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## 15.04.070 Standard plans.

Section 107 of the California Building Code, Chapter 1, Division II, is hereby amended by adding the following:

**107.6 Standard Plans.** The Building Official may approve a set of plans for a building or structure as a "standard plan," provided that the applicant has made the proper application, submitted complete sets of plans as required by this section, and paid the plan review fees required.

Plans shall reflect laws and ordinances in effect at the time a permit is issued except as provided herein. Nothing in this section shall prohibit modifying the permit set of plans to reflect changes in laws and ordinances, which have become effective since the approval of the standard plan. The standard plan shall become null and void where the work required by such changes exceeds ten percent (10%) of the value of the building or structure. When it is desired to use an approved "standard plan" for an identical structure, the Building Official may require a plot plan and a duplicate plan to be submitted. Such duplicate plans shall be compared and stamped prior to permit issuance. All fees in effect at the time of permit issuance shall be paid prior to permit issuance.

Standard plans shall be valid for a period of one year from the date of approval, or until the effective date of a Building Code change, whichever comes first. The Building Official may extend this period when no changes in codes or ordinances have occurred. Building permit applications based on standard plans approved prior to the effective date of a Building Code change are valid for a period of 180 days from the date of the application and may only be extended based on a review and approval by the Community Development Director-not be extended. Building permits issued on applications submitted prior to the effective date of a Building Code change are valid for a period of 360 days from the date of issuance and may only be extended based on a review and approval by the Community Development Director-not be extended.

(Ord. No. 1094 , § 1, 11-8-2022)

## **Title 16 SUBDIVISIONS**

### **Chapter 16.04 GENERAL PROVISIONS**

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#### ***Article III. Responsibilities and Designation***

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##### **16.04.210 City council.**

The city council reserves to itself final jurisdiction and authority as follows:

- A. To approve reversion to acreage; and
- B. To hear and decide appeals of staff actions and appeals of planning ~~commission~~ commission actions on tentative subdivision maps; and
- C. To hear and decide appeals of action by the director of public works or city engineer on final maps; and
- D. To approve, conditionally approve, or deny an application for tentative subdivision maps filed in conjunction with a development agreement and extensions thereto.

(Ord. 754 § 1 (Attach. A § 6), 1999; Ord. 661 § 1 (120.060), 1994)

### **Chapter 16.08 TENTATIVE MAP PROCEDURAL REQUIREMENTS**

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#### ***Article III. Expiration of Tentative Map Approval and Extensions***

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##### **16.08.150 Procedures for extensions.**

The subdivider may request an extension of the tentative map approval or conditional approval by written request to the department of community development prior to the expiration of the tentative map. Upon filing the request to extend the map, the map shall be automatically extended for sixty (60) days, or when the community development director ~~until the planning commission~~ takes action, whichever occurs first.

(Ord. 661 § 1 (220.020), 1994)

#### **16.08.160 Community Development director~~Planning commission~~ review.**

~~A. The community development director may approve the extension of a map limited to the requirements of the Subdivision Map Act. Public Hearing Required. The director shall set a date and time for a public hearing on the extension request before the planning commission. The director shall give notice of the hearing in accordance with Section 16.04.130, Public hearing notice procedures.~~

~~B. Project Sign Posting Required. The applicant of a proposed project scheduled for public hearing is required to post a sign with public hearing information in accordance with the procedures established for project sign posting.~~

~~C. Report. The director shall review the request and submit a written report on the extension to the planning commission. A copy of the report shall be forwarded to the subdivider three days prior to the planning commission meeting on the extension request.~~

~~D. Action. The planning commission shall either approve, conditionally approve, continue the public hearing to a specific time, date and place, or deny the extension of the tentative map based on the findings in Section 16.08.170.~~

~~E. Conditions. The planning commission shall either approve, approve with conditions or deny the extension of the tentative map. The planning commission may accept, modify or delete any of the conditions of approval recommended in the staff report or may add additional requirements as a condition of approval.~~

~~(Ord. 661 § 1 (220.030), 1994)~~

#### **16.08.170 Findings.**

~~The Director~~ e-planning commission shall approve ~~or approve with conditions~~ the extension of a tentative map only if it makes all of the following findings in writing based upon substantial evidence in the record:

- A. The proposed subdivision is consistent with the general plan and any applicable specific plan and is compatible with the general plan land uses, goals, objectives, policies and specific actions specified in such plan.
- B. The findings justifying the original approval of the tentative map remain valid.
- C. The approval of the extension will allow for development of a project that is of benefit to the public health, safety and welfare through completion of vital infrastructure or public improvements, correction of existing hazardous conditions, or enhancement of public facilities.
- D. The granting of the extension is necessary to allow sufficient time for the subdivider to complete final map and improvement plans.
- E. There is no substantial change in the land use or development patterns in the vicinity of the tentative map that would be detrimental to the public health, safety or welfare should the extension be granted.

(Ord. 661 § 1 (220.040), 1994)

#### **16.08.180 Appeals of extensions.**

The subdivider or any interested affected person may appeal any action of the community development director~~planning commission~~ regarding an extension as stated in Section 16.04.070. The tentative map remains active during the appeal period until action is taken by the city council.

(Ord. 661 § 1 (220.050), 1994)

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## Chapter 16.17 URBAN LOT SPLITS

### 16.17.010 Purpose.

The purpose of this section is to allow and appropriately regulate urban lot splits pursuant to Government Code Section 66411.7. This section shall work in concert with Title 17, Chapter 17.41, Article III (Sections 17.41.050 – 17.41.058) regarding construction of residential units on any lot created via an urban lot split. The purpose of this section is to allow and appropriately regulate urban lot splits in accordance with Government Code section 66411.7.

(Ord. No. 1087 , § 3(Exh. A), 12-14-2021)

### 16.17.020 Definition.

- A. "Accessory dwelling unit" (ADU) shall have the same meaning as set forth in section 17.41.012.
- B. "Accessory dwelling unit, Junior" (JADU) shall have the same meaning as set forth in section 17.41.012.
- C. "Dwelling unit" shall have the same meaning as specified in set forth section 17.04.240.
- D. "Individual property owner" shall have the same meaning as specified in set forth section 17.41.052.
- E. "Primary dwelling unit" shall have the same meaning as set forth in section 17.41.052.
- F. "Two-unit project" shall have the same meaning as set forth in section 17.41.052.
- G. An "urban lot split" means the subdivision of an existing, legally subdivided lot into two (2) lots in accordance with the requirements of this section.

(Ord. No. 1087 , § 3(Exh. A), 12-14-2021)

### 16.17.030 Application.

- A. Only individual property owners may apply for an urban lot split. "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 Rev. & Tax Code § 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by § 214.15).
- B. An application for an urban lot split must be submitted on the City's approved form. Only a complete application will be considered. The City will inform the applicant in writing of any incompleteness within thirty (30) days after the application is submitted.
- C. The City may establish a fee to recover its costs for adopting, implementing, and enforcing this section of the code, in accordance with applicable law. The City council may establish and change the fee by resolution. The fee must be paid with the application.

(Ord. No. 1087 , § 3(Exh. A), 12-14-2021)

### 16.17.040 Approval.

- A. An application for a parcel map for an urban lot split is approved or denied ministerially, by the development services director ~~without discretionary review.~~ No discretionary review or public hearing process shall be applied.
- B. A tentative parcel map for an urban lot split is approved if the director of development services determines the application ministerially if it complies with all the requirements of this section. The tentative parcel map ~~is not required to~~ may not be recorded. A final parcel map shall be approved ministerially upon but the applicant/property owner(s) demonstrating that the required deed restriction and easements and any other required documents have been recorded pursuant to the provisions of this section. A final parcel map is approved ministerially as well, but not until the owner demonstrates that the required documents have been recorded, such as the deed restriction and easements. The tentative parcel map expires three (3) months after approval by the director.
- C. The approval document shall include a provision that ~~The approval must require~~ the ~~owner and~~ applicant/property owner to hold the City harmless from all claims and damages related to the approval and its subject matter.
- D. The approval shall include a provision requiring ~~The approval must require~~ the applicant/property owner~~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.

(Ord. No. 1087 , § 3(Exh. A), 12-14-2021)

### 16.17.050 Requirements.

An urban lot split must satisfy ~~each~~ all of the following requirements:

#### A1. Subdivision Map Act Compliance.

- a1. The urban lot split must conform to all applicable objective requirements of the Subdivision Map Act (Gov. Code § 66410 et. seq., "SMA"), including implementing requirements ~~in this code of this Title 16,~~ except as otherwise expressly provided in this section.
- b2. If an urban lot split violates any part of the SMA, the City's subdivision regulations, including this section, or any other legal requirement:
  - (H)a. The buyer or grantee of a lot that is created by the urban lot split has all the remedies available under the SMA, including but not limited to an action for damages or to void the deed, sale, or contract.
  - (H)b. The City has all the remedies available to it under the SMA, including but not limited to the following:
    - (ia) An action to enjoin any attempt to sell, lease, or finance the property.
    - (ii**b**) An action for other legal, equitable, or summary remedy, such as declaratory and injunctive relief.

- (~~ieii~~) Criminal prosecution, punishable by imprisonment in county jail or state prison for up to one (1) year, by a fine of up to ten thousand dollars (\$10,000.00), or both; or a misdemeanor.
      - (~~idy~~) Record a notice of violation.
      - (~~iev~~) Withhold any or all future permits and approvals.
    - c. Notwithstanding section 66411.1 of the SMA, no dedication of rights-of-way or construction of offsite improvements is required for an urban lot split.
  - B. Zone.
    - ~~1. The lot to be split is in a single-family residential zone (RR-2.5, RR-1, SRR, R-15,000, R-10,000 and R-7,000). The lot to be split shall only be located in a single-family residential zone, defined to be rural residential RR-2.5, rural residential RR-1, semi-rural residential SRR, residential R-15,000, residential R-10,000, and residential R-7,000.~~
  - ~~3C. Lot Restrictions on Location.~~
    - ~~a. The lot to be split is not located on a site that is any of the following:~~
      - ~~(I) Prime farmland, farmland of statewide importance, or land that is zoned or designated for agricultural protection or preservation by the voters.~~
      - ~~(II) A wetland.~~
      - ~~(III) Within a very high fire hazard severity zone, unless the site complies with all fire hazard mitigation measures required by existing building standards.~~
      - ~~(IV) A hazardous waste site that has not been cleared for residential use.~~
      - ~~(V) Within a delineated earthquake fault zone, unless all development on the site complies with applicable seismic protection building code standards.~~
      - ~~(VI) Within a 100 year flood hazard area, unless the site has either:~~
        - ~~(ia) been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction, or~~
        - ~~(ib) meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program.~~
      - ~~(VII) Within a regulatory floodway, unless all development on the site has received a no-rise certification.~~
      - ~~(VIII) Land identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan.~~
      - ~~(IX) Habitat for protected species.~~
      - ~~(X) Land under conservation easement.~~
    - ~~b. The purpose of subpart (c)(2)(A) above is merely to summarize the requirements of Government Code section 65913.4(a)(6)(B)–(K). (See Gov. Code § 66411.7(a)(3)(C).)~~
- No urban lot split application shall be permitted on any property meeting any one of the following criteria:

1. Prime farmland, farmland of statewide importance, as defined pursuant to the United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the farmland mapping and monitoring program of the California Department of Conservation, or land that is zoned or designated for agricultural protection or preservation by a local ballot measure.
2. A wetland, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).
3. Within a fire high fire hazard severity zone as determined by the California Department of Forestry and Fire Protection pursuant to Government Code § 51178, or as indicated on maps adopted by the said Department pursuant to Public Resources Code § 51179(b), unless the site complies with all fire hazard mitigation measures required by existing building standards or state fire mitigation measures applicable to development.
4. A hazardous waste site pursuant to government code section 65962.5 or a hazardous waste site designated by the California Department of Toxic Substances Control pursuant to § 25356 of the State Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or State Department of Toxic Substances control has cleared the site for residential use.
5. Within a delineated earthquake fault zone, as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by the building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2 of the Government Code.
6. Within a 100-year flood hazard area as determined by the Federal Emergency Management Agency (FEMA) in any official maps published by FEMA. However, a subdivision or development may be located on a lot described herein if the lot is otherwise eligible for approval under the provisions of this code and the applicant is able to satisfy all applicable federal qualifying criteria demonstrating the site has either:
  - a. Been subject to a letter of map revision prepared by FEMA and issued to the city; or
  - b. Meets FEMA requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to part 59 and part 60 of subchapter 8 of chapter 1 of title 44 of the Code of Federal Regulations.
7. Within a regulatory floodway as determined by FEMA in any official maps published by FEMA, unless the subdivision and/or development has received a no-rise certification in accordance with § 60.3(d)(3) of title 44 of the Code of Federal Regulations.
8. Encumbered with a conservation easement or identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act, habitat conservation plan pursuant to the Federal Endangered Species Act, or other adopted natural resource protection plan.
9. Containing habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the Federal Endangered Species Act, the State Endangered Species Act, or the Native Plant Protection Act.
10. Land under a conservation easement that would prevent development of the site.
11. Areas encumbered by a recorded easement that would prevent development of the lot.
12. Containing a residential use in a zone other than those stated herein.

**4D. Restriction – No Prior Urban Lot Split.**

- a. ~~The lot to be split was not established through a prior urban lot split.~~
- b. ~~The lot to be split is not adjacent to any lot that was established through a prior urban lot split by the owner of the lot to be split or by any person acting in concert with the owner.~~

1. No urban lot split application shall be permitted for any lot created by a prior urban lot split.
2. No urban lot split application shall be permitted on any lot adjacent to a lot that was established through a prior urban lot split by the owner of the lot to be split or by any person acting in concert with the owner.

5E. Restriction - No Impact on Protected Housing.

- a. The urban lot split must not require or include the demolition or alteration of any of the following types of housing:
  - (I) Housing that is income-restricted for households of moderate, low, or very low income.
  - (II) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its policy power.
  - (III) Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (Gov. Code §§ 7060-7060.7) at any time in the fifteen (15) years prior to submission of the urban lot split application.
  - (IV) Housing that has been occupied by a tenant in the last three (3) years.
- b. As part of the urban lot split application, the applicant and the owner of a property must provide a sworn statement by affidavit representing and warranting that subpart 16.17.050.E.i above is satisfied.
  - (I) The sworn statement must state that:
    - (ia) No housing that is income-restricted for households of moderate, low, or very low income will be demolished or altered.
    - (ib) No housing that is subject to any form of rent or price control will be demolished or altered.
    - (ic) No housing that has been withdrawn from rental or lease under the Ellis Act at any time in the last 15 years will be demolished or altered.
    - (id) No housing that has been occupied by a tenant in the last three (3) years will be demolished or altered.
- c. 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.

1. No urban lot split application shall be permitted for any property for which the application includes or involves the demolition or alteration of any of the following types of housing:
  - a. Housing that is income-restricted for households of moderate, low, or very low income.
  - b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
  - c. Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (Government Code §§ 7060-7060.7) at any time in the fifteen (15) years prior to submission of the urban lot split application.
  - d. Housing that has been occupied by a tenant in the last three (3) years from which the application is filed.



2. As part of the urban lot split application, the applicant and the owner of a property must provide a sworn statement by affidavit representing and warranting that subsection 16.17.050.E.1 above is satisfied. The sworn statement must state that:
  - a. No housing that is income-restricted for households of moderate, low, or very low income will be demolished or altered.
  - b. No housing that is subject to any form of rent or price control will be demolished or altered.
  - c. No housing that has been withdrawn from rental or lease under the Ellis Act at any time in the last fifteen (15) years will be demolished or altered.
  - d. No housing that has been occupied by a tenant in the last three (3) years from the date of the application filing date will be demolished or altered.
3. 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. The city may require additional evidence of the applicant and owner, as necessary, to determine compliance with this requirement.

F. Existing Structures.

The proposed unit development shall not include the demolition of more than twenty-five (25) percent of any existing exterior structural walls unless the site has not been occupied by a tenant in the last three (3) years.

6G. Lot Size Standards.

- a. The lot to be split must be at least two thousand four hundred (2,400) square feet.
  - b. The resulting lots must each be at least one thousand two hundred (1,200) square feet.
  - c. Each of the resulting lots must be between sixty (60) percent and forty (40) percent of the original lot area.
1. The lot to be split must be a legally created lot at least two thousand four hundred (2,400) square feet in size.
  2. The two (2) resulting lots must each be at least one thousand two hundred (1,200) square feet in size.
  3. Each of the resulting lots must be between forty (40) and sixty (60) percent of the original lot area.
  4. All lot lines shall be contiguous to existing zoning boundaries.
  5. Each resulting lots shall not have a width less than the width of the original lot.

H7. Easements.

- a1. The owner must enter into an easement agreement with each public-service provider to establish easements that are sufficient for the provision of public services and facilities to each of the resulting lots.
- b2. Each easement must be shown on the tentative parcel map.
- c3. Copies of the unrecorded easement agreements must be submitted with the application. The easement agreements must be recorded against the property before the final map may be approved, in accordance with section 16.17.030.2 above.

- d4. If an easement is recorded and the project is not completed, making the easement moot, the property owner may request, and the City will provide, a notice of termination of the easement, which the owner may record.
- 8j. Lot Access.
- a1. Each resulting lot must adjoin the public right of way.
- b2. Each resulting lot must have frontage on the public right of way of at least twenty (20) ~~twelve (12)~~ feet.
- (H)j. Unit Standards. Construction of residential units on any lot created via an urban lot split is subject to the standards of Title 17, Chapter 17.41, Article III (Sections 17.41.050 – 17.41.058).
- a. ~~Quantity. No more than two (2) dwelling units of any kind may be built on a lot that results from an urban lot split. For purposes of this paragraph, "unit" means any dwelling unit, including, but not limited to, a primary dwelling unit, a unit created under section 17.08.100 of this code, an ADU, or a JADU.~~
- b. ~~Unit Size.~~
- (I) ~~The total floor area of each primary dwelling that is developed on a resulting lot must be:~~
- (ia) ~~Less than or equal to eight hundred (800) and (ib) more than five hundred (500) square feet.~~
- (II) ~~A primary dwelling that was legally established prior to the urban lot split and that is larger than eight hundred (800) square feet is limited to the lawful floor area at the time of the urban lot split. It may not be expanded.~~
- (III) ~~A primary dwelling that was legally established prior to the urban lot split and that is smaller than eight hundred (800) square feet may be expanded to eight hundred (800) square feet after the urban lot split.~~
- c. ~~Height Restrictions~~
- (I) ~~No new primary dwelling unit may exceed a single story or twenty two (22) feet in height, measured from grade to peak of the structure.~~
- (II) ~~No rooftop deck is permitted on any new or remodeled dwelling or structure on a lot resulting from an urban lot split.~~
- d. ~~Lot Coverage. Fifty (50) percent lot coverage. This lot coverage standard is only enforced to the extent that it does not prevent two (2) primary dwelling units on the lot at eight hundred (800) square feet each.~~
- e. ~~Setbacks. All setbacks must conform to those objective setbacks that are imposed through the underlying zone except the following:~~
- (ia) ~~Existing Structures. No setback is required for an existing legally established structure or for a new structure that is constructed in the same location and to the same dimensions as an existing legally established structure.~~
- (ib) ~~Eight hundred (800) square feet; four foot side and rear. The setbacks imposed by the underlying zone must yield to the degree necessary to avoid physically precluding the construction of up to two (2) units on the lot or either of the two (2) units from being at least eight hundred (800) square feet in floor area; but in no event may any structure be less than four (4) feet from a side or rear property line.~~

- (ic) ~~Front Setback Area. Notwithstanding any other part of this code, dwellings that are constructed after an urban lot split must be at least twenty-five (25) feet from the front property lines. The front setback area must:~~
  - i) ~~Be kept free from all structures greater than three (3) feet high;~~
  - ii) ~~Be at least fifty (50) percent landscaped with drought-tolerant plants, with vegetation and irrigation plans approved by a licensed landscape architect;~~
  - iii) ~~Allow for vehicular and fire-safety access to the front structure.~~
- f. ~~Parking. Each new primary dwelling unit that is built on a lot after an urban lot split must have at least one (1) off-street parking space per unit unless one (1) of the following applies:~~
  - (I) ~~The lot is located within one-half-mile walking distance of either~~
    - (ia) ~~A corridor with fixed route bus service with service intervals no longer than fifteen (15) minutes during peak commute hours or~~
    - (ib) ~~A site that contains:~~
      - i) ~~An existing rail or bus rapid transit station,~~
      - ii) ~~The intersection of two (2) or more major bus routes with a frequency of service interval of fifteen (15) minutes or less during the morning and afternoon peak commute periods.~~
- g. ~~Architecture.~~
  - (I) ~~If there is a legal primary dwelling on the lot that was established before the urban lot split, any new primary dwelling unit must 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.~~
  - (II) ~~If there is no legal primary dwelling on the lot before the urban lot split, and if two (2) primary dwellings are developed on the lot, the dwellings must 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.~~
  - (III) ~~All exterior lighting must be limited to down lights.~~
  - (IV) ~~No window or door of a dwelling that is constructed on the lot after the urban lot split may have a direct line of sight to an adjoining residential property. Fencing, landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight.~~
  - (V) ~~If a dwelling is constructed on a lot after an urban lot split and any portion of the dwelling is less than thirty (30) feet from a property line that is not a public right-of-way line, then all windows and doors in that portion must either be (for windows) clerestory with the bottom of the glass at least six (6) feet above the finished floor, or (for windows and for doors) utilize frosted or obscure glass.~~
- h. ~~Landscaping.~~
  - (I) ~~Landscape screening must be planted and maintained between each dwelling and adjacent lots (but not rights-of-way) as follows:~~

- ~~(ia) At least one (1) fifteen-gallon size plant shall be provided for every five (5) linear feet of exterior wall. Alternatively, at least one (1) twenty-four-inch box size plant shall be provided for every ten (10) linear feet of exterior wall.~~
  - ~~(ib) Plant specimens must be at least six (6) feet tall when installed. As an alternative, a solid fence of at least six (6) feet in height may be installed.~~
  - ~~(ic) All landscaping must be drought-tolerant.~~
  - ~~(id) All landscaping must be from the City's approved plant list.~~
- ~~i. Nonconforming Conditions. An urban lot split may be approved without requiring a legal nonconforming zoning condition to be corrected.~~
- ~~j. Utilities.~~
  - ~~(I) Each primary dwelling unit on the resulting lots must have its own direct utility connection to the utility service provider.~~
  - ~~(II) Each primary dwelling unit on the resulting lots that is or that is proposed to be connected to an onsite wastewater treatment system must first have a percolation test completed within the last five (5) years or, if the percolation test has been recertified, within the last ten (10) years.~~
- ~~k. Building & Safety. All structures built on the lot must comply with all current local building standards. An urban lot split is a change of use.~~
- ~~l. Fire Hazard Mitigation Measures.~~
  - ~~(I) A lot in a very high fire hazard severity zone must comply with each of the following fire-hazard mitigation measures:~~
    - ~~(ia) It must have direct access to a public right of way with a paved street with a width of at least forty (40) feet. The public right of way must have at least two (2) independent points of access for fire and life safety to access and for residents to evacuate.~~
    - ~~(ib) All dwellings on the site must comply with current fire code requirements for dwellings in a very high fire hazard severity zone.~~
    - ~~(ic) All enclosed structures on the site must have fire sprinklers.~~
    - ~~(id) All sides of all dwellings on the site must be within a one-hundred-fifty-foot hose-pull distance from either the public right of way or of an onsite fire hydrant or standpipe.~~
    - ~~(ie) If the lot does not have a swimming pool, the lot must have a water reservoir of at least five thousand (5,000) gallons per dwelling, with fire-authority approved hookups compatible with fire-authority standard pump and hose equipment.~~
  - ~~(II) 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. 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.~~
- ~~m. Separate Conveyance.~~

- ~~(I) Within a resulting lot.
  - ~~(ia) Primary dwelling units on a lot that is created by an urban lot split may not be owned or conveyed separately from each other.~~
  - ~~(ib) Condominium airspace divisions and common interest developments are not permitted on a lot that is created by an urban lot split.~~
  - ~~(ic) All fee interest in a lot and all dwellings on the lot must be held equally and undivided by all individual property owners.~~~~
- ~~(II) Between resulting lots. Separate conveyance of the resulting lots is permitted. If dwellings or other structures (such as garages) on different lots are adjacent or attached to each other, the urban lot split boundary may separate them for conveyance purposes if the structures meet building code safety standards and are sufficient to allow separate conveyance. If any attached structures span or will span the new lot line, the owner must record appropriate CC&Rs, easements, or other documentation that is necessary to allocate rights and responsibility between the owners of the two (2) lots.~~
- ~~n. Regulation of Uses.
  - ~~(I) Residential only. No non-residential use is permitted on any lot created by urban lot split.~~
  - ~~(II) No Short Term Rentals. No dwelling unit on a lot that is created by an urban lot split may be rented for a period of less than thirty (30) days.~~
  - ~~(III) Owner Occupancy. The applicant for an urban lot split must sign an affidavit stating that the applicant intends to occupy one (1) of the dwelling units on one (1) of the resulting lots as the applicant's principal residence for a minimum of three (3) years after the urban lot split is approved.~~~~
- ~~o. Notice of Construction.
  - ~~(I) At least thirty (30) business days before starting any construction of a structure on a lot created by an urban lot split, the property owner must give written notice to all the owners of record of each of the adjacent residential parcels, which notice must include the following information:
    - ~~(ia) Notice that construction has been authorized,~~
    - ~~(ib) The anticipated start and end dates for construction,~~
    - ~~(ic) The hours of construction,~~
    - ~~(id) Contact information for the project manager (for construction-related complaints), and~~
    - ~~(ie) Contact information for Building and Safety.~~~~
  - ~~(II) 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 section. This notice requirement is purely to promote neighborhood awareness and expectation.~~~~
- ~~p. Deed Restriction. The owner must record a deed restriction on each lot that results from the urban lot split, acceptable to the City, that does each of the following:~~

- ~~(I) Expressly prohibits any rental of any dwelling on the property for a period of less than thirty (30) days.~~
- ~~(II) Expressly prohibits any non-residential use of the lots created by the urban lot split.~~
- ~~(III) Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot.~~
- ~~(IV) States that:~~
  - ~~(ia) The lot is formed by an urban lot split and is therefore subject to the City's urban lot-split regulations, including all applicable limits on dwelling size and development.~~
  - ~~(ib) Development on the lot is limited to development of dwelling units under section 17.08.100 of this code except as required by state law.~~

(Ord. No. 1087 , § 3(Exh. A), 12-14-2021)

#### **16.17.060 Specific adverse impacts.**

- A. Notwithstanding anything else in this section, the City may deny an application for an urban lot split if the building official makes a written finding, based on a preponderance of the evidence, that the project would have a <sup>u</sup>specific, adverse impact<sup>u</sup> 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 Gov. Code § 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 <sup>u</sup>either<sup>u</sup> (1) inconsistency with the zoning ordinance or general plan land use designation<sup>u</sup>, or (2) the eligibility to claim a welfare exemption under 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.

(Ord. No. 1087 , § 3(Exh. A), 12-14-2021)

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## ***Article IV. Residential Subdivision Perimeter Treatment<sup>1</sup>***

### **16.20.220 In general.**

The perimeter of a residential subdivision shall be treated in accordance with the requirements of this article.

(Ord. No. 1070 , § 4(Exh. A), 1-14-2020)

### **16.20.225 Perimeter Walls – Residential subdivisions**

A. Except as specified below, a masonry wall within a minimum height of five (5) feet and a maximum height of six (6) feet shall be constructed along the perimeter of an urban or rural single-family subdivision.

1. Perimeter walls shall be constructed of materials selected from the following list:

- a. Adobe block;
- b. Brick;
- c. Decorative concrete block;
- d. Pre-cast concrete;
- e. Slump stone block;
- f. Split face block;
- g. Stucco on block;
- h. Wrought iron in conjunction with other listed materials.

2. Design alternatives must be approved by the Director.

B. Exceptions. This standard does not apply in the following locations:

- 1. Portions of the perimeter that coincide with a front lot line of a lot.
- 2. Portions of the perimeter that are adjacent to an arterial street that is subject to either section 16.20.230 or section 16.20.235.

### **16.20.230 Treatment along arterials—Urban residential subdivisions.**

Portions of an urban single-family subdivision that are adjacent to arterial streets shall be treated with a decorative wall and landscaping in accordance with the following:

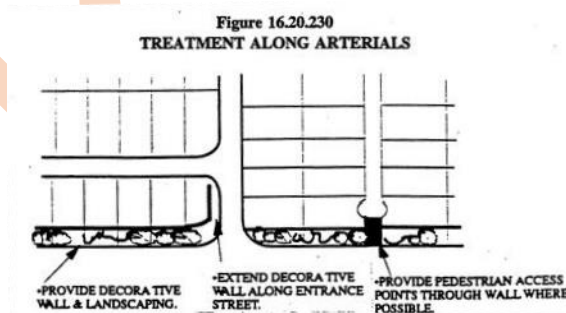
A. **Wall Design Standards.**

- 1. Perimeter walls shall be constructed of materials selected from the following list:

---

<sup>1</sup>Editor's note(s)—Ord. No. 1070 , § 4(Exh. A), adopted Jan. 14, 2020, amended Art. IV in its entirety to read as herein set out. Former Art. IV, §§ 16.20.220—16.20.250, pertained to similar subject matter, and derived from Ord. 661 § 1 (540.000—540.030), adopted 1994; Ord. 754 § 1 (Attach. A § 17), adopted 1999; Ord. 839 § 1 (Exh. A §§ 4—6), adopted 2005.

- a. Adobe block;
  - b. Brick;
  - c. Decorative concrete block;
  - d. Pre-cast concrete;
  - e. Slump stone block;
  - f. Split face block;
  - g. Stucco on block;
  - h. Wrought iron in conjunction with other listed materials.
2. Perimeter walls shall exhibit such design features (including, but not limited to, pilasters, alcove planters, varying textures, special subdivision entries, or other similar treatments) as necessary to provide them with appropriate design relief and visual appeal.
  3. Perimeter walls shall be minimum height of five (5) feet and a maximum height of six (6) feet not less than six feet high except as provided in Section 17.28.030C.
  4. Subdivision perimeter wall location and design is subject to approval by the planning commission or the director ~~of development services.~~
- B. Landscaped Maintenance District Easement Design Standards.
1. When a straight wall design is utilized, a landscaped buffer shall be provided between the sidewalk and a subdivision perimeter wall (inclusive of the wall) at the following widths:
    - a. Arterial streets: ten (10) feet where an eight (8) foot sidewalk exists; four (4) feet where a 14 foot-meandering sidewalk exists.
- The landscaped buffer/ landscape maintenance district easement shall be in addition to the required sidewalk (i.e., ten (10) feet of the landscaping and eight feet of sidewalk or four (4) feet of landscaping with a 14-foot meandering sidewalk along an arterial street will normally require a total width of approximately eighteen (18) feet between the curb and a wall).
2. Along arterial streets the landscaped buffer may vary in depth from thirteen (13) feet to a minimum of seven feet where an undulating wall design is proposed as long as an average depth of ten (10) feet is maintained.
- C. The decorative wall shall be extended adjacent to subdivision entrance streets as shown in Figure 16.20.230.



(Ord. No. 1070 , § 4(Exh. A), 1-14-2020)



### **16.20.235 Perimeter treatment along arterials for rural residential subdivisions.**

Portions of a rural subdivision that are adjacent to arterial streets shall be treated with a decorative wall and landscaping in accordance with the following:

A. Wall Design Standards.

1. Perimeter walls shall be constructed of materials selected from the following list:
  - a. Adobe block;
  - b. Brick;
  - c. Decorative concrete block;
  - d. Pre-cast concrete;
  - e. Slump stone block;
  - f. Split face block;
  - g. Stucco on block;
  - h. Rock on block;
  - i. Stone on block; and
  - j. Wrought iron in conjunction with other listed materials.
2. Perimeter walls shall exhibit such design features (including, but not limited to, pilasters, alcove planters, varying textures, special subdivision entries, or other similar treatments) as necessary to provide them with appropriate design relief and visual appeal.
3. Perimeter walls shall minimum height of five (5) feet and a maximum height of six (6) feet ~~be not less than six feet in height except as provided in Section 17.28.080(C).~~
4. Subdivision perimeter wall location and design is subject to approval by the planning commission or the director ~~of development services.~~
5. All solid portions of the wall shall be treated with an anti-graffiti coating.

B. Landscape Maintenance District Pathway/Easement Design Standards.

1. An eighteen (18)-foot wide landscape maintenance district easement for landscaping and multi-use pathway shall be provided between the arterial street, curb, and the subdivision perimeter wall (inclusive of the wall).
2. The eighteen (18)-foot wide landscape maintenance district easement shall be counted toward lot area for the underlying parcels.
3. Design Requirements.
  - a. The pathway shall be located within the eighteen (18)-foot landscape maintenance district easement area and shall generally be eight feet in width; the pathway may be reduced to a minimum width of six feet where design is constrained by utilities or other obstacles or meet the intent of a meandering sidewalk.
  - b. The pathway shall be surfaced with decomposed granite, minimum four inches in depth and properly compacted. Weed barrier shall be installed underneath the pathway.

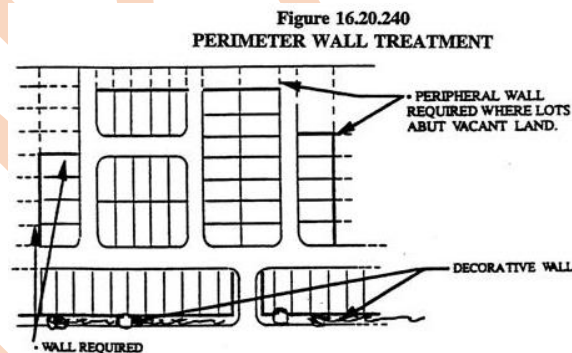
- c. The sidewalk shall meander away from the curb once every three hundred (300) to four hundred (400) feet at these locations: the planter adjacent to the curb shall be approximately twenty (20) feet in length and five to seven feet in width.
  - d. A concrete spilt-rail fence is required between the sidewalk and pathway.
  - e. Decorative, low-level ambient lighting fixture shall be provided along the pathway per the direction of the director ~~of development services~~.
4. The landscape maintenance district pathway/easement along the arterial shall extend adjacent to subdivision entrance streets a minimum of twenty (20) feet beyond the curb return for entry streets where lots side onto the street.

(Ord. No. 1070 , § 4(Exh. A), 1-14-2020)

#### 16.20.240 Phasing walls and treatment abutting vacant land.

Portions of an urban single-family subdivision where lots directly abut vacant land, as shown in Figure 16.20.240, shall be treated with a masonry wall constructed to a minimum city department of development services standard or equivalent. If the subdivision is developed in phases, a wall shall also be required around the perimeter of each phase. The intent of this requirement is to ensure that residential development immediately adjacent to vacant land is provided an adequate buffer. The planning commission or the director ~~of development services~~ shall have the discretion to waive the requirement for a block wall when there is already an adequate wall in existence at the location, to avoid the creation of double walls, or where it has been demonstrated that the abutting property will not be vacant for an extended period of time.

Where streets that will be continued in later phases are provided within a developed subdivision, such streets shall be barricaded in accordance with public works Standard Plan PW-5 or PW-6, to the satisfaction of the city engineer.



(Ord. No. 1070 , § 4(Exh. A), 1-14-2020)

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## Title 17 ZONING

### Chapter 17.04 GENERAL PROVISIONS

\*\*\*

#### 17.04.100 List of zones.

In order to implement the adopted city general plan and pertinent goals, objectives, policies, and programs thereof pursuant to Chapters 3 and 4 of Title 7 of the Government Code, the Planning Law, or any statutes superseding those chapters; to protect the public health, safety, and general welfare of the visitors to and residents of the city; to regulate the use of buildings, structures, and land for residential, commercial, industrial and institutional purposes; to regulate location, height, bulk, and area covered by buildings and structures; and to control lot size, yards, intensity of land use, signs and off-street parking, the incorporated area of the city is divided into the following zones:

R Zones—Residential  
RR Zone—Rural Residential  
SRR Zone—Semirural Residential  
R Zone—General Residential  
MDR Zone—Moderate Density Residential  
HDR Zone—High Density Residential  
MHP Zone—Mobilehome Park  
C Zone—General Commercial  
CPD Zone—Commercial Planned Development  
H Zone—Hospital  
OP Zone—Office Professional  
I Zones—Industrial  
LI Zone—Light Industrial  
~~MI Zone—Medium Industrial~~  
HI Zone—Heavy Industrial  
O Zone—Open Space  
~~P-R Zone—Restricted Parking~~  
SP Zone—Specific Plan  
P Zone—Public Use

MU Zones—Mixed Use

MU-N—Mixed Use-Neighborhood

MU-C—Mixed Use-Commercial

MU-E—Mixed Use-Employment

MU-TOD- Mixed Use- Transit Oriented Development

(Ord. 743.1 § 2, 1998; Ord. 743 § 2, 1998; Ord. 651 § 1, 1993; Ord. 647 § 1, 1993; prior zoning ord. § 101)

(Ord. No. 945, § 2, 7-13-2010)

\*\*\*

### 17.04.240 Definitions.

Unless otherwise provided in this title, the definitions established in this section shall apply wherever such terms are used in this title, whether or not such terms are capitalized. Note: Definitions which are found in Title 16 also apply to the same terms as they are used within this title.

\*\*\*

"Accessory Dwelling Unit (ADU)" shall have the meaning in subsection 17.41.012.A.

"Accessory Dwelling Unit, Junior (JADU)" shall have the meaning in subsection 17.41.012.E.

\*\*\*

"Adjacent" means 2 or more lots or parcels of land either adjoining or separated only by an alley, street, highway or recorded easement, ~~or 2 or more objects that lie near or close to each other.~~

\*\*\*

~~"Detached living quarters" means living quarters within a detached accessory building located on the same premises as the main building, for use by temporary guests of the occupants of the premises. Such accessory building shall have no plumbing or plumbing facilities of any kind except for space heating, or air conditioning, or both and except in or for the purpose of supplying water to, or disposing of wastes from, a toilet or bathroom.~~

\*\*\*

"Family" means an individual or two or more persons living in a single dwelling unit. "Family" also mean the persons living together in a residential facility, including transitional and supportive housing.

"Family day care home" means a home which regularly provides care, protection and supervision of ~~12-14~~ or fewer children, in the provider's own home, for periods of less than 24 hours a day, while the parents or guardians are away, as defined in Section 1596.78 of the Health and Safety Code and includes the following:

1. "Large family day care home" means a home which provides family day care to 7 to ~~14~~12 children, inclusive, including children under the age of 10 years who reside at home.
2. "Small family day care home" means a home which provides family day care to ~~6~~8 or fewer children, including children under the age of 10 years who reside at the home.

\*\*\*

~~"Guest house" means living facilities having no kitchen or cooking facilities, located on the same premises with the main building, which is provided for the sole use of family members, temporary guests, or persons permanently employed on the premises. The guest house shall be either attached or detached with a separate entrance and the floor area is limited to 500 square feet. The structure shall comply with all yard, coverage and other provisions of the title for the main dwelling unit and may not be rented. (See definition for "detached living quarters.")~~

~~\*\*\*~~

~~"Guest room" means one habitable room with facilities for sleeping and sanitation which does not contain a kitchen, kitchenette, cooking facilities or cooking appliance(s) (the term "cooking appliance" does not include coffee pots or refrigerators) and is designed, intended to be used, or used as temporary sleeping accommodations for any person.~~

~~\*\*\*~~

"Low-barrier navigation center" means a housing first, low-barrier, service-enriched shelter focused on moving individuals experiencing homelessness into permanent housing and connecting them to services. A "low barrier navigation center" includes any facility that meets the definition and requirements set forth in Sections 65660 and 65662 of the Government Code or any similar facility owned by the City, regardless of whether it strictly meets the definition and requirements set forth in Sections 65660 and 65662 of the Government Code.

\*\*\*

"Model home" means a dwelling unit which is constructed upon a proposed or recorded lot in a subdivision for which a tentative map has been approved or a final map recorded, and which is intended to be temporarily utilized as an example of a dwelling unit which has been, or is proposed to be, built in the same or similar subdivision or within a three-mile city radius of the approval location. The number of model homes in a subdivision shall not exceed the number of separate and distinct floor plans offered by the developer. (A reverse or mirror image of an offered floor plan shall not be considered as a separate floor plan.)

\*\*\*

~~"Second dwelling unit" means an additional dwelling unit on a lot or parcel which provides complete independent living facilities and may be rented. For the purposes of this title a granny house is considered a second dwelling unit.~~

~~\*\*\*~~

~~"Senior citizens and handicapped persons housing development" means a multiple family housing development maintained for the occupancy of the elderly in which not more than 10% of the occupants are under 62 years of age, or for handicapped persons whose disabilities seriously restrict operation of a motor vehicle.~~

~~\*\*\*~~

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

\*\*\*

"Transitional housing" means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance.

\*\*\*

## Chapter 17.08 RESIDENTIAL ZONES<sup>1</sup>

\*\*\*

### *Article II. Non-urban, Urban, Medium and High Density Residential Zones*

\*\*\*

#### **17.08.040 Applicability of standards.**

A person shall not use any premises in the residential zones, except as hereafter permitted in this title and subject to all regulations and conditions enumerated in this title. Development and new land uses proposed within the residential zones shall comply with the standards in this section for the applicable zones, as follows:

- A. Use. Only the land uses allowed by section 17.08.050 shall be established in the applicable zone. In the instance when an applicant proposes a use that is not specifically listed in section 17.08.050, the planning director shall make a determination on whether it is allowed or not, based on the finding that the proposed use would complement and be able to exist in harmony with other permitted uses in the same zone.
- B. Site specifications and building placement. Each proposed structure shall comply with the build-to line, setback, and buildable area requirements in section 17.08.060 as required for the applicable zone, ~~as well as the design requirements listed in 17.08.070.~~

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<sup>1</sup>Editor's note(s)—Ord. No. 989, § 1, adopted April 9, 2013, repealed ch. 17.08, §§ 17.08.010—17.08.400 and added a new ch. 17.08, §§ 17.08.010—17.08.500. Former ch. 17.08 pertained to similar materials and was derived from Prior zoning ord. §§ 200.000, 201.010—201.021, 201.023—201.025, 201.027, 201.040, 201.050, 201.060—201.062, 201.070—201.075, 201.080, 201.083, 201.085, 201.086, 201.088, 202.010, 202.015, 202.020, 202.021, 202.024, 202.025, 202.050, 202.052, 202.053, 202.070, 211.000—211.130, 212.000—212.140, 212.200—212.230, 213.100—213.130, 213.500—213.585, 214.200, 214.300; Ord. 651 §§ 4 (part), 5, adopted 1993; Ord. 658, § 1, adopted 1994; Ord. 663 § 2, adopted 1994; Ord. 681 § 3, adopted 1995; Ord. 711 §§ 4—13, 18 (part), 19(A), 30 (part), 31, 43 (part), adopted 1995; Ord. 713 §§ 2, 4, 1995; Ord. 752 § 1, adopted 1999; Ord. 758 § 1 (Exh. A §§ 2, 3), adopted 1999; Ord. 812 § 2, adopted 2003; Ord. 815, (Exh. A), adopted 2003; Ord. 816, (Exh. A (part)), adopted 2003; Ord. 837, § 1 (Exh. A (part)), adopted 2004; Ord. 854, § 1 (Exh. A), adopted 2006; Ord. 879 § 1 (part), adopted 2007; Ord. 896, § 1 (Exh. A §§ 3, 4), adopted 2008; Ord. 900 §§ 2—6, adopted 2008; Ord. No. 907, § 4, adopted October 28, 2008; Ord. No. 921, §§ 2—4, June 9, 2009; Ord. No. 924, § 1, August 25, 2009; Ord. No. 933, §§ 1—3, adopted October 13, 2009; Ord. No. 941, § 3, adopted February 9, 2010; Ord. No. 954, §§ 2—6, December 14, 2010; Ord. No. 956, §§ 1, 2, January 11, 2011; Ord. No. 964, § 1, adopted May 24, 2011; Ord. No. 971, §§ 4—6, adopted October 25, 2011.

- C. Building size and massing. Each proposed structure shall adhere to size, massing, and height standards established by section 17.08.060 for the applicable zone, as well as the design requirements listed in section 17.08.070.
- D. Parking. On-site parking shall be provided, located, and designed in compliance with section 17.08.060 for the applicable zone.
- E. Development and building types. All developments shall substantially resemble one of the development and building types listed in section 17.08.060, or feature primary characteristics of the development and building types. All residential developments which meet the objective development standards in section 17.08.060 and the objective design standards in Chapter 17.41, Article IV, shall be deemed to meet this requirement.
- F. Other design requirements. All other requirements listed in section 17.08.060, section 17.08.070, and all applicable guidelines in the city design guidelines shall apply. All residential developments which meet the objective development standards in section 17.08.060 and the objective design standards in Chapter 17.41, Article IV, shall be deemed to have met the discretionary design standards in 17.10.070 and applicable guidelines.

(Ord. No. 989, § 1, 4-9-2013)

### 17.08.050 Uses and permit requirements.

A. Uses and permit requirements. The uses and permit requirements applicable to the residential zones are identified in the Uses Matrix below. Uses which do not fall into any other category, and are not temporary uses, uses subject to director's review, or uses subject to permit in these zones, shall be subject to interpretation of the Director. The requirement for site plan review in section 17.08.050.B applies to all uses, except permitted (P) uses and uses subject to director's review (D) unless otherwise indicated below.

Residential Zones — Uses Matrix			
USES P = permitted use / D = director's review C = conditional use / N/A = not allowed	ZONES		
	RR-2.5 RR-1 SRR	R-15,000 R-10,000 R-7,000	MDR HDR
A. Uses.			
Single-family house on individual lot	<u>DP</u>	<u>DP</u>	D
<u>Two-unit projects (Subject to Chapter 17.41, Article III)</u>	<u>D</u>	<u>D</u>	<u>D</u>
<u>Duplex Multi-family: 2 or 3 units</u>	<u>DN/A</u>	<u>N/A-D</u>	D
<u>Multi-family: 4 or more units</u>	N/A	N/A	P
<u>Duplex on single-family corner lot in a new subdivision (minimum dimensions of 100' by 100')</u>	<u>N/A</u>	<u>P</u>	<u>N/A</u>
Residential planned development (RPD)	C	C	C
Health facility <sup>7</sup>	N/A	C	C
<u>Community Residential care facility (small – six beds or fewer)<sup>8</sup></u>	P	P	P
<u>Residential facility (seven or more beds)<sup>8</sup></u>	<u>N/A</u>	<u>CN/A</u>	<u>CP</u>
Mobilehome <u>and manufactured homes</u> on individual lot	D	D	D
Mobilehome parks	Permitted in MHP zone only		
B. Accessory uses.			

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(Supp. No. 4-22)

Lancaster, California, Code of Ordinances  
Title 17 ZONING – HOUSING IMPLEMENTATION AMENDMENTS – PUBLIC REVIEW DRAFT

Accessory structures/buildings (gazebos, sheds, etc.) (Subject to Section 17.08.160)	P	P	P
Swimming pools and pool equipment (Subject to Section 17.08.160)	P	P	P
Accessory dwelling unit <u>and Junior Accessory Dwelling Units</u> (Subject to <u>Section 17.08.240</u> <u>Chapter 17.41, Article I</u> )	<del>D-P</del>	<del>D-P</del>	<del>D<sup>2</sup>-P</del>
<del>Guest house (Subject to Section 17.08.230)</del>	<del>P</del>	<del>P</del>	<del>P<sup>2</sup></del>
<del>Garage conversion (Subject to Section 17.08.220)</del>	<del>P</del>	<del>P</del>	<del>P<sup>2</sup></del>
Small family daycare (up to 7 children)	P	P	P <sup>2</sup>
Large family daycare (8 to 14 children) ( <del>Subject to Section 17.08.190</del> )	<del>D-P</del>	<del>D-P</del>	P <sup>2</sup>
Home occupation/home office (Subject to Section 17.08.200)	P	P	P
Electric vehicle charging station (EVCS)	P	P	P
Non-commercial solar energy systems, including building and ground-mounted photo-voltaic (PV) panels	P	P	P
Non-commercial wind energy systems (NC-WES)	D	D	D
Vertical-axis wind turbines (VAWTs)	D	D	D
Cargo containers <sup>3</sup>	<del>D-P</del>	N/A	N/A
Light agricultural uses <sup>3, 9</sup>	P	N/A	N/A
Carnivals <sup>6</sup>	D	D	D
C. Temporary uses.			
Temporary mobilehome as residence during construction	D	D	D
Real estate sales office in conjunction with new subdivision	D	D	D
Model homes in conjunction with new subdivision	D	D	D
Cargo containers (Subject to Section 17.08.170)	<del>D-P</del>	<del>P-D</del>	N/A
D. Other uses.			
Animal boarding and training; kennels <sup>4</sup>	C	N/A	N/A
Animal hospital <sup>4</sup>	C	N/A	N/A
Arboretums and horticultural gardens	C	N/A	N/A
Churches	C	C	C
Colleges and universities	C	C	C
Commercial crop production <sup>9</sup>	P	N/A	N/A
Commercial solar electrical generation facilities <sup>4</sup>	C	N/A	N/A
Community gardens	D	D	D
Daycare <del>center</del> <u>facility (serving children or adults)</u> (Subject to <u>Section 17.08.190</u> )	C	C	C
Electric distribution substations	C	C	C
Equestrian center; commercial or boarding stables <sup>3</sup>	C	N/A	N/A
Expansion of parking lot for institutional uses	D	D	D
Feed stores and related accessory uses <sup>3</sup>	C	N/A	N/A
Gas metering and control stations	C	C	C
Golf courses and driving ranges, and accessory facilities	C	C	C
Land reclamation projects <sup>4</sup>	C	N/A	N/A
<del>Neighborhood wellness home</del>	<del>D</del>	<del>D</del>	<del>D</del>
Parking lots as a transitional use	D	D	D
Radio and television stations and towers <sup>3</sup>	C	N/A	N/A

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Retail nurseries <sup>3</sup>	C	N/A	N/A
Rooming and boarding houses	N/A	N/A	C
Schools, not including trade or commercial schools	C	C	C
Single-room occupancy (SRO) (Subject to 17.08.245)	N/A	N/A	D
Water reservoirs, pumping stations, tanks, wells, etc.	P	P	P
Wireless telecommunication facilities (stealth) <sup>5</sup>	D	D	D
Wineries (minimum 10 gross acre lot) <sup>9</sup>	C	N/A	N/A

~~Uses which do not fall into any other category, and are not temporary uses, uses subject to Director's Review, or uses subject to permit in these zones shall be subject to interpretation of the Director~~

Notes:

<sup>1</sup> R-7,000 and R,10-000 zones only

<sup>2</sup> ~~For Accessory dwelling units and junior accessory dwelling units are permitted as accessory uses to single family homes in MDR and HDR zones, u~~se, development standards and permit requirements shall be determined by the Director when compatible with existing and surrounding areas and adjacent properties

<sup>3</sup> RR-1 and RR-2.5 zones only

<sup>4</sup> RR-2.5 zones only

<sup>5</sup> In conjunction with a non-residential use, such as a church, school, etc.

<sup>6</sup> Subject to the provisions of Chapter 9.46.

<sup>7</sup> In accordance with Section 1250 of the Health and Safety Code

<sup>8</sup> In accordance with Section 15202 of the Health and Safety Code

<sup>9</sup> In compliance with California Health and Safety Code Section 17021.6, Employee Housing is permitted as an agricultural use.

(Ord. No. 989, § 1, 4-9-2013; Ord. No. 999, § 3, 8-26-2014; Ord. No. 1070 , § 4(Exh. A), 1-14-2020)

B. Site plan review. Except as specified in subsection C, a site plan (with vicinity map) and building elevations, drawn to scale and reflecting the accurate dimensions of the buildings and property, shall be required of any person seeking to erect new buildings or structures, make additions to any existing buildings or structures, site temporary commercial coaches, or otherwise grade, improve or develop any lot or portion thereof for a permitted use prior to the issuance of any grading or building permit. The site plan shall be accompanied by an appropriate development application and both shall be filed with the community development department. The director or his designated representative shall review the site plan for conformance with the provisions of this title. The site plan shall demonstrate conformance with height regulations, property development regulations, sign regulations or a sign program required by the city for multiple-tenant projects, off-street parking requirements, the adopted City of Lancaster Design Guidelines, any other requirements established for the adopted zoning designation in which the property(ies) is (are) located, and any other applicable city ordinances, standards, guidelines or policies.

In addition to the conditions and requirements imposed by the ordinance codified in this title and other city ordinances, standards, guidelines and policies, the director may place conditions on the approval of the site plan where the director finds that such action is necessary to protect the public health, safety and welfare. At such time as the site plan complies with the requirements of the ordinance codified in this title and other city

ordinances, standards, guidelines or policies, the site plan shall be approved by the director or his designated representative.

The site plan approval shall be valid for two (2) years from the date of approval. A site plan shall be considered "used" when the slab of a major building in the project is poured and inspected, although circumstances in each case may vary and the final determination as to "use" of a site plan review shall be made by the director. Three (3) one-year extensions of the approval may be granted by the director provided such written request for an extension is received not less than sixty (60) days prior to expiration, and any significant environmental changes which have occurred since the original approval have been addressed. Any extension granted shall be conditioned to comply with the city's current design guidelines as adopted by the city council, unless the applicant can demonstrate to the director's satisfaction that such compliance will impose an undue hardship on the project. In the event the site plan or an extension thereof is denied, the applicant may appeal the decision in accordance with Section 17.36.030. All projects constructed in accordance with an approved site plan shall be permanently maintained as approved. Any desired subsequent changes shall be submitted for approval as an amendment to the site plan. Prior to occupancy the site shall be inspected for compliance with the site plan. All improvements shall be installed and functioning before occupancy will be allowed.

When the appropriate development application is filed per subsection A of this section it shall be accompanied by the filing fee established by resolution of the city council.

C. Exempt from site plan review.

1. Site plan review is not required for permitted (P) uses and uses subject to director's review (D) unless otherwise indicated in the uses matrix above.
2. Where the director determines that the requirements of site plan review surpass the city's need for project review of a particular development proposal, the director may exercise discretion and apply the provisions of Article VI of Chapter 17.32, Director's Review, in its place.

**17.08.060 Development regulations by building types.**

- A. Single-family house on Rural Residential lot. A single-family house on a rural residential lot is a residence for one household, with its primary entrance accessed through the front yard, on a lot ranging from 20,000 to 100,000 square feet or greater.

1. Development standards.

Rural Residential Development Standards			
	ZONES		
	RR-2.5	RR-1	SRR
SITE SPECIFICATIONS			
Minimum lot size (sq. ft.).	100,000	40,000	20,000
Minimum width (feet).	165	110	85
Minimum depth (feet).	250	130	120
BUILDING PLACEMENT (MIN. SETBACKS)			
Front yard (feet).	40	30	30
Garage location.	All garages shall be located at or behind the wall plane where the front entrance is located.		
Rear yard (feet).	30	25	20

Interior side yard: minimum (feet).	20	15	10
Interior side yard: total sum of two yards (feet).	40	30	25
Street side yard (feet).	40	30	20
<b>BUILDING SIZE AND MASSING</b>			
<u>Maximum</u> <del>Lot</del> coverage (percentage).	30%	40%	40%
<u>Maximum</u> <del>Building</del> height (feet).	40	40	35
<b>PARKING</b>			
Number of parking spaces.	<del>2 spaces within an enclosed garage p</del> er Section 17.08.100		

Diagram for Single-family house on Rural Residential lot — perspective view

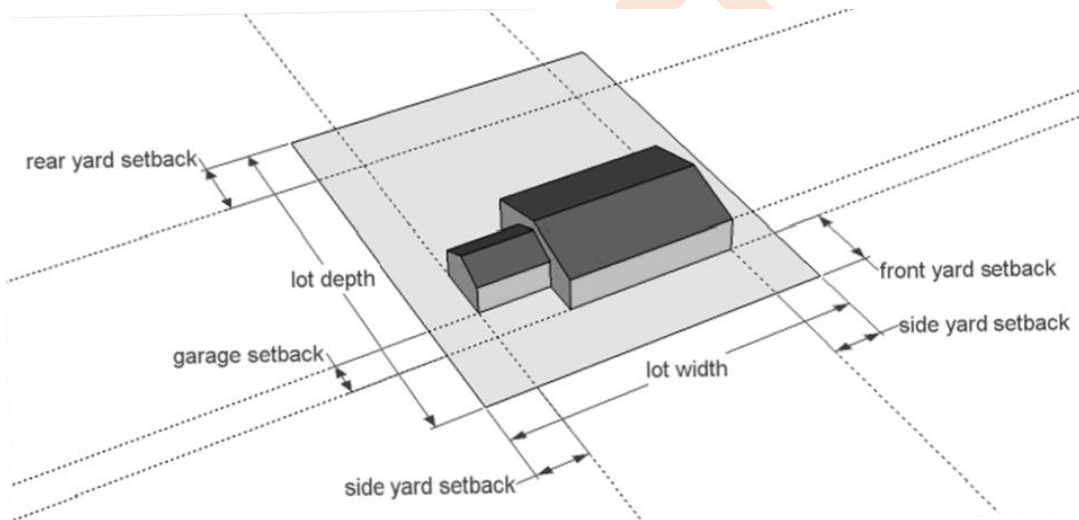
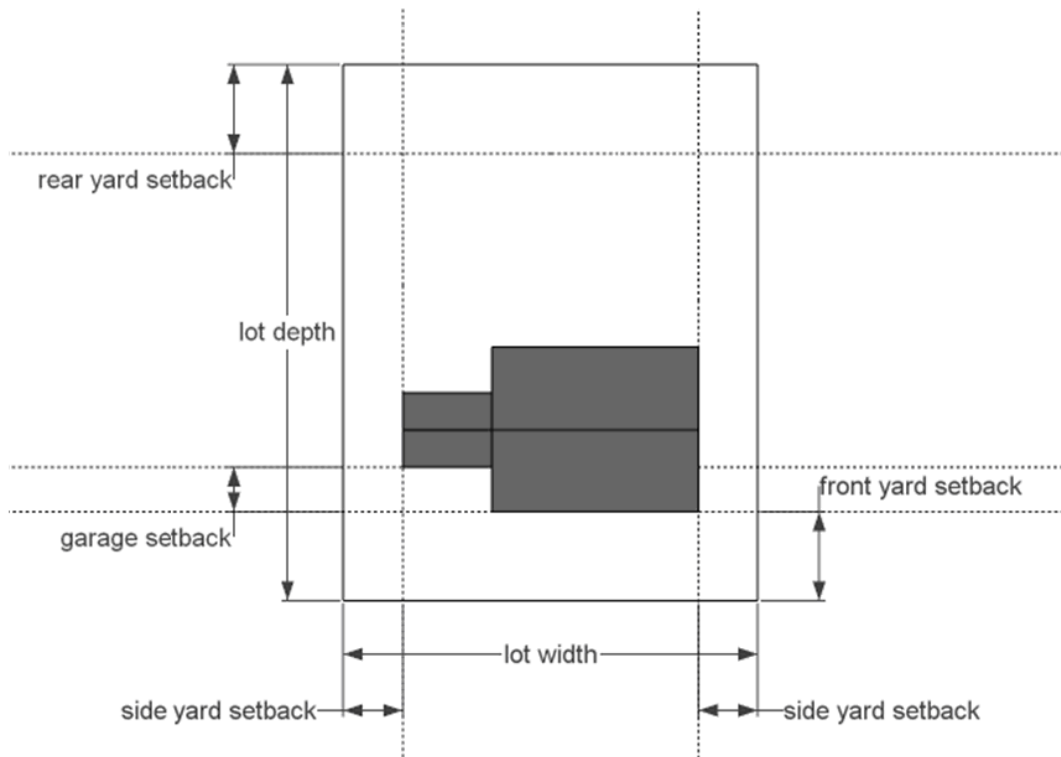


Diagram for Single-family house on Rural Residential lot — site plan view



B. Single-family house or Duplex on Residential lot.

1. Development standards.

Development Standards				
	ZONES/LOT TYPE			
	R-15,000	R-10,000	R-7,000	SFR corner duplex
<b>SITE SPECIFICATIONS</b>				
Minimum lot size (sq. ft.).	15,000	10,000	7,000	10,000
Minimum width (ft.).	85	70	60	100
Min. width — corner lot (ft.).	100	85	75	
Minimum depth (ft.).	120	100	100	100
<b>BUILDING PLACEMENT (MIN. SETBACKS)</b>				
Front <u>yard setback (ft.).</u> <del>± plane build to line (ft.).</del>	20- <del>32</del>	16- <del>28</del>	14- <del>26</del>	16- <del>28</del>
<u>Required minimum porch size (feet x feet).</u> <del>± plane build to line (ft.).</del>	6 x <del>12</del>	6 x <del>12</del>	6 x <del>12</del>	6 x <del>12</del>
	<del>To the satisfaction of the Director, an alternative frontage feature may be proposed in lieu of a porch if it achieves the same design intent and variation.</del>			
Porch encroachment.	<del>Porch may encroach Up to additional 6' into front yard setback, beyond front plane build to line</del>			
<u>Garage location.</u> <del>± plane build to line (ft.).</del>	<del>All garages shall be located at or behind the wall plane where the front entrance is located. A homebuilder with a subdivision with at least four floor plans may have one floor plan that has a garage located in front of the front entrance plane.</del>			
Rear yard (ft.).	20	20	15	N/A
Interior side yard: <del>min.</del> (ft.).	5	5	5	10
Interior side yard: sum of two yards (ft.).	20	15	15	N/A
Street side yard (ft.). <sup>1</sup>	15	15	10	N/A
<b>BUILDING SIZE AND MASSING</b>				
<u>Maximum</u> <del>±</del> lot coverage (percentage).	40%	40%	50%	45%
<u>Maximum</u> <del>B</del> building height (ft.).	35	35	35	35
<b>PARKING</b>				
Number of parking spaces.	<del>2 spaces within an enclosed garage (Per Section 17.08.100)</del>			

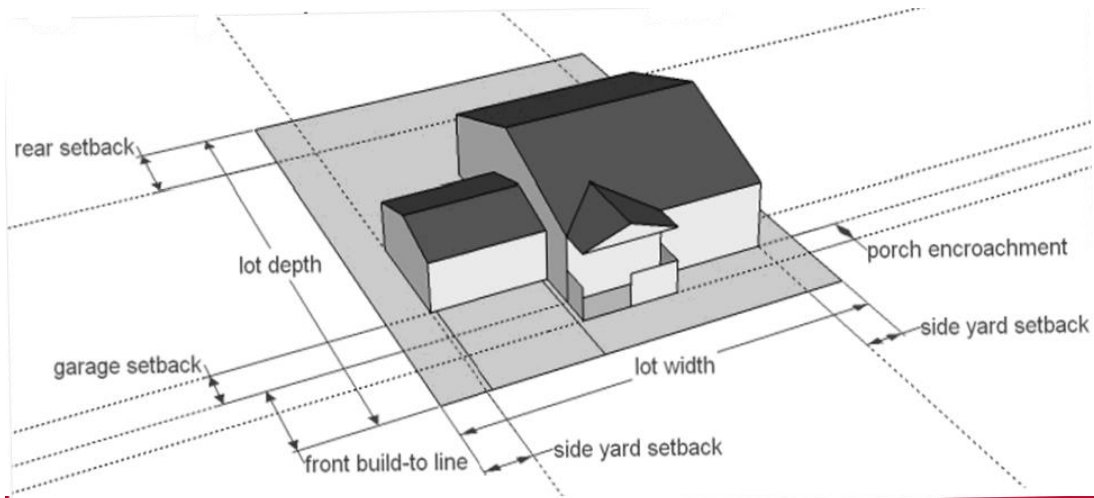
Notes:

<sup>1</sup>

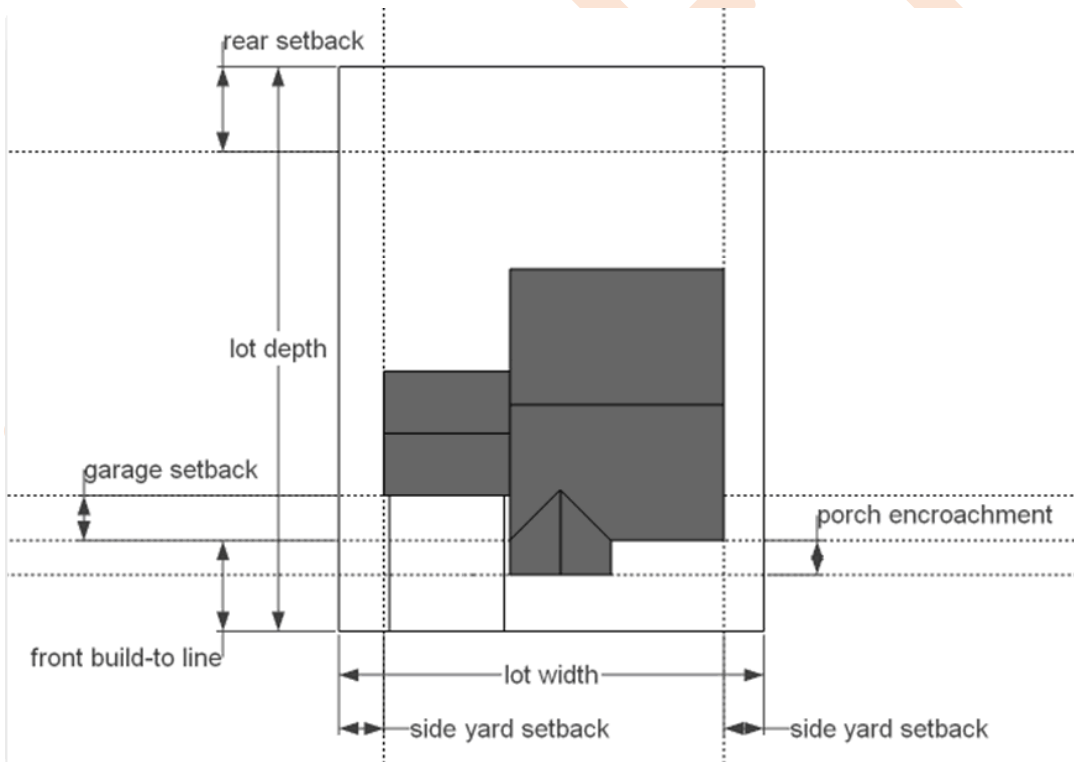
a. ~~———— A tandem garage parking arrangement may be considered if the applicant cannot meet the requirement to place a two-car garage behind the plane of the house.~~

b. ~~———— Corner lots featuring side yard driveway access require a minimum 20-foot driveway and street side yard setback.~~

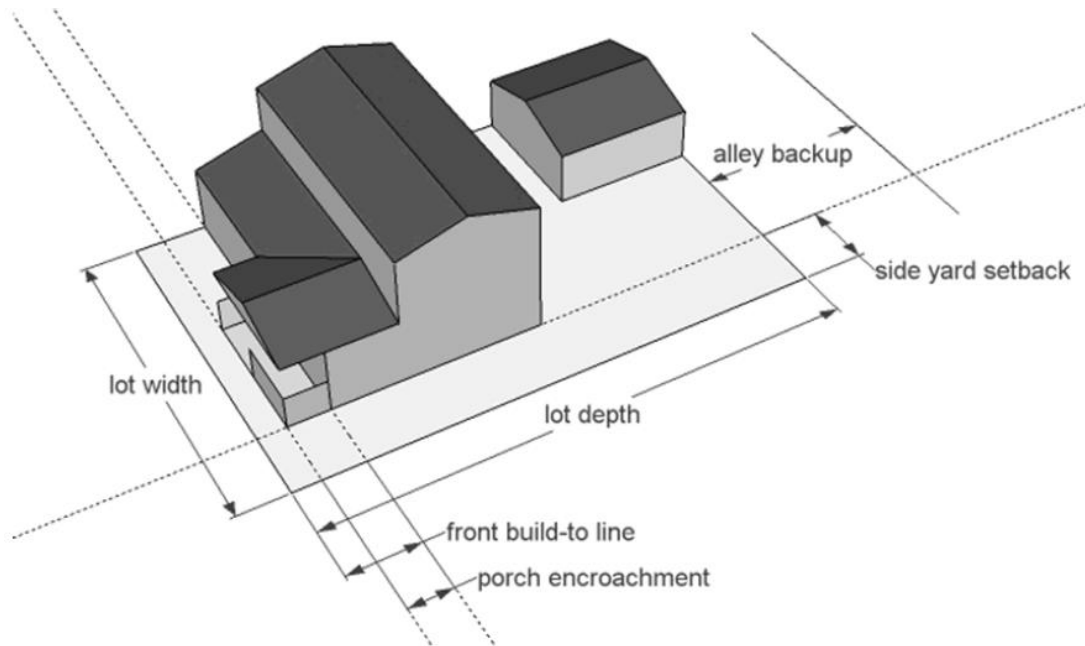
**Diagram for Single family house on Residential lot — perspective view**



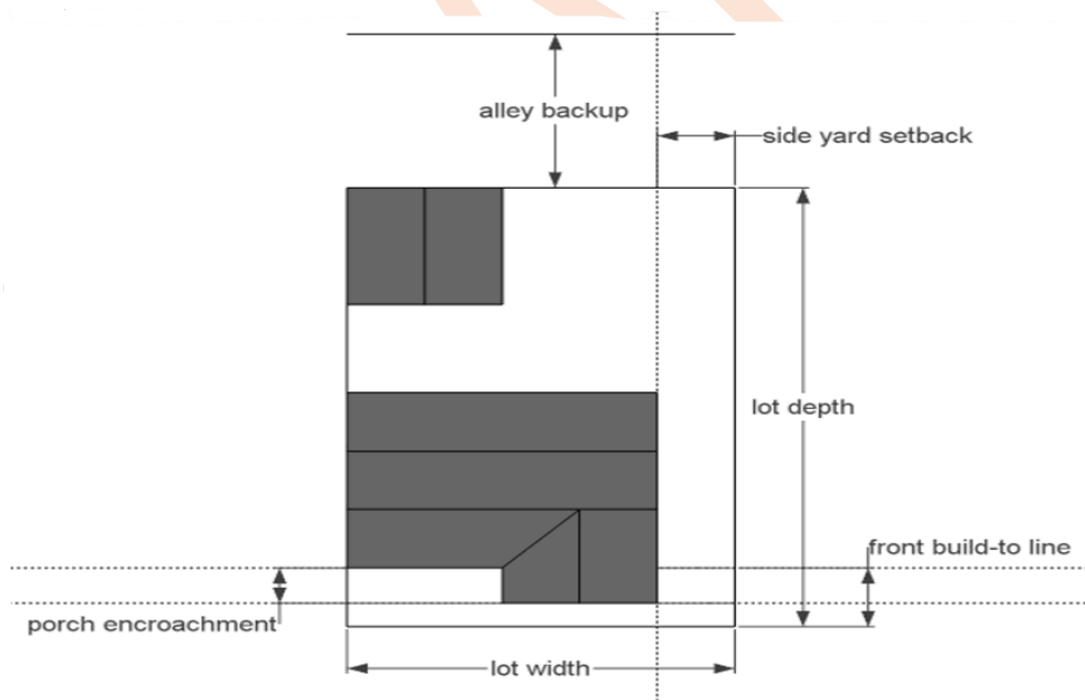
**Diagram for Single family house on Residential lot — site plan view**



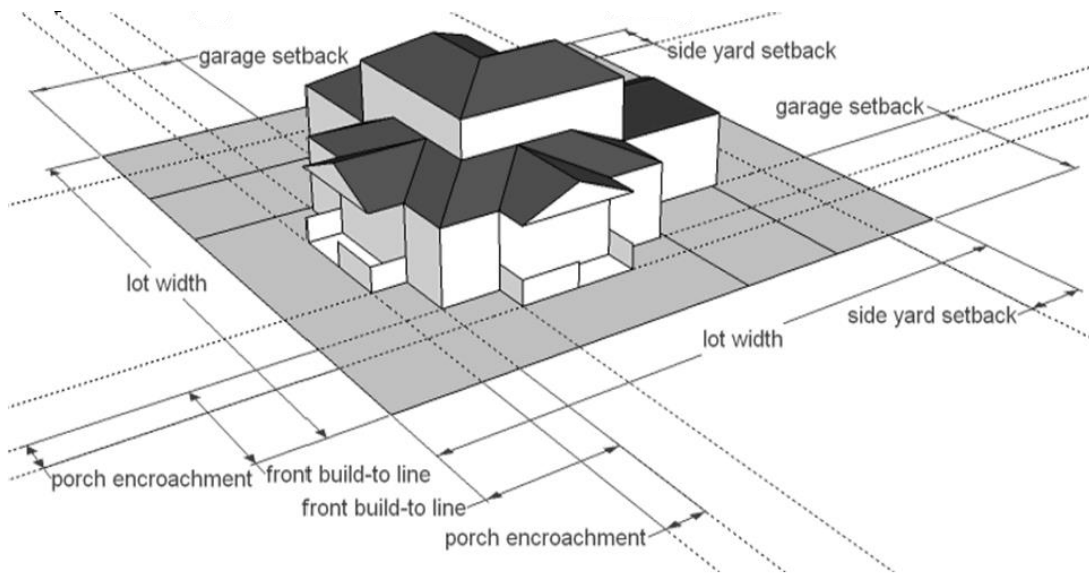
**Diagram for Single family house on Infill Residential lot — perspective view**



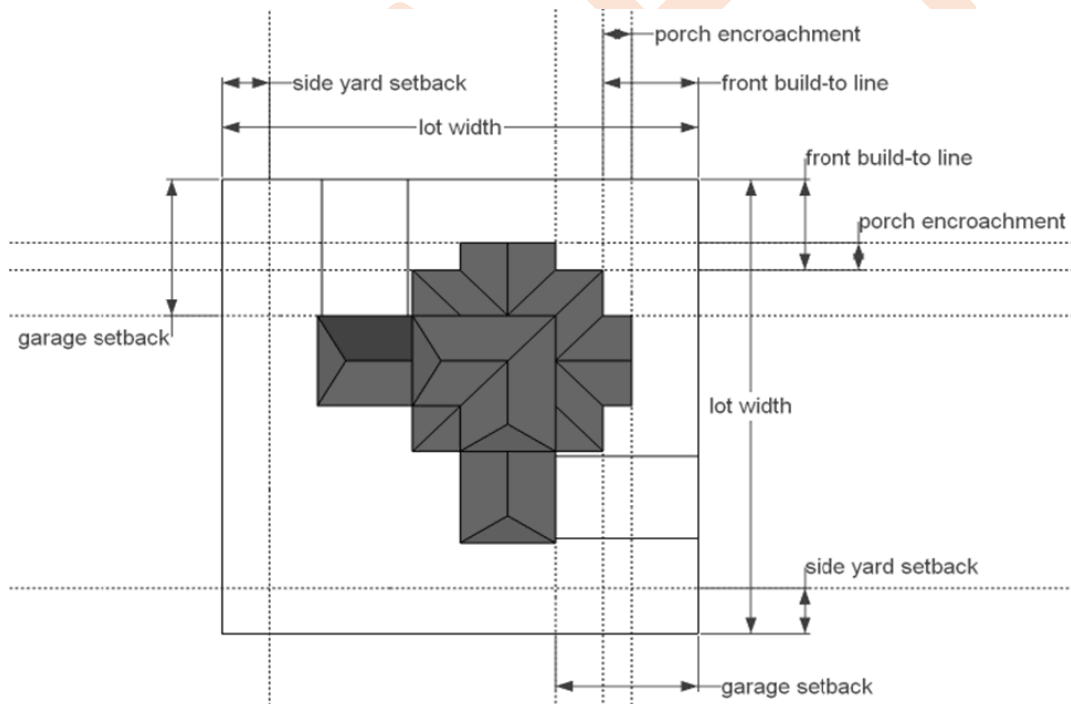
**Diagram for Single family house on Infill Residential lot — site plan view**



**Diagram for Duplex on Corner Residential Lot — perspective view**



**Diagram for Duplex on a Corner Residential lot — site plan view**



- C. Small apartment/condominium building/complex (~~two~~three to fifteen (15) units) and small lot single-family house or duplex.

1. Development standards.

Development standards*	
	MDR or HDR ZONE



<b>DENSITY</b>	
Minimum density (an applicant may choose to include ADUs and JADUs when calculating minimum density)	MDR: 6.6 du/a HDR: 15.1 du/ac
Maximum density (ADUs and JADUs shall not be included in the calculation of maximum density. The maximum density may be exceeded on a specific site provided the overall density of the zone does not exceed the maximum.)	MDR: 15 du/a HDR: 30 du/a
<b>SITE SPECIFICATIONS</b>	
Minimum lot size (sq. ft.)	6,000
Minimum width (feet).	60
Minimum width - corner lot (feet).	80
Minimum depth (feet).	100
<b>BUILDING PLACEMENT (MINIMUM SETBACKS)</b>	
Front yard setback <del>to build to line.</del>	
Fronting local, collector, or other residential street with on-street parking (feet). <del>Transitional infill design guidelines apply (Section 17.08.070.D).</del>	0-12
Fronting local, collector, or other residential street with on-street parking and adjacent to single-family uses along the same street (feet).	8-20
Fronting arterial street with no on-street parking (feet).	20-32
Rear yard (feet).	15
Interior side yard (feet).	10
Street side yard (feet).	15
<b>BUILDING SIZE AND MASSING</b>	
Maximum <del>lot</del> lot coverage (percentage).	50%
Maximum <del>building</del> building height within 100 feet of SFR zone (feet).	35
Maximum building height (feet).	55
<b>PARKING</b>	
Location of on-site parking.	Behind the front façade of the residential building
Number of parking spaces.	Per Section 17.08.100
<b>OPEN SPACE</b>	
Required usable open space/recreation area.	Minimum 8% of lot area, minimum 20' width and depth
<b>LANDSCAPING</b>	

Required landscaping (percentage).	Minimum 15% of lot area
<b>SOLAR PROVISION</b>	
Minimum photo-voltaic kW per unit per Section 17.08.305.	0.5 kW
* <u>NOTE: These standards may be modified on qualified site developed in accordance with the provisions of California Government Code Title 7, Division 2, Chapter 8 (The Starter Home Revitalization Act of 2021).</u>	

- a. On-site management shall be provide for apartments four units or greater.
- ~~b. A minimum four feet by four feet covered entryway shall be provided for each apartment or condominium unit. The entryway may be enlarged and designed as a porch.~~
- ~~c.~~ Required amenities for units in a small apartment include in-unit laundry hook-ups.
- ~~d. Required amenities for units in a small condominium, beyond those required for apartments, include garage parking with storage shelves for each unit, and a minimum four feet by eight feet porch, patio, or balcony area.~~
- ~~e.~~ Other site amenities may include a barbeque area, pool, recreation courts, and shall be centrally located and easily accessible for residents.
- ~~f.~~ ~~Trash enclosure location(s) and access shall be designed to the satisfaction of the Director.~~ ~~The~~ Trash enclosures shall meet the following requirements:
  1. ~~Locate~~ Trash enclosures shall be located or screened so that they are not visible away from view, from primary entrances drive or streets;
  2. ~~Design the~~ Trash enclosure ~~to~~ shall be a minimum of 165 square feet;
  3. ~~Accommodate~~ ~~s~~ Source separation of recyclable materials shall be accommodated in accordance with State requirements;
  4. ~~Design~~ Trash enclosures shall be constructed with a non-combustible, overhanging, trellis or roof cover; and
  5. ~~Separate~~ Trash enclosures shall be separated from adjacent parking ~~with~~ by at least a 6-foot wide ~~minimum~~ planter.

~~Diagram for small apartment — perspective view~~

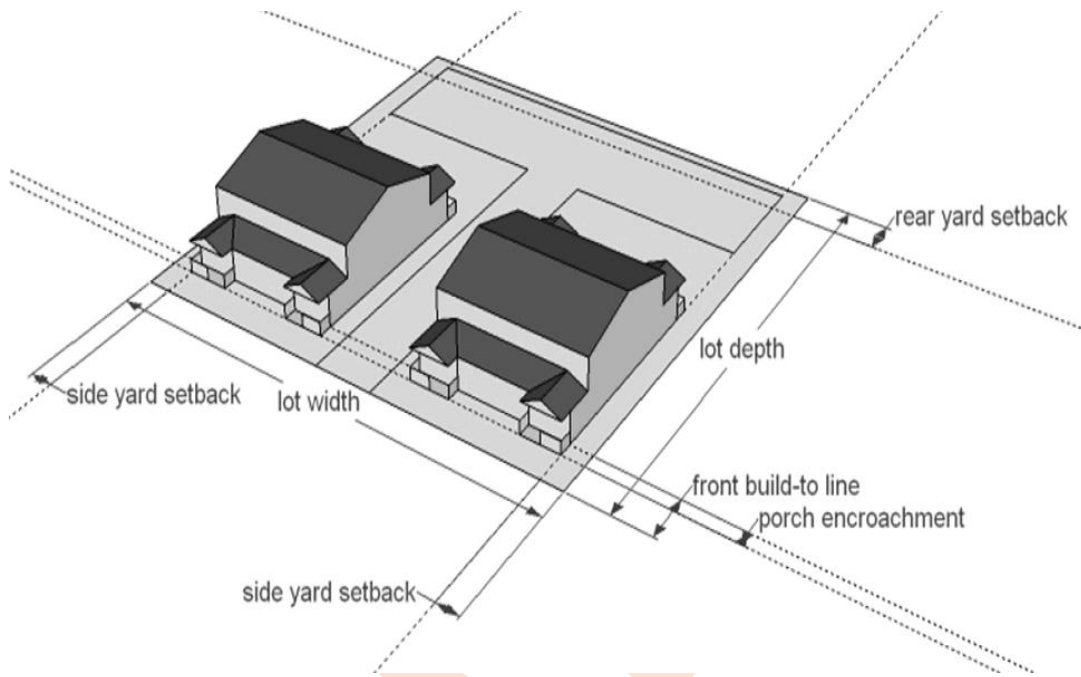
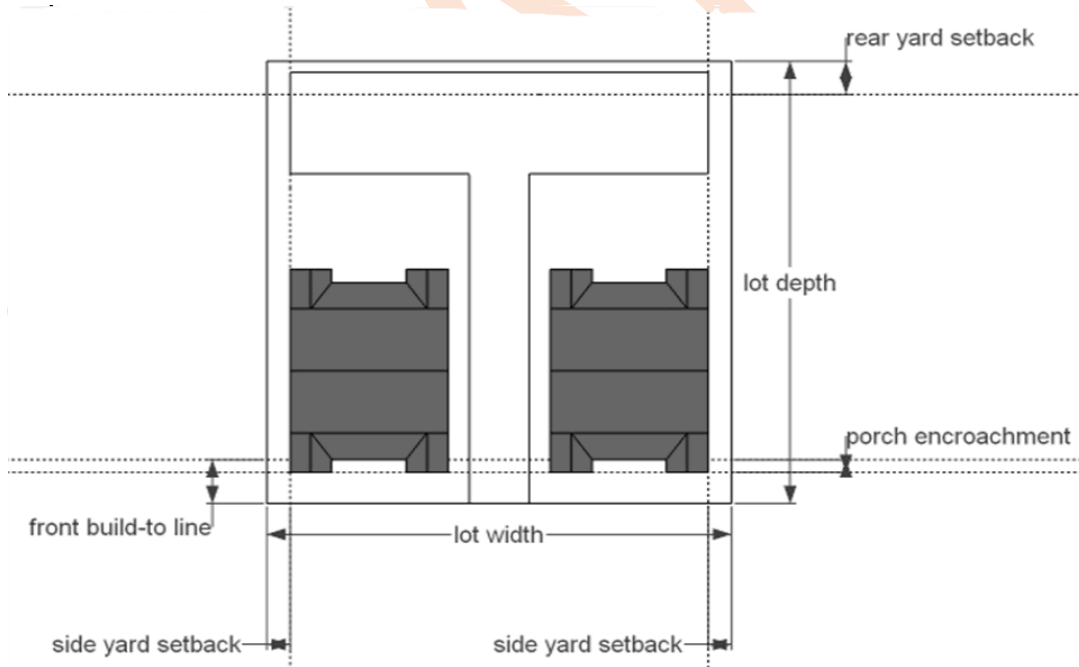


Diagram for small apartment — site plan view



D. Large apartment/condominium building/complex (sixteen (16) or more units).

1. Development standards.

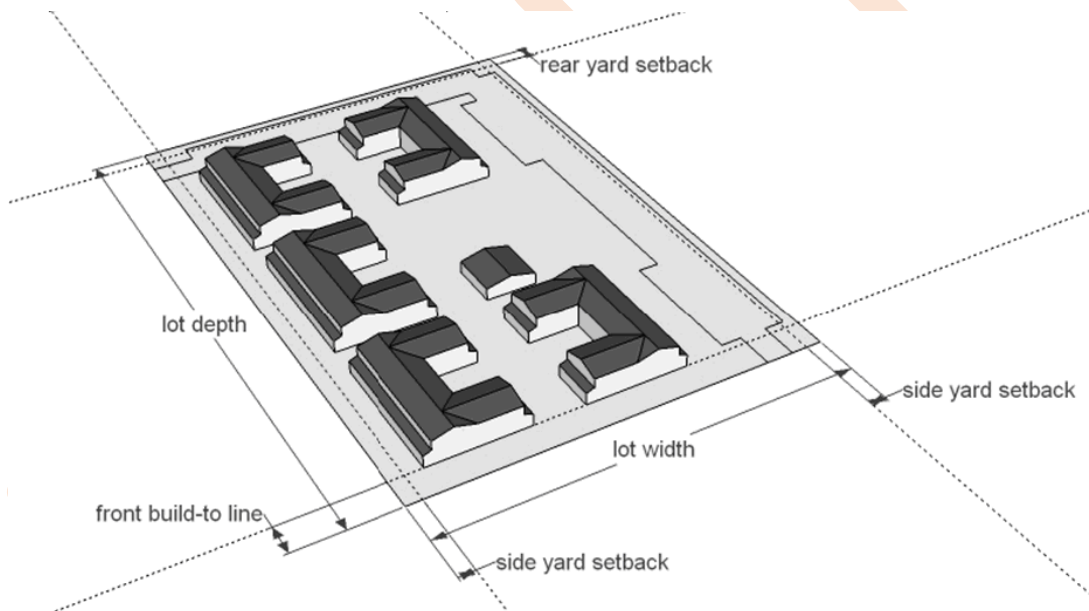
Development standards	
	MDR or HDR ZONE

<b>SITE SPECIFICATIONS</b>	
Minimum lot size (sq. ft.)	6,000
Minimum width (feet).	60
Min. width — corner lot (feet).	<u>80-75</u>
Minimum depth (feet).	100
<b>BUILDING PLACEMENT (MINIMUM SETBACKS)</b>	
Front <del>yard build to line.</del>	
Fronting local, collector, or other residential street with on-street parking (feet). <u>Transitional infill design guidelines apply (Section 17.08.070.D).</u>	0- <del>12</del>
Fronting local, collector, or other residential street with on-street parking and adjacent to single-family uses along the same street (feet).	8- <del>20</del>
Fronting arterial street (feet).	20- <del>32</del>
Rear yard (feet).	15
Interior side yard (feet).	15
Street side yard (feet).	20
<b>BUILDING SIZE AND MASSING</b>	
<u>Maximum</u> <del>Lot</del> coverage (percentage).	50%
<u>Maximum</u> <del>Building</del> height within 100 feet of SFR zone (feet).	35
Maximum building height (feet).	72
<b>PARKING</b>	
Location of on-site parking.	40 ft. from front property line
Number of parking spaces.	Per Section 17.08.100
<b>OPEN SPACE</b>	
Required usable open space/recreation area.	Minimum 8% of lot area, minimum 50' width and depth
<b>LANDSCAPING</b>	
Required landscaping (percentage).	Minimum 15% of lot area
<b>SOLAR PROVISION</b>	
Minimum photo-voltaic kW per unit per Section 17.08.305.	0.5 kW

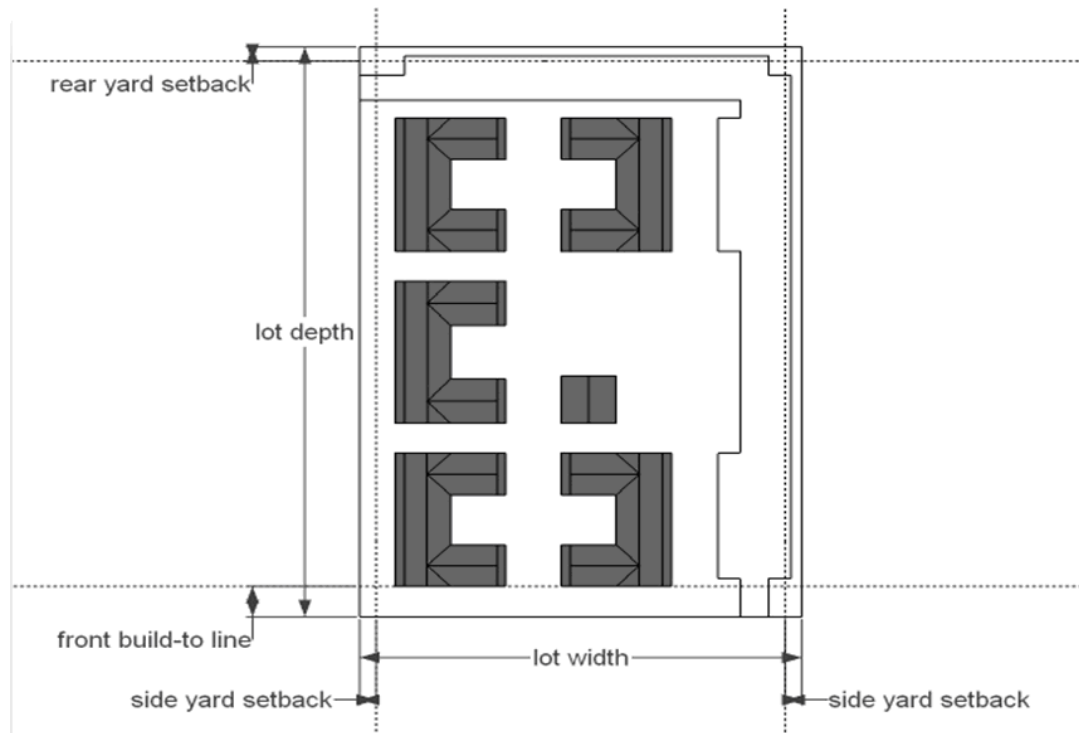
- a. On-site management and security shall be provided for all large apartment complexes. Sat a minimum, specific security provisions ~~may shall~~ include cameras and, alarms, or active security guard surveillance, ~~to the satisfaction of the Director.~~
- b. Required amenities for units in a large apartment include in-unit laundry hook-ups, and community pool and recreation room.
- ~~c. Required amenities for units in a large condominium, beyond those required for apartments, include garage parking with storage shelves for each unit, and a minimum four feet by eight feet porch, patio, or balcony area.~~
- cd. Other amenities for units in a large multi-family complex may include courts for basketball, tennis or other sports, indoor gym, outdoor dog park, or daycare center.

- de.** All amenities shall be centrally located and easily accessible for residents.
- ef.** ~~Trash enclosure location(s) and access shall be designed to the satisfaction of the Director. The~~  
~~trash~~ enclosures shall meet the following requirements:
1. ~~Locate~~ Trash enclosures shall be located or screened so that they are not visible away from view, from primary entrances drive or streets;
  2. ~~Design the~~ Trash enclosure ~~to~~ shall be a minimum of 165 square feet;
  3. ~~Accommodate~~ ~~s~~ Source separation of recyclable materials shall be accommodated in accordance with State requirements;
  4. ~~Design~~ Trash enclosures shall be constructed with a non-combustible, overhanging, trellis or roof cover; and
  5. ~~Separate~~ Trash enclosures shall be separated from adjacent parking ~~with~~ by at least a 6-foot wide minimum planter.

**Diagram for large apartment — perspective view**



**Diagram for large apartment — site plan view**



(Ord. No. 989, § 1, 4-9-2013; Ord. No. 1020, § 4, 2-14-2017; Ord. No. 1070 , § 4(Exh. A), 1-14-2020)

#### 17.08.070 Design and performance measures.

Developers shall take the following actions in meeting specific design and performance measures in residential zones. Residential development which meets the objective design standards in Chapter 17.41, Article IV shall be deemed to have met these measures.:

- A. Site design. Develop projects that enhance the sense of place and reflect a commitment to functional efficiency, quality, and neighborhood context.

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#### 17.08.090 Density bonus.

Density increases and other incentives to encourage the creation of housing affordable to moderate-, low-, and very low-income households, seniors, and other qualifying households in accordance with Section 65915 et seq., of the California Government Code are subject to Chapter 17.41, Article II.

~~A. Purpose. The purpose of the density bonus ordinance is to provide incentives for the production of affordable housing, senior housing, and the development of child care facilities, in the city's residential zones, as directed by general plan 2030, and as mandated by the state government code, section 65915. In the event that any provision in this section conflicts with state law, the state law shall take precedence.~~

~~B. Definitions. The following terms used in the section shall be defined as follows:~~

~~"Affordable housing/affordable housing unit." A housing unit which is available for sale to moderate income households or for rent to low and/or very low income households, as those terms are defined in this section.~~

~~"Affordable rent." Monthly rent charged to low and very low income households for housing units as calculated in accordance with section 50053 of the state health and safety code.~~

~~"Child day care facility." A facility that provides non-medical care and supervision of minor children for periods of less than twenty-four (24) hours and is licensed by the state department of social services, further subject to the definition in the state government code section 65915(h)(4).~~

~~"Density bonus." A density increase for residential units over the otherwise allowed residential density under the applicable zoning and land use designation on the date an application is deemed complete.~~

~~"Density bonus housing agreement." A legally binding agreement between a developer and the city to ensure that continued affordability of the affordable housing units required in this chapter persists and the units are maintained in accordance with this section.~~

~~"Density bonus units." Those additional residential units granted pursuant to the provisions of this section.~~

~~"Housing development." A development project for five or more residential units. Within this section, it shall also include a subdivision or planned unit development, rehabilitation and conversion of an existing building to residential use, or condominium conversion of an existing multi-family building.~~

~~"Incentives" or "concessions." Regulatory concessions which include, but are not limited to, the reduction of site development standards or zoning code requirements, approval of mixed-use zoning in conjunction with the housing development, or any other regulatory incentive which would result in identifiable, financially sufficient, and actual cost reductions that are offered in addition to a density bonus.~~

~~"Initial subsidy." The fair market value of the home at the time of initial sale minus the initial sale price to the moderate income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.~~

~~"Low income household." A household whose income does not exceed eighty (80) percent of the area median income for the county, as published and periodically updated by the state department of housing and community development pursuant to section 50079.5 of the state health and safety code.~~

~~"Moderate income household." A household whose gross income does not exceed one hundred twenty (120) percent of the area median income for the county, as published and periodically updated by the state department of housing and community development pursuant to sections 50079.5 and 50052.5 of the state health and safety code.~~

~~"Proportionate share of appreciation." The ratio of the local government's initial subsidy as defined above to the fair market value of the home at the time of initial sale.~~

~~"Senior citizen housing development." A residential development developed, substantially rehabilitated or renovated, and having at least thirty-five (35) dwelling units for senior citizens in compliance with the requirements of section 51.3 and 51.12 of the state civil code.~~

~~"Very low income households." A household whose income does not exceed fifty (50) percent of the area median income for the county, as published and periodically updated by the state department of housing and community development pursuant to section 50105 of the state health and safety code.~~

~~C. — Application for Density Bonus and Incentives or Concessions. An applicant seeking a density bonus for a housing development shall submit a density bonus application, containing the following information with the fees and the required application:~~

- ~~1. Identification of the location, acreage, and the maximum number of base units allowed under the zoning and land use designated under the general plan without the density bonus.~~
  - ~~2. Identification of the total number of units proposed, specifically identifying the density bonus units and the affordable units which will demonstrate eligibility under this section.~~
  - ~~3. Identification of the requested incentives or concessions.~~
  - ~~4. A statement of how the requested incentives or concessions are necessary to make the proposed housing development economically feasible, and result in identifiable, financially sufficient and actual cost reductions.~~
- ~~D. Processing of Density Bonus Application.~~
- ~~1. Once deemed complete, the density bonus application shall be processed and determinations made concurrent with the underlying housing development application.~~
  - ~~2. Review Authority. A request for density bonus will be reviewed by the same review authority as the housing development's other entitlements specifically noted below. The review authority shall grant the density bonus and requested incentive(s) or concession(s) unless the findings in section 17.08.090.E can be made.~~
    - ~~a. Administrative. When a proposed housing development needs only administrative approval (i.e. site plan review), then the planning director will consider and act on the density bonus request when the site plan review application is considered.~~
    - ~~b. Planning Commission/City Council. If the project requires entitlements or an environmental clearance to be considered by the planning commission and/or the city council, then these decision bodies will consider and act on the density bonus request concurrent with the applicable project entitlement/environmental clearance.~~
  - ~~3. Application for Density Bonus Housing Agreement. Once the proposed housing development has received its approval for density bonus, as described above, the developer shall file an application, including the payment of any processing fees with the city for approval and finalization of the density bonus agreement in compliance with the requirements set forth in section 17.08.090.J.~~
- ~~E. Eligibility Criteria for Density Bonus. The city shall consider a density bonus and provide incentives or concessions as described in section 17.08.090.H, when a developer of a housing development seeks and agrees to construct a housing development that will contain at least one of the following:~~
- ~~1. 10% of the total units of a housing development strictly for low income households as defined herein;~~
  - ~~2. Five percent of the total units of a housing development strictly for very low income households as defined herein;~~
  - ~~3. A senior citizen housing development, as defined herein;~~
  - ~~4. Ten percent of the total dwelling units in a common interest development for persons and families of moderate income households as defined herein, provided that all units in the development are offered to the public for purchase.~~
- ~~F. Project Specific Density Bonus. The city will grant a housing development a density bonus and incentives or concessions meeting all the applicable eligibility requirements of this section according to the following density bonus options. In the event that the minimum requirements for granting density bonus units or number of applicable incentives or concessions as set forth in government code 65915 is amended or modified after the adoption of this chapter by the city, then the lowest minimum requirements shall apply.~~



1. ~~Density Bonus for Very Low Income Households. If a housing developer elects to construct units for very low income households, the development shall be entitled to the following density bonus calculation:~~

Provision of Very Low Income Units		
Percentage of Very Low Income Affordable Units	Density Bonus Available	Number of Incentives or Concessions
5%	20%	1
6%	22.5%	1
7%	25%	1
8%	27.5%	1
9%	30%	1
10%	32.5%	2
11%	35%	2

2. ~~Density Bonus for Low Income Households. If a housing developer elects to construct units for low income households, the housing development shall be entitled to the following density bonus calculation:~~

Provision of Low Income Units		
Percentage of Low Income Affordable Units	Density Bonus Available	Number of Incentives or Concessions
10%	20%	1
11%	21.5%	1
12%	23%	1
13%	24.5%	1
14%	26%	1
15%	27.5%	1
16%	29%	1
17%	30.5%	1
18%	32%	1
19%	33.5%	1
20%	35%	2

3. ~~Senior Housing. If a housing developer elects to construct a senior citizen housing development, the density bonus shall be twenty (20) percent of the total number of allowed housing units without the density bonus.~~

4. ~~Moderate Income Units in Common Interest Developments: If a housing developer elects to construct units for moderate income households, the development shall be entitled to the following density bonus calculation:~~

Provision of Moderate Income Units		
Percentage of Moderate Income Affordable Units	Density Bonus Available	Number of Incentives or Concessions
10%	5%	1
11%	6%	1

<del>12%</del>	7%	1
<del>13%</del>	8%	1
<del>14%</del>	9%	1
<del>16%</del>	10%	1
<del>15%</del>	11%	1
<del>17%</del>	12%	1
<del>18%</del>	13%	1
<del>19%</del>	14%	1
<del>20%</del>	15%	2
<del>21%</del>	16%	2
<del>22%</del>	17%	2
<del>23%</del>	18%	2
<del>24%</del>	19%	2
<del>25%</del>	20%	2
<del>26%</del>	21%	2
<del>27%</del>	22%	2
<del>28%</del>	23%	2
<del>29%</del>	24%	2
<del>30%</del>	25%	3
<del>31%</del>	26%	3
<del>32%</del>	27%	3
<del>33%</del>	28%	3
<del>34%</del>	29%	3
<del>35%</del>	30%	3
<del>36%</del>	31%	3
<del>37%</del>	32%	3
<del>38%</del>	33%	3
<del>39%</del>	34%	3
<del>40%</del>	35%	3

5. ~~Density Bonus for Land Donation. When an applicant for a tentative map, parcel map, or other residential development approval donates at least one acre of land or enough land to develop forty (40) units, then the applicant shall be entitled to a fifteen (15) percent increase above the otherwise maximum allowable residential density for the entire housing development as follows:~~

Land Donation	
Percentage of Very Low Income Units	Percentage Density Bonus
<del>10%</del>	15%
<del>11%</del>	16%
<del>12%</del>	17%
<del>13%</del>	18%
<del>14%</del>	19%
<del>15%</del>	20%
<del>16%</del>	21%
<del>17%</del>	22%

<del>18%</del>	<del>23%</del>
<del>19%</del>	<del>24%</del>
<del>20%</del>	<del>25%</del>
<del>21%</del>	<del>26%</del>
<del>22%</del>	<del>27%</del>
<del>23%</del>	<del>28%</del>
<del>24%</del>	<del>29%</del>
<del>25%</del>	<del>30%</del>
<del>26%</del>	<del>31%</del>
<del>27%</del>	<del>32%</del>
<del>28%</del>	<del>33%</del>
<del>29%</del>	<del>34%</del>
<del>30%</del>	<del>35%</del>

- a. ~~Nothing in this subsection shall be construed to enlarge or diminish the authority of the city to require a developer to donate land as a condition of development.~~
- b. ~~The density bonus for land dedication shall be in addition to any density bonus earned pursuant to section 17.08.090.E and up to a maximum combined increase of thirty five (35) percent.~~
- c. ~~An applicant with a land donation shall be eligible for the increased density bonus if all of the following conditions are met:~~
- ~~1) The applicant donates and transfers the land to the city no later than the date of approval of the city of the final subdivision map, parcel map, or housing development application for the proposed housing development seeking the density bonus.~~
  - ~~2) The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than 10% of the number of residential units of the proposed housing development seeking the density bonus.~~
  - ~~3) The land proposed to be donated to the city:~~
    - ~~i. Has the appropriate general plan designation and is appropriately zoned for development at the density described in paragraph (3) of subsection (c) of section 65583.2 of the state government code; and~~
    - ~~ii. Is or will be served by adequate public facilities and infrastructures; and~~
    - ~~iii. Is donated no later than the date of approval of the final subdivision map, parcel map or housing development application seeking a density bonus and has all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land; and~~
    - ~~iv. Is transferred to the city or a housing developer approved by the city; and~~
    - ~~v. Shall be within the boundary of the proposed development or within one-quarter mile of the boundary of the proposed development; and~~

- vi. ~~Must have a proposed source of funding for the very low income units prior to the approval of the final subdivision map, parcel map or housing development application seeking the density bonus.~~

- vii. ~~May be zoned mixed use neighborhood, mixed use commercial, or mixed use employment; however, the land shall assume a density equivalent to the medium density residential zone, for the purposes of calculating affordable housing yield.~~

- 4) ~~The transferred land and the affordable housing units shall be subject to a deed restriction, which shall be recorded on the property upon dedication, ensuring continued affordability of units for at least thirty (30) years from the date of occupancy.~~

- ~~6. Condominium Conversions. Density bonus for condominium conversion, shall be considered and approved in accordance with section 65925.5 of the state government code for specifications.~~

~~G. Density Bonus for Development of Child Day Care Facility.~~

- ~~1. A housing development meeting the requirements of subsections E. and F. which includes a child day care facility built and operated in accordance with section 17.08.190 that will be located on the premises of, as part of, or adjacent to, such a housing development shall receive either of the following:~~

- a. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child day care facility.

- ~~b. An additional incentive or concession that contributes significantly to the economic feasibility of the construction of the child day care facility.~~

- ~~2. When a housing development is providing a child day care facility consistent with this ordinance, then the conditions of approval shall require that:~~

- a. The child day care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the affordable units are required to remain affordable; and

- b. ~~Of the children who attend the child day care facility, the children of very low income households, lower income households, or persons or families of moderate income shall equal a percentage that is equal to or greater than the percentage of affordable units that are required pursuant to subsection F.~~

- ~~3. The city shall not be required to provide a density bonus or incentive or concession for a child care facility if it makes a written finding, based upon substantial evidence, that the community has adequate child day care facilities.~~

~~H. Available Incentives and Concessions. In addition to the applicable density bonus described above, an applicant may request incentives or concessions in connection with its application for a density bonus in accordance with the density bonus calculation set forth in subsection F.~~

- ~~1. An incentive or concession shall mean:~~

- a. ~~A reduction in the site-development standards or a modification of zoning code requirements including but not limited to:~~

- 1) Increased lot coverage percentage
- 2) Reduced minimum setbacks
- 3) Increased maximum height

- ~~4) — Reduced number of parking spaces~~
- ~~b. — If a housing development is one hundred (100) percent affordable, meaning that all or substantially all of the units will be maintained at affordable rents by agreement through the city, priority processing of the required density bonus application and associated entitlement applications will be given. Priority processing shall mean a timeline for review of the housing development and all associated applications as mutually agreed to by the city and the developer;~~
- ~~c. — Approval of mixed use development in conjunction with the proposed housing development if the non-residential uses will reduce the cost of the proposed housing development, and the non-residential uses are compatible with the proposed housing development and surrounding development;~~
- ~~d. — Other regulatory incentives or concessions proposed by the applicant or that the city determines will result in identifiable, financially sufficient, and actual cost reductions.~~
- ~~2. — The city shall grant incentive(s) or concession(s) requested by the applicant unless the city can make a written finding, based upon the substantial evidence, of any of the following:~~
  - ~~a. — The incentive or concession is not required in order to provide for affordable housing costs or affordable rents.~~
  - ~~b. — The incentive or concession would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5 of the state government code, upon public health and safety or physical environment or any real property that is listed in the state registry of historical resources and for which the city determines there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households.~~
  - ~~c. — The incentive or concession would be contrary to state or federal law.~~
- ~~I. — General Provisions for Density Bonuses and Incentives/Concessions.~~
  - ~~1. — All density bonus calculations resulting in fractional units shall be rounded up to the next whole number.~~
  - ~~2. — The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, zone change, or other discretionary approval.~~
  - ~~3. — Upon request by the applicant, the city shall not require the proposed housing development eligible for a density bonus pursuant to this section to provide a parking ratio, including handicapped and guest parking, that exceeds the following:~~
    - ~~a. — Zero to one bedroom: one on-site parking space~~
    - ~~b. — Two to three bedrooms: two on-site parking spaces~~
    - ~~c. — Four and more bedrooms: two and one-half parking spaces~~

~~If the total number of parking spaces required for the proposed housing development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subsection, a development may provide on-site parking through tandem parking or uncovered parking, but not through on-street parking.~~
  - ~~4. — The city shall not apply any development standard that would have the effect of precluding the construction of a proposed housing development meeting the requirements of this section, at the densities or with the incentives permitted by this section. An applicant may submit with its application~~

to the city a proposal for the waiver or reduction of development standards. A waiver or reduction of development standards, the application of which would physically preclude the development, shall not reduce nor increase the number of incentives or concessions being requested. Nothing in this subsection, however, shall be interpreted to require the city to waive or reduce development standards if the waiver or reduction would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5 of the state government code, upon public health and safety or the physical environment or on any real property that is listed in the state register of historical resources and for which the city determines there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Furthermore, the applicant shall be required to prove that the waiver or modification is necessary to make the affordable units economically feasible.

5. ~~Location of Affordable Units. The location of the affordable units within the housing development may be at the discretion of the developer. However, the affordable units shall:~~

- ~~a. Be constructed at the same time as the market units are constructed;~~
- ~~b. Be reasonably dispersed throughout the development and/or phases if applicable;~~
- ~~c. Be a similar unit type/size to the overall housing development; and~~
- ~~d. Be reasonably compatible with the design or use of the remaining units in terms of appearance, materials and quality finish.~~

J. ~~Required Density Bonus Agreement and Terms of Agreement.~~

1. ~~A density bonus housing agreement must be executed prior to recording any final map for the underlying property or prior to the issuance of any building permit for the housing development, whichever comes first. The density bonus housing agreement shall be binding on all future owners and successors of interests of the housing development.~~

2. ~~The density bonus housing agreement shall:~~

- ~~a. Identify the type, size and location of each affordable housing unit required hereunder;~~
- ~~b. Identify the term of the agreement, which would define the term of affordability of the required units;~~
- ~~c. Require that the affordable housing units be constructed and completed by the developer as specified in this chapter and in accordance with state law;~~
- ~~d. Require that each affordable housing unit be kept available only to members of the identified income group at the maximum affordable rent during the term of the agreement.~~
- ~~e. Identify the means by which such continued availability shall be secured and enforced and the procedures under which the affordable housing units shall be leased and shall contain such other terms and provisions, the housing authority may require. The agreement, in its form and manner of execution, shall be in a form to be recorded with the county recorder.~~
- ~~f. The density bonus housing agreement shall be reviewed and approved by the city and the affordability of the required units shall be monitored for compliance by city staff.~~

3. ~~Required Terms for the Continued Availability of Affordable Units:~~

- ~~a. Low and Very Low Income Households. A housing developer providing low and very low income units in accordance with this chapter must continue to restrict those units to low or very low income households for a minimum of thirty (30) years or longer term under another regulatory agreement from the date of initial occupancy.~~

~~b. Moderate Income Households. In the case of housing development providing moderate income units, the initial occupant of the unit must be a person or family of moderate income.~~

~~1) Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The local government shall recapture any initial subsidy and its proportionate share of appreciation; which shall be used within five years for any purposes described in subdivision (e) of section 33334.2 of the health and safety code that promote home ownership. Any recaptured funds shall be deposited and used in accordance with subsection (e) of section 33334.2 of the health and safety code.~~

(Ord. No. 989, § 1, 4-9-2013)

### ***Article III. General Site Planning and Project Design Standards***

#### **17.08.100 Parking and Loading.**

The automobile parking facilities required by this section shall be provided and permanently maintained unless and until a substitute has been provided which is in full compliance with the provisions of this title.

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- C. Minimum number of required parking spaces. Except as necessary to comply with requirements to provide electric vehicle supply equipment installed parking spaces or parking spaces that are accessible to persons with disabilities, the following minimum parking standards apply.
1. For sites located within one-half mile of a major transit stop as defined in Section 21155 of the Public Resources Code, no parking is required, except:
- a. Event centers shall provide parking for employees and other workers.
  - b. Development projects where any portion is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging (except where a portion of a housing development project is designated for use as a residential hotel, as defined in Section 50519 of the Health and Safety Code) shall provide parking in accordance with the minimum parking requirements of subsection C.2 (see "Parking Requirements by Use" Table).
  - c. Development projects for which, within 30 days of the receipt of a completed application, the City finds that based on a preponderance of the evidence in the record that not imposing or enforcing minimum automobile parking requirements on the development would have a substantially negative impact on any of the following:
    - 1) The City's ability to meet its share of the regional housing need in accordance with Section 65584 for low- and very low-income households.
    - 2) The City's ability to meet any special housing needs for the elderly or persons with disabilities identified in the analysis required pursuant to paragraph (7) of subdivision (a) of Section 65583.
    - 3) Existing residential or commercial parking within one-half mile of the housing development project.
  - d. Subsection (c) above shall not apply for the following projects:

- 1) Housing development projects that dedicate a minimum of 20 percent of the total number of housing units to very low, low-, or moderate-income households, students, the elderly, or persons with disabilities.
  - 2) Housing development projects that contain fewer than 20 housing units.
  - (iii) Housing development projects subject to parking reductions based on the provisions of any other applicable State law.
2. For sites located more than one-half mile from a major transit stop as defined in Section 21155 of the Public Resources Code, ~~Parking Requirements by Use.~~ The following number of parking spaces shall be the minimum provided for each new use:

Parking Requirements by Use	
Use	Number of Required Spaces
1. Single-family house	2 parking spaces within an enclosed garage
a. <del>2<sup>nd</sup> dwelling unit</del> Accessory dwelling unit/Junior ADU	<del>1 uncovered parking space</del> See Chapter 17.41, Article I
b. <del>Guest house/carriage unit</del>	<del>1 uncovered parking space</del>
2. Duplex/triplex/four-plex	2 parking spaces within an enclosed garage for each unit
a. <del>Two-unit project</del>	<del>See Chapter 17.41, Article III</del>
3. Apartments, 5 or more units	
a. Studio/loft and one bedroom	1 and ½ covered spaces for each unit
b. Two or more bedrooms	1 and ½ covered and ½ uncovered for each unit
c. Guest parking	1 uncovered space for every 4 units
4. Condominiums	2 parking spaces within an enclosed garage for each unit and 1 guest space for every 4 units
5. Condominiums, mid-rise (3+ stories)	
a. Studio/loft and one bedroom	1 and ½ covered spaces for each unit
b. Two or more bedrooms	1 and ½ covered and ½ uncovered for each unit
c. Guest parking	1 uncovered space for every 4 units
6. Boarding or rooming house, hostel, fraternity or sorority house	1 uncovered space for each guest room and 2 spaces within an enclosed garage for resident manager
7. <u>Special needs housing including Senior apartments/condominiums, housing facilities for persons with disabilities, supportive housing, transitional housing, and employee housing in compliance with the Employee Housing Act</u>	1 covered parking space for each unit and 1 guest space for every 4 units
8. Senior residential care facility	1 space for every 3 beds and 1 space for each resident employee
9. Churches	1 space for each 5 fixed seats or for each 45 square feet of seating area within the main auditorium; 24 inches of bench shall be considered a fixed seat
10. Daycare center (nursery/preschool)	5 spaces per 100 students
11. Elementary and middle school	15 spaces per 100 students
12. High school	26 spaces per 100 students
13. Colleges/universities	33 spaces per 100 students, plus one space per bed in dormitories



Notes:

1. An uncovered parking space shall not include the driveway area for a garage.
2. Parking lots or areas for ten (10) or more contiguous uncovered vehicle parking spaces shall comply with the requirements of subsection 17.08.090.D. (Parking design and performance standards) for design and development of landscaping and surface parking area.
3. Parking for uses subject to conditional use permit shall meet the requirements specified in the permit or as otherwise provided in this title.
4. Requirements for uses not specifically listed herein shall be determined by the director based upon the requirements for comparable uses and upon the particular characteristics of the use.
5. The number of parking spaces required may be reduced, at the discretion of the director, if the builder can sufficiently demonstrate, through research and analysis that the development warrants fewer parking than is required. Such parking reductions may be granted if the development is located near public transit or if the builder pays in-lieu parking fees for future public parking, transportation, or pedestrian and bicycle trail improvements.
6. For multi-family uses, a private owner retains the right to assign parking spaces for tenants and visitors, provided there are enough parking spaces per city code.

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- E. Parking design standards. The following design and development standards shall be met for development in all residential zones.

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3. Parking space and facility dimensions.
  - a. Individual unit garages. Parking spaces within garages shall have minimum dimensions of ten (10) feet in width and twenty (20) feet in length, clear of any obstructions. ~~Tandem parking garage arrangements may be considered, and shall have minimum dimensions of twelve (12) feet in width and forty (40) feet in length, clear of any obstructions.~~
  - b. Carports. Parking spaces within carports shall have minimum dimensions of nine and one-half feet in width and nineteen (19) feet in length, clear of any obstructions.
  - c. All other parking spaces. Minimum parking space dimensions shall be as follows, except as shown in the following table and figure.
    - 1) Standard parking spaces shall have a minimum dimension of nine feet in width by eighteen (18) feet in length, except for spaces provided at either a forty-five (45) or thirty (30) degree layout, in which the spaces shall have a minimum dimension of eight and one-half feet in width by eighteen (18) feet in length.
    - 2) Up to thirty-five (35) percent of the spaces in a parking lot may be compact spaces, with minimum dimensions of eight feet in width by sixteen (16) feet in length. For multi-residential uses, this shall only apply to guest parking spaces.
    - 3) Parallel parking spaces shall be eight feet by twenty-two (22) feet, except that spaces that are unencumbered at one end may be reduced to eight feet by twenty (20) feet.
    - 4) The width of a parking space shall be increased by one-foot if either side of the space is adjacent to a wall, fence, support column or other structure, except where the obstruction is limited to the front or rear one-third of the parking space.

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### 17.08.105 Two-unit projects.

- A. ~~Purpose. The purpose of this section is to allow and appropriately regulate t~~Two-unit projects proposed in accordance with Government Code section 65852.21 are subject to Chapter 17.41, Article III.
- B. ~~Definition. A "two-unit project" means the development of two (2) primary dwelling units or, if there is already a primary dwelling unit on the lot, the development of a second primary dwelling unit on a legally subdivided lot in accordance with the requirements of this section.~~
- C. ~~Application.~~
1. ~~Only individual property owners may apply for a two-unit project. "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 Rev. & Tax Code § 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by § 214.15).~~
  2. ~~An application for a two-unit project must be submitted on the City's approved form.~~
  3. ~~The applicant must obtain a certificate of compliance with the Subdivision Map Act for the lot and provide the certificate with the application.~~
  4. ~~Only a complete application will be considered. The City will inform the applicant in writing of any incompleteness within thirty (30) days after the application is submitted.~~
  5. ~~The City may establish a fee to recover its costs for adopting, implementing, and enforcing this section of the code, in accordance with applicable law. The City council may establish and change the fee by resolution. The fee must be paid with the application.~~
- D. ~~Approval.~~
1. ~~An application for a two-unit project is approved or denied ministerially, by the development services director, without discretionary review.~~
  2. ~~The ministerial approval of a two-unit project does not take effect until the City has confirmed that the required documents have been recorded, such as the deed restriction and easements.~~
  3. ~~The approval must require the owner and applicant to hold the City harmless from all claims and damages related to the approval and its subject matter.~~
  4. ~~The approval must 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.~~
- E. ~~Requirements. A two-unit project must satisfy each of the following requirements:~~
1. ~~Map Act Compliance. The lot must have been legally subdivided.~~
  2. ~~Zone. The lot is in a single-family residential zone (RR-2.5, RR-1, SRR, R-15,000, R-10,000 and R-7,000).~~
  3. ~~Lot Location~~
    - (A) ~~The lot is not located on a site that is any of the following:~~

- ~~(i) Prime farmland, farmland of statewide importance, or land that is zoned or designated for agricultural protection or preservation by the voters.~~
  - ~~(ii) A wetland.~~
  - ~~(iii) Within a very high fire hazard severity zone, unless the site complies with all fire hazard mitigation measures required by existing building standards.~~
  - ~~(iv) A hazardous waste site that has not been cleared for residential use.~~
  - ~~(v) Within a delineated earthquake fault zone, unless all development on the site complies with applicable seismic protection building code standards.~~
  - ~~(vi) Within a 100-year flood hazard area, unless the site has either:~~
    - ~~(I) been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction, or~~
    - ~~(II) meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program.~~
  - ~~(vii) Within a regulatory floodway, unless all development on the site has received a no-rise certification.~~
  - ~~(viii) Land identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan.~~
  - ~~(ix) Habitat for protected species.~~
  - ~~(x) Land under conservation easement.~~
  - ~~(B) The purpose of subpart (c)(2)(A) above is merely to summarize the requirements of Government Code section 65913.4(a)(6)(B) (K). (See Gov. Code § 66411.7(a)(3)(C).)~~
- ~~4. No Impact on Protected Housing.~~
- ~~(A) The two unit project must not require or include the demolition or alteration of any of the following types of housing:~~
    - ~~(i) Housing that is income restricted for households of moderate, low, or very low income.~~
    - ~~(ii) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its policy power.~~
    - ~~(iii) Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (Gov. Code §§ 7060-7060.7) at any time in the fifteen (15) years prior to submission of the urban lot split application.~~
    - ~~(iv) Housing that has been occupied by a tenant in the last three (3) years.~~
  - ~~(B) As part of the two unit project application, the applicant and the owner of a property must provide a sworn statement by affidavit representing and warranting that subpart 16.17.050.E.i above is satisfied.~~
    - ~~(i) The sworn statement must state that:~~
      - ~~(I) No housing that is income restricted for households of moderate, low, or very low income will be demolished or altered.~~

~~(II) No housing that is subject to any form of rent or price control will be demolished or altered.~~

~~(III) No housing that has been withdrawn from rental or lease under the Ellis Act at any time in the last fifteen (15) years will be demolished or altered.~~

~~(IV) No housing that has been occupied by a tenant in the last three (3) years will be demolished or altered.~~

~~(ii) 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.~~

~~5. Unit Standards.~~

~~(A) Quantity.~~

~~(i) No more than two (2) dwelling units of any kind may be built on a lot that results from an urban lot split. For purposes of this paragraph, "unit" means any dwelling unit, including, but not limited to, a primary dwelling unit, a unit created under this section of this code, an ADU, or a JADU.~~

~~(ii) A lot that is not created by an urban lot split may have a two-unit project under this section, plus any ADU or JADU that must be allowed under state law and the city's ADU ordinance.~~

~~(B) Unit Size.~~

~~(i) The total floor area of each primary dwelling built that is developed under this section must be~~

~~(I) Less than or equal to eight hundred (800); and~~

~~(II) More than five hundred (500) square feet.~~

~~(ii) A primary dwelling that was legally established on the lot prior to the two-unit project and that is larger than eight hundred (800) square feet is limited to the lawful floor area at the time of the two-unit project. The unit may not be expanded.~~

~~(iii) A primary dwelling that was legally established prior to the two-unit project and that is smaller than eight hundred (800) square feet may be expanded to eight hundred (800) square feet after or as part of the two-unit project.~~

~~(C) Height Restrictions.~~

~~(i) No new primary dwelling unit may exceed a single story or twenty-two (22) feet in height, measured from grade to peak of the structure.~~

~~(ii) No rooftop deck is permitted on any new or remodeled dwelling or structure on a lot with a two-unit project.~~

~~(D) Demo Cap. The two-unit project may not involve the demolition of more than twenty-five (25) percent of the existing exterior walls of an existing dwelling unless the site has not been occupied by a tenant in the last three (3) years.~~

- ~~(E) Lot Coverage. Fifty (50) percent lot coverage. This lot coverage standard is only enforced to the extent that it does not prevent two (2) primary dwelling units on the lot at eight hundred (800) square feet each.~~
- ~~(F) Setbacks. All setbacks must conform to those objective setbacks that are imposed through the underlying zone except the following:~~
- ~~(I) Existing Structures. No setback is required for an existing legally established structure or for a new structure that is constructed in the same location and to the same dimensions as an existing legally established structure.~~
  - ~~(II) Eight hundred (800) square feet; four-foot side and rear. The setbacks imposed by the underlying zone must yield to the degree necessary to avoid physically precluding the construction of up to two units on the lot or either of the two (2) units from being at least eight hundred (800) square feet in floor area; but in no event may any structure be less than four (4) feet from a side or rear property line.~~
  - ~~(III) Front Setback Area. Notwithstanding any other part of this code, dwellings that are constructed after an urban lot split must be at least twenty-five (25) feet from the front property lines. The front setback area must:~~
    - ~~(ia) Be kept free from all structures greater than three (3) feet high;~~
    - ~~(ib) Be at least fifty (50) percent landscaped with drought-tolerant plants, with vegetation and irrigation plans approved by a licensed landscape architect;~~
    - ~~(ic) Allow for vehicular and fire safety access to the front structure.~~
- ~~(G) Parking. Each new primary dwelling unit must have at least one (1) off-street parking space per unit unless one (1) of the following applies:~~
- ~~(i) The lot is located within one-half (1/2) mile walking distance of either~~
    - ~~(I) A corridor with fixed route bus service with service intervals no longer than fifteen (15) minutes during peak commute hours; or~~
    - ~~(II) A site that contains:~~
      - ~~(ia) An existing rail or bus rapid transit station;~~
      - ~~(ib) The intersection of two (2) or more major bus routes with a frequency of service interval of fifteen (15) minutes or less during the morning and afternoon peak commute periods.~~
- ~~(H) Architecture.~~
- ~~(i) If there is a legal primary dwelling on the lot that was established before the two-unit project, any new primary dwelling unit must 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.~~
  - ~~(ii) If there is no legal primary dwelling on the lot before the two-unit project, and if two (2) primary dwellings are developed on the lot, the dwellings must 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.~~
  - ~~(iii) All exterior lighting must be limited to down lights.~~

- ~~(iv) — No window or door of a dwelling that is constructed on the lot may have a direct line of sight to an adjoining residential property.~~
- ~~Fencing, landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight.~~
- ~~(v) — If any portion of a dwelling is less than thirty (30) feet from a property line that is not a public right-of-way line, then all windows and doors in that portion must either be (for windows) clerestory with the bottom of the glass at least six (6) feet above the finished floor, or (for windows and for doors) utilize frosted or obscure glass.~~
- ~~(I) — Landscaping. Evergreen landscape screening must be planted and maintained between each dwelling and adjacent lots (but not rights of way) as follows:~~
  - ~~(i) — At least one (1) fifteen-gallon size plant shall be provided for every five (5) linear feet of exterior wall. Alternatively, at least one (1) twenty-four-inch box size plant shall be provided for every ten (10) linear feet of exterior wall.~~
  - ~~(ii) — Plant specimens must be at least six feet tall when installed. As an alternative, a solid fence of at least six (6) feet in height may be installed.~~
  - ~~(iii) — All landscaping must be drought-tolerant.~~
  - ~~(iv) — All landscaping must be from the City's approved plant list.~~
- ~~(J) — Nonconforming Conditions. A two-unit project may only be approved if all nonconforming zoning conditions are corrected.~~
- ~~(K) — Utilities.~~
  - ~~(i) — Each primary dwelling unit on the lot must have its own direct utility connection to the utility service provider.~~
  - ~~(ii) — Each primary dwelling unit on the lot that is or that is proposed to be connected to an onsite wastewater treatment system must first have a percolation test completed within the last five (5) years or, if the percolation test has been recertified, within the last ten (10) years.~~
- ~~(L) — Building & Safety. All structures built on the lot must comply with all current local building standards. A project under this section is a change of use and subjects the whole of the lot, and all structures, to the City's current code.~~
- ~~6. — Fire Hazard Mitigation Measures. A lot in a very high fire hazard severity zone must comply with each of the following fire hazard mitigation measures:~~
  - ~~(A) — It must have direct access to a public right of way with a paved street with a width of at least forty (40) feet. The public right of way must have at least two (2) independent points of access for fire and life safety to access and for residents to evacuate.~~
  - ~~(B) — All dwellings on the site must comply with current fire code requirements for dwellings in a very high fire hazard severity zone.~~
  - ~~(C) — All enclosed structures on the site must have fire sprinklers.~~
  - ~~(D) — All sides of all dwellings on the site must be within a one-hundred-fifty-foot hose-pull distance from either the public right of way or of an onsite fire hydrant or standpipe.~~

- ~~(E) If the lot does not have a swimming pool, the lot must have a water reservoir of at least five thousand (5,000) gallons per dwelling, with fire authority approved hookups compatible with fire authority standard pump and hose equipment.~~
- ~~7. Separate Conveyance.~~
- ~~(A) Primary dwelling units on the lot may not be owned or conveyed separately from each other.~~
- ~~(B) Condominium airspace divisions and common interest developments are not permitted within the lot.~~
- ~~(C) All fee interest in the lot and all the dwellings must be held equally and undivided by all individual property owners.~~
- ~~8. Regulation of Uses.~~
- ~~(A) Residential only. No non-residential use is permitted on the lot.~~
- ~~(B) No Short Term Rentals. No dwelling unit on the lot may be rented for a period of less than thirty (30) days.~~
- ~~(C) Owner Occupancy. Unless the lot was formed by an urban lot split, the individual property owners of a lot with a two-unit project must occupy one (1) of the dwellings on the lot as the owners' principal residence and legal domicile.~~
- ~~9. Notice of Construction.~~
- ~~(A) At least thirty (30) business days before starting any construction of a two-unit project, the property owner must give written notice to all the owners of record of each of the adjacent residential parcels, which notice must include the following information:~~
- ~~(i) Notice that construction has been authorized,~~
- ~~(ii) The anticipated start and end dates for construction,~~
- ~~(iii) The hours of construction,~~
- ~~(iv) Contact information for the project manager (for construction-related complaints), and~~
- ~~(v) Contact information for the Building & Safety.~~
- ~~(B) 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 section. This notice requirement is purely to promote neighborhood awareness and expectation.~~
- ~~10. Deed Restriction. The owner must record a deed restriction, acceptable to the City, that does each of the following:~~
- ~~(A) Expressly prohibits any rental of any dwelling on the property for a period of less than thirty (30) days.~~
- ~~(B) Expressly prohibits any non-residential use of the lot.~~
- ~~(C) Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot.~~
- ~~(D) If the lot is not created by an urban lot split: Expressly requires the individual property owners to live in one (1) of the dwelling units on the lot as the owners' primary residence and legal domicile.~~

~~(E) States that the property is formed by an urban lot split and is therefore subject to the City's urban lot split regulations, including all applicable limits on dwelling size and development.~~

~~F. Specific Adverse Impacts.~~

- ~~1. Notwithstanding anything else in this section, the City may deny an application for a two-unit project 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.~~
- ~~2. "Specific adverse impact" has the same meaning as in Gov. Code § 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 ordinance or general plan land use designation or (2) the eligibility to claim a welfare exemption under Revenue and Taxation Code section 214(g).~~
- ~~3. The building official may consult with and be assisted by planning staff and others as necessary in making a finding of specific, adverse impact.~~

~~G. Remedies. If a two-unit project violates any part of this code or any other legal requirement:~~

- ~~1. The buyer, grantee, or lessee of any part of the property has an action for damages or to void the deed, sale, or contract.~~
- ~~2. The City may:
  - ~~(A) Bring an action to enjoin any attempt to sell, lease, or finance the property.~~
  - ~~(B) Bring an action for other legal, equitable, or summary remedy, such as declaratory and injunctive relief.~~
  - ~~(C) Pursue criminal prosecution, punishable by imprisonment in county jail or state prison for up to one (1) year, by a fine of up to ten thousand dollars (\$10,000.00), or both; or a misdemeanor.~~
  - ~~(D) Record a notice of violation.~~
  - ~~(E) Withhold any or all future permits and approvals.~~
  - ~~(F) Pursue all other administrative, legal, or equitable remedies that are allowed by law or the City's code.~~~~

(Ord. No. 1087 , § 3(Exh. A), 12-14-2021)

Editor's note(s)—Ord. No. 1087 , § 3(Exh. A), adopted Dec. 14, 2021, enacted provisions designated as § 17.08.100, however, inasmuch as the section so numbered already exists, said provisions have been redesignated as § 17.08.105, at the discretion of the editor.

## **17.08.110 Landscaping.**

### **A. Landscaping in general.**

1. Landscape designs shall be consistent throughout a project site. A combination of landscape materials should be arranged in a harmonious manner as an integral part of project design to enhance building design, public view, and interior spaces and provide buffers and transitions as needed. Unrelated and



random choice or placement of plant materials shall be avoided; however, variety may be employed to intensify distinction between spaces or to strengthen a sense of place or movement, or to promote energy and water conservation and mitigate erosion.

2. The type, scale and proportion of landscape materials shall be appropriate to the site and/or structures to which they relate.
3. Plant material shall be selected for interest in its structure, texture, color, ultimate growth and water efficiency. Plants that are native or climate adaptive to the high desert area of Lancaster and/or others that will be hardy, harmonious with project design and of good appearance shall be used.
4. Utilize trees and landscaping wherever possible to shade buildings as a means of enhancing energy conservation.

**B. Objective Landscaping Standards.**

1. Drought-resistant varieties of plants shall be used in accordance with Title 8, Chapter 8.50, Landscaping Installation and Maintenance; Title 8, Chapter 8.30, Residential Landscaping Installation and Maintenance; and Title 15, Chapter 15.48, Specifications for Landscape Development of the Lancaster Municipal Code.
42. Landscaped areas shall be irrigated by an automatic system with separate stations for each hydrozone. The irrigation system shall be designed and equipped to incorporate water conservation techniques, such as drip systems, moisture sensors and anti-drain valves. Sprinkler systems shall be designed to prevent water from falling onto impervious surfaces. The system shall comply with title 8, chapter 8.50, landscaping installation and maintenance; title 8, chapter 8.30, residential landscaping installation and maintenance of this Code.
35. All areas which are not utilized for buildings, sidewalks, vehicle access, or parking, shall be permanently landscaped and maintained.
64. All landscaped planters for interior parking areas shall be completely bordered by a six-inch concrete curb to prevent runoff.
75. Required Landscaping. The following basic standards shall be observed:
  - a. All interior areas of parking lots shall be landscaped with a minimum of one shade tree plus one shade tree for each four parking spaces along with other required plant materials.
  - b. The minimum required landscaping for parking lots shall be the percentage shown below of the total area used for vehicle ingress, egress, circulation and parking. Only landscaped areas exclusive of curbs shall qualify toward meeting this requirement and no landscaped area with a dimension of less than two feet shall be credited toward meeting the landscape requirement.

Size	Minimum Percentage of Landscaping Required
1—4,999 square feet	5%
5,000—19,999 square feet	6%
20,000 or more square feet	7%

- c. Where off-street parking areas abut local or collector public streets, such areas shall be separated from an abutting street by a continuous landscaped planter which extends parallel to the street frontage of the parking area. The planter shall be a minimum of ten (10) feet in width exclusive of perimeter curbs. Up to one-half of the area of this required landscape planter may be

counted toward fulfilling the requirements of the required landscaping for lots under twenty thousand (20,000) square feet.

~~8. Utilize trees and landscaping wherever possible to shade buildings as a means of enhancing energy conservation.~~

~~96.~~ All landscaped areas shall be continuously and properly maintained in good condition.

~~107.~~ At least twenty-five (25) percent of all trees installed shall be from a twenty-four (24) inch box, and no tree shall be less than fifteen (15) gallon size. At least fifty (50) percent of all shrubs shall be of five-gallon size, and no shrub shall be less than one-gallon size. Ground covers shall be planted at no further apart than six inches on center.

~~118.~~ Multiple family residential developments shall comply with the provisions of chapter 8.30.

~~129.~~ Single family residential developments shall comply with the provisions of chapter 8.30.

(Ord. No. 989, § 1, 4-9-2013)

### **17.08.120 Signs.**

A person shall not use any sign except as specifically permitted in this section and subject to all regulations and conditions set forth in this title. The following signs are permitted in the residential zones except where specific references limit certain uses to the RR, R, MDR or HDR zone.

#### **A. Signs in general.**

1. Address. Street numbers of all buildings shall be prominently located and of sufficient size, lighted or illuminated during hours of darkness, to be easily read from the street by public safety personnel in accordance with city standards.
2. Building identification signs. One illuminated wall-mounted sign not to exceed six square feet in sign area shall be permitted on a lot which contains three dwelling units or more, in the MDR and HDR zones only. No such signs may be illuminated by an exposed incandescent lamp and any continuous or sequential flashing operation is prohibited.
3. Directory diagram. A multiple-family residential development consisting of six or more dwelling units shall have posted at or near the primary entrance to the building or buildings a brief descriptive directory diagram which clearly indicates the numerical, alphabetical or identification pattern or layout showing the location of each dwelling unit, including floor levels and access patterns. Such diagram shall be of a size to be easily readable by a person with normal vision (text shall be a minimum 12 point font), shall be illuminated during the hours of darkness, and shall be protected from the elements by being placed in a permanent glass or transparent plastic covered device.

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### **17.08.130 Fences, Walls, and Screening.**

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#### **B. Placement of fences and walls.**

1. Fences and walls shall be located behind the property line and behind any utilities or shall be located at least ~~12-15~~ feet behind the face of the curb, or as indicated on any recorded property documentation depicting the location of said utilities.

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- F. Fencing for new production homes. Fencing for new production homes shall be a masonry wall, adjacent to the rear and side yards, up to six feet in height. For the purposes of this standard, “new production homes” means homes that are being, or are proposed to be, constructed as part of a residential subdivision that includes three or more lots. The Director may approve alternative fencing materials that provide comparable aesthetics and durability.
- G. Subdivision perimeter walls. A ~~masonry~~ wall shall be constructed along the perimeter of a subdivision, ~~with the color and design to be specifically approved by the Director in accordance with the standards of Title 16, Chapter 16.20, Article IV (Residential Subdivision Perimeter Treatment).~~

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## ***Article IV. Standards for Specific Land Uses***

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### **17.08.160 Residential Accessory Uses and Structures.**

The development criteria set forth in this section are intended to provide minimum standards for accessory buildings or structures. Accessory buildings and structures may only be constructed on a lot containing a main dwelling unit. Whenever there is a conflict between these standards and the city's building code, the most restrictive requirement shall apply.

- A. Standards for residential accessory uses and structures.

Structure type	Maximum height	Distance from interior/rear property lines	Distance from main dwelling unit	Other notes
1. Attached accessory structures (patio, etc.)	One story or 12 feet	5 feet	N/A	• Shall remain permanently unenclosed on at least 2 sides, excluding the placement of detachable screens
2. Detached accessory structures less than 120 sq. ft. (small shed, etc.)	8 feet	0 feet	6 feet	
3. Detached accessory structures greater than 120 sq. ft. (shed, gazebo, etc.)	One story or 12 feet	5 feet	6 feet	

4. Detached garages (without 2 <sup>nd</sup> story living area)	16 feet	0 feet	6 feet	• Detached garages built to the property line shall not result in drainage onto neighboring properties
5. Swimming pools and spas	N/A	5 feet	6 feet	
6. Accessory structure and equipments (air conditioner units, pool equipment, etc.)	6 feet	5 feet	0 feet	

Other notes:

- For accessory buildings that are used for living or sleeping space, see ~~section 17.08.220 discussing guest houses~~ Chapter 17.41, Article I for accessory dwelling units and junior accessory dwelling units regulations.
- No more than fifty (50) percent of the required rear yard shall be covered by roofed structures. Infill residential lots (smaller than seven thousand (7,000) square feet) may have up to sixty (60) percent of the rear yard covered by roofed structures.

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### 17.08.190 ~~Child~~ Day Care Facilities and Centers.

- A. Purpose and Intent. The availability and affordability of quality, licensed ~~child-day~~ care is beneficial to the well-being of parents, ~~and children~~ and adults with special needs within this community. The purpose of regulating ~~child-day care facilities, including large family daycares (eight to fourteen (14) children) located as an accessory use in a residential home, and~~ daycare facilities and centers, within the city shall be to:
1. Facilitate and encourage the establishment of licensed ~~child-day~~ care, including child care centers and adult day health/social care facilities;
  2. Specify standards to avoid any adverse effects of such facilities upon surrounding properties; and
  3. Avoid the over-concentration of ~~child-day~~ care facilities and centers in any neighborhood.
- C. Application requirements. The following shall be included in each application for a ~~child-day care facility~~ (director's review for large family daycares, and conditional use permit for daycare facilities and centers in the residential zones):
1. The application shall indicate the number of ~~children-individuals~~ to be cared for, ~~including the applicant's children under ten (10) years of age;~~ the number of employees; hours of operation and outdoor playtime; and state license number. The application and site plan shall clearly show compliance with applicable standards.
  2. A site plan (eight and one-half inches by eleven inches) showing: location and dimensions of existing residence and other structures, including: fencing, outdoor play structures and equipment, distance to

property line, parking areas, access and traffic circulation. Additional site plan and/or application information may be requested at the discretion of the planning department.

3. An accurate traffic circulation plan showing parking, circulation and drop-off areas.
- D. Conditions of approval. The operation of a ~~child-day care~~ facility or center ~~or large family day care home~~, in compliance with a conditional use permit ~~or director's review application~~, may be conditioned or limited by the permit, except as may be prohibited by state law applicable to a chartered city, in any manner deemed necessary by the review authority to ensure the preservation of the health, safety and general welfare of the community and the neighborhood where the facility or center is proposed. The scope of permit review and approval shall be limited as required by state law to the following.
1. Space and concentration. No proposed ~~large family day care facility~~ or center shall be located closer than three hundred (300) feet in all directions from any other ~~large family day care facility~~ or center, as measured from any point on the exterior walls of both structures. In no case shall a residential parcel be directly abutted by ~~large family day care facility or center homes~~ on two or more sides.
  2. Noise. The operation of any ~~child-day~~ care facility or center shall comply with all provisions of the city noise ordinance. The review authority may conditions of approval to reduce noise impacts including: solid fencing or other sound attenuating devices, restrictions on outside play hours, location of play areas, and placement of outdoor play equipment.
  3. Traffic circulation. The traffic circulation plan for all ~~child-day~~ care facilities or centers shall be designed to diminish traffic safety problems. A residence on a primary or secondary arterial street shall provide a drop-off/pickup area designed to prevent vehicles from backing onto the arterial roadway. The care provider may be required to submit a plan of staggered drop-off and pickup time ranges to reduce congestion in neighborhoods already identified as having traffic congestion problems.
- E. Required findings for approval. No conditional use permit for a daycare facility or center ~~or a director's review for a large family day care facility~~ shall be granted unless the review authority first makes all of the following findings, in addition to those required by section 17.32.090 (findings and decision for conditional use permits) ~~or section 17.32.790 (findings and decision for director's review)~~:
1. The facility or center complies with all applicable requirements of this Section; and
  2. The facility or center complies with all applicable building and fire code provisions adopted by the state and administered by the county fire department, and the state department of social services licensing requirements.
- F. Notification of proposed action. Not less than ten (10) working days prior to the date on which the decision will be made on the application, the city shall provide public notice in compliance to the applicant, and all owners of property within a three hundred (300) foot radius of the exterior boundaries of the proposed parcel.

(Ord. No. 989, § 1, 4-9-2013)

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### **17.08.220 Garage Conversions.**

All garage conversions shall comply with all pertinent city codes, ordinances and regulations in addition to the following conditions:

- A. Garage conversion to an accessory dwelling unit or junior accessory dwelling unit. A garage serving an existing dwelling may be converted an accessory dwelling unit or junior accessory dwelling unit subject to the standards in Chapter 17.41, Article I.
- B. Garage conversions to other living space. Garages serving and attached to existing single-family detached residences may be converted to expand the living area of such residences, provided that:
1. The property owner, in writing, absolves the city of all liabilities regarding any deed restrictions that may be applicable to the property.
  2. The garage shall be replaced by two covered or uncovered, surfaced, off-street parking spaces on the site in a manner consistent with the character of the neighborhood.
  3. Interior access from the garage to the house shall be kept.
  4. There shall be no door access into the garage facing the street.
  5. The conversion is accomplished in full accordance with all pertinent codes and ordinances as verified by obtaining permits and inspections from all appropriate agencies.
  6. The garage conversion shall meet the design guidelines for enhanced architectural quality and compatibility.
- ~~BC.~~ Illegal garage conversions. Conversion of a garage to expand the living area of a residence or otherwise render the garage unusable for its original purpose without obtaining appropriate permits and inspections shall be deemed an illegal garage conversion. When a property owner is informed that such an illegal garage conversion exists on his property, the property owner shall comply with the following requirements:
1. Within thirty (30) days of becoming so informed, the property owner shall pay the required fees and request that the conversion be inspected by building and safety division.
  2. Should building code violations be detected during the inspection of the premises, the building and safety division shall prepare a list of the deficiencies which must be corrected to bring the conversion, and if necessary the residence, into compliance with all applicable building codes.
  3. The property owner shall then exercise one of the following options:
    - a. If the property owner desires to retain the garage conversion he shall correct the deficiencies cited by the building and safety division prior to the expiration of the building permit. Once the deficiencies are corrected and verified by inspection, the conversion shall be considered legal provided that two covered or uncovered, surfaced, off-street parking spaces are furnished on the site in a manner consistent with the character of the neighborhood; or
    - b. If the property owner does not desire to correct the conversion deficiencies as cited, he shall remove the conversion and restore the building to function as a garage in accordance with applicable building codes.

(Ord. No. 989, § 1, 4-9-2013)

#### ~~17.08.230 Guest Houses.~~

- ~~A. Purpose and intent. The purpose and intent of this section is to provide a means for adding living space to a residential home or residential detached garage, which may serve as housing for guests.~~

- ~~B. Applicability. This section shall apply to all guest houses, which is defined as living facilities located on the same premises with the primary residence, provided for the sole use of family members, guests, or persons employed on the premises. Carriage units located above a detached garage are considered guest houses.~~
- ~~C. Standards. The following development standards shall apply to all guest houses, including carriage units, when specified:~~
- ~~1. The guest house may be constructed as a detached building or may be attached to the primary residence on a lot or parcel in the RR or R zone.~~
  - ~~2. The minimum net area of a lot or parcel of land upon which a guest house may be constructed shall be five thousand (5,000) square feet.~~
  - ~~3. The guest house must be located within the buildable area of the lot or parcel, and conform to all property development regulations and standards of the zone in which it is located. If a guest house is attached to a garage located in the rear yard, the garage portion of the structure may be located in the same manner as stand-alone rear yard garages (allowed up to the rear and side property line), but any livable portion of the structure shall meet the rear and side yard setback. A carriage unit may be located above a detached garage that is located in the rear yard, and is accessed from an alley.~~
  - ~~4. Only one guest house shall be permitted on any residential lot or parcel, in conjunction with the primary residential unit. A guest house is not permitted on a property with both a primary and a secondary dwelling unit.~~
  - ~~5. The floor area of a guest house shall not exceed fifty (50) percent of the existing living area of the main dwelling unit.~~
  - ~~6. The maximum floor area for a guest house shall be five hundred (500) square feet.~~
  - ~~7. The guest house shall be architecturally compatible with the main dwelling unit.~~
  - ~~8. The guest house shall be located on the same lot as the primary dwelling and cannot be sold as a separate unit.~~
  - ~~9. The guest house shares utility services with the main dwelling unit for gas, electricity, water and sewer.~~
  - ~~10. A property owner may not build a guest house if the primary residence has a garage that has been converted into living space.~~
  - ~~11. The guest house shall meet the design guidelines for enhanced architectural quality and compatibility.~~
- ~~D. Application. Any property owner seeking a permit for a guest house shall submit a director's review application. The Director shall approve the application so long as the guest house or carriage unit complies with all provisions of this section. In the event such application is denied, the appeals proceedings set forth in chapter 2.44 shall be available to the applicant.~~
- ~~E. Conversions. In order to legitimize an illegal guest house or carriage unit to a conforming legal second dwelling unit, the property owner shall file a director's review application and shall comply with the standards and requirements set forth in this section.~~
- ~~F. Violations. Any property owner with a guest house or carriage unit which does not comply with all the standards established herein is subject to prosecution for a zoning violation under section 17.04.220.~~

~~(Ord. No. 989, § 1, 4-9-2013)~~



### 17.08.240 Accessory dwelling units.

Accessory dwelling units and junior accessory dwelling units are subject to the regulations in Chapter 17.41, Article I.

A. Purpose and intent. The purpose and intent of this section is to provide a means to develop accessory, independent living facilities that would accommodate a variety of increasingly common living arrangements, including those for multi-generational households. The enactment of this section does not legitimize illegal accessory dwelling units.

B. Applicability. This section shall apply to all accessory dwelling units, which is defined as an additional dwelling unit on a lot or parcel, which provides complete independent living facilities and may be rented.

C. Standards. The following development standards shall apply to all accessory dwelling units:

1. The accessory dwelling unit may be constructed as a detached building or may be attached to the primary residence on a lot or parcel with an existing single-family home in a residential zone.

2. No more than one accessory dwelling unit shall be permitted on any residential lot or parcel. An accessory dwelling unit is not permitted on a residential lot which already has an existing accessory dwelling unit, a guest house, or a garage that has been converted to living space.

The accessory dwelling unit shall comply with the requirements set forth in section 17.08.160 for residential accessory uses and structures. The accessory dwelling unit is exempt from setback requirements when being converted from an existing garage.

3. The height of the accessory dwelling unit shall not exceed the height requirement in the underlying zone.

4. The accessory dwelling unit shall not be used for short term rentals (terms less than 30 days);

5. The floor area of an attached accessory dwelling unit shall not exceed fifty (50) percent of the existing living area of the main dwelling unit.

6. The minimum floor area for a detached accessory dwelling unit shall be four hundred (400) square feet. The maximum floor area for a detached accessory dwelling unit shall be no more than 10% of the square footage of the lot.

7. The accessory dwelling unit shall be architecturally compatible with the main dwelling unit.

8. The accessory dwelling unit shall be located on the same lot as the principal dwelling and cannot be sold as a separate unit.

9. Any conversion or demolition for the purpose of adding an accessory dwelling unit resulting in a loss of parking spaces below the required minimum in the zone shall indicate a replacement of on-site paved parking spaces in any configuration (covered, uncovered, enclosed).

10. One parking space is required for the accessory dwelling unit, in addition to the parking required for the main dwelling unit. The parking for the accessory dwelling unit shall be provided by a ten (10) feet by twenty (20) feet space located either inside a garage or carport, or on a driveway not used for access into the primary structure's garage. The parking requirement shall not apply if the lot or parcel on which the accessory dwelling unit is being proposed meets any of the following:

a. Is within a half mile radius from public transit;

b. Is within an architecturally and historically significant historic district;



- ~~c. — Is part of an existing primary residence or an existing accessory structure;~~
  - ~~d. — Is in an area where on-street parking permits are required, but not offered to the occupant of the ADU; and~~
  - ~~e. — Is located within one block of a car share area.~~
  - ~~11. — A mobile or manufactured home can be permitted as an accessory dwelling unit and shall comply with the requirements set forth in section 17.08.250 (Mobilehomes and Manufactured Housing);~~
  - ~~12. — The accessory dwelling unit may have a separate address and mailbox.~~
- ~~The accessory dwelling unit may have separate utility meters from the primary dwelling unit, such as meters for water, gas and electricity.~~
- ~~D. — Application. Any property owner seeking a permit for an accessory dwelling unit shall submit a Director's Review application. The Director shall approve the application so long as the accessory dwelling unit complies with all provisions of this section. In the event such application is denied, the appeals proceedings set forth in chapter 2.44 shall be available to the applicant.~~
- ~~E. — Conversions. In order to legitimize an illegal accessory dwelling unit to a conforming legal accessory dwelling unit, the property owner shall file a Director's Review application and shall comply with the standards and requirements set forth in this section. The Director reserves the right to allow deviations, if there is a demonstrated difficulty or impracticality to modify the accessory dwelling unit to meet adopted requirements; nonetheless, all code requirements pertaining to fire and building safety must still be met.~~
- ~~F. — Violations. Any property owner with an accessory dwelling unit which does not comply with all the standards established herein for accessory dwelling units is subject to prosecution for a zoning violation under section 17.04.220.~~
- ~~G. — Request for Relief.~~
- ~~a. — The applicant can make a request for relief from any or all sections contained within this chapter through a Director's Review and shall be subject to the following findings:~~
    - ~~(i) — That the residential development will serve a specific community need;~~
    - ~~(ii) — That the residential development is not expected to result in adverse effect on adjacent property, uses, or residents; and~~
    - ~~(iii) — That the residential development will contribute to the City's financial stability provide a high level of design, amenities, or any other combination of benefits to the community and City as a whole.~~

(Ord. No. 989, § 1, 4-9-2013; Ord. No. 1070 , § 4(Exh. A), 1-14-2020)

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## ***Article VI. Specific Provisions for Designated Uses Subject to Conditional Use Permits***

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#### 17.08.340 Residential Planned Development (RPD).

- A. Purpose and Intent. The purpose and intent of the residential planned development (RPD) is to allow for project designs that do not entirely meet the regulatory standards in this chapter, but do meet the design objectives of the general plan and design guidelines. The RPD promotes high-quality, well-planned developments with residential features and amenities beyond those typical of conventional development, including innovative site layout and design, high-quality architecture, enhanced pedestrian connections and provision of trails, parks and open space. The RPD also allows for project design that is sensitive to the unique physical characteristics of the site (such as clustering units to avoid development in flood-prone areas), or other circumstances that warrant special methods of development. The RPD would reduce developmental problems in hillside areas and preserve areas of natural scenic beauty through integrated planning and design, and unified control of development. It is further the purpose of this section to establish development standards for the RPD that will result in a project that is superior to conventional development, in exchange for greater flexibility and intensification of land use.
- B. Applicability. These specific standards are applicable for all residential planned developments in zones in which they are allowed subject to the granting of a conditional use permit.
- C. Standards. The following standards shall apply to all residential planned developments:
1. Area. The proposed development plan shall encompass a gross area of not less than the acreage specified below by the zone in which the property is located:

Zone	Minimum Area
<u>RR, SRR</u>	<u>10 acres</u>
<u>RR, SRR, R, MDR, HDR</u>	5 acres

2. The proposed development plan for an area less than specified above may be considered when there is no effective way to develop the property under conventional standards.
3. Density. In an RPD, the number of dwelling units shall be within the density range for the subject property as specified by the zone.
4. Type of Structures. Dwelling units may be single-family attached or detached structures, duplexes or multiple-family residential structures depending upon adjacent development and the compensating features of the development plan. The commission may approve places of public assembly, recreational buildings and accessory buildings if such facilities are for the primary use of persons residing within the planned development project and located so as not to be detrimental to adjacent properties.
5. RPD Development Standards. A builder shall adhere to the development standards as listed in section 17.08.060 and the design and performance standards listed in section 17.08.070, unless the builder proposes standards that will result in a more innovative and superior product, makes the finding that the project will meet or exceed the design goals and objectives of the general plan and design guidelines; and include a custom development standard table as part of the application.
6. Open Space and Trails. Open space, paseos and trails shall comprise not less than fifteen (15) percent of the net lot or parcel area exclusive of required yards, provided, however, that where the applicant submits evidence to the satisfaction of the commission that the particular development will contain

~~compensatory characteristics which will provide as well or better for planned residential development within the intent of this section.~~ Subject to the approval of the commission, open space shall include one or more of the following designated uses or facilities for the use and enjoyment of all the occupants of the planned residential development or appropriate phase thereof:

- a. Common open space developed for recreational purposes;
  - b. Areas of scenic or natural beauty forming a portion of the proposed development;
  - c. Present or future recreational areas of noncommercial nature including parks and playgrounds. Where specifically approved by the commission, green fees or similar charges related to use of a golf course or similar open recreational use may be permitted, provided such charges are incidental to operation of said facilities, are not primarily commercial in nature, and do not alter the character of said recreational facility;
  - d. Hiking, equestrian or bicycle trails;
  - e. Landscaped portions adjacent to streets or highways which are in excess of minimum required rights-of-way or yards;
  - f. Other similar areas determined appropriate by the commission. In approving said open space, the commission shall give consideration to the project to be developed, the characteristics of such open space, the manner in which the open space is to be improved and maintained, and such other information as the commission deems pertinent. Reservation of open space shall be made a condition of approval. Such reservation shall be by public dedication, establishment of a maintenance district, common ownership, or other satisfactory means to insure the permanent reservation of and, where appropriate, perpetual maintenance of required open space.
7. Distribution of Open Space. Projects developed in phases shall be designed so that each successive phase will contain sufficient open space to independently qualify under the provisions of subsection C.5., provided however, that where the applicant submits development plans indicating to the satisfaction of the commission that the proposed development will provide as well or better for planned residential development within the intent of this section, the commission may approve a division of open space encompassing more than one phase. Where a division of open space will encompass more than one phase, the applicant shall provide the commission with a map indicating cumulative allocation and utilization of open space for each successive phase in each subsequent application.
8. Landscaping. The RPD shall adhere to the provisions of section 17.08.110 (landscaping) unless the builder proposes a landscaping plan with the finding that the project will meet or exceed the design goals and objectives of the general plan and design guidelines.
9. ~~2~~Street circulation and Connections. The RPD shall be designed to integrate with the adjacent and surrounding land uses through the use of enhanced circulation and connections, with complete streets allowing for safe vehicular, pedestrian and bicycle use. Subject to the approval of the commission, street circulation and connections shall include one or more of the following designated features:
- a. Street calming features, including corner bulb-outs, mid-block bump-outs, stamped paving, etc;
  - b. Pedestrian connection features, including cul de sac pedestrian access, mid-block pedestrian paseos, pedestrian-only pathways, widened parkways, etc;
  - c. Bicycle pathways and trails;
  - d. Other features and mechanism in accordance with the master plan of trails and bikeways.

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## Chapter 17.10 MIXED USE ZONES

### *Article I. In General*

#### **17.10.010 In general.**

As used in this title, "mixed use zones" means the MU-N, MU-C, ~~and~~ MU-E and MU-TOD zones.  
(Ord. No. 946, § 1, 7-13-2010)

### *Article II. Mixed Use (MU) Zones*

#### **17.10.020 Purpose and intent.**

The purpose and intent of the MU zones are to implement the "Mixed Use" land use category of the city's General Plan. This section regulates developments that combine residential uses with one or more of the following uses: commercial, office professional, light industrial, or community facilities. These regulations facilitate safe, comfortable, and attractive mixed use developments that support pedestrian connections/activities and public transit. The city requires a higher standard of design quality in the Mixed Use zones, in exchange for increased development flexibility for the developer.

It shall not be the intent of this title to render previously legally created building lots or legally constructed buildings which do not comply with the new property development regulations or other requirements of this title to be nonconforming where these lots or buildings complied with the ordinances in effect at the time of their creation or construction. However, proof of compliance with ordinances in effect at the time of creation or construction shall be the sole burden of the applicant or property owner. Such proof may include building permits, minutes of council or commission action, case files, or other documentation. An exception to this may be for a development that is located in an adopted vision plan, in which the existing development may be required to conform in design to match the vision plan.

(Ord. No. 946, § 1, 7-13-2010)

#### **17.10.030 Purposes of the Mixed Use zones.**

The ~~three~~ mixed use zones under the Mixed Use category each allow for a combination of residential and commercial, office professional and community facilities. The ~~three~~ mixed uses are differentiated by their intent and concentration of development type, in consideration of their specific locations and proximity to surrounding uses and public transportation access.

- A. Mixed Use-Neighborhood (MU-N). This zone emphasizes compact residential development, built in close proximity to daily commercial/office uses and services, offering pedestrian connections and gathering spaces, including trails and neighborhood parks. Typical developments in the mixed use neighborhood zone include attached multi-family uses, such as apartments and condominiums, small-lot single-family subdivisions, and smaller commercial and office uses. Neighborhoods containing these

developments would have a highly connected street pattern, such as a grid block layout for small-lot single family developments.

- B. Mixed Use-Commercial (MU-C). This zone emphasizes a more fully integrated residential and commercial mixed use development, characterized by "destination features" and social gathering areas. Mixed use commercial developments are typically located along major arterial streets, and are intended to contribute to the local streetscape through vertical elements of multi-storied structures, built closer to the front property line.
- C. Mixed Use-Employment (MU-E). This zone is intended to provide an area for non-retail employment uses in close proximity to residential uses. Mixed use employment development would typically include multi-family residential uses in conjunction with office professional, business park-type, and some light industrial uses. This zone is not intended for heavier industrial uses.
- D. Mixed Use-Transit Oriented Development (MU-TOD). These zones provide the foundation for a complementary mixture of appropriately intensive commercial and high-density residential land uses in close proximity to a defined transit facility. Adopted and incorporated by reference into this category are the following:
  - 1. Lancaster T.O.D. Zones as adopted by the city council on February 24, 2015, generally covering one hundred eighty-six (186) acres within the Downtown Lancaster Transit Village District as established by the Lancaster General Plan.
  - 2. Residential projects and mixed-use developments consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use shall be subject to the objective design standards in Chapter 17.41, Article IV and those objective design standards contained within an applicable master plan or specific plan. If there is a conflict between the objective design standards in Chapter 17.41, Article IV and those in the applicable master plan or specific plan, the standards of the master plan or specific plan shall prevail.

(Ord. No. 946, § 1, 7-13-2010; Ord. No. 1003, §§ 1, 2, 2-24-2015)

Editor's note(s)—The Lancaster TOD Zones referenced in § 17.10.030 D.1. are on file in, and available from, the city clerk's office. They are also available by going online to the City of Lancaster's website ~~to:~~ [www.cityoflancasterca.org/TOD](http://www.cityoflancasterca.org/TOD).

#### **17.10.040 Applicability of standards.**

A person shall not use any premises in the MU zones, except as hereafter permitted in this title and subject to all regulations and conditions enumerated in this title. Development and new land uses proposed within the Mixed Use zones shall comply with the standards in this Section for the applicable zones, as follows.

- A. Use. Only the land uses allowed by Section 17.10.050 shall be established in the applicable zone.
- B. ~~Site specifications and building placement~~Development Standards. Each proposed structure shall comply with the ~~build-to line, setback, and buildable area requirements~~development standards in Section 17.10.060 as required for the applicable zone and development type, as well as the design requirements listed in Section 17.10.070.
- C. ~~Building size and massing~~. Each proposed structure shall adhere to the size, massing, and height standards established by Section 17.10.060 for the applicable zone, as well as the design requirements listed in Section 17.10.070.

- ~~DC.~~ Parking. On-site parking shall be provided, located, and designed in compliance with Section 17.10.060 for the applicable zone.
- ~~E.~~ ~~Development and building types. All developments shall substantially resemble one of the development and building types listed in Section 17.10.060, or feature primary characteristics of the development and building types.~~
- ~~FD.~~ Other design requirements. All other requirements listed in Section 17.10.060, Section 17.10.070 and all applicable guidelines in the Lancaster Design Guidelines shall apply. All residential developments which meet the objective development standards in Section 17.10.060 and the objective design standards in Chapter 17.41, Article IV, shall be deemed to have met the discretionary design standards in 17.10.070 and applicable guidelines.
- ~~GE.~~ Cargo containers utilized exclusively for the storage of emergency supplies to be used for the benefit of the public by a recognized governmental agency, such as the Los Angeles County Fire Department, in the event of a disaster or emergency situation, may be approved in the MU zones through a director's review. Placement of a cargo container for the storage of private supplies is not allowed.

(Ord. No. 946, § 1, 7-13-2010; Ord. No. 964, § 1, 5-24-2011)

### 17.10.050 Uses and permit requirements.

~~A.~~ ~~Ratio of uses.~~

- ~~1.~~ ~~When a development is located on a project site that is located within 660 feet of an intersection of two major arterial streets, a minimum of 25 percent of the development shall be non-residential uses, as measured by ground floor area.~~
- ~~2.~~ ~~When a development is located on a project site that is located within 660 feet of an intersection of two secondary arterial streets, or an intersection of a major arterial with a secondary arterial, a minimum of 10 percent of the development shall be non-residential uses, as measured by ground floor area.~~
- ~~3.~~ ~~Single family structures shall not face arterial streets.~~

- ~~BA.~~ Uses and permit requirements. The uses and permit requirements applicable to the mixed use zones are identified in the Uses Matrix below and further modified by the use limitation in Section 17.10.050.B. Uses which do not fall into any other category, and are not temporary uses, uses subject to Director's Review, or uses subject to permit in these zones, shall be subject to interpretation of the Director. Site plan review may be required in accordance with Section 17.10.050.C.

Mixed Use <u>Zones</u> - Uses Matrix			
USES	MU-N	MU-C	MU-E
P = permitted use/D = director's review/C = conditional use			
N/A = not allowed			
<b>Retail/Service:</b>			
Retail store	P	P	P
Grocery store/mini mart/neighborhood market*	P	P	P
Personal services	P	P	P
Tattoo/body piercing	N/A	D	D

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Pawn shops	N/A	D	D
Restaurants/café/bakery/deli*	P	P	P
Bar/nightclub/dance club*	N/A	C	C
Art gallery	P	P	P
Bank/credit union	P	P	P
Entertainment (theater, live music, karaoke, comedy, etc.)*	D	D	D
Health and fitness services	D	D	D
<u>Nightclub without alcohol</u>	<u>C</u>	<u>C</u>	<u>C</u>
<b>Auto-Oriented Retail/Service:</b>			
<u>Commercial parking</u>	<u>N/A</u>	<u>C</u>	<u>C</u>
Automotive sales and services	N/A	C	C
Automotive repair	N/A	D	P
Gas station*	<u>P/N</u>	<u>P</u>	P
Car wash	C	C	C
<del>Nightclub without alcohol</del>	<del>{C}</del>	<del>{C}</del>	<del>{C}</del>
<b>Office/Professional/Light Industrial:</b>			
Professional office	P	P	P
Medical/dental office	P	P	P
Light industrial uses	N/A	N/A	P
<b>Lodging:</b>			
Hotel/motel*	C	P	<u>DP</u>
Bed and breakfast*	D	<u>DP</u>	D
Conference/meeting room space	D	<u>DP</u>	D
<b>Public/Semi-Public:</b>			
Government office	P	P	P
Day care center	P	P	P
Church/religious institution	C	P	D
Post office	P	P	P
Private school, trade and vocational schools	C	P	P
Recreation/museum/cultural	D	P	P
<b>Residential:</b>			
<del>Detached single-family unit (4 or fewer subdivision)</del>	<del>P</del>	<del>N/A</del>	<del>N/A</del>
<del>Detached single-family unit or duplex (5 or more subdivision)</del>	<del>P</del>	<del>P</del>	<del>N/A</del>
<u>Multi-family: Condominium/apartment/studio/loft units (15 or fewer units)</u>	P	P	P
<u>Residential facility (as defined in Section 15202 of the Health and Safety Code)</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Condominium/apartment/studio/loft units (16 or more units)</u>	<u>C</u>	<u>C</u>	<u>C</u>
Assisted living facility-(15 or fewer units)	P	P	P
Assisted living facility (16 or more units)	C	C	C

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(Supp. No. 4-22)



Live/Work units (new structure)	<u>DP</u>	<u>DP</u>	<u>DP</u>
Live/Work units (conversion of existing structure)	D	D	D
<u>Low barrier navigation centers (Subject to Chapter 17.41, Art. V)</u>	<u>P</u>	<u>P</u>	<u>P</u>
<b>Temporary/Accessory/Other uses:</b>			
Home occupation/artist studio/home office	P	P	P
Day care as residential accessory use	<del>D</del> - <u>P</u>	<del>DP</del>	<del>DP</del>
<u>Carriage unit (studio) located above detached garage Accessory dwelling unit and Junior Accessory Dwelling Units (Subject to Chapter 17.41, Article I)</u>	P	P	<u>N/A-P</u>
Outdoor sales and promotional activities	D	D	D
Carnivals and circuses <sup>4</sup> <u>(subject to the provisions of Chapter 9.46)</u>	D	D	D
Christmas tree lots	D	D	D
Automated banking, movie rental, food vending machines	P	P	P
Stealth wireless telecommunications facilities	N/A	D	D
<u>Structures over 50 feet in height</u>	<u>C</u>	<u>C</u>	<u>C</u>
<b>Prohibited uses:</b>			
Outdoor storage on private property			
Manufacturing/heavy industrial			
Adult only/sexually-oriented businesses			
Check cashing/payday loans/bail bonds			
Mini-storage			

\*Alcohol uses require a CUP

<sup>4</sup>~~Subject to the provisions of Chapter 9.46.~~

(Ord. No. 946, § 1, 7-13-2010; Ord. No. 999, § 4, 8-26-2014; Ord. No. 1007, § 5, 10-13-2015)

**B. Use Limitations.**

1. Limitation on the sale of alcohol in all zones. The sale of alcohol is subject to Chapter 17.42.
2. Auto-Oriented Retail/Service. Existing auto-oriented retail/services uses are permitted in MU-N. New auto-oriented retail/service uses are not permitted in the MU-N zone.
3. Light industrial structures or uses. Light industrial uses or structures are not permitted in the MU-N and MU-C zones. Light industrial uses in the MU-E zone shall be conducted indoors.
4. Non-residential uses in the MU-N zone.
  - a. The size of individual non-residential uses (e.g., individual commercial tenant spaces) within a development shall be limited as specified below. For the purposes of this standard, the size of a use includes the net building area plus any exterior display, storage, work and other exterior activity area associated with that use.

<u>Development Site</u>	<u>Use Size Limit</u>
<u>Development site is comprised of only one lot and that lot is less than 40,000 square feet in size and was</u>	<u>No one use shall exceed 10,000 square feet in size.</u>



<u>established prior to the adoption date of this ordinance ( _____, 2023)</u>	
<u>All other development sites</u>	<u>No one use shall exceed 25% of the total development square footage within the development.</u>

5. Residential uses in the MU-C zone. Single-family and duplex structures are not permitted.

C. Site plan review. Except as specified in subsection D, a site plan (with vicinity map) and building elevations, drawn to scale and reflecting the accurate dimensions of the buildings and property, shall be required of any person seeking to erect new buildings or structures, make additions to any existing buildings or structures, site temporary commercial coaches, or otherwise grade, improve or develop any lot or portion thereof for a permitted use prior to the issuance of any grading or building permit. The site plan shall be accompanied by an appropriate development application and both shall be filed with the community development department. The director or his designated representative shall review the site plan for conformance with the provisions of this title. The site plan shall demonstrate conformance with height regulations, property development regulations, sign regulations or a sign program required by the city for multiple-tenant projects, off-street parking requirements, the adopted City of Lancaster Design Guidelines, any other requirements established for the adopted zoning designation in which the property(ies) is (are) located, and any other applicable city ordinances, standards, guidelines or policies.

In addition to the conditions and requirements imposed by the ordinance codified in this title and other city ordinances, standards, guidelines and policies, the director may place conditions on the approval of the site plan where the director finds that such action is necessary to protect the public health, safety and welfare. At such time as the site plan complies with the requirements of the ordinance codified in this title and other city ordinances, standards, guidelines or policies, the site plan shall be approved by the director or his designated representative.

The site plan approval shall be valid for two (2) years from the date of approval. A site plan shall be considered "used" when the slab of a major building in the project is poured and inspected, although circumstances in each case may vary and the final determination as to "use" of a site plan review shall be made by the director. Three (3) one-year extensions of the approval may be granted by the director provided such written request for an extension is received not less than sixty (60) days prior to expiration, and any significant environmental changes which have occurred since the original approval have been addressed. Any extension granted shall be conditioned to comply with the city's current design guidelines as adopted by the city council, unless the applicant can demonstrate to the director's satisfaction that such compliance will impose an undue hardship on the project. In the event the site plan or an extension thereof is denied, the applicant may appeal the decision in accordance with Section 17.36.030. All projects constructed in accordance with an approved site plan shall be permanently maintained as approved. Any desired subsequent changes shall be submitted for approval as an amendment to the site plan. Prior to occupancy the site shall be inspected for compliance with the site plan. All improvements shall be installed and functioning before occupancy will be allowed.

When the appropriate development application is filed per subsection A of this section it shall be accompanied by the filing fee established by resolution of the city council.

D. Exempt from site plan review.

1. Site plan review is not required for the following uses where these uses are identified as a permitted use in the Mixed Use Zones – Uses Matrix in subsection A:

- a. Detached single-family unit or duplex.
  - b. Residential facilities.
  - c. Low barrier navigation centers (subject to Chapter 17.41, Art. V).
  - d. Home occupation/artist studio/home office.
  - e. Day care as residential accessory use.
  - f. Accessory dwelling unit and Junior Accessory Dwelling Units (Subject to Chapter 17.41, Article I).
  - g. Automated banking, movie rental, food vending machines.
2. Site plan review is not required for uses subject to director's review (D). Where the director determines that the requirements of site plan review surpass the city's need for project review of a particular development proposal, the director may exercise discretion and apply the provisions of Article VI of Chapter 17.32, Director's Review, in its place.

#### **17.10.060 Development and design regulations ~~by building types.~~**

- A. Lot Dimensions. The following minimum lot dimensions shall apply to all lots in the MU-N, MU-C and MU-E zones created after the adoption of this section, except those lots created within the boundaries of an approved shopping center or mixed use development to accommodate individual tenants. (Those lots which were legally created, prior to the adoption of this section, in compliance with ordinances in effect at the time of their creation need not comply unless involved in a new subdivision or change in lot configuration other than a lot line adjustment as provided in Title 16 of this code.)

See Section 17.40.070, 17.40.080, 17.40.090 A. or 17.40.090 B. in the event public use or required street dedication would reduce the net lot area, lot width, or lot depth of an existing lot to less than the required minimum.

<u>Development Type</u>	<u>Minimum lot size</u>	<u>Minimum width</u>	<u>Minimum depth</u>
<u>Detached single-family unit</u>			
<u>Lots with front driveway access</u>	<u>4,750 sq. ft.</u>	<u>50 ft.</u>	<u>85 ft.</u>
<u>Lots with alley access</u>	<u>3,500 sq. ft.</u>	<u>40 ft.</u>	<u>75 ft.</u>
<u>Multi-family, commercial/office, and mixed use development</u>			
<u>Lots with front driveway access</u>	<u>10,000 sq. ft.*</u>	<u>80 ft.</u>	<u>160 ft.</u>
<u>Lots with alley access</u>	<u>6,000 sq. ft.*</u>	<u>60 ft.</u>	<u>75 ft.</u>
<u>* Minimum lot size for multi-family and mixed use development shall be increased by 1,600 sf per unit for each additional dwelling unit over two (2).</u>	<u>*1600 sq. ft. per unit</u>	<u>N/A</u>	<u>N/A</u>
<u>Light Industrial development</u>	<u>15,000 sq. ft.</u>	<u>80 ft.</u>	<u>160 ft.</u>

- B. Minimum Setbacks and Street Frontage Standards.

1. Minimum setbacks and street frontage standards are established below.

<u>Location</u>	<u>Minimum Setback</u>	<u>Street Frontage</u>
-----------------	------------------------	------------------------

		<u>Maximum Setback</u>	<u>Minimum % of Frontage</u>
<b><u>Street Frontage Standard</u></b> (see subsection 17.10.060.B.2)			
• <u>Detached single family dwelling and duplexes (not permitted to front onto arterial streets)</u>	<u>10 ft.</u>	<u>18 ft.</u>	<u>65%</u>
• <u>Multi-family building and mixed use buildings with ground floor residential</u>	<u>12 ft.</u>	<u>18 ft.</u>	<u>65%</u>
○ <u>3 to 15 dwelling units</u>	<u>12 ft.</u>	<u>20 ft.</u>	<u>60%</u>
○ <u>16 or more dwelling units</u>	<u>12 ft.</u>	<u>20 ft.</u>	<u>60%</u>
• <u>Commercial/office buildings and mixed use buildings with nonresidential uses on the ground floor</u>	<u>10 ft.</u>	<u>18 ft.</u>	<u>60%</u>
○ <u>major arterial streets</u>	<u>0 ft.</u>	<u>12 ft.</u>	
○ <u>all other street lot lines</u>	<u>12 ft.</u>	<u>20 ft.</u>	<u>60%</u>
• <u>Light-industrial building</u>	<u>12 ft.</u>	<u>20 ft.</u>	<u>60%</u>
<b><u>Side Yards</u></b>			
• <u>Single family unit with minimum 10 ft. building separation.</u>	<u>0 ft.</u>	<u>N/A</u>	<u>N/A</u>
• <u>All other uses</u>			
○ <u>First floor</u>	<u>5 ft.</u>	<u>NA/</u>	<u>N/A</u>
○ <u>Second floor and above</u>	<u>10 ft.</u>		
<b><u>Rear Yards</u></b>	<u>10 ft.</u>	<u>N/A</u>	<u>N/A</u>

2. Street Frontage Standards. The street frontage standards apply to the street-facing lot line where pedestrian or vehicular access is available to the site from that frontage.
  - a. New buildings, or additions to existing buildings, shall be designed and located so that at least the specified minimum percentage of frontage is occupied by buildings that are located no further from the street frontage(s) than the specified maximum setback.
  - b. For those buildings located to comply with the street frontage standards, vehicular driveways and parking areas shall not be located between the façade of a building and the back of the public sidewalk. In areas of the site where buildings are not located required to be located in compliance with the -street frontage standard, a minimum landscaped area of ten (10) feet in width shall be provided from the back of the sidewalk to any parking area. Such width may be reduced by the approving authority where a parkway design is used to separate the sidewalk from the street curb. Landscaping installation and maintenance shall be in accordance with the requirements of Chapter 8.50.
  - c. Use limitations on development sites with frontage on a major or secondary arterial street.
    - (1) Within the MU-C zone, at least 50% of the ground floor that fronts on the arterial must be committed to one or more of the following use categories: Retail/Service, Lodging, or Public/Semi-Public (see Use Matrix).
    - (2) Within the MU-E zone, at least 50% of the ground floor that fronts on the arterial must be committed to one or more of the following use categories: Office/Professional/Light Industrial, Lodging, or Public/Semi-Public (see Use Matrix).

- (3) For a building's ground floor to be considered committed to a use, the ground floor interior spaces that front on the arterial street must be constructed to building code standards for the use or planned for the use upon completion.
- d. Exceptions to Maximum Setback Standards. Exceptions to the maximum setbacks established in subsection may be granted by the approval authority in the following circumstances:
- (1) On a corner or multiple frontage development sites, an exception may be granted to reduce the percent of frontage required on one of the frontages where another frontage exceeds the minimum requirement and the overall intent street frontage standard is met.
- (2) Where people-oriented activity areas, such as outdoor dining locations, are provided at the between the building and the street and designed in such a way as to meet the intent street frontage standard an exception may be granted.
3. Projections and encroachments. The following encroachments are permitted within the area established by [street frontage](#) standard.
- a. Residential porches may encroachment up to six (6) feet into front setback. Additional projections may be permitted into yards subject to Section 17.08.160.
- b. Dining patios associated with restaurants/café/bakery/deli uses may encroach into the front setback up to front property line.

C. Building Height.

1. Except as specified in Section 17.10.060.C.2, the height of buildings or structures shall be as follows:

<b>Maximum Building Height</b>	
• <u>Detached single family dwelling</u>	<u>2 stories</u>
• <u>Multi-family building</u>	
o <u>1 to 15 dwelling units</u>	<u>3 stories</u>
o <u>16 or more dwelling units</u>	<u>4 stories*</u>
• <u>Commercial/office building</u>	<u>50 feet</u>
• <u>Mixed-use building</u>	<u>50 feet</u>
• <u>Light-industrial building</u>	<u>50 feet</u>
<u>* Up to 5 stories permitted for buildings located on a major arterial.</u>	

2. Exceptions to building height.
- a. The exceptions to height regulations in Section 17.40.630 shall apply.
- b. Solar collectors may exceed the height limit when mounted on the roof of a legal, conforming building. The right to exceed the height limit shall be exercised only in the event that: there is no other practical means or location for achieving an efficient placement on the building or site in question; such collectors may exceed the height limit only to the extent necessary to achieve efficient placement; in no case shall such solar collectors (or related equipment) encroach more than five (5) feet beyond the limit. Also, the placement of a solar collector shall not shade or otherwise diminish the efficiency of existing solar collectors on neighboring property or preclude such property from sufficient solar access to successfully operate a solar energy system sufficient to serve the needs of the business or occupants.

- D. Parking. The automobile parking facilities required by this section shall be provided and permanently maintained as such unless and until a substitute has been provided which is in full compliance with the provisions of this title. The following parking requirements shall be complied with in the mixed use zones:
1. Residential uses (including when a part of a mixed use development) shall be subject to the parking requirements in Section 17.08.100 (Parking and Loading in Residential zones) as follows:
    - a. Detached single family dwellings shall be subject to the standards in Section 17.08.100 applicable to a single-family house.
    - b. Multi-family dwelling units with individual enclosed garages serving the unit shall be subject to the standards in Section 17.08.100 applicable to a duplex/triplex/four-plex unit.
    - c. Multi-family dwelling units where parking is provided in one or more shared parking structures, shall be subject to the standards in Section 17.08.100 that are applicable to apartments with 5 or more units apply.
    - d. In addition, following standards apply:
      - (1) Enclosed garages serving individual units shall meet the following standards:
        - The garage door shall be a minimum of 40 feet from the front property line. Detached garage may abut rear property line unless access is from an alley in which case a minimum 26 feet from back of alley is required for sufficient back-up clearance.
        - A covered breezeway, connecting the primary residence to a detached garage, is permitted, provided it is not enclosed.
        - Garages shall include a 100 cu. sq. ft. shelving area for storage. This storage area is intended to encourage residents to use garages for vehicle parking.
        - Maximum driveway width: 12 feet for a driveway providing access to one garage or 26 feet total for driveways providing access to more than one garage. Driveways providing access to one garage shall be separated from other driveways by a minimum buffer of four (4) feet of landscaping.
      - (2) On sites with four (4) or more dwelling units, one uncovered off-street guest parking space is required for every four (4) dwelling unit.
  2. Nonresidential uses (including when a part of a mixed use development) shall be subject to the parking requirements in Section 17.12.220 and Section 17.16.210 (Off-street parking standards in Commercial zone and Industrial zone) that are applicable to the use type. In addition, the following standards apply:
    - a. On-site parking shall be located a minimum 40 feet from the front property line for light industrial buildings; on-site parking for all other nonresidential uses shall be located a minimum of 36 feet from the front property line.
    - b. Reciprocal driveway access between multiple parcels, connecting adjacent parking lots, is required where feasible.
    - c. Truck loading docks shall be a minimum of 40 feet from the front property line and screened from street view.
  3. Mixed-use building. For residential and commercial/office uses, the number of parking spaces shall be in accordance with the requirements listed by use in this section. Parking spaces between residential

and commercial/office uses shall not be shared and be specifically identified on site as private residence parking versus public customer parking.

4. Parking requirements may be reduced, at the discretion of the director, if the builder can sufficiently demonstrate, through research and analysis, that the development warrants fewer parking than is required.

E. Open space and Landscaping. The landscaping and open space required by this section shall be provided and permanently maintained as such unless and until a substitute has been provided which is in full compliance with the provisions of this title. The following landscaping and open space requirements shall be complied with in the mixed use zones:

<u>Development Type</u>	<u>Minimum Required Open Space</u>	<u>Minimum Required Landscaping</u>
<u>Single family dwellings</u>	<u>N/A</u>	<u>On corner lots, the street side yard facing a corner shall have 10' landscaping.</u>
<u>Multi-family developments</u>	<u>10% of lot area</u> <ul style="list-style-type: none"><li><u>Min. dimensions for shared open space: 20 ft. width and depth for 1 to 15 units</u></li><li><u>50 ft. width and depth for 16+ units</u></li></ul>	<u>8% of lot area</u>
<u>Commercial/office and mixed use development</u>	<u>10% of lot area (may include dining patio encroachment)</u> <u>Min. dimensions: N/A</u>	<u>8% of lot area;</u>
<u>Light-industrial building</u>	<u>N/A</u>	<u>8% of lot area</u>

1. Drought-resistant varieties of plants shall be used in accordance with Title 8, Chapter 8.50, Landscaping Installation and Maintenance; Title 8, Chapter 8.30, Residential Landscaping Installation and Maintenance; and Title 15, Chapter 15.48, Specifications for Landscape Development of the Lancaster Municipal Code, as applicable.
2. Landscaped areas shall be irrigated by an automatic system with separate stations for each hydrozone. The irrigation system shall be designed and equipped to incorporate water conservation techniques, such as drip systems, moisture sensors and anti-drain valves. Sprinkler systems shall be designed to prevent water from falling onto impervious surfaces. The system shall comply with title 8, chapter 8.50, landscaping installation and maintenance; and title 8, chapter 8.30, residential landscaping installation and maintenance of this Code, if applicable.
3. All areas which are not utilized for buildings, sidewalks, vehicle access, or parking, shall be permanently landscaped and maintained.
4. All landscaped planters for interior parking areas shall be completely bordered by a six-inch concrete curb to prevent runoff.
5. Required Landscaping. The following basic standards shall be observed:
  - a. All interior areas of parking lots shall be landscaped with a minimum of one shade tree plus one shade tree for each four parking spaces along with other required plant materials.
  - b. The minimum required landscaping for parking lots shall be the percentage shown below of the total area used for vehicle ingress, egress, circulation and parking. Only landscaped areas exclusive of curbs shall qualify toward meeting this requirement and no landscaped area with a dimension of less than two feet shall be credited toward meeting the landscape requirement.

<u>Parking Lot Size</u>	<u>Minimum Percentage of Parking Lot Landscaping Required</u>
<u>1—4,999 square feet</u>	<u>5%</u>
<u>5,000—19,999 square feet</u>	<u>6%</u>
<u>20,000 or more square feet</u>	<u>7%</u>

- c. Where off-street parking areas abut local or collector public streets, such areas shall be separated from an abutting street by a continuous landscaped planter which extends parallel to the street frontage of the parking area. The planter shall be a minimum of ten (10) feet in width exclusive of perimeter curbs. Up to one-half of the area of this required landscape planter may be counted toward fulfilling the requirements of the required landscaping for lots under twenty thousand (20,000) square feet.
6. All landscaped areas shall be continuously and properly maintained in good condition.
7. At least twenty-five (25) percent of all trees installed shall be from a twenty-four (24) inch box, and no tree shall be less than fifteen (15) gallon size. At least fifty (50) percent of all shrubs shall be of five-gallon size, and no shrub shall be less than one-gallon size. Ground covers shall be planted at no further apart than six inches on center.
- F. Fences, Walls, and Screening. Fences, walls and screening for residential development (excluding residential development when a part of a mixed use development) shall comply with the standards in Section 17.08.130.
- G. Building Design Requirements.
1. Primary Entries. All buildings located entirely or partially within the maximum setback shall have a primary entrance directly facing the street frontage and provide direct pedestrian access to the primary entrance from the adjacent street frontage. A primary entrance may be located on the side of a building not directly facing a street frontage provided that the entrance is clearly visible to people from the adjacent street, direct public access is provided, and the building façade directly facing the street has sufficient fenestration and other design elements and treatment to create a visible connection with that street frontage. If necessary, dual building entrances shall be provided; one facing the street frontage, connected to the sidewalk; another facing the parking area. Except for entrances into individual dwellings, primary entrances shall be designed to provide public access to the building.
2. Windows. The street facing facades of buildings located entirely or partially within the maximum setback should be designed to include windows as a significant percentage of the façade. Blank, windowless facades are not permitted. Windows in nonresidential buildings should be designed to allow views into working area; however, display windows can be provided as an alternative. Residential windows should also consider privacy. Windows of a façade along a zero-lot line facing a neighboring side yard shall be small and have a high sill height, typically 6 feet above the finished floor, or have translucent glazing.
3. Commercial and mixed use buildings.
- a. Mixed-use buildings are designed to accommodate a combination of both commercial/office and residential uses. "Vertical" mixed-use developments are designed with retail, service, and/or office uses on the ground floor, with upper floors used for those uses or for residential dwelling units. "Horizontal" mixed-use developments have retail, service and/or office uses on the same project site as residential uses, but not within the same building. For "vertical" mixed use developments, residential uses shall be located above non-residential uses. For "horizontal"



mixed use developments, non-residential uses shall be oriented closer to the street than residential uses.

- b. Design of ground floor building façades facing a street shall provide the appearance of a storefront. Design elements may include arcades, patios, awnings, and overhangs as appropriate to enhance appearance and use of the space.
- c. Uses and facilities such as shared parking and open space shall be connected by pedestrian pathways.

4. Trash enclosure shall meet the following requirements:

- a. Trash enclosures shall be located or screened so that they are not visible from primary entrances drive or streets;
- b. Trash enclosure shall be a minimum of 165 square feet;
- c. Source separation of recyclable materials shall be accommodated in accordance with State requirements;
- d. Trash enclosures shall be constructed with a non-combustible, overhanging, trellis or roof cover; and
- e. Trash enclosures shall be separated from adjacent parking by at least a 6-foot wide planter.

H. Signs. A person shall not use, install, or construct any sign in the MU-N, MU-C or MU-E zone except as specifically permitted in this section.

- 1. Signs for commercial developments shall adhere to the standards in Sections 17.12.140 through 17.12.210 of the zoning code (Commercial zone), as well as the design and performance standards in Section 17.10.070.
- 2. Signs for ~~residential~~ developments shall adhere to the standards in Sections ~~17.08.120~~ of the zoning code (~~Residential~~ zone), as well as the design and performance standards in Section 17.10.070.
- 3. Signs for light industrial developments shall adhere to the standards in Sections 17.16.140 through 17.16.200 of the Zoning code (Industrial zone), as well as the design and performance standards in Section 17.10.070.

A. Allowed building types.

<del>Mixed Use—Allowed Building Types and Corresponding Development Standards</del>	
<del>1. Single family house</del>	<del>See section 17.10.060 B</del>
<del>2. Apartment/condominium building (small)</del>	<del>See section 17.10.060 C</del>
<del>3. Apartment/condominium building (large)</del>	<del>See section 17.10.060 D</del>
<del>4. Commercial/office building</del>	<del>See section 17.10.060 E</del>
<del>5. Mixed-use building</del>	<del>See section 17.10.060 F</del>
<del>6. Light industrial office building</del>	<del>See section 17.10.060 G</del>

B. Single-family house. A single-family house is designed as a residence for one household, with its primary entrance accessed from the fronting sidewalk through the front yard.

1. Development standards.

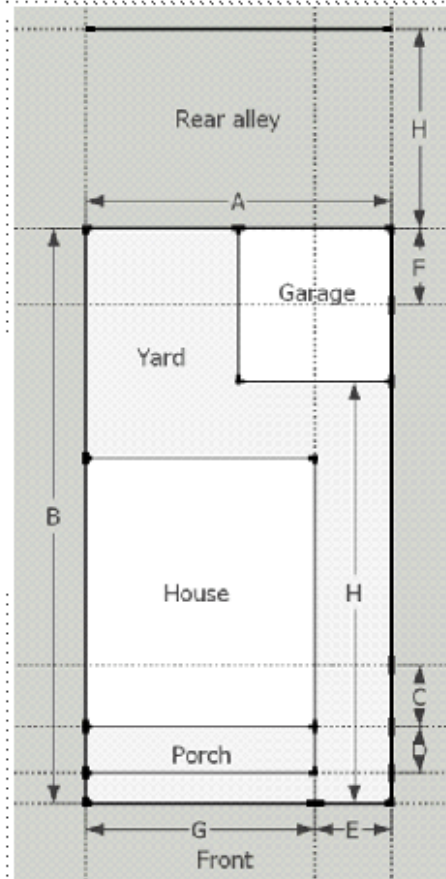
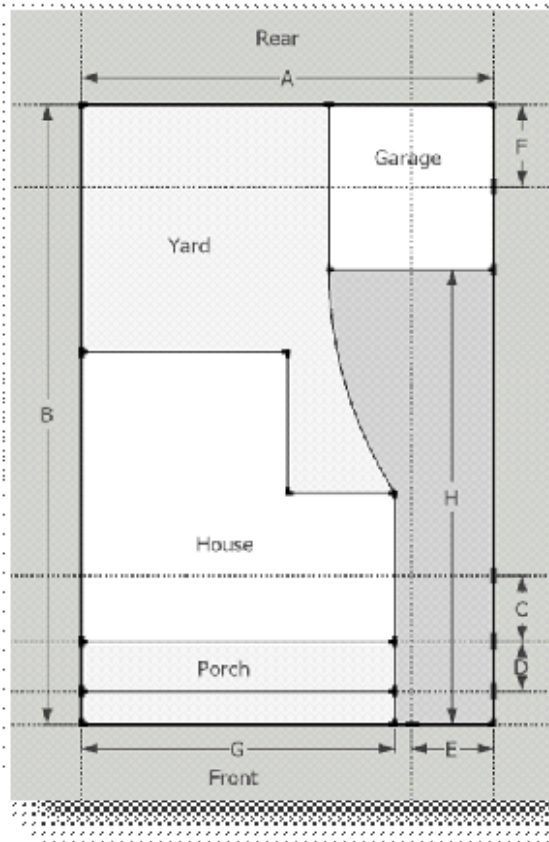
<del>Development Standards</del>
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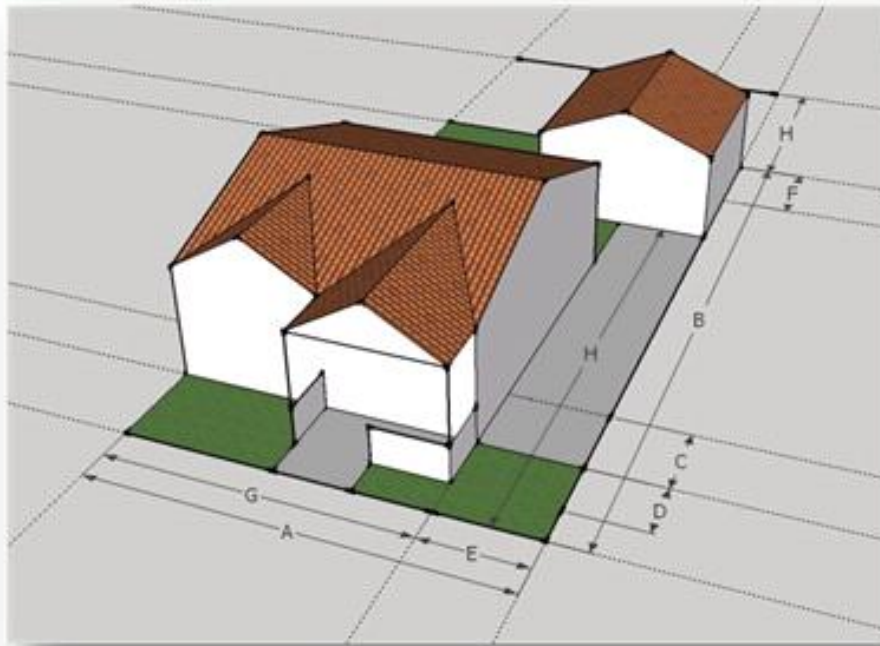


	Front driveway access	Alley access	
Site specifications.			
— Minimum lot size.	4,750 sq. ft.	3,500 sq. ft.	
— Minimum width.	50 ft. with maximum 12' wide driveway	40 ft.	A
— Minimum depth.	85 ft.	75 ft.	B
Building placement.			
— Front build to line.	10 to 18 ft.	10 to 16 ft.	C
— Required porch encroachment coverage.	Up to 6 ft. into front setback, minimum 6' x 12'		D
— Side yard.	0' with minimum 10' building separation. The street side yard facing a corner shall have 10' landscaping.		E
— Rear yard.	10 ft.		F
— Minimum frontage ratio.	65%	70%	G
Building size and massing.			
— Building height.	1 or 2 stories		
Parking.			
— Location of on-site 2-car garage.	Minimum 40' from front property line. Detached garage may abut rear property line.	Minimum 40' from front property line, and minimum 26' from back of alley for sufficient back up clearance.	H
— Number of parking spaces.	2 parking spaces in an enclosed 20' by 20' garage.		
Carriage unit.			
— Location of carriage unit above detached garage.	Not allowed.	Maximum 500 sq. ft., with provision of 1 additional on-site, covered or uncovered parking space.	
Private yard space.			
— Required usable yard space.	Minimum 10% of lot area, with a minimum 15' width and depth.		

- a. — No single-family structure shall face an arterial street.
- b. — Windows of a façade along a zero-lot line facing a neighboring side yard shall be small and have a high sill height, typically 6 feet above the finished floor, or have translucent glazing.
- c. — A 50% reduction in private yard space may be granted if common open space or park is provided elsewhere in the neighborhood, and is no further than ¼ mile from the residence. Minimum 12' width and depth for private yard or patio will apply.
- d. — A 4-foot pedestrian pathway, separate from the vehicular driveway, shall be provided to connect the building entrance to the street sidewalk.
- e. — A covered breezeway, connecting the primary residence to the detached garage, is permitted, provided it is not enclosed.

### Site Diagrams – Single Family House





C. — Apartment/condominium building (small – 2 to 15 units). A small apartment or condominium building is a structure containing multiple dwellings. Ground floor and second floor units are accessed directly from the sidewalk via a pedestrian pathway.

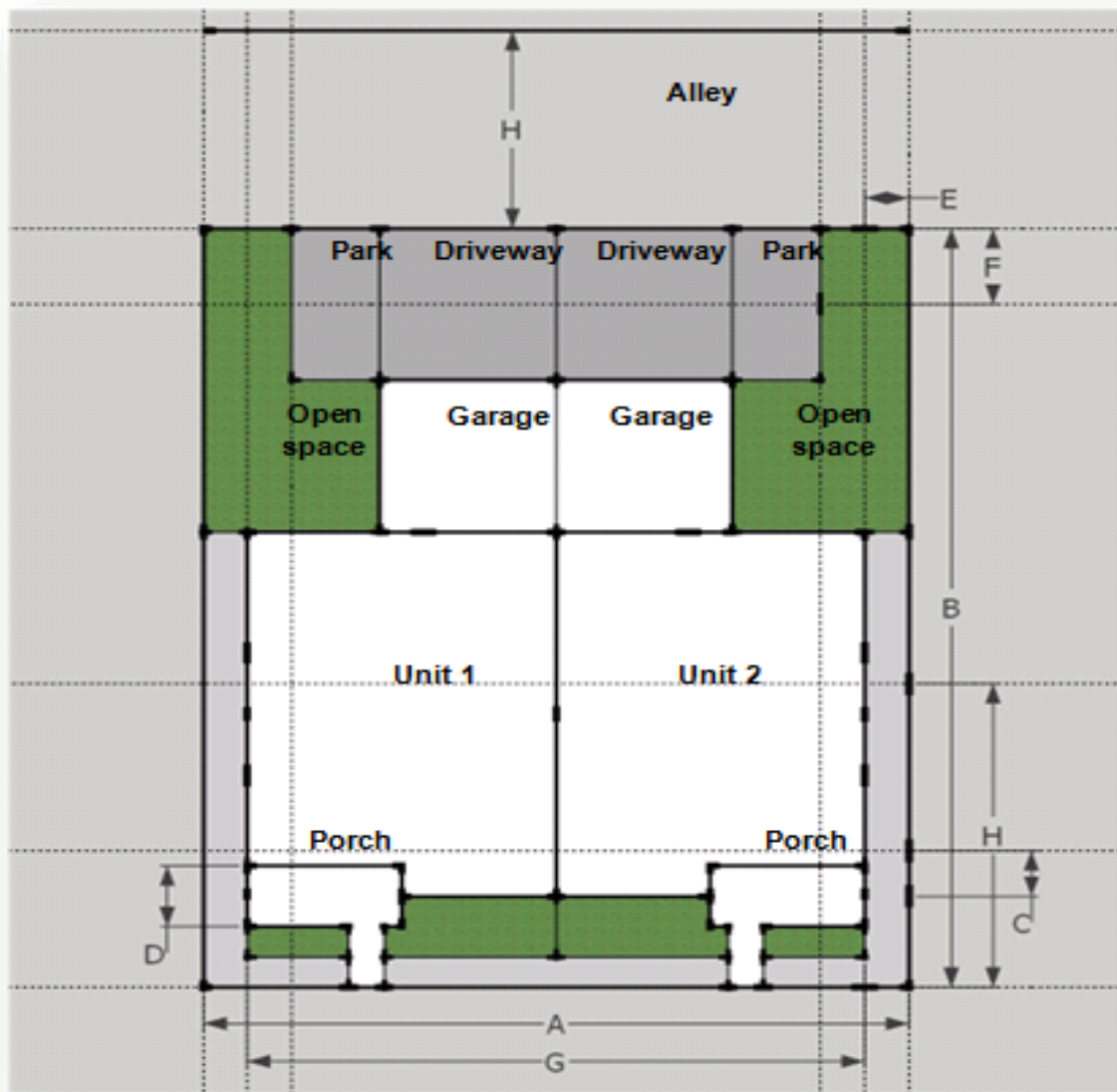
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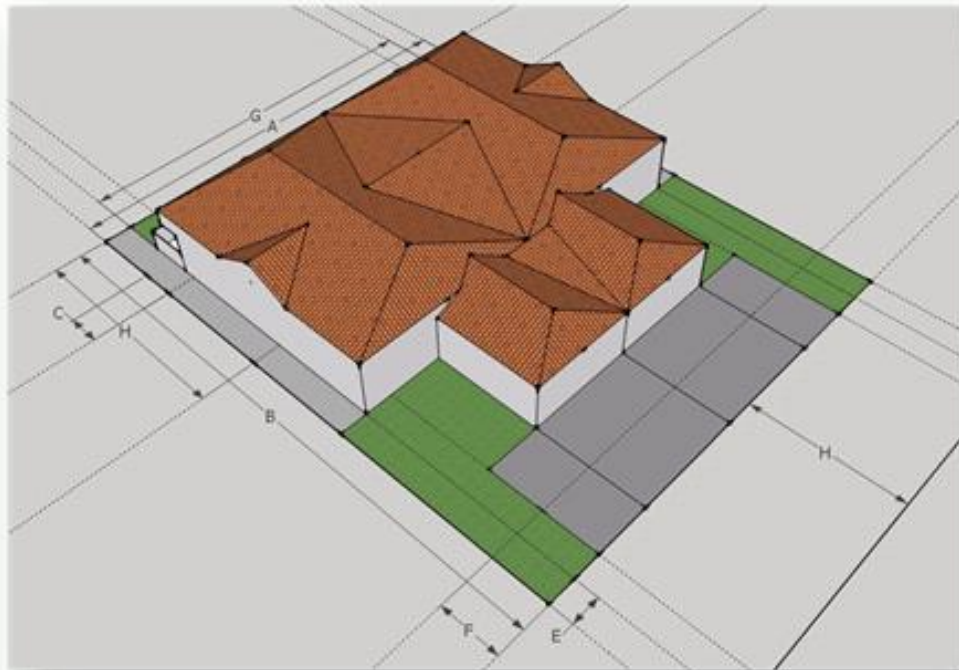
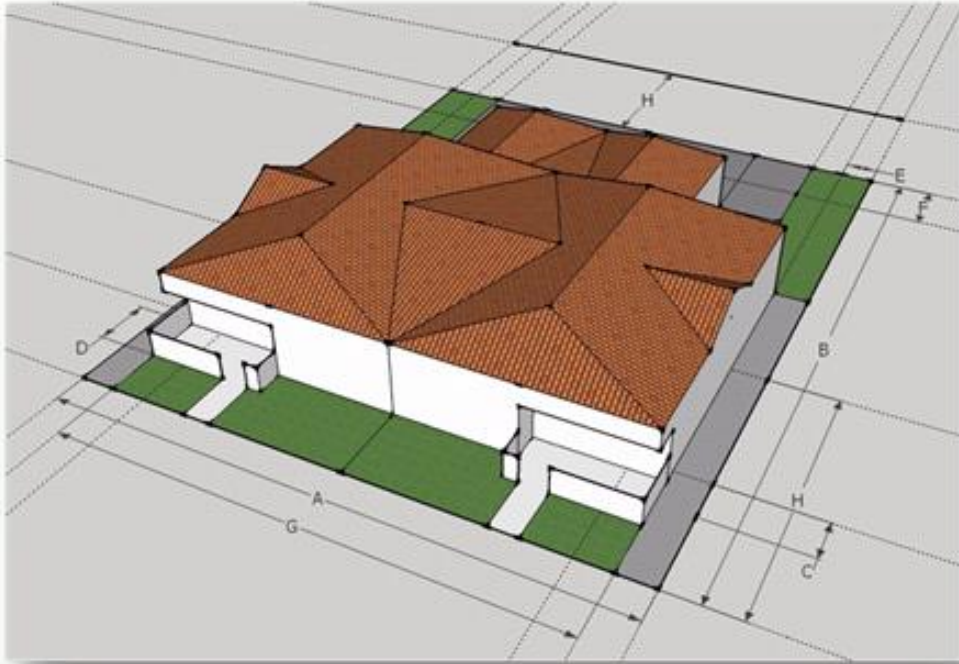
Development Standards			
	Front driveway access	Alley access	
Site specifications.			
— Minimum lot size.	10,000 sq. ft.	6,000 sq. ft.	
— Minimum width.	100 ft. with maximum 26' wide driveway	60 ft.	A
— Minimum depth.	—80 ft.	B	
Building placement.			
— Front build to line.	12 to 18 ft.		C
— Required porch encroachment coverage (2 to 4 units).	Minimum 1 unit with porch encroachment up to 6 ft. into front setback, minimum 6' x 12'		D
— Side yard (interior lot).	5 ft., 10 ft. for 2 <sup>nd</sup> story portion, 15 ft. for 3 <sup>rd</sup> story portion. The street side yard facing a corner shall have 10' landscaping.		E
— Rear yard.	10 ft.		F
— Minimum frontage ratio.	60%	70%	G
Building size and massing.			
— Building height.	1 to 3 stories		
Parking.			
— Location of on-site parking.	Minimum 40' from front property line.	Minimum 40' from front property line, and minimum 26' from back	H

		of alley for sufficient back-up clearance.	
— Number of parking spaces (units with attached garage).	2 spaces within an enclosed garage, for each unit and one uncovered off-street guest parking for every 4 dwelling units.		
Open space.			
— Required usable open space.	8% of lot area, with a minimum 20' width and depth.		
Landscaping.			
— Required landscaping.	15% of lot area.		

- ~~a. — On-site parking for residents in apartment/condominium buildings must be within enclosed garages. Podium-style parking is also allowed. On-site surface parking shall be used for guests.~~
- ~~b. — Garages shall include a 100-cu. sq. ft. shelving area for storage. This storage area is intended to encourage residents to use garages for vehicle parking.~~
- ~~c. — Detached carports are prohibited, unless the carport incorporates energy-efficient technologies, such as solar panels.~~
- ~~d. — Parking requirements may be reduced, at the discretion of the director, if the builder can sufficiently demonstrate, through research and analysis that the development warrants fewer parking than is required. Such parking reductions may be granted if the development is located near public transit, or if the builder pays in-lieu parking fees for future public parking or transportation improvements.~~

**Site Diagrams — Multi family Structure**





D. — Apartment/condominium building (large – 16+ units). A large apartment or condominium building is a structure containing multiple dwellings accessed from a common entrance. Ground floor units are accessed directly from the sidewalk via a pedestrian pathway.

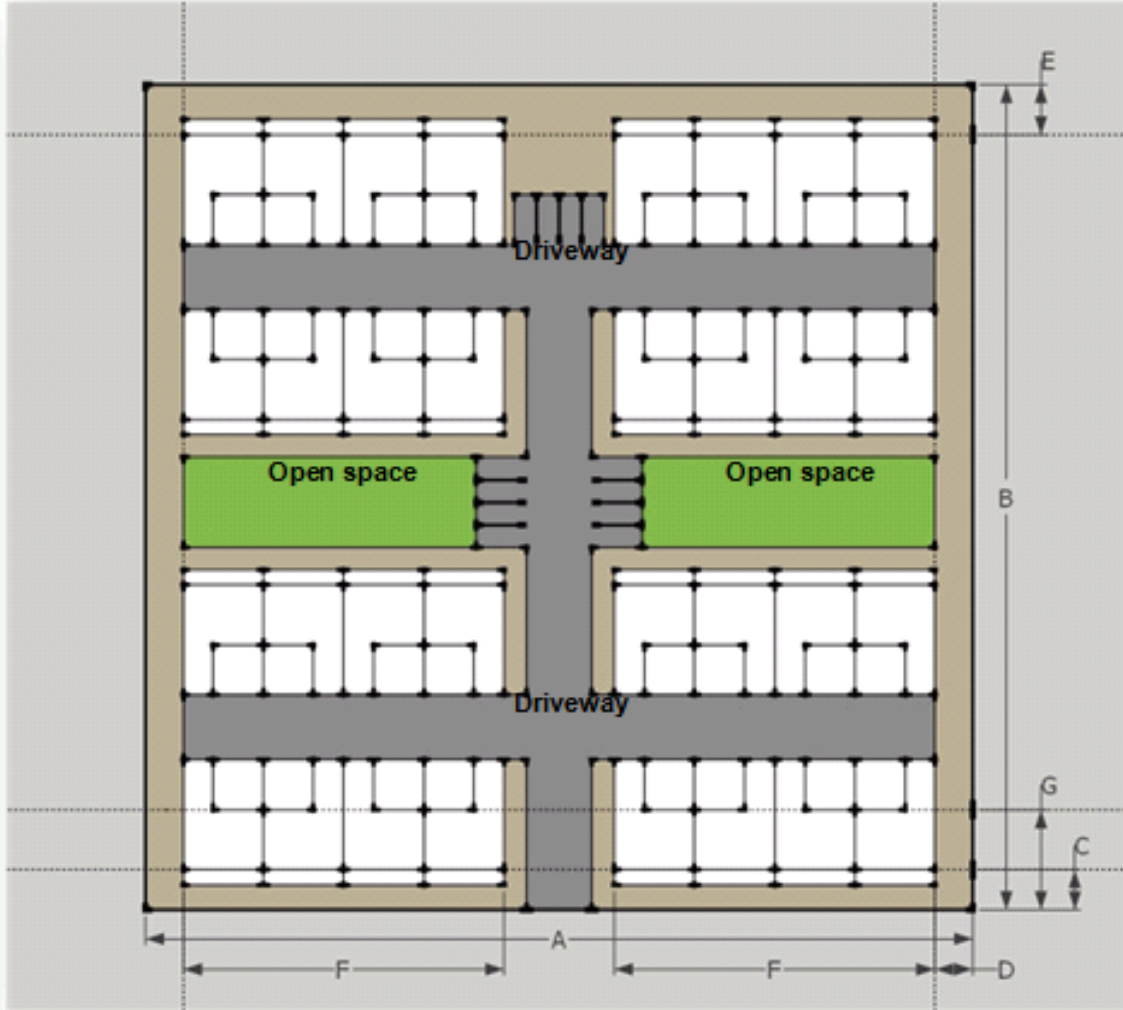
1. — Development standards.



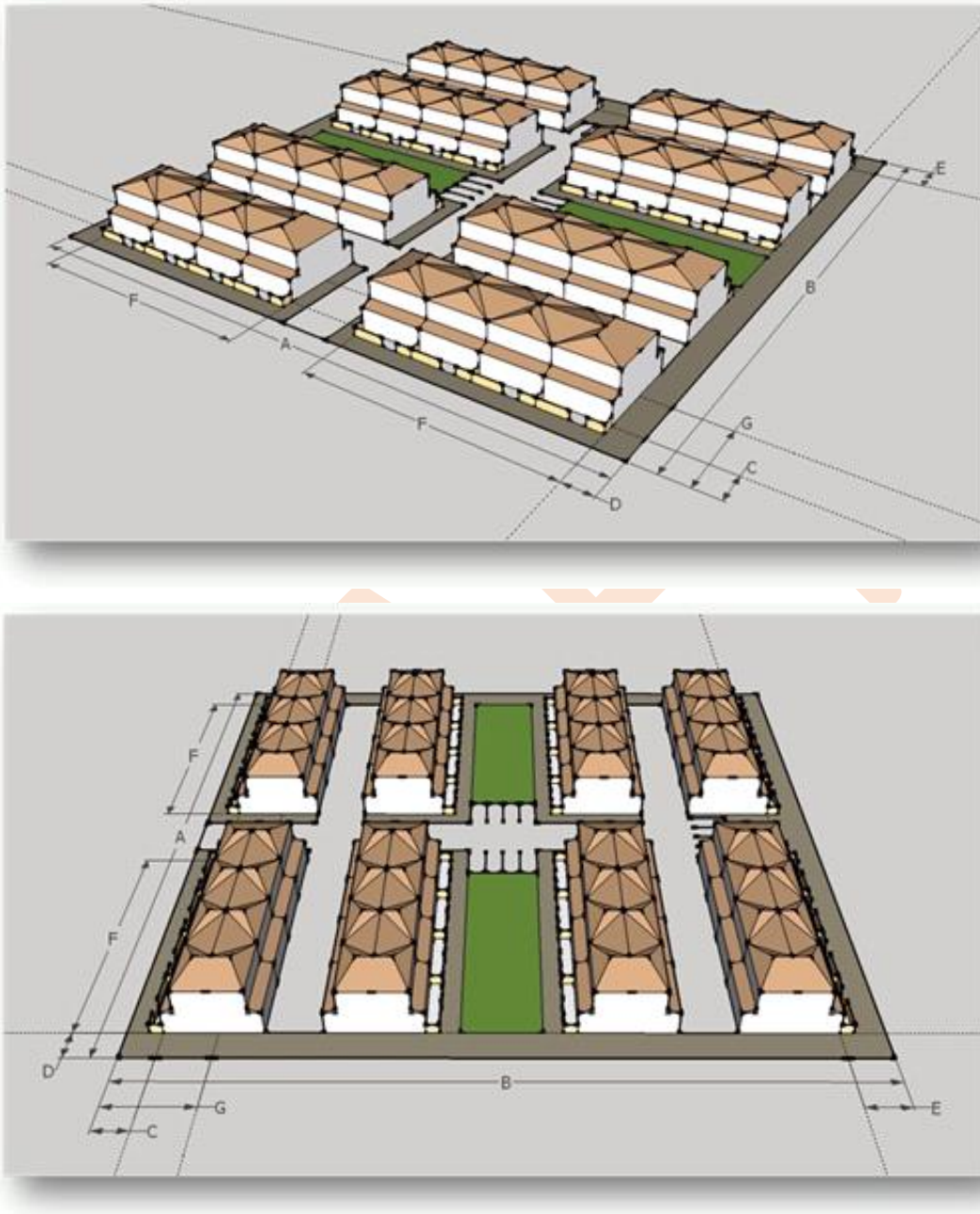
Development Standards		
	Front driveway access	
<b>Site specifications.</b>		
— Minimum lot size.	40,000 sq. ft.	
— Minimum width.	160 ft.	A
— Minimum depth.	160 ft.	B
<b>Building placement.</b>		
— Front build-to-line.	12 to 20 ft.	C
— Optional porch or stoop encroachment coverage.	Up to 6 ft. into front setback, minimum 6' x 12'	
— Side yard (interior lot).	10 ft., 15 ft. for 2 <sup>nd</sup> story portion, 18 ft. for 3 <sup>rd</sup> story portion.	
— The street side yard facing a corner shall have 15' landscaping.	D	
— Rear yard.	10 ft.	E
— Minimum frontage ratio.	60%	F
<b>Building size and massing.</b>		
— Building height.	2 to 4 stories	
— Building height (major arterials).	2 to 5 stories	
<b>Parking.</b>		
— Location of on-site parking.	Minimum 40' from front property line.	G
— Number of parking spaces (units with attached garage).	2 spaces within an enclosed garage, for each unit and one uncovered off-street guest parking for every 4 dwelling units.	
— Number of parking spaces (detached covered garage structure).	Studio and one-bedroom units: 1.5 covered parking spaces Two and three-bedroom units: 2 covered parking spaces Guest parking: 1 space for every 4 dwelling units	
<b>Open space.</b>		
— Required usable open space.	8% of lot area, with a minimum 50' width and depth.	
<b>Landscaping.</b>		
— Required landscaping.	15% of lot area.	

- a. On-site parking for residents in apartment/condominium buildings must be within enclosed garages. Podium-style parking is also allowed. On-site surface parking shall be used for guests.
- b. Garages shall include a 100 cu. sq. ft. shelving area for storage. This storage area is intended to encourage residents to use garages for vehicle parking.
- c. Detached carports are prohibited, unless the carport incorporates energy-efficient technologies, such as solar panels.
- d. Parking requirements may be reduced, at the discretion of the Director, if the builder can sufficiently demonstrate, through research and analysis that the development warrants fewer parking than is required. Such parking reductions may be granted if the development is located near public transit, or if the builder pays in-lieu parking fees for future public parking or transportation improvements.

**Site Diagrams — Multi-family Structure**







E. ~~Commercial/office building.~~ A building designed for occupancy by retail, service, and/or office uses. Office buildings may be multi-storied, with retail and service uses on the ground level.

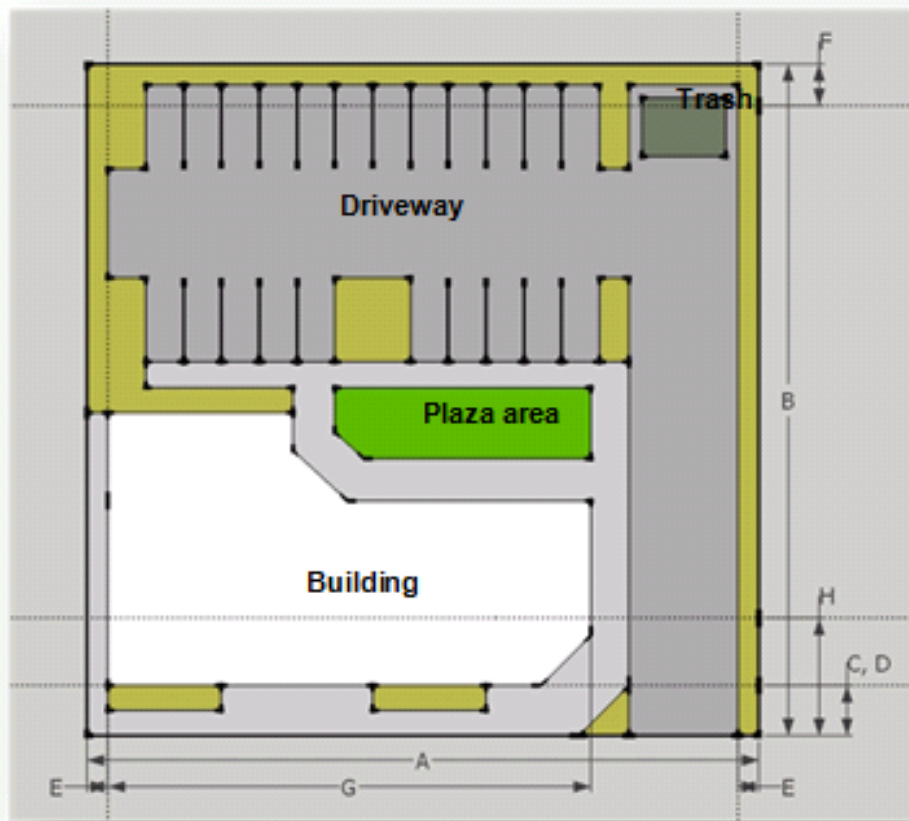
1. ~~Development standards.~~

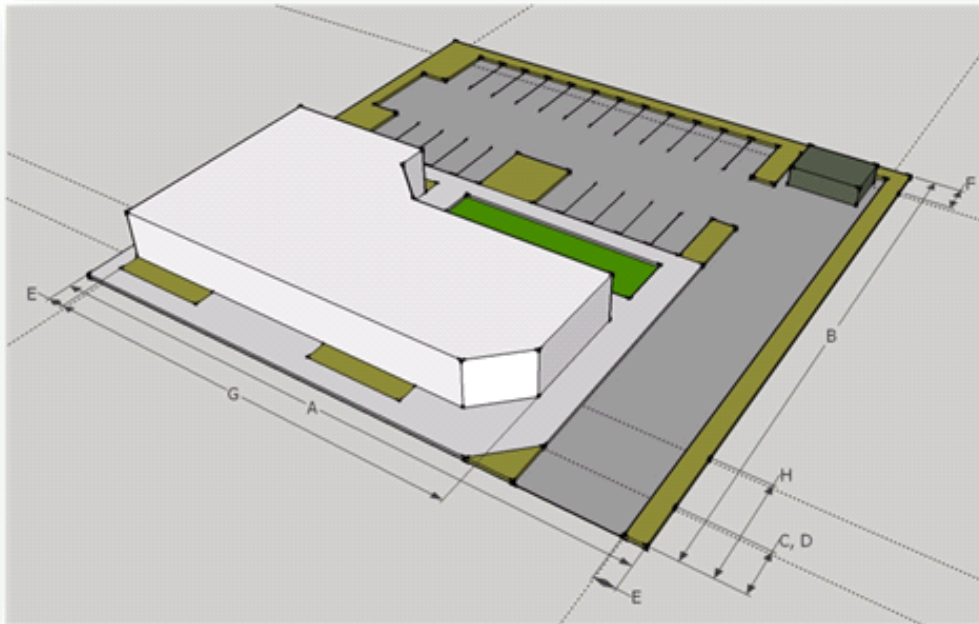
Development Standards			
	Front driveway access	Alley access	
<b>Site specifications.</b>			
<del>— Minimum lot size.</del>	10,000 sq. ft.	5,000 sq. ft.	

— Minimum width.	100-ft.	60-ft.	A
— Minimum depth.	75-ft.		B
<b>Building placement.</b>			
— Front build-to-line.	0 to 12-ft.	0 to 6-ft.	C
— Front build-to-line (major arterials).	10 to 18-ft.		
— Dining patio encroachment.	Up to front property line.		D
— Side yard.	5-ft.		E
— Rear yard.	10-ft.		F
— Minimum frontage ratio.	60%	75%	G
<b>Building size and massing.</b>			
— Building height.	1 to 2 stories		
— Building height (major arterials).	1 to 5 stories		
<b>Parking.</b>			
— Location of on-site parking.	Minimum 36' from front property line.		H
— Number of parking spaces.	See parking requirements in Section 17.12.220 (Off street parking standards in Commercial zone.)		
<b>Open space.</b>			
— Required usable open space (may include dining patio encroachment).	5% of lot area.		
<b>Landscaping.</b>			
— Required landscaping.	15% of lot area.	10% of lot area.	

- a. — Dual building entrances shall be provided; one facing the street frontage, connected to the sidewalk; another facing the parking area.
- b. — Reciprocal driveway access between multiple parcels, connecting adjacent parking lots, is required where feasible.
- c. — Truck loading docks shall be a minimum of 40' from front property line, and screened from street view.
- d. — Parking requirements may be reduced, at the discretion of the Director, if the builder can sufficiently demonstrate, through research and analysis that the development warrants fewer parking than is required. Such parking reductions may be granted if the development is located near public transit, or if the builder pays in-lieu parking fees for future public parking or transportation improvements.
- e. — Signs for commercial developments shall adhere to the standards in Sections 17.12.140 through 17.12.210 of the Zoning code (Commercial zone), as well as the design and performance standards in Section 17.10.070.
- f. — Signs for office developments shall adhere to the standards in Sections 17.12.810 through 17.12.870 of the Zoning code (Office Professional zone), as well as the design and performance standards in Section 17.10.070.

**Site Diagrams — Commercial/office Building**





F. — Mixed-use building. Mixed-use buildings are designed to accommodate a combination of both commercial/office and residential uses. "Vertical" mixed-use developments are designed with retail, service, and/or office uses on the ground floor, with upper floors used for those uses or for residential dwelling units. "Horizontal" mixed-use developments have retail, service and/or office uses on the same project site as residential uses, but not within the same building. The different uses are connected by pedestrian pathways.

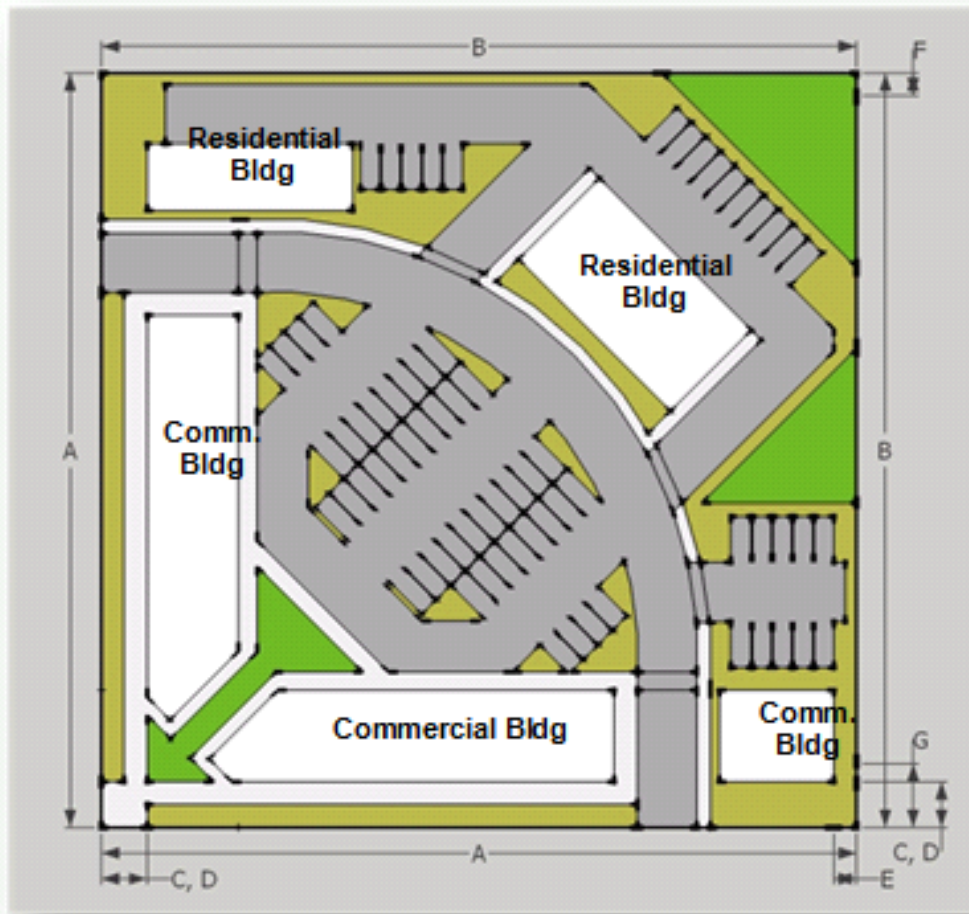
1. — Development standards.

Development Standards			
	Front driveway access	Alley access	
<b>Site specifications.</b>			
— Minimum lot size.	10,000 sq. ft.	5,000 sq. ft.	
— Minimum width.	100 ft.	60 ft.	A
— Minimum depth.	80 ft.	75 ft.	B
<b>Building placement.</b>			
— Front build-to-line.	0 to 12 ft.	0 to 6 ft.	C
— Front build-to-line (major arterials).	10 to 18 ft.		
— Dining patio encroachment.	Up to front property line.		D
— Side yard.	5 ft.		E
— Rear yard.	10 ft.		F
— Minimum frontage ratio.	60%	75%	
<b>Building size and massing.</b>			
— Building height.	1 to 4 stories		
— Building height (major arterials).	1 to 5 stories		
<b>Parking.</b>			

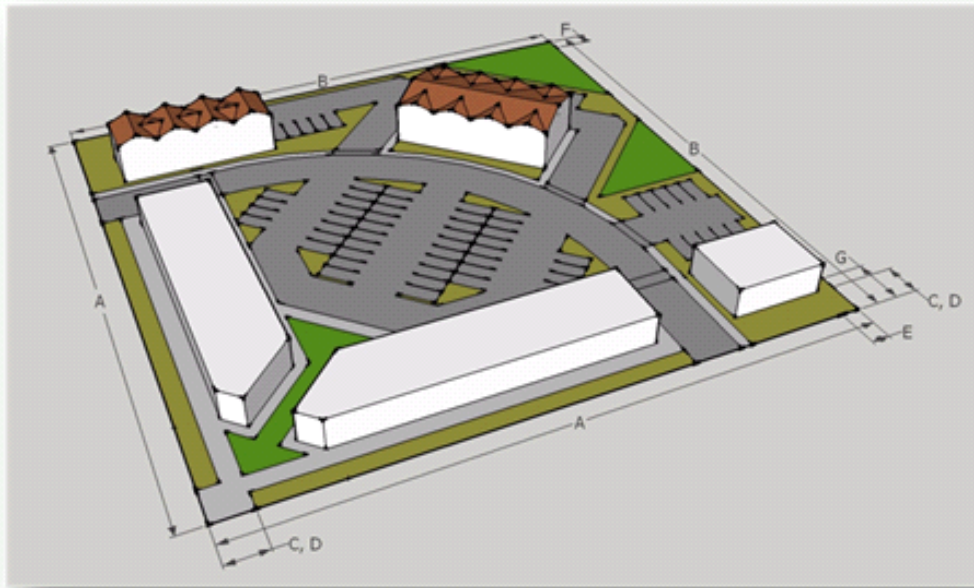
<del>—Location of on-site parking.</del>	<del>Minimum 36' from front property line.</del>	<del>G</del>
<del>—Number of parking spaces.</del>	<del>For residential and commercial/office uses, the number of parking spaces shall be in accordance with the requirements listed by use in this section. Parking spaces between residential and commercial/office uses shall not be shared, and be specifically identified on-site as private residence parking versus public customer parking.</del>	
<b><del>Open space.</del></b>		
<del>—Required usable open space (may include dining patio encroachment).</del>	<del>5% of lot area.</del>	
<b><del>Landscaping.</del></b>		
<del>—Required landscaping.</del>	<del>15% of lot area.</del>	<del>10% of lot area.</del>

- ~~a. For "vertical" mixed use developments, residential uses shall be located above non-residential uses.~~
- ~~b. For "horizontal" mixed use developments, non-residential uses shall be oriented closer to the street than residential uses.~~
- ~~c. Dual building entrances shall be provided; one facing the street frontage, connected to the sidewalk; another facing the parking area.~~
- ~~d. Reciprocal driveway access between multiple parcels, connecting adjacent parking lots, is required where feasible.~~
- ~~e. Truck loading docks shall be a minimum of 40' from front property line, and screened from street view.~~
- ~~f. Parking requirements may be reduced, at the discretion of the Director, if the builder can sufficiently demonstrate, through research and analysis that the development warrants fewer parking than is required. Such parking reductions may be granted if the development is located near public transit, or if the builder pays in-lieu parking fees for future public parking or transportation improvements.~~
- ~~g. Signs for commercial developments shall adhere to the standards in Sections 17.12.140 through 17.12.210 of the zoning code (Commercial zone), as well as the design and performance standards in Section 17.10.070.~~
- ~~h. Signs for office developments shall adhere to the standards in Sections 17.12.810 through 17.12.870 of the zoning code (Office Professional zone), as well as the design and performance standards in Section 17.10.070.~~

**Site Diagrams — Mixed Use Development**







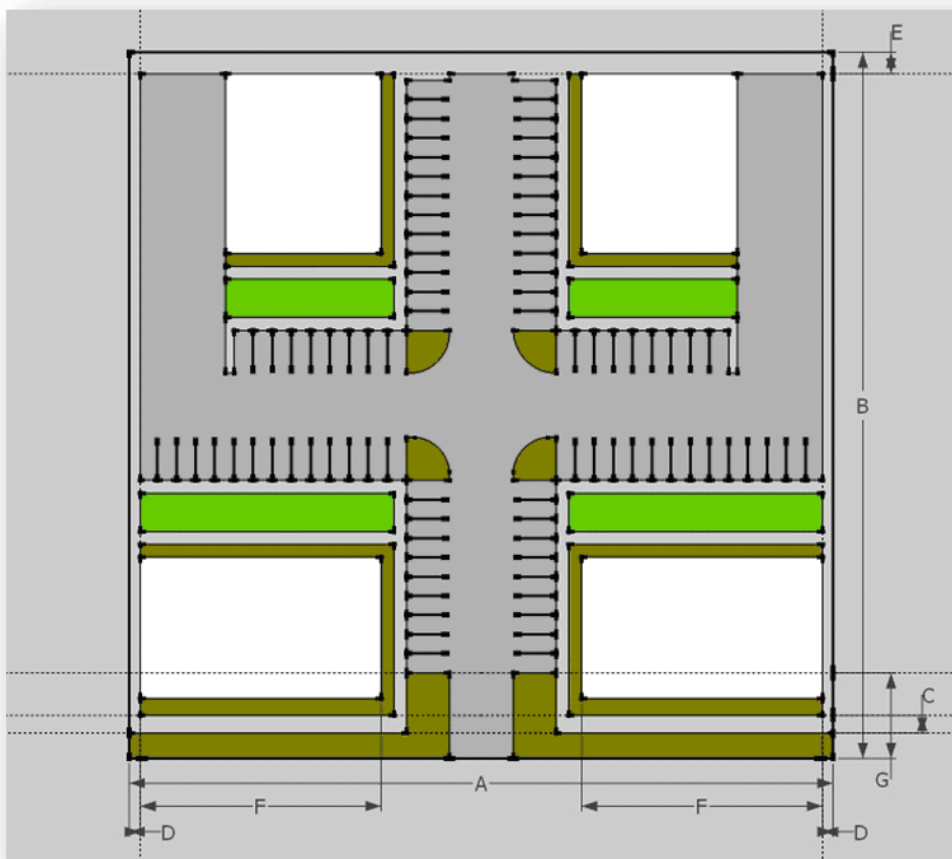
G. — Light industrial building. Light industrial buildings are allowed in the Mixed Use Employment zone. These are buildings designed to accommodate office professional, technology and research, and light manufacturing uses, with a screened outdoor area for shipping and deliveries by trucks.

1. — Development standards.

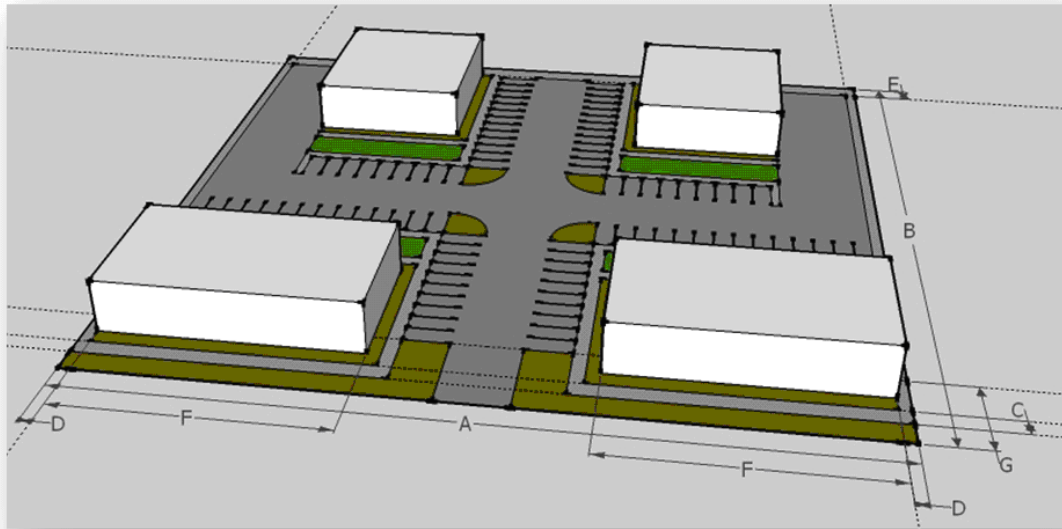
Development Standards		
	Front driveway access	
<b>Site specifications.</b>		
— Minimum lot size.	15,000 sq. ft.	
— Minimum width.	80 ft.	A
— Minimum depth.	160 ft.	B
<b>Building placement.</b>		
— Front build to line.	12 to 20 ft.	C
— Side yard.	5 ft.	D
— Rear yard.	10 ft.	E
— Minimum frontage ratio.	60%	F
<b>Building size and massing.</b>		
— Building height.	1 to 4 stories	
<b>Parking.</b>		
— Location of on-site parking.	Minimum 40' from front property line.	G
— Number of parking spaces.	See parking requirements in Section 17.16.210 (Off-street parking standards in Industrial zone.)	
<b>Open space.</b>		
— Required usable open space.	3% of lot area.	
<b>Landscaping.</b>		
— Required landscaping.	10% of lot area.	

- a. ~~Reciprocal driveway access between multiple parcels, connecting adjacent parking lots, is required where feasible.~~
- b. ~~Truck loading docks shall be a minimum of 40' from front property line, and screened from street view.~~
- c. ~~Signs for light industrial developments shall adhere to the standards in Sections 17.16.140 through 17.16.200 of the Zoning code (Industrial zone), as well as the design and performance standards in Section 17.10.070.~~

**Site Diagrams — Light Industrial Building**







(Ord. No. 946, § 1, 7-13-2010)

#### 17.10.070 Design and performance standards.

The following design and development standards shall be met in all mixed use zones: All residential development which meets the objective design standards in Chapter 17.41, Article IV shall be deemed to have met these measures.

- A. Site design. Develop projects that enhance the sense of place and reflect a commitment to functional efficiency, quality, and neighborhood context.
  - 1. Utilize a grid, or modified-grid block pattern to maximize access and circulation efficiency, with direct pedestrian access to buildings and building entrances that are oriented toward the street, wherever possible. ~~Where culs-de-sac do exist, design them open ended to provide pedestrian and bicycle access to other uses and amenities. Ensure easy access to public transit stops.~~
  - 2. ~~For residential developments, utilize alleys for access into rear loading garages, wherever possible. Articulate alleys using enhanced paving, landscape pockets, and adequate and decorative lighting.~~
  - 32. Design loading and service areas away from street frontage.
  - 34. Carefully design, locate and integrate utilitarian aspects, including trash containers, mail boxes, vending machines, utility boxes, and other similar structures. Use a combination of solid masonry walls, berm and landscaping for screening.
  - 54. Provide attractive lighting for safety and comfort, consistent with building style, materials, finishes and colors.
  - 56. Use "safe by design" criteria for visibility, lighting, and access control. Maintain visibility of doors and windows from the street and from within the development.
  - 67. Provide noise-attenuating protection for noise-sensitive uses and provide privacy for residential uses.

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- E. Open space and common areas. Provide open space and common areas to enhance quality of life, and to encourage opportunities for social gathering and interaction.

~~1. For single family residential developments, create centralized pocket parks where possible, to serve the neighborhood.~~

~~2. For multi family residential developments, provide centralized open space and community facilities, to serve residents of the development.~~

31. For commercial, office and employment centers, provide open space plaza areas for activity, interaction and rest. Provide seating with trees and other furniture providing shade. Decorate plaza areas with enhanced landscaping, lighting, and other ornamental amenities.

24. Create recognizable focal points by using community amenities in public open spaces and other commonly used community spaces.

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## Chapter 17.12 COMMERCIAL ZONES

### *Article I. In General*

#### **17.12.010 In general.**

As used in this title, "commercial zones" means the C, CBD, CPD, H, OP and RC zones.

(Ord. 711 § 14, 1995: prior zoning ord. § 220.000)

### *Article II. General Commercial (C) Zone*

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#### **17.12.040 Permitted uses.**

The permitted uses of the C zone are grouped into categories of similar uses rather than an exhaustive list of single uses. Extensive examples are given for purposes of clarifying the types of uses allowed by each category. In addition, specific exceptions and development requirements have been applied to certain categories of uses where concerns may arise as to their impact on neighboring properties and the visual attractiveness of the city as a whole. The following categories of uses are permitted in the C zone subject to any stated exceptions, development requirements, and approval of the site plan as follows:

- A. Existing Residential Uses. This category may continue to be used as a permitted use. Expansion of existing residential uses shall be limited to a cumulative total of no more than 500 square feet of floor area. This size limit does not apply accessory dwelling units and junior accessory dwelling units subject to Chapter 17.41, Article I.

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P. Low barrier navigation centers subject to Chapter 17.41, Article V.

- PQ.** Other Uses. This category includes those uses which do not fall into any other C zone category, provided such uses are neither temporary, subject to director's review, nor uses subject to conditional use permit in this zone, and provided such uses are, in the opinion of the director, consistent with the purpose and intent of this zone and similar to other uses permitted herein.

(Ord. 896 § 1 (Exh. A § 5), 2008; Ord. 753 § 1 (Exh. A § 3), 1999; Ord. 711 § 15 (part), 1995: prior zoning ord. § 221.021)

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#### **17.12.070 Uses subject to director's review and approval.**

If site plans or other pertinent information for the proposed use are first submitted to and approved by the director in accordance with Article VI of Chapter 17.32, premises in the C zone may be used for the following uses:

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- N.** Residential Uses. This category is limited to the following uses:
1. Congregate living health facility (as defined in Section 1250 of the Health and Safety Code),
  2. Mobilehome or other residence for use by caretaker and his immediate family in accordance with Article VIII of Chapter 17.40,
  3. Residential ~~care~~ facility ~~for the elderly~~ (as defined in Section 1502 of the Health and Safety Code),
  4. Rooming and boarding houses,
  5. State authorized, certified or licensed family care home, foster home or group home serving 6 or fewer mentally disordered or otherwise handicapped persons or dependent and neglected children, if such homes provide care on a 24 hour a day basis. (Required by Section 5116 of the Welfare and Institutions Code);

#### **17.12.080 Uses subject to conditional use permits.**

The uses subject to permit in the C zone are grouped into categories of similar uses rather than exhaustive lists of single uses. Extensive examples are given for purposes of clarifying the types of uses included in each category. The following categories of uses may be permitted in the C zone, provided that a conditional use permit has first been obtained as provided in Article I of Chapter 17.32, that such permit is in full force and effect, and that the uses are in conformity with conditions of such permit for:

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- G.** Residential Uses. This category includes only the following uses:
1. Multiple-family project, as a separate development in the C zone (subject to the provisions of the HDR-1 zone except where specifically modified by the conditional use permit);
  2. Multiple-family project, combined with commercial development as a mixed use where said apartments are attached to the commercial building (for example, as the second story of a commercial retail center), subject to the provisions of Section 17.12.230, Design requirements;
  3. Transitional homeless shelters subject to Chapter 17.41, Article V.

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### 17.12.220 Off-street parking.

The automobile parking facilities required by this section shall be provided and permanently maintained as such unless and until a substitute has been provided which is in full compliance with the provisions of this title. The following parking requirements shall be complied with in the C zone:

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#### B. Parking Requirements by Use.

1. Except as provided for in subsection B.5, below, Ffor all uses, the developer, property owner, or authorized agent shall determine the number of parking spaces sufficient for the proposed use, and shall provide justification acceptable to the director of development services and/or the planning commission to support the determination.
2. Mixed-Use, in Conjunction with Multi-Family Residential Use. The developer, property owner, or authorized agent shall determine the number of parking spaces sufficient for the non-residential portion of the mixed-use development, and shall provide justification acceptable to the director of development services and/or the planning commission to support the determination. The parking requirement for the multi-family portion shall be consistent with Section 17.08.100 of the residential zones.
3. Multi-Family Uses. The parking requirement for multi-family uses shall be consistent with Section 17.08.100 of the residential zones.
4. All uses shall provide parking for disabled persons in accordance with federal and state requirements.
5. Except as necessary to comply with requirements to provide electric vehicle supply equipment installed parking spaces or parking spaces that are accessible to persons with disabilities, for sites located within one-half mile of a major transit stop as defined in Section 21155 of the Public Resources Code, no parking is required, except:
  - a. Event centers shall provide parking for employees and other workers.
  - b. Development projects where any portion is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging (except where a portion of a housing development project is designated for use as a residential hotel, as defined in Section 50519 of the Health and Safety Code) shall provide parking in accordance with the minimum parking requirements of subsection B.1, above.
  - c. Development projects for which, within 30 days of the receipt of a completed application, the City finds that based on a preponderance of the evidence in the record that not imposing or enforcing minimum automobile parking requirements on the development would have a substantially negative impact on any of the following:
    - 1) The City's ability to meet its share of the regional housing need in accordance with Section 65584 for low- and very low-income households.
    - 2) The City's ability to meet any special housing needs for the elderly or persons with disabilities identified in the analysis required pursuant to paragraph (7) of subdivision (a) of Section 65583.
    - 3) Existing residential or commercial parking within one-half mile of the housing development project.

d. Subsection (c) above shall not apply for the following projects:

- 1) Housing development projects that dedicate a minimum of 20 percent of the total number of housing units to very low, low-, or moderate-income households, students, the elderly, or persons with disabilities.
- (2) Housing development projects that contain fewer than 20 housing units.
- 3) Housing development projects subject to parking reductions based on the provisions of any other applicable State law.

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## ***Article IV. Commercial Planned Development (CPD) Zone***

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### **17.12.490 Permitted uses.**

Premises in the CPD zone may be used for:

- A. Existing single-family residential uses which may continue to be used as a permitted use provided that such uses may not be expanded in any manner. This limit on expansion does not apply accessory dwelling units and junior accessory dwelling units subject to Chapter 17.41, Article I.
- B. Any use which is permitted in the C zone, subject to the director's approval of a site plan\* which demonstrates conformity with the provisions of the C zone and this title, and provided that all of the following conditions exist:
  1. The area of the lot or parcel of land to be used is 2 acres or less.
  2. The proposed use is found by the director\* to be compatible with surrounding development.
- C. Existing premises may be used for any use which is permitted in the C zone provided that the proposed use is found by the director\* to be compatible with surrounding development.
- D. Water reservoirs, dams, treatment plants, gauging stations, pumping stations, tanks, wells, and any use normal and appurtenant to the storage and distribution of water.
- E. Low barrier navigation centers subject to Chapter 17.41, Article V .

\* The director's determinations on these items may be appealed to the planning commission.

(Ord. 711 §§ 28, 30 (part), 1995; prior zoning ord. § 223.021)

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## ***Article VI. Office Professional (OP) Zone***

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### 17.12.730 Permitted uses.

The permitted uses of the OP zone are grouped in categories of similar uses rather than lists of single uses. Examples are given for purposes of clarifying the types of uses allowed by each category. In addition, certain exceptions have been applied to those types of uses where concerns may arise as to their impact on neighboring properties and the visual attractiveness of the city as a whole. The following categories of uses are permitted in the OP zone subject to any stated exceptions, development regulations, and approval of the site plan as follows:

- A. Existing Residential Uses. Such uses may continue to be used as a permitted use provided that such uses may not be expanded by a cumulative total of more than 500 square feet of floor area. This size limit does not apply accessory dwelling units and junior accessory dwelling units subject to Chapter 17.41, Article I.
- B. Within an enclosed building, the following use categories are permitted in the OP zone:
  - 1. Communication Facilities and Services, Public and Private. This category is limited to: duplicating, faxing services, lithographers, photocopying, photo engravers, telecommunication/telecommuting offices, and telegraph offices.

This category does not include radio and television transmission towers or wireless telecommunication facilities. (See Section 17.40.640).
  - 2. Eating and Drinking Establishments. This category is limited to: cafes, delicatessens, ice cream shops, and restaurants that are developed in conjunction with and located in the same building as office professional uses.

This category does not include fast food operations, bona fide restaurants, bars, cocktail lounges, nightclubs, or other uses that meet the definition of an on-site alcohol establishment. Freestanding eating and drinking establishments of any kind shall be subject to a conditional use permit.
  - 3. Financial Institutions and Services. This category includes but is not limited to banks, credit unions, finance companies, savings and loans, and similar uses.

This category does not include any use which does not loan money as part of its business.
  - 4. Offices—Business, Government or Professional. This category includes but is not limited to general business offices; federal, state, county, city or special district offices, libraries and court facilities; accounting, dental offices or laboratories, engineering, insurance, legal, medical offices or laboratories, real estate, stock broker, utilities, and similar office uses.
  - 5. Retail Sales Establishments. This category is limited to bookstores, stationery stores, computer stores, office supplies and pharmacies. (See Section 17.12.760.)
  - 6. Schools—Business and Professional. This category includes but is not limited to art, barber, beauty, dance, music, real estate, and similar schools.

This category does not include any school specializing in gymnastics, manual training, martial arts, shop work, or in the repair and maintenance of machinery or mechanical equipment.
  - 7. Services—Business or Personal. This category is limited to answering service, barber or beauty shops, blueprinting, day care for adults, day nursery for children, dry cleaning, and laundry.
  - 8. Low barrier navigation centers subject to Chapter 17.41, Article V.

**89.** Other Uses. This category includes those uses which do not fall into any other category, and are not temporary uses, uses subject to director's review and approval, or uses subject to permit in this zone, which in the opinion of the director are consistent with the purpose and intent of this zone and similar to other uses permitted herein.

- C. Water reservoirs, dams, treatment plants, gauging stations, pumping stations, tanks, wells, and any use normal and appurtenant to the storage and distribution of water. Exception: This use is not subject to site plan review (Section 17.12.790).

(Ord. 896 § 1 (Exh. A § 15), 2008; Ord. 753 § 1 (Exh. A § 3 (part)), 1999; Ord. 711 § 30 (part), 1995; Ord. 651 § 11 (part), 1993: prior zoning ord. § 225.021)

\*\*\*

### **17.12.760 Uses subject to conditional use permits.**

The following uses and categories of uses may be permitted in the OP zone provided a conditional use permit has first been obtained as provided in Article I of Chapter 17.32, and while such permit is in full force and effect in conformity with conditions of such permit for:

- A. Freestanding eating and drinking establishments of any kind (excluding fast food operations), and bona fide restaurants and other similar uses that meet the definition of an onsite alcoholic beverage establishment, as defined by and subject to the requirements of Chapter 17.42, whether freestanding or combined with another use. Nightclubs are specifically prohibited;
- B. Long-term health care ~~or congregate care~~ facility ~~or senior citizen housing~~ only where such uses share a site with health-related offices and special services, including but not limited to adult or senior day care, chiropractic, dental, hospice care, medical (including nursing), pharmacy and therapy;
- C. Multiple-family residential (apartments, condominiums) in conjunction with a permitted use in which not less than 50% of such residential units shall be above the ground floor. (Subject to the provisions of the HDR-2 zone except where specifically modified by the conditional use permit.);
- D. Public Services and Utilities. This category includes only the following uses:
1. Electric transmission substations including microwave facilities used in conjunction therewith,
  2. Gas distribution facilities,
  3. Publicly owned uses which are necessary to the maintenance of the public health, safety and welfare,
  4. Telephone facilities;
- E. Structures over 50 feet in height;
- F. Transient Residential. This category includes only hotels and motels.

(Ord. 896 § 1 (Exh. A § 17), 2008; Ord. 651 § 11 (part), 1993: prior zoning ord. § 225.025)

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## **Chapter 17.16 INDUSTRIAL ZONES**

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## ***Article II. Industrial (I) Zones***

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### **17.16.040 Permitted uses—I zones.**

The permitted uses of the I zones are grouped into categories of similar uses rather than exhaustive lists of single uses. Extensive examples are given for purposes of clarifying the types of uses allowed by each category. The following categories of uses are permitted in all of the I zones except where specific references limiting certain uses to the LI, or HI zones are made. All uses are subject to any stated exceptions, development requirements, and approval of a site plan as follows:

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T. ~~Emergency shelters, subject to Chapter 17.41, Article V, are permitted only in the LI zone.~~

U. Other Uses. This category includes those uses which do not fall into any other category, and are not temporary uses, uses subject to Director's Review, or uses subject to permit in this zone, which the Director deems the use consistent with the purpose and intent of this zone and similar to other uses permitted herein.

(Ord. 896 § 1 (Exh. A § 22), 2008; Ord. 793 § 1 (Exh. A), 2001; Ord. 753 § 1 (Exh. A § 3 (part)), 1999; Ord. 711 §§ 30 (part), 32, 1995; prior zoning ord. § 241.021)

(Ord. No. 1070 , § 4(Exh. A), 1-14-2020)

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### **17.16.060 Uses subject to director's review and approval.**

If site plans and/or other pertinent information required by the Director for the proposed use are first submitted to and approved by the Director in accordance with Article VI of Chapter 17.32, premises in the I zones may be used for the following uses:

A. Uses subject to Director's Review in all I zones:

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~~14.—Emergency shelters, only in the LI zone.~~

~~15.~~14. Entertainment and Recreation. This category includes, but is not limited to bowling alleys, golf driving ranges, shooting ranges, video game arcades, and similar uses. This shall not include dance halls, pool halls and night clubs (see section 17.16.070.A.5)

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## **Chapter 17.20 PUBLIC, OPEN SPACE AND SPECIAL PURPOSE ZONES**

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## ***Article II. Public Use (P) Zone***

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### **17.20.040 Permitted uses.**

The following categories of uses are permitted in the P zone subject to any stated exceptions, development regulations, and approval of the site plan as follows:

- A. Airports—Owned and operated by a public agency.
- B. Animal shelters and related facilities—Operated by a public agency.
- C. Existing residential uses—Such uses may continue to be used as a permitted use provided that such uses may not be expanded by a cumulative total of more than 500 square feet of floor area. This size limit does not apply accessory dwelling units and junior accessory dwelling units subject to Chapter 17.41, Article I.

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## ***Article VII. Specific Plan (SP) Zone***

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### **17.20.610 Permitted uses.**

The following uses are permitted within the SP zone:

- A. Agricultural crop production, including necessary on-site processing, sales and storage facilities; provided, that no sludge or biosolid material shall be applied to any land as a soil amendment;
- B. Continued operation of existing uses, including residences, which were legally established prior to the adoption of the SP zone on August 3, 1992. Residences in the C, LI, or HI general plan land use designations may be expanded by a maximum cumulative total of 500 square feet of living area. This size limit does not apply accessory dwelling units and junior accessory dwelling units subject to Chapter 17.41, Article I. Residences within the UR, MDR or HDR land use designations may be expanded without limitation provided that all applicable property development regulations are met.
- C. Mobilehome on an existing vacant legal lot, in accordance with the design standards as established in Section 17.08.370, with a general plan land use designation of UR, MDR or HDR.
- D. Single-family residence on an existing vacant legal lot, including all typical accessory uses and structures, with a general plan land use designation of UR, MDR or HDR.
- E. Public and quasi-public facilities necessary for the health, safety and welfare of the public, including but not limited to communication facilities, fire stations and utilities.
- F. Re-use of existing vacant premises with new use consistent with the land use designation, including site or structural improvements necessary to meet current codes.

(Ord. No. 947, § 1, 7-13-2010)

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#### **17.20.630 Uses subject to conditional use permit.**

Property within the SP zone may be used for the following uses provided that a conditional use permit has first been obtained in accordance with Article I of Chapter 17.32 and Section 17.20.680:

- A. Churches, temples, or other places used exclusively for religious worship, including incidental education and social activities on a lot with a general plan land use designation of UR, MDR, HDR or C;
- B. Day care center;
- C. Schools, through grade 12 on a site with a general plan land use designation of UR, MDR or HDR;
- ~~D. Second dwelling unit subject to the requirements of Chapter 17.41 Article I Section 17.08.360 on a lot with a general plan land use designation of UR, MDR or HDR;~~
- DE. Recreational facilities, including parks;
- EF. Warehousing and mini-storage, including outdoor storage and construction yards subject to screening standards of the corresponding zone on a lot with a general plan land use designation of LI or HI.

(Ord. No. 947, § 1, 7-13-2010)

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#### **17.20.670 Property development regulations.**

- A. Any development within the SP zone, including establishment or enlargement of uses, buildings or structures, shall comply with the property development regulations of the zoning classification that corresponds to the general plan land use designation on the site.
- B. Residential projects and mixed-use developments consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use shall be subject to the objective design standards in Chapter 17.41, Article IV and those objective design standards contained within an applicable master plan or specific plan. If there is a conflict between the objective design standards in Chapter 17.41, Article IV and those in the applicable master plan or specific plan, the standards of the master plan or specific plan shall prevail.

(Ord. No. 947, § 1, 7-13-2010)

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## **Chapter 17.32 VARIANCES, CONDITIONAL USE PERMITS, NONCONFORMING USES, DIRECTOR'S REVIEW**

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### ***Article VI. Director's Review***

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### **17.32.790 Findings and decision.**

The director in acting upon any site plan offered for review as provided in this title shall either approve, approve with conditions, or deny the proposed use, development or modification as requested in the application and as indicated in the required site plan based on the following principles and standards:

- A. That the use, development of land and/or application of development standards is in compliance with all applicable provisions of this title;
- B. That the use, development of land and/or application of development standards, when considered on the basis of the suitability of the site for the particular use or development intended, is so arranged as to avoid traffic congestion, insure the protection of public health, safety and general welfare, prevent adverse effects on neighboring property and is in conformity with good zoning practice;
- C. That the use, development of land and/or application of development standards is suitable from the standpoint of functional developmental design.
- D. Those development proposals, which pursuant to state law can only be subject to objective standards, shall not be subject to subsections B. and C., above, but shall be subject to the following standards:
  - 1. Public facilities and utilities are available to serve the proposed development in accordance with adopted City standards or will be made available at the time of development.
  - 2. Proposed plans for vehicle circulation and access have been approved by the City Engineer and impacts to the City's transportation network have been mitigated to the extent necessary to maintain the City's adopted transportation level of service.

(Prior zoning ord. § 508.4)

### **~~17.32.800 Period of decision.~~**

~~If the director takes no action on a site plan within 90 days from the date of filing, it shall constitute a denial of such site plan.~~

~~(Prior zoning ord. § 508.6)~~

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## **Chapter 17.41 ADDITIONAL RESIDENTIAL USE REGULATIONS**

Article I. Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) Regulations

Article II. Density Bonus

Article III. Two-unit Projects

Article IV: Objective Design Standards

Article V: Emergency Shelters and Low Barrier Navigation Centers

## **Article I. Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) Regulations**

### **17.41.010 Purpose of ADU and JADU regulations.**

The purpose of this article (sections 17.41.010 – 17.41.020) is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with California Government Code sections 65852.2, 65852.22, and 65852.23.

### **17.41.012 Definitions applicable to ADU and JADU regulations**

As used in this section, 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 primary residence. 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 structure that is accessory and incidental to a dwelling located on the same lot.
- C. “Complete independent living facilities” means permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multi-family dwelling is or will be situated.
- D. “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 junior accessory dwelling unit.
- E. “High-quality transit corridor” shall have the meaning as set forth in Public Resources Code Section 21155.
- F. “Junior accessory dwelling unit” or “JADU” means a residential unit 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 main living area 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 D above.

- G. “Living area” means the interior habitable area of a dwelling unit, including habitable basements and attics, but does not include a garage or any accessory structure.
- H. “Nonconforming zoning condition” means a physical improvement on a property that does not conform with current zoning standards.
- I. “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.
- J. “Proposed dwelling” means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
- K. “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.
- L. “State-exemption ADUs” means ADUs and JADUs allowed by Government Code Section 65852.2(e), which are limited to:
1. An ADU that is within the space of an existing or proposed single-family dwelling or accessory structure and, if located within an accessory structure, may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing structure. The additional square footage shall be limited to accommodating ingress and egress.
  2. A junior accessory dwelling unit as defined in this subsection that does not exceed 500 square feet.
  3. A detached, new construction, ADU that does not exceed 800 square feet, height in compliance with section 21.78.050(D)(1), and four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. A JADU as described in subparagraph (2) is also allowed on the same lot.
  4. Multiple ADUs within the portions of existing multi-family structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings; not to exceed 25 percent of the existing multi-family dwelling units.
  5. Not more than two ADUs that are located on a lot that has an existing multi-family dwelling, but are detached from that multi-family dwelling and are subject to a height limit of 18 feet and four-foot rear yard and side setbacks.
- M. “Tandem parking” means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

#### **17.41.014 ADU and JADU approvals.**

- A. Building Permit. Any ADU or JADU that complies with all of the applicable development standards of this Article requires only a ministerial building permit.
- B. Review Timeline. The City shall approve or deny an 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. Denial Requirements. If the City denies an application to create an ADU or JADU, the City must 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 must be provided to the applicant within the 60-day time period established by subsection B above.
- D. Demolition Permit. A demolition permit for a detached garage that is to be replaced with an ADU is reviewed with the application for the ADU and issued at the same time.

#### **17.41.016 ADU and JADU Development Standards**

- A. ADUs and JADUs on a Single-Family Lot. ADU and JADU standards for lots in a residential or mixed-use zone with a proposed or existing single-family dwelling shall comply with the following:
1. General Requirements.
    - a. Maximum Number. No more than one JADU and one ADU shall be allowed per legal parcel.
    - b. Minimum Size. The minimum size of an ADU or JADU shall be at least that of an efficiency unit as defined in Section 17958.1 of the Health and Safety Code.
    - c. JADU Requirements. JADUs shall comply with the requirements of Government Code Section 65852.22.
  2. Requirements for Interior ADU (Converted Space) on a Single-Family Lot.
    - a. Definition. An interior ADU is either:
      - 1) Within the space of an existing or proposed single-family dwelling; or
      - 2) 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.
    - b. Access. An interior ADU shall have exterior access that is independent of that for the single-family dwelling; and
    - c. Setbacks. An interior ADU shall have side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.
  3. Requirements for Attached ADU on a Single-Family Lot.
    - a. Definition. An attached ADU is new construction that is attached to the primary structure and is not an interior ADU as defined in subsection A.2.a.
    - b. Maximum Size. An attached ADU shall not exceed 850 square feet for a studio or one-bedroom unit and 1,200 square feet for a unit with two or more bedroom. Application of the requirements of this subsection A.3. might further limit the size of the ADU; however, no application A.3.d.1 (front-yard setbacks) or A.3.e (maximum lot coverage) may require the ADU to be less than 850 square feet.
    - c. Maximum Height. An attached ADU shall not exceed 25 feet in height. Notwithstanding the foregoing, ADUs shall not exceed two stories.
    - d. Minimum Setbacks.
      - 1) Front-yard setback: 25 feet

2) Side-yard setback: 4 feet

3) Rear-yard setback: 4 feet

e. Maximum Lot Coverage.

<u>Zone</u>	<u>Maximum Lot Coverage</u>
<u>RR-2.5, RR-1, SRR, R-15000, R-10,000</u>	<u>40%</u>
<u>R-7,000, MDR and HDR</u>	<u>50%</u>
<u>Mixed Use Zones</u>	<u>60%</u>

4. Requirements for Detached ADU on a Single-Family Lot.

a. Definition. A detached ADU is new construction that is detached from the primary structure and is not an interior ADU as defined in subsection A.2.a.

b. Maximum Size. A detached ADU shall not exceed 850 square feet for a studio or one-bedroom unit and 1,200 square feet for a unit with two or more bedrooms. Application of the requirements of this subsection A.4. might further limit the size of the ADU; however, no application of the requirements in subsection A.4.d.1 (front-yard setbacks) or A.4.e (maximum lot coverage) may require the ADU to be less than 850 square feet.

c. Maximum Height. A detached ADU shall not exceed 18 feet in height, and up to two additional feet in height (for a maximum of 20 feet) if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.

d. Minimum Setbacks.

1) Front-yard setback: 25 feet

2) Side-yard setback: 4 feet

3) Rear-yard setback: 4 feet

e. Maximum Lot Coverage.

<u>Zone</u>	<u>Maximum Lot Coverage</u>
<u>RR-2.5, RR-1, SRR, R-15000, R-10,000</u>	<u>40%</u>
<u>R-7,000, MDR and HDR</u>	<u>50%</u>
<u>Mixed Use Zones</u>	<u>60%</u>

5. Interior ADU Combined with New Construction. Where an ADU is created through a combination of conversion of an existing structure (interior ADU) and new construction (either attached ADU or detached ADU), the new construction portion of the project is subject to the development standards applicable to new construction standards for attached ADUs in subsection A.3 or detached ADU in subsection A.4, as applicable. If the interior ADU exceeds the maximum sizes indicated in subsections A.3 and A.4, no additional square footage shall be permitted.

B. ADUs on a Multi-Family Lot. ADU standards for lots in a residential or mixed-use zone with existing or proposed multi-family dwellings shall comply with the following:

1. General Requirements.

a. Maximum Number.



- 1) Up to 25% of the number of units in the proposed or existing multi-family dwelling (but no less than one) shall be allowed as interior ADUs created within the space of the existing or proposed multi-family structure; and
    - 2) No more than two detached ADUs per lot.
  - b. Minimum Size. The minimum size of an ADU shall be at least that of an efficiency unit as defined in Section 17958.1 of the Health and Safety Code.
2. Requirements for Interior ADU (Converted Space) on a Multi-family Lot.
  - a. Definition. An interior ADU is created from space located within portions of existing or proposed multi-family dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages; and
  - b. Standards. An interior ADU shall comply with state building standards for dwellings.
3. Requirements for Detached ADU on a Multi-family Lot.
  - a. Definition. A detached ADU is new construction that is detached from the primary structure and is not an interior ADU as defined in subsection B.2.a.
  - b. Maximum Size. A detached ADU shall not exceed 850 square feet for a studio or one-bedroom unit and 1,200 square feet for a unit with two or more bedrooms. Application of the requirements of this subsection B.3. might further limit the size of the ADU; however, no application of the requirements in subsection B.3.d.1 (front-yard setbacks) or B.3.e (maximum lot coverage) may require the ADU to be less than 850 square feet.
  - c. Maximum Height. 18 feet, and up to two additional feet in height (for a maximum of 20 feet) if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary structure.
  - d. Minimum Setbacks.
    - 1) Front-yard setback: 25 feet
    - 2) Side-yard setback: 4 feet
    - 3) Rear-yard setback: 4 feet
  - e. Maximum Lot Coverage.

<u>Zone</u>	<u>Maximum Lot Coverage</u>
<u>RR-2.5, RR-1, SRR, R-15000, R-10,000</u>	<u>40%</u>
<u>R-7,000, MDR and HDR</u>	<u>50%</u>
<u>Mixed Use Zones</u>	<u>60%</u>

#### **17.41.018 ADU and JADU requirements.**

The following requirements apply to all ADUs and JADUs.

##### **A. Fire Sprinklers.**

1. Fire sprinklers are required in an ADU (attached, detached-or conversions) and JADU if sprinklers are required in the primary residence.
2. The construction of an ADU (attached, detached or conversions) or JADU does not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.

- B. Rental Term. No ADU or JADU may be rented for a term that is shorter than 30 days. This prohibition applies regardless of when the ADU or JADU was created.
- C. No Separate Conveyance. An ADU or JADU may be rented. However, except as otherwise provided in Government Code Section 65852.26, no ADU or JADU may be sold or otherwise conveyed separately from the lot and 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).
- D. Septic System. If the ADU or JADU will connect to an onsite wastewater-treatment system, the owner must include with the application a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years.
- E. Owner Occupancy. Except as specified in subsections 1 and 2, below, at least one person with legal or equitable title to the property on which an ADU or JADU is located must reside on that property as that person's legal domicile and permanent residence. The owner may reside in an ADU, JADU, or primary dwelling on the property.
1. Any ADU that is permitted after January 1, 2020, but before January 1, 2025, is not subject to any owner-occupancy requirements unless the property has both an ADU and a JADU, in which case the owner-occupancy requirements apply.
  2. The property on which a JADU is located is entirely owned by another governmental agency, land trust, or housing organization is not subject to any owner-occupancy requirement.
- F. Deed Restriction. Prior to issuance of a building permit for an ADU or JADU, a deed restriction must be recorded against the title of the property in the County Recorder's office and a copy filed with the Director. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the city and must provide that:
1. Except as otherwise provided in Government Code Section 65852.26, the ADU or JADU may 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 chapter.
  3. The deed restriction runs with the land and may be enforced against future property owners.
  4. The deed restriction may be removed if the owner eliminates the ADU or JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the Director, providing evidence that the ADU or JADU has in fact been eliminated. The Director may then determine whether the evidence supports the claim that the ADU or JADU has been eliminated. Appeal may be taken from the Director's determination consistent with other provisions of this Code. If 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 must otherwise comply with applicable provisions of this Code.
  5. The deed restriction is enforceable by the Director or his or her 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 to it 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.
- G. Building and Safety.
1. Building Code Compliance. Subject to subsection 2, below, 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 (subsection 17.41.018.G) prevents the City from changing the occupancy code of a space that was uninhabitable space or that was only permitted for nonresidential use and was subsequently converted for residential use in accordance with this section.

H. 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 must be located on the same parcel as the unit, on a paved surface, without encroachment beyond the parcel boundaries, and accessible by a paved pathway.  
b. Parking may be provided as tandem parking, including on a paved driveway provided:

- 1) No parking shall be permitted in the front setback unless the driveway has a minimum depth of 20 feet.  
2) Unless otherwise determined by the Director to be infeasible for specific site or regional topographical or fire and life safety conditions.

2. Exceptions.

- a. Parking for the ADU or JADU. Parking required pursuant to subsection H.1, above, is not required if:

- 1) The ADU is an interior ADU that is converted from proposed or existing space of a primary dwelling/structure or existing accessory structure; or  
2) The ADU is located within one-half mile walking distance of public transit, as defined in section 17.41.012.  
3) The ADU is an ADU or JADU that meets the definition of State-exemption ADU in section 17.41.012.

- b. Replacement Parking. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU on the same parcel to be 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 attached garage; in which case, the loss of parking spaces serving the single-family residence shall be replaced in kind.

3. Parking Design.

- a. Dimensions. The parking for the ADU or JADU shall be provided by a 10-foot by 20-foot space located either inside a garage or carport, or on a driveway.  
b. Turn Arounds. Parking spaces for ADUs and JADUs shall not block circular drives or hammerhead turn-arounds that serve the primary dwelling unit to provide means by which vehicles can enter a street head-first.

**17.41.020 ADU and JADU nonconforming zoning code conditions, building code violations, and unpermitted structures.**

- A. Generally. The city will 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. 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 the state ADU law (Government Code section 65852.2) or this ADU ordinance (Chapter 17.41, Article I (sections 17.41.010 – 17.41.020)).
2. Exceptions:
- a. Notwithstanding subsection B.1.a., above, 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. Subsection B.1.a, above, does not apply to a building that is deemed to be substandard in accordance with California Health and Safety Code section 17920.3.

**Article II. Density Bonus**

**17.41.030 Density Bonus Purpose.**

The purpose of this Article 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.

**17.41.032 Density bonus 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, as may be amended.
- B. Compliance. The applicant shall comply with all requirements stated in Government Code Sections 65915 through 65918. The requirements of Government Code Section 65915 through 65918, 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 Government Code Section 65915.

- D. Interpretation. The provisions of this subdivision shall be interpreted to implement and be consistent with the requirements of Government Code Section 65915. Any changes to Government Code Section 65915 shall be deemed to supersede and govern over any conflicting provisions contained herein. If any portion of this Article conflicts with State Density Bonus Law or other applicable State law, State law shall supersede this Section. Any ambiguities in this Article shall be interpreted to be consistent with State Density Bonus Law.
- E. Replacement Housing Requirement. Pursuant to subdivision (c)(3) of 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.

#### **17.41.034 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 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 Government Code Section 65915 is amended to specifically require that local agencies grant incentives or concessions for senior citizen housing developments.

#### **17.41.036 Physical constraints and parking waivers.**

- A. Physical Constraints. Except as restricted by Government Code Section 65915, 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 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 Government Code Section 65915(p), as that section may be amended from time to time.

#### **17.41.038 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 of Lancaster and the applicant shall agree in writing to an appropriate method of ensuring the continued availability of the density bonus units.

#### **17.41.040 Application procedure for density increase or other incentives/concessions**

- A. An application for a density increase or other incentives under this Article 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 Article, 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 one 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 zones 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 Article shall be considered by the Community Development Director or designee, separately. The request shall be approved if the applicant complies with the provisions of California Government Code Section 65915 et seq.

### **Article III. Two-Unit Projects**

#### **17.41.050 Two-Unit Projects Purpose.**

The purpose of this article (sections 17.41.050 through 17.41.058) is to allow and appropriately regulate two-unit projects in single-family residential zones (rural residential RR-2.5, rural residential RR-1, semi-rural residential SRR, residential R-15,000, residential R-10,000, and residential R-7,000) in accordance with Government Code section 65852.21.

#### **17.41.052 Definitions.**

- A. “Accessory dwelling unit” (ADU) shall have the same meaning as specified in section 17.41.012.
- B. “Dwelling unit” shall have the same meaning as specified in section 17.04.240.
- C. “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, limited partnership, limited liability company, C corporation, S corporation) except for a community-based land trust (as defined by Revenue & Taxation Code Section 402.1(a)(11)(C)(ii)) or a qualified non-profit corporation (as defined by Section 214.15).
- D. “Junior accessory dwelling unit” (JADU) shall have the same meaning as specified in section 17.41.012.
- E. “Primary dwelling unit” means a single-family residence on the parcel and is the larger of the two if there is an existing accessory dwelling unit on the parcel.
- F. “Two-unit project” means the development of two (2) primary dwelling units, or, if there is already a primary dwelling unit on the lot, the development of a second primary dwelling unit on a legally subdivided lot in accordance with the requirements of this section.
- G. “Urban lot split” shall have the same meaning as specified in section 16.17.020.A.

#### **17.41.054 Applications.**

- A. Only an individual property owner may apply for a two-unit project.
- B. An application for a two-unit project must be submitted on the city’s approved form. Only a complete application will be considered.
- C. The applicant must obtain a certificate of compliance pursuant to the subdivision map act for the lot and provide the certificate with the application for a two-unit project.



- D. The city may establish a fee to recover its costs for adopting, implementing, and enforcing this section of the code, in accordance with applicable law. The city council may establish and change the fee by resolution. The fee must be paid with the application submittal.

#### **17.41.056 Approval.**

- A. An application for a two-unit project is approved or denied ministerially by the [community development director](#) without discretionary review.
- B. The ministerial approval of a two-unit project does not take effect until the city has confirmed that the required documents, including but not limited to, deed restrictions and easements, have been recorded.
- C. The approval must 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 must 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.

#### **17.41.058 Requirements.**

A two-unit project must satisfy each of the following requirements:

- A. Subdivision Map Act Compliance. The lot must have been legally subdivided.
- B. Zone. The lot is in a single-family residential zone (rural residential RR-2.5, rural residential RR-1, semi-rural residential SRR, residential R-15,000, residential R-10,000, and residential R-7,000).
- C. Lot Location. Two-unit project lot shall not be located on a site that is any of the following:
1. Prime farmland, farmland of statewide importance, as defined pursuant to the United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the farmland mapping and monitoring program of the department of conservation, or land that is zoned or designated for agricultural protection or preservation by a local ballot measure.
  2. A wetland that would prevent development of the two-unit project lot.
  3. Within a high fire hazard severity zone as determined by the California Department of Forestry and Fire Protection pursuant to Government Code § 51178, or as indicated on maps adopted by the said Department pursuant to Public Resources Code § 51179(b), unless the site complies with all fire hazard mitigation measures required by existing building standards or state fire mitigation measures applicable to development.
  4. A hazardous waste site pursuant to Government Code section 65962.5 or a hazardous waste site designated by the California Department of Toxic Substances Control pursuant to § 25356 of the State Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or State Department of Toxic Substances control has cleared the site for residential use.
  5. Within a delineated earthquake fault zone, unless all development on the site complies with applicable seismic protection building code standards.
  6. Within a 100-year flood hazard area as determined by the Federal Emergency Management Agency (FEMA) in any official maps published by FEMA. However, a development may be located on a lot described herein if the lot is otherwise eligible for approval under the provisions of this code and the applicant is able to satisfy all applicable federal qualifying criteria demonstrating the site has either:

- a. Been subject to a letter of map revision prepared by FEMA and issued to the city; or
    - b. Meets FEMA requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to part 59 and part 60 of subchapter 8 of chapter 1 of title 44 of the Code of Federal Regulations.
  - 7. Within a regulatory floodway as determined by FEMA in any official maps published by FEMA, unless the development has received a no-rise certification in accordance with § 60.3(d)(3) of title 44 of the Code of Federal Regulations.
  - 8. Encumbered with a conservation easement or identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act, habitat conservation plan pursuant to the Federal Endangered Species Act, or other adopted natural resource protection plan.
  - 9. Containing habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the Federal Endangered Species Act, the State Endangered Species Act, or the Native Plant Protection Act that would prevent development of the site.
  - 10. Areas encumbered by a recorded easement that would prevent development of the site.
  - 11. Containing a residential use in a zone other than those stated herein.
- D. No Impact on Protected Housing.
- 1. The two-unit project must not require or include the demolition or alteration of any of the following types of housing:
    - a. Housing that is income-restricted for households of moderate, low, or very low income, as defined by the state.
    - b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
    - c. Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (Government Code §§ 7060-7060.7) at any time in the fifteen (15) years prior to submission of the two-unit project.
    - d. Housing that has been occupied by a tenant in the last three (3) years.
  - 2. As part of the two-unit project application, the applicant and the owner of the property must provide a sworn statement by affidavit representing and warranting that this subsection 17.041.058.D. is satisfied. The sworn statement must state that:
    - a. No housing that is income-restricted for households of moderate, low, or very low income will be demolished or altered.
    - b. No housing that is subject to any form of rent or price control will be demolished or altered.
    - c. No housing that has been withdrawn from rental or lease under the Ellis Act at any time in the last fifteen (15) years will be demolished or altered.
    - d. No housing that has been occupied by a tenant in the last three (3) years will be demolished or altered.
  - 3. 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. The city may require additional evidence of the applicant and owner, as necessary, to determine compliance with this requirement.

- E. Existing Structures. The proposed dwelling unit development shall not include the demolition of more than twenty-five (25) percent of the existing exterior structural walls unless the site has not been occupied by a tenant in the last three (3) years.
- F. Unit Standards. The two-unit project shall comply with all of the following standards. Notwithstanding any provisions in this subsection, and with the exception of side and rear yard setbacks, any of the following development or design standards that physically preclude the development of two (2) dwelling units from each being 800 square feet in floor area, as determined by the director of community development shall be waived.
1. Quantity.
    - a. No more than two (2) dwelling units of any kind may be built as part of a two-unit project.
    - b. The following development is permitted on each lot, including each of the two (2) lots resulting from an urban lot split:
      - 1) One (1) attached duplex unit; or
      - 2) Two (2) primary dwelling units; or
      - 3) A primary dwelling unit and an ADU; or
      - 4) A primary dwelling unit and a JADU.
  2. Structures. Structures shall not be located in areas encumbered by a recorded easement.
  3. Unit Size.
    - a. The total floor area of each primary dwelling that is developed under this section must be less than or equal to eight hundred (800) square feet and more than five hundred (500) square feet.
    - b. A primary dwelling that was legally established prior to the two-unit project and that is larger than eight hundred (800) square feet is limited to the maximum floor area allowed for that zone at the time of the urban lot split. It shall not be expanded.
    - c. A primary dwelling that was legally established prior to the two-unit project and that is smaller than eight hundred (800) square feet may be expanded to eight hundred (800) square feet but no greater.
    - d. Basements shall not be permitted.
    - e. The combined maximum floor area on the lot, inclusive of both units, shall be 1,700 square feet.
    - f. If the lot is fully developed with the number of units permitted under this article, then the applicant or property owner shall record a deed restriction in a form approved by the city attorney's office stipulating that no further development on the lot is permitted.
  4. Height Restrictions.
    - a. No new primary dwelling unit shall exceed a single story.
    - b. No new primary dwelling unit shall exceed twenty-two (22) feet in height measured from natural grade to peak of the structure.
    - c. No rooftop deck is permitted on any new or remodeled dwelling or structure on a lot resulting from the provisions of this article.
  5. Lot Coverage. Development shall not exceed fifty (50) percent lot coverage.
  6. Setbacks. All setbacks must conform to those objective setbacks of the underlying zone, except for the following:

- a. Existing Structures. No setback is required for an existing legally established structure or for a new structure that is constructed in the same location and to the same dimensions as an existing legally established structure.
  - b. Side and Rear Setbacks. Setback areas shall be a minimum four (4) feet from a side or rear property line.
  - c. Front Setback. Notwithstanding any other part of this code, dwellings that are constructed pursuant to this article shall be at least twenty-five (25) feet from the front property line. The front setback area must:
    - 1) Be kept free from all structures higher than three (3) feet;
    - 2) Be at least fifty (50) percent landscaped with drought-tolerant plants, with vegetation and irrigation plans approved by a licensed landscape architect;
    - 3) Allow for vehicular and fire-safety access to the front dwelling unit; and
    - 4) All portions of the dwelling units constructed pursuant to this article, including eave overhangs and other projections, shall meet the required setbacks as set forth in this section.
- 7. Parking. At least one (1) off-street parking space shall be provided per dwelling unit, unless either of the following applies:
  - a. The lot is located within one-half mile walking distance of either a high-quality transit corridor according to subdivision (b) of Section 21155 of the Public Resources Code with fixed route bus service with service intervals of no longer than fifteen (15) minutes during peak commute hours, or a major transit stop consisting of an existing rail or bus rapid transit station, as defined in Section 21064.3 of the Public Resources Code.
  - b. There is a car share vehicle located within one (1) block of the lot.
- 8. Driveways.
  - a. Driveway access to all new units shall comply with city standard details and specifications for driveways and turnarounds.
  - b. A two-unit project shall be constructed on a lot that has access to, provides access to, or adjoins, a public right-of-way. Any urban lot split created shall ensure that each lot has access to, provides access to, or adjoins a public right-of-way.
- 9. Design Standards. The objective design standards in Article IV of this Chapter (Ch. 17.41) shall apply to all dwellings except accessory dwelling units. If there is a conflict between this Article and Article IV, this Article shall prevail. Accessory dwelling units are subject to Chapter 17.41, Article I.
- 10. Landscaping. Evergreen landscape screening shall be planted and maintained between each detached dwelling unit and adjacent lots, but not rights-of-way, as follows:
  - a. At least one (1) fifteen (15)-gallon size plant or tree shall be provided for every five (5) linear feet of exterior wall, or at least one (1) twenty-four (24)-inch box size plant or tree shall be provided for every ten (10) linear feet of exterior wall, or a solid fence of at least six (6) feet in height shall be installed.
  - b. All landscaping shall be drought tolerant.
  - c. All landscaping shall be from the city's approved plant list.
- G. Nonconforming conditions. A two-unit project may be approved without requiring a legal nonconforming zoning condition to be corrected.

H. Utilities.

1. All dwelling units shall be connected to public water utilities and to either public sewer or an onsite wastewater treatment system.
2. Each primary dwelling unit must have its own direct utility connection to the utility service provider.
3. Each dwelling unit that is or that is proposed to be connected to an onsite wastewater treatment system must first have a percolation test completed within the last five (5) years, or, if the percolation test has been recertified, within the last ten (10) years.
4. All electric and utility services to a new dwelling unit shall be underground.

I. Building and Safety. All structures built on the lot must comply with all current city building standards.

J. Regulation of Uses.

1. Residential only. No non-residential use shall be permitted on the lot except home occupations pursuant to Lancaster Municipal Code Section 17.08.200 (Home Occupations).
2. Short-Term Rentals. No dwelling unit on a lot shall be rented for a period of less than thirty (30) days.
3. Owner Occupancy. The property owners of a lot with a two-unit project must occupy one (1) of the dwellings on the lot as the owners' principal residence and legal domicile. In the case of an urban lot split, the property owner shall occupy at least one of the units for a period of not less than three years.

K. Notice of Construction

1. At least thirty (30) business days before starting any construction of a two-unit project, the property owner shall provide written notice to all the owners of record of each adjacent lot that is zoned for residential use, which notice shall include the following information:
  - a. Statement that construction has been authorized;
  - b. Anticipated construction start and end dates;
  - c. Hours of construction;
  - d. Contact information for the project manager for construction related complaints; and
  - e. Contact information for the Building and Safety Department.
2. The notice requirement is solely for informational purposes and does not confer a right on the noticed persons or on anyone else to comment on the project before permits are issued.

L. Deed Restriction. The owner shall record a deed restriction, acceptable to the city, on each two-unit project lot that provides each of the following:

1. Expressly prohibits any rental of any dwelling unit on the property for a period of less than thirty (30) days.
2. Expressly prohibits any non-residential use of the lots.
3. Expressly prohibits any separate conveyance of a primary dwelling unit on the property, any separate fee interest, and any common interest development within the lot.
4. States that development on the lot is limited to the dwelling units under section 17.41.058.F.1. except as required by state law.

M. Specific Adverse Impacts.

1. Notwithstanding anything else in this section, the city may deny an application for a two-unit project 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.

2. “Specific adverse impact” has the same meaning as in Government Code § 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 either (1) inconsistency with the zoning ordinance or general plan land use designation, or (2) the eligibility to claim a welfare exemption under Revenue and Taxation Code Section 214(g).

3. The building official may consult with and be assisted by planning staff and others as necessary in making a finding of specific, adverse impact.

N. Remedies. If a two-unit project violates any part of this code or any other legal requirement, the following apply:

1. The buyer, grantee, or lessee of any part of the property has an action for damages or to avoid the deed, sale, or contract.

2. The city may:

a. Bring an action to enjoin any attempt to sell, lease, or finance the property.

b. Bring an action for other legal, equitable, or summary remedy, including but not limited to, declaratory and injunctive relief.

c. Pursue criminal prosecution, punishable by imprisonment in county jail or state prison for up to one (1) year, by a fine of up to ten thousand dollars (\$10,000.00), or both; or a misdemeanor.

d. Record a notice of violation.

e. Withhold any or all future permits and approvals.

f. Pursue all other administrative, legal, or equitable remedies that are allowed by law or the city’s code.

## **Article IV. Objective Design Standards (ODS)**

### **17.41.070 ODS Purpose**

The objective design standards (ODS) in Article IV of this Chapter (sections 17.41.070 through 17.41.088) draw from and complement existing context-based design criteria set forth in other Sections of this Title 17 and the General Plan. The purposes of the ODS are to:

- Provide long-term value to neighborhoods and districts through high design quality site planning and building design;
- Encourage design approaches that encourage pedestrian and non-motorized vehicle use;
- Reduce barriers to housing for very low-, low-, or moderate-income households; and
- Accelerate housing production through the clear communication of design objectives and efficient permitting process for qualifying residential and mixed-use development projects pursuant to Government Code Section 65589.5 and Section 65913.4.

#### **17.41.072 ODS Applicability and Procedures**

- A. Applicable developments. This article establishes ODS for all residential projects and mixed-use developments consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use.
- B. Alternative review process. Residential and mixed use developments that are subject to this article must be consistent with each of the applicable ODS included herein. However, applicants who cannot or do not wish to meet one or more of the ODS in this article can request a design modification in accordance with section 17.41.100.

#### **17.41.074 Site design and pedestrian connections and amenities – all projects**

- A. Purpose. These objective site design and pedestrian improvement regulations are established to help ensure that new residential and mixed use development provides connectivity, both physically and visually, that designs encourage pedestrian and non-motorized vehicle use, and help ensure separation of motor vehicle circulation from pedestrians and cyclists.
- B. Internal circulation requirements for residential and mixed use projects in all zones.
  - 1. An internal system of pedestrian walkways shall be designed that provides direct access connections to and between the following:
    - a. Entrances to each primary structure;
    - b. Off-street parking areas or parking structures; and
    - c. The public sidewalk system along the perimeter streets abutting the development.
  - 2. All required pedestrian walkways shall be hard surfaced and a minimum of four (4) feet wide.
  - 3. Subdivisions of more than 40 lots and multi-dwelling development of more than 40 units shall have at least one entryway feature that identifies the development for motorists.
    - a. At a minimum, the entry feature shall include the following elements:
      - 1) A landscaped area of at least 32 square feet.
      - 2) A monument sign with the name of the subdivision or multi-dwelling development in a font legible to motorists.
    - b. Entryway features meeting this standard shall located at the primary entryway to the subdivision or multi-dwelling development. The primary entryway is the one that is forecast to receive the greatest average daily vehicle trips.
  - 4. If a new cul-de-sac is planned that will serve more than six (6) dwelling units, it shall be designed to provide pedestrian and bicycle through-access via a paseo or similar feature at the end of the cul-de-sac connecting to adjacent streets or publicly accessible open space. This standard does not apply to cul-de-sacs where connectivity is precluded by existing development or other features.
  - 5. On new local residential streets and on private roadways within developments serving at least 40 dwelling units, at least two of the following traffic-calming measures shall be used to reduce automobile speed:
    - a. Corner bulb-outs.
    - b. Mid-block bump-outs.
    - c. Tree plantings.



- d. Enhanced paving at crosswalks.
- C. Site design requirements for residential and mixed-use projects in mixed use zones.
  - 1. Site designs shall utilize a grid or modified-grid block pattern to maximize access and circulation efficiency.
  - 2. Individual residential driveways shall not take access from arterial or collector streets. Vehicle access shall be via alleys or local streets. Where provided, alleys shall include enhanced paving, landscape pockets, and night-time lighting.
  - 3. Non-residential loading and service areas shall not be located between the building and the primary street frontage.

#### **17.41.076 Building architecture and form –residential single-unit and multi-unit buildings up to four units**

- A. Purpose. These objective building architecture and form regulations are established to help ensure that new residential single-unit and multi-unit buildings up to four units provide long-term value to neighborhoods and districts through high design quality building design and enhanced elevations for residential structures that contribute to an attractive neighborhood streetscape.
- B. Objective Design Standards for residential single-unit and multi-unit buildings up to four units in all zones.
  - 1. Building façades shall be articulated by variation in massing, roof form, and wall planes. This standard shall be met by providing wall plane variation on front and street side facades as specified below.
    - a. For any front or street side building façade longer than 25 feet in length, blank walls shall not exceed 25 feet. Wall plane variation of at least two feet in depth and five feet in length shall be provided for relief for every 25 feet of building façade.
    - b. In lieu of a wall plane variation, pop-out elements such as bay windows and porches may be provided to achieve the same effect. Bay windows shall extend a minimum of one foot from the building façade. Porches shall extend a minimum of five (5) feet from the building façade.
  - 2. For structures containing two or more primary units, multiple colors, materials, textures, and applied finishes shall be used to help break up wall massing. This standard shall be met if a minimum of two exterior building materials, or a different application of the same material, are used on the front and street side facades. Glass for windows shall not be considered one of the two materials.
  - 3. Distinctive entries, porches, balconies, and window treatments shall be used on all street-oriented building facades. This standard shall be met by providing the entryway and window features as follows:
    - a. The primary entrance for each dwelling unit must be within eight (8) feet of the longest street-facing wall of that unit and face the street. Units which are located above or behind other units are exempt from this standard.
    - b. Entryways shall consist of one of the following:
      - 1) A front porch with a minimum depth of five (5) feet, as measured from the building façade to the posts, and a minimum length of eight (8) feet; or
      - 2) A recess or stoop measuring at least four (4) feet by four (4) feet which is well defined by a gabled entry, distinct change in roof line or columns, or has some other significant architectural distinction.

- c. The primary entrance shall be directly accessible from an adjacent sidewalk. Where no sidewalk exists, the connection shall be to the abutting public street. On corner lots, the primary entrance can be oriented toward either street.
- d. At least 15 percent of the area of each façade that faces a street lot line must be windows or main pedestrian entrance doors. All windows on a street-facing façade may be counted toward meeting this standard.
- 4. Residential buildings shall use tile roofing (concrete, ceramic, etc.). Exceptions: Other roofing material may be permitted when consistent with existing adjacent properties provided that asphalt shingles are prohibited on lots that are adjoining a public street and corrugated metal, galvanized metal, and similar sheets and panels are prohibited for use in all roof structures.
- 5. The length of the garage wall facing the street may be up to fifty percent (50%) of the length of the street-facing building façade. Roll-up garage door types are permitted. Swing-out garage doors are prohibited.
- 6. Builders of residential subdivisions shall ensure architectural variation by providing a minimum of the following combinations, dependent on the proposed number of residential units in the development:

<u>Proposed number of residential units</u>	<u>Minimum number of elevations</u>
<u>Fewer than 20 units</u>	<u>3</u>
<u>20 to 50 units</u>	<u>3</u>
<u>50 to 100 units</u>	<u>4</u>
<u>100 units or greater</u>	<u>5</u>

In no instance shall two homes of the same model and floor plan be built adjacent to each other or directly across the street from each other.

#### **17.41.078 Building architecture and form – residential multi-unit buildings (five or more units) and mixed use projects**

- A. Purpose. These objective building architecture and form regulations are established to help ensure that new residential multi-unit buildings (five or more units) and mixed use projects provide long-term value to neighborhoods and districts through high design quality building design and enhanced elevations for residential structures that contribute to an attractive neighborhood streetscape.
- B. Objective Design Standards for residential multi-unit buildings (five or more units) and mixed use projects in all zones.
  - 1. Building façades shall be articulated by variation in massing, roof form, and wall planes. This standard shall be met if:
    - a. At least 25 percent of the area of a street-facing facade is divided into facade planes that are off-set by at least two (2) feet in depth from the rest of the facade. Facade area used to meet the facade articulation standard may be recessed behind, or project out from, the primary facade plane, but projections into street right-of-way do not count toward meeting this standard.
    - b. All **street facing** facades shall include a minimum of two of the architectural features listed below:
      - 1) Recessed entrance(s): three (3) to six (6) feet deep (relative to building façade).

- 2) Eaves: overhang of not less than twelve (12) inches.

- 3) Offset: offset in facade or roof of at least two feet that extends for at least four (4) feet.

- 4) Bay window: projects from front elevation by not less one foot; up to a maximum of two (2) feet.

- 5) Balcony: one per dwelling unit facing the street, with a minimum depth of three (3) feet.

- c. Building setbacks and wall alignments shall be varied along façades abutting property zoned Rural Residential and Urban Residential (RR-2.5, RR-1, SRR, R-7,000, R-10,000, or R-15,000 zones). Wall plane variation of at least two feet in depth and five feet in length shall be provided for relief for every 50 linear feet of building facade.

- d. Rooflines shall be vertically articulated at a maximum of 50-foot intervals along all street frontages through one of the following techniques:

- 1) A change in height of a minimum four (4) feet;

- 2) A change in roof pitch, plane, or form; or

- 3) The inclusion of dormers, gables, parapets, varying cornices, and/or clerestory windows.

2. Multiple colors, materials, textures, and applied finishes shall be used to break up wall massing. This standard shall be met if a minimum of two exterior building materials, or a different application of the same material, are used on all facades. Glass for windows shall not be considered one of the two materials. Prohibited materials include vinyl and aluminum siding, T-111 plywood siding, and exterior insulation finishing system (EIFS).

3. Distinctive entries, porches, balconies, and window treatment shall be provided on street-facing facades. This standard shall be met, if:

- a. Buildings adjacent to the street have at least one primary building entry oriented to the street. Direct pedestrian access shall be provided between the public sidewalk and the primary building entries. Buildings that are not adjacent to the street shall have front entries that are oriented toward the common driveway or other common areas, such as paseos, forecourts, common walkways, and useable open space; and

- b. Residential entries provide transitional spaces between public areas fronting the primary street and entrances. This type of element or equivalent shall be required for each unit or group of units; but no less than one of this type of element shall be provided. Building entrances shall incorporate at least one of the following transitional space entry features:

- 1) Stoop (at least four (4) feet by four (4) feet and no higher than five (5) feet in height).

- 2) Porch (at least six (6) feet by eight (8) feet for common entries and at least five (5) feet by eight (8) feet for individual entries).

- 3) Overhang (if building has a shared lobby) with a recessed depth of at least three (3) feet.

- c. Nonresidential entries shall incorporate at least one of the following entry features:

- 1) Shopfront – a frontage where the main façade of the building is at or near the right-of-way/property line, with the building entrance at the sidewalk grade. For the purposes of this standard, “near the right-of-way/property line” means within ten (10) feet of the required maximum setback (or build-to line) applicable to the site frontage.

- 2) Gallery – a frontage where the main façade of the building is aligned at or close to the right-of-way/property line and the gallery element (an attached cantilevered shed roof or

colonnade) overlaps the sidewalk. Galleries shall have a consistent depth along the frontage of at least 10 feet. An encroachment permit is required for any structure in the public right-of-way.

- 3) Forecourt – a frontage where a portion of the main façade of the building is at or near the right-of-way/property line and a central portion is set back, creating a courtyard. For the purposes of this standard, “near the right-of-way/property line” means within ten (10) feet of the required maximum setback (or build-to line) applicable to the site frontage.
  - 4) Commercial Terrace – a frontage where a terrace extends along the building’s frontage providing public (non-vehicular) circulation, outdoor uses and access to the commercial pace entries.
- d. At least 20 percent of the area of each facade that faces a street lot line must consist of windows or main entrance doors. Windows used to meet this standard must allow views from the building to the street. Glass block does not meet this standard. To count toward meeting this standard, a door must be at the main entrance and facing the street property line.
  - e. Additional ground-floor window requirement for mixed use buildings. The following ground-floor window standards apply to the portion of a building with ground-floor commercial uses. For the purposes of this paragraph, ground-floor wall area includes exterior wall area from two (2) feet to ten (10) feet above the finished grade. Required ground-floor windows must be windows in walls or entrances that allow views into working area or display windows (must be at least 24 inches deep set into a wall). The bottom of qualifying windows must be no more than four (4) feet above the adjacent exterior grade:
    - 1) Windows must cover at least 40 percent of the ground floor wall area of the portion of a building that has a ground-floor commercial use when the ground-floor wall is located closer than five (5) feet from a street lot line.
    - 2) Windows must cover at least 25 percent of the ground floor wall area of the portion of building that has a ground-floor commercial use when the ground floor wall is located 5 feet or more from a street lot line.
4. Mechanical equipment located on the ground, such as heating or cooling equipment, pumps, or generators, must be screened from view from the street and any abutting residential zones by walls, fences, or vegetation. Vegetative screening shall consist of an evergreen hedge maintained at least two feet wide hedge that will be tall enough at maturity to screen the equipment. Mechanical equipment placed on roofs must be screened in one of the following ways:
    - a. A parapet that is as tall as the tallest part of the equipment;
    - b. A screen around the equipment that is as tall as the tallest part of the equipment; or
    - c. The equipment is set back from roof edges three feet for each foot of height of the equipment.

#### **17.41.080 Transitions and screening – residential multi-unit buildings (five or more units) and mixed use projects**

- A. Purpose. These objective regulations for transitions and screening are established to help ensure that new residential multi-unit buildings (five or more units) and mixed use projects provide visual and privacy transitions between proposed higher-intensity developments and adjacent, less-intensive uses.
- B. Objective Design Standards for residential multi-unit buildings (five or more units) and mixed use projects in all zones.

1. The heights of structures at the edge of multi-unit residential and mixed-use developments shall be “stepped down” to match or complement the maximum height of buildings allowed on any abutting property zoned Rural Residential and Urban Residential (RR-2.5, RR-1, SRR, RR-7,000, R-10,000, or R-15,000). This standard shall be met by the following transition of allowed building height adjacent to the Urban Residential zone.
  - a. On the portion of a site within 25 feet of a lot line abutting a site zoned Urban Residential, the maximum allowed step-down height shall be 35 feet.
  - b. Sites with property lines that abut a site zoned Urban Residential for less than a 5-foot length are exempt from this standard.
2. Windows on multi-unit residential and mixed-use developments shall be designed to protect privacy of adjacent residentially zoned properties. This standard applies to new windows above the first story that are within 20 feet of, and would have an uninterrupted line of sight to, one or more windows an existing interior residential space. Opaque or clerestory windows shall be used, or windows shall be located at least five feet above the finished floor, as measured from the bottom of the window/windowsill.
3. A masonry wall or fence (wrought iron and tubular steel) of not less than five (5) nor greater than six (6) feet in height shall be provided at the property line as follows:
  - a. Around the perimeter of a residential subdivision. This standard does not apply where the perimeter is coterminous with front lot lines or vehicle or pedestrian access points.
  - b. Around the perimeter of a multi-dwelling (with more than 5 units) development site or mixed use development site. On multi-dwelling sites with fewer than 40 units, this standard only applies where the site abuts a lot zoned Rural Residential and Urban Residential (RR-2.5, RR-1, SRR, R-7,000, R-10,000, or R-15,000). This standard does not apply where the perimeter is coterminous with the front lot line or vehicle or pedestrian access points.

#### **17.41.082 Open space and common areas.**

- A. Purpose. These objective open space and common area regulations are established to help ensure that new residential and mixed use projects provide private and common outdoor areas where residents can relax, recreate, meet neighbors, and enjoy the benefits of outdoor air, all things known to enhance quality of life.
- B. Objective Design Standards for residential and mixed use projects in all zones.
  1. For multi-family residential developments with more than 20 units, including townhouse developments, centralized open space and community facilities shall be provided to serve residents of the development. This standard shall be met by providing common open space areas consistent with the following requirements:
    - a. At least 15% of the total gross development area shall be common open space.
    - b. Setback areas shall not be used to satisfy common open space requirements.
    - c. Common open spaces, such as forecourts and gardens, shall have a minimum dimension of 40 feet in any direction, building face to building face.
    - d. A minimum of 50% of the open space area shall be landscaped with live plant material suitable for the desert climate.
    - e. A minimum of three of the following activating features shall be incorporated into open spaces:
      - 1) Fixed or movable seating.

- 2) Picnic style tables.
  - 3) Shade trees or shaded canopy.
  - 4) Outdoor kitchen equipment.
  - 5) Children’s play equipment.
  - 6) Public art or interactive art, such as a life-size chess game.
  - 7) Water feature (in conformance with sustainability standards).
- f. Exemption. The required common area standard does not apply to sites where:
  - 1) All of the dwelling units have individual entrances that are within 20 feet of a street lot line;
  - 2) Each entrance is connected to the street by a path that is at least 3 feet wide and hard surfaced; and
  - 3) Each dwelling unit has at least 200 square feet of individual outdoor area.
- 2. Private open space shall be provided for all multi-family building and the residential component of a mixed-use development consistent with the following requirements:
  - a. 80 square feet for ground-floor units in the form of a covered or uncovered patio; and
  - b. 40 square feet for upper-story units in the form of a terrace, balcony, or rooftop patio
- C. Additional Objective Design Standards for mixed use projects in mixed use zones.
  - 1. For commercial, office and employment components of mixed-use developments, open space plaza areas accessible to the public shall be provided for activity, interaction, and rest. Such areas shall include seating with trees or other shade amenities.

#### **17.41.084 Parking and access.**

- A. Purpose. These objective parking and access regulations are established to help ensure that new residential and mixed use projects are designed to minimize the dominant appearance of surface parking lots, parking structures, and driveways.
- B. Objective Design Standards for residential and mixed use projects in all zones.
  - 1. Uses are subject to the objective parking and loading standards of the applicable zone, including: the minimum number of required parking spaces, accessible parking, parking space and facility dimensions, curbing, access to public right-of-way, striping, and grade. In case of a conflict, the ODS shall prevail.
  - 2. A multi-family development following the streamlined review process pursuant to Government Code Section Government Code Section 65913.4 may be exempt or subject to reduced parking requirement in accordance with Government Code Section 65913.4(e).
  - 3. For parking areas serving multi-unit residential projects with more than two (2) units or mixed use developments, no off-street parking, off-street vehicle loading, or vehicular circulation areas shall be located between the building and the primary street frontage except in the following circumstances:
    - a. For developments facing arterial streets, in circumstances where the director of community development determines not possible to achieve rear parking placement due to lot size or configuration, street geometrics, easements, or other physical conditions, provided the parking is screened from street view by a combination of low masonry walls (maximum height 4 feet), landscaped berms, and/or evergreen hedges. The combination of walls, berms and/or hedges shall provide a minimum screening height of five (5) feet.

- b. The vehicle circulation area is limited to driveway access.
- 3. Where more than 50 surface parking spaces are provided on a site, parking areas shall be divided into a series of smaller, connected lots of no more than 50 spaces each through the use of landscaping and/or building placement.
- 4. The following landscaping standards shall apply to all surface parking lot areas with more than ten (10) parking spaces:
  - a. Surface parking lots that are visible from public streets shall meet the following landscaping, paving, and tree requirements:
    - i. At least 10% of the total area of any surface parking lot shall be landscaped and the landscape materials maintained in a healthy condition at all times.
    - ii. One tree shall be provided for every **four (4)** parking spaces. Trees shall be shade-producing trees and shall be evenly distributed throughout the parking lot so as to shade the parking area. Trees shall be located in landscape planters. Minimum tree size at planting shall be **24-inch box**.
  - b. Surface parking lots that are not visible from public and private streets and are located towards the rear and interior of the site shall meet the following landscaping and tree requirements:
    - i. At least five percent of the total area of any surface parking lot shall be landscaped and the landscape materials maintained in a healthy condition at all times.
    - ii. One tree shall be provided for every **eight (8)** parking spaces. Trees shall be shade-producing trees and shall be evenly distributed throughout the parking lot so as to shade the parking area. Trees shall be located in landscape planters. Minimum tree size at planting shall be **24-inch box**.
  - c. Where a surface parking lot abuts a parking structure or is adjacent to a surface parking lot on another lot, a landscape buffer not less than 10 feet in depth shall be provided between the lots or structures. Where adjacent surface parking lots allow common parking to serve multiple businesses and pedestrian walkways provide access to all businesses served, no landscape buffer shall be required.
  - d. Concrete wheel stops shall be installed in parking areas to protect landscaping. Any broken or damaged wheel stops shall be replaced. Alternatively, parking may be designed to overhang landscaped areas. Parking shall overhang landscaping no more than two feet with a minimum planter dimension of five feet.
  - e. All landscape planters shall have a minimum width of four feet.
- 5. Permanent parking for recreation vehicles (RVs), boats, and other similar large items shall be located behind the front plane of the primary building on the site. Parking for such vehicles shall not be permitted in any multi-unit or mixed-use zone.
- 6. For residential single-unit or two-unit buildings, in no instance shall paved surfaces used for parking, including driveways, cover more than fifty (50) percent of the front yard.
- 7. For mixed use developments, reciprocal access drives shall be required to connect with adjacent mixed use or commercial properties.



**17.41.086 Exterior Lighting – residential multi-unit buildings (five or more units) and mixed use projects**

- A. Purpose. These objective lighting regulations are established to help ensure that new residential multi-unit buildings (five or more units) and mixed use projects provide functional security for persons and property and allow extended use of properties into nighttime hours; lighting is installed and maintained to provide for an environmentally sensitive and energy efficient nighttime environment that includes the ability to view the stars against a dark sky from residential and other appropriate viewing areas; and ambient nighttime light levels do not adversely impact adjacent properties.
- B. Objective Design Standards for residential multi-unit buildings (five or more units) and mixed use projects in all zones.
1. Development applications shall include a lighting plan showing locations and specifications for all exterior lighting, including lighting used to illuminate streets, buildings, sidewalks, multi-use paths, parking lots, plazas, or open space areas. The lighting plan shall be evaluated during the land use approval process for compliance with the standards of this section.
  2. For safety purposes, lighting shall be provided throughout the on-site pedestrian circulation system, including street frontages, sidewalks, multi-use paths, parking lots, buildings, and plazas. The on-site pedestrian circulation system shall be lighted to a minimum level of two (2) foot-candles and a maximum of three (3) foot-candles to enhance pedestrian safety and allow use at night.
  3. The minimum lighting level for building entries of new multi-unit, retail, commercial, office, and institutional buildings located shall be three (3) foot-candles. Lights shall be 6 to 12 feet in height and the light source shall be shielded.
  4. Exterior lighting shall not blink, flash, or change color or intensity.
  5. Maximum lighting levels at property lines shall not increase lighting level more than 1.1 lumens/square meter 10 feet beyond the property line or 5.4 lumens/square meter adjacent to non-residentially zoned property or public rights-of-way.
  6. Permanent exterior light fixtures that emit more than 900 lumens (13 watt compact fluorescent or 60 watt incandescent) shall be concealed or shielded with an Illumination Engineering Society of North America (IESNA) full cut-off style fixture with an angle not exceeding 90 degrees to minimize the potential for glare and unnecessary diffusion on adjacent property.

**17.41.088 Additional objective standards.**

- A. Projects subject to this chapter must comply with all other applicable objective standards within this Title 17, including, but not limited to:
1. Development Standards as indicated in Sections 17.08.060 or 17.10.060, as may be amended.
  2. Landscaping Standards as indicated in subsection 17.08.110.B, as may be amended.
  3. Electric Vehicle Charging Stations as indicated in Section 17.08.330, as may be amended.
  4. Yard, street and highway line requirements in Chapter 17.28, as may be amended.
- B. Projects subject to this chapter must comply with those objective design standards contained within an applicable master plan or specific plan.

- C. In case of a conflict between applicable objective standards contained within Title 17 and the ODS in this chapter, the ODS in this chapter shall prevail. In case of a conflict between applicable objective standards contained within an applicable master plan or specific plan and the ODS in this chapter, the objective standards of the master plan or specific plan shall prevail.

#### **17.41.100 Design Modifications.**

- A. Purpose. The design modification process allows the Director to approve modifications to the application of the ODS. The design modification process provides a mechanism by which the ODS may be modified if the proposed development continues to meet the intended purpose of those regulations. Design modifications provide flexibility for unusual situations. They also allow for alternative ways to meet the purposes of the ODS.
- B. Procedures. Design modification requests are reviewed in accordance with Chapter 17.32, Article VI, Director's Review.
- C. Review Criteria. For each ODS for which a design modification is requested, the applicant must show that the following criteria have been met:
1. Granting the design modification will equally or better meet the purpose of the regulation to be modified; and
  2. The proposal will be consistent with the desired character of the zone; and
  3. Any negative impacts resulting from the design modification are mitigated to the extent practical; and
  4. The proposal will not significantly detract from the livability or appearance of the surrounding area; and
  5. If more than one design modification is being requested, the cumulative effect of the design modifications results in a project which still meets criteria (1) through (4), above.

### **Article V. Emergency Shelters and Low Barrier Navigation Centers**

#### **17.41.200 Purpose and Intent**

The purpose of these regulations is to allow operation of emergency shelters and low barrier navigation centers in the City to help people in need of housing that are temporarily homeless. Reasonable standards have been established to preserve the neighborhood character and quality of life in Lancaster. Low barrier navigation centers may be permitted for the time determined valid under Government Code Sections 65660 through 65668.

#### **17.41.210 Application and Permit Required.**

- A. Emergency shelters are allowed by right within the Light Industrial (LI) Zone subject to the standards in section 17.41.220. These standards may be applied to an emergency shelter proposed in other zoning district subject to conditional use approval. Emergency shelters which require conditional use permit approval may be subject to conditions of approval with requirements that vary from and supplement these standards.
- B. Low barrier navigation centers meeting the requirements of Government Code Section 65662 are allowed by right in areas zoned for mixed use and nonresidential zones permitting multi-family uses, subject to the standards in section 17.41.220.

#### **17.41.220 Standards for Emergency Shelters and Low Barrier Navigation Centers.**

All emergency shelters and low barrier navigation centers shall be subject to the following standards:

- A. New structures for emergency shelters or low barrier navigation centers shall be subject only to those objective development standards that would apply to development within the applicable zone, including but not limited to, those standards related to lot size, building placement, setback, building size and massing, open space and landscaping.
- B. The emergency shelter or low barrier navigation center shall be operated by a responsible social service provider. For the purposes of this section, a “social service provider” means an agency or organization licensed or supervised by any Federal, State or local health/welfare agency that participates in the Federal Homeless Management Information System (HMIS) and has demonstrated experience with the homeless population by assisting individuals and families to achieve economic self-sufficiency and self-determination through a comprehensive array of programs and actions.
- C. The emergency shelter or low barrier navigation center shall provide at least one (1) qualified on-site supervisor at all times, plus one (1) attendant for each fifty (50) occupants.
- D. An emergency shelter or low barrier navigation center shall not be approved when another emergency shelter or low barrier navigation center exists within three hundred (300') feet of the proposed site.
- E. On-site waiting and intake areas shall be enclosed or screened from the public right-of-way and adjacent properties.
- F. Parking to serve all staff working in the emergency shelter shall be supplied at a ratio of one vehicle space per ten beds, provided that this standard does not require more parking for emergency shelters or low barrier navigation center than other residential or commercial uses within the same zone.
- G. The maximum number of beds or persons permitted to be served nightly by the facility shall be as limited to 150 beds.
- H. Providers must submit a written management plan prior to beginning operation, including provisions for staff training, and counseling, treatment, and training programs for residents and length of time which clients may be accommodated. The management plan shall also address how the immediate sheltering needs of individuals who may be turned away from the shelter will be handled.

#### **17.41.230 Additional Standards for Low Barrier Navigation Centers.**

- A. Applications shall be processed in accordance with Government Code Section 65664 provides timelines for action; the City must notify the developer within thirty (30) days if the application is complete under Government Code Section 65493 and then must act on the application within sixty (60) days from the date the application has been deemed complete.

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## Chapter 17.43 COMMERCIAL CANNABIS ACTIVITY<sup>2</sup>

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### ~~17.43.020 Relationship to other laws.~~

~~In the event of a conflict between the provisions of this chapter and the provisions of any other applicable state or local law, the more restrictive provision shall control.~~

~~(Ord. No. 1083 , § 1(Exh. A), 4-11-2021)~~

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<sup>2</sup>Editor's note(s)—Ord. No. 1083 , § 1(Exh. A), adopted May 11, 2021, repealed the former Ch. 17.43, §§ 17.43.010—17.43.170, and enacted a new Ch. 17.43 as set out herein. The former Ch. 17.43 pertained to similar subject matter and derived from Ord. No. 1053 , § 1, 12-11-2018.