Use Regulations in Zoning Districts). See also Section 21.69.110 (Equestrian Facilities).
- B. Maintenance and Operational Standards. In addition to the general performance standards for all uses in Chapter 21.85 (Performance Standards - General) of this Title, the following shall apply to Commercial Animal Keeping:
  - 1. Odor and Vector Control. All animal enclosures, including but not limited to pens, coops, cages, and feed areas shall be maintained free from litter, garbage, and the accumulation of manure so as to discourage the proliferation of flies, other disease vectors, and offensive odors. Sites shall be maintained in a neat and sanitary manner and shall not create a nuisance.
  - 2. Erosion and Sedimentation Control. In no case shall an animal-keeping operation be managed or maintained so as to produce sedimentation on any public road, adjoining property, or in any drainage channel. In the event such sedimentation occurs, the keeping of animals outdoors on the site shall be deemed a nuisance and may be subject to abatement as set forth in Title 9 (Public Safety), Chapter 9.06 (Nuisance Abatement) of the Paso Robles Municipal Code.
- C. Standards for Low-Density Commercial Animal Keeping. Commercial Animal Keeping is a permitted use as allowed by Chapter 21.32 (Land Use Regulations in Zoning Districts) when it occurs at the minimum lot size, minimum setbacks, and maximum density listed in Table 21.69.050-1 (Low-Density Commercial Animal Keeping Standards).

Table 21.69.050-1: Low-Density Commercial Animal Keeping Standards

Type of Animal	Minimum Lot Size	Minimum Setbacks <sup>1</sup>	Maximum Density <sup>2</sup>
Bees	0.5 acre	50 feet	12 hives
Birds (domestic or exotic other than poultry) <sup>3</sup>	0.5 acre	50 feet	20 birds
Poultry	0.5 acre	50 feet	20 poultry
Rabbits	0.5 acre	50 feet	20 rabbits
Sheep and Goats (and other animals of similar size at maturity)	1 acre	100 feet	6 animals/acre

Table 21.69.050-1: Low-Density Commercial Animal Keeping Standards

Type of Animal	Minimum Lot Size	Minimum Setbacks <sup>1</sup>	Maximum Density <sup>2</sup>
Horses (excluding equestrian facilities, which are defined separately)	1 acre	100 feet	4 horses/acre up to 30 animals
Cattle	1 acre	100 feet	3 cattle/acre
Pigs	1 acre	100 feet	4 pigs (one of which may be a male)
Worm Farm	-	50 feet	-

Notes:

<sup>1</sup> As measured from all animal enclosures and pasture areas to existing residential uses (e.g. dwellings, swimming pools, patios, or other living areas) on adjoining lots.

<sup>2</sup> Density limitations shall not apply to unweaned offspring.

<sup>3</sup> Applicants should be advised that the keeping of imported birds may also require approval by the U.S. Department of Agriculture, Fish and Wildlife Service, U.S. Department of Public Health, California Department of Fish and Game, and/or California Department of Food and Agriculture.

D. High-Density Commercial Animal Keeping.

- Standards for High-Density Commercial Animal Keeping. Commercial Animal Keeping that does not meet the lot size, setback, or maximum density standards of Table 21.69.050-1 (Low-Density Commercial Animal Keeping Standards) is allowed where listed in Chapter 21.32 (Land Use Regulations in Zoning Districts), but is subject to approval of a use permit (see Chapter 21.19 [Conditional Use Permits and Administrative Use Permits]), additional standards specified in Table 21.69.050-2 (High-Density Commercial Animal Keeping Standards), and as required by the review authority.

Table 21.69.050-2: High-Density Commercial Animal Keeping Standards

Type of Animal <sup>1</sup>	Approval Required	Additional Standards
Bees	Administrative Use Permit	
Birds (domestic or exotic birds other than poultry)	Administrative Use Permit	
Poultry (21-99 animals)	Administrative Use Permit	
Poultry (100 or more animals)	Conditional Use Permit	1. Minimum site size: 5 acres 2. Additional notice is required as described in Paragraph 21.69.050.D.2 (Additional Notice).
Rabbits	Administrative Use Permit	
Sheep and Goats (and other animals of similar size at maturity)	Conditional Use Permit	Additional notice is required as described in Paragraph 21.69.050.D.2 (Additional Notice).
Horses (excluding equestrian facilities, which are defined separately)	Conditional Use Permit	1. Minimum site size: 8 acres 2. Additional notice is required as described in Paragraph 21.69.050.D.2 (Additional Notice).
Cattle (domestic cattle and similar animals)	Conditional Use Permit	1. Minimum site size: 20 acres; 2. All cattle enclosures shall be no closer than 400 feet from any dwelling unit other than those on the site and no closer than 1 mile from any residential district;

Table 21.69.050-2: High-Density Commercial Animal Keeping Standards

Type of Animal <sup>1</sup>	Approval Required	Additional Standards
		3. Additional notice is required as described in Paragraph 21.69.050.D.2 (Additional Notice).
Pigs	Conditional Use Permit	1. Minimum site size: 20 acres; 2. All pig enclosures shall be no closer than 1,000 feet from any school or dwelling, and no closer than 1 mile from any residential district; 3. Additional notice is required as described in Paragraph 21.69.050.D.2.

Notes

<sup>1</sup> Where the subject animals have satisfied all applicable requirements of the U.S. Department of Agriculture, Fish and Wildlife Service, U.S. Department of Public Health, California Department of Fish and Game and the California Department of Food and Agriculture, the Zoning Administrator may determine after consultation with appropriate zoological experts that a particular noncarnivorous, nonpoisonous animal is substantially similar in its physical characteristics and/or potential effects on a site and persons in the vicinity to one of the animals listed.

2. Additional Notice. The public notice required for a hearing on a Conditional Use Permit by Chapter 21.26 (Public Hearings and Notice) shall include additional mailed notice to all owners and occupants of property located within 1,500 feet of the exterior boundaries of the site.
3. Application Content. All applications for high-density commercial animal keeping activities shall provide the following information:
  - a. Site drainage patterns and a statement of measures proposed by the applicant to avoid soil erosion and sedimentation caused by the keeping of animals;
  - b. Plans for animal waste disposal; and
  - c. Where the site is located adjacent to a residential or parks and open space district, a statement of other measures proposed by the applicant for the management of the site and proposed animals to ensure that the animals will not become a nuisance to other residents in the vicinity of the site.

**21.69.060. BED AND BREAKFAST INNS**

- A. Purpose. This Section provides standards for bed and breakfast inns, as defined in Chapter 21.91 (Land Use Definitions) and where allowed by Table 21.32-1 (Zoning District Use Regulations).
- B. Standards.
  1. Primary Residence. The structure shall serve as the primary residence of the owner, and the bed and breakfast use shall be operated as an accessory use to the owner's residence.
  2. Parking. The minimum off-street parking for the base residential use shall be provided as required in the underlying zoning district. In addition, 1 parking space shall be provided for each guest bedroom. Parking shall not be located in a manner that detracts from the residential appearance of the structure, or the neighborhood. In the Uptown/Town Center Specific Plan area, parking shall be located as required for the applicable building type and zoning district.

3. Signage. In residential zoning districts, wall-mounted signs shall not exceed 2 square feet; freestanding signs shall not exceed 8 square feet in area and 4 feet in height.
4. Health Department Approval. Applicants for bed and breakfast inns shall receive written approval from the San Luis Obispo County Health Department prior to the business becoming operational.

#### 21.69.070. CANNABIS

The provisions of Chapter 21.60 (Cannabis) of Title 21 (Zoning Code) shall apply.

#### 21.69.080. ELECTRICITY GENERATION AND STORAGE FACILITIES

- A. Purpose. This Section provides standards for siting and operating electricity generation and storage facilities, as defined in Chapter 21.91 (Land Use Definitions) and where allowed by Table 21.32-1 (Zoning District Use Regulations).
- B. Battery Energy Storage System Requirements.
  1. Hazardous Materials Plan. Applicant/operator shall submit for Review Authority approval a hazardous materials business/reclamation plan for decayed batteries at they near the end of their useful life.
  2. Vegetation. Areas within 10 feet on each side of Battery Energy Storage Systems shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers shall be permitted to be exempt provided that they do not form a means of readily transmitting fire. Removal of trees should be minimized to the extent possible.

#### 21.69.090. EMERGENCY SHELTERS - GENERAL

- A. Purpose. This Section provides standards for siting and operating emergency shelters - general, as defined in Chapter 21.91 (Land Use Definitions) and where allowed by Table 21.32-1 (Zoning District Use Regulations), consistent with California Government Code Section 65583(A)(4).
- B. Applicability.
  1. The requirements of this Section apply only to emergency shelters where allowed or conditionally allowed pursuant to Table 21.32-1 (Zoning District Use Regulations) and within the Uptown/Town Centre Specific Plan Chapter 5 Development Code, where allowed or conditionally allowed pursuant to Table 5.3-1 (Allowed Land Uses and Permit Requirements) and subject to approval of a Site Plan in accordance with Chapter 21.17 (Site Plans).
  2. In the Planned Industrial (PM) Zoning District on Commerce Way, Niblick Road, Fontana Road, and Linne Road, emergency homeless shelters shall be subject to approval of a Site Plan in accordance with Chapter 21.17 (Site Plans).
- C. Site Development Standards.
  1. Maximum Number of Persons/Beds. Emergency homeless shelters may have a maximum of 50 beds/persons for overnight occupants per facility.

2. Operator.
  - a. Each shelter shall be operated by a responsible agency or organization, with experience in managing and/or providing social services.
  - b. Staff and services shall be provided to assist residents to obtain permanent shelter and provide referral information and/or services for health or mental health services, educational opportunities, job training/employment and life skills training.
  - c. There shall be at least 1 on-site supervisor per 25 persons during the hours of operation.
  - d. The operator of an emergency shelter or daytime service facility shall submit a management plan for approval by the Zoning Administrator including, as applicable, provisions for staff training, neighborhood outreach, security, screening to ensure compatibility with services provided at the facility, affirmative measures to discourage loitering at the facility, and hours of operation.
3. Concentration of Use. In accordance with Subsection (a)(4)(A)(v) of California Government Code Section 65583 regarding the standards a city may establish for proximity of one emergency shelter to another, no emergency shelter shall be established within 200 feet of another emergency shelter.
4. Parking. One vehicle parking space for each staff working in the emergency shelter; however, in no case shall more parking be required than for other residential or commercial uses within the same zone.
5. Waiting Area. For facilities with on-site client intake, an enclosed or screened waiting area must be provided within the premises for clients and prospective clients to ensure that public sidewalks or private walkways are not used as queuing or waiting area. A minimum of 200 square feet shall be provided for the waiting area, unless the Director determines that additional waiting space is required to meet the needs of the anticipated client load.
6. Length of Stay. Individuals and families may not stay at an emergency homeless shelter for more than a total of 180 days per calendar year.
7. Lighting. Exterior lighting may be installed for security purposes. Lighting shall be directed away from adjacent properties and shall be shielded and downcast consistent with Chapter 21.82 (Lighting and Illumination).
8. Outdoor Cleanliness. The outdoor areas (yards) of shelters and surrounding areas shall be kept clean and free of debris, litter, and personal effects shall not be stored outdoors.
9. Security. Security systems shall be installed prior to issuance of certificate of occupancy. Security systems shall include an alarm system to detect unrecorded or unauthorized entry or exiting of a facility, and a camera surveillance system which shall be installed in locations to the satisfaction of the Police Chief.
10. Uptown/Town Center Specific Plan. Emergency homeless shelters proposed in the Riverside Corridor (RSC) zone shall comply with site development standards of the RSC zone, Section 5.5.8 in the Uptown/Town Center Specific Plan, except for parking requirements, which shall be provided in compliance with Paragraph 21.69.090.C.4 (Parking) of this Subsection.



### 21.69.100. EMERGENCY SHELTERS - LOW BARRIER NAVIGATION CENTERS

- A. Purpose and Applicability. The purpose of this Section is to ensure that Low Barrier Navigation Centers, as defined in Chapter 21.91 (Land Use Definitions) and where allowed by Table 21.32-1 (Zoning District Use Regulations), are allowed consistent with California Government Code Section 65660.
- B. Standards. Low Barrier Navigation Centers shall meet the following specific requirements:
1. Services. Offer services to connect people to permanent housing through a services plan that identifies services staffing.
  2. Coordinated Entry System. Link to a coordinated entry system, so that staff in the interim facility or staff who co-locate in the facility may conduct assessments and provide services to connect **people to permanent housing**. **“Coordinated entry system” means a centralized or coordinated assessment system developed pursuant to Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, as those Sections read on January 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.**
  3. Homeless Management Information System. Use a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.65664.
  4. Housing First. Comply with Housing First according to Welfare and Institutions Code Section 8255 et seq.
  5. Process. Within 30 days of receipt of an application for a Low Barrier Navigation Center development, the Director shall notify the applicant of application completeness pursuant to Section 65943. Within 60 days of receipt of a completed application for a Low Barrier Navigation Center development, the Director shall act upon review of the application.

### 21.69.110. EQUESTRIAN FACILITIES

- A. Purpose. The purpose of this Section is to provide reasonable standards for the commercial keeping, training, and maintaining of horses to avoid and minimize adverse impacts on adjacent properties and to **preserve the city’s quality and character, where equestrian** facilities as defined in Chapter 21.91 (Land Use Definitions) is allowed by Table 21.32-1 (Zoning District Use Regulations).
- B. Structures and Setbacks. Stables, corrals, and similar buildings incidental to the keeping of horses are permitted, provided that none shall be located nearer than 100 feet from the front property line or 100 feet from any existing dwelling on an adjacent lot.
- C. Additional Notice. The public notice required for a hearing on a Conditional Use Permit by Chapter 21.26 (Public Hearings and Notice) shall include additional mailed notice to all owners and occupants of property located within 1,500 feet of the exterior boundaries of the site.

### 21.69.120. FOOD TRUCKS

- A. Purpose and Applicability. The purpose of this Section is to ensure that off-street vending vehicles are compatible with surrounding and adjacent uses and do not create an adverse impact on adjacent properties by reason of noise, parking, and litter.

- B. Special Events that Include Food Trucks and other Vending Vehicles. The provisions of this Section shall not apply to persons operating a vending vehicle **as part of a certified farmer's market, or an authorized street fair or other event occurring under a special permit issued by the City of Paso Robles, provided that the vehicle is part of the event and is complying with all terms of the permit or permits issued for the event.**
- C. Temporary Use Permit Required. No vending vehicle shall operate on private property without filing for and receiving approval of a Temporary Use Permit. No Temporary Use Permit shall be issued for a vending vehicle unless it conforms to the requirements of this Section and the findings can be made under the Temporary Use Permit requirements.
- D. Operational Requirements. Vending vehicles operating on private property shall comply with the following requirements:
1. Written Approval of Owner. The written approval of the owner of the location shall be obtained. A copy of this approval shall be provided to the Zoning Administrator with the Temporary Use Permit **application, prior to operating at the location. The vendor shall maintain proof of the owner's approval in the vehicle.** The person operating the vending vehicle shall present this proof upon the demand of a peace officer or City employee authorized to enforce this article.
  2. Impervious Surface Parking. The vehicle shall only be stopped, standing, or parked on surfaces paved with concrete, asphalt, or another impervious surface.
  3. Litter Removal. Each vendor shall provide at least 1 garbage receptacle accessible to customers. The vending vehicle and surrounding property shall be maintained in a safe and clean manner at all times. The mobile vendor must remove litter caused by its products from any public and private property within a 25-foot radius of the vending vehicle's location.
  4. No Discharge of Liquid. The mobile vendor shall not discharge any liquid (e.g., water, grease, oil, etc.) onto or into City streets, storm drains, catch basins, or sewer facilities. All discharges shall be contained and properly disposed of by the mobile vendor.
  5. Temporary Shade Structures. Temporary shade structures shall be removed whenever the vending vehicle is not in operation.
  6. Noise. The mobile vendor shall be subject to the noise provisions set forth in Chapter 21.82 (Noise) (Zoning Code). The operation shall at all times be conducted in a manner not detrimental to surrounding properties or residents by reason of lights, noise, activities, parking, or other actions. The applicant shall prohibit loitering at the site and shall control noisy patrons on-site and those leaving the premises. No amplified music or loudspeakers shall be permitted.
  7. Hours of Operation. Vehicle vending hours shall be approved with the Temporary Use Permit.
  8. Business License Required. The mobile vendor must have a valid business license issued by the City pursuant to Municipal Code Title 5 (Permits and Regulations). As part of its application for a business license, the mobile vendor shall furnish to the City evidence of insurance, as deemed acceptable in the reasonable discretion of the City, against liability for death or injury to any person as a result of ownership, operation, or use of its vending vehicles.
  9. Health Permit Required for Food Sales. Mobile vendors operating vending vehicles that sell food or food products must have a valid permit issued by the San Luis Obispo County Health Agency. All required County Health permits must be in the possession of the mobile food vendor at all times during which it operates within the City.

10. Fire Department Inspection. All vending vehicles shall be inspected and approved by Paso Robles Fire and Emergency Services Department prior to issuance of its initial business license and from time to time thereafter in the discretion of the Paso Robles Fire and Emergency Services Department. At a minimum, all cooking equipment producing grease-laden vapors shall be protected by a UL 300 listed automatic fire extinguishing system. A Class K fire extinguisher shall be provided within each vending vehicle at an accessible location. All fire protection equipment shall be properly maintained and serviced at intervals required by the California Fire Code.

### 21.69.130. MANUFACTURED HOMES

- A. Purpose and Applicability. This Section provides standards for manufactured homes where single-family dwellings are allowed as defined in Chapter 21.91 (Land Use Definitions) and where allowed by Table 21.32-1 (Zoning District Use Regulations). Where 2 or more manufactured homes are located on one lot, refer to Section 21.69.140 (Mobile Home Parks).
- B. Standards. The following standards apply to single-family manufactured homes:
1. Permit Requirement. Manufactured homes are an allowed use on any lot in which the Zoning Code permits single-family dwellings. Except as otherwise provided in this Chapter, manufactured homes shall be subject to the same regulations as conventional single-family homes.
  2. Parking. Manufactured homes shall be subject to the same parking requirements as single-family residential uses (see Section 21.033.040.E [Parking Design]).
  3. Development Standards. Requirements for building height, lot coverage, side yard setbacks, front yard setbacks, rear yard setbacks, and usable open space shall be subject to the same requirements as the zoning district in which the manufactured home is located.
  4. Architectural Requirements. Manufactured homes shall be subject to the General Architectural Requirements for Primary Structures in the Single-Family Residential Zoning Districts (Subsection 21.33.040.D) and the following additional standards:
    - a. Skirting. The space beneath a manufactured home and the ground shall not exceed 36 inches of height and shall be screened with a skirt or by a combination of skirts, decks, and/or grading with ventilation and access in accordance with State law.
- Foundation Systems.
5. All manufactured homes constructed on a foundation system shall comply with the requirements of Health and Safety Code Section 18551 and California Code of Regulations, Title 25, Division 1, as they may be amended from time to time.
  6. Prior to installing a manufactured home on a foundation system as a fixture or improvement to real property, the owner or a licensed contractor shall obtain a building permit from the City, provide the City with the information required under Health and Safety Code Section 18551, and pay any applicable permit fees.

### 21.69.140. MOBILE HOME PARKS

- A. Purpose and Applicability. This Section provides standards for the location and development for mobile home parks as defined in Chapter 21.91 (Land Use Definitions) and where allowed by Table 21.32-1 (Zoning District Use Regulations).

- B. Development Standards. All development in any mobile home park shall comply with the development standards for single-family dwellings in residential zones (Sections 21.33.030 and 21.33.040). The standards listed below also supersede any of the standards required for multi-family dwellings in residential zoning districts:
1. Building Site. The minimum building site shall be 1 acre and the minimum lot width shall be not less than 200 feet.
  2. Fences and Walls. A 6-foot-tall solid masonry or concrete fence shall be placed and maintained on perimeter property lines.
  3. Landscaping. Landscaping shall be provided at least 10 feet deep between the perimeter wall and the public right-of-way.
  4. Access. Mobile home parks must be served from internal streets within the mobile home or trailer park, and there shall be no direct vehicular access from a mobile home space to a public street or road.
  5. Fire Protection. Fire protection devices, hydrants, and alarm systems shall be installed as approved by the Fire Department.
  6. Minimum Setbacks. Minimum setback requirements for the zoning district shall apply to the mobile home park's comprehensive development, rather than each individual mobile home. In addition, the following standards are required:
    - a. No mobile home space shall be located closer than 25 feet from the property line when the line is a public street.
    - b. No mobile home space shall be closer than 5 feet from any other portion of the property line of the mobile home park.
    - c. No mobile home space shall be placed closer than 5 feet from its side lot line or space boundary line.
  7. Vehicle Storage. Storage areas shall be provided for boat trailers and other recreation vehicles as required by the review authority.

#### 21.69.150. SELF STORAGE FACILITIES

- A. Purpose and Applicability. This Section provides standards for self storage facilities as defined in Chapter 21.91 (Land Use Definitions) and where allowed by Table 21.32-1 (Zoning District Use Regulations).
- B. Standards.
1. Minimum Lot Size. The minimum lot size shall be 5,000 square feet.
  2. Setback. A minimum 300-foot setback is required from a highway or from frontage roads adjacent to highways.
  3. Prohibited Locations. Establishing new self-storage facilities shall be prohibited at the following locations:
    - a. Abutting Spring Street or Creston Road.

- b. At the City gateways as identified in the Paso Robles Gateway Plan: Design Standards.
- 4. Sanitary Facilities. At least 2 restrooms shall be provided and shall be available at all times to renters and employees. The restrooms shall be maintained in a clean and sanitary condition at all times.
- 5. Landscaping and Screening. The building site shall be landscaped in a manner approved by the review authority. Landscaping standards will be required as follows:
  - a. A minimum of 25 feet of landscaped setback shall be required for projects that abut a collector, arterial, highway, highway frontage road, or residentially zoned property.
  - b. A minimum of 15 feet of landscaped setback shall be required for all other streets less significant than a collector.
  - c. Up to 50 percent of the landscaped setback can be used for off-street parking, but a 10-foot landscaped setback shall be required between the property line and the parking area. The purpose and intent are to ensure adequate screening is provided and the review authority shall have the option of requiring parking to be located in other areas to address the need to provide adequate screening.
- 6. Commercial Uses Prohibited. The use of all rental units shall be limited to storage. Renters may conduct minor maintenance such as cleaning, minor repairs, and spot painting to their privately owned boats, trailers, and other recreation vehicles. However, no rental spaces shall be used for any retail or service commercial uses including business or professional offices, retail sales, services provided for a fee, or fabrication of any products intended for sale.
- 7. Required Findings. The review authority shall make the following findings in approving a personal storage facility:
  - a. The project is designed to be aesthetically pleasing, through the use of good quality materials and architecture, and/or fully screened.
  - b. The project will not be detrimental to economic vitality goals in place on a citywide basis.
  - c. The project will not diminish community character, critical gateways, or the downtown.

#### 21.69.160. PERSONAL SERVICES - RESTRICTED

- A. Distancing. No new restricted personal services establishment shall be allowed within 500 feet of an existing restricted personal services establishment unless otherwise specified in a Conditional Use Permit.
  - 1. Nonconforming Uses. Establishments in existence as of the effective date of the ordinance codified in this Section that are in compliance with the provisions of this Section are permitted to remain in their current locations, subject to all otherwise-applicable restrictions.
  - 2. Measurement. Distance shall be measured in a straight line from the closest property line of the restricted personal services use to the closest property line of another restricted personal services use.

- B. Location. No restricted personal service establishment shall be established within 300 feet of the following uses within or outside the City limits unless otherwise specified in a Conditional Use Permit:
1. Residentially zoned properties;
  2. Public or private educational facilities;
  3. Religious institutions;
  4. Public parks and public facilities;
  5. Youth-oriented facilities;
  6. Bars or taverns.
- C. Hours of Operation. Hours of operation shall be limited to 7:00 A.M. to 9:00 P.M. unless otherwise specified in a Conditional Use Permit.

### 21.69.170. OUTDOOR SALES, DISPLAYS, AND STORAGE

- A. Purpose and Applicability. The purpose of this Section is to provide areas for the outdoor display of merchandise for sale and outdoor storage areas as an accessory use as defined in Chapter 21.91 (Land Use Definitions) and where allowed by Table 21.32-1 (Zoning District Use Regulations).
- B. Outdoor Display of Merchandise.
1. Definition. The outdoor display of merchandise for sale is defined as finished products that are temporarily displayed on the site.
  2. Standards. All outdoor display of merchandise for sale shall conform to the following regulations:
    - a. No displayed merchandise shall be located within the public right-of-way. No displayed merchandise shall be located within parking aisles, required parking spaces, landscaped areas or within required fire or handicapped access ways, unless otherwise permitted with a conditional use permit for permanent displays. For displays lasting more than 7 days but less than 60 days, a Temporary Use Permit is required.
    - b. The products shall be limited to the primary merchandise sold by the principal business that occupies the site. No merchandise shall be displayed for sale on an undeveloped or vacant site, unless otherwise allowed with a Temporary Use Permit.
    - c. In multi-tenant centers, the displayed merchandise should be limited to the area directly in front of the store displaying the merchandise.
    - d. No merchandise shall be displayed that is unsightly or creates any other condition that is detrimental to the appearance of the premises or surrounding property or in any other manner is detrimental to the public health, safety, welfare or causes a public nuisance.
- C. Outdoor Storage Areas.
1. Sites that do not have dedicated public right-of-way or other legal access in a form acceptable to the City Engineer, or existing public improvements including but not limited to curb, gutter, sidewalk, street lights, and street trees shall require a Conditional Use Permit, unless the applicant

voluntarily installs or posts the appropriate security for such improvements, in a manner to be approved by the City Engineer.

2. All outdoor storage areas shall conform to the following regulations:
  - a. All outdoor storage areas within commercial and industrial zoning districts shall be thoroughly screened from public view and adjacent properties by a combination of walls or fences and landscaping. Landscaping requirements shall be as follows:
    - (1) A minimum of 25 feet of landscaped setback shall be required for projects abutting a collector, arterial, highway, highway frontage road, or residentially zoned property.
    - (2) A minimum of 15-foot landscaped setback shall be required for all other streets less significant than a collector.
    - (3) Up to 50 percent of the landscaped setback can be used for off-street parking, but a 10-foot landscaped setback shall be required between the property line and the parking area. The purpose and intent are to ensure adequate screening is provided and the review authority shall have the option of requiring parking to be located in other areas to address the need to provide adequate screening.
    - (4) Outdoor Storage shall be prohibited at the City gateways identified in the Paso Robles Gateway Plan: Design Standards, unless project is fully screened by architecturally designed walls and treatments.
  - b. The stored materials shall be limited to those normally associated with the principal use on the site.
  - c. All walls or fences shall be at least 6 feet but no greater than 8 feet in height.
  - d. Landscape planters shall be a minimum of 5 feet wide (interior dimensions) unless an existing planter is less. In no cases shall the planter be less than 3 feet wide. The landscaping should be placed adjacent to the wall or fence to create interest and deter graffiti and vandalism.
  - e. In cases where unusual topographical conditions, land use conflicts, or zoning district boundaries exist, the outdoor storage areas may require additional screening structures and/or materials as determined by the Review Authority.
  - f. Storage materials or equipment that exceed the height of the wall or fence shall be stored on the rear 50 percent of the site unless otherwise approved by the Review Authority.
  - g. All arterial streets shall have a combination of decorative masonry wall and landscaping along outdoor storage areas adjacent to the right-of-way unless otherwise approved by the review authority.
  - h. All screening materials shall be installed and finalized prior to the commencement of storage onsite.

**21.69.180. RECREATIONAL VEHICLE PARKS**

- A. Purpose and Applicability. This Section provides standards for the location and development for recreational vehicle parks where allowed by Table 21.32-1 (Zoning District Use Regulations).
- B. Development Plan. Recreational vehicle parks shall be subject to review and approval of a Development Plan (Chapter 21.16).
- C. Development Standards. The standards listed below supersede any of the standards required for the zoning district in which a recreational vehicle proposed:
  - 1. Building Site. The minimum building site shall be 2.5 acres.
  - 2. Access. Recreational vehicle parks must be served from internal streets within the park, and there shall be no direct vehicle access from a recreational vehicle space to a public street or road.
  - 3. Setbacks. No part of a recreational vehicle shall be located closer than 25 feet to any public right-of-way, and no closer than 15 feet to any interior property line. No recreational vehicle shall be located closer than 10 feet to any other recreational vehicle.
  - 4. Fire Protection. Fire protection devices, hydrants, and alarm systems shall be installed as approved by the Fire Department.
  - 5. Permanent/Nonmobile Spaces. No more than 20 percent of the recreational vehicle spaces may be reserved for permanent/nonmobile structures rented out to the public by the operator.

**21.69.190. RELIGIOUS ASSEMBLY FACILITY**

- A. Purpose and Applicability. This Section provides standards for Religious Assembly Facilities, as defined in Chapter 21.91 (Land Use Definitions) and where allowed by Table 21.32-1 (Zoning District Use Regulations).
- B. Property Development Standards. Development shall comply with the property development standards of the zoning district in which the project is located.
- C. Affordable Housing. Up to 50 percent of parking spaces required for the religious institution may be eliminated or reduced for a proposed housing development per California Government Code Section 65913.6.

**21.69.200. RESIDENTIAL CARE FACILITIES**

- A. Purpose and Applicability. This Section provides standards for the location, development, and operation of General Residential Care Facilities and Assisted Living Residential Care Facilities, where allowed by Table 21.32-1 (Zoning District Use Regulations).
- B. Development Standards.
  - 1. Density. Density limits for dwelling units shall not apply to the allowable intensity of land use for such facilities as convalescent homes, skilled nursing facilities, residential care facilities for the elderly, and similar facilities as defined by State law. The number of rooms and/or occupants for such a facility shall be determined on a case-by-case basis in conjunction with an application for a



Conditional Use Permit (Chapter 21.19) and shall not exceed the densities in Table 21.69.200-1 (Densities for Residential Care Facilities General and Assisted Living).

Table 21.69.200-1: Densities for Residential Care Facilities (General and Assisted Living)

Zoning District	Beds/Acre
R-1	10
R-2	25
R-3	35
R-3-O	35
R-4	45
R-5	55
OP	25
Mixed-Use Overlay	55
T3-N and T3-F	25
T4-N and T4-F	45
T4-NC, TC-1, and TC-2	55

2. Fire Protection. Fire protection devices, hydrants, and alarm systems shall be installed as approved by the Fire Department.
3. State Approval. Where a facility is required to be licensed by the State, written proof shall be submitted to the City that the appropriate State licensing agency will be able to issue all required licenses and specifying the maximum number of beds for which a license will be issued by such agency.

**21.69.210. RETAIL – RESTRICTED**

- A. Distancing. No new restricted retail establishment shall be allowed within 500 feet of an existing restricted retail establishment unless otherwise specified in a Conditional Use Permit.
  1. Nonconforming Uses. Establishments in existence as of the effective date of the ordinance codified in this Section that are in compliance with the provisions of this Section are permitted to remain in their current locations, subject to all otherwise-applicable restrictions.
  2. Measurement. Distance shall be measured in a straight line from the closest property line of the restricted retail use to the closest property line of another restricted retail use.
- B. Location. No restricted retail establishment shall be established within 300 feet of the following uses within or outside the City limits unless otherwise specified in a Conditional Use Permit:
  1. Residentially zoned properties;
  2. Public or private educational facilities;

3. Religious institutions;
  4. Public parks and public facilities;
  5. Youth-oriented facilities;
  6. Bars or taverns
  7. City gateways as identified in the Paso Robles Gateway Plan: Design Standards.
- C. Hours of Operation. Hours of operation shall be limited to 7:00 A.M. to 9:00 P.M. unless otherwise specified in a Conditional Use Permit.

### 21.69.220. RIGHT TO FARM

#### A. Findings and Policy.

1. It is the declared policy of this City to enhance and encourage agricultural operations within the City. It is the further intent of this City to provide to the residents of this City, living within 300 feet of property in the Agricultural Zoning District, notification of the City's recognition and support through the ordinance codified in this Title of those persons' and/or entities' right to farm.
2. Where nonagricultural land uses occur near agricultural areas, agricultural operations frequently become the subjects of nuisance complaints due to lack of information about such operations. As a result, agricultural operators may be forced to cease or curtail their operations. Such actions discourage investments in farm improvements to the detriment of agricultural uses and the viability of the City's agricultural industry as a whole. It is the purpose and intent of the ordinance codified in this Title to reduce the loss to the City of its agricultural resources by clarifying the circumstances under which agricultural operations may be considered a nuisance. The ordinance codified in this Title is not to be construed as in any way modifying or abridging state law as set out in the California Civil Code, Health and Safety Code, Fish and Game Code, Food and Agricultural Code, Division 7 of the Water Code, or any other applicable provision of State law relative to nuisances. Instead, it is to be utilized only in the interpretation and enforcement of the provisions of this Code and City regulations.
3. An additional purpose of the ordinance codified in this Title is to promote a good neighbor policy by advising purchasers of residential property, and owners of other property in the City, of the inherent potential problems associated with the purchase of such property. Such concerns may include, but are not limited to, the noises, odors, dust, chemicals, smoke and hours of operation that may accompany agricultural operations. It is intended that, through mandatory disclosures, purchasers and users will better understand the impact of living near agricultural operations and be prepared to accept attendant conditions as the natural results of living in or near agricultural areas.

#### B. Preexisting Agricultural Uses Not a Nuisance.

1. No agricultural activity, operation or facility, or appurtenances thereof, conducted or maintained for commercial purposes, and in a manner consistent with property and accepted customs and standards, as established and followed by similar agricultural operations in the same locality, shall be or become a nuisance, private or public, due to any changed condition in or about the locality, after it has been in operation for more than 3 years if it was not a nuisance at the time it began.

2. Paragraph 21.69.220.B.1 of this Subsection shall not apply if the agricultural activity, operation or facility, or appurtenances thereof, obstructs the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal or basin, or any public park, square, street, or highway.
- C. Disclosure.
1. The City has determined that the use of real property for agricultural operations is a high priority and favored use to the City, and those inconveniences or discomforts arising from legally established agricultural activities or operations, as defined in this Section or State law, shall not be or become a nuisance.
  2. Disclosure Statement. "The City of Paso Robles declares it a policy to protect and encourage agricultural operations as defined in Section 21.69.220 (Right to Farm) of the City of Paso Robles Municipal Code. If your property is located in the incorporated area of the City, in or near the Agricultural Zoning District, you may at some times be subject to inconvenience or discomfort arising from agricultural operations. If conducted in a manner consistent with State law and City Code, said inconveniences and discomforts shall not be or become a nuisance."
  3. The disclosure statement is given for informational purposes only and nothing in the ordinance codified in this Title, or in the disclosure, shall prevent anyone from complaining to any appropriate agency, or taking any other available remedy, concerning any unlawful or improper agricultural practice.
  4. The disclosure statement set forth above shall be used as described in Subsections 21.69.220.D (Property Tax Bill Disclosure), 21.69.220.E (Disclosure Upon Transfer of Residential Property), and 21.69.220.F (Discretionary Land Use Permit Disclosure) of this Section.
- D. Property Tax Bill Disclosure. The City may mail a copy of the disclosure statement to all owners of real property in the City within 300 feet of the Agricultural Zoning District with the annual tax bill.
- E. Disclosure Upon Transfer of Residential Property. Upon any transfer of real property located in the incorporated area of the City within 300 feet of the Agricultural Zoning District by sale, exchange, installment land sale contract (as defined in Civil Code section 2985), lease with an option to purchase, any other option to purchase, or ground lease coupled with improvements, or residential stock cooperative, improved with or consisting of not less than 1 nor more than 4 dwelling units, the transferor shall deliver to the prospective transferee the written disclosure statement required by the ordinance codified in this Title. The disclosure statement shall be delivered in the manner set forth in Civil Code Sections 1102.2 and 1102.10. Exceptions to the applicability of this section are set forth in Civil Code section 1102.1. The written disclosure shall be set forth in, and shall be made on a copy of, the disclosure form attached on file with the City's Community Development Department.
- F. Discretionary Land Use Permit Disclosure. The City shall include the disclosure statement described in Subsection 21.69.220.C (Disclosure) of this Section to all discretionary land use permit applications (e.g. Conditional Use Permits, Planned Developments, Tract Maps, etc.) administered by the Community Development Department.
- G. Penalty for Violation. Any violation of any of the requirements of this Section shall be handled as a civil matter between the parties affected and shall not be a misdemeanor or infraction.

- H. Resolution of Disputes. Should any controversy arise regarding any inconvenience or discomfort occasioned by agricultural operations conducted in accordance with existing laws, ordinances and regulations, then the parties may notify the Zoning Administrator as set forth below in an attempt to resolve the matter:
1. The aggrieved party may notify the Zoning Administrator or his designee within 30 days of the occurrence of the agricultural operation giving rise to the controversy.
  2. Within 15 days after receiving the complaint, the Zoning Administrator or his designee shall set a meeting with affected parties and shall attempt to mediate the dispute.
  3. If the dispute cannot be successfully mediated by the Zoning Administrator or his designee, then both parties may agree to present the controversy to a professional mediator. The expense of such mediation shall be the responsibility of the affected parties.
- I. Severability. If any section, subsection, sentence, clause or phrase of the ordinance codified in this Title is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or the constitutionality of the remaining portions of the ordinance. The City Council declares that it would have passed the ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

#### 21.69.230. SHORT-TERM RENTALS

The provisions of Chapter 21.64 (Short-Term Rentals) of Title 21 (Zoning Code) shall apply.

#### 21.69.240. TATTOO AND BODY ART ESTABLISHMENTS

- A. Purpose. The purpose and intent of this Chapter is to prohibit tattooing within the City, except for in those zoning districts specifically authorized in this Chapter. Due to concerns about the potential unsanitary conditions and the public image projected by tattoo parlors, and in order to protect the pedestrian-friendly and welcoming character of other areas in the City, including the historic downtown core, the City desires to allow operation of tattoo parlors only in the C-3 and Riverside Corridor Zoning Districts.
- B. Definitions.
1. **“Body piercing” means to puncture, perforate, or penetrate a human body part or tissue with an object, appliance, or instrument for the purpose of placing a foreign object in the perforation to prevent the perforation from closing. This includes, but is not limited to, creating such an opening in the lip, tongue, nose, eyebrow, or navel for the purpose of inserting jewelry or other decorative items. Body piercing does not include piercing of the ear lobe or outer portion of the ear.**
  2. **“Tattoo parlors” means any establishment where the act of tattooing or body piercing humans takes place. This includes tattooing or body piercing as a primary or ancillary use. Tattoo parlors do not include permanent makeup of the face as an ancillary use to a beauty shop or paramedical tattooing ancillary to a medical clinic.**
  3. **“Tattoo” or “tattooing” means the act or process of inserting pigment under the surface of the skin of a human being by pricking with a needle or otherwise, so as to produce an indelible mark or figure visible through the skin.**

4. **“Permanent makeup” means the application of pigments in human skin tissue for the purpose of permanently changing the color or other appearance of the skin.** This includes microblading, micropigmentation, lip liner tattoos, and similar procedures.
- C. Tattoo Parlors Permitted in Specified Zones. Operation of tattoo parlors is permitted only in the Riverside Corridor Zoning District of the Uptown/Town Centre Specific Plan (RSC) and C-3 Zoning District. Tattoo parlors are expressly prohibited from operating in all other zoning districts.
- D. Tattoo Parlors; Standards and Limitations. Every tattoo parlor shall be subject to the following conditions, in addition to all other requirements imposed by law:
1. The exterior walls of the tattoo parlor are to be located at least 1,000 feet from the exterior walls of any other tattoo parlor.
  2. The exterior walls of the tattoo parlor are to be located at least 500 feet from the outer boundary of any City-owned park facilities.
  3. The exterior walls of the tattoo parlor are to be located at least 500 feet from the outer boundary of any kindergarten through 12<sup>th</sup> grade school facilities.
  4. The operator of the tattoo parlor and all tattoo practitioners operating therein shall obtain and maintain all required State and/or County permits, licenses and registrations for operation of a tattoo parlor.
  5. Tattoo parlors shall not operate between the hours of 11:00 A.M. and 7:00 P.M.
  6. Live animals, except for service animals, shall not be allowed on the premises.
  7. Once established, tattoo parlors shall not be permitted to expand into another tenant space or building otherwise on the site, or any contiguous site.
  8. Temporary or mobile tattoo establishments or events are not authorized by this Section.

#### 21.69.250. VEHICLE FUEL SALES AND ACCESSORY SERVICE

- A. Purpose and Applicability. This Section establishes standards for the location, development, and operations for vehicle fuel sales and accessory services, as defined in Chapter 21.91 (Land Use Definitions) and where allowed in compliance with Table 21.32-1 (Zoning District Use Regulations).
- B. Combining Uses. Vehicle fuel sales may be permitted as the primary use of a site or may be combined with other retail or service commercial uses such as mini-marts or auto repair.
- C. Landscaping and Screening. The Review Authority may require construction of a 6-foot-high decorative masonry wall along interior boundaries of the site where it deems it necessary to provide a durable and aesthetically pleasing screen wall adjacent to existing or planned land uses of a more-sensitive nature (for instance, residential, restaurants, hotels, and visitor-serving commercial). Street frontages between driveways shall be landscaped with planters that are at least 5 feet deep exclusive of curbs (raised or flat) that define or contain planter areas.

CHAPTER 21.70. RESERVED

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CHAPTER 21.71. RESERVED

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CHAPTER 21.72. RESERVED

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CHAPTER 21.73. RESERVED

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## CHAPTER 21.74. GENERAL NONCONFORMING PROVISIONS

### 21.74.010. PURPOSE AND APPLICABILITY

This Article establishes uniform provisions for the regulation of nonconforming land uses, nonconforming development (including structures and improvements), and nonconforming lots that were lawfully established but do not comply with the current requirements of this Article (“**nonconforming situations**”). **The overall intent of this Article is to protect public health, safety, and general welfare while allowing reasonable use of private property by:**

- A. Limiting the number and extent of specific nonconforming uses and development that conflict with the provisions of this Title by prohibiting their reestablishment after discontinuation;
- B. Limiting the extent to which nonconforming uses and development that are involuntarily damaged or destroyed can be restored;
- C. Allowing for the continuation and maintenance of nonconforming uses and development until such use or development is changed in any manner beyond the scope allowed by this Article;
- D. Establishing procedures and criteria for evaluating the allowable enlargement of specific nonconforming uses and development; and
- E. Limiting the alteration, enlargement, or relocation of nonconforming uses and development in a manner that would further increase the difference between existing nonconforming conditions and the current provisions of this Zoning Code.

### 21.74.020. ESTABLISHMENT OF LEGAL NONCONFORMING STATUS

- A. Uses or developments that were not lawfully established do not have a legal right to continue as nonconforming situations as defined by this Article and shall be removed immediately. See Chapter 1.02 (Penalties).
- B. Nonconforming situations shall have the following meanings:
  1. A nonconforming lot means a lot that was lawfully established but does not meet the requirements of the zoning district in which it is located.
  2. A nonconforming development means a structure, building, or site improvement, such as an off-street parking facility, that was lawfully established in compliance with the applicable zoning regulations in effect at the time of construction or establishment but which no longer complies with the applicable development standards of the zoning district in which it is located, such as setbacks, buffers or yards, area, bulk, height, density, or parking.
  3. A nonconforming use means a use of land or a structure that was lawfully established in compliance with the applicable zoning regulations in effect at the time it was established but which no longer complies with the applicable regulations of the zoning district in which it is located.

### 21.74.030. PROOF OF LEGAL NONCONFORMITY

When submitting a development application to alter or expand a nonconforming situation or otherwise establish that a lot, development, or use is a legal nonconforming situation, the property owner or applicant shall document that a



nonconforming situation was legally established on its present site. Evidence that the situation was legally established shall depend upon the type of nonconforming situation, as follows:

- A. For nonconforming lots, the property owner or applicant shall document when the lot was lawfully created based upon recorded deeds or similar.
- B. For nonconforming development or nonconforming uses, the property owner or applicant shall provide building, land use, or development permits. For development or uses which did not require a permit when lawfully established, the property owner or applicant shall provide other evidence which clearly shows the date the development or use was established, such as dated aerial photographs.
- C. In addition, for nonconforming uses, the property owner or applicant shall document that the use has been continually maintained the prior 12 months. However, an extension of time to demonstrate that the use has not ceased may be granted by Planning Commission action or, upon appeal, City Council action. Evidence that a use has been maintained over time shall consist of building permits, functioning utility hookups, tax records, business licenses, lease agreements, business receipts, and/or similar documentation.

#### 21.74.040. LOSS OF LEGAL NONCONFORMING STATUS

- A. The right to continue a nonconforming use shall terminate when it is determined to be a public nuisance pursuant to the provisions of Chapter 9.06 (Nuisance Abatement) or order of a court of competent jurisdiction and the nuisance is not abated in the manner and within the time stated in the order of the City Council or the order of the court. In addition to the specific grounds for finding a nuisance as set forth in Section 9.06.030 (Nuisances), a nonconforming use is a public nuisance if:
  - 1. The use interferes with the enjoyment of life or property in the neighborhood; or
  - 2. The use is injurious to the health of persons in the neighborhood.
- B. The right to continue the use of a nonconforming structure shall terminate when the structure and/or the parcel on which it is located is determined to be a public nuisance pursuant to the provisions of Chapter 9.06 (Nuisance Abatement) or by judgment or order of a court of competent jurisdiction and the nuisance is not abated in the manner and within the time stated by the City Council or order of the court. If the abatement of the nuisance required demolition of the structure, the City Council order or judgment or order of the court shall find that in fairness and in justice there is no other way reasonably to correct the nuisances other than by demolition of the structure.
- C. Where it cannot be found that demolition of a structure is appropriate, the City Council may permit the structure to remain in existence but may impose one or more conditions to bring the structure into conformity with the requirements of this Title so far as is reasonable, in addition to any other conditions necessary to abate the public nuisance.

#### 21.74.050. PUBLIC ACQUISITION THAT CREATES A NONCONFORMING CONDITION

Whenever any City action to require dedication of land to or purchase of land by the City for any public purpose, or any eminent domain proceedings by any government agency, results in the creation of a nonconforming condition within the meaning of this Title, such conditions shall not be considered nonconforming within the meaning of this Title. The City shall record a Deed Notification of said conformity determination at time of dedication or acquisition.

**CHAPTER 21.75. NONCONFORMING LOTS****21.75.010. LOTS LESS THAN MINIMUM REQUIRED SIZE**

- A. Nonconforming lots may be developed with land uses that are permitted by the zoning district in which they are located, provided that all development occurs per Zoning Code standards.
- B. Lot line adjustments to nonconforming lots that do not increase the deviation between the existing nonconforming situation and the Code requirement or create a new nonconforming situation are allowed.
- C. If a development is proposed on a nonconforming lot and a contiguous lot or lots is owned by the same party as the lot on which the development is proposed, the City shall have the authority to require the merger of the lots to create a conforming lot, provided all the following requirements are met:
  - 1. At least one of the affected parcels is undeveloped by 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 or accessory structures, or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous parcel or unit.
  - 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, as determined by the Director; or
    - g. Is inconsistent with the General Plan and any applicable specific plan, other than minimum lot size or density standards.

Any such requirement for a merger shall be processed as a lot line adjustment pursuant to Chapter 22.18 (Lot Line Adjustment Process).

**CHAPTER 21.76. NONCONFORMING STRUCTURES****21.76.010. CONTINUATION OF LEGAL NONCONFORMING STRUCTURES**

Legally nonconforming buildings and structures may continue to be used and maintained subject to the following limitations:

- A. General. Additions or alterations are allowed unless such additions or alterations would increase the deviation between the existing nonconforming situation and the Code requirement or would create a new nonconforming situation.
- B. Modifications. Additions or alterations that extend a nonconforming setback or structure height are allowed only upon approval of a Site Plan Modification. In approving such a request, the review authority shall make the findings required for a Site Plan Modification (Subsection 21.17.020.C) as well as find that that such extension does not have a significant adverse effect on public safety or the existing or planned visual character of the neighborhood.
- C. Force Majeure. If any legally nonconforming building or structure is damaged by fire, earthquake, explosion, or other force majeure to an extent of more than 75 percent of the gross floor area of the structure(s), as determined by the Building Official, such building or structure shall only be rebuilt to conform to the present Code requirements. However, any property owner seeking to rebuild any such building or structure to the condition existing prior to occurrence of a fire, earthquake, explosion, or other force majeure shall apply for a Development Plan Modification pursuant to the provisions of Section 21.16.020 (Development Plan Modifications). In addition to the required findings for approval of a Development Plan Modification, findings shall also be made that restoring the building or structure to the previous state of nonconformity would not have a significant adverse effect on public safety or the existing or planned visual character of the neighborhood, and/or if other factors indicate that the goals and policies of the General Plan would be advanced by such restoration.
- D. Purposeful Destruction. If any legally nonconforming building or structure is damaged by a purposeful act of destruction to an extent of more than 50 percent of the gross floor area of the structure(s), as determined by the Building Official, such damaged portions of the building or structure shall only be rebuilt to conform to the present code requirements. Full restoration may be made to the previous state of nonconformity subject to approval of a Development Plan Modification (Section 21.16.020). In addition to the required findings for approval of a Development Plan Modification, findings shall also be made that restoration would not have a significant adverse effect on public safety or the existing or planned visual character of the neighborhood, and/or if other factors indicate that the goals and policies of the General Plan would be advanced by such restoration.
- E. Lot Line Adjustments. If the legally nonconforming buildings or structures do not meet the zoning district requirements for setbacks, including situations in which buildings or structures are located across property lines, and the owner of the nonconforming buildings or structures and the owner of the adjacent property seek to reduce the nonconforming situation via the filing of a lot line adjustment application, and if it can be demonstrated that the lot line adjustment does not increase the deviation between the existing nonconforming situation and the Code requirement or create a new nonconforming situation, then, subject to approval of a Conditional Use Permit, including any conditions deemed necessary to protect the public health, safety, and welfare, the Planning Commission may approve such a lot line adjustment.

#### 21.76.020. RESIDENTIAL STRUCTURES - EXCEPTIONS

Notwithstanding the provisions of Section 21.76.010.C, any multi-family residential development that is nonconforming with regard to maximum allowed density and is damaged to any extent by fire, earthquake, explosion, or other act not attributed to a purposeful act of destruction may be rebuilt to include the same number of units that existed prior to the occurrence of such destructive act.

### 21.76.030. WORK UNDER EXISTING BUILDING PERMITS

Nothing contained in this Title shall be deemed to require any change in the plans, construction, or designated use of any building for which a building permit has properly been issued in accordance with the provisions of ordinances then effective and upon which actual construction has been started, provided that in all such cases actual construction shall be diligently carried on until completion of the building in accordance with approved plans.

## CHAPTER 21.77. NONCONFORMING USES

### 21.77.010. CONTINUATION OF LEGAL NONCONFORMING USES

Legally nonconforming land uses may continue to be operated and maintained subject to the following limitations:

- A. The site or building areas in which they are located shall not be enlarged or increased. Exception: Subject to approval of a Conditional Use Permit, additions may be made to residential dwelling units in commercial and industrial districts, provided that said addition shall not increase the number of dwelling units on a property, including the addition of any accessory dwelling unit.
- B. The intensity or level of use or activity shall not be increased in terms of hours of operation, daily generation of vehicle trips, or other metric determined by the Zoning Administrator based on the use.
- C. If a nonconforming use is abandoned for a period of 12 or more consecutive months, such use shall neither be reestablished nor resume operation, and subsequent land uses shall conform to the general and zoning district regulations of this Title. The lack of a valid City Business License for the non-conforming use for a period exceeding 12 months shall be evidence of abandonment of use.

### 21.77.020. DESTRUCTION OF A STRUCTURE CONTAINING A LEGAL NONCONFORMING USE

- A. If the building(s) or structure(s) in which a legal nonconforming use is located is damaged by fire, earthquake, explosion, or other force majeure not attributed to a purposeful act of destruction to an extent of more than 50 percent of the gross floor area of the structure(s), the use shall neither be continued nor be reestablished at that location. Exception: If the nonconforming use consists of residential dwellings in a commercial or industrial zoning district subject to approval of a Conditional Use Permit, any dwellings may be rebuilt if doing so would not have a significant adverse effect on public safety or the existing or planned visual character of the neighborhood, and/or if other factors indicate that the goals and policies of the General Plan would be advanced by such restoration.
- B. If the buildings or structures containing a legal nonconforming use are damaged by a purposeful act of destruction, the use may not be re-established.

## CHAPTER 21.78. OTHER NONCONFORMING PROVISIONS

### 21.78.010. NONCONFORMING PARKING

- A. Industrial, Commercial, and Other Non-residential Developments.
  1. For industrial, commercial, and other nonresidential developments that are legally nonconforming only as to the regulations relating to off-street parking and loading facilities, such uses may be continued in the same manner as if the parking and loading facilities were conforming, except as

needed to comply with Americans with Disabilities Act (ADA) and any applicable State or local disability access statute. However, such parking and loading facilities as do exist may not be further reduced with respect to number provided, dimensions, and any other relevant requirement.

2. Any building addition or increase in the intensity of use of any building, structure, or premises shall provide parking for such addition or increase in intensity that conforms to the requirements of this Title.
- B. Multi-family Residential Development. For any multi-family residential development that does not provide parking in compliance with the requirements this Title, the following shall apply:
1. On lots greater than 9,000 square feet in area and 65 feet in width, with residential dwellings with 1 parking space in a garage or carport, the square footage of any individual unit may be increased up to 40 percent without requiring a second parking space in a garage or carport.
  2. For residential units with no parking spaces provided, any addition to a unit shall require provision of at least 1 parking space in a garage or carport or as a designated, uncovered space.
  3. Exceptions for accessory dwelling units shall apply as specified in Subsection 21.78.010.D below.
  4. On lots greater than 9,000 square feet in area and 65 feet in width, with residential dwellings with 1 parking space in a garage or carport, the square footage of any individual unit may be increased up to 40 percent without requiring a second parking space in a garage or carport.
  5. For residential units with no parking spaces provided, any addition to a unit shall require provision of at least 1 parking space in a garage or carport or as a designated, uncovered space.
  6. Exceptions for accessory dwelling units shall apply as specified in Subsection 21.78.010.D below.
- C. Single-family Residential Units: For any single-family residence that does not provide parking in compliance with the requirements of this Title, the following shall apply:
1. For a residential unit with only 1 parking space in a garage or carport, the square footage may be increased up to 20 percent or 500 square feet, whichever is less, without requiring a second parking space in a garage or carport.
  2. For a residential unit with no parking spaces provided, any addition to that unit shall require provision of at least 1 parking space in a garage or carport.
  3. Exceptions for accessory dwelling units and urban dwelling units shall apply as specified in Subsections 21.78.010.D and 21.78.010.E below, respectively.
- D. Accessory Dwelling Units: The parking provisions associated with accessory dwelling units as specified in Section 21.58.050 (Requirements for All ADUs) shall apply with respect to accessory dwelling units and the associated primary structures.
- E. Urban Dwelling Units: The parking provisions associated with urban dwelling units as specified in Paragraph 21.65.050.F.8 (Parking) shall apply with respect to the urban dwelling unit and, as applicable, to the associated primary structures.

**21.78.020. NONCONFORMITIES REGARDING FENCES**

Any fence or wall that is legally nonconforming with respect to height, materials, or absence where required shall be brought into compliance with the provisions of this Title in the following circumstances:

- A. For single-family residential uses, the nonconformity is allowed to be maintained in all circumstances.
- B. For multi-family residential uses, the fence or wall shall be made to conform at the time of any increased density or additional of dwelling units on the premises.
- C. For commercial, industrial, or other nonresidential use, the fence or wall shall be made to conform at the time of any increased intensity of use of additional square footage exceed 1,000 square feet on the premises.

**21.78.030. NONCONFORMING LANDSCAPING**

- A. Nonconforming Landscape Materials and/or Irrigation.
  - 1. Where a development or use in a nonresidential zoning district has landscape materials and/or irrigation systems that do not conform to the requirements of this Title in terms of areas required to be landscaped and/or types of irrigation systems, such landscape materials and/or irrigation systems shall be brought into compliance at the time of any onsite physical expansion of a building(s) in excess of 25 percent of the gross square footage of all existing buildings.
  - 2. Where a development or use in a residential zoning district has landscape materials and/or irrigation systems that do not conform to the requirements of this Title in terms of areas required to be landscaped and/or types of irrigation systems, such landscape materials and/or irrigation systems shall be brought into compliance at the time of any onsite physical expansion of a building(s) in excess of 50 percent of the gross square footage of all existing buildings.
- B. Nonconforming Landscape Screening. Where a development or use lacks required landscape screening or has landscape screening that does not conform to the requirements of this Title, such landscape screening shall be brought into compliance at the time of any onsite physical expansion of a building(s).
- C. Removal or Abandonment of Turf. Removal or abandonment of turf that is not being used for active recreational purposes shall not be allowed to be replaced except as allowed by Section 21.56.030 (Turf Limitations for New Construction and Rehabilitated Landscapes).

**21.78.040. NONCONFORMING LIGHTING**

See Paragraph 21.82.010.B.2 (Nonconforming Lighting).

**21.78.050. NONCONFORMING SIGNS**

See Section 21.52.100 (Nonconforming Signs – Copy Changes).

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**CHAPTER 21.80. FLOODPLAIN MANAGEMENT****21.80.010. PURPOSE AND APPLICABILITY**

- A. Purpose. It is the purpose of this Chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by legally enforceable regulations applied uniformly throughout the community to all publicly and privately owned land within flood prone, mudslide (i.e., mudflow), or flood related erosion areas. These regulations are designed to:
1. Protect human life and health;
  2. Minimize expenditure of public money for costly flood control projects;
  3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
  4. Minimize prolonged business interruptions;
  5. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;
  6. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;
  7. Ensure that potential buyers are notified that property is in an area of special flood hazard; and
  8. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
- B. Applicability. This Chapter shall apply to all areas of special flood hazards (as defined in Section 21.80.030) within the jurisdiction of the City.
- C. Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the flood insurance study (FIS) for the City of El Paso de Robles, California (San Luis Obispo County) dated March 16, 1981 with accompanying flood insurance rate maps (FIRMs) and flood boundary and floodway maps (FBFMs), dated September 16, 1981, and all subsequent amendments and/or revisions, are adopted by reference and declared to be a part of this Chapter. The FIS and attendant mapping is the minimum area of applicability of this Chapter and may be supplemented by studies for other areas which allow implementation of this Chapter and which are recommended to the City Council by the Floodplain Administrator. The study, FIRMs, and FBFMs are on file at the office of the City Engineer, City Hall, located at 1000 Spring Street, El Paso de Robles, CA 93446.
- D. Abrogation and Greater Restrictions. This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**21.80.020. STATUTORY AUTHORIZATION, FINDINGS OF FACT, AND METHODS OF REDUCING FLOOD LOSSES**

- A. Statutory Authorization. The Legislature of the State of California has in Government Code Sections 65302, 65560, and 65800 conferred upon local government units authority to adopt regulations designed to

promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council does adopt the following floodplain management regulations.

B. Findings of Fact.

1. The flood hazard areas of the City are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
2. These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contribute to flood losses.

C. Methods of Reducing Flood Losses. In order to accomplish its purposes, this Chapter includes methods and provisions to:

1. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion, flood heights, or flood velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplain, stream channels, and natural protective barriers which help accommodate or channel flood waters;
4. Control filling, grading, dredging, and other development which may increase flood damage;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

## 21.80.030. DEFINITIONS

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application. Definitions included in this Section that are also defined in Chapter 21.92 (General Definitions) shall be applicable only to Chapter 21.80 (Floodplain Management).

- A. A Zone. See "Special flood hazard area."
- B. "Accessory structure" means a structure that is either:
  1. Solely for the parking of no more than 2 cars; or
  2. A small, low cost shed for limited storage, less than 150 square feet and \$1,500 in value.
- C. "Accessory use" means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.
- D. **"Agricultural structure" means a walled and roofed structure used exclusively for agricultural purposes or uses in connection and livestock, including aquatic organisms. Structures that house tools or equipment used in connection with these purposes or uses are also considered to have agricultural purposes or uses.**

- E. "Alluvial fan" means a geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.
- F. **"Alteration of watercourse" means a dam, impoundment, channel relocation, change in channel capacity, or any other form of modification which may alter, impede, retard, or change the direction and/or velocity of the riverine flow during conditions of the base flood.**
- G. "Apex" means the point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.
- H. "Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of this Chapter.
- I. "Area of shallow flooding" means a designated AO or AH zone on the flood insurance rate map (FIRM). The base flood depths range from 1 to 3 feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- J. Area of Special Flood Hazard. See "Special flood hazard area."
- K. **"ASCE24" means the standard Flood Resistant Design and Construction, referenced by the Building Code, developed and published by the American Society of Civil Engineers, Reston, VA.**
- L. "Base flood" means a flood which has a 1 percent chance of being equaled or exceeded in any given year (also called the "100-year flood"). Base flood is the term used throughout this Chapter.
- M. "Base flood elevation (BFE)" means the elevation shown on the flood insurance rate map for zones AE, AH, A1-30, VE and V1-V30 that indicates the water surface elevation resulting from a flood that has a 1 percent or greater chance of being equaled or exceeded in any given year.
- N. "Basement" means any area of the building having its floor subgrade, i.e., below ground level, on all sides.
- O. **"Breakaway wall" means a wall that is not part of the structural support of a structure and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the structure or supporting foundation system.**
- P. Building. See "Structure."
- Q. **"Design flood elevation" means the elevation of the highest flood (generally the base flood elevation including freeboard) that a retrofitting method is designed to protect against. Also referred to as "flood protection elevation".**
- R. "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials.
- S. "Encroachment" means the advance or infringement of uses, plant growth, fill, excavation, structures, permanent structures, or development into a floodplain which may impede or alter the flow capacity of a floodplain.

- T. **“Exceptional hardship” means for the purpose of Variances from these regulations or the Building Code, the exceptional difficulty that would result from a failure to grant a requested Variance. Mere economic or financial hardship is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors do not, as a rule, qualify as exceptional hardships. All of these circumstances can be resolved through other means without granting Variances, even when the alternatives are more expensive or require the property owner to build elsewhere or put the parcel to a different use than originally intended.**
- U. "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before June 30, 1977.
- V. "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- W. "Flood," "flooding," or "floodwater" means:
1. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (for example, mudflows), see "mudslides"; and
  2. The condition resulting from flood-related erosion, see "flood-related erosion."
- X. "Flood boundary and floodway map (FBFM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.
- Y. **“Flood control project” means a dam or barrier design and constructed to keep water away from or out of a specified area, including but not limited to levees, floodwalls, and channelization.**
- Z. **“Flood damage-resistant material” means any building product (material, component, or system) capable of withstanding direct and prolonged contact with floodwaters without sustaining significant damage.**
- AA. "Flood hazard boundary map" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated the areas of flood hazards.
- BB. "Flood insurance rate map (FIRM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- CC. "Flood insurance study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood insurance rate map, the flood boundary and floodway map, and the water surface elevation of the base flood.
- DD. "Floodplain" or "flood-prone area" means any land area susceptible to being inundated by water from any source, see "Flooding."
- EE. "Floodplain Administrator" is the community individual appointed by title to administer and enforce the floodplain management regulations.

- FF. "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.
- GG. "Floodplain management regulations" means this Chapter and other Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control), and other application of police power which control development in flood-prone areas. This term describes Federal, State, or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.
- HH. "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. For guidelines on dry and wet floodproofing, see FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93.
- II. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1 foot. Also referred to as "regulatory floodway."
- JJ. "Floodway fringe" is that area of the floodplain on either side of the "regulatory floodway" where encroachment may be permitted.
- KK. "Fraud and victimization" as related to Section 21.80.150 (Appeals) means that the Variance granted must not cause fraud on or victimization of the public. In examining this requirement, the City Council will consider the fact that every newly constructed structure adds to government responsibilities and remains a part of the community for 50 to 100 years. Structures that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.
- LL. "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.
- MM. Hardship. **See "Exceptional Hardship."**
- NN. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- OO. "Historic structure" means any structure that is:
1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a State inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed in the Paso Robles Historic Resources Inventory (Section 21.62.030 [Criteria for Designation of Historic Resources]).

PP. **“Letter of Map Change” means an official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:**

1. Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
2. Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
3. Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been **permitted and placed in accordance with the community’s floodplain management regulations.**
4. Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

QQ. "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

RR. "Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

SS. "Lowest floor" means the lowest floor of the lowest enclosed area, including basement (see "basement" definition). An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a **structure’s** lowest floor provided it conforms to applicable nonelevation design requirements including, but not limited to:

1. The flood opening standards in Section 21.80.080.C.3 of this Chapter;
2. The anchoring standards in Section 21.80.080.A of this Chapter;
3. The construction materials and methods standards in Section 21.80.080.B of this Chapter;
4. The standards for utilities in Section 21.80.090 of this Chapter.

- TT. "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."
- UU. "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into 2 or more manufactured home lots for rent or sale.
- VV. "Market value" shall be determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation which has accrued since the structure was constructed.
1. The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry.
  2. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the Floodplain Administrator, but shall not include economic or other forms of external obsolescence.
  3. Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences.
- WW. "Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.
- XX. "New construction," for floodplain management purposes, means structures for which the "start of construction" commenced on or after June 30, 1977, and includes any subsequent improvements to such structures.
- YY. "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after June 30, 1977.
- ZZ. **"Nuisance" means that which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.**
- AAA. "Obstruction" means and includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, structure, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.
- BBB. One Hundred Year Flood. See "Base flood."
- CCC. "Program deficiency" means a defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations.
1. "Recreational vehicle" means a vehicle which is: Built on a single chassis;

2. 400 square feet or less when measured at the largest horizontal projection;
  3. Designed to be self-propelled or permanently towable by a light-duty truck; and
  4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- DDD. "Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1 foot.
- EEE. "Remedy a violation" means to bring the structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this chapter or otherwise deterring future similar violations, or reducing State or Federal financial exposure with regard to the structure or other development.
- FFF. "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
- GGG. Sheet Flow Area. See "Area of shallow flooding."
- HHH. "Special flood hazard area (SFHA)" means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on an FHM or FIRM as zone A, AO, A1-A30, AE, A99, or AH.
- III. "Start of construction" means and includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a structure, whether or not that alteration affects the external dimensions of the structure.
- JJJ. "Structure" means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.
- KKK. "Substantial damage" means:
1. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred; or
  2. Flood-related damages sustained by a structure on 2 separate occasions during a ten-year period for which the cost of repairs at the time of each such event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. This is also known as "repetitive loss."



- LLL. "Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:
1. Any project for improvement of a structure to correct existing violations or State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
  2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.
- MMM. **"Utility and Miscellaneous Group U"** means buildings and structures of an accessory character and miscellaneous structures not classified in any special occupancy, as described in the Building Code.
- NNN. "Variance" means a grant of relief from the requirements of this Chapter which permits construction in a manner that would otherwise be prohibited by this Chapter.
- OOO. "Violation" means the failure of a structure or other development to be fully compliant with this Chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Chapter is presumed to be in violation until such time as that documentation is provided.
- PPP. "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum. (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.
- QQQ. "Watercourse" means a lake, river, creek, stream, wash, arroyo, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

#### 21.80.040. GENERAL PROVISIONS

- A. Compliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Chapter and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards) shall constitute a misdemeanor. Nothing herein shall prevent the City Council from taking such lawful action as is necessary to prevent or remedy any violation.
- B. Interpretation. In the interpretation and application of this Chapter, all provisions shall be:
1. Considered as minimum requirements;
  2. Liberally construed in favor of the City of Paso Robles; and
  3. Viewed neither to limit nor repeal any other powers granted under State statutes.
- C. Warning and Disclaimer of Liability. The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Chapter does not imply that land outside the areas of special flood hazards or uses allowed within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the

City, City Council, any of officer or employee thereof, the State of California, or Federal Emergency Management Agency, for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made hereunder.

### 21.80.050. PERMITS REQUIRED

- A. Development Plan Required. A Development Plan (Chapter 21.16) shall be obtained before any construction or other development begins within any area of special flood hazard established in Subsection 21.80.010.C of this Chapter. An application for a Development Permit shall be filed and processed on the prescribed application forms in accordance with the procedures in Chapter 21.09 (Application Processing and Common Procedures). In addition to those requirements, the applicant shall provide the following minimum information:
1. Plans in duplicate, drawn to scale, showing:
    - a. Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their location;
    - b. Proposed locations of water supply, sanitary sewer, and other utilities;
    - c. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;
    - d. Location of the regulatory floodway when applicable;
    - e. Base flood elevation information as specified in Section 21.80.010.C and Section 21.80.070.C of this Chapter;
    - f. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and
    - g. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in Section 21.80.080.C.2 of this Chapter and detailed in FEMA Technical Bulletin TB 3-93.
  2. Certification from a registered civil engineer or architect that the nonresidential floodproofed structure meets the floodproofing criteria in Section 21.80.080.C.2 of this Chapter.
  3. For a crawl-space foundation, location and total net area of foundation openings as required in Section 21.80.080.C.3 of this Chapter and detailed in FEMA Technical Bulletins 1-93 and 7-93.
  4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
  5. All appropriate certifications listed in Section 21.80.070.E of this Chapter.
- B. Other permits required. The applicant shall obtain all other required State and Federal permits prior to initiating work authorized by these regulations and shall provide documentation of such permits to the Floodplain Administrator. Such permits include but are not limited to those required by the California State Water Resources Control Board for activities that affect wetlands and alter surface water flows, in conjunction with the United States Army Corps of Engineers; Section 404 of the Clean Water Act.

**21.80.060. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR**

The City Engineer is appointed as the Floodplain Administrator to administer, implement, and enforce this Chapter by granting or denying development permits in accord with its provisions.

**21.80.070. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR**

The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:

- A. Permit Review. Review all development permits to determine:
1. Permit requirements of this Chapter have been satisfied, including determination of substantial improvement and substantial damage of existing structures;
  2. All other required State and Federal permits have been obtained;
  3. The site is reasonably safe from flooding; and
  4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than 1 foot at any point within the City of El Paso de Robles; and
  5. All letters of map revision (LOMR's) for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on conditional letters of map revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.
- B. Substantial Improvement and Substantial Damage Determinations. For applications for building permits to improve structures, including alterations, movement, repair, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such structures, the Floodplain Administrator, in coordination with the Building Official, shall:
1. Estimate the market value, or require the applicant to obtain a professional appraisal prepared by a qualified independent appraiser, of the market value of the structure before the start of construction of the proposed work; in the case of repair, the market value of the structure shall be the market value before the damage occurred and before any repairs are made.
  2. Compare the cost to perform the improvement, the cost to repair the damaged structure to its pre-damaged condition, or the combined costs of improvements and repairs, where applicable, to the market value of the structure.
  3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage.
  4. Notify the applicant when it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Building Code is required and notify the applicant when it is determined that work does not constitute substantial improvement or repair of substantial damage.

- C. Review and Use of Any Other Base Flood Data. When base flood elevation data has not been provided in accordance with Subsection 21.80.010.C of this Chapter, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal or State agency, or other source, in order to administer Sections 21.80.100 through 21.80.150 of this Chapter.

NOTE: A base flood elevation shall be obtained using one of two methods from the FEMA publication, FEMA 265, "Managing Floodplain Development in Approximate Zone A Areas—A Guide for Obtaining and Developing Base (100-year) Flood Elevations" dated July 1995.

- D. Notification of Other Agencies.

1. In alteration or relocation of a watercourse:
  - a. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;
  - b. Submit evidence of such notification to the Federal Emergency Management Agency; and
  - c. Assure that the flood-carrying capacity within the altered or relocated portion of said watercourse is maintained.
2. Base Flood Elevation changes due to physical alterations:
  - a. Applicants who submit hydrologic and hydraulic engineering analyses to support permit applications shall submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps when the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available.
  - b. All LOMR's for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on conditional letters of map revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

3. Changes in corporate boundaries: Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.
- E. Documentation of Floodplain Development. Obtain and maintain for public inspection and make available as needed the following:
1. Certification required by Sections 21.80.080.C.1 and 21.80.110 (Standards for Manufactured Homes) of this Chapter (lowest floor elevations);
  2. Certification required by Section 21.80.080.C.2 of this Chapter (elevation or flood proofing of nonresidential structures);
  3. Certification required by Section 21.80.080.C.3 of this Chapter (wet floodproofing standard);

4. Certification of elevation required by Section 21.80.100.A.3 of this Chapter (subdivisions and other proposed development standards);
  5. Certification required by Section 21.80.130.B of this Chapter (floodway encroachments); and
  6. In addition to the requirements of the Building Code and Appendix G, and regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of these regulations and the flood provisions of the Building Code, including Flood Insurance Studies, Flood Insurance Rate Maps; documents from FEMA that amend or revise FIRMs; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required certifications and documentation specified by the Building Code and these regulations; notifications to adjacent communities, FEMA, and the State related to alterations of watercourses; assurance that the flood carrying capacity of altered waterways will be maintained; documentation related to variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to these regulations and the flood resistant provisions of the Building Code.
- F. Map Determinations. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 21.80.150 (Appeals) of this Chapter.
- G. Remedial Action. Take action to remedy violations of this chapter as specified in Section 21.80.040.A of this Chapter.
- H. Biennial Report. Complete and submit Biennial Report to FEMA.
- I. Planning. Ensure community's general plan is consistent with floodplain management objectives herein.

## 21.80.080. STANDARDS OF CONSTRUCTION

In all areas of special flood hazards the following standards are required:

- A. Anchoring. All new construction and substantial improvements, including manufactured homes, shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- B. Construction Materials and Methods. All new construction and substantial improvement of structures, including manufactured homes, shall be constructed:
  1. With flood damage-resistant materials, and utility equipment resistant to flood damage for areas below the base flood elevation;
  2. Using methods and practices that minimize flood damage;
  3. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and
  4. Within zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

## C. Elevation and Floodproofing.

1. Residential Construction. All new construction or substantial improvements of residential structures, shall have the lowest floor, including basement:
  - a. In AE, AH, A1-30 zones, elevated 2 feet above the base flood elevation.
  - b. In an AO zone, elevated above the highest adjacent grade to a height 2 feet above the depth number specified in feet on the FIRM, or elevated at least 4 feet above the highest adjacent grade if no depth number is specified.
  - c. In an A zone, without BFEs specified on the FIRM (unnumbered A zone), elevated 2 feet above the base flood elevation; as determined under Section 21.80.070.C. Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered civil engineer or licensed land surveyor, and verified by the building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.
2. Nonresidential Construction. All new construction or substantial improvements of nonresidential structures, shall either be elevated to conform with Subsection C.1 of this Section or:
  - a. Be floodproofed below the elevation recommended under Subsection C.1 of this Section so that the structure is watertight with walls substantially impermeable to the passage of water;
  - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
  - c. Be certified by a registered professional engineer or architect that the standards of Subparagraphs 21.80.080.C.2.a and 21.80.080.C.2.b of this Section are satisfied. Such certification shall be provided to the Floodplain Administrator.
3. Flood Openings. All new construction and substantial improvements of structures with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must exceed the following minimum criteria:
  - a. For non-engineered openings:
    - (1) Have a minimum of 2 openings on different sides having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding,
    - (2) The bottom of all openings shall be no higher than 1 foot above grade,
    - (3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater, and
    - (4) Structures with more than one enclosed area must have openings on exterior walls for each area to allow floodwater to directly enter; or
  - b. Be certified by a registered civil engineer or architect.

4. Manufactured homes: shall meet the standards in Section 21.80.110 (Standards for Manufactured Homes) of this Chapter.
5. Garages and Low Cost Accessory Structures.
  - a. Attached Garages.
    - (1) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, shall be designed to allow for the automatic entry of floodwaters. See Paragraph 21.80.080.C.3 of this Section. Areas of the garage below the BFE must be constructed with flood damage resistant materials. See Subsection 21.80.080.B of this section.
    - (2) A garage attached to a nonresidential structure shall meet the above requirements or be dry floodproofed. For guidance on below grade parking areas, see FEMA Technical Bulletin TB-6.
  - b. Detached Garages and Accessory Structures.
    - (1) Accessory structures used solely for parking (2 car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in Section 21.80.030 (Definitions), may be constructed such that its floor is below the base flood elevation (BFE), provided the structure is designed and constructed in accordance with the following requirements:
      - (A) Use of the accessory structure must be limited to parking or limited storage;
      - (B) The portions of the accessory structure located below the BFE must be built using flood damage-resistant materials;
      - (C) The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;
      - (D) Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the BFE;
      - (E) The accessory structure must comply with floodplain encroachment provisions in Section 21.80.130 (Floodways); and
      - (F) The accessory structure must be designed to allow for the automatic entry of floodwaters in accordance with Paragraph 21.80.080.C.3.
    - (2) Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in this Section.
6. Crawlspace Construction. This Paragraph applies to structures with crawl spaces up to 2 feet below grade. Below-grade crawl space construction in accordance with the requirements listed below will not be considered basements.
  - a. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Crawl space construction is not allowed in areas with

flood velocities greater than 5 feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer;

- b. The crawl space is an enclosed area below the BFE and, as such, must have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. For guidance on flood openings, see FEMA Technical Bulletin 1-93;
- c. Crawl space construction is not allowed in V zones. Open pile or column foundations that withstand storm surge and wave forces are required in V zones;
- d. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawl space used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE;
- e. Any building utility systems within the crawl space must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions; and
- f. Requirements for all below-grade crawl space construction, in addition to the above requirements, to include the following:
  - (1) The interior grade of a crawl space below the BFE must not be more than 2 feet below the lowest adjacent exterior grade (LAG), shown as D in figure 3 of Technical Bulletin 11-01,
  - (2) The height of the below-grade crawl space, measured from the interior grade of the crawl space to the top of the crawl space foundation wall must not exceed 4 feet (shown as L in figure 3 of Technical Bulletin 11-01) at any point,
  - (3) There must be an adequate drainage system that removes floodwaters from the interior area of the crawl space within a reasonable period of time after a flood event, not to exceed 72 hours, and
  - (4) The velocity of floodwaters at the site should not exceed 5 feet per second for any crawl space. For velocities in excess of 5 feet per second, other foundation types should be used.

#### 21.80.090. STANDARDS FOR UTILITIES

- A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:
  1. Infiltration of floodwaters into the systems; and
  2. Discharge from the systems into flood hazards.
- B. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.



### 21.80.100. STANDARDS FOR SUBDIVISIONS AND OTHER PROPOSED DEVELOPMENT

- A. All new subdivisions proposals and other proposed development, including proposals for manufactured home parks and subdivisions shall:
1. Identify the special flood hazard areas (SFHA) and base flood elevations (BFE).
  2. Identify the elevations of lowest floors of all proposed structures and pads on the final plans.
  3. If the site is filled above the base flood elevation, the following as-built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a letter of map revision based on fill (LOMRF) to the Floodplain Administrator:
    - a. Lowest floor elevation;
    - b. Pad elevation;
    - c. Lowest adjacent grade.
- B. All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.
- C. All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- D. All subdivisions and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.

### 21.80.110. STANDARDS FOR MANUFACTURED HOMES

- A. All manufactured homes that are placed or substantially improved on sites located:
1. Outside of a manufactured home park or subdivision;
  2. In a new manufactured home park or subdivision;
  3. In an expansion to an existing manufactured home park or subdivision; or
  4. In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall, within zones A1-30, AH, and AE on the community's flood insurance rate map, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated 2 feet above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- B. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A1-30, AH, and AE on the community's flood insurance rate map that are not subject to the provisions of Subsection 21.80.110.A of this section of this chapter will be securely fastened to an adequately anchored foundation system to resist flotation collapse, and lateral movement, and be elevated so that either the:

1. Lowest floor of the manufactured home is at least 2 feet above the base flood elevation; or
2. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

#### 21.80.120. STANDARDS FOR RECREATIONAL VEHICLES

All recreational vehicles placed on sites within zones A1-30, AH, and AE will either:

- A. Be on the site for fewer than 180 consecutive days; or
- B. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- C. Meet the permit requirements of Section 21.80.050 (Permits Required) of this Chapter and the elevation and anchoring requirements for manufactured homes in Subsection 21.80.110.A of this Chapter.

#### 21.80.130. FLOODWAYS

Since floodways are an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- A. Until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be allowed within zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than 1 foot at any point within the City.
- B. Within an adopted regulatory floodway, the City shall prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered civil engineer is provided demonstrating that encroachments shall not result in any increase in the base flood elevation during the occurrence of the base flood discharge.
- C. If subsections A and B of this section are satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Sections 21.80.080 through 21.80.130 of this Chapter.

#### 21.80.140. VARIANCE PROCEDURES FOR FLOODPLAINS

- A. Nature of Variances.
  1. The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance. The variance criteria set forth in this section of the chapter are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this Chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property

and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

2. It is the duty of the City Council to help protect its citizens from flooding. This need is so compelling and the implications of the cost of ensuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

B. Conditions for Variances.

1. Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of 0.5 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Sections 21.80.050 through 21.80.070 and 21.80.080 through 21.80.130 of this Chapter have been fully considered. As the lot size increases beyond 0.5 acre, the technical justification required for issuing the variance increases.
2. Variances may be issued for the repair or rehabilitation of "historic structures" (as defined in this chapter) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
3. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the "minimum necessary" considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this chapter. For example, in the case of variances to an elevation requirement, this means the City Council need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the City Council believes will both provide relief and preserve the integrity of the local ordinance.
5. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:
  - a. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance; and
  - b. Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the Floodplain Administrator in the office of the San Luis Obispo County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
6. The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

**21.80.150. APPEALS**

- A. Review Authority. The City Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Chapter.
- B. Decision Factors. In passing upon requests for variances, the City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Chapter, and the:
1. Danger that materials may be swept onto other lands to the injury of others;
  2. Danger of life and property due to flooding or erosion damage;
  3. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
  4. Importance of the services provided by the proposed facility to the community;
  5. Necessity to the facility of a waterfront location, where applicable;
  6. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  7. Compatibility of the proposed use with existing and anticipated development;
  8. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  9. Safety of access to the property in time of flood for ordinary and emergency vehicles;
  10. Expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and
  11. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.
- C. Decision. Variances shall only be issued upon a:
1. Showing of good and sufficient cause;
  2. Determination that failure to grant the variance would result in exceptional "hardship" (as defined in Section 21.80.030 of this Chapter) to the applicant; and
  3. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (as defined in section 21.14.050 of this chapter, see "public safety or nuisance"), cause fraud or victimization (as defined in Section 21.80.030 of this Chapter) of the public, or conflict with existing local laws or ordinances.
- D. Approval. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of this Section are satisfied and that the structure or other development is protected by methods that minimize

flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

- E. Conditions. Upon consideration of the factors of Section 21.80.140.B.1 of this Chapter and the purposes of this Chapter, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Chapter.

## CHAPTER 21.81. HILLSIDE DEVELOPMENT

### 21.81.010. PURPOSE

The purpose of this Chapter is to establish development standards that conserve the natural character of hillside areas, preserve and enhance the scenic hillside amenities of the city, and minimize the environmental impact resulting from extensive grading in visually sensitive areas. Development on hillsides shall be designed to conform to the topographical contours of the site to the extent feasible. Notwithstanding the provisions of this Chapter, grading in hillside areas shall be performed in a manner consistent with the applicable provisions of Title 20 (Grading), the recommendations of a licensed civil engineer, and subject to approval of the City Engineer.

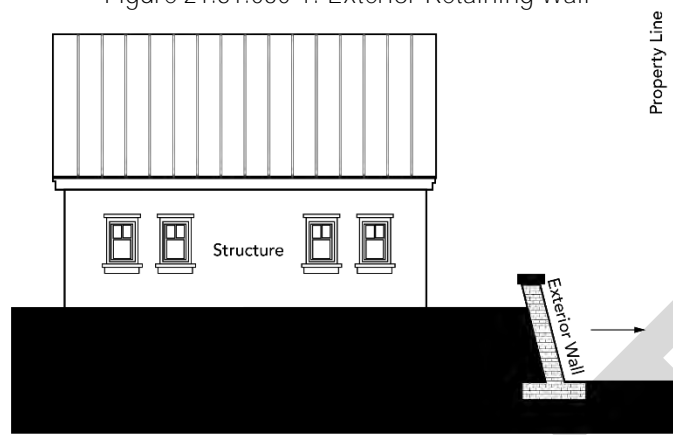
### 21.81.020. APPLICABILITY

- A. This Chapter applies net developable areas with an average existing slope of over 10 percent.
1. The net developable area of a property shall be calculated consistent with Subsection 21.41.070 (Determining Developable Area).
  2. The average slope of the net developable area shall be calculated consistent with Subsection 21.41.060 (Determining Average Slope).
- B. These hillside development standards are in addition to those development standards established in Chapter 21.33 (Residential Zoning Districts), Chapter 21.34 (Commercial, Industrial, and Airport Zoning Districts), Chapter 21.35 (Public Parks, Open Space and Agricultural Zoning Districts), and Chapter 21.36 (Overlay Zoning Districts), except where the development standards for the primary zoning district are more restrictive than the development standards for hillside areas.

### 21.81.030. DEFINITIONS

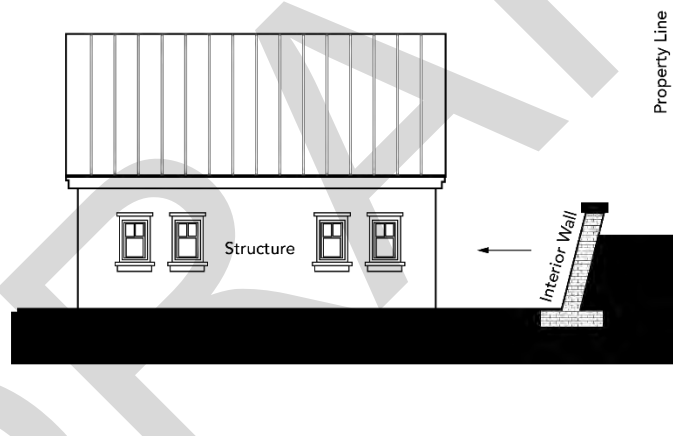
- A. **"Area of Disturbance"** means the portion of a project site that is disturbed for development, including any areas disturbed to accommodate structures, foundations, all graded slopes, parking areas, driveways, graded outdoor recreation spaces, and any areas otherwise graded or altered from existing conditions.
- B. **"Developable Area"** is defined in Section 21.41.070 (Determining Developable Area).
- C. **"Exterior Retaining Wall"** means a retaining wall that faces an exterior property line and/or is not fully screened by a structure.

Figure 21.81.030-1: Exterior Retaining Wall



- D. **“Hillside”** means those net developable areas with existing slopes of over 10 percent.
- E. **“Interior Retaining Wall”** means a retaining wall that faces a structure on a lot where the retaining wall is fully screened by said structure.

Figure 21.81.030-2: Interior Retaining Wall



- F. **“Mass grading”** means the excavation or deposition (cut and fill) of soil across a parcel for the construction of multiple buildings or other improvements. Mass grading sometimes involves the movement of soil across existing or proposed property lines for the purpose of balancing the overall earthwork (the amount of cut and fill) on the site. Mass grading is often used for multiple parcels or pads.
- G. **“Pad grading”** means the excavation or deposition (cut and fill) of soil to create a relatively flat area on a single parcel for the construction of improvements.

## 21.81.040. HILLSIDE DEVELOPMENT STANDARDS

- A. General Grading and Building Standards. The area of disturbance (defined in Subsection 21.81.030.A) shall be limited to the developable area (defined in Section 21.41.070) of a lot.
- B. General Grading Standards.
1. Grading shall be designed to minimize landform alteration to the extent feasible.

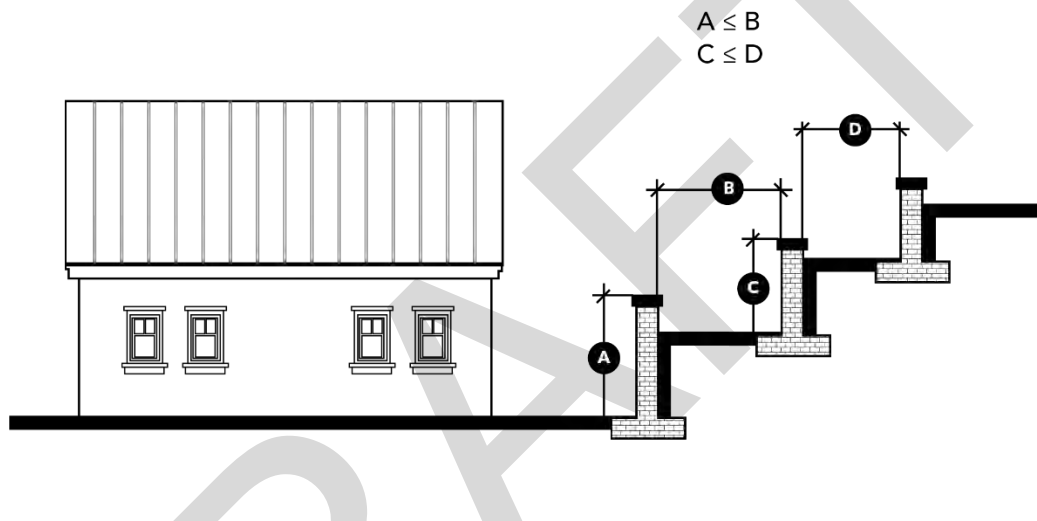
2. Mass or pad grading is only allowed where it is necessary for the reasonable use of the property and shall be conducted in a manner consistent with the purpose and intent of this Chapter, including Paragraph 21.81.040.B.1 and Subsection 21.81.040.C (Structure Foundations on Slopes).
  3. Grading design shall be based on the concept of contour grading, where the existing landform is maintained or the natural landform pattern is replicated in the case of extensive grading.
  4. The crest of all graded slopes greater than 6 feet vertical height shall be rounded. Where graded slopes intersect, the ends of each slope shall be horizontally rounded and blended.
- C. Structure Foundations on Slopes. Except as allowed through approval of a modification consistent with Section 21.81.050 (Modification to Hillside Development Standards), foundations for structures and other accessory uses shall be subject to the following standards:
1. Slopes of Less than 15 Percent. Individual pad grading is allowed where the area of disturbance has an existing slope less than 15 percent.
  2. Slopes 15 – 35 Percent. Where the area of disturbance has an existing slope of between 15 and 35 percent, pad grading is not allowed. Foundations shall incorporate special building techniques designed by a registered engineer or architect, including, but not limited to, split levels, benching, cantilevered, poles, piles, step and stem walls, and other methods designed to minimize soil disruption.
  3. Slopes of More than 35 Percent. No area of disturbance is permitted on an existing slope greater than 35 percent.
- D. Development Standards on Slopes.
1. Graded Slopes and Retaining Walls.
    - a. The maximum vertical height of a graded slope or combination of graded slope and the exposed face of any exterior or interior retaining wall shall not exceed the limits indicated in Table 21.81.040-1 (Slope and Retaining Wall Height).

Table 21.81.040-1: Slope and Retaining Wall Height

Building Type	Side/Front Yards			Rear Yards			All Yards ≥4:1 Slope Max Vertical Change (ft.)
	2:1 Slope Max Vertical Change (ft.)	3:1 Slope Max Vertical Change (ft.)	Exposed Face of Retaining Walls (ft.)	2:1 Slope Max Vertical Change (ft.)	3:1 Slope Max Vertical Change (ft.)	Exposed Face of Retaining Walls (ft.)	
Single -Family and Multi-Family Residential (Sq. Ft.)							
Lot Size ≤7,000 sq. ft.	4	6	4	6	10	6	unlimited
7,001-9,999	8	10	4	8	12	6	unlimited
≥10,000	12	15	4	12	18	6	unlimited
Non-Residential	12	15	6	12	18	6	unlimited

- b. The minimum distance required between multiple retaining walls shall be less than or equal to the height of the retaining wall as described in Table 21.81.040-1 (Slope and Retaining Wall Height) and as shown in Figure 21.81.040-1 (Minimum Distance Between Multiple Retaining Walls).
- c. Retaining walls to create building pads shall be constructed of masonry material, textured concrete, or similar material as determined by the review authority.
- d. Setbacks from property lines to graded slopes and retaining walls shall be consistent with the California Building Code.

Figure 21.81.040-1: Minimum Distance Between Multiple Retaining Walls



2. Stem Walls. The exposed face of a building stem wall shall not exceed 9 feet in average height and shall consist of a decorative surface finish compatible with the building architecture or natural hillside character.
3. Roof Materials. Roofing shall be fire-retardant and shall be neither white nor reflective.
4. Outdoor Flat Area or Deck for Single-Family Residential Structures. Development of new single-family residences shall include an unobstructed existing or manufactured (graded) area of at least 10 feet in depth for the length of a building with a slope not more than 5 percent. Where the structure is designed to be built into the existing slope, this requirement may be met by providing either a 5-foot-wide manufactured area no less than the full width of the dwelling unit, or a deck at least 10 feet in depth and no less than the full width of the dwelling unit. The underside of a deck that is 3 feet or higher above grade shall be screened.
5. Landscaping. In addition to the standards of Chapter 21.45 (Landscaping and Open Space), landscaping in hillside areas shall comply with the following.
  - a. Protection and Use of Existing Vegetation. Development shall protect and retain existing vegetation to the maximum extent possible. Existing groundcover and shrubs shall not be removed from lands with steep slopes (35 percent or greater) unless



necessary for weed abatement to remove fire hazards. When groundcover is removed on any slope, it shall be replaced with other vegetation. Existing groundcover shall be protected from damage during construction.

- b. New Landscaping. All development shall provide new landscaping as follows:
  - (1) Erosion Control. All graded slopes or slopes cleared of vegetation shall be landscaped with groundcover or other vegetation designed to retain the slope and to mitigate the visual impacts associated with bare ground.
  - (2) Architectural Enhancement. Trees and shrubs shall be planted to provide screening under decks, along walls, and as accent features.
  - (3) Street Trees. Street trees shall be planted as required by Title 10 (Vegetation).
  - (4) Trees on Graded Slopes. Trees shall be planted within the landscaping on graded slopes at a rate of at least 1 tree per 1,000 square feet of graded slope.
  - (5) Irrigation. All landscaping required for erosion control, trees, and architectural enhancement shall be irrigated. Irrigation design shall be in compliance with Chapter 21.56 (Water Efficient Landscaping).
  - (6) Plant Species. New landscaping shall incorporate plant species that meet the following criteria:
    - (A) Planting within 30 feet of buildings shall be fire-ignition resistant to the satisfaction of the Fire Marshal.
    - (B) In compliance with Chapter 21.56 (Water Efficient Landscaping).
    - (C) Non-invasive.

**21.81.050. MODIFICATION TO HILLSIDE DEVELOPMENT STANDARDS**

A. Allowed Modifications. Modifications to hillside development standards may be allowed through a Special Planned Development (Chapter 21.11), Development Plan Modification (Section 21.16.020), or Site Plan Modification (Section 21.17.020) process. Table 21.81.050-1 (Hillside Modifications) outlines standards for which modifications may be requested.

Table 21.81.050-1: Hillside Modifications

Standard	Site Plan Modification	Development Plan Modification	Special Planned Development	Zoning Code Section
Exceed maximum vertical height of graded slopes	--	May request	May request	Paragraph 21.81.040.D.1 (Graded Slopes and Retaining Walls), Table 21.81.040-1 (Slope and Retaining Wall Height)
Exceed maximum height of retaining walls up to 2 ft	May request	May request	May request	Paragraph 21.81.040.D.1 (Graded Slopes and Retaining Walls), Table 21.81.040-1 (Slope and Retaining Wall Height)
Exceed maximum height of retaining walls 2 ft or more	--	May request	May request	Paragraph 21.81.040.D.1 (Graded Slopes and Retaining Walls),

Table 21.81.050-1: Hillside Modifications

Standard	Site Plan Modification	Development Plan Modification	Special Planned Development	Zoning Code Section
				Table 21.81.040-1 (Slope and Retaining Wall Height)
Minimum distance between retaining walls	--	May request	May request	Subparagraph 21.81.040.D.1.b
Individual pad for 15-35% slope (instead of stem walls)	--	May request	May request	Paragraph 21.81.040.C.2.
Building with special building techniques (stem walls) on slopes over 35%	--	--	May request	Paragraph 21.81.040.C.3.
Height of stem wall	May request	May request	May request	Paragraph 21.81.040.D.2
Landscape standards	May request	May request	May request	Paragraph 21.81.040.D.5.

B. Modification Findings. In addition to the findings associated with the application (Section 21.11.060 [Special Planned Development]; Subsection 21.16.020.D [Development Plan Modification]; Subsection 21.17.010.C [Site Plan Modification]), all of the following findings can be made:

1. The Modification preserves oak trees (as applicable); and
2. The Modification does not involve individual pads on slopes over 35 percent.

**21.81.060. CREATION OF NEW LOTS**

A. General Standards for New Lots. The following standards shall apply to lots created through a tract map, parcel map, or reconfiguration of existing lots by a lot line adjustment:

1. No new lots shall be created that would necessitate locating the area of disturbance on existing slopes with an average of more than 35 percent.
2. The graded slopes and/or retaining walls between 2 adjacent lots shall be constructed on the lower lot; and
3. Between 2 adjacent lots, the property lines shall be located at the top of slopes.

B. Development Plan Modification for Multiple Slope Categories. An application for a Development Plan Modification (Section 21.16.020) may be submitted where a proposed Tentative Tract Map includes areas that fall under several slope categories, and 1 or more of these areas are relatively small or narrow, to allow the application of standards applicable to the nearest predominant slope category rather than strict compliance with the minimum lot size and depth requirements (Table 21.33.030-1 [Development Standards for R-A, R-1, and R-1 Combining Districts]) if, in addition to the findings of Subsection 21.16.020.D, the review authority finds the modification would not result in a subdivision with non-uniform lot areas or non-orderly development.

**CHAPTER 21.82. LIGHTING AND ILLUMINATION**

**21.82.010. PURPOSE AND APPLICABILITY**

A. Purpose. This Chapter is intended to minimize artificial light that may have a detrimental effect on the environment and enjoyment of the night sky. These provisions are also intended to reduce the unnecessary

illumination of adjacent properties and the use of energy and meet the minimum requirements of the California Code of Regulations for Outdoor Lighting and Signs (Title 24, Chapter 6). Outdoor lighting shall be designed, installed and maintained to be an integral part of the built environment, reflecting a balance for lighting needs with the contextual ambient light level and surrounding nighttime characteristics of the community.

B. Applicability. The standards of this Chapter apply to the following development projects:

1. New Construction. All new or replacement of exterior light fixtures or systems.
2. Nonconforming Lighting. Replacement of nonconforming light fixtures and light systems shall be required in the following circumstances:
  - a. Commercial additions and remodels. All building permits with a valuation more than the amount described in Paragraph 11.12.030.A.1 for requirement of frontage improvements shall bring existing exterior lighting into conformance with the provisions of this Chapter. In the event that the improvements are for a single tenant in a multi-tenant center, the Zoning Administrator shall determine a proportionate share of exterior lights to be replaced with the Building Permit.
  - b. Residential additions and remodels. Additions totaling 50 percent or more of the existing gross floor area of a structure or alterations affecting 50 percent or more of existing gross floor area shall bring existing exterior lighting into conformance with the provisions of this Chapter.
3. Exemptions. The following light sources are exempt from the standards of this Chapter:
  - a. Temporary construction lighting necessary for an allowed use are exempt except that permanent installations at dedicated sites shall conform to the requirements of this Chapter;
  - b. Sports fields;
  - c. Temporary holiday lighting; and
  - d. Similar lighting types as determined by the Zoning Administrator.
4. Other laws or ordinances may require minimum illumination levels for specific applications and may conflict with these regulations. In such cases, those laws or ordinances shall govern.

C. Application Materials. All development applications shall include sufficient information to enable the Zoning Administrator to determine whether the proposed and existing lighting complies with the provisions of this Chapter. For projects requiring a Development Plan (Subsection 21.16.010.B), the application shall include the following:

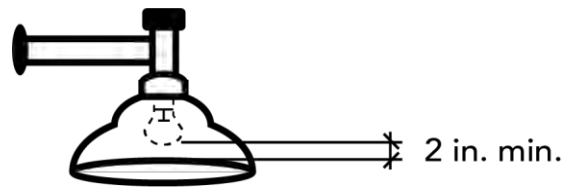
1. A site plan indicating the proposed location of all outdoor lighting fixtures;
2. A description of each illuminating device, fixture, lamp, support, and shield. This description may **include, but is not limited to, manufacturer's catalog cuts and drawings (including sections where required)**, lamp types, lumen outputs, and kelvin rating/scale;

3. Photometric plans depicting the location of all light poles and building-mounted lighting fixtures and a maximum ten-foot by ten-foot grid of both the initial and maintained lighting levels on the site, and including impact on adjacent properties;
4. The project lighting plan shall be coordinated with any associated landscaping plan to prevent site planning conflicts; and
5. Any other information the Zoning Administrator may determine is necessary to ensure compliance with the provisions of this Chapter.

## 21.82.020. LIGHTING STANDARDS

- A. Maximum Height.
  1. Within 100 feet of a residential zoning district: 16 feet.
  2. Other Locations: 25 feet.
- B. Design of Fixtures. Outdoor lighting fixtures, either wall mounted or light standards, shall be appropriate to the style and scale of the architecture of the building. Fixtures on buildings shall be attached only to walls or eaves, and the top of the fixture shall not exceed the height of the parapet, roof, or eave of the roof.
- C. Commercial/Industrial Lighting. Fixtures shall be fixed in position.
- D. Timing Controls. All outdoor lighting in non-residential development shall be on a time clock or photo-sensor system and turned off during daylight hours and during hours when the building or, in the case of shopping centers, all buildings, are not in use. Security lighting shall utilize motion sensors to reduce light intensity or turn lights off when no motion is detected.
- E. Patio Lights. Commercial string lights and other patio lighting shall be turned off no more than 30 minutes after close of business.
- F. Light Trespass. All lights shall be directed, oriented, and shielded to prevent light trespass or glare onto adjacent properties. The light level at property lines shall not exceed 0.3 foot-candle.
- G. Up Lighting. Up-lighting (lighting directed higher than 90 degrees from the ground) is prohibited.
- H. Lighting Shielded.
  1. All outdoor lighting shall be Dark-Sky compliant or equivalent. Light sources shall be designed and adjusted to direct light away from any road or street and away from any property or buildings outside the ownership of the applicant.
  2. Outdoor lighting shall be shielded so that the light source is not visible from off-site. Shielding shall be at least 2 inches in dimension measured from the lens or light source to direct light toward buildings or the ground and reduce glare.

Figure 21.82.020-1: Light Shielding Dimensions



- I. Parking Lot Lighting.
  - 1. Lighting Level. Parking lot lighting shall not exceed the levels needed to provide low level safety lighting for parking lot areas, as demonstrated by photometric plans.
  - 2. Motion Sensors. Lighting shall be on motion sensors to minimize lighting when not in use.
- J. Lighting Color (Chromaticity). All outdoor lighting shall utilize light sources with correlated color temperature not to exceed 3,000 Kelvin (K).
- K. Flashing. Outdoor lighting shall not blink, flash, or rotate.

#### 21.82.030. MODIFICATION TO LIGHTING STANDARDS

- A. General. Modifications to lighting standards may be allowed through a Development Plan Modification (Section 21.16.020). An application for a Development Plan Modification (Section 21.16.020) shall set forth all actions taken to comply with this Chapter, the reasons why compliance cannot be achieved, and a proposed method for achieving alternative compliance.
- B. Findings and Decision.
  - 1. Decision and Conditions. The Planning Commission may grant or deny the application for a Development Plan Modification to lighting standards. If approved, the Modification may be for a limited period and may be subject to any other terms, conditions, and requirements as the Planning Commission may deem reasonable to achieve maximum compliance with the provisions of this Chapter. Such terms, conditions and requirements may include, but shall not be limited to, limitations on lighting levels and operating hours.
  - 2. Findings. In approving such a request, the review authority shall consider whether the lighting modification meets a unique security need and/or serves a community-wide purpose, and shall make the findings required for a Development Plan Modification (Subsection 21.16.020.D).

### CHAPTER 21.83. NOISE

#### 21.83.010. PURPOSE AND APPLICABILITY

The purpose of this Chapter is to provide standards to regulate excessive, unnecessary, and annoying noise from all sources within the City **subject to the City's police power.**

**21.83.020. FINDINGS**

The City Council finds:

- A. The making and creation of excessive, unnecessary, and annoying noises within the limits of the City is a condition which has existed for some time and the extent and volume of such noises is increasing;
- B. Excessive, unnecessary, or annoying noise within the City is detrimental to the public health, safety, welfare, and the peace and quiet of the inhabitants of the City;
- C. Every person in the City is entitled to live in an environment free from excessive, unnecessary, or annoying noise levels;
- D. Noise is recognized as an inherent by-product of many land uses and the economic base of the City is protected by preventing the encroachment of noise-sensitive land uses into areas affected by existing noise-producing uses;
- E. Concerts and tourism-related events contribute to the vitality and character of the City and balancing the acoustical requirements of both residents and such businesses and events is of vital importance to the City; and
- F. The establishment of maximum permissible noise levels will further the public health, safety, welfare, peace, and quiet of City inhabitants.

**21.83.030. DEFINITIONS.**

The following words, phrases and terms as used in this Chapter shall have the following meanings:

“Ambient noise level” means the all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding the alleged offensive noise, at the location and approximate time at which a comparison with the alleged offensive noise is to be made.

“A-weighting” means a frequency-response adjustment of a sound level meter that conditions the output signal to approximate human response. All noise level measurements and noise standards associated with this noise element are provided in terms of A-weighted sound levels.

“Decibel” or “dB” means fundamental unit of sound, defined as 10 times the logarithm of the ratio of the sound pressure squared over the reference pressure squared.

“Emergency work” means the use of any machinery, equipment, vehicle, manpower, or other activity in an effort to protect, maintain, provide, or restore safe conditions in the community or for citizenry, or work by private or public utilities when restoring utility service.

“Fixed noise source” refers to sources of noise occurring on private property that are not regulated at the local level. They may be fixed in a certain position or mobile on the private property, but do not include mobile vehicles on public roadways, railroad, or aircraft operations. For example, the City cannot regulate how much noise a car on a public roadway can generate, as such levels are regulated at the State level. However, the City can regulate the level of noise that is generated on private property as it affects other properties. Traffic on public roadways, railroad operations, and aircraft in flight cannot be regulated at the local level.

“Frequency” means the measure of the rapidity of alterations of a periodic acoustic signal, expressed in cycles per second or hertz.

“Hertz” means the unit of measurement of frequency, numerically equal to cycles per second.

“L eq “ means equivalent or energy-averaged sound level.

“L max “ means the highest root-mean-square (RMS) sound level measured over a given period of time.

“Loudness” means a subjective term for the sensation of the magnitude of sound.

“Noise” means unwanted sound.

“Sensitive outdoor areas” means the primary outdoor activity area associated with any given land use at which noise-sensitivity exists and the location at which the City’s exterior noise level standards are applied. Additional definitions of sensitive areas of various residential uses follow.

“Sensitive areas of single-family residential uses” is normally considered to be back yards or distinct rear patio/deck areas. Front yard spaces may be identified as the sensitive exterior area if there are no other clearly identifiable private outdoor activity areas proposed as part of the residential property. Elevated balconies front courtyards, front decks, side yards, etc., are not commonly considered to be sensitive outdoor activity areas. Where the location of outdoor activity areas for large lot residential properties cannot be determined, the City’s exterior noise level standards shall be applied within 50 feet of the rear of the residence.

“Sensitive areas of multi-family residential uses” means common outdoor recreation areas, such as pools, tot-lots, tennis courts, etc., of multi-family uses are considered to be the sensitive outdoor area. Individual patios and balconies of multi-family developments are not considered to be sensitive outdoor areas.

“Sensitive areas of residential component of mixed-use developments” means mixed use developments will commonly consist of residential units on elevated floors above office or commercial uses. As a result, such uses may not include a clearly delineated sensitive outdoor area, in which case satisfaction with the City’s interior noise level standards will be considered adequate. The exterior noise standards for the residential component of mixed-use developments shall not be applied to patios or balconies facing the noise source (i.e. street).

“Sensitive areas of non-residential uses” means the noise sensitive area of non-residential uses should be evaluated on a case-by-case basis. For example, the exterior areas surrounding hospitals, schools, and office buildings are not commonly considered to be noise-sensitive, whereas the interior spaces of such uses are noise sensitive. The noise standards contained in Tables 21.83.060-1 (Exterior Noise Standards for Locally Regulated [Non-Transportation] Noise Sources) and Table 21.83.080-1 (Noise Standards for Outdoor Venues Generating Amplified Music or Speech) should only be applied to locations within a proposed use where noise sensitivity can be demonstrated.

“Simple tone noise” or “pure tone noise” means a noise characterized by the presence of a predominant frequency or frequencies such as might be produced by whistle or hum.

“Sound level meter” means an instrument meeting American National Standard Institute's Standard S1.4-1971 for type 1 or 2 sound level meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.

“Sound pressure level” means a sound pressure level of a sound, in decibels, as defined in ANSI Standards 51.2-1962 and 51.13-1921; that is, 20 times the logarithm to the base 10 of the ratio of the pressure of the sound to a reference pressure, which reference pressure shall be explicitly stated.

### 21.83.040. GENERAL NOISE REGULATIONS

Notwithstanding any other provisions of this Chapter and in addition thereto, it is unlawful for any person to willfully make or continue or cause to be made or continued any excessive, unnecessary, or offensive noise levels, which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area.

The standards that shall be considered in determining whether a violation of the provisions of this Chapter exists shall include, but not be limited to, the following:

- A. The sound level of the objectionable noise;
- B. The sound level of the ambient noise;
- C. The proximity of the noise to residential uses;
- D. The nature and zoning of the area within which the noise emanates;
- E. The density of the inhabitation of the area within which the noise emanates;
- F. The time of day or night the noise occurs;
- G. The duration of the noise and its tonal informational or musical content;
- H. Whether the noise is continuous, recurrent or intermittent; and
- I. Whether the noise is produced by a commercial or noncommercial activity.

### 21.83.050. SOUND LEVEL MEASUREMENT GENERALLY

- A. Any noise level measurements made pursuant to the provisions of this Chapter shall be performed using a sound level meter as defined herein with the A-weighting network under the "slow" meter response. The meter shall be calibrated immediately prior to use and fitted with a wind screen.
- B. The location selected for measuring exterior noise levels shall be at the location identified as having exterior noise sensitivity as defined above. Where feasible, the microphone shall be at a height of 5 feet above ground level and shall be at least 5 feet from walls or similar reflecting surfaces. In the case of interior noise measurements, the windows shall be closed and the measurement shall be made at a point at least 5 feet from the wall, ceiling, or floor nearest the affected occupied area.

### 21.83.060. EXTERIOR AND INTERIOR NOISE STANDARDS

- A. The noise standards contained in Table 21.83.060-1 (Exterior Noise Standards for Locally Regulated [Non-Transportation] Noise Sources) below, unless otherwise specifically indicated in this Chapter, shall apply to all noise-sensitive exterior and interior areas within the City.
- B. It is unlawful for any person at any location within the City to create any noise which causes the noise levels on an affected property, when measured in the designated sensitive exterior or interior location, to exceed the noise standards specified below in Table 21.83.060-1 (Exterior Noise Standards for Locally Regulated [Non-Transportation] Noise Sources) and the noise standards contained in Tables N, 1, and 2 in the Noise Element of the General Plan.



Table 21.83.060-1:  
Exterior Noise Standards for Locally Regulated (Non-Transportation) Noise Sources

Receiving Land Use	Period <sup>3</sup>	Exterior Areas <sup>1</sup>		Interior Spaces <sup>2</sup>	
		Lmax <sup>4</sup>	Leq <sup>5</sup>	Lmax <sup>4</sup>	Leq <sup>5</sup>
Residential	Day	75	55	60	45
	Evening	70	50	55	40
	Night	65	45	45	35
Mixed-Use Residential	Day	—	—	60	45
	Evening	—	—	55	40
	Night	—	—	45	35
Hotels, Hospitals <sup>6</sup> , & Nursing Homes	Day	75	60	60	45
	Evening	75	55	55	40
	Night	70	50	45	35
Uptown/Town Center Specific Plan Area Residential	Day	80	60	60	45
	Evening	75	55	55	40
	Night	70	50	45	35
Theaters & Auditoriums	Day	75	55	40	35
	Evening	70	50	40	35
	Night	—	—	40	35
Churches, Meeting Halls, Libraries	Day	75	55	55	45
	Evening	70	50	55	40
Schools <sup>7</sup>	Day	—	—	55	40
	Evening	—	—	55	40
Office/Professional	Day	80	60	60	45
	Evening	75	55	60	45
Commercial/Retail Buildings	Day	80	60	60	50
	Evening	75	55	60	50
Playgrounds, Parks, etc.	Day	75	55	—	—
	Evening	75	55	—	—
Industrial	Day	80	60	60	50
	Evening	75	55	60	50

Specific Notes:

1. Noise sensitive areas are defined acoustic terminology section.
2. Interior noise level standards are applied within noise-sensitive areas of the various land uses, as defined in the acoustic terminology section, with windows and doors closed.
3. Daytime hours = 7 a.m. to 7 p.m., Evening hours = 7 p.m. to 10 p.m., Nighttime hours = 10 p.m. to 7 a.m.
4. Lmax = Highest measured sound level occurring during a given interval of time (Typically 1 hour).
5. Leq = Average or “Equivalent” noise level during the worst-case hour in which the building is in use.
6. Hospitals are often noise-generating uses. The exterior noise level standards for hospitals are applicable only at clearly identified areas designated for outdoor relaxation by either hospital staff or patients.
7. Exterior areas of school uses are not typically noise-sensitive. As a result, the standards for schools are focused on the interior office and classroom spaces.

General Notes Applicable to All Noise Standards and Land Uses:

- a. Where the noise source in question consists of speech or music, or is impulsive in nature, or contains a pure tone, the noise standards of this table are reduced by 5 dB.

Table 21.83.060-1:  
Exterior Noise Standards for Locally Regulated (Non-Transportation) Noise Sources

Receiving Land Use	Period <sup>3</sup>	Exterior Areas <sup>1</sup>		Interior Spaces <sup>2</sup>	
		Lmax <sup>4</sup>	Leq <sup>5</sup>	Lmax <sup>4</sup>	Leq <sup>5</sup>

b. Where ambient noise levels exceed the noise level standards shown above, the noise standards shall be increased in 5 dBA increments to encompass the ambient.

c. Reductions in the noise standards for noise sources identified in general note “A” above shall be applied after any increases warranted by elevated ambient conditions prescribed in general note “B,” subject to verification through a noise study.

- C. Due to variations in types of both noise-generating and noise-sensitive land uses, as well as variations in ambient conditions in the City, the City shall have the ability to set noise standards up to 5 dBA higher or lower than the Table 21.83.060-1 (Exterior Noise Standards for Locally Regulated [Non-Transportation] Noise Sources) standards if determined appropriate by the Planning Commission and/or Zoning Administrator.

**21.83.070. NOISE STANDARDS APPLICABLE TO SHORT-TERM RENTALS**

Persons utilizing short-term rentals pursuant to Chapter 21.64 (Short-Term Rentals) shall not exceed the noise standards of Table 21.83.060-1 (Exterior Noise Standards for Locally Regulated [Non-Transportation] Noise Sources) at the noise-sensitive areas of any land uses located within the City.

**21.83.080. NOISE STANDARDS SPECIFICALLY APPLICABLE TO OUTDOOR MUSIC VENUES AND EVENTS**

The following policy is intended to provide event operators the ability to continue to operate while remaining cognizant of the sensitivity of residential and other noise-sensitive receptors located within the City.

- A. The Table 21.83.060-1 (Exterior Noise Standards for Locally Regulated [Non-Transportation] Noise Sources) standards shall apply to existing and proposed venues where amplified music and speech would occur.
- B. For venues within the City’s jurisdiction that have been the subject of repeated, legitimate (verifiable) noise complaints, the City shall reserve the right to require ongoing noise monitoring and reporting. Where such reporting indicates that venues existing at the time of adoption of this ordinance are exceeding the Table 21.83.080-1 (Noise Standards for Outdoor Venues Generating Amplified Music or Speech) noise standards, or venues established after the adoption of this ordinance are exceeding the Table 21.83.080-1 (Noise Standards for Outdoor Venues Generating Amplified Music or Speech) standards, the City shall have the authority to impose sanctions upon the operator, including revocation of use permits.

Table 21.83.080-1:  
Noise Standards for Outdoor Venues Generating Amplified Music or Speech

Venue	Table 21.83.060-1 Standards Applicable?	Mixing Booth <sup>6</sup> Target Levels, dBA <sup>1,2</sup>	Footnotes
Mid-State Fairgrounds	No	100 Leq, 110 Lmax	3
Vina Robles Amphitheater	Yes	100 Leq, 105 Lmax	4
Downtown City Park	No	None	5
New Venues	Yes	As determined necessary to satisfy Table	

Table 21.83.080-1:  
Noise Standards for Outdoor Venues Generating Amplified Music or Speech

Venue	Table 21.83.060-1 Standards Applicable?	Mixing Booth <sup>6</sup> Target Levels, dBA <sup>1,2</sup>	Footnotes
		21.83.080-1 standards by project-specific noise analysis	

Notes:

1. Leq = Average or "Equivalent" noise level. Represents the energy average of all noise occurring during a given period (typically 1 hour).

2. Lmax = Highest measured sound level occurring during a given interval of time (Typically 1 hour).

3. Operations of the Mid-State Fairgrounds are not subject to control by the City of Paso Robles. As a result, the mixing booth sound levels are identified as voluntary for this venue. It should be noted, however, that measurements of concert sound at this venue indicated substantial conformity to the mixing booth target levels.

4. Studies have shown that compliance with the mixing booth sound target levels has resulted in compliance with the Table 21.83.080-1 (Noise Standards for Outdoor Venues Generating Amplified Music or Speech) noise standards at the nearest sensitive receptors during events at the Vina Robles Amphitheater.

5. Concerts related to events held at the Downtown City Park are subject to obtaining a permit from the city and are exempt from the provisions of this Noise Element provided they adhere to the city permit conditions.

6. The mixing booth location is generally defined as being approximately 100 feet in front of the stage, but this location can vary by venue.

**21.83.090. PROHIBITED NOISE DISTURBANCES**

Notwithstanding any of the provisions of this Chapter, including full compliance with Table 21.83.060-1 (Exterior Noise Standards for Locally Regulated [Non-Transportation] Noise Sources) and Table 21.83.080-1 (Noise Standards for Outdoor Venues Generating Amplified Music or Speech), the following acts are prohibited within the City, subject to the exceptions cited in this Chapter:

- A. Radio, Television Sets, Musical Instruments, and Similar Devices. Operating, playing, or permitting the operation or playing of any radio, stereo, television set, audio equipment, electronic equipment, drum, musical instrument, or device which produces or reproduces sound at any time of day plainly audible over background ambient conditions at a distance of 100 feet from such device. This Section does not apply to places of public entertainment or to events for which a lawful permit has been obtained, provided that the activities producing sound are being conducted in compliance the permit.
- B. Animals. The keeping of any animal or bird, as pet or livestock, which causes noise so loud, so frequently, and continued over so long a period as to deprive persons residing in 2 or more separate residences in the neighborhood of the comfortable enjoyment of their home. For the purposes of this Subsection, the animal noise shall not be deemed a disturbance or nuisance if the noise is in response to a person trespassing or threatening to trespass upon private property in or upon which the animal is situated or if the noise is in response to someone teasing or provoking the animal.
- C. Private Alarm Systems. Sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm unless such alarm is terminated within 5 minutes of activation.
- D. Loading and Unloading. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects between the hours of 9:00 P.M. and 6:00 A.M. in such a manner as to cause a noise disturbance within a noise-sensitive area.

- E. Private Parties. Any noise, commotion or sound resulting from a party between the hours 10:00 P.M. and 7:00 A.M. Sunday through Thursday and 12:00 A.M. and 7:00 A.M. Friday and Saturday that creates sound determined by either code enforcement of City peace officers to be excessive for the time and location, or determined to be in violation of the Table 28.83.060-1 (Exterior Noise Standards for Locally Regulated [Non-Transportation] Noise Sources) standards of this Chapter. For purposes of this Section, "party" means a gathering for social or entertainment purposes at a private residence or other location but does not include sound generated by a valid commercial use such as a bar or restaurant that is in compliance with all other applicable requirements of local regulations.
- F. Vibration. Operating or permitting the operation of any device that creates a vibration which is above the vibration perception threshold of an individual at any sensitive location if the source is on private property or at 150 feet from the source if on a public space or public right-of-way.

### 21.83.100. EXEMPTIONS

The following sources of noise shall be exempt from the provisions of this Chapter:

- A. Emergency warning devices and equipment operated in conjunction with emergency situations, such as sirens and emergency generators that are activated during power outages. The routine testing of such warning devices and equipment, including generators, is also exempt provided such testing occurs during daytime hours.
- B. All activities occurring at public schools and public school playgrounds and sporting fields, as such activities are not regulated at the local level.
- C. Activities at private schools, parks, or playgrounds, provided such activities occur during daytime hours (7:00 A.M. to 10:00 P.M.).
- D. Activities associated with special events approved by the City.
- E. Construction and demolition activities located within 1,000 feet of noise-sensitive land uses provided they occur during normal daytime hours, excluding Sundays and federal holidays, subject to the conditions imposed by City permit. For construction activities, daytime hours are defined as 7:00 A.M. to 7:00 P.M. Construction activities occurring between the hours of 7:00 P.M. and 7:00 A.M. must comply with the interior noise level standards identified in Table 21.83.060-1 (Exterior Noise Standards for Locally Regulated [Non-Transportation] Noise Sources) unless an exception has been granted by the Department. An exception for concrete pours or other construction activities requiring an early morning start time may be authorized by the Zoning Administrator.
- F. Construction and demolition activities located beyond 1,000 feet of noise-sensitive land uses, subject to the conditions imposed by City permit. For construction activities, daytime hours are defined as 7:00 A.M. to 7:00 P.M.
- G. When an unforeseen or unavoidable condition occurs during a construction project and the nature of the project necessitates that work in process be continued until a specific phase is completed, the contractor or owner shall be allowed to continue work outside of the hours delineated above and to operate machinery and equipment necessary until completion of the specific work in progress can be brought to conclusion under conditions which will not jeopardize inspection acceptance or create undue financial hardships for the contractor or owner.
- H. In the event of an emergency involving agricultural activities that requires prompt action to protect crops or equipment, the City can exempt noise generated by such action from the provisions of this Chapter.

- I. Noise sources associated with agricultural operations in zones permitting agricultural uses.
- J. Noise sources associated with maintenance of residential area property, provided said activities take place between the hours of 7:00 A.M. and 8:00 P.M. on any day except Saturday or Sunday, or between the hours of 9:00 A.M. and 5:00 P.M. on Saturday or Sunday. Otherwise, the noise standards of Table 21.83.060-1 (Exterior Noise Standards for Locally Regulated [Non-Transportation] Noise Sources) shall apply.
- K. Noise generated by persons authorized to engage in waste disposal service or garbage collection, including any truck-mounted waste or garbage loading and/or composting equipment, or similar mechanical device.

#### 21.83.110. ADMINISTRATION

The Zoning Administrator shall be responsible for:

- A. Employing individuals trained in acoustical engineering or an equivalent field to assist the Zoning Administrator in the administration of this Chapter;
- B. Training field inspectors;
- C. Procuring measuring instruments and training inspectors in their calibration and operation;
- D. Conducting a public education program in all aspects of noise control; and
- E. Coordinating the noise ordinance with other governmental agencies.

#### 21.83.120. MODIFICATION TO NOISE STANDARDS

- A. General. Modifications to noise standards may be allowed through a Development Plan Modification (Section 21.16.020). An application for a Development Plan Modification (Section 21.16.020) shall set forth all actions taken to comply with this Chapter, the reasons why immediate compliance cannot be achieved, a proposed method for achieving compliance, and a proposed time schedule for its accomplishment.
- B. Findings and Decision.
  - 1. Decision and Conditions. The Planning Commission may grant or deny the application for a Development Plan Modification to noise standards. If approved, the Modification may be for a limited period and may be subject to any other terms, conditions, and requirements as the Planning Commission may deem reasonable to achieve maximum compliance with the provisions of this Chapter. Such terms, conditions and requirements may include, but shall not be limited to, limitations on noise levels and operating hours.
  - 2. Findings. In addition to the findings of Subsection 21.16.020.D for a Development Plan Modification, in deciding whether to grant a Modification, the review authority shall consider all facts relating to whether strict compliance with the requirement of this Chapter will cause practical difficulties, unnecessary hardship or unreasonable expense and any other relevant considerations including, but not limited to, the fact that a noise generator in question commenced operations prior to the existence of a noise-sensitive use affected by noise from such facility. The review authority shall consider the magnitude of nuisance caused by the offensive noise, the uses of property within the area affected by the noise, the time factors related to study, design, financing and construction of remedial work, the economic factors related to age and useful life of equipment, and the general public interest and welfare.

**21.83.130. VIOLATION**

The City will review the complaint and may investigate and assess whether the alleged noise levels exceed the noise standards set forth in this Chapter. If the City has reason to believe that any provision(s) of this Chapter has been violated, they may cause written notice to be served upon the alleged violator. Such notice shall specify the provision(s) of this Chapter alleged to have been violated and the facts alleged to constitute a violation, including dBA readings noted and the time and place of their detection, and shall include an order that corrective action be taken within a specified time. If corrective action is not taken within such specified time or any extension thereof approved by the Department, upon conviction, the violation shall constitute enforcement consistent with Title 1 (General Provisions) of this Code.

**21.83.140. OTHER REMEDIES**

- A. Provisions of this Chapter are to be construed as an added remedy of abatement of the public nuisance declared and not in conflict or derogation of any other action, proceedings, or remedies provided by law.
- B. Any violation of the provisions of this Chapter shall be, and the same is declared to be unlawful and a public nuisance, and the duly constituted authorities of the City shall, upon order of the City Council, immediately commence actions or proceedings for the abatement or enjoinder thereof in the manner provided by law and shall take such steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate such nuisance.

**CHAPTER 21.84. OAK TREE PRESERVATION**

Oak tree preservation standards shall be as provided in Chapter 10.01 (Oak Tree Preservation)..

**CHAPTER 21.85. PERFORMANCE STANDARDS - GENERAL****21.85.010. PURPOSE AND APPLICABILITY**

- A. Purpose. This Chapter establishes performance standards intended to guard against the use of any property or structure in any zoning district in any manner which would create any dangerous, injurious, noxious, or otherwise objectionable condition or element that adversely affects the health and safety of residents, the community, and the surrounding area and adjoining premises.
- B. Applicability. The minimum requirements in this Chapter apply to all land uses in all zoning districts, unless otherwise specified.

**21.85.020. GENERAL PERFORMANCE STANDARDS FOR ALL USES**

- A. General Standard. Land and buildings shall not be used or occupied in a manner creating any dangerous, injurious, or noxious fire, explosive, or other hazard that would adversely affect the surrounding area.
- B. Measurement of Impacts. Measurements necessary for determining compliance with the performance standards of this Chapter shall be taken at the property line of the establishment or use that is the source of a potentially objectionable condition, hazard, or nuisance.
- C. Fire and Explosion Hazards. All activities involving and all storage of inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and adequate

- firefighting and fire-suppression equipment and devices standard in industry and as approved by the Fire Department. All incineration of inflammable and explosive materials is prohibited.
- D. Radioactivity or Electrical Disturbance. Devices which radiate radio-frequency energy shall be operated in a manner that does not cause interference with any activity carried on beyond the boundary line of the property upon which the device is located. Further, no radiation of any kind shall be emitted which is dangerous to humans. All radio transmissions shall occur in full compliance with Federal Communications Commission (FCC) and other applicable regulations.
- E. Vibration. No vibration shall be produced that is transmitted through the ground and is discernible without the aid of instruments by a reasonable person at the lot lines of the site. Vibrations from temporary construction, demolition, and vehicles that enter and leave the subject parcel (for example, construction equipment, trains, trucks, etc.) are exempt from this standard. Where vibration dampeners are proposed, project applications shall include an engineered study establishing the effectiveness of the dampeners based on actual conditions.
- F. Smoke. No emission shall be permitted at any point which would constitute a violation of standards established by the San Luis Obispo County Air Pollution Control District (APCD).
- G. Odors. Except for fireplaces and barbecues, no emission shall be permitted of odorous gases or other odorous matter in such quantities as to constitute a public nuisance.
- H. Fly Ash, Dust, Fumes, Vapors, Gases and Other Forms of Air Pollution. No emission shall be permitted which can cause damage to health, animals, vegetations or other forms of property, or which can cause any excessive soiling at any point. No emissions shall be permitted in excess of the standards established by the San Luis Obispo County Air Pollution Control District (APCD).
- I. Glare. No direct glare, whether produced by floodlight, high-temperature processes such as combustion or welding or other processes, so as to be visible from any boundary line of the property on which the same is produced shall be permitted. Sky-reflected glare from buildings or portions thereof shall be so controlled by reasonable means as are practical to the end that said sky-reflected glare will not inconvenience or annoy persons or interfere with the use and enjoyment of property in and about the area where it occurs. See also Chapter 21.82 (Lighting and Illumination).
- J. Liquid or Solid Wastes. No discharge shall be permitted at any point into any public sewer, private sewage disposal system or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment, or otherwise cause the emission of dangerous or offensive elements, except in accord with standards approved by the California Department of Health or such other governmental agency as shall have jurisdiction over such activities. Manufacturing, processing, treatment and other activities involving use of toxic or hazardous materials shall be designed to incorporate the best available control technologies and wherever technically feasible shall employ a "closed loop" system of containment.
- K. Transportation Systems Impacts. Vehicular, bikeway and/or pedestrian traffic, directly attributable to the proposed land use, shall not increase to a significant extent without implementation of adequate mitigation measures in a form to be approved by the City Engineer. In determining significance of impacts, consideration shall be given to cumulative (projected build-out) capacity of streets and highways serving the land use. Mitigation measures required may include but not be limited to curb, gutter, sidewalk, street and/or alley, bikeway, transit related improvements and traffic signalization. Mitigation may be required as pursuant to the California Environmental Quality Act (CEQA), or as a condition of a discretionary review.

**CHAPTER 21.86. SURFACE MINING AND RECLAMATION****21.86.010. PURPOSE**

- A. This Chapter is adopted pursuant to Section 2710 et seq. of the California Public Resources Code (Surface Mining and Reclamation Act of 1975), and to that end, the City Council finds and declares that:
1. Mineral extraction is essential to the continued economic well-being of the City and to the needs of the society, and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety.
  2. Reclamation of mined lands as provided in this Chapter will permit the continued mining of minerals and will provide for the protection and subsequent beneficial use of the mined and reclaimed land.
  3. Surface mining takes place in diverse areas where the geologic, topographic, climatic, biological, and social conditions are significantly different and that reclamation operations and the specifications therefore may vary accordingly.
- B. The City is the lead agency for enforcing the State Surface Mining and Reclamation Act of 1975 (SMARA) regulations on all mining operations in the City, and is required to annually inspect each mining operation, ensure adequate financial assurances are secured for reclamation, and oversee mining and reclamation activities to the goals of the SMARA.
- C. It is the intent of the City to create and maintain an effective and comprehensive surface mining and reclamation policy to ensure that:
1. Adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable condition that is readily adaptable for alternate land uses.
  2. The production and conservation of minerals are encouraged while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.
  3. Residual hazards to the public health and safety are eliminated.

**21.86.020. APPLICABILITY**

- A. The provisions of this Chapter shall apply to surface mining operations on public and private lands in the City, except as exempted in Subsection 21.86.020.B. Any applicable exemption does not automatically exempt a project or activity from the application of other regulations, ordinances, or policies of the City, including the application of the California Environmental Quality Act (CEQA), the requirement of a Conditional Use Permit (CUP), the payment of development impact fees, or the imposition of other dedications and exactions as may be permitted under the law.
- B. The provisions of this Chapter are not applicable to:
1. Excavations or grading conducted for farming or for the purpose of restoring land following a flood or natural disaster.
  2. Onsite excavation and earthmoving activities that are an integral and necessary part of a construction project that are undertaken to prepare a site for construction of structures, including the related excavation, grading, compaction, or the creation of fills, road cuts, and embankments,



provided all required permits for the improvements have been approved by the City in accordance with applicable provisions of State law and City plans and ordinances, including, but not limited to, the California Environmental Quality Act (CEQA), as specified in California Public Resources Code Section 2714(b)(1)-(4).

3. Operation of a mineral processing site, including associated on-site structures, equipment, machines, tools, or other materials, including onsite stockpiling and onsite recovery of mined materials, subject to all of the following conditions:
  - a. The plant site is located on lands appropriately designated in the General Plan and zoned for mineral processing;
  - b. None of the minerals being processed are extracted on-site; and
  - c. All reclamation work has been completed pursuant to the approved reclamation plan for any mineral extraction activities that occurred on-site after January 1, 1976.
4. Prospecting for and extraction of minerals for commercial purpose and the removal of overburden where total amounts are less than 1,000 cubic yards in any 1 location of 1 acre or less.
5. Surface mining operations that are required by Federal law in order to protect a mining claim, if such operations are conducted solely for that purpose.
6. Any other mining operations that the State Mining and Geology Board determines to be of an infrequent nature, and which involve only minor surface disturbances.
7. Surface mining operations and emergency excavations or grading conducted by the California Department of Water Resources or the Reclamation Board as specified in California Public Resources Code Section 2714(i)(1).
8. Excavations or grading for the exclusive purpose of obtaining materials for roadbed construction and maintenance conducted in connection with timber operations or forest management on land owned by the same person or entity. This exemption is limited to excavation and grading that is conducted adjacent to timber operation or forest management roads and shall not apply to on-site excavation or grading that occurs within 100 feet of a Class One watercourse or 75 feet of a Class Two watercourse, or to excavation for materials that are, or have been, sold for commercial purposes. This exemption shall be available only if slope stability and erosion are controlled in accordance with subdivision (f) of Section 3704 and subdivision (d) of Section 3706 of Title 14 of the California Code of Regulations (CCR) and, upon closure of the site, the person closing the site implements, where necessary, revegetation measures and post closure uses in consultation with the California Department of Forestry and Fire Protection.
9. Excavations, grading, or other earthmoving activities in an oil or gas field that are integral to and necessary for ongoing operations for the extraction of oil and gas as specified in California Public Resources Code Section 2714(l).
10. The immediate excavation or grading of lands affected by a natural disaster for the purpose of restoring those lands to their prior condition.

### 21.86.030. DEFINITIONS

- A. **“Idle” means that an operator of a surface mining operation has curtailed production at the surface mining operation with the intent to resume the surface mining operation at a future date, for a period of 12 months or more by more than 90 percent of its maximum annual mineral production within any of the last 5 years during which an interim management plan has not been approved.**
- B. **“Surface mining” means the mining of minerals on lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations shall include, but are not limited to, in-place distillation or retorting or leaching; the production and disposal of mining waste; and prospecting and exploratory activities.**
- C. **“Operator” means any person who is engaged in surface mining operations, or who contracts with others to conduct operations on his/her behalf, except a person who is engaged in surface mining operations as an employee with wages as his sole compensation.**
- D. **“Overburden” means soil, rock, or other materials that lie above a natural mineral deposit or in between mineral deposits, before or after their removal by surface mining operations.**
- E. **“Supervisor of Mine Reclamation” means the director of the Division of Mine Reclamation of the California Department of Conservation.**

### 21.86.040. INCORPORATION OF SMARA AND OTHER STATE REGULATIONS

The provisions of the SMARA (California Public Resources Code, Division 2, Chapter 9, Section 2710 et seq.), California Public Resources Code Section 2207, and the California Code of Regulations Section 3500 et seq.) as those provisions may be amended from time to time, are made a part of this Chapter by reference with the same force and effect as if the provisions therein were specifically and fully set out herein, excepting that when the provisions of this Chapter are more restrictive than correlative State provisions, this Chapter shall prevail.

### 21.86.050. MINERAL RESOURCE MANAGEMENT POLICIES

California Public Resources Code Sections 2762, 2763 and 2764 and Chapter 14 California Code of Regulations Section 3676, and subsequent amendments regarding mineral classification studies and General Plan resource management policies are incorporated into this Chapter.

### 21.86.060. VESTED RIGHTS

- A. No person who obtained a vested right to conduct surface mining operations prior to January 1, 1976, shall be required to secure a permit to mine, so long as the vested right continues and as long as no substantial changes have been made in the operation except in accordance with SMARA, State regulations, and this Chapter. Where a person with vested rights has continued surface mining in the same area subsequent to January 1, 1976, that person shall obtain City approval of a reclamation plan covering the mined lands disturbed by such subsequent surface mining. In those cases where an overlap exists (in the horizontal and/or vertical sense) between pre- and post-SMARA mining, the reclamation plan, shall call for reclamation proportional to that disturbance caused by the mining after the effective date of the SMARA (January 1, 1976).
- B. All other requirements of State law and this Chapter shall apply to vested mining operations.

**21.86.070. REQUIRED PERMIT AND APPROVALS**

- A. A Conditional Use Permit (CUP) shall be required for a surface mining operation that is determined not to be vested pursuant to Section 21.86.060 (Vested Rights), and shall be required for the expansion of a surface mining operation beyond the boundaries of the vested area.
- B. Except as provided in this Chapter, no person shall conduct surface mining operations unless a reclamation plan has been submitted to and approved by, and financial assurances for reclamation have been approved by, the City.

**21.86.080. PROCESS**

- A. Applications for a Conditional Use Permit or reclamation plan for surface mining or land reclamation projects shall be made on forms provided by the Zoning Administrator and shall be submitted together in a single application. The forms for a reclamation plan application shall require, at a minimum, each of the elements required by the California Public Resources Code Sections 2772 and 2773, Article 1 (commencing with Section 3500), Article 9 (commencing with Section 3700) of Subchapter 1 of Chapter 8 of Division 2 of Title 14 of the California Code of Regulations, as applicable, and any other requirements determined necessary to facilitate an expeditious and fair evaluation of the proposed reclamation plan, to be established at the discretion of the Zoning Administrator.
- B. Within 30 days of determination of completeness of an application for a Conditional Use Permit for surface mining operations and/or a reclamation plan as complete, the Community Development Department shall submit the reclamation plan to the Supervisor of Mine Reclamation for review and certify to the Supervisor of Mine Reclamation that the reclamation plan is a complete submission that is consistent with this Chapter, the SMARA, Article 1 (commencing with Section 3500) and Article 9 (commencing with Section 3700) of Subchapter 1 of Chapter 8 of Division 2 of Title 14 of the California Code of Regulations, as applicable. The Supervisor shall have 30 days from the receipt of the reclamation plan to notify the City and operator if the submission does not meet the content requirements of California Public Resources Code Sections 2772, 2773, and 2773.3 and Article 1 (commencing with Section 3500) and Article 9 (commencing with Section 3700) of Subchapter 1 of Chapter 8 of Division 2 of Title 14 of the California Code of Regulations, as applicable, and is incomplete.
- C. The Supervisor of Mine Reclamation shall have 30 days after the date of receipt of the reclamation plan to notify the City if the submission is incomplete and to prepare written comments on the reclamation plan if the Supervisor chooses. The Community Development Department shall prepare a written response to the **Supervisor's comments received describing the major issues raised by the comments. The** Community Development Department shall submit its response to the Supervisor at least 30 days prior to the intended approval of the reclamation plan. The Community Development **Department's** response shall either describe **how the City proposes to adopt the Supervisor's comments on the reclamation plan, or describe in detail the reasons why the City proposes not to adopt the Supervisor's comments. The** Community Development Department shall promptly forward any written comments received and responses prepared by the Community Development Department to the operator.
- D. Whenever mining operations are proposed in the 100-year flood plain of any stream, as shown in Zone A of the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and within 1 mile, upstream or downstream, of any State highway bridge, the Community Development Department shall notify the State Department of Transportation that an application has been received. The Department of Transportation shall have a period of not more than 45 days to review and comment on the proposed surface mining operations, and the City shall not issue or renew the permit until the Department of

- Transportation has submitted its comments or until 45 days from the date the application for the permit was submitted, whichever occurs first.
- E. The Community Development Department shall process the application through environmental review pursuant to the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines.
  - F. Subsequent to the appropriate environmental review, the Community Development Department shall prepare a staff report with recommendations for consideration by the Planning Commission, which incorporates input from any other affected department or agency.
  - G. The City shall give the Supervisor of Mine Reclamation at least 30 days written notice of the time, place, and date of the hearing at which the reclamation plan is scheduled to be approved by the City, or, if no hearing is required, the City shall provide 30 days written notice to the Supervisor that the City intends to approve the reclamation plan.
  - H. The Planning Commission shall hold at least 1 noticed public hearing on the Conditional Use Permit and/or reclamation plan.
  - I. **The City's review of reclamation plans is limited to whether the plan substantially meets the applicable requirements of California Public Resources Code Sections 2772, 2773.3 and Article 1 (commencing with Section 3500), Article 9 (commencing with Section 3700) of Subchapter 1 of Chapter 8 of Division 2 of Title 14 of the California Code of Regulations, as applicable, and this Chapter adopted pursuant to California Public Resources Code Section 2774(a)).** Reclamation plans determined to substantially meet these requirements shall be approved by the City for the purposes of this Chapter.
  - J. The Planning Commission shall then take action to approve, conditionally approve, or deny the Conditional Use Permit and/or reclamation plan, except where pre-empted by the California Public Resources Code. The Planning Commission's action shall be final, subject to appeal as provided in Chapter 21.25 (Appeals and Calls for Review).
  - K. If a Conditional Use Permit is being processed concurrently with the reclamation plan, the Planning Commission may also conceptually approve the Conditional Use Permit at this time. However, the Planning Commission may defer action on the Conditional Use Permit until taking final action on the reclamation plan. If necessary to comply with permit processing deadlines, the Planning Commission may conditionally approve the Conditional Use Permit with the condition the Community Development Department shall not release the mining operation for occupancy until financial assurances have been reviewed by the Supervisor of Mine Reclamation and final action has been taken on the reclamation plan.
  - L. Within 30 days following the approval of the reclamation plan, the City shall provide the Supervisor of Mine Reclamation notice of the reclamation plan and Conditional Use Permit approval. The City shall provide as soon as practicable, but no later than 60 days after approval of the reclamation plan, certified copies of all maps, diagrams, or calculations, signed and sealed.
  - M. No later than 60 days after the approval of the reclamation plan, the City shall provide to the Supervisor of Mine Reclamation an official copy of the approved reclamation plan. The official copy shall incorporate all approved modifications to the reclamation plan and shall include an index showing any permit conditions or approval or binding mitigation measures adopted or certified pursuant to CEQA that are necessary to meet the requirements of subdivision (c) of California Public Resources Code Section 2772, California Public Resources Code Sections 2773 and 2773.3, and Article 1 (commencing with Section 3500) and Article 9 (commencing with Section 3700) of Subchapter 1 of Chapter 8 of Division 2 of Title 14 of the California Code of Regulations, as applicable. Those conditions of approval and mitigation measures shall be included

in an appendix to the reclamation and shall be considered part of the reclamation compliance requirements and subject to the annual inspection.

- N. **The City, upon approval of a reclamation plan or an amendment to a reclamation plan, shall record a “Notice of Reclamation Plan Approval” with the County recorder. The notice shall read: “Mining operations conducted on the hereinafter described real property are subject to a reclamation plan approved by the City of El Paso de Robles, a copy of which is on file with the City Clerk.” The notice shall also include the name of the owner of record of the mine operation, the name of the City, and the acknowledged signature of the City representative. A copy of the final approved reclamation plan shall be kept on the mining site at all times.**

## 21.86.090. FINDINGS FOR APPROVAL

In addition to findings for the approval of Conditional Use Permits (Section 21.19.050), approval for surface mining operations shall include a finding that the project complies with the provisions of State law and regulations.

- A. For reclamation plans, the following findings shall be made by the reviewing authority prior to approval:
1. The reclamation plan and goals and potential use of reclaimed land pursuant to the plan are consistent with this Chapter, the City's General Plan, and zoning for the area.
  2. The reclamation plan complies with the purpose, intent, and requirements of this Chapter.
  3. The project has been reviewed pursuant to CEQA, all adverse impacts related to the reclamation plan have been mitigated by the plan and/or the recommended condition(s) of approval, and the appropriate environmental determination has been adopted.
  4. The reclamation plan complies with the requirements of the State Surface Mining and Reclamation Act of 1975, specifically California Public Resources Code Sections 2772 and 2773, and the Reclamation Standards specified in California Code of Regulations Title 14, Division 2, Chapter 8, Subchapter 1, Article 9, Sections 3700 through 3713.
  5. The reclamation plan has been forwarded to the Supervisor of Mine Reclamation, as prescribed in this Chapter, and in accordance with California Public Resources Code Section 2772.1, including all applicable documentation required for submission as outlined in California Public Resources Code Section 2772.1.
  6. Through implementation of the reclamation plan, all significant adverse impacts on lands to be reclaimed as a result of the surface mining operations are mitigated to the maximum extent feasible;
  7. The land and/or resources to be reclaimed will be restored to a condition that is compatible with the surrounding environment;
  8. The reclamation plan and potential use of reclaimed land pursuant to the plan are consistent with any applicable air quality and/or water quality resources plan and/or that suitable off-site development will compensate for related disturbances to resource values existing after reclamation is completed;
  9. The reclamation plan will restore the mined lands to a usable condition which is adaptable for alternative land uses consistent with the general plan and any other applicable plan or element;

10. A written response to the Supervisor of Mine Reclamation has been prepared, describing the disposition of major issues regarding the reclamation plan raised by the Supervisor. Where the City's position is at variance with the recommendations and objections raised by the Supervisor, the City has prepared detailed responses regarding why specific comments and suggestions of the Supervisor were not accepted.

#### 21.86.100. PHASING OF RECLAMATION

- A. Reclamation activities shall be phased with respect to the phasing of the mining operation and shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance. Interim reclamation may also be required for mined lands that have been disturbed and will be disturbed again in future operations if it is determined to be necessary to ensure the success of final reclamation or for health and safety purposes. Reclamation may be done on an annual basis, or in stages compatible with continuing operations, or on completion of all excavation, removal, or fill as approved by the City. Each phase of reclamation shall be specifically described in the reclamation plan and shall include: the approximate length of time for completion of each phase; all reclamation activities required; criteria for measuring completion of specific reclamation activities; and estimated costs as provided in Section 21.84.110 (Financial Assurances). The reclamation schedule shall be approved as part of the reclamation plan pursuant to Section 21.86.080 (Process).

#### 21.86.110. FINANCIAL ASSURANCES

In order to ensure that reclamation will proceed in accordance with the approved reclamation plan, the City shall require, as a conditional of approval, one or more forms of security which will be released upon satisfactory performance. The applicant shall post security in the form of a corporate surety bond executed by an admitted surety insurer as defined in subdivision (a) of Section 995.120 of the Code of Civil Procedure, trust fund, irrevocable letter of credit from an accredited financial institution, a certificate of time deposit as part of an approved trust fund, or other method acceptable to the City and the Department of Conservation as specified by the State Mining and Geology Board pursuant to California Public Resources Code Section 2773.1(e). Financial assurances shall be made payable to the City of El Paso de Robles and Department of Conservation. The financial assurances shall remain in effect for the duration of the surface mining operation and any additional period until reclamation is complete. The financial assurance cost estimates shall be submitted to the City for review on a form developed by the Supervisor of Mine Reclamation and approved by the State Mining and Geology Board.

Prior to approving the financial assurance cost estimate, the City shall submit the financial assurance cost estimate to the Supervisor of Mine Reclamation for review. No later than 15 days after receiving the estimate, the Supervisor shall notify the City and the operator if the submission is incomplete. An incomplete submission is one that does not meet the content requirements of Section 2773.1, Article 11 (commencing with Section 3800) of Subchapter 1 of Chapter 8 of Division 2 of Title 14 of the California Code of Regulations, **and the Mining and Geology Board's** financial assurance guidelines adopted pursuant to subdivision (f) of Section 2773.1. The Supervisor shall specifically identify all aspects of the submission that are incomplete and shall have 45 days from the date of receipt of the cost estimate to prepare written comments if the Supervisor chooses to provide written comments.

The City shall evaluate written comments received from the Supervisor of Mine Reclamation relating to the financial assurance cost estimate and submit written responses on the comments raised to the Supervisor at least 30 days prior to the approval of the **financial assurance cost estimate. The City's response shall include either a description of how the Community Development Department proposes to adopt the Supervisor's comments on the cost estimate, or a detailed description of the reasons why the Community Development Department proposes to not adopt the Supervisor's comments. Copies of the written comments received and responses prepared by the** Community Development Department shall be provided to the operator.

If the Community Development Department **proposes to not adopt the Supervisor of Mine Reclamation's comments relating to the financial assurance cost estimate, the Supervisor may within 15 days of the City's written response** request in writing a consultation with the City to discuss the Supervisor's comments and City's responses, which shall **occur not later than 30 days after the Supervisor's request for consultation. If the Supervisor requests a consultation,** the City shall not approve the financial assurance cost estimate until after consulting with the Supervisor.

- A. The City shall give the Supervisor of Mine Reclamation at least 30 days notice of the time, place, and date of the hearing before the City at which time the financial assurance is scheduled to be approved by the City. If no hearing is required, the City shall provide 30 days written notice to the Supervisor that it intends to **approve the financial assurance. The City shall send to the Supervisor its final response to the Supervisor's** comments within 30 days following its approval of the financial assurance. Financial assurances shall be required to ensure compliance with elements of the reclamation plan including, but not limited to, revegetation and landscaping requirements; restoration of water bodies and water quality; slope stability and erosion and drainage control, disposal of hazardous materials; and other mitigation measures. Financial assurances for such elements of the reclamation plan shall be monitored by the Community Development Department.
- B. Financial assurances shall not be released until written notification has been made by the Zoning Administrator to the mining operator and the Supervisor of Mine Reclamation that reclamation has been completed in accordance with the approved reclamation plan, and the Supervisor and City consent to the release of the financial assurance. The amount of financial assurances shall be based upon the estimated costs of reclamation for each year or phase stipulated in the reclamation plan, including any irrigation and maintenance of reclaimed areas as may be required. An operator shall be required to replace an approved financial assurance mechanism to bond for the reclamation of the surface mining operation only if the financial assurance cost estimate identifies a need to increase the amount of the financial assurance mechanism. Cost estimates shall be prepared by a licensed engineer and/or other qualified professionals retained by the operator; such estimates shall be approved by the Zoning Administrator. Financial assurances may be based upon estimates, including but not necessarily limited to, the volume of earth moved (cubic yards) for each year or phase of reclamation. Financial assurances to ensure compliance with revegetation, restoration of wildlife habitat, and any other applicable element of the reclamation plan shall be based upon cost estimates that include but may not be limited to labor, equipment, materials, mobilization of equipment, administration, and reasonable profit by a commercial operator other than the permittee.
- C. In projecting final costs of financial assurances, it shall be assumed without prejudice or insinuation that the surface mining operation could be abandoned by an operator and, consequently, the City or State may need to construct with a third-party commercial company for mobilization and reclamation on the site.
- D. Where reclamation is accomplished in annual increments, the amount of financial assurances required for any 1 year shall be adjusted annually and shall be adequate to cover the full estimated costs for reclamation of any land projected to be in a disturbed condition from mining operation by the end of the following year. The estimated costs shall be the amount required to complete the reclamation on all areas that will not be subject to further disturbance, and to provide interim reclamation, as necessary, for any partially excavated areas in accordance with the reclamation plan. Financial assurances for each year shall be released upon successful completion of reclamation (including any maintenance required) of all areas that will not be subject to further disturbance and upon the operator filing additional financial assurances for the succeeding year. Financial assurances for all subsequent years of the operation shall be handled in the same manner.
- E. Financial assurances for reclamation that is accomplished in multiple-year phases shall be handled in the same manner as described for annual reclamation.
- F. If a change of ownership occurs, the existing financial assurances remains in force until a replacement financial assurance is approved by the City.

**21.86.120. INTERIM MANAGEMENT PLANS**

- A. Within 90 days of a surface mining operation becoming idle, the operator shall submit to the Community Development Department an interim management plan. The interim management plan shall fully comply with requirements of California Public Resources Code Section 2770(h) and shall provide measures the operator will implement to maintain the site in compliance with SMARA, including, but not limited to, all conditions of the Conditional Use Permit and/or reclamation plan approval. The interim management plan shall be processed as a minor revision to the reclamation plan pursuant to Section 21.86.150 (Revisions to Reclamation Plans), and shall not be considered a project for the purposes of CEQA. The interim management plan shall only provide for the necessary measures the operator will implement during its idle status to maintain the site in compliance with the SMARA, including, but not limited to, all permit conditions.
- B. The financial assurances required by Section 21.86.110 (Financial Assurances) shall remain in effect during the period that the surface mining operation is idle. If the operation is still idle after the expiration of its interim management plan, the operator shall commence reclamation in accordance with its approved reclamation plan.
- C. Within 45 days of receipt of the interim management plan, the City shall review the interim management plan and determine if it is consistent with this Chapter. If the interim management plan is consistent, the City shall forward the plan to the Supervisor of Mine Reclamation for review and certify to the Supervisor of Mine Reclamation that the interim management plan is a complete submission that is consistent with this Chapter, Article 1 (commencing with Section 3500), and Article 9 (commencing with Section 3700) of Subchapter 1 of Chapter 8 of Division 2 of Title 14 of the California Code of Regulations, as applicable. If the City determines that the interim management plan is inconsistent with this Chapter, the City shall notify the operator in writing of any deficiencies in the plan. The operator shall have 30 days, or a longer period mutually agreed upon by the operator and the City, to submit a revised interim management plan.
- D. The Supervisor of Mine Reclamation shall have 30 days after receipt to prepare written comments on the interim management plan, if he/she so chooses. The City shall review and evaluate written comments received from the Supervisor related to the interim management plan, prepare a written response to the **Supervisor's comments describing the disposition of the major issues raised by the comments, and shall either:**
1. **Describe how the City proposes to adopt the Supervisor's comments on the interim management plan; or**
  2. **Prepare a detailed description of the reasons why the City proposes not to adopt the Supervisor's comments.** The City shall submit its response to the Supervisor and the operator at least 30 days prior to the intended approval of the interim management plan.
- E. Where the Supervisor of Mine Reclamation has commented on the interim management plan, the City shall give the Supervisor at least 30 days written notice of the time, place, and date of the hearing at which the interim management plan is scheduled to be approved by the City, or, if no hearing is required, the City shall provide 30 days written notice to the Supervisor that the City intends to approve the new interim management plan.
- F. Within 30 days following the approval of the interim management plan, the City shall provide the Supervisor notice of the approval and a copy of the approved interim management plan.
- G. The Zoning Administrator shall approve or deny approval of the interim management plan pursuant to the process in Section 21.86.150 (Revisions **to Reclamation Plans**) **within 60 days of receipt of the Supervisor's comments** or within 90 days of submitting the interim management plan to the Supervisor if no comments



are received from the Supervisor. If the City Zoning Administrator denies approval of the interim management plan, the operator may appeal that action to the Planning Commission, which shall schedule a public hearing within 45 days of the filing of the appeal or a longer period mutually agreed upon by the operator and the City.

- H. Unless review of an interim management plan is pending before the City or an appeal is pending, a surface mining operation that remains idle for over 1 year after becoming idle without obtaining approval of an interim management plan shall be considered abandoned and the operator shall commence and complete reclamation in accordance with the approved reclamation plan.
- I. Financial assurances for idle operations shall be continued as addressed in the reclamation plan or as otherwise approved through the idle mine's interim management plan.
- J. The interim management plan may remain in effect for a period not to exceed 5 years, at which time the Planning Commission may either:
  1. Renew the plan for another period not to exceed 5 years which may be renewed for 1 other 5-year period at the expiration of the first 5-year renewal period, if the City finds the operator has complied fully with the interim management plan, or
  2. Require the operator to commence reclamation in accordance with its approved reclamation plan.

#### 21.86.130. ANNUAL REPORT REQUIREMENTS

- A. The owner of a surface mining operation shall forward to the Community Development Department and the Supervisor of Mine Reclamation an annual report not later than a date established by the Supervisor, upon forms approved by the State Mining and Geology Board, which shall include all items provided in California Public Resources Code Section 2207(a)(1) through (16).
- B. New mining operations shall file an initial surface mining report and any applicable filing fees with the Supervisor of Mine Reclamation within 30 days of permit approval, or before commencement of operations, whichever is sooner.
- C. Any applicable fees, together with a copy of the annual inspection report, shall be forwarded to the Supervisor of Mine Reclamation at the time of filing the annual surface mining report.

#### 21.86.140. INSPECTIONS

- A. The Community Development Department shall arrange for inspection of a surface mining operation within 6 months of receipt of the annual report required in Section 21.86.130 (Annual Report Requirements) to determine whether the surface mining operation is in compliance with the approved site approval and/or reclamation plan, approved financial assurances, and State regulations.
- B. In no event shall more than 1 inspection be conducted in any 12-month period. The inspections may be made by a State-registered geologist, State-licensed civil engineer, State-licensed landscape architect, State-registered forester, or other qualified specialist who has not been employed by the mining operation in any capacity during the previous 12 months, as selected by the Community Development Department. All inspections shall be conducted using a form developed by the Division of Mine Reclamation and approved by the State Mining and Geology Board that includes the professional licensing and disciplinary information of the person who conducted the inspection. The Community Development Department shall notify the Supervisor of Mine Reclamation within 90 days of completion of the inspection. The notice shall contain a **statement regarding the surface mining operation's compliance with the SMARA and a copy of the**

completed inspection form, and shall specify the items listed in California Public Resources Code Section 2774(b)(A) through (D). The City shall forward to the operator a copy of the notice, a copy of the completed inspection form, and any supporting documentation, including any inspection report prepared by the inspector. The operator shall be solely responsible for the reasonable cost of such inspection.

#### 21.86.150. REVISIONS TO RECLAMATION PLANS

- A. Revisions to Approved Plans. Requests for revisions of approved reclamation plans shall be processed in the same manner as original applications for reclamation plan reviews pursuant to Section 21.86.080 (Process) unless they are determined to be minor modifications.
- B. Minor Revisions to Approved Plans. Applications for minor revisions may be submitted for review by the review authority in connection with the following, as long as it is not in incompatible with existing conditions and/or plans:
1. To allow the minor recontouring of final topography, providing slope stability is maintained and substantiated, affecting no more than 10 percent of the site;
  2. To allow minor modification or addition of site access;
  3. To allow a minor substitution in the reclamation plan, provided it does not substantially alter the intended end use described in the approved reclamation plan;
  4. To allow minor technological and/or administrative changes in methods used to achieve reclamation;
  5. To allow measures to be taken that will ensure and/or maintain public safety (such as fences, gates, signs or hazard removal), provided it does not substantially alter the intended end use described in the approved reclamation plan;
  6. To allow minor modifications to a previously approved phasing plan; and/or
  7. To allow interim management plans.

#### 21.86.160. VIOLATIONS AND PENALTIES

If the Community Development Department, based upon an annual inspection or otherwise confirmed by an inspection of the mining operation, determines that a surface operation is not in compliance with this Chapter, the applicable permit and/or the reclamation plan, the City may follow the administrative procedures set forth in California Public Resources Code Sections 2774.1 and 2774.2 concerning violations and penalties, including penalties assessed for late reporting pursuant to California Public Resources Code Section 2207; however, such remedy is in addition to all of the provisions and remedies of this Code, State law, and any law cognizable at common law or in equity, and nothing in this Chapter shall be interpreted or construed to supersede or limit any and all other remedies, whether administrative, civil, or criminal.

#### 21.86.170. FEES

The City shall establish such fees as it deems necessary to cover the reasonable costs incurred in implementing this Chapter and the State regulations, including but not limited to processing of applications, annual reports, inspections, monitoring, enforcement and compliance. Reasonable costs include, but are not limited to, the applicant paying the costs of hiring a third-party civil engineer to oversee compliance with the provisions of this Chapter.

CHAPTER 21.87. RESERVED

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**CHAPTER 21.90. PURPOSE****21.90.010. PURPOSE AND APPLICABILITY**

This article provides definitions of the technical and other terms and phrases used in this Title (Zoning Code) as a means of providing consistency in its interpretation. Where any definition in this article may conflict with definitions in other titles of the Municipal Code, these definitions shall prevail for the purposes of this Code, except as specified in Section 21.90.030 (Other Definition Sections). If a word is not defined in this chapter or in other provisions of the municipal code, the most common dictionary definition in the American Heritage Dictionary is presumed to be correct.

**21.90.020. ORGANIZATION**

This Article is subdivided into the following chapters:

- A. Chapter 21.91 (Land Use Definitions) applies to land uses and activities identified in Table 21.32-1 (Zoning District Use Regulations) of Chapter 21.32 (Land Use Regulations in Zoning Districts)
- B. Chapter 21.92 (General Definitions) applies to all other terms used in Title 21 (Zoning Code).

**21.90.030. OTHER DEFINITION SECTIONS**

In addition to the definitions provided in this chapter, definitions are contained in the following sections of this Title. Where any definition of this Article may conflict with definitions in other Titles of the Municipal Code, these definitions shall prevail, except in the Chapter in which they are located.

- A. Section 21.58.020 of Chapter 21.58 (Accessory Dwelling Units)
- B. Section 21.59.020 of Chapter 21.59 (Adult Business Uses)
- C. Section 21.60.020 of Chapter 21.60 (Cannabis)
- D. Section 21.64.020 of Chapter 21.64 (Short-Term Rentals)
- E. Section 21.52.020 of Chapter 21.52 (Signs)
- F. Section 21.56.020 of Chapter 21.56 (Water Efficient Landscaping)
- G. Section 21.66.020 of Chapter 21.66 (Wireless Communications Facilities)
- H. Section 21.80.030 of Chapter 21.80 (Floodplain Management).
- I. Section 21.81.030 of Chapter 21.81 (Hillside Development)
- J. Section 21.83.030 of Chapter 21.83 (Noise)
- K. Section 21.86.030 of Chapter 21.86 (Surface Mining and Reclamation)

**CHAPTER 21.91. LAND USE DEFINITIONS****21.91.010. GENERAL LAND USE CLASSIFICATIONS**

This Chapter provides definitions of the land uses and activities identified in Table 21.32-1 (Zoning District Use Regulations) of Chapter 21.32 (Land Use Regulations in Zoning Districts)

**21.91.020. "A" DEFINITIONS**

**Accessory Dwelling Unit.** Dwelling unit accessory to a primary dwelling unit with complete kitchen and bathroom for 1 or more persons regulated by California Government Code Sections 66310 – 66342 and Chapter 21.58 of this code.

**Accessory Land Use.** See Accessory Use.

**Adult Entertainment Uses.** See Chapter 21.59 (Adult Business Uses).

**Airport, Landing Strip, Helicopter, Spaceport Operations.** Supply of air terminal, airfield, spaceport (site used for launching and receiving spacecrafts), and other airport, helicopter, or spaceport infrastructure operation services on a fee or contract basis.

**Amphitheaters/Stadiums.** Outdoor assembly facility where groups of people gather for music, sporting, and similar events.

**Assembly Facility - General (Large).** A facility with 50,000 square feet or more where large groups of people gather for public or private meetings, such as convention centers. This classification includes functionally related facilities for the use of members and attendees such as kitchens, multi-purpose rooms, classrooms and storage. It does not include gymnasiums or other sports facilities uses that represent more than 20 percent of overall square footage, or facilities such as day care centers and schools that are separately classified and regulated.

**Assembly Facility - General (Small).** A facility with less than 50,000 square feet or more where small groups of people gather for public or private meetings, including community centers, banquet centers, civic and private auditoriums, union halls, meeting halls for clubs, and other membership organizations. This classification includes functionally related facilities for the use of members and attendees such as kitchens, multi-purpose rooms, classrooms and storage. It does not include gymnasiums or other sports facilities uses that represent more than 20 percent of overall square footage, or facilities such as day care centers and schools that are separately classified and regulated.

**Assembly Facility - Religious.** Any facility specifically designed and used to accommodate the gathering of persons for the purposes of fellowship, worship, or similar conduct of religious practices and activities. This definition includes functionally related internal facilities (i.e., kitchens, multi-purpose rooms, storage, etc.) and residences for clergy. Other establishments maintained by religious organizations, including full-time educational institutions, hospitals and other related operations, are classified according to their respective activities.

**Animal Keeping, Commercial.** The commercial maintenance and caring for farm animals including bees, poultry, rabbits, sheep, goats, and cattle. See Section 21.69.040. Does not include **"Equestrian Facilities", which is defined** separately. Animal Keeping that is accessory to a residential use is regulated by Section 21.69.050 (Animal Keeping, Commercial).

**Auto Repair.** See **"Vehicle Services and Repair"**.

**21.91.030. "B" DEFINITIONS**

Bed and Breakfast Inn. A residential dwelling containing 3 to 5 bedrooms rented for compensation for an occupancy period of 30 consecutive calendar days or less. May include a permit issued by the County health department for food service (not constituting a restaurant operation providing for persons other than guests) and which may be used for special events only when special events are authorized by a Conditional Use Permit issued in compliance with this Code. See Chapter 21.69.060 (Bed and Breakfast Inns) for applicable regulations.

Boardinghouse. **See "Communal Housing"**.

Broadcasting Studios. An establishment containing 1 or more studios for over-the-air, cable or satellite delivery of radio or television programs, or studios for the audio or video recording or filming of musical performances, radio or **television programs or motion pictures. Does not include "Wireless Communication Facilities", which are defined separately.**

Business, Retail. **See "Retail - General"**.

Business Support Services. Establishments providing goods and services to other businesses and individuals on a fee or contract basis, including printing and copying, advertising and mailing, office security, custodial services, photo finishing, including associated delivery services with 2 or fewer fleet vehicles on site.

Business, Wholesale. **See "Warehousing, Wholesale, or Distribution"**.

**21.91.040. "C" DEFINITIONS**

Camping. **See "Rural Recreation and Camping"**.

Car Wash. Washing, waxing, detailing, or cleaning of automobiles or similar light vehicles, including self-serve washing facilities as a primary use.

Cardrooms. Any building or structure, or any portion of a building or structure, or any premises or place where any person or persons are allowed to play commercial gambling card games as regulated by the California Gambling Control Act (Business and Professions Code Section 19800).

Caretaker Residence. A permanent dwelling unit that is secondary or accessory to a nonresidential use of the property and used for housing a caretaker employed on the site where needed for security purposes or to provide 24-hour care or monitoring of people, animals, equipment, or other conditions on the site.

Certified Farmers Markets and Year-Round Roadside Produce Stands. Open air markets or roadside produce stands, approved by the County Agricultural Commissioner and County Health Department, in which farmers sell their crops directly to the public. Certified Farmers Markets are generally conducted once weekly. To participate in these markets, farmers must obtain a certificate from the County Agricultural Commissioner verifying that they grow **the items they sell. Does not include "Outdoor Temporary and/or Seasonal Sales", which are defined separately.**

Cemeteries. Land primarily used for interment of human remains.

Cocktail Lounges and Bars. Any establishment that sells or serves alcoholic beverages for consumption on the premises as the primary use. Includes establishments that may operate as a different use during portions of the day and as a cocktail lounge or bar during another portion of the day. Includes any connected area that is owned, leased,



or rented, or controlled by the licensee. May include dancing and live amplified entertainment. Includes stand-alone tasting rooms where alcoholic beverages from multiple vendors are sold and consumed on-site. Does not include **“Adult Entertainment Businesses”**, or **“Tasting Rooms”**, which are defined separately.

Commercial Kitchen. A food establishment where food is stored, prepared, portioned, or packaged for service elsewhere, and from which vending vehicles selling food may be serviced.

Commercial Animal Keeping. See Animal Keeping, Commercial.

Commercial Recreation Facility - Indoor. Establishments providing indoor amusement and entertainment services for a fee or admission charge, including bowling alleys, coin-operated amusement arcades, dance halls, clubs and ballroom, electronic game arcades (video games, pinball, etc.), ice skating and roller skating, pool and billiard rooms **as primary uses. Does not include “Adult Entertainment Uses”, “Cardrooms”, or “Theatres”, which are defined separately.**

Commercial Recreation Facility - Outdoor. Establishments providing permanent outdoor amusement and entertainment services for a fee or admission charge, including amusement parks, golf courses, driving ranges, go-cart courses, tennis courts, pools, and waterslides. Does not include **“Amphitheaters”, “Hot Springs Resort/Spa”, “Temporary Uses” (e.g., Circuses, Carnivals, Fairs, Festivals and Concerts), or “Public Parks and Recreation Facilities”, which are defined separately.**

Communal Housing. Shared living quarters without separate kitchen facilities for each room or unit, where 5 or more rooms or beds are rented individually to tenants under separate rental agreements, with or without meal service included. This classification includes convents and monasteries, rooming and boarding houses, dormitories, heavy cooperatives, and other types of organizational housing intended for long-term occupancy (more than 30 consecutive calendar days) but excludes transient occupancy uses, and **“Residential Care Facilities”, “Supportive Housing”, and “Transitional Housing”, which are defined separately.**

Composting, Green Waste Facility. A solid waste facility that utilizes a controlled biological process of degrading non-hazardous solid waste. A facility may include materials processing and hauling equipment; structures to control drainage; and structures to collect and treat leachate; and storage areas for the incoming waste, the final products, and residual materials.

Contracted Services. Establishments or places of business primarily engaged in construction and maintenance activities, such as plumbing, heating and air conditioning, janitorial, and pest extermination.

Crop Production and Processing. Raising and harvesting of plants, tree crops, row crops, or field crops on an agricultural or commercial basis, including packing and processing, but not cooking. Includes horticulture establishments engaged in the cultivation of flowers, fruits, vegetables, or ornamental trees and shrubs for wholesale and incidental retail sales. Excludes uses for which other garden, nursery or landscape merchandise are stored and **sold on the site. This use classification excludes “Food and Kindred Products Processing” and “Wineries, Breweries and Distilleries”, which are defined separately.**

Cultural Institutions. Institutions engaged primarily in the display or preservation of objects of interest in the arts or sciences that are open to the public on a regular basis. This classification includes buildings of an educational, charitable, or philanthropic nature; libraries; museums; historical sites; art galleries, and art studios for painters, **sculptors, and other artists. This use classification excludes “Broadcasting Studios”, which is defined separately.**

### 21.91.050. “D” DEFINITIONS

Day Care Center. Establishments providing non-medical care for persons on a less than 24-hour basis other than **“Family Day Care Home”**. **This classification includes nursery schools, preschools, and day care facilities for children or adults, and any other day care facility licensed by the State of California.** Such use must comply with all applicable State regulations, and specifically those set forth in the California Health and Safety Code commencing with Section 1596.70, to be considered a Day Care Center. **See also “Family Day Care Home”.**

Domestic Violence Shelter. **See “Emergency Shelters - Domestic Violence.”**

Drive-Through Restaurants. **See “Restaurants - Drive Through”**

Drive-Through Facilities. Facilities where services and purchases of minor items may be obtained by motorists without leaving their vehicles. Examples of such facilities include drive-up bank teller windows, pharmacies, dry cleaners, coffee kiosks and other similar uses. **Excludes “Drive-Through Restaurants”, which are defined separately.**

Dwelling. **See “Single-Family Dwelling”, “Multi-Family Dwelling”, “Accessory Dwelling Unit”, and “Urban Dwelling Unit”.**

### 21.91.060. “E” DEFINITIONS

Electricity Generation and Storage Facilities. Solar farms, battery energy storage systems (BESS), and similar uses as a primary use. Does not include standard electrical transmission poles and lines, which are defined as **“Public Utilities Facilities, Major or Minor”**. Does not include solar panels or other accessory electrical generation that is accessory to an approved residential use.

Equestrian Facility. Commercial establishment for the maintenance, boarding, training, or competing of horses. -May also include riding academies and schools, boarding stables, and exhibition facilities.

Equipment Rental. Outdoor storage of construction, special event, and similar equipment for rental together with incidental maintenance. Does not include outdoor storage without rental as a primary use.

Employee Housing - Small. Employee housing per Section 17021.5 of the California Health and Safety Code for 6 or fewer employees. See Employee Housing Act, Sections 17000 et seq. of the California Health and Safety Code.

Employee Housing - Large. Employee housing per Section 17021.6 of the California Health and Safety Code consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household. See Employee Housing Act, Sections 17000 et seq. of the California Health and Safety Code.

Emergency Shelter - General. Housing with minimal supportive services for homeless persons that is limited to occupancy of 180 days per calendar year or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay. (California Health and Safety Code Section 50801(e).

Emergency Shelter - Domestic Violence. A residential facility serving as a center to receive and house persons who are victims of domestic violence, including dependents of the victim, to provide temporary boarding, lodging, counseling, and day care, limited to occupancy of 6 months or less.

Emergency Shelter - Low Barrier Navigation Center. A Housing First, low barrier, temporary, service-enriched shelter focused on helping homeless individuals and families to quickly obtain permanent housing. Low barrier

includes best practices to reduce barriers to entry, such as allowing partners, pets, storage of personal items, and privacy. See California Government Code Section 65660.

### 21.91.070. "F" DEFINITIONS

**Family Day Care Home.** A day-care facility for children under the age of 18 for periods of fewer than 24 hours a day licensed by the State, which is located in a dwelling unit, where a resident of the dwelling provides care and supervision for 14 or fewer children (or capacity limits as set forth by the State, including children who reside at the home and are under the age of 10. See Health and Safety Code Section 1596.78. For larger and commercial facilities see "Day Care Center".

**Farmers' Market.** See "Certified Farmers Market and Year-Round Roadside Produce Stands".

**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 check cashing stores.

**Food and Beverage Sales.** Retail sales of food and beverages for off-site preparation and consumption including groceries, supermarkets, mini-marts, delis, liquor stores, specialty food stores.

**Food and Kindred Products Processing.** Facilities that cook, manufacture, package, label, or store food and related products including animal processing for consumption off site but do not provide products directly to a consumer. Uses do not include any retail components unless such retail sales are permitted in the applicable zoning district. This use classification excludes "Wineries, Breweries and Distilleries", which is defined separately. See also "Industrial – Artisan" for small scale facilities that include onsite sales.

**Food Truck Court.** An area designated for Mobile Vendors to park their vending vehicles for the purpose of selling food, beverages, and other retail items or services to patrons. See also "Mobile Vendor" and "Vending Vehicle" in Chapter 21.92 (General Definitions).

**Fuel Sales.** See "Vehicle Fuel Sales" and "Vehicle Charging Station".

**Funeral Services.** An establishment primarily engaged in the provision of services involving the care, preparation, or disposition of human remains and conducting memorial services. Typical uses may include crematories, columbaria, mausoleums, mortuaries, funeral chapels, and funeral homes.

### 21.91.080. "G" DEFINITIONS

**Garage, Automotive.** See "Vehicle Services and Repair."

**Gasoline Service Station.** See "Vehicle Fuel Sales and Accessory Service."

**Government Buildings and Facilities.** A building or structure owned, operated, or occupied by a governmental agency to provide a governmental service to the public; in some circumstances, government buildings and facilities may not be open to the public. Does not include government operated day cares, schools, hospitals and similar uses.

**Grazing, Temporary.** The temporary use of animals for vegetation management typically for fire prevention, not exceeding 6 months in any year.

**Group Care Homes.** See "Residential Care Facilities – Limited".

## 21.91.090. “H” DEFINITIONS

Home Occupation Business. The conduct of a business within a dwelling unit or residential site with the business activity being subordinate to the residential use of the property.

Homeless Shelter. See “Emergency Shelter”.

Hospital. See “Medical Services - Hospitals”.

Hot Springs/Resort Spa. Establishments providing health and beauty treatment through such means as built-in spas, steam baths, and saunas as a primary use. Does not include “Lodging”, which is defined separately.

Hotels and Motels. Any building or portion thereof containing 6 or more guest rooms rented for compensation for an occupancy period of 30 consecutive calendar days or less.

## 21.91.100. “I” DEFINITIONS

Industrial – Artisan. The small-scale (no more than 5,000 square feet) manufacture and/or processing of consumer-oriented goods in a manner that does not produce noticeable odors, air emissions, or other environmental effects; that generates limited associated trucking activity; and includes retail sales of the goods produced on site. Includes activities such as jewelry making, art glass, ceramics, paintings, sculpture, small-scale woodworking, small-scale food production, and other maker spaces.

Industrial - Light. The manufacture and/or processing of consumer-oriented goods in a manner that does not produce noticeable odors, air emissions, or other environmental effects, and that has limited associated trucking activity. Light industries generally require limited amounts of raw materials to produce goods. Examples of light industries include, but are not limited to, the manufacture of electronic instruments, equipment, and appliances; pharmaceutical manufacturing; and production apparel manufacturing. Includes activities such as processing, fabrication, assembly, treatment, testing (e.g., laboratories), packaging, incidental office storage, and distribution of the parts or products.

Industrial - Heavy. The manufacture and/or processing of materials and goods utilizing large quantities of raw materials, and generally requiring high capitalization and production of large quantities of output. Heavy industry often sells output to other business users rather than consumers. Characteristics of heavy industry include, but are not limited to, heavy trucking activity, noise, emissions requiring federal or state environmental permits, use of large quantities of hazardous materials as defined the U.S. Environmental Protection Agency, and requirement for specialized permits from federal and state occupational health and safety agencies. Includes activities such as processing, fabrication, assembly, treatment, testing (e.g., laboratories), packaging, incidental office storage, and **distribution of the parts or products** This classification does not include “Recycling Collection Centers”, which is defined separately.

## 21.91.110. “J” DEFINITIONS

Junkyard. The use of more than 100 square feet of the area of any lot for the storage of junk, including scrap metals, salvage, or other scrap materials, or for the dismantling or wrecking of automobiles or other vehicles or machinery, whether for sale or storage.

### 21.91.120. “K” DEFINITIONS

Kennel, Pet Boarding. The commercial provision of shelter/kenneling for dogs, cats, and other household animals, including activities associated with such shelter (e.g., feeding, exercising, grooming, and incidental medical care).

### 21.91.130. “L” DEFINITIONS

Living Groups. See Communal Housing.

Lodging. See “Bed and Breakfast Inn”, “Hotels and Motels”, “Recreation Vehicle Parks”, and “Rural Recreation and Camping.”

Low Barrier Navigation Center. See Emergency Shelter - Low Barrier Navigation Center.

### 21.91.140. “M” DEFINITIONS

Massage Parlor. **See “Personal Services - Restricted.”**

Medical Services - Clinic, Urgent Care. A facility other than a hospital where medical, mental health, surgical and other personal health services are provided on an outpatient basis. Examples include medical offices of 5 or more licenses practitioners and/or medical specialties, out-patient care facilities, urgent care facilities, and other allied health services. These facilities may also include incidental medical laboratories. Counseling services by other than **medical doctors or psychiatrists are included under “Offices, Professional/Administrative”**

Medical Services - Doctor Office. A facility other than a hospital where medical, dental, mental health, surgical, paramedical tattooing accessory to a medical clinic, and/or other personal health care services are provided on an outpatient basis, and that accommodates no more than 4 licensed primary practitioners (for example, chiropractors, medical doctors, psychiatrists, etc., other than nursing staff) within an individual office suite. A facility with 5 or more licensed practitioners is instead classified **under “Medical Services, Clinic, Urgent Care.”**

Medical Services - Hospitals. A facility providing medical, psychiatric, or surgical services for sick or injured persons primarily on an in-patient basis, and including accessory facilities for outpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors.

Mobile Home Park. A place, area, or tract of land for the long-term accommodation of 2 or more mobile homes, **including habitation by households. This use does not include ‘Recreational Vehicle Parks’ or ‘Mobile Home Sales’ or ‘Vehicle Storage Lots’, which are defined separately.**

Mobile Home Sales. The sale of new or used mobile, manufactured, or modular housing. Does not include the sale **of recreational vehicles, which is included in ‘Vehicle Sales’, defined separately.**

Motel. **See “Hotels and Motels”.**

Multi-Family Dwelling. A building or portion thereof used and designed as a residence for 2 or more households living in separate dwelling units each with a kitchen. Types of multi-family residential dwellings include apartments, rowhouses, townhouses, flats, and senior housing developments.

### 21.91.150. “N” DEFINITIONS

Nurseries and Garden Centers - Retail. Establishments primarily engaged in retailing nursery and garden products—such as trees, shrubs, plants, seeds, bulbs, and sod—that are predominantly grown elsewhere. These establishments may sell a limited amount of a product they grow themselves. Fertilizer and soil products are stored and sold in package form only. This classification includes wholesale and retail nurseries offering plants for sale. This classification also includes farm supply and feed stores, with products stored and sold in package form.

Nurseries and Garden Centers - Heavy Equipment. Establishments primarily engaged in retailing nursery and garden products in bulk (not packaged), including soil, fertilizer, hay, etc. This classification also includes farm supply and feed stores that deliver or provide fertilizer and soil products in bulk, nonpackaged form.

### 21.91.160. “O” DEFINITIONS

Office - Professional/Administrative. Offices of firms or organizations providing professional, executive, management, or administrative services, such as accounting, real estate agents, insurance agents, architectural, computer software design, engineering, graphic design, interior design, investment advisors and brokers, insurance offices, legal offices, real estate and mortgage offices and services, and tax preparation offices. This use **classification excludes “Financial Institutions”, which is defined separately**

Outdoor Storage as an Accessory Use. Any materials, products, vehicles, equipment or supplies that are not totally enclosed within a building.

Outdoor Temporary and/or Seasonal Sales. The temporary outdoor use of property for retail sales for a specified duration of time including but not limited to Christmas tree and pumpkin sales.

### 21.91.170. “P” DEFINITIONS

Parking Facilities. A public or private space dedicated to accommodating vehicle parking stalls, backup area, driveways, and aisles and in which vehicle parking is the primary use of the site. Includes surface parking lots and parking structures/garages.

Personal Services - General. Establishments providing non-medical services to individual as a primary use. Examples of these uses include barber and beauty shops, clothing, rental, dry cleaners, home electronics and small appliance repair, locksmiths, fortune tellers, pet grooming with no boarding, psychics, shoe repair shops, and tailors. These uses may also include accessory retail sales of products related to the services provided.

Personal Services - Restricted. Personal services that may tend to have a potentially offensive effect upon surrounding areas and which may need to be dispersed to minimize their adverse impacts. Examples of these uses include check cashing stores, massage (licensed, therapeutic, non-sexual), and tanning salons. Does not include Tattoo Parlors, which are defined separately (see “Tattoo Parlor”).

Professional Office. See Offices, Professional/Administrative.

Public Parks and Recreation Facilities. Non-commercial parks, playgrounds, recreation facilities, trails, wildlife preserves and related open spaces, playing fields, courts, gymnasiums, public swimming pools, picnic facilities, tennis courts, and public golf courses, botanical gardens, as well as related food concessions or community centers within the facilities, which are open to the public, maintained by a public entity, and intended for neighborhood or community use. **Does not include “Commercial Recreation Facilities, Indoor” and “Commercial Recreation Facilities, Outdoor”, which are defined separately.**

Public Utilities Facilities - Minor. Facilities necessary to support established public utilities involving only minor structures, such as substations, pump stations, switching and relay boxes, transmission lines, poles, towers, and public underground water and sewer lines.

Public Utilities Facilities - Major. Electrical substations, generating plants, solid waste collection, including transfer stations and materials recovery facilities, solid waste treatment and disposal, water or wastewater treatment plants, and similar facilities of public agencies or public utilities.

#### 21.91.180. "Q" DEFINITIONS

Reserved.

#### 21.91.190. "R" DEFINITIONS

Recreational Vehicle Parks. Recreational areas operated and used as transient lodging and overnight stays for recreational vehicles for a period of 30 **consecutive calendar days or less. Does not include "Mobile Home Parks",** which are defined separately.

Recycling Collection Centers. A facility used for the collection and temporary storage of empty beverage containers, aluminum, glass, paper or clothing or other items for recycling purposes conducted totally within an enclosed structure or container. The term does not include processing **(except for "can banks" that crush cans as they are deposited), which is included in "Industrial, Heavy", defined separately.**

Religious Assembly Facility. **See "Assembly Facility – Religious."**

Residential Care Facilities. Facilities that are licensed by the State to provide permanent living accommodations and 24-hour primarily non-medical care and supervision for persons in need of personal services, supervision, or assistance with daily tasks. This classification includes facilities that are operated for profit as well as those operated by public or not-for-profit institutions. **Does not include "Transitional Housing" and "Supportive Housing" which are defined separately.**

Residential Care - General. A facility that is located in a residence and licensed by the State to provide care for more than 6 persons.

Residential Care - Limited. A facility that is located in a residence and licensed by the State to provide care for 6 or fewer persons.

Residential Care - Assisted Living. A facility that provides a combination of housing and supportive services for the elderly or functionally impaired, including personalized assistance, congregate dining, and recreational and social activities. Living accommodations are shared living quarters with or without separate kitchen or bathroom facilities for each room or unit. These facilities may include medical services. Examples include assisted living facilities, convalescent care, nursing homes, skilled nursing, retirement homes, and retirement communities. The residents in these facilities may require varying levels of assistance. **Facilities with 6 or fewer persons are included in "Residential Care, Limited", which is defined separately.**

Resource Extraction. Removal (or mining) of resources from the land including the extraction of sand, gravel, clay, shale, limestone, or any other deposit for profit.

Restaurants. A facility where food is prepared and served on the premises, which may include the sales of alcoholic beverages for consumption on the premises at the same time as food is consumed. Takeout or delivery service may

be provided. This use includes micro-breweries, where the sale and consumption of alcoholic beverages are accessory to on-site food service. This classification also includes catering businesses or bakeries that have a storefront retail component. Does not include “Cocktail Lounges and Bars”, “Commercial Kitchens”, “Tasting Rooms”, or “Restaurants - Drive-through”, which are defined separately.

Restaurants - Drive-through. A facility where food is prepared and served on the premises, and which also allows motorists to order and purchase food without leaving their vehicles.

Retail - General. The retail sale or rental of merchandise not specifically listed under another use classification. This classification includes department stores, and businesses retailing goods such as: clothing, furniture, pet supplies, hardware, toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies, medical supplies and equipment, pharmacies, electronic equipment, sporting goods, kitchen utensils, appliances, antiques, secondhand goods, art galleries, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, and new automotive parts and accessories (excluding vehicle service and installation). Does not include “Retail, Secondhand Goods with Donation Drop Off” or “Retail - Restricted”, which are defined separately.

Retail - Restricted. Retail uses that may tend to have a potentially offensive effect upon surrounding areas and which may need to be dispersed to minimize their adverse impacts. Examples of these uses include tobacco/smoke/vape shops and pawn shops, but do not include adult businesses, which are regulated by Chapter 21.59 (Adult Business Uses), nor cannabis retail, which is regulated by Chapter 21.60 (Cannabis).

Retail - Secondhand Goods with Donation Drop Off. The retail sale of secondhand goods that also includes a donation drop-off on the same premises.

Roominghouse. See “Communal Housing”.

Rural Recreation and Camping. Includes dude and guest ranches; hunting and fishing clubs; recreational camps (including incidental RV camping, but not RV parks); group or organized camps and incidental seasonal camping areas without facilities. Does not include “Equestrian Facilities” including riding academies and schools, boarding stables, and exhibition facilities, which are defined separately.

RV Parks. See “Recreational Vehicle Parks”.

## 21.91.200. “S” DEFINITIONS

School - Business, Trade. Public or private post-secondary schools providing occupational or job skills training for specific occupations, including business and computer schools, trade schools and apprenticeship programs, management training, and technical training schools. Excludes personal instructional services such as music lessons and tutoring.

School - Private. Any private institution of learning, which offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the State Board of Education, including any preschool, kindergarten, elementary school, junior high school, senior high school, community or junior college, 4-year college or university, or any special institution of learning under the jurisdiction of the State Department of Education.

School - Public. Any public institution of learning, which offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the State Board of Education, including any preschool, kindergarten, elementary school, junior high school, senior high school, community or junior college, 4-year college or university, or any special institution of learning under the jurisdiction of the State Department of Education.



Self-Service Petroleum Sales. See **“Vehicle Fuel Sales and Accessory Services.”**

Self-Storage Facility. A facility divided into individual compartments offering enclosed storage with individual access for personal effects and household goods intended to be used principally to provide rental spaces to the general public, including mini-warehouses and mini-storage. This use excludes workshops, hobby shops, manufacturing, or commercial activity.

Senior Housing. Senior housing is a congregation of age-restricted "apartment-type" living units with kitchen facilities in each unit of which there is at least 1 occupant who is a minimum age of 55.

Single-Family Dwelling. A structure designed for occupancy by 1 household with only 1 indoor kitchen, which is not attached to other dwelling units, other than an accessory dwelling unit, and not located on a lot with commercial uses. This definition also includes individual manufactured housing units installed on a foundation system pursuant to Health and Safety Code Section 18551.

Supportive Housing. Housing with no limit on length of stay that is occupied by the target population, and linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community as defined by California Government Code Section 65582(f), as may be amended from time to time). A target population means 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 provided under the Lanterman Developmental Disabilities Services Act (Welfare and Institutions [W&I] Code Section 4500) and may include—among other populations—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. Supportive housing may be designed as a residential group living facility or as a regular residential use and includes both facilities that provide on-site and offsite services.

## 21.91.210. “T” DEFINITIONS

Tasting Room. An establishment that offers wine for the sampling or tasting of agricultural products grown, produced, or processed in the surrounding region. Tasting Rooms may include food sales as an accessory use. For uses that include **manufacturing, see “Wineries, Breweries and Distilleries”, which is defined separately.**

Tattoo Parlor. An establishment where the act of tattooing or body piercing of humans takes place. This includes tattooing or body piercing as a primary or accessory use. For permanent makeup and ear piercing as an accessory use, see **“Personal Services”**.

Temporary Uses. A use that is designed, operated, and occupies a site for a limited specified period of time.

Theater. An indoor facility where movies or live performances are shown for public entertainment.

Transit Facility. A facility or location with the primary purpose of transfer, loading, and unloading of passengers and baggage. May include facilities for the provision of passenger services such as ticketing, restrooms, lockers, waiting areas, passenger vehicle parking and bus bays, for layover parking, and interior bus cleaning and incidental repair. Includes rail and bus terminals but does not include terminals serving airports, heliports, or spaceports.

Transitional Housing. Buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than 6 months from the

beginning of the program as defined by California Government Code Section 65582(h), as may be amended from time to time.

**Truck Stop.** Any establishment engaged in the maintenance, servicing, storage or repair of commercial vehicles or rendered including the dispensing of motor fuel or petroleum products directly into motor vehicles, the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop also may include overnight accommodation and restaurant facilities solely for the use of truck crews.

**Truck Terminals.** A building, structure or place where, for the purpose of a common carrier, trucks or transports are rented, leased, kept for hire, or stored, or parked for remuneration or from which trucks or transports are dispatched.

#### 21.91.220. "U" DEFINITIONS

**Urban Dwelling Unit.** Dwelling unit accessory to a primary dwelling unit with complete kitchen and bathroom for 1 or more persons regulated by California Government Code Section 65852.21 and Chapter 21.65 (Urban Dwelling Units) of this code.

#### 21.91.230. "V" DEFINITIONS

**Vehicle Charging Station.** An establishment engaged in the retail sale of electricity as a vehicle fuel as a primary use. Does not include accessory uses such as retail or food sales, vehicle repair services, sales of vehicle parts or equipment, or vehicle washing. Vehicle charging stations **with accessory uses are defined as "Vehicle Fuel Sales and Accessory Service"**. Does not include electric vehicle charging stations that are located within a parking area associated with and accessory to another allowed use.

**Vehicle Fuel Sales and Accessory Service.** An establishment engaged in the retail sale of vehicle fuels (gasoline, diesel fuel, compressed natural gas, or other fuels for motor vehicles are sold to the public on a retail or wholesale basis); or the retail sale of these fuels in combination with activities, such as providing minor vehicle repair services; selling automotive oils, replacement parts, and accessories; and/or accessory retail and grocery sales and automated vehicle washing. Does not include electric vehicle charging stations as a primary use, which are defined separately as **"Vehicle Charging Station"**. Does not include body and fender work or "heavy" repair of trucks or other motor vehicles (see **"Vehicle Services and Repair"**). Does not include electric vehicle charging stations that are located within a parking area associated with and accessory to another allowed use.

**Vehicle Sales.** A retail establishment selling new or used automobiles, motorcycles, recreational vehicles, trucks, boats, farm equipment, and similar vehicles, as well as any use that requires approval from the California Department of Motor Vehicles for vehicles displayed outdoors. May also include the sale, installation, and servicing of related equipment and parts incidental to vehicle dealerships.

**Vehicle Services and Repair - Car Wash.** See **"Car Wash"**.

**Vehicle Services and Repair - Major Repair/Body Work.** Major repair of automobiles, motorcycles, recreational vehicles, or trucks including light-duty trucks (i.e., gross vehicle weights of less than 10,000 pounds) and heavy-duty trucks (i.e., gross vehicle weights of more than 10,000 pounds). Examples of uses include full-service motor vehicle repair garages; body and fender shops; servicing of cooling and air conditioning, electrical, fuel and exhaust systems; wheel alignment and balancing; tire sales, service, and installation shops; shock absorber replacement; chassis lubrication; engine tune-ups; brake shops; machine shops, painting shops; towing services, and transmission shops. Does not include vehicle dismantling or salvage and tire retreading or recapping.

Vehicle Services and Repair - Minor Repair/Maintenance. Minor repair and maintenance of automobiles, motorcycles, recreational vehicles, or light trucks, vans or similar size vehicles (i.e., vehicles that have gross vehicle weights less than 10,000 pounds) including detailing as an accessory use, installation of electronic equipment (e.g., alarms, audio equipment, etc.); relining and repairs; oil and air filter replacement; smog checks; and installation of window film, and similar accessory equipment.

Vehicle Rental and Accessory Services. Rental of automobiles, motorcycles, mopeds, motorized scooters, recreational vehicles, trucks, and similar vehicles and equipment powered by a motor, including on-site storage and incidental maintenance that does not require pneumatic lifts or tools.

Vehicle Storage Lots. The storage of operative or inoperative vehicles. These uses include storage of towed vehicles, impound yards, and storage lots for buses and recreational vehicles, but does not include vehicle dismantling or offsite parking, which are separately defined as **"Parking Facilities"**.

Veterinarian. Establishments where household animals receive medical and surgical treatment and may be **temporarily boarded indoors in association with such medical or surgical treatment only. Does not include "Kennels, Pet Boarding", which is defined separately.**

#### 21.91.240. "W" DEFINITIONS

Warehousing, Wholesale and Distribution. Facilities for indoor storage; distribution; or sale of goods to other firms for resale, business-to-business sales, and sales to individual consumers through mail or internet orders without sales to the public on-site or direct public access. This use normally operates from a warehouse or office having little or no display of merchandise and are not designed to solicit walk-in traffic. This classification excludes the storage of hazardous chemical, mineral, and explosive materials. Does not include personal storage (mini storage) facilities offered for rent or lease to the public ("Self Storage").

Wineries, Breweries, and Distilleries. An establishment, which as the primary use produces ales, beers, meads, hard ciders, wine, liquor and/or similar beverages on-site. Also includes incidental sale of beverages for on-site and off-site consumption in keeping with the regulations of the Alcohol Beverage Control (ABC) and Bureau of Alcohol, Tobacco, and Firearms (ATF). Establishments may provide food service that is subordinate to the production and sale of alcoholic beverages.

Wireless Communication Facilities. Facilities that transmit and/or receive electromagnetic or radio frequency waves, including, but not limited to towers, antennas, monopoles, distributed antenna systems, wireless utility monitoring and control services, support or accessory structures and related equipment. Amateur radio operators are not included in this definition.

#### 21.91.250. "X" DEFINITIONS

Reserved.

#### 21.91.260. "Y" DEFINITIONS

Reserved.

#### 21.91.270. "Z" DEFINITIONS

Reserved.

## CHAPTER 21.92. GENERAL DEFINITIONS

### 21.92.010. "A" DEFINITIONS

**Abutting.** Contiguous to and having district boundaries or lot lines in common (i.e., not separated by an alley, public or private right-of-way, street, easement, or waterway). **See also "Adjacent."**

**Access.** The place or way through which pedestrians and/or vehicles must have safe, adequate, and usable ingress and egress to a property.

**Accessory Building.** **See "Structure, Accessory."**

**Accessory Structure.** **See "Structure, Accessory."**

**Accessory Use.** **See "Use, Accessory."**

**Adjacent.** The condition of being near to or close to but not necessarily having a common dividing line. Two properties that are separated by an alley, public or private right-of-way public access easement, or creek, river, stream, or other natural or artificial waterway shall be considered as adjacent to one another. **See also "Abutting".**

**Adjoining.** **See "Abutting."**

**Addition.** Construction which extends or increases the building envelope.

**Addition, Major.** An addition equivalent to 10 percent or more of the existing building square footage or 10,000 sq. ft., whichever is greater.

**Addition, Mid-Size.** An addition equivalent to less than 10 percent of the existing building square footage or 10,000 square feet, whichever is greater.

**Addition, Minor.** An addition of less than 1,000 square feet that is not visible from the public right-of-way.

**Agricultural Land.** All real property located within the Agricultural Zoning District of the City currently used for agricultural operations, or upon which agricultural operations may in the future be established.

**Agricultural Operations.** Any agricultural activity, operation, facility, or appurtenances thereof, and shall include, but not be limited to, the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural commodity, including viticulture, apiculture or horticulture, the raising of livestock, fur bearing animals, fish or poultry, and any practices performed by a farmer or on a farm as incident to or in conjunction with those farming operations, including preparation for market, delivery to storage or to market, or delivery to carriers for transportation to market.

**Alley.** A low capacity thoroughfare with one shared lane and no parking lanes, designed and intended for service and/or secondary access purposes (the rural version of an alley is a 'lane').

**Alter/Alteration.** Any change, addition, or modification that changes the exterior architectural appearance or materials of a structure or object. Alteration includes changes in exterior surfaces, changes in materials, additions, remodels, demolitions, and relocation of buildings or structures, but excludes ordinary maintenance and repairs.

**Amend/Amendment.** A change in the wording, context, or substance of this Zoning Code, or a change in the zone boundaries upon the zoning map which is a part of this Title, in the manner prescribed by the Zoning Code.

**Ancillary.** See “Accessory.”

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

**Applicant.** The person, partnership, corporation, or state or local government agency applying for a permit, certificate, zoning approval, or other entitlement.

**Arcade.** A Frontage Type where the facade is a colonnade on the ground floor that overlaps a walkway parallel to the front elevation of a building.

**Articulation.** The breaking up of a flat and uniform building façade by using recessed wall areas, indents, projections, changes in building materials, and detailed projecting features such as stoops, bay windows, awnings, canopies, and/or balconies.

**Artificial Turf.** A man-made material that simulates the appearance of live turf, organic turf, grass, sod, or lawn.

**Attached, Structure.** An addition to a building or two buildings shall be considered attached when they share a common roof structure or a common wall.

**Awning.** A sheet of canvas or other material attached to a structure, stretched on a frame (that does not have a post that is located on the ground), and used to keep the sun or rain off a storefront, window, doorway, or deck.

## 21.92.020. “B” DEFINITIONS

**Balcony.** A projecting platform on a building that is accessible from the building’s interior, is not accessible from the ground, and is not enclosed by walls on more than 3 sides.

**Bay Window.** A window or series of windows projecting from the outer wall of a building and forming a recess within.

**Bedroom.** Any habitable room with no less than 70 square feet of floor area and no dimension less than 7 feet, in a dwelling, with at least 1 wall located along an exterior wall with a window that can be used for emergency egress, and equipped with ventilation, heating, smoke detector and carbon monoxide detector. Egress window requirements shall be based on the California Building Code requirements at the time of original construction of the room.

**Block.** The aggregate of private lots, passages, common drives and, lanes, circumscribed by thoroughfares.

**Block Frontage.** See Frontage, Block.

**Building.** Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials.

Building, Accessory. See Structure, Accessory.

Building, Main. See Structure, Primary.

**Building Code.** Any ordinance or regulations of the City governing the type and method of construction of buildings and structures, including sign structures and any amendments thereto and any substitute therefor including, but not limited to, the California Building Code and other State-adopted uniform codes.

**Building Footprint.** See “Footprint.”

**Building Height.** See “Height.”

**Building Official.** The Building Official of the City of Paso Robles, or his or her designee.

**Building Site.** A parcel of land occupied or to be occupied by a primary structure and accessory structures together with such open spaces as are required by the terms of this Zoning Code and having its principal frontage on a street, road, highway, or waterway.

### 21.92.030. “C” DEFINITIONS

**California Environmental Quality Act (CEQA).** Public Resources Code §§21000, et seq. or any successor statute and regulations promulgated thereto (14 California Code of Regulations §§15000, et seq.) that require public agencies to document and consider the environmental effects of a proposed action before a decision.

**Carport.** An accessible and usable covered space enclosed on not more than 2 sides, designed, constructed, and maintained for the parking or storage of 1 or more motor vehicles.

**Canopy.** A sheet of flexible material, fabric, or membrane such as nylon, plastic, or other similar material that is 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. Canopies 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. Canopies also include material that is supported by or attached to a natural feature, such as a tree. This definition excludes awnings attached to structures as defined in Section 21.92.010 (“Awnings”).

Canopy, Small. Canopy with a floor area of 120 square feet or less.

Canopy, Large. Canopy with a floor area of more than 120 square feet.

**City.** The City of Paso Robles.

**City Council.** The City Council of the City of Paso Robles.

**Change of Use.** The replacement of an existing use on a site, or any portion of a site, by a new use, or a change in the type of an existing use; does not include a change of ownership, tenancy, or management associated with a use for which the previous type of use will remain substantially unchanged.

**Combining District.** A zoning district in which the general zoning district regulations are combined with supplemental regulations and indicated on the Zoning Map, such as R-1, B-5.

**Commercial Vehicle.** Any vehicle (self-propelled and/or a towable trailer with equipment) that is used for the transportation of goods.

**Commission.** See “Planning Commission.”

Community Development Director. The Community Development Director of the City of Paso Robles or his/her designee.

Community Development Department. The Community Development Department of the City of Paso Robles.

Compatible. That which is harmonious with and will not adversely affect surrounding buildings and/or uses.

Condition of Approval. A performance standard, required change in a project, environmental mitigation measure, or other requirement imposed by the review authority to alter or modify a project in any manner from the description in the application originally submitted for City approval.

Conditional Use. A use that is generally compatible with other uses permitted in a zoning district, but that requires individual review of its location, design, configuration, and intensity and density of use and structures, and may require the imposition of conditions pertinent thereto to ensure the appropriateness of the use at that location.

Conditionally Permitted. Allowed subject to approval of a Conditional Use Permit.

Conditional Use Permit. A discretionary permit that may be granted to provide for the accommodation of land uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings, which are not permitted as of right but which may be approved upon completion of a review process and, where necessary, the imposition of special conditions of approval by the Review Authority.

Cornice. A molded and projecting horizontal feature that crowns a façade.

County. The County of San Luis Obispo.

Courtyard. An open space, unobstructed from the ground to the sky, that is bounded on 2 or more sides by the walls of a building that is on the same lot.

Cooking Facilities. **See "Kitchen."**

## 21.92.040. "D" DEFINITIONS

Deck. A platform, either freestanding or attached to a building, which is used for outdoor space. It typically extends from the façade of a building and is supported by pillars or posts but may be located on a flat portion of a building, such as a roof or setback. It is distinct from a "balcony" and "patio."

Demolition. The destruction, dismantling or removal of a building or structure, or substantial portion of a building or structure so that it constitutes a demolition pursuant to the provisions of this Title.

Detached Accessory Structure. **See "Structure, Accessory Detached."**

Detailing. The cleaning and restoring of the exterior of a motor vehicle or mobile equipment, limited to minor washing, spot cleaning, touch-up coating, glass repair, and application of waxes, shines, and polishes. Excludes major washing of vehicles as performed in a car wash.

Density. The number of residential density units per acre of land (du/ac). Paragraph 21.41.080.A.2 (Fractional Density) allows for the use of fractional density units to provide additional dwelling units for multi-family housing. When not specifically stated as density units, the term "unit(s)" shall mean dwelling units (each physical unit and not a fraction thereof). See also Section 21.41.080 (Determining Density) **and the definition for "Dwelling Unit"**.

Developable Area. See Section 21.41.070 (Determining Developable Area).

Development. Any manmade change to improved or unimproved real estate including, but not limited to, the division of a parcel of land into 2 or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, expansion, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.

Development Agreement. An agreement between the City and a party with legal or equitable interest in the real property relating to the development of property in compliance with Chapter 21.12 (Development Agreements).

Development Plan. A discretionary development review process of major development projects. See Chapter 21.16 (Development Plans).

Development Review. See Chapter 21.15 (Development Review).

Development Standard. A site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, or a parking ratio that applies to a development pursuant to any ordinance, general plan element, specific plan, or other local condition, law, policy, resolution, or regulation.

Director. See “Community Development Director”.

District. See “Zoning District”.

Dormer. A vertical window that projects from a sloping roof, which may be gabled or hipped.

Driveway. An accessway that provides direct vehicular access for vehicles between a street and the parking or loading facilities located on an adjacent property.

Dwelling Unit. One or more rooms designed, occupied, or intended for occupancy as separate living quarters, with full cooking, sleeping, and bathroom facilities for the exclusive use of a single household. Includes manufactured homes. Excludes tents, cabins, boats, trailers, recreational vehicles, dormitories, labor camps, hotels, and motels. See also “Single-Family Dwelling”, “Multi-Family Dwelling”, “Accessory Dwelling Unit”, “Urban Dwelling Unit”, “Manufactured Home”, and “Tiny Home.”

## 21.92.050. “E” DEFINITIONS

Easement. A portion of land created by grant or agreement for specific purpose; an easement is the right, privilege or interest which one party has in the land of another.

Effective Date. The date on which a permit or other approval becomes enforceable or otherwise takes effect, rather than the date it was signed or circulated.

Emergency. A sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.

Emergency Vehicle. A self-propelled vehicle or trailer used in the discharge of duties of public districts, agencies or departments, or privately-owned public utilities responsible for fire prevention and control, policing, sanitation, sewerage, drainage, levee maintenance, flood control, public utility lines, and all essential services.



Environmental Impact Report (EIR). An Environmental Impact Report as required under the California Environmental Quality Act (CEQA).

Environmental Review. An evaluation process pursuant to CEQA to determine whether a proposed project may have a significant impact on the environment.

Erect. To build, construct, attach, hang, place, suspend, or affix to or upon any surface. Such term also includes the painting of wall signs.

## 21.92.060. "F" DEFINITIONS

Façade. Any exterior face or wall of a building.

Family. One or more persons, related or unrelated, living together as a single household in a dwelling unit.

Feasible. Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

Fence. Any horizontal or vertical structural device forming a physical barrier intended to separate properties, retain soil materials, and provide security; or as defined by the Building Official. Fences may also be walls, hedges, and screen plantings, or constructed from wood, mesh, metal, chain, brick, stakes of plastic or similar materials.

Flat Roof. **See "Roof, Flat."**

Floor Area. The total horizontal area of all floors below the roof and within the outer surface of the walls of a building or other enclosed structure unless otherwise stipulated. See also Section 21.41.090 (Determining Floor Area).

Food Truck. **See "Vending Vehicle."**

Footprint. The area of the ground surface occupied by an existing or proposed structure, measured from exterior wall to exterior wall at the base of the structure.

Forecourt. **Open area in front of a building's entrance surrounded by walls on at least 3 sides.**

Freestanding Solar Collectors (Photovoltaic Systems). A device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, or electrical energy. Includes freestanding carport solar canopies.

Front Setback. **See "Setback, Front"**.

Frontage, Block. All property fronting on 1 side of a block.

Frontage, Building. The architectural element of a building between the public right-of-way and the private property **associated with the building entryway.**

## 21.92.070. "G" DEFINITIONS

Gable Roof. **See "Roof, Gable."**

Garage. An accessory structure or portion of a main structure, enclosed on 3 or more sides and containing accessible and usable enclosed space designed, constructed, and maintained for the parking and storage of 1 or more motor vehicles.

General Massing Break. **See “Massing Break”.**

General Plan. The General Plan of the City of Paso Robles.

Glare. The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, such as to cause annoyance, discomfort, or loss of visual performance and ability.

Government Code. The Government Code of the State of California.

Grade. The location of the ground surface.

Gross Floor Area. **See “Floor Area.”**

Ground Floor. The first floor of a building other than a basement that is closest to finished grade.

Guest House. A detached accessory building located on the same parcel as the main building with no utilities metered separately from those furnished to the main building, having no kitchen facilities, not used as a separate dwelling unit, and used only by the household occupying the main building, or by temporary guests of such main building occupant without charge or valuable consideration for such use.

Guest Room. Any room or group of rooms used or intended to be used by a guest or single party of guests in a commercial lodging use. A guest room may include several sleeping rooms. A guest room includes at least 1 bathroom. Bedrooms are defined separately for short-term rentals (see Chapter 21.64 [Short-Term Rentals]) and Bed and Breakfast Inns (See Section 21.69.060 [Bed and Breakfast Inns]).

## 21.92.080. “H” DEFINITIONS

Habitable Space. Any structure, property, or space that is constructed for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. Does not include garages or similar accessory spaces. See also California Building Code.

Hardscape. Areas covered with impervious surfaces including but not limited to buildings, driveways, parking lots, patios, sidewalks.

Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Height. The vertical distance from a point on the ground below a structure to a point directly above. See also Section 21.41.040 (Measuring Height).

Hipped Roof. **See “Roof, Hipped.”**

Historic District. A historic district is a significant concentration, linkage, or continuity of buildings, structures, objects, or sites unified historically or aesthetically in a distinguishable way or in a geographically definable area.

**Historic Landmark.** A historic landmark is a building, structure, object, or site on a State or Federal historic registry, or on the State historic resources inventory (with a California Historic Resource Status Code of 1-5).

**Historic Resources.** A building, structure, object, or site of scientific, aesthetic, educational, cultural, architectural, or historical significance to the property owner, city, region, state, or nation, which may be eligible for local designation for historic preservation by the City pursuant to the provisions of Chapter 21.62 (Historic Preservation)

**Historic Resources Inventory.** A document containing a listing of buildings, structures, objects, and sites that are designated historic resources due to individual historic significance with character defining features, integrity of location, design, setting, materials, workmanship, feeling, or association, that meets certain criteria as described in Chapter 21.62 (Historic Preservation).

**Historic Signs.** A sign of historical significance that meets certain conditions as described in Chapter 21.62 (Historic Preservation).

**Home Occupation Permit.** An administrative permit authorizing the operation of a specified home-based occupation in a particular location in compliance with the provisions of this Zoning Code and Chapter 21.21 (Home Occupation Permits).

**Horizontal Wall Plane Variation.** See “Wall Plane Variation, Horizontal.”

**Household.** See “Family.”

## 21.92.090. “I” DEFINITIONS

**Illegal Use.** Any use of land or building that does not have the currently required permits, and was originally constructed and/or established without permits or approvals required for the use at the time it was brought into existence.

**Improvement.** An object affixed to the ground other than a structure.

**Impervious Surface.** Artificial structures—such as pavements (roads, sidewalks, driveways and parking lots, as well as industrial areas such as airports, ports and logistics and distribution centers) that are covered by impenetrable materials such as asphalt, concrete, brick, stone, etc.

**Income Levels.** Income levels for households whose gross incomes do not exceed the qualifying extremely low, very low, low, and moderate-income limits established in § 6932 of the California Code of Regulations, and amended periodically based on the U.S. Department of Housing and Urban Development (HUD) estimate based on the San Luis Obispo County median income levels by family size. These income limits are equivalent to the following:

**Extremely Low Income Household.** Under 30 percent of area median income, adjusted for household size appropriate for the unit.

**Very Low Income Household.** 30 to 50 percent of area median income, adjusted for household size appropriate for the unit.

**Low Income Household.** 50 to 80 percent of area median income, adjusted for household size appropriate for the unit.

**Moderate Income Household.** 80 to 120 percent of area median income, adjusted for household size appropriate for the unit.

**21.92.100. “J” DEFINITIONS**

Reserved.

**21.92.110. “K” DEFINITIONS**

Kitchen. Food preparation areas that have a sink and an appliance for the heating and cooking of food.

**21.92.120. “L” DEFINITIONS**

Land Use. The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained, including residential, commercial, industrial, etc.

Landscaping. The planting, configuration and maintenance of trees, ground cover, shrubbery, and other plant material, decorative natural and structural features (walls, fences, hedges, trellises, fountains, sculptures), earth-patterning and bedding materials, and other similar site improvements that serve an aesthetic or functional purpose.

Lintel. A horizontal element over an opening, often found spanning doors or windows. Lintels can be structural/load bearing or ornamental.

Lot. A parcel, tract, or area of land whose boundaries have been established by a legal instrument, such as a deed or map recorded with the County of San Luis Obispo, and which is recognized as a separate legal entity for purposes of transfer of Title, except public easements or rights-of-way. Lot types include the following:

Abutting Lot. A lot having a common property line, not separated by a public path or lane, private street, or easement to the subject lot.

Corner Lot. A lot situated at the intersection of 2 or more streets, or upon 2 parts of the same street forming an interior angle of less than 135 degrees.

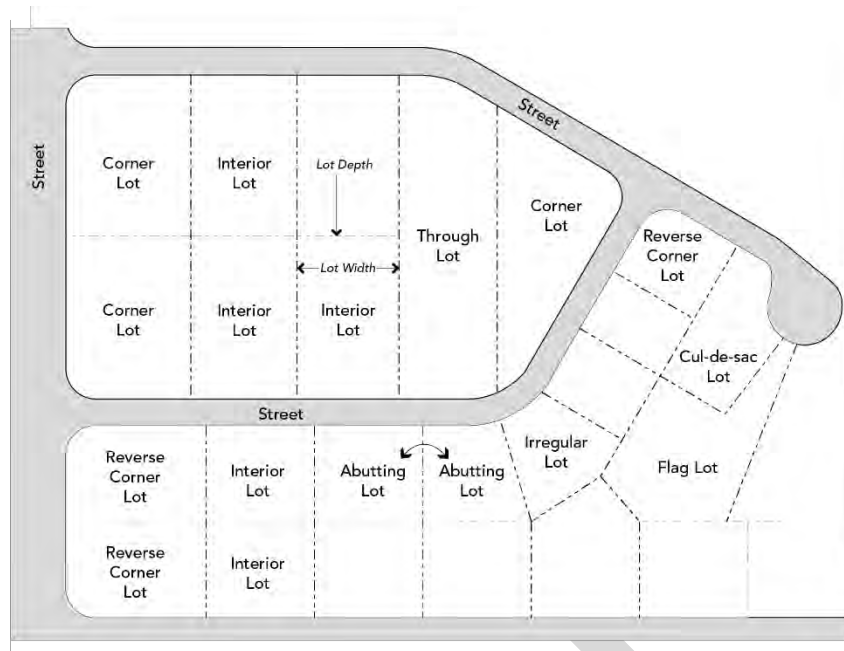
Flag Lot. A lot in the approximate configuration of a flag pole or sign post, with the pole or post functioning primarily as an access way to the main body of the lot from the street of access.

Interior Lot. A lot other than a corner lot.

Reversed Corner Lot. A corner lot, corner lot whose street side lot line is substantially a continuation of the front lot line of a lot to its rear.

Through Lot. A lot having frontage on 2 parallel or approximately parallel streets.

Figure 21.92.120-1: Lot Types



Lot Coverage. See Section 21.41.100 (Determining Lot Coverage).

Lot Depth. See Section 21.41.050 (Measuring Lot Width and Depth).

Lot Line. See “**Property Line.**”

Lot Size. The area of a lot measured horizontally between bounding lot lines. Lot sizes do not include fee or easement dedications for public street purposes.

Lot Width. See Section 21.41.050 (Measuring Lot Width and Depth).

### 21.92.130. “M” DEFINITIONS

Major Addition. See “**Addition, Major.**”

Manufactured Home. A structure, transportable in 1 or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle”. “Manufactured home” shall have the same definition as set forth in California Health and Safety Code Section 18007(a), as it may be amended from time to time.

Massing. The 3-dimensional bulk of a structure: height, width, and depth.

Massing Break. Recess/projection measured from the building footprint with minimum dimensions of 1 foot in depth by 3 feet in length by 8 feet in height.

**Mechanical Equipment.** Equipment used to provide mechanical and/or plumbing functions, including, but not limited to, ventilation fans, heating, cooling and air conditioning equipment, generators, water heaters, cooling and air conditioning equipment, water heaters, spa and pool equipment and any other similar equipment.

**Mid-size Addition.** See “**Addition, Mid-size.**”

**Mined lands.** Includes the surface, subsurface, and groundwater of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from, or are used in, surface mining operations are located.

**Minor Addition.** See “**Addition, Minor.**”

**Mixed-use.** A development that has both commercial and residential land uses.

**Mobile Home.** A structure manufactured prior to June 15, 1976 that is designed for human habitation and for being moved on a street or highway under permit pursuant to Section 35790 of the Vehicle Code. It does not include recreational vehicles or travel trailers. See "manufactured home" for mobile homes built after June 15, 1976. "Mobile home" shall have the same definition as set forth in Civil Code Section 798.3, as it may be amended from time to time.

**Mobile Vendor.** A person or business that operates or assists in the operation of a vending vehicle that sells food, **food products, or other retail items.** See also “**Vending Vehicle.**”

**Modification.** A discretionary action to allow specified exceptions to specified development standards of this Zoning Code for the purpose of creating flexibility in implementing those standards to accommodate unique design approaches and to recognize unique physical conditions present on individual parcels. See Development Plan Modification (Section 21.16.020) and Site Plan Modification (Section 21.17.020).

**Municipal Code.** The City of Paso Robles Municipal Code.

**Mural.** Any work of visual art painted or applied directly on a wall, ceiling, or other large permanent surface. See also Chapter 21.63 (Murals).

## 21.92.140. “N” DEFINITIONS

**Noise.** Any sound that annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

**Nonconforming Building or Structure.** A building or structure that was lawful when brought into existence, but because of subsequent amendment to this Title, or annexation into the City, could not be built because of restrictions on area, lot coverage, height, yards, setbacks, parking, design requirements, location on a lot, type or construction, or other similar requirements concerning the structure.

**Nonconforming Lot.** A legal parcel of land having less area, frontage, or dimensions than required in the zone in which it is located.

**Nonconforming Use.** Any use of land or activity that was lawfully established and in compliance with all applicable ordinances and laws at the time such use was initiated but which, due to subsequently enacted ordinances or laws, no longer complies with the applicable regulations and standards for the zone in which the use is located.

Nuisance. The meaning ascribed to that term in California Civil Code Section 3479. California Civil Code Section 3479 reads, in part, as follows: "Anything which is injurious to health, or is indecent or offensive to the senses, or an obstruction to the use of property, so as to interfere with the comfortable enjoyment of life or property is a nuisance."

#### 21.92.150. "O" DEFINITIONS

On-Site. Located on the parcel that is the subject of discussion.

Open Space.

Open Space, Shared. The total land area within a residential development that is not individually owned nor dedicated for public use, and that is designed, intended, and reserved exclusively for the shared use of all the residents of the development and their guests.

Open Space, Private. Privately-owned or controlled outdoor space for use by a single unit's residents or a single business's workers or customers, accessible by secured access only.

Owner. A person or persons holding single or unified beneficial title to the property, including without limitation, the settlor of a grantor trust, a general partner, firm, or corporation.

#### 21.92.160. "P" DEFINITIONS

Parcel. The basic unit of land entitlement. A designated area of land established by plat, subdivision, or otherwise **legally defined and permitted to be used or built upon. See also "Lot."**

Parking Area. A space dedicated to accommodate any parking and loading space/stalls, loading area, backup area, driveways, and aisles.

Parking, Bicycle. A covered or uncovered area equipped with a rack or racks designed and usable for the secure, temporary storage of bicycles.

Parking Facilities, Common. A parking facility that serves more than one use such that the shared use of the facility can be accomplished without limiting the ability of one use to occupy the facility to the detriment of the other.

Parking Space. Space within a parking area of a building exclusive of driveways, ramps, columns, office and work areas, for the temporary parking or storage of 1 automobile.

Parking, Tandem. An arrangement of parking spaces such that 1 or more spaces must be driven across to access another space or spaces.

Passenger Vehicle. As defined in the California Vehicle Code.

Patio Cover. A solid or open roof structure covering a patio, platform, or deck area, that is open on 2 sides or more.

Permanent Makeup. The application of pigments in human skin tissue for the purpose of permanently changing the color or other appearance of the skin. This includes microblading, micropigmentation, lip liner tattoos, and similar procedures.

Person. Any individual, firm, association, organization, partnership, business trust, company, or corporation.

Planning Commission. The Planning Commission of the City of Paso Robles.

Planning Division. The Planning Division of the Community Development Department of the City of Paso Robles.

Plot Plan. A ministerial development review process of minor details and development projects. See Chapter 21.18 (Plot Plans).

Porch. A Frontage Type where an entry door and corresponding landing area (entrance) are provided on the front elevation of a building on the ground floor. The landing area may be designed such that it creates a usable, but not required, space beyond that needed for entry. A porch can be recessed or projected, but must be covered.

Primary Dwelling Unit. Single-family dwelling(s) or multi-family dwellings that is (are) established on a property before an accessory dwelling unit or urban dwelling unit.

Primary Street. **See “Street, Primary”.**

Project. Any proposal for a new or changed use or for new construction, alteration, or enlargement of any structure that is subject to the provisions of this Title. This term includes, but is not limited to, any action that qualifies as a **“project” as defined by the California Environmental Quality Act.**

Property Line. The recorded boundary of a parcel of land.

Public Resources Code. The Public Resources Code of the State of California.

Public Works Director. The Public Works Director of the City of Paso Robles.

#### 21.92.170. **“Q” DEFINITIONS**

Qualified Applicant. **The property owner, the owner’s agent, or any person, corporation, partnership, or other legal** entity that has a legal or equitable title to land that is the subject of a development proposal or is the holder of an option or contract to purchase such land, or otherwise has an enforceable proprietary interest in such land.

#### 21.92.180. **“R” DEFINITIONS**

Rear Setback. **See “Setback, Rear”.**

Reasonable Accommodation. A request for a change 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. See Chapter 21.27 (Reasonable Accommodations).

Recreational Vehicle. Any trailer, camper, motor home, boat, or other vehicle designed and intended for traveling and recreational purposes. Does not include homemade tiny homes.

Review Authority. The body or entity responsible for making decisions on zoning and related applications.

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



Roof. The portion of a building or structure above walls or columns that shelters the floor area of the structure below.

Roof, Flat. A roof without any sloped sides, with a pitch of 10 degrees or less.

Roof, Gable. A roof with 2 slopes joining at a single ridge line and a gable at each end.

Roof, Hipped. A roof with 4 sloped sides. The sides meet at a ridge at the center of the roof. Two of the sides are trapezoidal in shape, while the remaining 2 sides are triangular, and thus meet the ridge at its end-points.

Roof, Shed. A roof shape having only 1 sloping plane.

## 21.92.190. "S" DEFINITIONS

Secondary Street. See "Street, Secondary."

Setback. The distance from which a structure, parking area, or other development feature must be separated from a prescribed lot line, easement, or other structure or development feature and as specified in the development regulations of each zoning district in the City. See also Section 21.41.120 (Determining Setbacks).

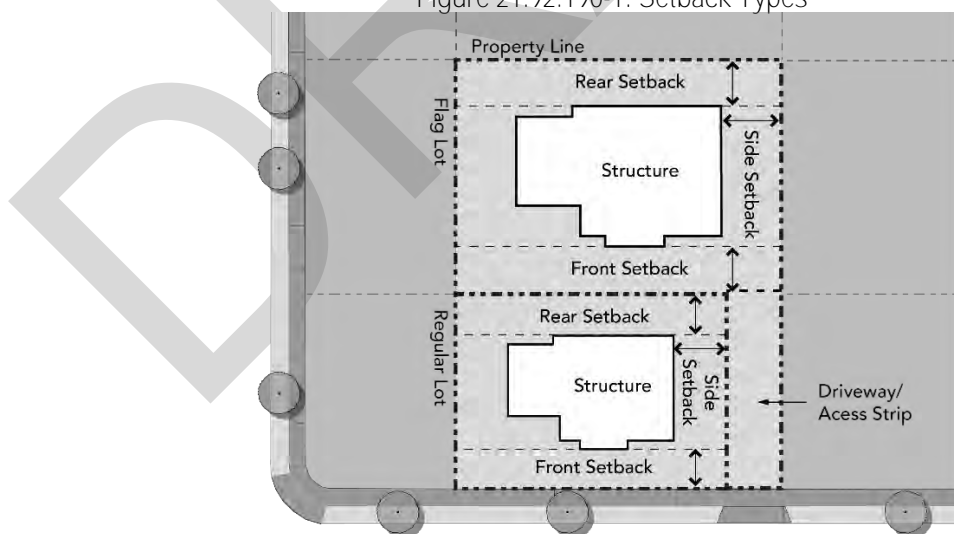
Front Setback. The minimum distance required between a structure and the front property line.

Side Setback. The minimum distance required between a structure and a side property line.

Street Side Setback. For a corner lot, the minimum distance required between a structure and a side property line that abuts a public right-of-way.

Rear Setback. The minimum distance required between a structure and the rear property line.

Figure 21.92.190-1: Setback Types



Shed Roof. See "Roof, Shed."

Side Setback. See "Setback, Side".

**Sign Permit.** An administrative permit authorizing any sign, except those exempted per Section 21.52.030 (Signs Exempt from Permit Requirements), to be erected, moved, altered, replaced or reconstructed.

**Site.** A parcel, or group of contiguous parcels, that is proposed for development in accordance with the provisions of this Zoning Code and under single ownership or unified control.

**Site Plan.** A discretionary development review process of minor development projects. See Chapter 21.17 (Site Plans).

**Soil.** Naturally occurring superficial deposits overlying bedrock.

**Slope, Average.** See Section 21.41.060 (Determining Average Slope).

**Slope, Existing.** Slope prior to grading.

**Specific Plan.** A regulatory document prepared in compliance with California Government Code Section 65450 et seq. for the systematic implementation of the General Plan for a particular area, as specified in Chapter 21.14 (Specific Plans).

**State.** The State of California.

**Street Side Setback.** See "**Setback, Street Side**".

**Storefront.** Storefront is a Frontage Type where a storefront, including entrance(s), is provided on the front elevation of a building on the ground floor. The storefront is generally level with the adjoining ground level.

**Story.** That portion of any building included between the surface of any floor and the surface of the next floor above it, and if there be no floor above it, then the space between such floor and the ceiling next above it.

**Street.** A public right-of-way not including an alley.

**Street, Primary.** A primary street is identified as an arterial or collector in the General Plan; or for any corner parcels located at the intersection of 2 streets undesignated in the General Plan, the street with more lanes of traffic and/or higher traffic quantities.

**Street, Secondary.** A secondary street is undesignated in the General Plan Circulation Element; for any corner parcels located at the intersection of 2 streets undesignated in the General Plan, the street with fewer lanes of traffic and/or lower traffic quantities.

**Stepback.** The required or actual placement of a building a specified distance away from a road, property line, or other structure at a level above the first floor.

**Structures.** Anything constructed or erected that requires location on the ground or attachment to something having location on the ground, including swimming pools, but excluding driveways, sidewalks, patios, or parking spaces.

**Structure, Attached Accessory.** Attached accessory structures with a common wall or roof with the primary structure.

**Structure, Detached Accessory.** A structure that is accessory to dwellings, the use of which is incidental to the primary structure on the same parcel, including but not limited to detached garages, carports, workshops, art studios, greenhouses, gazebos, storage sheds, treehouses, shade structures, guest houses.

Also includes open, unroofed structures that are over 30 inches in height and are detached from and accessory to the primary structure on the site such as treehouses, play equipment, decks and trellises. See also **“Canopy” and “Patio Cover.”**

Structure, Primary. A building or structure in which the primary use of the parcel on which it is located is conducted.

Structure, Nonconforming. See **“Nonconforming Building or Structure.”**

Swimming Pool. See Chapter 21.53 (Swimming Pools).

## 21.92.200. **“T” DEFINITIONS**

Temporary Use Permit. An administrative permit authorizing specific limited term uses in compliance with specified conditions and performance criteria specified in Chapter 21.20 (Temporary Use Permits).

Tenant. A person renting or leasing a housing unit or non-residential space.

Tiny Home. A small dwelling unit on a foundation with a minimum size of 150 square feet and no more than 400 square feet of habitable floor area.

Trailer. A vehicle with or without motor power, which is designed or used for hauling materials or vehicles, or for human habitation, office, or storage including camper, recreational vehicle, travel trailer. Does not include mobile homes.

Transient Occupancy. Lodging for the purpose of overnight accommodations for a period of not less than 1 night and not more than 30 consecutive days. Transient occupancies are subject to the transient occupancy tax requirements of Chapter 3.26 (Transient Occupancy Tax) of this code. Examples of transient occupancy accommodations include, but are not limited to: hotels, motels, vacation rentals, timeshare vacation clubs, villas, cottages, casitas, hostel, bed and breakfast inns.

Transparency. The ability of a building or structure to visually transmit light, allowing for a clear view of the interior or exterior spaces via doors and windows.

Turf. A densely planted grassy area characterized by frequent mowing and fertilization and/or watering, commonly used for lawns and playing fields.

## 21.92.210. **“U” DEFINITIONS**

Use. The purpose for which land or premises of a building thereon is designed, arranged, or intended or for which it is, or may be occupied or maintained.

Use, Accessory. A use that is customarily associated with, and is incidental and subordinate to, a primary use and located on the same parcel as a primary use.

Use, Permitted. Any use or structure that is allowed in a zone without a requirement for approval of a Conditional Use Permit, but subject to any restrictions applicable to that zoning district.

Use, Primary. A primary, principal, or dominant use established, or proposed to be established, on a parcel.

Use, Nonconforming. See **“Nonconforming Use.”**

#### 21.92.220. **“V” DEFINITIONS**

Variance. An action granting exception to the development standards of this Zoning Code in cases where strict compliance would result in a unique hardship in compliance with Chapter 21.22 (Variances).

Vehicle. A device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved by human power.

Vending Vehicle. Any self-propelled, motorized device or vehicle by which any person or property may be propelled or moved upon a highway or street, excepting a device moved exclusively by human power, or which may be drawn or towed by a self-propelled, motorized vehicle, from which food, food products, or other retail items are sold, offered **for sale, displayed, bartered, exchanged, or otherwise given. See also “Mobile Vendor.”**

Vertical Wall Plane Variation. See **“Wall Plane Variation, Vertical.”**

#### 21.92.230. **“W” DEFINITIONS**

Wall Plane Variation. Change in condition, character, or form of a continuous exterior wall, implemented through 1 or more options outlined in Paragraph 21.50.050.C.2 of Chapter 21.50 (Objective Design Standards for Mixed Use and Multi-Family Development). **For vertical and horizontal differentiation, see “Wall Plane Variation, Horizontal” and “Wall Plane Variation, Vertical”.**

Wall Plan Variation, Horizontal. A plane break or other articulation that is horizontally oriented (for example, longer than it is tall).

Wall Plan Variation, Vertical. A plane break or other articulation that is vertically oriented (for example, taller than it is long).

Wet Bar. An area with running water, a sink, and a bar or serving counter, and may also include an undercounter or countertop refrigerator. The wet bar shall not include facilities for cooking.

#### 21.92.240. **“X” DEFINITIONS**

Reserved.

#### 21.92.250. **“Y” DEFINITIONS**

Yard. An open space on the same site as a structure, unoccupied and unobstructed from the ground upward, except as otherwise provided by this Zoning Code. A yard is not synonymous with a setback, but does include similar areas.

Yard, Front. A yard extending across the front of a parcel for its full width between the front property line and primary building.

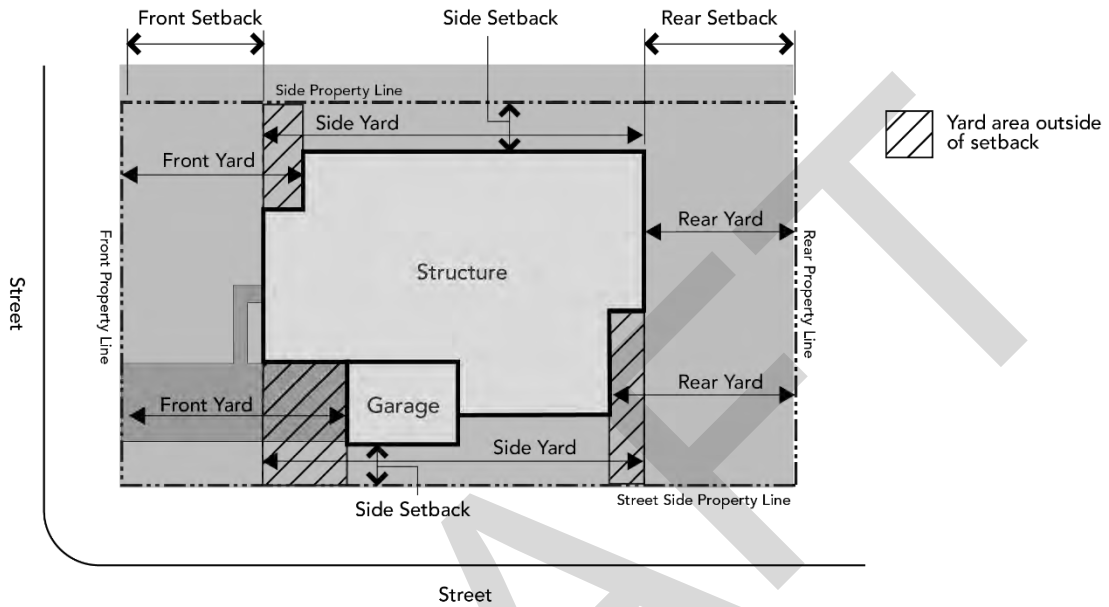
Yard, Interior Side. A yard which does not abut a street.

Yard, Side. A yard extending from the front setback line to the rear setback line between the side property line and building line.

Yard, Street Side. A yard on a corner lot or reversed corner lot extending from the front setback line to the rear setback line between the side street property line and building line.

Yard, Rear. A yard extending across the rear of a parcel for its full width between the rear property line and primary building.

Figure 21.92.250-1: Yard Types



21.92.260. **“Z” DEFINITIONS**

Zoning Administrator. The City of Paso Robles Zoning Administrator as appointed by the Community Development Director or his or her designee.

Zoning District. A portion of the City within which certain uses of land and buildings are permitted or prohibited and within which certain development standards are established for buildings, all as set forth and specified in this Title.