

### 9.30.090 Approving Authority

- A. **Recommending Authority.** The recommending authority as designated in Table 9.30.090-1 (Designated Authority for Permits and Approvals) shall hear and make recommendations on the proposed land use or development permit or approval in accordance with the requirements of this Title.
- B. **Approving Authority.** The approving authority as designated in Table 9.30.090-1 (Designated Authority for Permits and Approvals) shall approve, conditionally approve or deny the proposed land use or development permit or approval in accordance with the requirements of this Title. Generally, the Director and his/her designee will make non-discretionary and discretionary decisions at the administrative level, the Planning Commission will make discretionary decisions, and the City Council will make the legislative decisions. In acting on a permit, the approving authority decision may be appealed pursuant to procedures set forth in Section 9.30.100 (Appeals).

| Table 9.30.090-1: Designated Authority for Permits and Approvals |                |                                   |                     |              |
|--|----------------|-----------------------------------|---------------------|--------------|
| Permit or Approval Type (Chapter)                                | Type of Action | Designated Authority <sup>1</sup> |                     |              |
|  |                | Community Development Director    | Planning Commission | City Council |
| <u>Accessory Dwelling Unit Permit (9.35)</u>                     | Ministerial    | A                                 |                     |              |
| <u>AB 2011 Multi-Family Ministerial Application</u>              | Ministerial    | A                                 |                     |              |
| Conditional Use Permit, Minor (9.40)                             | Discretionary  | A                                 |                     |              |
| Conditional Use Permit, Major (9.40)                             | Discretionary  | R                                 | A                   |              |
| Development Agreement (9.45)                                     | Legislative    | R                                 | R                   | A            |
| Finding of Public Convenience and Necessity (9.250)              | Discretionary  | R                                 | A                   |              |
| General Plan Amendment (9.50)                                    | Legislative    | R                                 | R                   | A            |
| Home Occupation Permit (9.55)                                    | Ministerial    | A                                 |                     |              |
| Home-Based Business (9.55)                                       | Discretionary  | A                                 |                     |              |
| Large Family Daycare Permit (9.60)                               | Ministerial    | A                                 |                     |              |
| Master Sign Program, Minor (9.65)                                | Ministerial    | A                                 |                     |              |
| Master Sign Program, Major (9.65)                                | Discretionary  | R                                 | A                   |              |
| Minor Exception (9.70)   | Discretionary  | A                                 |                     |              |
| Official Code Interpretation (9.10)                              | Discretionary  | A                                 |                     |              |
| Planned Development Overlay (9.105)                              | Legislative    | R                                 | R                   | A            |
| Planned Development (9.75)                                       | Discretionary  | R                                 | A                   |              |
| Plot Plan, Minor (9.80)  | Ministerial    | A                                 |                     |              |
| Plot Plan, Major (9.80)  | Discretionary  | R                                 | A                   |              |
| Reasonable Accommodation (9.85)                                  | Discretionary  | A                                 |                     |              |
| SB35 Multi-Family Ministerial Review Permit                      | Ministerial    | A                                 |                     |              |
| Sign Permit (9.90)   | Ministerial    | A                                 |                     |              |
| Similar Use Determination (9.95)                                 | Discretionary  | A                                 |                     |              |
| Specific Plan (9.100)  | Legislative    | R                                 | R                   | A            |
| Substantial Conformance Determination (9.25)                     | Discretionary  | A                                 |                     |              |
| Temporary Use Permit, Minor (9.105)                              | Discretionary  | A                                 |                     |              |
| Temporary Use Permit, Major (9.105)                              | Discretionary  | A                                 |                     |              |
| <u>Two-Unit Development (9.296)</u>                              | Ministerial    | A                                 |                     |              |

Table 9.30.090-1: Designated Authority for Permits and Approvals

| Permit or Approval Type (Chapter)                                | Type of Action     | Designated Authority <sup>1</sup> |                     |              |
|--|--------------------|-----------------------------------|---------------------|--------------|
|  |                    | Community Development Director    | Planning Commission | City Council |
| <u>Urban Lot Split (9.296)</u>                                   | <u>Ministerial</u> | <u>A</u>                          |                     |              |
| Variance (9.110)   | Discretionary      | R                                 | A                   |              |
| Zone Change/Zoning Code Amendment (9.105)                        | Legislative        | R                                 | R                   | A            |
| <sup>1</sup> A = Approving Authority; R = Recommending Authority |                    |                                   |                     |              |

- C. **Multiple Entitlements.** When a proposed project requires more than one permit or approval with more than one approving authority all project permits and approvals shall be processed concurrently and final action shall be taken by the highest-level designated authority for all such requested permits and approvals.
- D. **Referral to the Planning Commission.** At any point in the review process, the Director may transfer approving authority to the Planning Commission at his/her discretion because of policy implications, unique or unusual circumstances, or the magnitude of the project. Decisions referred to the Planning Commission shall be considered at a noticed public hearing. Public notice shall be provided and a public hearing conducted pursuant to Section 9.30.080 (Public Hearing and Public Notice). A referral to the Planning Commission is not an appeal and requires no appeal application or fee.
- E. **Referral to the City Council.** At any point during the Planning Commission hearing, the Planning Commission may, by simple majority, transfer approving authority to the City Council because of policy implications, unique or unusual circumstances, or the magnitude of the project. Decisions referred to the City Council shall be considered at a noticed public hearing. Public notice shall be provided and a public hearing conducted pursuant to Section 9.30.080 (Public Hearing and Public Notice). A referral to the City Council is not an appeal and requires no appeal application or fee.
- F. **City Council Referral back to Planning Commission.** The City Council may refer any matter (including, but not limited to, those appealed to it) back to the Planning Commission in accordance with the provisions of Section 2.20.160 (City Council Referral Back to Planning Commission).

## TITLE 9: PLANNING AND ZONING

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### ARTICLE 2: ADMINISTRATION, PERMITS, AND PROCEDURES

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#### Chapter 9.35 Accessory Dwelling Unit Permit

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##### Contents:

- ~~9.35.010 Purpose~~
- ~~9.35.020 Applicability~~
- ~~9.35.030 Application and Required Fees~~
- ~~9.35.040 Approving Authority~~
- ~~9.35.050 Public Hearing and Notice~~
- ~~9.35.060 Standards of Approval~~
- ~~9.35.070 Findings for Approval~~
- ~~9.35.080 Notice of Decision~~
- ~~9.35.090 Effective Date~~
- ~~9.35.100 Appeals~~
- ~~9.35.110 Expiration~~
- ~~9.35.120 Extension of Time~~
- ~~9.35.130 Modifications~~

##### ~~9.35.010 Purpose~~

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~~This chapter establishes procedures for the review and approval of accessory dwelling units to protect and preserve existing neighborhoods while providing options to meet the various housing needs of the community in compliance with Government Code Section 65852.2.~~

##### ~~9.35.020 Applicability~~

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~~An Accessory Dwelling Unit Permit is required prior to establishment, construction, or modification of an accessory dwelling unit.~~

##### ~~9.35.030 Application and Required Fees~~

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- ~~A. **Application Filing and Processing.** Applications for an Accessory Dwelling Unit Permit shall be filed and processed in accordance with Chapter 9.30 (Common Application Processing Procedures).~~
- ~~B. **Application Fees.** Application fees shall be collected in accordance with Section 9.30.020 (Applications and Fees).~~

##### ~~9.35.040 Approving Authority~~

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~~Applications for an Accessory Dwelling Unit Permit shall be reviewed and approved by the designated approving authority as specified in Table 9.30.090-1 (Designated Authority for Permits and Approvals). The designated approving authority is authorized to approve, alter, or deny an application for an Accessory Dwelling Unit Permit.~~

### **9.35.050 Public Hearing and Notice**

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~~No public hearing is required prior to action on an application for an Accessory Dwelling Unit Permit.~~

### **9.35.060 Standards of Approval**

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~~An application for an Accessory Dwelling Unit shall be considered and approved ministerially, without discretionary review or a hearing. The approving authority shall act on the application to create an accessory dwelling unit within 60 days from the date the City receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the approving authority may delay acting on the permit application for the accessory dwelling unit until the applicable approving authority acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay.~~

### **9.35.070 Findings for Approval**

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~~Prior to approving an application for an Accessory Dwelling Unit Permit, the approving authority shall make all the following findings:~~

- ~~A. The Accessory Dwelling Unit is consistent with the adopted General Plan and any applicable specific plan.~~
- ~~B. The Accessory Dwelling Unit meets all applicable standards for development of Chapter 9.295 Special Housing Types.~~

### **9.35.080 Notice of Decision**

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~~Written notice of decision shall be provided within three business days of the date of decision to the applicant and interested parties having requested such notices in writing. The Notice of Decision shall include:~~

- ~~A. The application request as acted upon by the Director.~~
- ~~B. The action taken by the Director.~~
- ~~C. Findings as listed for the permit.~~

### **9.35.090 Effective Date**

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~~Accessory Dwelling Unit Permits shall become effective on the date an approval is issued by the approving authority.~~

### **9.35.100 Appeals**

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~~Accessory Dwelling Unit Permits are ministerial and are not subject to appeal.~~

### **~~9.35.110 Expiration~~**

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~~An approved Accessory Dwelling Unit Permit shall expire three years from the date the approval was granted, unless the permit has been exercised in accordance with Section 9.30.110 (Permit Time Limits, Expiration, and Extensions).~~

### **~~9.35.120 Extension of Time~~**

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~~Accessory Dwelling Unit Permits may be extended in accordance with Subsection 9.30.110.C (Permit Extensions).~~

### **~~9.35.130 Modifications~~**

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~~Modifications to an approved Accessory Dwelling Unit Permit shall be processed as a new application.~~



## Chapter 9.85 Reasonable Accommodation

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### Contents:

- 9.85.010 Purpose
- 9.85.020 Applicability
- 9.85.030 Application and Required Fees
- 9.85.040 Approving Authority
- 9.85.050 Public Hearing and Notice
- 9.85.060 Conditions of Approval
- 9.85.070 Findings for Approval
- 9.85.080 Notice of Decision
- 9.85.090 Effective Date
- 9.85.100 Appeals
- 9.85.110 Expiration
- 9.85.120 Extension of Time
- 9.85.130 Modifications
- 9.85.140 Consideration Factors

### 9.85.010 Purpose

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It is the policy of the City, pursuant to the Federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act (hereafter “fair housing laws”), to provide individuals with disabilities reasonable accommodation in rules, policies, practices and procedures to ensure equal access to housing and facilitate the development of housing for individuals with disabilities. This chapter establishes a procedure for making requests for reasonable accommodation in land use, zoning and building regulations, and policies, practices and procedures of the City to comply fully with the intent and purpose of fair housing laws.

### 9.85.020 Applicability

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A request for reasonable accommodation may be made by any individual with a disability, his or her representative, or a developer or provider of housing or commercial services to individuals with disabilities, when the application of a land use, zoning or building regulation, policy, practice or procedure acts as a barrier to fair housing opportunities.

### 9.85.030 Application and Required Fees

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- A. **Application Filing and Processing.** Applications for a Reasonable Accommodation shall be filed and processed in accordance with the applicable procedures contained in [Chapter 9.30](#) (Common Application Processing Procedures).
- B. **Application Fees.** Application fees shall be collected in accordance with Section [9.30.020](#) (Applications and Fees).

#### **9.85.040 Approving Authority**

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Applications for a Reasonable Accommodation shall be reviewed and approved by the designated approving authority as specified in Table 9.30.090-1 (Designated Authority for Permits and Approvals). The designated approving authority is authorized to approve, conditionally approve, alter, or deny applications for a Reasonable Accommodation. The designated authority shall make a determination on the application for Reasonable Accommodation within 30 days from receipt of the application. Should additional information, consistent with fair housing laws, be requested from the applicant, the 30-day time period for making a determination on the application shall be suspended until the additional information is provided. If the approving authority fails to make a determination within the effective 30 days, the application shall be deemed approved. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

#### **9.85.050 Public Hearing and Notice**

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No public hearing is required prior to taking action on an application for a Reasonable Accommodation.

#### **9.85.060 Conditions of Approval**

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In approving an application for a Reasonable Accommodation, the approving authority may impose reasonable and appropriate conditions in order to achieve the purposes of this Title, ensure consistency with the goals and policies of the adopted General Plan, and justify making the necessary findings. The approving authority may approve alternative reasonable accommodations that provide an equivalent level of benefit to the applicant.

#### **9.85.070 Findings for Approval**

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Prior to approving an application for Reasonable Accommodation, the approving authority shall make all the following findings:

- A. The housing, which is the subject of the request for reasonable accommodation, will be used by an individual with disabilities protected under fair housing laws.
- B. The requested accommodation is necessary to make housing available to an individual with disabilities protected under the fair housing laws.
- C. The requested accommodation would not impose an undue financial or administrative burden on the City, as “undue financial or administrative burden” is defined in fair housing laws.
- D. The requested accommodation will not result in a fundamental alteration in the nature of the City’s zoning program, as “fundamental alteration” is defined in fair housing laws and interpretive case law.
- E. The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of the public, including an “Attractive Nuisance,” “Fire Hazard,” or “Public Nuisance” as defined by Section 11.20.010 Definitions of the Menifee Municipal Code.~~other individuals or substantial physical damage to the property of others.~~

#### **9.85.080 Notice of Decision**

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Written notice of decision shall be provided within three business days of the date of decision to the applicant by certified mail and to interested parties who have requested notices in writing. The notice shall include:

- A. The application request as acted upon by the Director.
- B. The action taken by the Director.
- C. Findings as listed for the permit.
- D. The deadlines, criteria and fees for filing an appeal.

### 9.85.090 Effective Date

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Reasonable Accommodations shall become effective on the date of approval unless a timely appeal has been filed. Upon filing of a timely appeal, the effective date shall be suspended until such time that final action is taken on the appeal.

### 9.85.100 Appeals

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Actions taken on an application for a Reasonable Accommodation are subject to appeal. Appeals shall be processed in accordance with Section 9.30.100 (Appeals), except that the period for filing an appeal of an action taken on an application for a Reasonable Accommodation shall be 30 days from the date of decision.

### 9.85.110 Expiration

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Reasonable Accommodations shall expire one year from the date the approval was granted, unless the permit has been exercised in accordance with Section 9.30.110 (Permit Time Limits, Expiration, and Extensions).

### 9.85.120 Extension of Time

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The expiration date of a Reasonable Accommodation may be extended in accordance with Subsection 9.30.110.C (Permit Extensions).

### 9.85.130 Modifications

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Modifications to an approved Reasonable Accommodation shall be processed as a new application.

### 9.85.140 Consideration Factors

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- A. **Necessity of Accommodation.** The City may consider, but is not limited to, the following factors in determining whether the requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling:
  - 1. Whether the requested accommodation will affirmatively enhance the quality of life of one or more individuals with a disability;
  - 2. Whether the individual or individuals with a disability will be denied an equal opportunity to enjoy the housing type of their choice absent the accommodation;
  - 3. In the case of a residential care facility, whether the requested accommodation is necessary to make facilities of a similar nature or operation economically viable in light of the particularities of the relevant market and market participants; and



4. In the case of a residential care facility, whether the existing supply of facilities of a similar nature and operation in the community is sufficient to provide individuals with a disability an equal opportunity to live in a residential setting.
- B. **Fundamental Alteration to Zoning Program.** The City may consider, but is not limited to, the following factors in determining whether the requested accommodation would require a fundamental alteration in the nature of the City's zoning program:
1. Whether the requested accommodation would fundamentally alter the character of the neighborhood;
  2. Whether the requested accommodation would result in a substantial increase in traffic or insufficient parking;
  3. Whether the requested accommodation would substantially undermine any express purpose of either the city's general plan or an applicable specific plan; and
  4. In the case of a residential care facility, whether the requested accommodation would create an institutionalized environment due to the number of and distance between facilities that are similar in nature or operation.

## Chapter 9.125 Agricultural and Rural Residential Zones

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### Contents:

#### 9.125.010 Purpose

#### 9.125.020 Description and Intent of Zone

#### 9.125.030 Allowed Uses and Approval Requirements

#### 9.125.040 Development Standards

### 9.125.010 Purpose

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The purpose of this chapter is to establish agricultural and rural zones that provide appropriate locations for agricultural, rural mountainous, rural residential uses. These zones are consistent with and implement the adopted General Plan.

### 9.125.020 Description and Intent of Zone AG RM RR5 RR2 RR1 RR1/2

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The following descriptions identify the characteristic uses, intensity of uses, and level of development intended for each zone:

- A. **Agricultural (AG).** Agricultural land including row crops, groves, nurseries, dairies, poultry farms, and other related uses. One single-family detached residence allowed per 10 acres except as otherwise specified by a policy or zoning.
- B. **Rural Mountainous (RM).** Single-family detached residences with a minimum lot size of 10 acres. Generally characterized as areas of at least 10 acres where there are extensive areas of steep slopes of 25% or greater. Allows limited animal keeping, agriculture, recreational uses, governmental uses.
- C. **Rural Residential, 5-acre minimum (RR5).** Single-family detached residences with a minimum lot size of 5 acres. Animal keeping, and agricultural uses are expected and encouraged; also allows recreational uses and governmental uses.
- D. **Rural Residential, 2-acre minimum (RR2).** Single-family detached residences on parcels of 2 to 5 acres. Limited agriculture and equestrian and animal keeping uses are expected and encouraged.
- E. **Rural Residential, 1-acre minimum (RR1).** Single-family detached residences on parcels of 1 to 2 acres. Limited agriculture, equestrian, and animal keeping uses are expected and encouraged.
- F. **Rural Residential, ½-acre minimum (RR1/2).** Single-family detached residences on parcels of ½ to 1 acre. Limited agriculture and animal keeping is permitted. Intensive animal keeping is discouraged.

### 9.125.030 Allowed Uses and Approval Requirements

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- A. **Allowed Use Table.** Table 9.125.030-1 identifies allowed uses and corresponding approval requirements for the agricultural and rural zones subject to compliance with all other provisions of this Title. Descriptions/definitions of many of the land uses can be found in [Article 6](#) of this title (Definitions). The list of land uses on Table 9.125.030-1 shall be permitted in one or more of the agricultural or rural residential as indicated in the columns corresponding to each zone.
- B. **Approval Requirements.** Where indicated with a letter “P” the use shall be a permitted use. A letter “C” indicates the use shall be conditionally permitted subject to the approval of a conditional

use permit. Where indicated with a "--," the use is prohibited within the zone. The Additional Requirements column in the table identifies additional use regulations for specific uses and/or the specific chapter or section where additional regulations for that use type are located within this title, where applicable. Uses for which additional requirements are listed shall be allowed only upon satisfaction of the specified additional requirements. Under no circumstances shall Table 9.125.030-1 authorize a use without satisfaction of such specified additional requirements.

- C. **Unlisted Uses.** Uses not specifically listed in this table shall be considered not permitted in all of the listed zones. The Community Development Director may make a determination pursuant to [Chapter 9.95](#) (Similar Use Determination that new uses not listed here that have substantially similar characteristics to specific listed permitted uses may be considered permitted as the similar use by right, or conditionally as appropriate.

| Table 9.125.030-1 Agricultural and Rural Residential Zones - Allowed Uses and Approval Requirements                            |                      |                      |                      |                      |                      |                      |  |
|--|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|--|
| Allowed Use  | AG                   | RM                   | RR5                  | RR2                  | RR1                  | RR1/2                | Additional Requirements  |
| <b>RESIDENTIAL USES</b>  |                      |                      |                      |                      |                      |                      |  |
| Accessory Dwelling Unit (ADU)  | P                    | P                    | P                    | P                    | P                    | P                    | <a href="#">Chapter 9.35 (Accessory Dwelling Unit Permit)</a> and <a href="#">Chapter 9.25 (Special Housing Types)</a> |
| Bed & breakfast establishment  | C                    | C                    | C                    | C                    | C                    | C                    | <a href="#">Chapter 9.245 (Bed &amp; Breakfast Uses)</a>   |
| Congregate care facilities   | --                   | --                   | --                   | --                   | C                    | C                    | <a href="#">Chapter 9.270 (Care Facilities)</a>  |
| Duplex (two-family dwelling)   | --                   | --                   | --                   | --                   | --                   | --                   |  |
| Emergency shelters   | --                   | --                   | --                   | --                   | --                   | --                   |  |
| <a href="#">Employee Housing</a><br><a href="#">6 or fewer residents</a><br><a href="#">No more than 12 units or 36 beds</a>   | <u>P</u><br><u>P</u> | <u>P</u><br><u>=</u> | <u>P</u><br><u>=</u> | <u>P</u><br><u>=</u> | <u>P</u><br><u>=</u> | <u>P</u><br><u>=</u> |  |
| Family day care home, large  | P                    | P                    | P                    | P                    | P                    | P                    | <a href="#">Chapter 9.60 (Large Family Day Care Permit)</a>  |
| Family day care home, small  | P                    | P                    | P                    | P                    | P                    | P                    |  |
| <a href="#">Farmworker Housing</a><br><a href="#">6 or fewer residents</a><br><a href="#">No more than 12 units or 36 beds</a> | <u>P</u><br><u>P</u> | <u>P</u><br><u>=</u> | <u>P</u><br><u>=</u> | <u>P</u><br><u>=</u> | <u>P</u><br><u>=</u> | <u>P</u><br><u>=</u> |  |
| Group Residential Facility<br>6 or fewer residents<br>7 or more residents  | P<br><del>C</del>    | P<br><del>C</del>    | P<br><del>C</del>    | P<br><del>C</del>    | P<br><del>C</del>    | P<br>C               | <a href="#">9.270 (Community Care Facilities)</a>  |
| Guest house  | P                    | P                    | P                    | P                    | P                    | P                    | <a href="#">Chapter 9.295 (Special Housing Types)</a>  |
| Home Occupation  | P                    | P                    | P                    | P                    | P                    | P                    | <a href="#">Chapter 9.255 (Home Occupation and Home-Based Business)</a>  |
| Home-Based Businesses  | P                    | P                    | P                    | P                    | P                    | P                    | <a href="#">Chapter 9.255 (Home Occupation and Home-Based Business)</a>  |
| <a href="#">Junior Accessory Dwelling Unit (JADU)</a>  | <u>P</u>             | <u>P</u>             | <u>P</u>             | <u>P</u>             | <u>P</u>             | <u>P</u>             | <a href="#">Chapter 9.295 (Special Housing Types)</a>  |

**Table 9.125.030-1 Agricultural and Rural Residential Zones - Allowed Uses and Approval Requirements**

| Allowed Use   | AG | RM | RR5 | RR2 | RR1 | RR1/2 | Additional Requirements               |
|---|----|----|-----|-----|-----|-------|---------------------------------------|
| Manufactured Home   | P  | P  | P   | P   | P   | P     |                                       |
| Mobile home park  | -- | -- | --  | --  | --  | C     | Chapter 9.295 (Special Housing Types) |
| Multiple family   | -- | -- | --  | --  | --  | --    |                                       |
| Residential Care Facility   | -- | -- | --  | --  | C   | C     | 9.270 (Community Care Facilities)     |
| Short-term rentals (less than 30 days)  | -- | -- | --  | --  | --  | --    |                                       |
| Single- family detached   | P  | P  | P   | P   | P   | P     |                                       |
| Single-room occupancy units/Efficiency Units  | -- | -- | --  | --  | --  | --    | Chapter 9.295 (Special Housing Types) |
| Supportive housing  | EP | EP | EP  | EP  | EP  | EP    |                                       |
| Transitional housing  | EP | EP | EP  | EP  | EP  | EP    |                                       |
| <b>NON-RESIDENTIAL USES</b>   |    |    |     |     |     |       |                                       |
| Animals, Small (e.g. hamsters, rabbits, chinchillas, and similar sized animals)     | P  | P  | P   | P   | P   | P     | Chapter 9.235 (Animal Keeping)        |
| Non-Commercial Commercial   | C  | C  | C   | C   | C   | C     |                                       |
| Animals, Medium (e.g. sheep, goats, pigs, and similar sized animals)                | P  | P  | P   | P   | P   | P     | Chapter 9.235 (Animal Keeping)        |
| Non-commercial Commercial   | C  | C  | C   | C   | --  | --    |                                       |
| Animals, Large (e.g. cows, horses, camels, llamas, and other similar sized animals) | P  | P  | P   | P   | P   | P     | Chapter 9.235 (Animal Keeping)        |
| Non-commercial Commercial   | C  | -- | C   | C   | --  | --    |                                       |
| Animal rescue   | C  | C  | C   | C   | C   | --    | Chapter 9.235 (Animal Keeping)        |
| Apiary (non-commercial)   | P  | P  | P   | P   | P   | P     | Chapter 9.235 (Animal Keeping)        |
| Aquaculture (commercial raising of fish, frogs, shellfish, algae, etc.)             | C  | C  | C   | --  | --  | --    | Chapter 9.235 (Animal Keeping)        |
| Aviary (non-commercial)   | P  | P  | P   | P   | P   | P     | Chapter 9.235 (Animal Keeping)        |
| Fewer than 50 birds.<br>Greater than 50 birds                                       | C  | C  | C   | C   | C   | C     |                                       |
| Cemetery or Mausoleum   | C  | C  | C   | C   | --  | --    |                                       |
| Collection Containers   | -- | -- | --  | --  | --  | --    |                                       |
| Farms and agricultural operations   | P  | C  | P   | P   | P   | C     |                                       |
| Non-commercial Commercial   | C  | C  | C   | C   | C   | C     |                                       |
| Fowl, non-crowing (Non-commercial)  | P  | P  | P   | P   | P   | P     | Chapter 9.235 (Animal Keeping)        |



| Table 9.125.030-1 Agricultural and Rural Residential Zones - Allowed Uses and Approval Requirements    |    |    |     |     |     |       |   |
|--|----|----|-----|-----|-----|-------|---|
| Allowed Use  | AG | RM | RR5 | RR2 | RR1 | RR1/2 | Additional Requirements                             |
| Fowl, crowing (non-commercial)   | P  | P  | P   | P   | P   | --    | Chapter 9.235 (Animal Keeping)                      |
| Future Farmers of America and 4-H Educational Programs   | P  | P  | P   | P   | P   | P     | Chapter 9.235 (Animal Keeping)                      |
| Educational Institution  | C  | C  | C   | C   | C   | C     |   |
| Event Facilities   | -- | -- | C   | C   | --  | --    |   |
| Golf Courses   | C  | C  | C   | C   | C   | C     |   |
| Governmental facilities  | C  | C  | C   | C   | C   | C     |   |
| Kennels and catteries  | C  | -- | C   | C   | C   | C     | Chapter 9.235 (Animal Keeping)                      |
| Marijuana dispensaries, mobile marijuana dispensaries, marijuana cultivation, and marijuana processing | -- | -- | --  | --  | --  | --    |   |
| Nurseries (wholesale and open to the public)   | P  | -- | C   | C   | C   | --    | Does not include cultivation of marijuana/cannabis. |
| Parks and recreation areas   | P  | P  | P   | P   | P   | P     |   |
| Petting Zoo  | P  | C  | C   | C   | C   | C     | Chapter 9.235 (Animal Keeping)                      |
| Public utility facilities  | C  | C  | C   | C   | C   | C     |   |
| Religious Facilities   | C  | C  | C   | C   | C   | C     |   |
| Shooting Ranges  | -- | -- | --  | --  | --  | --    |   |
| Stable, riding academy, large animal boarding  | P  | -- | C   | C   | C   | C     | Chapter 9.235 (Animal Keeping)                      |
| Vineyards and wineries   | C  | C  | C   | C   | C   | C     |   |
| Wireless Communication Facilities  | C  | C  | C   | C   | C   | C     | Chapter 9.290 (Wireless Communication Facilities)   |

### 9.125.040 Development Standards

The development standards listed below are the minimum standards for development within the respective zones.

| Table 9.125.040-2 Agricultural and Rural Residential Zones - Development Standards |     |     |     |     |     |       |                         |
|--|-----|-----|-----|-----|-----|-------|-------------------------|
| Standard   | AG  | RM  | RR5 | RR2 | RR1 | RR1/2 | Additional Requirements |
| <b>LOT DIMENSIONS (Minimum)</b>  |     |     |     |     |     |       |                         |
| Gross Lot Area (Acres)   | 10  | 10  | 5   | 2   | 1   | 0.5   |                         |
| Lot Width (Feet)   | 100 | 100 | 100 | 80  | 70  | 60    |                         |
| Lot Depth (Feet)   | 150 | 150 | 120 | 100 | 100 | 90    |                         |
| Frontage (Feet)  | 50  | 50  | 50  | 40  | 40  | 30    |                         |
| Frontage for a flag lot (Feet)   | 40  | 40  | 30  | 30  | 30  | 25    |                         |



| Table 9.125.040-2 Agricultural and Rural Residential Zones - Development Standards   |     |     |     |     |     |                 |   |
|--|-----|-----|-----|-----|-----|-----------------|---|
| Standard   | AG  | RM  | RR5 | RR2 | RR1 | RR1/2           | Additional Requirements                       |
| <b>SETBACKS (Minimum)<sup>1</sup></b>  |     |     |     |     |     |                 |   |
| Front Yard (Feet)  | 40  | 40  | 40  | 25  | 25  | 20 <sup>2</sup> |   |
| Corner Side Yard (Feet)  | 40  | 40  | 20  | 15  | 15  | 15              |   |
| Interior Side Yard (Feet)  | 25  | 25  | 15  | 15  | 10  | 10              |   |
| Rear Yard (Feet)   | 25  | 25  | 20  | 20  | 20  | 20              |   |
| <b>BUILDING HEIGHT (Maximum)</b>   |     |     |     |     |     |                 |   |
| Building Height (Feet)   | 35  | 35  | 35  | 35  | 35  | 35              | Chapter 9.160 (General Development Standards) |
| <b>BUILDING COVERAGE (Maximum)</b>   |     |     |     |     |     |                 |   |
| Building Coverage (Percent)  | 10% | 10% | 15% | 20% | 25% | 25%             |   |
| <b>OPEN SPACE COVERAGE (Minimum)</b>   |     |     |     |     |     |                 |   |
| Open Space Required (Percent)  | 75% | 75% | 70% | 60% | 50% | 40%             |   |
| Private Open Space/Unit (Sq. Ft)   | N/A | N/A | N/A | N/A | N/A | N/A             |   |
| <ol style="list-style-type: none"> <li>Setback encroachment allowances for architectural features and accessory structures can be found in <a href="#">9.160.030</a></li> <li>Side-loaded garages may have a front yard setback of 15 feet.</li> </ol> |     |     |     |     |     |                 |   |

## Chapter 9.130 Residential Zones

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### Contents:

#### 9.130.010 Purpose

#### 9.130.020 Description and Intent of Zone

#### 9.130.030 Allowed Uses and Approval Requirements

#### 9.130.040 Development Standards

### 9.130.010 Purpose

---

The purpose of this chapter is to establish residential districts in the city that provide appropriate locations for low density residential, low medium density residential, medium density residential, medium high density residential, and high density residential. These zones are consistent with and implement the city's General Plan land use categories.

### 9.130.020 Description and Intent of Zone

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LDR-1 LDR-2 LMDR MDR MHDR HDR

The following descriptions identify the characteristic uses, intensity of uses, and level of development intended for each zone:

- A. **Low Density Residential (LDR-1).** Single-family detached residences with a minimum parcel size of ten thousand (10,000) square feet. Limited agriculture and animal keeping is permitted.
- B. **Low Density Residential (LDR-2).** Single-family detached and attached residences with a minimum parcel size of seven thousand and two-hundred (7,200) square feet. Limited agriculture and animal keeping is permitted.
- C. **Low Medium Density Residential (LMDR).** Single-family attached and detached residences with a density range of 5 to 8 dwelling units per acre.
- D. **Medium Density Residential (MDR).** Single-family attached and detached residences, including townhouses, stacked flats, courtyard homes, patio homes, and zero lot line homes with a density range of 8 to 14 dwelling units per acre.
- E. **Medium High Density Residential (MHDR).** Single-family attached residences and multifamily dwellings such as triplexes, fourplexes, motorcourt clusters, and row townhomes with a density range of 14 to 20 dwelling units per acre.
- F. **High Density Residential (HDR).** Multifamily dwellings; includes apartments and condominiums with a density range of 20 to 24 dwelling units per acre.

### 9.130.030 Allowed Uses and Approval Requirements

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- A. **Allowed Use Table.** Table 9.130.030-1 identifies allowed uses and corresponding approval requirements for the residential zones subject to compliance with all other provisions of this Title. Descriptions/definitions of many of the land uses can be found in [Article 6](#) of this title (Definitions). The list of land uses on Table 9.130.030-1 shall be permitted in one or more of the residential zones as indicated in the columns corresponding to each zone.
- B. **Approval Requirements.** Where indicated with a letter "P" the use shall be a permitted use. A letter "C" indicates the use shall be conditionally permitted subject to the approval of a conditional use permit. Where indicated with a "--," the use is prohibited within the zone. Where indicated

with an "NA," the use is not applicable to the zone. The Additional Requirements column in the table identifies additional use regulations for specific uses and/or the specific chapter or section where additional regulations for that use type are located within this title, where applicable. Uses for which additional requirements are listed shall be allowed only upon satisfaction of the specified additional requirements. Under no circumstances shall Table 9.130.030-1 authorize a use without satisfaction of such specified additional requirements.

- C. **Unlisted Uses.** Uses not specifically listed in this table shall be considered not permitted in all of the listed zones. The Community Development Director may make a determination pursuant to [Chapter 9.95](#) (Similar Use Determination) that new uses not listed here that have substantially similar characteristics to specific listed permitted uses may be considered permitted as the similar use by right, or conditionally as appropriate.

| Table 9.130.030-1 Residential Zones - Allowed Uses and Approval Requirements   |       |       |      |     |      |     |  |
|--|-------|-------|------|-----|------|-----|--|
| Allowed Use  | LDR-1 | LDR-2 | LMDR | MDR | MHDR | HDR | Additional Requirements  |
| RESIDENTIAL USES   |       |       |      |     |      |     |  |
| Accessory Dwelling Unit (ADU)  | P     | P     | P    | P   | P    | P   | <a href="#">Chapter 9.35 (Accessory Dwelling Unit Permit)</a> <a href="#">Chapter 9.295 (Special Housing Types)</a>  |
| Affordable Housing Development with a minimum of 20 percent of units affordable to lower income households on nonvacant HDR zoned sites identified to accommodate lower income RHNA in the current housing element and used in a prior housing element. <sup>1</sup> | NA    | NA    | NA   | NA  | NA   | P   | Per Government Code §65583.2(i), such use shall be by-right and shall not require discretionary review that would constitute a "project" as defined in Section 21100 of the Public Resources Code (California Environmental Quality Act "CEQA")<br>Subject to Multifamily Objective Design Standards |
| Affordable Housing Development with a minimum of 20 percent of units affordable to lower income households on vacant HDR zoned sites identified to accommodate lower income RHNA in the current housing element and used in two prior housing elements. <sup>2</sup> | NA    | NA    | NA   | NA  | NA   | P   | Per Government Code §65583.2(i), such use shall be by-right and shall not require discretionary review that would constitute a "project" as defined in Section 21100 of the Public Resources Code (California Environmental Quality Act "CEQA")<br>Subject to Multifamily Objective Design Standards |
| Bed & breakfast establishment  | C     | C     | C    | C   | --   | --  | <a href="#">Chapter 9.245</a> (Bed and Breakfast)  |
| Congregate care facilities   | C     | C     | C    | C   | C    | C   | <a href="#">Chapter 9.270</a> (Community Care Facilities)  |
| Duplex (two-family dwelling)   | P     | P     | P    | P   | P    | P   |  |
| Emergency shelters   | --    | --    | --   | --  | --   | P   | <a href="#">As mandated by State law and City Housing Element, Chapter 9.295 (Special Housing Types)</a><br><a href="#">In locations specified in the Housing Element</a>  |



**Table 9.130.030-1 Residential Zones - Allowed Uses and Approval Requirements**

| Allowed Use   | LDR-1     | LDR-2     | LMDR      | MDR       | MHDR      | HDR       | Additional Requirements                                 |
|---|-----------|-----------|-----------|-----------|-----------|-----------|---|
| Family day care home, large   | P         | P         | P         | P         | P         | P         | Chapter 9.60 (Large Family Day Care Permit)             |
| Family day care home, small   | P         | P         | P         | P         | P         | P         |   |
| Group Residential Facility<br>Six or Fewer Residents<br>Seven or More Residents     | P<br>C    | P<br>C    | P<br>C    | P<br>C    | P<br>C    | P<br>C    | Chapter 9.270 (Community Care Facilities)               |
| Guest house, accessory to single-family detached                                    | P         | P         | P         | P         | P         | P         | Chapter 9.295 (Special Housing Types)                   |
| Home Occupation   | P         | P         | P         | P         | P         | P         | Chapter 9.255 (Home Occupation and Home-Based Business) |
| Home-Based Businesses   | --        | --        | --        | --        | --        | --        | Chapter 9.255 (Home Occupation and Home-Based Business) |
| <u>Junior Accessory Dwelling Unit (JADU)</u>  | <u>P</u>  | <u>P</u>  | <u>P</u>  | <u>P</u>  | <u>P</u>  | <u>P</u>  | <u>Chapter 9.295 (Special Housing Types)</u>            |
| <u>Low Barrier Navigation Center</u>  | <u>--</u> | <u>P</u>  | <u>P</u>  | <u>P</u>  | <u>P</u>  | <u>P</u>  | <u>Chapter 9.295 (Special Housing Types)</u>            |
| Manufactured Home   | P         | P         | P         | P         | P         | P         |   |
| Mobile home park  | C         | C         | C         | C         | C         | C         | Chapter 9.295 (Special Housing Types)                   |
| Multiple family   | --        | P         | P         | P         | P         | P         |   |
| Residential Care Facility   | C         | C         | C         | C         | C         | C         | Chapter 9.270 (Community Care Facilities)               |
| Short-term rental   | —         | —         | —         | —         | —         | —         |   |
| Single- family detached   | P         | P         | P         | P         | —         | —         |   |
| Single-room occupancy units   | --        | --        | --        | --        | --        | P         | Chapter 9.295 (Special Housing Types)                   |
| Supportive housing  | <u>CP</u> | <u>CP</u> | <u>CP</u> | <u>CP</u> | <u>CP</u> | <u>CP</u> |   |
| Transitional housing  | <u>CP</u> | <u>CP</u> | <u>CP</u> | <u>CP</u> | <u>CP</u> | <u>CP</u> |   |
| <b>NON-RESIDENTIAL USES</b>   |           |           |           |           |           |           |   |
| Animals, Small (e.g. hamsters, rabbits, chinchillas, and similar sized animals)     | P<br>--   | P<br>--   | P<br>--   | P<br>--   | P<br>--   | P<br>--   | Chapter 9.235 (Animal Keeping)                          |
| Non-Commercial<br>Commercial  |           |           |           |           |           |           |   |
| Animals, Medium (e.g. sheep, goats, pigs, and similar sized animals)                | P<br>--   | P<br>--   | --<br>--  | --<br>--  | --<br>--  | --<br>--  | Chapter 9.235 (Animal Keeping)                          |
| Non-commercial<br>Commercial  |           |           |           |           |           |           |   |
| Animals, Large (e.g. cows, horses, camels, llamas, and other similar sized animals) | P<br>--   | P<br>--   | --<br>--  | --<br>--  | --<br>--  | --<br>--  | Chapter 9.235 (Animal Keeping)                          |
| Non-commercial<br>Commercial  |           |           |           |           |           |           |   |
| Apiary (non-commercial)   | P         | P         | --        | --        | --        | --        | Chapter 9.235 (Animal Keeping)                          |

| Table 9.130.030-1 Residential Zones - Allowed Uses and Approval Requirements                          |       |       |      |     |      |     |   |
|---|-------|-------|------|-----|------|-----|---|
| Allowed Use   | LDR-1 | LDR-2 | LMDR | MDR | MHDR | HDR | Additional Requirements                             |
| Collection Containers   | --    | --    | --   | --  | --   | --  |   |
| Educational Institutions  | C     | C     | C    | C   | C    | C   |   |
| Farms and agricultural operations   | C     | --    | --   | --  | --   | --  |   |
| Non-commercial  | C     | --    | --   | --  | --   | --  |   |
| Commercial  |       |       |      |     |      |     |   |
| Future Farmers of America and 4-H Programs  | P     | P     | P    | P   | P    | P   | Chapter 9.235 (Animal Keeping)                      |
| Fowl, Non Crowing   | P     | P     | --   | --  | --   | --  | Chapter 9.235 (Animal Keeping)                      |
| Golf courses  | --    | --    | --   | --  | --   | --  |   |
| Governmental facilities   | C     | C     | C    | C   | C    | C   |   |
| Kennels and catteries   | C     | C     | --   | --  | --   | --  | Chapter 9.235 (Animal Keeping)                      |
| Marijuana dispensaries, mobile marijuana dispensaries, marijuana cultivation, or marijuana processing | --    | --    | --   | --  | --   | --  |   |
| Nurseries   | C     | --    | --   | --  | --   | --  | Does not include cultivation of marijuana/cannabis. |
| Parks and recreation areas  | P     | P     | P    | P   | P    | P   |   |
| Public utility facilities   | C     | C     | C    | C   | C    | C   |   |
| Religious Institutions  | C     | C     | C    | C   | C    | C   |   |
| Temporary real estate tract offices   | P     | P     | P    | P   | P    | P   |   |
| Wireless Communication Facilities   | C     | C     | C    | C   | C    | C   | Chapter 9.290 (Wireless Communication Facilities)   |

<sup>1</sup> For list of sites, refer to the latest adopted Housing Element (For the 6th Cycle, 2021-2029 Housing Element, these sites are listed in Figure B-1 and Table B-12 of Appendix B)

<sup>2</sup> For list of sites, refer to the latest adopted Housing Element

### 9.130.040 Development Standards LDR-1 LDR-2 LMDR MDR MHDR HDR

The development standards listed below are the minimum standards for development within the respective zones.

| Table 9.130.040-1 Residential Zones Development Standards |        |       |       |       |       |       |                         |
|---|--------|-------|-------|-------|-------|-------|-------------------------|
| Standard  | LDR-1  | LDR-2 | LMDR  | MDR   | MHDR  | HDR   | Additional Requirements |
| LOT DIMENSIONS (Minimum)                                  |        |       |       |       |       |       |                         |
| Net Lot Area (Sq. Ft.)                                    | 10,000 | 7,200 | 6,000 | 5,000 | 3,000 | 3,000 |                         |
| Lot Width (Feet)  | 60     | 40    | 40    | 30    | 30    | 30    |                         |
| Lot Depth (Feet)  | 100    | 90    | 80    | 80    | 80    | 80    |                         |
| Frontage (Feet)   | 40     | 40    | 40    | 30    | 30    | 30    |                         |



| Table 9.130.040-1 Residential Zones Development Standards   |       |       |      |                     |                     |                     |                         |
|---|-------|-------|------|---------------------|---------------------|---------------------|-------------------------|
| Standard  | LDR-1 | LDR-2 | LMDR | MDR                 | MHDR                | HDR                 | Additional Requirements |
| Frontage for a flag lot (Feet)  | 20    | 20    | 20   | 20                  | 20                  | 20                  |                         |
| Frontage for a cul-de-sac or knuckle (Feet)   | 35    | 35    | 35   | 35                  | 35                  | 35                  |                         |
| <b>SETBACKS (Minimum)<sup>1</sup></b>   |       |       |      |                     |                     |                     |                         |
| Front Yard (Feet) <sup>2</sup>  | 15    | 15    | 15   | 15                  | 15                  | 15                  |                         |
| Corner Side Yard (Feet)   | 15    | 15    | 15   | 15                  | 15                  | 15                  |                         |
| Interior Side Yard (Feet)   | 5     | 5     | 5    | 5 min., 15 combined | 5 min., 15 combined | 5 min., 15 combined |                         |
| Rear Yard (Feet)  | 10    | 10    | 20   | 20                  | 20                  | 20                  |                         |
| <b>BUILDING HEIGHT (Maximum)</b>  |       |       |      |                     |                     |                     |                         |
| Building Height (Feet)  | 40    | 40    | 40   | 40                  | 50                  | 50                  |                         |
| <b>BUILDING COVERAGE (Maximum)</b>  |       |       |      |                     |                     |                     |                         |
| Building Coverage (Percent)   | 50%   | 50%   | 50%  | 50%                 | 60%                 | 60%                 |                         |
| <b>OPEN SPACE COVERAGE (Minimum)</b>  |       |       |      |                     |                     |                     |                         |
| Open Space Required (Percent)   | 30%   | 30%   | 30%  | 30%                 | 25%                 | 20%                 |                         |
| Private Open Space/Unit (Sq. Ft)  | N/A   | N/A   | N/A  | 100                 | 100                 | 100                 |                         |
| <ol style="list-style-type: none"> <li>Setback encroachment allowances for architectural features and accessory structures can be found in <a href="#">9.60.030</a>.</li> <li>Garages with entrances facing the street shall be set back no less than 20 feet.</li> </ol> |       |       |      |                     |                     |                     |                         |

## Chapter 9.135 Commercial and Industrial Zones

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### Contents:

#### 9.135.010 Purpose

#### 9.135.020 Description and Intent of Zone

#### 9.135.030 Allowed Uses and Approval Requirements

#### 9.135.040 Development Standards

### 9.135.010 Purpose

---

The purpose of this chapter is to establish business districts in the city that provide appropriate locations for commercial, office, and industrial uses. These districts are consistent with and implement the city's General Plan land use categories. These districts provide sufficient and appropriately located land for general commercial and industrial uses that minimize impacts on residential neighborhoods.

### 9.135.020 Description and Intent of Zone CR CO BP HI

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The following descriptions of each commercial and industrial zoning district identify the general characteristic uses, intensity of uses, and type of development intended for that district:

- A. **Commercial Retail (CR).** Allows neighborhood, local, and regional serving retail and service uses. Hotels are also permitted in this designation. The permissible development density is between the minimum and maximum floor area ratio (FAR) of 0.20 – 0.35.
- B. **Commercial Office (CO).** Allows a variety of office-related uses, including financial, legal, insurance and other office services; corporate offices; supporting hotel and ancillary retail uses are also permitted. The permissible development density is between the minimum and maximum floor area ratio (FAR) of 0.25 – 1.00.
- C. **Business Park (BP).** Allows industrial and related uses including assembly and light manufacturing, repair facilities, and business parks, including corporate offices. Employee-intensive uses, including research and development, technology centers, "clean" industry, and supporting hotel and ancillary retail uses are also permitted. The permissible development density is between the minimum and maximum floor area ratio (FAR) of 0.25 – 0.60.
- D. **Heavy Industry (HI).** Allows more intense industrial activities, such as manufacturing uses, that can generate significant impacts such as excessive noise, dust, and other nuisances. The permissible development density is between the minimum and maximum floor area ratio (FAR) of 0.15 – 0.50.

(2023-365, 02/01/2023)

### 9.135.030 Allowed Uses and Approval Requirements CR CO BP HI

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- A. **Allowed Use Table.** Table 9.135.030-1 identifies allowed uses and corresponding approval requirements for the commercial and industrial zones subject to compliance with all other provisions of this Title. Descriptions/definitions of many of the land uses can be found in [Article 6](#) of this title (Definitions). The list of land uses on Table 9.135.030 shall be permitted in one or more of commercial and industrial zones as indicated in the columns corresponding to each zone.
- B. **Approval Requirements.** Where indicated with a letter "P" the use shall be a permitted use. A letter "C" indicates the use shall be conditionally permitted subject to the approval of a conditional

use permit. Where indicated with a "--," the use is prohibited within the zone. The Additional Requirements column in the table identifies additional use regulations for specific uses and/or the specific chapter or section where additional regulations for that use type are located within this title, where applicable. Uses for which additional requirements are listed shall be allowed only upon satisfaction of the specified additional requirements. Under no circumstances shall Table 9.135.030-1 authorize a use without satisfaction of such specified additional requirements.

- C. **Unlisted Uses.** Uses not specifically listed in this table shall be considered not permitted in all of the listed zones. The Community Development Director may make a determination pursuant to [Chapter 9.95](#) (Similar Use Determination) that new uses not listed here that have substantially similar characteristics to specific listed permitted uses may be considered permitted as the similar use by right, or conditionally as appropriate.

| Table 9.135.030-1 Commercial and Industrial Zones - Allowed Uses and Approval Requirements        |    |    |    |    |  |
|---|----|----|----|----|--|
| Allowed Use   | CR | CO | BP | HI | Additional Requirements                        |
| Adult businesses  | -- | -- | -- | -- | See Ordinance <b>XX</b>                        |
| Airport   | -- | -- | -- | C  |  |
| Ambulance services  | C  | C  | P  | P  |  |
| Amusement arcade  | P  | -- | C  | -- |  |
| Amusement park, (including multiple activities such as simulated flying, racing, mini-golf, etc.) | P  | -- | P  | -- |  |
| Indoor  | C  |    | C  |    |  |
| Outdoor   |    |    |    |    |  |
| Animals, Small (e.g. hamsters, rabbits, chinchillas, and similar sized animals)                   | P  | P  | P  | P  | <a href="#">Chapter 9.235</a> (Animal Keeping) |
| Non-Commercial  | -- | -- | -- | -- |  |
| Commercial  |    |    |    |    |  |
| Animal hospitals and veterinary services (with outdoor facilities)                                | P  | -- | P  | C  |  |
|   | C  |    | C  | -- |  |
| Animal Rescue   | -- | -- | C  | C  | <a href="#">Chapter 9.235</a> (Animal Keeping) |
| Antique shops, pawn shops, thrift stores  | P  | -- | C  | -- | Outside collection bins prohibited             |
| Art gallery, library, reading room, museum.   | P  | P  | -- | -- |  |
| Art supply shops and studios.   | P  | P  | P  | -- |  |
| Auction Houses  | P  | -- | P  | -- |  |
| Auditoriums, event centers and assembly areas, including live entertainment:                      | P  | C  | P  | -- |  |
| Indoor  | C  | -- | C  | -- |  |
| Outdoor   |    |    |    |    |  |
| Bakery goods distributors.  | P  | -- | P  | P  |  |
| Bakery shops, Coffeehouse, Cybercafé, Delicatessens, Ice cream shops                              | P  | P  | P  | -- |  |
| Banks and financial institutions.   | P  | P  | P  | -- |  |
| Banquet facilities.   | C  | -- | C  | -- |  |

**Table 9.135.030-1 Commercial and Industrial Zones - Allowed Uses and Approval Requirements**

| Allowed Use  | CR     | CO | BP     | HI | Additional Requirements  |
|--|--------|----|--------|----|--|
| Batting cages – indoor<br>Outdoor  | P<br>C | -- | C<br>C | -- |  |
| Billiard and pool halls, Bowling alleys  | P      | -- | P      | -- | Chapter 9.250 (Alcohol Sales)  |
| Breweries, distilleries, and wine making facilities with on-site tasting room and sales for off-site consumption   | C      | -- | P      | -- | Chapter 9.250 (Alcohol Sales)  |
| Business services  | P      | P  | P      | -- |  |
| Car washes   | P      | -- | C      |    |  |
| Caretaker residence or on-site operator residence, only as accessory to primary use  | C      | C  | C      | C  |  |
| Catering services  | P      | -- | P      | -- |  |
| Cemeteries and mausoleums  | --     | -- | C      | C  |  |
| Clinics, including but not limited to medical and urgent care  | C      | C  | C      | -- |  |
| Collection Containers  | --     | -- | --     | -- |  |
| Commercial television and radio broadcast structures   | --     | -- | --     | P  |  |
| Concrete batch plants and asphalt plants   | --     | -- | --     | C  |  |
| Congregate care facility   | --     | C  | C      | -- | Chapter 9.270 (Community Care Facilities)  |
| Contractor, landscape and building materials storage yard  | --     | -- | C      | C  |  |
| Convenience stores, not including the sale of motor vehicle fuel   | P      | -- | P      | -- |  |
| Dance Halls, night clubs, discos, cabarets, cocktail lounges, lodges and incidental dancing areas, and similar facilities where dancing is the principal use | C      | -- | C      | -- | Chapter 9.250 (Alcohol Sales)  |
| Day Care Center  | P      | C  | C      | -- | Chapter 9.270 (Community Care Facilities)  |
| Department stores  | P      | -- | P      | -- |  |
| Drug Store   | P      | P  | --     | -- |  |
| Dry cleaning and laundromats (except uniform supply and industrial launderers);  | P      | C  | C      | -- |  |
| Educational Institution  | C      | C  | C      | C  |  |
| Emergency shelters   | --     | -- | --     | P  | As mandated by State law and City Housing Element. Chapter 9.295 (Special Housing Types) in locations specified in the Housing Element |



**Table 9.135.030-1 Commercial and Industrial Zones - Allowed Uses and Approval Requirements**

| Allowed Use   | CR     | CO     | BP     | HI | Additional Requirements                                   |
|---|--------|--------|--------|----|---|
| Battery Energy Storage Facility, Utility Scale  | --     | --     | C      | C  | <a href="#">Chapter 9.297</a> (Energy Storage Facilities) |
| Equipment sales and rental, Large (including large vehicles, trucks with beds over 18 feet in length, eighteen plus (18+) wheelers, and construction equipment)                             | --     | --     | --     | C  |   |
| Equipment sales and rental, Small (including rototillers, power mowers, sanders, power saws, cement and plaster mixers not exceeding 20 cubic feet in capacity and other similar equipment) | P      | --     | C      | C  |   |
| Fast food/quick service, with drive-through   | C      | C      | C      | -- |   |
| Fast food/quick service, without drive-through  | P      | P      | P      | -- |   |
| Feed and grain sales  | C      | --     | --     | P  |   |
| Fertilizer production and processing (organic or inorganic)   | --     | --     | --     | C  |   |
| Funeral parlor, mortuary with crematorium   | --     | C      | C      | -- |   |
| Funeral parlor, mortuary without crematorium  | P      | C      | C      | -- |   |
| Gas station with/without convenience store, with or without alcoholic beverage sales, and with or without car wash  | C      | --     | C      | C  |   |
| General retail  | P      | --     | --     | -- |   |
| General warehousing, distribution centers, and storage (except noxious, explosives, or dangerous materials)   | --     | --     | --     | P  |   |
| Golf Course   | --     | --     | --     | -- |   |
| Golf driving range (not in association with full scale course)  | C      | --     | C      | -- |   |
| Governmental facility   | P      | P      | P      | P  |   |
| Grocery Store   | P      | --     | --     | -- | <a href="#">Chapter 9.250</a> (Alcohol Sales)             |
| Hardware and Building Supplies without outdoor sales/storage  | P      | --     | P      | P  |   |
| with outdoor sales/storage  | C      | --     | C      | C  |   |
| Health, fitness, dance, martial arts studio<br><5,000 sq.ft.<br>>5,000 sq.ft.   | P<br>C | C<br>C | P<br>C | -- |   |
| Heliports   | --     | --     | C      | C  |   |
| Hospital  | C      | C      | --     | -- |   |



**Table 9.135.030-1 Commercial and Industrial Zones - Allowed Uses and Approval Requirements**

| Allowed Use  | CR | CO | BP              | HI | Additional Requirements  |
|--|----|----|-----------------|----|--|
| Hotels and resort hotels   | P  | C  | C               | -- |  |
| Kennel or cattery  | -- | -- | C               | C  | <a href="#">Chapter 9.235</a> (Animal Keeping)                 |
| Laboratories, research and development   | P  | P  | P               | -- |  |
| Live/work units  | C  | C  | C               | -- |  |
| Lumber yard  | -- | -- | --              | C  |  |
| Manufacturing, Handcraft   | P  | P  | P               | P  |  |
| Manufacturing, Light-Intensity   | -- | C  | P               | P  |  |
| Manufacturing, Medium-Intensity  | -- | C  | C               | P  |  |
| Manufacturing, Heavy-Intensity   | -- | -- | --              | P  |  |
| Marijuana dispensaries, mobile marijuana dispensaries, marijuana cultivation, and marijuana processing | -- | -- | --              | -- |  |
| Massage Establishment  | C  | C  | --              | -- |  |
| Material storage yard  | -- | -- | C               | P  |  |
| Membership clubs, organizations, and lounges   | C  | C  | C               | -- |  |
| Mobile home sales and storage, trailer sales and rental house trailers                                 | C  | -- | C               | C  |  |
| Motels   | C  | -- | --              | -- |  |
| Motocross Facilities, Bicycle (BMX) course   | -- | -- | --              | -- |  |
| Motor vehicle body, paint and upholstery shops   | C  | -- | C               | P  | <a href="#">Chapter 9.240</a> (Motor Vehicle and Related Uses) |
| Motor vehicle parts and supply stores  | P  | -- | C               | -- |  |
| Motor vehicle repair/services (e.g. tune-ups, emission tests, brakes, tires, batteries, electrical)    | P  | -- | C               | P  | <a href="#">Chapter 9.240</a> (Motor Vehicle and Related Uses) |
| Motor vehicle repairs/services - major (e.g., engine and transmission repair/rebuild, etc.)            | -- | -- | C               | P  | <a href="#">Chapter 9.240</a> (Motor Vehicle and Related Uses) |
| Motor vehicle sales and rental (including outdoor display area and repairs associated with sales)      | C  | -- | C               | -- | <a href="#">Chapter 9.240</a> (Motor Vehicle and Related Uses) |
| Motor vehicle wholesale, with no outdoor display   | P  | P  | P               | P  |  |
| Motor vehicle impound, wrecking and junk yards   | -- | -- | --              | C  | <a href="#">Chapter 9.240</a> (Motor Vehicle and Related Uses) |
| Motor vehicle, trailer or boat storage   | -- | -- | C (indoor only) | C  | <a href="#">Chapter 9.240</a> (Motor Vehicle and Related Uses) |

**Table 9.135.030-1 Commercial and Industrial Zones - Allowed Uses and Approval Requirements**

| Allowed Use  | CR | CO | BP | HI | Additional Requirements  |
|--|----|----|----|----|--|
| <u>Multi-family dwellings in commercial zones per AB 2011 &amp; SB 6</u>   | P  | P  | -- | -- | <u>Chapter 9.295 (Special Housing Types) must meet affordable or mixed income criteria per AB 2011 or criteria per SB 6.</u> |
| Nurseries and garden supply, indoor and outdoor (retail sales only)  | P  | -- | -- | P  | Does not include cultivation of marijuana/cannabis.  |
| Offices, professional and medical  | P  | P  | P  | -- |  |
| Parking lots and parking structures  | P  | P  | P  | P  |  |
| Personal and Professional Services   | P  | -- | P  | -- |  |
| Public utility substations and storage buildings   | -- | -- | -- | P  |  |
| Radio and television broadcasting and recording studios  | P  | -- | P  | -- |  |
| Recreational vehicle, trailer and mobile home sales and rental.  | C  | -- | C  | C  | Chapter 9.240 (Motor Vehicle and Related Uses)   |
| Recycling collection facilities  | C  | -- | C  | C  | Chapter 9.280 (Recycling Facilities)   |
| Recycling processing facilities  | -- | -- | C  | C  | Chapter 9.280 (Recycling Facilities)   |
| Religious institutions   | P  | P  | P  | P  |  |
| Restaurant   | P  | P  | P  | P  | Chapter 9.250 (Alcohol sales)  |
| Residential care facility  | -- | C  | -- | -- | Chapter 9.270 (Community Care Facilities)  |
| Restaurants with breweries, distilleries and/or wine making facilities with sales for on-site and off-site consumption | C  | C  | C  | C  | Chapter 9.250 (Alcohol sales)  |
| Self-Storage, public storage facilities  | C  | -- | C  | P  |  |
| Shooting range; Indoor   | -- | -- | C  | -- |  |
| Shooting range; Outdoor  | -- | -- | -- | -- |  |
| Simulated shooting games, Indoor (laser tag, etc.)   | C  | -- | C  | -- |  |
| Simulated shooting games, Outdoor (paintball, etc.)  | -- | -- | -- | -- |  |
| Solid Waste Disposal   | -- | -- | -- | C  |  |
| Specialized Retail   | P  | -- | P  | -- |  |

**Table 9.135.030-1 Commercial and Industrial Zones - Allowed Uses and Approval Requirements**

| Allowed Use  | CR     | CO       | BP     | HI       | Additional Requirements  |
|--|--------|----------|--------|----------|--|
| Sports and recreational facilities (not including motor driven vehicles and riding academies, but including archery ranges, athletic playgrounds, athletic fields, sports arenas, skating rinks, skate parks stadiums, and commercial swimming pools)<br>Indoor<br>Outdoor | P<br>C | --<br>-- | C<br>C | --<br>-- |  |
| Studios for professional work in or teaching of any form of fine arts  | P      | C        | P      | --       |  |
| Swap Meets (Indoor only)   | C      | --       | --     | C        | All activities must be conducted indoors.                          |
| Tattoo Establishments  | C      | C        | C      | --       | <a href="#">Chapter 9.265</a> (Tattoo Establishments)              |
| Theater  | C      | --       | C      | --       |  |
| Tourist information centers  | P      | P        | P      | --       |  |
| Towing services (with tow truck parking - no auto storage)   | --     | --       | P      | P        |  |
| Towing services (with tow truck parking and auto storage)  | --     | --       | --     | C        | <a href="#">Chapter 9.240</a> (Motor Vehicle and Related Uses)     |
| Transportation Stations (bus, railroad and taxi)   | P      | P        | P      | P        |  |
| Trucking and freighting operations   | --     | --       | --     | C        |  |
| Uniform supplier and industrial launderers   | --     | --       | C      | P        |  |
| Utility offices, uses, and structures  | P      | P        | P      | P        |  |
| Vehicle storage and impoundment within an enclosed building  | --     | --       | P      | P        |  |
| Vocational/trade school;   | C      | --       | P      | C        |  |
| Warehouse/club store, Standalone facility 50,000 sq. ft. or larger   | C      | --       | C      | --       |  |
| Wholesale businesses with samples on the premises but not including storage  | P      | --       | P      | --       |  |
| Wholesale stores and distributors  | --     | --       | C      | --       |  |
| Wireless Communication Facilities  | C      | C        | C      | C        | <a href="#">Chapter 9.290</a> (Wireless Communications Facilities) |

([2022-351](#), 09/21/2022;[2022-356](#), 10/05/2022;[2023-365](#), 02/01/2023;[2023-369](#), 04/05/2023)

### 9.135.040 Development Standards CR CO BP HI

The development standards listed below are the minimum standards for development within the respective zones. Separate development standards have been established for developments on a single lot and for those commercial shopping centers or industrial planned developments which multiple structures on one or more lots.

| Table 9.135.040-1 Commercial and Industrial Zones - Development Standards<br>for Developments within Planned Shopping Centers or Industrial Parks |      |      |      |      |                         |
|---|------|------|------|------|-------------------------|
| Standard  | CR   | CO   | BP   | HI   | Additional Requirements |
| <b>MINIMUM LOT DIMENSIONS</b>   |      |      |      |      |                         |
| Net Lot Area (Acre)   | 5    | 5    | 10   | 10   |                         |
| <b>FLOOR AREA RATIO</b>   |      |      |      |      |                         |
| Minimum   | 0.20 | 0.25 | 0.25 | 0.15 |                         |
| Maximum   | 0.35 | 1.0  | 0.60 | 0.50 |                         |
| <b>YARDS/SETBACKS (Minimum)</b>   |      |      |      |      |                         |
| Yard Adjacent to Street (Feet):   |      |      |      |      |                         |
| Arterial/Major/Secondary/Expressways <sup>1</sup>   | 25   | 25   | 25   | 25   |                         |
| Collector   | 20   | 20   | 20   | 20   |                         |
| Local   | 15   | 15   | 15   | 15   |                         |
| Yard Adjacent to Residential Zone (Feet)  | 25   | 25   | 50   | 50   |                         |
| Interior Side Yard (Feet)   | 0    | 0    | 0    | 0    |                         |
| Rear Yard (Feet)  | 15   | 10   | 10   | 25   |                         |
| Minimum Building Separation (Feet):   |      |      |      |      |                         |
| One story:  | 10   | 15   | 15   | 15   |                         |
| Two stories:  | 15   | 20   | 20   | 20   |                         |
| Three or more stories:  | 20   | 25   | 25   | 25   |                         |
| <b>BUILDING HEIGHT (Maximum)</b>  |      |      |      |      |                         |
| Principal Building (Feet)   | 50   | 50   | 50   | 50   |                         |
| <b>BUILDING COVERAGE (Maximum)</b>  |      |      |      |      |                         |
| Building Coverage (Percent)   | 30%  | 50%  | 40%  | 40%  |                         |
| <b>OPEN SPACE COVERAGE (Minimum)</b>  |      |      |      |      |                         |
| Landscaped Open Space Required (Percent)  | 20%  | 25%  | 25%  | 20%  |                         |
| <b>FENCES, WALLS, HEDGES, SCREENING</b>   |      |      |      |      |                         |
| Fence wall or hedge – maximum height (feet)   | 6    | 6    | 6    | 6    |                         |
| Fence wall or hedge screening outdoor storage –minimum/max height (feet)  | 6/8  | N/A  | 6/12 | 6/12 |                         |
| Notes:  |      |      |      |      |                         |
| 1. Roadway classifications per the General Plan Circulation Element   |      |      |      |      |                         |

| Table 9.135.040-2 Commercial and Industrial Zones - Development Standards<br>for Development on Separate Lots |    |        |        |        |                         |
|---|----|--------|--------|--------|-------------------------|
| Standard  | CR | CO     | BP     | HI     | Additional Requirements |
| <b>MINIMUM LOT DIMENSIONS</b>   |    |        |        |        |                         |
| Net Lot Area (Square Feet) <sup>1</sup>   | -- | 20,000 | 20,000 | 10,000 |                         |
| Lot Width (Feet)  | -- | 100    | 100    | 75     |                         |
| Frontage (Feet)   | 30 | 60     | 80     | 80     |                         |
| <b>FLOOR AREA RATIO<sup>2</sup></b>   |    |        |        |        |                         |



|  |      |      |      |      |  |
|--|------|------|------|------|--|
| Minimum  | 0.20 | 0.25 | 0.25 | 0.15 |  |
| Maximum  | 0.35 | 1.0  | 0.60 | 0.50 |  |
| <b>YARDS/SETBACKS (Minimum)</b>  |      |      |      |      |  |
| Yard Adjacent to Street (Feet):  | 25   | 25   | 25   | 25   |  |
| Arterial   | 20   | 20   | 20   | 20   |  |
| Collector  | 15   | 15   | 15   | 15   |  |
| Local  |      |      |      |      |  |
| Yard Adjacent to Residential Zone (Feet)   | 25   | 25   | 50   | 50   |  |
| Interior Side Yard (Feet)  | 0    | 0    | 0    | 0    |  |
| Rear Yard (Feet)   | 15   | 10   | 10   | 25   |  |
| <b>BUILDING HEIGHT (Maximum)</b>   |      |      |      |      |  |
| Principal Building (Feet)  | 50   | 50   | 40   | 40   |  |
| <b>BUILDING COVERAGE</b>   |      |      |      |      |  |
| Maximum (Percent)  | 30%  | 50%  | 40%  | 40%  |  |
| <b>OPEN SPACE COVERAGE (Minimum Percent)</b>   |      |      |      |      |  |
| Landscaped Open Space Required (Percent)   | 20%  | 25%  | 25%  | 20%  |  |
| <b>FENCES, WALLS, HEDGES, SCREENING (Feet)</b>   |      |      |      |      |  |
| Fence wall or hedge – maximum height (Feet)  | 6    | 6    | 6    | 6    |  |
| Fence wall or hedge screening outdoor storage –minimum/max height (Feet)   | 6/8  | N/A  | 6/12 | 6/12 |  |
| <p><u>1.</u> All legal commercial and industrial lots in existence prior to the adoption of this ordinance shall be treated as conforming lots with respect to lot sizes.</p> <p><u>4-2.</u> See Section 9.295.025 Multifamily Housing in Commercial Zones to determine density allowed in commercial zones subject to AB2011 and SB6.</p> |      |      |      |      |  |

(Ord. No. [2022-351](#), 09/21/2022)



## Chapter 9.140 Economic Development Corridor Zones

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### 9.140.010 Purpose

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The purpose of this chapter is to establish business districts in the City that provide appropriate locations for commercial, office, industrial and economic development. These districts are consistent with and implement the City's General Plan.

### 9.140.020 Description and Intent of Zone

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EDC-NG EDC-MB EDC-CC EDC-NR EDC-SG

The following descriptions identify the characteristic uses, intensity of uses, and level of development intended for each zone:

- A. **Economic Development Corridor Northern Gateway (EDC-NG).** Envisioned as a business park area with more intensive industrial uses (less office) than envisioned for the Scott Road EDC area. Provides a buffer and transition between the commercial uses in Perris to the north and the residential uses in Menifee, south of McLaughlin Road.
- B. **Economic Development Corridor McCall Boulevard (EDC-MB).** Envisioned as a mix of office, medical, and residential uses (assisted living, senior apartments, townhomes, etc.) that would be compatible with the Regional Medical Center and would provide health-related services in close proximity to Sun City residents.
- C. **Economic Development Corridor Community Core (EDC-CC).** The Community Core is envisioned as the City's primary activity center and gathering place. Civic and entertainment uses are envisioned here that are complemented with commercial retail uses and higher density housing options that encourage walkability and reduce the use of the automobile. This area is intended to function as the ceremonial "heart" or downtown of the City of Menifee and will serve as a transition from existing rural lots to more concentrated retail and office development moving east toward I-215.
- D. **Economic Development Corridor Newport Road (EDC-NR).** The Newport Road Corridor is intended to provide neighborhood-oriented commercial uses that support the adjacent residential development to the north and south. Business park, office, or residential uses are envisioned along Bradley Road, to provide a buffer the commercial corridor and a logical transition to the adjacent single-family residential neighborhoods to the north.
- E. **Economic Development Corridor Southern Gateway (EDC-SG).** Southern Gateway will feature a business park style of development consisting of light industrial and office uses, with commercial use opportunities. The objective is to allow development while preserving the rural character of the Southern Gateway area.

**9.140.030 Allowed Uses and Approval Requirements** EDC-NG EDC-MB EDC-CC EDC-NR EDC-SG

- A. **Allowed Use Table.** Table 9.140.030-1 identifies allowed uses and corresponding approval requirements for the EDC zones subject to compliance with all other provisions of this Title. Descriptions/definitions of many of the land uses can be found in [Article 6](#) of this title (Definitions). The list of land uses, with the exception of prohibited uses, on Table 9.140.030-1 shall be permitted in one or more of the EDC zones as indicated in the columns corresponding to each zone.
- B. **Approval Requirements.** Where indicated with a letter “P” the use shall be a permitted use. A letter “C” indicates the use shall be conditionally permitted subject to the approval of a conditional use permit. Where indicated with a “--,” the use is prohibited within the zone. The Additional Requirements column in the table identifies additional use regulations for specific uses and/or the specific chapter or section where additional regulations for that use type are located within this title, where applicable. Uses for which additional requirements are listed shall be allowed only upon satisfaction of the specified additional requirements. Under no circumstances shall Table 9.140.030-1 authorize a use without satisfaction of such specified additional requirements
- C. **Unlisted Uses.** Uses not specifically listed in this table shall be considered not permitted in all of the listed zones. The Community Development Director may make a determination pursuant to [Chapter 9.95](#) (Similar Use Determination) that new uses not listed here that have substantially similar characteristics to specific listed permitted uses may be considered permitted as the similar use by right, or conditionally as appropriate.

**Table 9.140.030-1 Economic Development Corridors Zones Allowed Uses and Approval Requirements**

| Allowed Use   | EDC-NG | EDC-MB | EDC-CC | EDC-NR | EDC-SG | Additional Requirements                       |
|---|--------|--------|--------|--------|--------|---|
| Accessory dwelling units  | P      | P      | P      | P      | P      | As allowed by State law                       |
| Adult businesses  | --     | --     | --     | --     | --     | See XX (Adult Use Ordinance)                  |
| Airport   | C      | --     | --     | --     | --     |   |
| Ambulance services  | P      | C      | C      | C      | P      |   |
| Amusement and game arcade   | --     | --     | P      | C      | P      |   |
| Amusement park(including multiple activities such as simulated flying, racing, mini-golf, etc.) | P      | C      | C      | C      | P      |   |
| Indoor  | --     | --     | C      | C      | --     |   |
| Outdoor   |        |        |        |        |        |   |
| Art gallery, art studio, library, reading room, museum  | P      | P      | P      | P      | P      |   |
| Auction Houses:   | P      | P      | P      | P      | P      |   |
| Indoor  | C      | --     | --     | --     | --     |   |
| Outdoor   |        |        |        |        |        |   |
| Auditoriums, event centers and assembly areas, including live entertainment:                    | C      | C      | P      | C      | P      | <a href="#">Chapter 9.250</a> (Alcohol Sales) |
| Indoor  | --     | C      | C      | --     | --     |   |
| Outdoor   |        |        |        |        |        |   |
| Banks and financial institutions  | P      | P      | P      | P      | P      |   |
| Batting cages – indoor  | P      | P      | P      | P      | P      |   |
| Outdoor   | C      | C      | C      | C      | C      |   |

**Table 9.140.030-1 Economic Development Corridors Zones Allowed Uses and Approval Requirements**

| Allowed Use  | EDC-NG | EDC-MB | EDC-CC | EDC-NR | EDC-SG | Additional Requirements  |
|--|--------|--------|--------|--------|--------|--|
| Billiard and pool halls, Bowling alleys  | P      | C      | P      | C      | P      | Chapter 9.250 (Alcohol Sales)  |
| Breweries, distilleries, and wine making facilities with on-site tasting room and sales for off-site consumption   | P      | P      | P      | P      | P      | Chapter 9.250 (Alcohol Sales)  |
| Business Services  | P      | P      | P      | P      | P      |  |
| Car washes   | P      | C      | C      | P      | --     |  |
| Caretaker residence or on-site operator residence, only as accessory to primary use  | P      | --     | --     | --     | P      |  |
| Catering services  | P      | C      | C      | C      | P      | Includes truck parking   |
| Cemeteries, crematories and mausoleums   | C      | C      | --     | C      | C      |  |
| Clinics, including but not limited to medical and urgent care.   | P      | P      | P      | P      | P      |  |
| Collection Containers  | --     | --     | --     | --     | --     |  |
| Commercial radio and television broadcasting   | C      | C      | C      | C      | C      |  |
| Community center   | P      | P      | P      | P      | P      |  |
| Concrete batch plants and asphalt plants   | --     | --     | --     | --     | --     |  |
| Congregate care facility   | --     | C      | C      | C      | --     | Chapter 9.270 (Community Care Facilities)  |
| Contractor, landscape and building materials storage yards (new)   | --     | --     | --     | --     | --     |  |
| Contractor, landscape and building materials storage yards (legally existing as of the effective date of this ordinance)                                     | C      | --     | --     | --     | C      |  |
| Convalescent hospital/care facility  | --     | P      | C      | C      | C      |  |
| Dance Halls, night clubs, discos, cabarets, cocktail lounges, lodges and incidental dancing areas, and similar facilities where dancing is the principal use | C      | C      | C      | C      | C      | Chapter 9.250 (Alcohol Sales)  |
| Day Care Center  | C      | C      | C      | C      | C      | Chapter 9.270 (Community Care Facilities)  |
| Dry cleaning and laundromat (except uniform supply and industrial laundriers);   | --     | C      | P      | P      | C      |  |
| Educational Institution  | C      | C      | C      | C      | C      |  |
| Emergency shelters <sup>±</sup>  | P      | P      | P      | P      | P      | As mandated by State law and City Housing Element. <u>See footnote<sup>±</sup> below-Chapter 9.295 (Special Housing Types)</u> |



**Table 9.140.030-1 Economic Development Corridors Zones Allowed Uses and Approval Requirements**

| Allowed Use   | EDC-NG            | EDC-MB            | EDC-CC            | EDC-NR            | EDC-SG            | Additional Requirements   |
|---|-------------------|-------------------|-------------------|-------------------|-------------------|---|
| Equipment (new) sales, Large (including large vehicles, trucks with beds over 18 feet in length, eighteen plus (18+) wheelers, and construction equipment)                            | P                 | --                | --                | --                | C                 | May not be located within 1,000 feet of the freeway right-of-way.                               |
| Equipment (new) sales Small (including rototillers, power mowers, sanders, power saws, cement and plaster mixers not exceeding 20 cubic feet in capacity and other similar equipment) | P                 | C                 | C                 | C                 | C                 | May not be located within 1,000 feet of the freeway right-of-way.                               |
| Fast food/quick service, with drive-through;  | C                 | C                 | C                 | C                 | C                 |   |
| Fast food/quick service, without drive-through  | P                 | P                 | P                 | P                 | P                 |   |
| Feed and grain sales  | C                 | --                | --                | P                 | C                 |   |
| Fertilizer production and processing organic or inorganic   | --                | --                | --                | --                | --                |   |
| Gas station with or without a convenience store, with or without alcoholic beverage sales, and with or without car wash   | C                 | C                 | C                 | C                 | C                 | <a href="#">Chapter 9.250</a> (Alcohol Sales).<br>In SG-May not be located south of Scott Road. |
| General Retail  | P                 | P                 | P                 | P                 | P                 |   |
| Golf Course   | --                | C                 | C                 | C                 | --                |   |
| Golf driving range (not in association with full scale course)  | C                 | C                 | C                 | C                 | C                 |   |
| Governmental facility   | P                 | P                 | P                 | P                 | P                 |   |
| Grocery Store, Drug Store   | P                 | P                 | P                 | P                 | P                 | <a href="#">Chapter 9.250</a> (Alcohol Sales)   |
| Guns and ammunition store   | C                 | --                | C                 | C                 | C                 |   |
| Hardware or Building Supplies Sales without outdoor sales/storage   | P                 | P                 | P                 | P                 | P                 |   |
| Hardware or Building Supplies Sales with outdoor sales/storage  | C                 | C                 | C                 | C                 | C                 |   |
| Health, fitness, dance, martial arts studio   | P                 | P                 | P                 | P                 | P                 |   |
| <5,000 sq.ft.   | C                 | C                 | C                 | C                 | C                 |   |
| >5,000 sq.ft.   |                   |                   |                   |                   |                   |   |
| Heliports   | C                 | C                 | C                 | C                 | C                 |   |
| Hospital  | C                 | C                 | C                 | C                 | C                 |   |
| Hotels and resort hotels  | P                 | P                 | P                 | P                 | P                 |   |
| Kennel or cattery   | C                 | C                 | C                 | C                 | C                 | <a href="#">Chapter 9.235</a> (Animal Keeping)  |
| Live/work units <sup>(2)</sup>  | C                 | C                 | C                 | C                 | C                 |   |
| <a href="#">Low Barrier Navigation Center</a>   | <a href="#">P</a> | <a href="#">P</a> | <a href="#">P</a> | <a href="#">P</a> | <a href="#">P</a> | <a href="#">Chapter 9.295</a> (Special Housing Types)   |
| Manufacturing, Handcraft  | P                 | C                 | P                 | C                 | P                 |   |
| Manufacturing, Light-Intensity  | P                 | C                 | P                 | C                 | P                 |   |
| Manufacturing, Medium-Intensity   | P                 | --                | --                | --                | P                 |   |



**Table 9.140.030-1 Economic Development Corridors Zones Allowed Uses and Approval Requirements**

| Allowed Use  | EDC-NG      | EDC-MB      | EDC-CC       | EDC-NR      | EDC-SG      | Additional Requirements   |
|--|-------------|-------------|--------------|-------------|-------------|---|
| Manufacturing, Heavy-Intensity   | C           | --          | --           | --          | --          |   |
| Marijuana dispensaries, mobile marijuana dispensaries, marijuana cultivation, and marijuana processing   | --          | --          | --           | --          | --          |   |
| Massage Establishment  | P           | C           | C            | C           | C           |   |
| Meat packaging plants, poultry and egg processing, processing and rendering of fats and oils   | --          | --          | --           | --          | --          |   |
| Membership clubs, organizations, and lounges   | C           | C           | C            | C           | C           |   |
| Mobile home sales and storage, trailer sales and rental house trailers   | C           | --          | --           | --          | --          |   |
| Motocross Facilities, Bicycle (BMX) course   | C           | --          | --           | --          | --          |   |
| Motor vehicle body, paint and upholstery shops   | P           | C           | --           | C           | C           | <a href="#">Chapter 9.240</a> (Motor Vehicle and Related Uses)  |
| Motor vehicle repair/services (e.g. tune-ups, emission tests, brakes, tires, batteries, electrical)  | P           | P           | C            | P           | P           | <a href="#">Chapter 9.240</a> (Motor Vehicle and Related Uses)  |
| Motor vehicle repairs - major (e.g., engine and transmission repair/rebuild, etc.)   | C           | C           | --           | C           | C           | <a href="#">Chapter 9.240</a> (Motor Vehicle and Related Uses)  |
| Motor vehicle sales and rental (including outdoor display area and repairs associated with sales):<br>Automobiles Sales<br>Automobile Rental<br>Boats and RVs Sales and Rental | C<br>C<br>C | C<br>C<br>C | C*<br>C<br>C | C<br>C<br>C | C<br>C<br>C | <a href="#">Chapter 9.240</a> (Motor Vehicle and Related Uses).<br>*P - Permitted in the EDC-CC Auto Overlay  |
| Motor vehicle wholesale, with no outdoor display   | C           | --          | --           | --          | --          |   |
| Motor vehicle wrecking and junk yards  | --          | --          | --           | --          | --          | <a href="#">Chapter 9.240</a> (Motor Vehicle and Related Uses)  |
| Motor vehicle, trailer or boat storage –<br>Indoor<br>Outdoor  | --<br>--    | --<br>--    | --<br>--     | --<br>--    | --<br>--    |   |
| Motorcycle sales/service   | C           | P           | C            | P           | P           |   |
| Multi-family dwellings   | C           | C           | C            | C           | C           | Subject to Section <a href="#">9.140.050</a> (Special Requirements for Mixed Uses and Residential Uses in EDC Zones). May not be located within 1,000 feet of the I-215 right-of-way. |

**Table 9.140.030-1 Economic Development Corridors Zones Allowed Uses and Approval Requirements**

| Allowed Use  | EDC-NG | EDC-MB | EDC-CC | EDC-NR | EDC-SG | Additional Requirements   |
|--|--------|--------|--------|--------|--------|---|
| <u>Multi-family dwellings in commercial zones per AB 2011 &amp; SB 6.</u>  | =      | P      | P      | P      | =      | <u>Chapter 9.295 (Special Housing Types) must meet affordable or mixed income criteria per AB 2011 or criteria per SB6.</u> |
| Natural gas, above ground storage  | C      | --     | --     | --     | C      |   |
| Nurseries and garden supply, indoor and outdoor (retail sales only)  | C      | C      | C      | C      | C      | Does not include cultivation of marijuana/cannabis. No outdoor bulk materials.  |
| Offices (professional and medical)   | P      | P      | P      | P      | P      |   |
| Outdoor dining   | P      | P      | P      | P      | P      | Chapter 9.260 (Outdoor Sales, Display, and Dining)  |
| Parking lots and parking structures.   | P      | C      | C      | P      | P      |   |
| Personal Services  | C      | P      | P      | P      | C      |   |
| Pet shops, pet supply, and pet care and grooming   | P      | P      | P      | P      | P      |   |
| Public utility substations, offices and storage buildings  | P      | P      | P      | P      | P      |   |
| Recording studios  | P      | P      | P      | P      | P      |   |
| Recycling collection facilities  | C      | C      | --     | C      | C      | Chapter 9.280 (Recycling Facilities); May not be located within 1,000 feet of the freeway right-of-way.                     |
| Recycling processing facilities  | C      | --     | --     | --     | --     | Chapter 9.280 (Recycling Facilities); May not be located within 1,000 feet of the freeway right-of-way.                     |
| Religious Institutions   | C      | C      | C      | C      | C      |   |
| Research and development (except noxious, explosives, or dangerous materials)  | P      | --     | P      | --     | P      |   |
| Residential care facility  | C      | C      | C      | C      | C      | May not be located within 1,000 feet of the I-215 right-of-way.   |
| Restaurants  | P      | P      | P      | P      | P      | Chapter 9.250 (Alcohol sales)   |
| Restaurants with ancillary breweries, distilleries and/or wine making facilities with sales for on-site and off-site consumption | P      | P      | P      | P      | P      | Chapter 9.250 (Alcohol sales)   |
| Self-Storage, public storage facilities (new)  | --     | --     | --     | --     | --     |   |

**Table 9.140.030-1 Economic Development Corridors Zones Allowed Uses and Approval Requirements**

| Allowed Use  | EDC-NG   | EDC-MB   | EDC-CC   | EDC-NR   | EDC-SG   | Additional Requirements  |
|--|----------|----------|----------|----------|----------|--|
| Self-Storage, public storage facilities with or without manager's residence onsite (existing as of the effective date of this ordinance)   | C        | C        | C        | C        | C        | May expand only within the footprint of the existing development/property.                             |
| Shooting range; Indoor   | P        | C        | C        | C        | C        |  |
| Shooting range; Outdoor  | --       | --       | --       | --       | --       |  |
| Single-family residences   | C        | C        | C        | C        | C        | Requires tentative tract map approval. May not be located within 1,000 feet of the I-215 right-of-way. |
| Smoking Lounge   | C        | C        | C        | C        | C        |  |
| Solid Waste Disposal   | --       | --       | --       | --       | --       |  |
| Sports and recreational facilities (not including motor driven vehicles and riding academies, but including archery ranges, athletic playgrounds, athletic fields, sports arenas, skating rinks, skate parks, stadiums, and commercial swimming pools) | C        | C        | C        | --       | C        |  |
| <u>Supportive Housing</u>  | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> |  |
| Swap Meets (Indoor only)   | --       | --       | --       | --       | --       |  |
| Tattoo Establishments  | C        | C        | C        | --       | --       | Chapter 9.265 (Tattoo Establishments)  |
| Theaters   | C        | C        | P        | C        | P        |  |
| <u>Transitional Housing</u>  | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> |  |
| Towing services (with tow truck parking, no auto storage)  | p        | C        | --       | --       | C        |  |
| Truck stops  | --       | --       | --       | --       | --       |  |
| Trucking and freighting operations   | C        | C        | --       | --       | C        |  |
| Vocational/trade school;   | P        | C        | C        | C        | P        |  |
| Warehouse (except noxious, explosives, or dangerous materials)   | P        | --       | --       | --       | --       |  |
| Fulfillment Center   | P        | --       | --       | --       | --       |  |
| Warehousing, logistics and distribution facility   |          |          |          |          |          |  |
| Warehouse/club store, Standalone facility 50,000 sq. ft. or larger   | C        | C        | C        | C        | C        |  |
| Warehouse/club store, Standalone facility under 50,000 sq. ft.   | P        | P        | P        | P        | P        |  |
| Wedding chapels  | C        | C        | C        | C        | C        |  |
| Wholesale businesses with samples on the premises but not including storage.   | P        | P        | P        | P        | P        |  |
| Wholesale stores and distributors  | C        | C        | C        | C        | C        |  |
| Wireless Communication Facilities  | C        | C        | C        | C        | C        | Chapter 9.290 (Wireless Communication Facilities)  |

**Table 9.140.030-1 Economic Development Corridors Zones Allowed Uses and Approval Requirements**

| Allowed Use   | EDC-NG | EDC-MB | EDC-CC | EDC-NR | EDC-SG | Additional Requirements |
|---|--------|--------|--------|--------|--------|-------------------------|
| <b>FOOTNOTES:</b><br>1. Emergency Shelters shall:<br>A. Provide on-site facilities management personnel during all hours that the emergency shelter is in operation.<br>B. Be located no less than 300 feet from another emergency shelter.<br>C. Provide adequate lighting to illuminate the entire outdoor and parking areas of the property.<br>D. Provide security during all hours that the emergency shelter is in operation. |        |        |        |        |        |                         |

(2022-337, 03/16/2022;2022-351, 09/21/2022;2023-365, 02/01/2023)

### 9.140.040 Development Standards EDC-NG EDC-MB EDC-CC EDC-NR EDC-SG

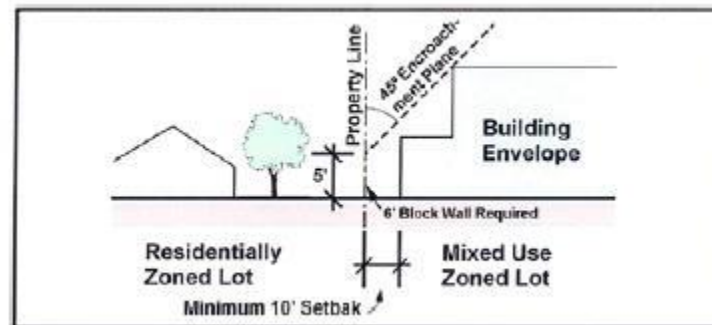
The development standards listed below are the minimum standards for development within the respective zones.

| Table 9.140.040-2 Economic Development Corridors Zones - Development Standards |        |        |        |        |        |  |
|--|--------|--------|--------|--------|--------|--|
| Standard   | EDC-NG | EDC-MB | EDC-CC | EDC-NR | EDC-SG | Additional Requirements  |
| <b>LOT DIMENSIONS (Minimum)</b>  |        |        |        |        |        |  |
| Net Lot Area (Sq. Ft.)   | 15,000 | 15,000 | 15,000 | 10,000 | 20,000 |  |
| <b>FLOOR AREA RATIO</b>  |        |        |        |        |        |  |
| Maximum  | 1.0    | 1.0    | 1.0    | 1.0    | 1.0    |  |
| <b>YARDS/SETBACKS (Minimum)</b>  |        |        |        |        |        |  |
| Front Yard   | 25     | 25     | 25     | 25     | 25     | Mixed Use Setback Requirements:<br>9.40.080.B  |
| Yard Adjacent to Residential Zone (Feet)                                       | 25     | 25     | 25     | 25     | 25     | No buildings or structures shall be located within an encroachment plane sloping upward and inward to the site at a 45-degree angle, commencing 15 feet above the existing grade at the property line (see Figure 9.140-1: Rear or Side Yard Setback and Encroachment Plane on a Residentially Zoned Lot). |
| Interior Side Yard (Feet)  | --     | --     | --     | --     | --     |  |
| Street Side Yard Setback   | 15     | 15     | 15     | 15     | 25     |  |
| Rear Yard (Feet)   | 10     | 15     | 15     | 15     | 10     |  |
| <b>BUILDING HEIGHT (Maximum)</b>   |        |        |        |        |        |  |
| Building Height (Feet)   | 100    | 45     | 75     | 45     | 75     |  |
| <b>BUILDING COVERAGE (Maximum)</b>   |        |        |        |        |        |  |
| Building Coverage (Percent)  | --     | --     | --     | --     | --     |  |
| <b>OPEN SPACE COVERAGE (Minimum)</b>   |        |        |        |        |        |  |



| Table 9.140.040-2 Economic Development Corridors Zones - Development Standards |        |        |        |        |        |   |
|--|--------|--------|--------|--------|--------|---|
| Standard   | EDC-NG | EDC-MB | EDC-CC | EDC-NR | EDC-SG | Additional Requirements   |
| Landscaped Open Space Required (Percent):                                      | 10%    | 10%    | 10%    | 10%    | 10%    | Percent of the total lot area excluding that portion of the lot contained within the required front setback area. |
| <b>FENCES, WALLS, HEDGES, SCREENING (Feet)</b>                                 |        |        |        |        |        |   |
| Fence wall or hedge – maximum height (Feet)                                    | 6      | 6      | 6      | 6      | 6      |   |
| Fence wall or hedge screening outdoor storage –minimum/max height (Feet)       | 6/12   | 6/8    | 6/8    | 6/8    | 6/12   |   |

Figure 9.140-1: Rear or Side Yard Setback and Encroachment Plane on a Residentially Zoned Lot



### 9.140.050 Special Requirements for Mixed Uses and Residential Uses in Economic Development Corridor Zones

EDC-NG EDC-MB EDC-CC EDC-NR EDC-SG

- A. **Intent of Mixed Uses.** The mixed-use allowances within the Economic Development Corridor (EDC) Zones are intended to enhance, revitalize, and provide opportunities for new development in designated areas of the community. This allows for retail and service commercial businesses (local and regional) and moderate- to high-density residential uses to be integrated vertically ~~or horizontally for the benefit of the community~~ consistent with the General Plan.
- B. **Mixed Use Setback Requirements.** Within the required front setback area, paved walkways for pedestrian use shall be augmented with landscaping such as planters and trees. Elements enhancing the pedestrian experience shall be incorporated into the design of the front setback, including but not limited to, benches, lighting schemes, and decorative paving.
  1. Mixed-use developments where the front lot line abuts a major traffic corridor must have a minimum front yard setback of 40 feet.
  2. Mixed-use developments where the front lot line does not abut a major traffic corridor must have a minimum front yard setback of 25 feet.

- C. **Mixed Use Notification Requirements.** The following notification requirements for mixed use developments in a designated EDC district apply:
1. Residents (owners and tenants) of new residential and mixed-use development projects in an Economic Development Corridor Zone where residential uses are allowed shall be notified in writing before taking up residence that they will be living in an urban-type environment and that noise levels may be higher than a strictly residential area.
  2. The conditions of approval of a residential or mixed-use project within an Economic Development Corridor Zone will require prospective residents to acknowledge the receipt of the written noise notification. Signatures shall confirm receipt and understanding of this information.
- D. **Restrictions on Land Uses and Activities in a Vertically Integrated Mixed-Use Development.** Economic Development Corridor Zones featuring vertically integrated mixed-use developments shall be subject to the following use limitations:
1. Commercial, office or institutional development component shall comprise a minimum of 0.3 FAR of the overall development.
    - a. A project consisting entirely of deed-restricted affordable housing will not be required to have a commercial feature component but shall be limited to the EDC districts' residential percentage limit of the City's General Plan.
    - b. Commercial storefronts in the Community Core and Southern Gateway Zones are required along street frontages. Residential development(s) are not allowed street frontage in these EDC Zones.
    - c. Live-work units are allowed as part of a mixed-use development. Dwelling areas in multi-family residential units are not allowed to be devoted solely to a commercial, office, or production activity.
  2. *Prohibited Land Uses and Activities in a vertically integrated mixed-use development.* The following activities are prohibited within vertically integrated mixed-use developments:
    - a. General auto repair including paint or body work, auto maintenance or similar use.
    - b. Manufacturing or industrial activities, including, but not limited to, welding, machining or open flame work, except those necessary as part of an art or jewelry producing activity.
    - c. Any other activity, as determined by the Community Development Director to be incompatible with residential activities and/or to have the possibility of adversely impacting the health or safety of residents due to the potential for the use to create late-night activity, dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration or other impacts, or would be hazardous because of materials, processes, products or wastes, within individuals units or to adjoining/surrounding units.
  3. *Loading and unloading activities.* Conditions of approval for a mixed-use development shall indicate the times when the loading and unloading of goods, products, supplies or similar items will occur. Loading or unloading activities are prohibited between 10:00 p.m. and 7:00 a.m. the following morning on any day of the week.
  4. *Conversion to Residential.* A mixed-use building shall not be converted to entirely residential use unless the development is consistent with all of the standards of this chapter, including 9.140.050.D.1.b and 9.140.050.E.2 regarding street frontage and freeway adjacency. The

conversion project proposal must first be reviewed and approved by the Planning Commission. A certificate of occupancy for the conversion is required.

- E. **Special Requirements for Residential Uses in EDC Zones.** All residential uses in EDC zones shall be subject to the following provisions:

- ~~1. Residential uses shall not exceed 15% of the total Economic Development Corridor acreage.~~
- ~~2.1. Residential developments shall be integrated vertically with non-residential uses and shall not be are-allowed as "stand alone" projects or but not allowed on EDC parcels directly adjacent to a freeway (residential developments may not be located within 1,000 feet of the I-215 right-of-way per table above and General Plan).~~
- ~~3.2. New residential developments in the Economic Development Corridor Zones are required to include a commercial, office or institutional component and/or enter into an agreement with the City for the development of a commercial, office or institutional facility on another property within the same Economic Development Corridor Zone and within a specified time period.~~
- ~~4.3. Residential density limitations are established within the General Plan and are in addition to other applicable requirements of this chapter.~~

- F. **Single Family Residential Developments in EDC Zones.** Single Family residential uses in EDC zones shall be subject to the following requirements:

1. Single-family dwellings existing as of the effective date of the Ord. 2015-180, passed 11-18-2015 in an Economic Development Corridor Zone shall be considered as permitted uses and shall be subject to development standards for LDR-2 zone, as set forth in [Chapter 9.130](#) of this Title or other zone as determined by the Community Development Director.
2. Tract maps approved prior to the effective date of this chapter located within any Economic Development Corridor Zone shall be considered a permitted residential use and shall be subject to the appropriate Residential Zone development standards of [Chapter 9.130](#) of this Title, as determined by the Community Development Director.
- ~~3. Single-family residential portions of mixed-use developments shall be subject to the development standards of the appropriate residential zone in Chapter 9.130, as determined by the Community Development Director.~~

- G. **Multi-Family Residential Developments in EDC Zones.** Multi-family residential uses shall be subject to the development standards of the appropriate zone in [Chapter 9.130](#), as determined by the Community Development Director.

- H. **Mixed-Use Multi-Family Developments in EDC Zones.** The provisions of this section shall apply to multi-family residential portions of mixed-use developments in addition to other applicable requirements of this chapter.

1. *Maximum Number of Bedrooms per Unit.* No single dwelling unit shall have more than 4 bedrooms, unless otherwise approved by the Planning Commission.
2. *Residential Building Separation.* Residential developments and residential portions of mixed-use developments shall meet the minimum building separation requirements as established below:



| Minimum Building Separation<br>(Same Recorded Lot) |  |
|--|--|
| From 1 story to 1 story building                   | 15 ft.   |
| From 1 story to 2 story building                   | 20 ft.   |
| From 2 story to 2 story building                   | 20 ft.   |
| Additional story either building                   | 20 ft. plus 5 ft. per additional story above 2 for either building |

3. *Elevation of First Floor.* The first habitable floor of a residential-only building shall be located not more than 4 feet above and not more than one foot below the elevation of the adjacent sidewalk or the finished grade 8 feet from of the foundation.
4. *Open space, recreation and leisure area requirements for residential components of integrated mixed-use developments.* Residential components of mixed-use developments shall provide open space, recreation, and leisure areas at a minimum of 300 square feet per dwelling unit. The following spaces shall contribute to the open space, recreation area, and leisure area requirement:
  - a. *Private Open Space.* Private open space shall be provided at each unit. Private open space may be provided in the form of a patio, yard, balcony or combination thereof and shall be directly adjacent to and accessible from each unit. Private open space shall have a minimum area of 90 square feet, with a minimum depth dimension of 6 feet and a minimum width dimension of 10 feet.
  - b. *Active Recreation Areas.*
    - i. Active recreation areas shall include one or more of the following: spa, pool, indoor equipped work-out room(s), tennis, volleyball, racquetball courts, basketball half court, or other similar usable recreational activities as determined acceptable by the Planning Commission during a discretionary review. Active recreation areas shall be open to and accessible to all residents of the mixed-use complex. The required active recreational amenities shall be based on a needs assessment evaluation of the proposed project. The evaluation shall take into consideration the following criteria:
      - a. Size and shape of active recreation area;
      - b. Location and placement of buildings;
      - c. Diversity of recreational amenities needed based upon anticipated resident mix;
      - d. Number of units, size mixture of units, and lot size.
    - ii. Active recreation areas shall not be less than 20 feet in width or depth. Increased dimensions may be required through the discretionary review process based upon specific project circumstances and the intended use of that active recreation area.
    - iii. Active recreation areas may be located indoors, in outdoor portions of habitable levels, or on roof decks. Active recreational areas located in this manner shall not contribute more than 50% of the required open space, recreation, and leisure areas, unless otherwise approved by the Planning Commission.
    - iv. Active recreation areas shall be buffered from adjacent residentially zoned lots. Active recreation areas that feature such activities as pools, spas, court activities



shall be placed and operated so as not to infringe upon the peacefulness of nearby residential units or adjoining residential properties.

- c. *Passive Recreation Areas.* Passive recreation areas shall incorporate pathways, waterscape, hardscape (i.e., large rocks or boulders, benches, gazebos, raised planters constructed on site of bricks, concrete or rocks, or other materials) and unique features that enhance the appearance, desirability and usability of the area. The intent is to provide landscaped areas that can be utilized for walking, sitting, viewing plants and vegetation, reading, and similar types of passive activities. Passive recreation areas shall have a minimum dimension of 10 feet in width and 30 feet in length. These areas shall not contribute more than 50% of the required open space, recreation and leisure areas. An area designated as a "Community Garden" may contribute up to 25% of the required open space, recreation and leisure area(s) of a residential development.
  - d. *Mixed Use Shared Passive Recreation Areas.* Passive recreation areas and joint use patios and plazas may contribute to the requirement for open space, recreation and leisure areas. Passive areas are generally shared with commercial, office or institutional components in a mixed-use development. Passive recreation areas do not include areas used for outdoor dining, fenced or otherwise restricted for use by a single business or tenant. Shared passive recreation areas shall have a minimum dimension of 10 feet in width and 30 feet in length. Such areas shall not contribute to more than 25% of the required open space, recreation and leisure areas.
5. *Additional multi-family residential unit requirements.* Each residential unit in a multi-family component of a mixed-use development shall comply with the following requirements:
- a. *Laundry Facilities.* Each unit shall be provided with washer and dryer hookups and laundry space within the unit. For apartment units, common laundry facilities may be provided.
  - b. *Storage Facilities.* Each unit shall be provided with a separate storage area having a minimum of 300 cubic feet of private and secure storage space. This storage space may be located within the parking garage provided it does not interfere with garage use for automobile parking. Closet and cupboard space within the dwelling unit shall not count toward meeting this requirement.

## Chapter 9.180 Density Bonuses, Incentives, and Concessions

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### 9.180.010 Purpose

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This chapter implements the statutory requirements set forth in Government Code Sections 65915–65918 (known as state density bonus law). To the extent practicable, the citation to the governing statutory provision is included next to the implementing ordinance section. If any provision of this chapter conflicts with state law, the latter shall control. Applicable statutes should be consulted for amendments prior to applying the ordinance provision.

### 9.180.020 Applicability

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The density bonuses, incentives and concessions contained in this chapter shall apply to housing developments eligible for a density bonus under state density bonus law. When an applicant seeks a density bonus for a housing development within, or for the donation of land for housing within, the City's jurisdiction that meets the requirements set out in California Government Code Section 65915, the actions and procedures set out in this chapter shall apply. The burden is on the applicant to show that the housing development meets such requirements. The density bonus provisions of California Government Code Section 65915 et seq., as may be amended from time to time, are incorporated by reference into this chapter. The City reserves the right to review applications for a density bonus in accordance with state density bonus law. Please refer to the Chapter 9.305 (Special Standard and Use Definitions) of this Development Code for definitions applicable to the density bonus provisions of this Chapter.

### 9.180.030 Eligibility for Density Bonus and Incentives

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- A. Density bonuses are available to affordable housing developers in accordance with this chapter for the following:
1. Housing developments, including a shared housing building development, for rental or sale to lower income households, which include a minimum affordable housing component (Section 9.180.060 and Section 9.180.070-A115).
  2. Housing developments which include a minimum affordable housing component and a childcare facility (Section 9.115180.070).
  3. Senior citizen housing developments, as defined in Sections 51.3 and 51.12 of the Civil Code, or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code. A senior housing development may also include a shared housing building development. (Section 9.180.080).
  4. Housing development which includes a minimum affordable housing component for transitional foster youth, disabled veterans, or homeless persons (Section 9.180.090).
  5. Student housing developments which include a minimum affordable housing component (Section 9.180.100).
  6. Land donations for very low-income housing (Section 9.180.110115.090).
  - 6-7. Commercial development partnering with an affordable housing developer which includes a minimum affordable housing component (Section 9.180.117).
- B. For the purpose of calculating a density bonus, the residential units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels (Government Code Section 65915(i)).

### 9.180.040 Application and Required Fees

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- A. **Application Filing and Processing.** When an applicant seeks a density bonus for a housing development that meets the criteria in Section 9.180.060, the affordable housing developer shall comply with all the following requirements:
1. File an application for a density bonus in accordance with this section that includes a minimum affordable housing component, whether or not the project also requires or has been granted a conditional use permit or other permits or approvals (Government Code Section 65915(d)(1)).
  2. State in the application the specific minimum affordable housing component proposed for the housing development (Government Code Section 65915(b)(2)).
  3. Enter into an agreement with the City or its designee pursuant to Section 9.180.190 (Affordable Housing Agreement and Equity Sharing Agreement) to maintain and enforce the affordable housing component of the housing development (Government Code Section 65915(c)).
- B. **Application Fees.** Application fees shall be collected in accordance with Section 9.30.020 (Applications and Fees).
1. If an application for a density bonus requires an unusual amount or specialized type of study or evaluation by City staff, consultant or legal counsel, City staff shall estimate the cost thereof and require the applicant to pay an additional fee or make one or more deposits to pay such cost before the study or evaluation is begun. On completion of the study or evaluation, and before the City Council decides the application, City staff shall determine the actual cost of the work and the difference between the actual cost and the amount paid by the applicant, and shall require the applicant to pay any deficiency or shall refund to the applicant any excess.

#### 9.180.050 Effect of Proposal for Waiver or Reduction of Development Standards

A proposal for the waiver or reduction of development standards shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to Government Code Section 65915(d).

#### 9.180.060 Density Bonus Allowance for Housing Development with Affordable Housing Component

- A. If the requirements of Section 9.280.030 (Eligibility for Density Bonus and Incentives) are met, the affordable housing developer is entitled to a density bonus pursuant to Government Code Section 65915(f) as shown in Table 9.180.060-1, Density Bonus Allowance for Housing Development Projects with Affordable Housing Component.

| Table 9.180.060-1 Density Bonus Allowance for Housing Development Projects with Affordable Housing Component* |  |                       |   |  |                                |
|---|--|-----------------------|---|--|--------------------------------|
| Household Income Category   | Minimum Percentage of Affordable Units** | Minimum Density Bonus | Additional Density Bonus for Each 1% Increase in Affordable Units | Maximum Percentage of Affordable Units | Maximum Possible Density Bonus |
| Affordable Housing Development  |  |                       |   |  |                                |
| Very Low Income   | 5%                                       | 20%                   | 2.50% <u>up to 11% affordable units</u>                           | 11%                                    | 35%                            |



| Table 9.180.060-1 Density Bonus Allowance for Housing Development Projects with Affordable Housing Component* |  |                       |   |  |                                |
|---|--|-----------------------|---|--|--------------------------------|
| Household Income Category   | Minimum Percentage of Affordable Units** | Minimum Density Bonus | Additional Density Bonus for Each 1% Increase in Affordable Units | Maximum Percentage of Affordable Units | Maximum Possible Density Bonus |
| Low Income  | <u>12%</u>                               | <u>38.75%</u>         | <u>3.75% up to 15% affordable units</u>                           | <u>15%****</u>                         | <u>50%</u>                     |
|   | <u>100%*****</u>                         | <u>80%</u>            | <u>-</u>  | <u>100%</u>                            | <u>80%</u>                     |
|   | <u>10%</u>                               | <u>20%</u>            | <u>1.50% up to 20% affordable units</u>                           | <u>20%</u>                             | <u>35%</u>                     |
| Moderate Income (Common Interest Developments)***   | <u>21%</u>                               | <u>38.75%</u>         | <u>3.75% up to 24% affordable units</u>                           | <u>24%****</u>                         | <u>50%</u>                     |
|   | <u>100%*****</u>                         | <u>80%</u>            | <u>-</u>  | <u>100%</u>                            | <u>80%</u>                     |
|   | <u>10%</u>                               | <u>5%</u>             | <u>1% up to 40% affordable units</u>                              | <u>40%</u>                             | <u>35%</u>                     |
|   | <u>41%</u>                               | <u>38.75%</u>         | <u>3.75% up to 44% affordable units</u>                           | <u>44%****</u>                         | <u>50%</u>                     |
|   | <u>100%*****</u>                         | <u>80%</u>            | <u>-</u>  | <u>100%</u>                            | <u>80%</u>                     |
|   |  |                       |   |  |                                |

\*All density bonus calculations resulting in fractions are rounded up to the next whole number (Government Code Section 65915(f)(5)).

\*\*Affordable unit percentage is calculated excluding units added by a density bonus.

\*\*\*Moderate income density bonus applies to for sale units, not rental units.

\*\*\*\*No additional density bonus provided for increase in percentage of affordable units above percentage shown, unless 100% affordable units.

\*\*\*\*\*Applies when 100% of the total units (other than manager's unit) are restricted to very low, lower, and moderate income (maximum 20% moderate).

- B. As demonstrated in Table 9.180.060-1, the amount of density bonus to which the applicant is entitled shall vary according to the amount by which the percentage of affordable units offered by the applicant exceeds the percentage of the minimum affordable housing component; the applicant may also elect to accept a lesser percentage of density bonus (Government Code Section 65915(f)).

C. Bonus units are not subject to affordability restrictions in addition to the number of affordable units required to qualify for the density bonus.

C. ~~All density calculations resulting in fractional units shall be rounded up to the next whole number (Government Code Section 65915(f)(5)).~~

### 9.180.070 Density Bonus for Housing Development with Affordable Housing Component and Childcare Facility

- A. **Criteria.** For a density bonus to be granted pursuant to Subsection 9.180.070.B relative to a minimum affordable housing component with a childcare facility in a housing development, all of the following shall be satisfied:
1. The development complies with Section 9.2180.030 (Government Code Section 65915(h)(1)).
  2. The housing development includes a childcare facility that will be located on the premises of, as part of, or adjacent to the housing development (Government Code Section 65915(h)(1)).

3. Approval of the housing development is conditioned to ensure that both of the following occur:
  - a. The childcare 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 pursuant to Section 9.180.190 (Government Code Section 65915(h)(2)(A)).
  - b. Of the children who attend the childcare facility, the children of very low-income households, low-income households, or moderate-income households shall constitute a percentage that is equal to or greater than the percentage of dwelling units that are required under the respective minimum affordable housing component income category for which the density bonus is sought (Government Code Section 65915(h)(2)(B)).
- B. The City is authorized to not provide a density bonus as provided in this section upon substantial evidence that the community has adequate childcare facilities (Government Code Section 65915(h)(3)).
- C. Density Bonus Allowance. If the requirements of Subsection 9.180.070.A are met, an applicant for a housing development with an affordable housing component and childcare facility is entitled to:
  1. A density bonus pursuant to Section 9.180.060 (Density Bonus Allowance for Housing Development with Affordable Housing Component); and
  2. 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 childcare facility (Government Code Section 65915(h)(1)(A)).

#### 9.180.080 Density Bonus for Senior Citizen Housing Development

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An applicant for a senior citizen housing development or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to Civil Code Section 798.76 or 799.5 is entitled to a density bonus of 20% of the number of senior citizen housing development units, ~~up to a maximum of 50%~~ (Government Code Section 65915(b)(1)(C)&(f)(3)(A)). ~~No affordable units are required for senior units.~~

#### 9.180.090 Density Bonus for Housing Development with Affordable Housing Component for Transitional Foster Youth, Disabled Veterans, or Homeless Persons

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An applicant for a housing development which includes a minimum ~~affordable of ten percent of the total units of a housing development component provided at the same affordability level as very low income units and limits residency for that component to individuals qualifying as for~~ transitional foster youth, as defined in Section 66025.9 of the Education Code, disabled veterans, as defined in Section 18541 of the Government Code, or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.) ~~and having the same affordability level as very-low income units,~~ is entitled to a density bonus of 20% of the number of units set aside for transitional foster youth, disabled veterans, and homeless persons (Government Code Section 65915(b)(1)(E)&(f)(3)(B)). ~~The units shall be subject to a recorded affordability restriction of 55 years.~~

#### 9.180.100 Density Bonus for Student Housing Development with Affordable Housing Component

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- A. **Criteria.** For a density bonus to be granted pursuant to Subsection 9.180.100.C relative to a student housing development with minimum affordable housing component, all of the following shall be satisfied.
1. All units in the student housing development will be used exclusively for undergraduate, graduate, or professional students enrolled full time at an institution of higher education accredited by the Western Association of Schools and Colleges or the Accrediting Commission for Community and Junior Colleges. In order to be eligible under this subclause, the developer shall, as a condition of approval, provide evidence to the City prior to building permit issuance, that the developer has entered into an operating agreement or master lease with one or more institutions of higher education for the institution or institutions to occupy all units of the student housing development with students from that institution or institutions. An operating agreement or master lease entered into pursuant to this subclause is not violated or breached if, in any subsequent year, there are not sufficient students enrolled in an institution of higher education to fill all units in the student housing development (Government Code section 65915(b)(1)(F)(I)).
  2. The applicable 20-percent units will be used for lower income students (Government Code section 65915(b)(1)(F)(i)(II)).
  - ~~1-3.~~ The rent provided in the applicable units of the development for lower income students is calculated at 30 percent of 65 percent of the area median income for a single-room occupancy unit type (Government Code section 65915(b)(1)(F)(III)).
  - ~~2-4.~~ The housing development gives priority to lower income students experiencing homelessness (Government Code section 65915(b)(1)(F)(IV)).
  - ~~3.~~ The housing development includes a minimum affordable housing component for lower income students as defined by Government Code section 65915(b)(1)(F)(II).
  - ~~4.~~ The development complies with Section 9.280.030 (Government Code Section 65915(b)(1)(F)(I)).
- B. **Unit.** For purposes of calculating a density bonus pursuant to this section, the term “unit” as used in this section means one rental bed and its pro rata share of associated common area facilities.
- C. **Density Bonus Allowance.** If the requirements of Subsection 9.180.100.A are met, an applicant for a student housing development with an affordable housing component is entitled to a density bonus of 35% of the number of student housing units. (Government Code section 65915(F)(3)).

### 9.180.110 Density Bonus for Land Donations

- A. **Criteria.** For a density bonus for a qualified land donation to be granted pursuant to Section 9.180.110.B, all the requirements of this section shall be met.
1. The applicant is applying for a tentative subdivision map, parcel map or other residential development approval (Government Code Section 65915(g)(1)).
  2. The application includes at least a 10% minimum affordable housing component for very low-income households (Government Code Section 65915(g)(1)).
  3. ~~The applicant agrees to donate and transfer qualified land, which is land that meets both~~  
An applicant shall be eligible for an increased density bonus described in this section if all of the following criteria and conditions are met:
    - a. The developable acreage and zoning classification of the land being transferred must be sufficient to permit construction of units affordable to very low-income households in an



amount ~~equal to~~ not less than 10% of the number of residential units of the proposed development pursuant to ~~Section 8116-2.5.1(a)~~ (Government Code Section 65915(g)(2)(B)).

b. The transferred land shall be at least 1 acre in size or of sufficient size to permit development of at least 40 units, have the appropriate General Plan land use designation, be appropriately zoned with appropriate development standards for development at the density described in Government Code Section 65583.2(c)(3), and ~~be is~~ or will be served by adequate public facilities and infrastructure (Government Code Section 65915(g)(2)(C)).

b.c. The qualified land shall be transferred to the City or to a housing developer approved by the City. The City may require the applicant to identify and transfer the land to an approved housing developer (Government Code Section 65915(g)(2)(F)).

c.d. The qualified land has all of the permits and approvals, other than building permits, necessary for the development of the very low-income housing affordable units on the qualified land, not later than the date of approval of the final subdivision map, parcel map or residential development application filed. However, the City may subject the proposed development to subsequent design review to the extent authorized by Government Code Section 65583.2(i) if the design is not reviewed by the City prior to the time of transfer (Government Code Section 65915(g)(2)(D)).

d.e. The qualified land shall be donated and transferred no later than the date of approval of the final subdivision map, parcel map, or residential development application (Government Code Section 65915(g)(2)(A)).

e.f. The qualified land and the affordable units are subject to a deed restriction ensuring continued affordability of the units consistent with Section 9.180.190 (Affordable Housing Agreement and Equity Sharing Agreement)~~070 (Density Bonus for Housing Development with Affordable Housing Component and Childcare Facility)~~, which must ~~shall~~ be recorded against the qualified land at the time of the transfer (Government Code Section 65915(g)(2)(E)).

f.g. The qualified land is within the boundary of the proposed development or, if the City agrees, within 0.25 mile of the boundary of the proposed development (Government Code Section 65915(g)(2)(G)).

g.h. A proposed source of funding for the very low-income household units shall be identified no later than the date of approval of the final subdivision map, parcel map or residential development application (Government Code Section 65915(g)(2)(H)).

- B. **Density Bonus Allowance for Qualified Land Donation for Very Low-Income Housing.** If the requirements of Section 9.180.110.A are satisfied, the applicant shall be entitled to at least a 15% increase above the otherwise maximum allowable residential density for the entire development, as shown in Table 9.180.110-1, Density Bonus Allowances for Qualified Land Donation Projects (Government Code Section 65915(g)(1)). This increase shall be in addition to any increase in density allowed under this Chapter, as mandated by Government Code Section 65915(b), up to a maximum combined mandated density increase of 35 percent if an applicant seeks an increase pursuant to both this Section and Government Code Section 65915(b). All density calculations resulting in fractional units shall be rounded up to the next whole number.



| Table 9.180.110-1 Density Bonus Allowances for Qualified Land Donation Projects |   |               |  |                                    |
|---|---|---------------|--|------------------------------------|
| Household Income Category   | Minimum Percentage of Very Low-Income Units | Density Bonus | Additional Density Bonus for Each 1% Increase in Very Low-Income Units | Maximum Possible Density Bonus     |
| Very Low Income   | 10% of entire development                   | 15%           | 1%   | <del>50%</del> 35% (max. combined) |

- C. All density calculations resulting in fractional units shall be rounded up to the next whole number (Government Code Section 65915(g)(2)).

### **9.180.115 Density Bonus for Shared Housing Building**

- A. **Criteria.** In order for a density bonus to be granted for a shared housing building under subsection 9.180.030.A.1, of this chapter, the shared housing development must meet the following criteria:
1. The shared housing building is a residential or mixed-use structure, with five or more shared housing units and one or more common kitchens and dining areas designed for permanent residence of more than 30 days by its tenants.
  2. The kitchens and dining areas within the shared building shall be able to adequately accommodate all residents.
  3. A shared housing building may include other dwelling units that are not shared housing units, provided that those dwelling units do not occupy more than 25 percent of the floor area of the shared housing building.
  4. A shared housing building may include incidental commercial uses, provided that those commercial uses are otherwise allowable and are located only on the ground floor level of the shared housing building closest to the street or sidewalk of the shared housing building.
  5. 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.

### **9.180.117 Density Bonus for Commercial Development Partnering with an Affordable Housing Developer**

- A. When an application for approval of a commercial development has entered into an agreement for partnered housing described in Section 9.180.117.C, to contribute affordable housing through a joint project or two separate projects encompassing affordable housing, the City shall grant to the commercial developer a development bonus as prescribed in Section 9.180.117.C. Housing shall be constructed on the site of the commercial development or on a site that is all of the following:
1. Within the boundaries of the City.
  2. In close proximity to public amenities including schools and employment centers.
  3. Located within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code.

- B. The development bonus granted to the commercial developer shall mean incentives, mutually agreed upon by the developer and the City, that may include, but are not limited to, any of the following:
1. Up to a 20 percent increase in maximum allowable intensity in the General Plan.
  2. Up to a 20 percent increase in maximum allowable floor area ratio.
  3. Up to a 20 percent increase in maximum height requirement.
  4. Up to a 20 percent reduction in minimum parking requirements.
  5. Use of a limited-use/limited-application elevator for upper floor accessibility.
  6. An exception to a zoning ordinance or other land use regulation.
- C. For purposes of this section, the agreement for partnered housing shall be between the commercial developer and the housing developer, shall identify how the commercial developer will contribute affordable housing, and shall be approved by the City.
- D. For purposes of this section, affordable housing may be contributed by the commercial developer in one of the following manners:
1. The commercial developer may directly build the units.
  2. The commercial developer may donate a portion of the site or property elsewhere to the affordable housing developer for use as a site for affordable housing.
  3. The commercial developer may make a cash payment to the affordable housing developer that shall be used towards the costs of constructing the affordable housing project.
- E. For purposes of this section, Government Code Section 65915(c)(3)(A) shall apply.
- F. Nothing in this section shall preclude additional allowances or incentives offered to developers by the City pursuant to law or regulation.
- G. If the developer of the affordable units does not commence with construction of those units in accordance with timelines ascribed by the agreement described in Section 9.180.117.C, the City may withhold certificates of occupancy for the commercial development under construction until the developer has completed construction of the affordable units.
- H. In order to qualify for a development bonus under this section, a commercial developer shall partner with a housing developer that provides at least 30 percent of the total units for low-income households or at least 15 percent of the total units for very low-income households.
- I. Nothing in this section shall preclude an affordable housing developer from seeking a density bonus, concessions or incentives, waivers or reductions of development standards or parking ratios under this Chapter.
- J. A development bonus pursuant to this section shall not include a reduction or waiver of the requirements within an ordinance that requires the payment of a fee by a commercial developer for the promotion or provision of affordable housing.
- K. For purposes of this section, “partner” means formation of a partnership, limited liability company, corporation, or other entity recognized by the state in which the commercial development applicant and the affordable housing developer are each partners, members, shareholders or other participants, or a contract or agreement between a commercial development applicant and affordable housing developer for the development of both the commercial and the affordable housing properties.
- L. This section shall remain in effect until January 1, 2028 and as of that date ~~are~~is repealed.

### **9.180.120 Affordable Housing Incentives**

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Government Code Subsections 65915(d), (j), (k) and (l) govern the following provisions regarding affordable housing incentives.

- A. **Qualifications for Incentives.** Subject to Section 9.180.140 (Criteria for Denial of Application for Incentives), all of the following applicable requirements must be satisfied in order for an applicant to be granted an incentive(s) pursuant to this subsection and Section 9.180.130 (Number of Incentives Granted):
1. The applicant for an incentive is also an applicant for a density bonus and qualifies for a density bonus pursuant to Section 9.2180.030 (Government Code Section 65915(d)(1)).
  2. A specific written proposal for an incentive(s) has or will be submitted with the application for density bonus (Government Code Section 65915(b)(1) and (d)(1)).
  3. If an incentive(s) pursuant to Sections 9.2180.030 and 9.180.120 is sought, the applicant shall establish that each requested incentive would result in identifiable, financially sufficient and actual cost reductions for the qualified housing development (Government Code Section 65915(k)(1) and (3)).
  4. If an incentive(s) pursuant to Subsection 9.180.120.A(2) is sought, the applicant shall establish that the requirements of that section are met (Government Code Section 65915(k)(2)).
  5. If an additional incentive for a childcare facility is sought pursuant to Subsection 9.180.070.B, the applicant shall establish that the requirements of that section are met (Government Code Section 65915(h)(1)(B)).
  6. The granting of an incentive shall not be interpreted, in and of itself, to require a General Plan amendment, zoning change, or other discretionary approval (Government Code Section 65915(j)). An incentive is applicable only to the project for which it is granted. An applicant for an incentive may request a meeting with the Community Development Director and, if requested, the Community Development Director will meet with the applicant to discuss the proposal (Government Code Section 65915(d)(1)).
- B. **Types of Incentives.** For the purposes of this chapter, incentive means any of the following:
1. A reduction in site development standards or a modification of development code requirements or design guidelines that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, ~~financially sufficient and~~ actual cost reductions, to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in Section 9.180.190.B (Government Code Section 65915(k)(1)).
  2. Approval of mixed-use zoning in conjunction with the qualified housing development if commercial, office, industrial or other land uses will reduce the cost of the qualified housing development and if the commercial, office, industrial or other land uses are compatible with the qualified housing development and the existing or planned development in the area where the proposed qualified housing development will be located (Government Code Section 65915(k)(2)).
  3. Other regulatory incentives proposed by the affordable housing developer or the City that result in identifiable, ~~financially sufficient and~~ actual cost reductions to provide for affordable housing costs as defined in Section 50052.5 of the Health and Safety Code, or for rents for the



targeted units to be set as specified in Section 9.180.190.B. (Government Code Section 65915(k)(3)).

- C. **Direct Incentives Allowed.** Nothing in this section limits or requires the provision of direct financial incentives by the City for the qualified housing development, including the provision of publicly owned land, or the waiver of fees or dedication requirements (Government Code Section 65915(l)).

### 9.180.130 Number of Incentives Granted

- A. Subject to Section 9.180.140 (Criteria for Denial of Application for Incentives), an applicant meeting the requirements of Subsection 9.180.120 shall receive the following number of incentives described below and as shown in Table 9.180.130-1, Incentive Allowances for Qualified Housing Developments.
1. One incentive for qualified housing development projects, including shared housing building developments, that include at least 5% of the total units for very low-income households, at least 10% for low-income households, or at least 10% for persons and families of moderate-income households in which the units are for sale in a common interest development. (Government Code Section 65915(d)(2)(A)).
  2. Two incentives for qualified housing development projects, including shared housing building developments, that include at least 10% of the total units for very low-income households, at least ~~20~~17% for low-income households, or at least 20% for persons and families of moderate-income households in which the units are for sale in a common interest development. (Government Code Section 65915(d)(2)(B)).
  3. Three incentives for qualified housing development projects, including shared housing building developments, that include at least 15% of the total units for very low-income households, at least ~~30~~24% for low-income households, or at least 30% for persons and families of moderate-income households in which the units are for sale in a common interest development. (Government Code Section 65915(d)(2)(C)).
  - ~~3-4.~~ Four incentives for qualified housing developments, including shared housing building developments, that include at least 16% of the total units for very low-income households or 45% moderate income units in which the units are for sale. (Government Code Section 65915(d)(2)(F)).
  5. ~~Four~~Five incentives for qualified housing developments, including shared housing building developments, that include 100% of total units, exclusive of a manager's unit or units, for lower income households, except that up to 20% of the total units in the development may be for moderate-income households. If the project is within 1/2 mile of a major transit stop, the project shall also receive a height increase of up to three additional stories, or 33 feet. (Government Code 65915(d)(2)(D)).
  6. One incentive or concession for projects that include at least 20 percent of the total units for lower income students in a student housing development. (Government Code Section 65915(d)(2)(E)).
- B. A qualified housing development proposal that includes a childcare facility shall be granted an additional incentive that contributes significantly to the economic feasibility of the construction of the childcare facility. (Government Code Section 65915(h)(1)(B)).



| Table 9.180.130-1 Incentive Allowances for Qualified Housing Developments |  |                    |                    |                        |   |
|---|--|--------------------|--------------------|------------------------|---|
| Income Category   | Minimum Percentage of Affordable Units |                    |                    |                        |   |
| Incentives Allowed  | 1                                      | 2                  | 3                  | 4                      | 5   |
| Very Low Income   | 5%                                     | 10%*               | 15%                | <del>16%</del>         | <u>100% Low/Very Low/Mod (20% Moderate allowed)</u> |
| Low Income  | 10%                                    | <del>20%</del> 17% | <del>30%</del> 24% | <del>100% or 80%</del> | <u>100% Low/Very Low/Mod (20% Moderate allowed)</u> |
| Common Interest Development (Moderate Income)                             | 10%                                    | 20%                | 30%                | <del>20%</del> 45%     | <u>100% Low/Very Low/Mod (20% Moderate allowed)</u> |

\*One incentive or concession is also required for projects that include at least 20 percent of the total units for lower income students in a student housing development.

### 9.180.140 Criteria for Denial of Application for Incentives

Except as otherwise provided in this chapter or by state law, if the requirements of Subsection 9.180.120.A (Affordable Housing Incentives) are met, the City shall grant the incentive(s) that are authorized by Subsection 9.180.120.B and Section 9.115.110 (Density Bonus for Land Donations) unless a written finding, based upon substantial evidence, is made with respect to any of the following, in which case the City may refuse to grant the incentive(s):

- A. The incentive is not required in order to provide affordable housing costs or affordable rents for the affordable units subject to the qualified housing development application (Government Code Section 65915(d)(1)(A)).
- B. The incentive would have a specific, adverse impact, as defined in Government Code Section 65589.5(d)(2), upon the public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which 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 (Government Code Section 65915(d)(1)(B); Government Code Section 65915 (d)(3)).
- C. The incentive would be contrary to state or federal law (Government Code Section 65915(d)(1)(C)).
- D. The City is authorized not to provide a density bonus as provided in this section upon substantial evidence that the community has adequate childcare facilities (Government Code Section 65915(h)(3)).

### 9.180.150 Waiver or Modification of Development Standards

#### A. Requirements for Waiver or Modification of Development Standards.

1. Application. To qualify for a waiver or reduction of one or more development standards, the applicant shall submit a written application (together with an application for a qualified

- housing development) that states the specific development standard(s) sought to be modified or waived and the basis of the request (Government Code Section 65915(e)(1)). An applicant for a waiver or modification of development standard(s) pursuant to this Section may request a meeting with the Community Development Director to review the proposal. If requested, the Community Development Director shall meet with the applicant (Government Code Section 65915(e)(1)). An application for the waiver or reduction of development standard(s) pursuant to this Section shall neither reduce nor increase the number of incentives to which the applicant is entitled pursuant to Section 9.180.120 (Affordable Housing Incentives) (Government Code Section 65915(e)(2)).
2. A housing development that receives a waiver from any maximum controls on density based on location relative to a major transit stop pursuant to Government Code Section 65915(f)(3)(D)(ii) shall not be eligible for, and shall not receive, a waiver or reduction of development standards, other than as expressly provided in Government Code Sections 65915(d)(2)(D) and (f)(3)(D)(ii).
  3. Findings. All of the following findings must be made for each waiver or reduction requested:
    - a. The development standard for which a waiver or reduction is requested will have the effect of physically precluding the construction of the proposed qualified housing development at the densities or with the incentives permitted under this chapter (Government Code Section 65915(e)(1)).
    - b. The requested waiver or reduction of a development standard will not have a specific, adverse impact, as defined in Government Code Section 65589.5(d)(2), upon the health, safety and/or physical environment or, if such a specific, adverse impact exists, there is a feasible method to satisfactorily mitigate or avoid the specific, adverse impact (Government Code Section 65915(e)(1)).
    - c. The requested waiver or reduction of a development standard will not have an adverse impact on any real property that is listed in the California Register of Historical Resources (Government Code Section 65915(e)(1)).
    - d. The requested waiver or reduction of a development standard is not contrary to state or federal law (Government Code Section 65915(e)(1)).
  4. Granting Application for Waiver or Modification of Development Standards. If the requirements of Subsection 9.180.150.A are satisfied, the application for waiver or modification of development standard(s) shall be granted, and the City shall not apply a development standard that will have the effect of physically precluding the construction of a qualified housing development at the densities or with the incentives permitted by this chapter (Government Code Section 65915(e)(1)).

### 9.180.160 Parking Standard Modifications for Qualified Housing Developments

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- A. **Requirements for Parking Standard Modifications.** Parking standard modifications pursuant to Subsection 9.180.160.B are available only for qualified housing developments. An application for parking standard modifications stating the specific modification requested pursuant to Subsection 9.180.160.B shall be submitted with the qualified housing development application (Government Code Section 65915(p)(3)).
- B. **Parking Standard Modifications.** If the requirements of Subsection 9.180.160.A are met, the vehicular parking ratio, inclusive of handicapped and guest parking, shall not exceed the following

per unit ratios (Government Code Section 65915(p)(1)), except where noted under Subsection 9.180.160.C (Exceptions):

1. Zero to one bedroom: 1 on-site parking space
2. Two to three bedrooms: ~~2-1.5~~ on-site parking spaces
3. Four and more bedrooms: 2.5 on-site parking spaces

- C. **Exceptions.** Upon the applicant's request, the following maximum parking standards shall apply, inclusive of handicap and guest parking, to the entire housing development subject to this chapter, as required by Government Code Section 65915(p)(2):

| Table 9.180.160-1 Special Parking Requirements   |                            |
|--|----------------------------|
| Type of Project/Affordability  | Parking Ratio              |
| <u>Rental/for sale projects with at least 11% very low income or 20% lower income units, within ½ mile of accessible major transit stop. Unobstructed access must be provided to the major transit stop from the development.*</u>                         | <u>0.5 spaces per unit</u> |
| <u>Rental projects 100% affordable to lower income units, within ½ mile of accessible major transit stop. Unobstructed access must be provided to the major transit stop from the development.*</u>  | <u>0 spaces per unit</u>   |
| <u>Rental senior projects 100% affordable to lower income units, either with paratransit service or within ½ mile of accessible bus route (operating at least eight times a day).</u>  | <u>0 spaces per unit</u>   |
| <u>Rental special needs projects as defined in Section 51312 of the Health and Safety Code and 100% affordable to lower income units, either with paratransit service or within ½ mile of accessible bus route (operating at least eight times a day).</u> | <u>0 spaces per unit</u>   |
| <u>Rental supportive housing developments as defined in Section 50675.14 of the Health and Safety Code and 100% affordable to lower income households.</u>   | <u>0 spaces per unit</u>   |
| <u>For sale projects with at least 40% moderate income units, within ½ mile of accessible major transit stop.</u>  | <u>0.5 spaces per unit</u> |

\*Unobstructed access to a major transit stop means a resident is able to access the major transit stop without encountering natural or constructed impediments.

- ~~1. A maximum of 0.5 parking spaces per bedroom, when all the following conditions apply:
 
  - ~~a. The development includes the maximum percentage of low- or very low-income units as established in Section 9.180.060 (Density Bonus Allowance for Housing Development with Affordable Housing Component).~~
  - ~~b. The development is located within 0.5 miles of a major transit stop, as defined in subdivision (b) of Section 21155 of the California Public Resources Code.~~
  - ~~c. There is unobstructed access to the major transit stop from the development. A development shall have unobstructed access to a major transit stop if a resident is able to access the major transit stop without encountering natural or constructed impediments.~~~~
- ~~2. A maximum of 0.5 parking spaces per unit, when all the following conditions apply:
 
  - ~~a. The development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families, as provided in Section 50052.5 of the Health and Safety Code.~~~~



- ~~b. The development is located within 0.5 miles of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code.~~
    - ~~c. There is unobstructed access to the major transit stop from the development. A development shall have unobstructed access to a major transit stop if a resident is able to access the major transit stop without encountering natural or constructed impediments.~~
  - ~~3. A maximum of 0.5 parking spaces per unit, when all the following conditions apply:~~
    - ~~a. The development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families, as provided in Section 50052.5 of the Health and Safety Code.~~
    - ~~b. The development is for individuals who are 62 years of age or older and complies with Sections 51.2 and 51.3 of the Civil Code.~~
    - ~~c. The development has either paratransit service or unobstructed access, within 0.5 miles, to fixed bus route service that operates at least eight times per day.~~
  - ~~4. No vehicular parking requirement, when all the following conditions apply:~~
    - ~~a. The development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families, as provided in Section 50052.5 of the Health and Safety Code.~~
    - ~~b. The development is either a special needs housing development, as defined in Section 51312 of the Health and Safety Code, or a supportive housing development, as defined in Section 50675.14 of the Health and Safety Code.~~
    - ~~c. A special needs housing development has either paratransit service or unobstructed access, within 0.5 miles, to fixed bus route service that operates at least eight times per day.~~
- D. If the total number of parking spaces required for the qualified housing development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this section, "on-site parking" may be provided through tandem parking or uncovered parking, but not through on-street parking (Government Code Section 65915(p)(5)).
- E. Except as otherwise provided in this section, all other provisions of [Chapter 9.215](#) (Off-Street Parking and Loading) applicable to residential development apply.
- F. An applicant may request additional parking incentives beyond those provided in this section if applied for pursuant to [Section 9.180.120](#) (Government Code Section 65915(p)(3)).
- G. Notwithstanding allowances in Subsection 9.180.160.C, if the City or an independent consultant has conducted an area-wide or jurisdiction-wide parking study in the last 7 years, the City may impose a higher vehicular parking ratio not to exceed the ratio described in Subsection 9.180.160.B, based on substantial evidence found in the parking study that includes, but is not limited to, an analysis of parking availability, differing levels of transit access, walkability access to transit services, the potential for shared parking, the effect of parking requirements on the cost of market-rate and subsidized developments, and the lower rates of car ownership for low- and very low-income individuals, including seniors and special needs individuals. The City shall pay the costs of any new study. The City shall make findings, based on a parking study completed in conformity with this paragraph, supporting the need for the higher parking ratio (California Government Code Section 65915(p)(7)).



**9.180.170 Density Bonus and Affordable Housing Incentive Program**

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- A. **Project Design and Phasing.** Projects seeking an affordable housing benefit pursuant to this chapter shall comply with the following requirements, unless otherwise specified in writing by the Community Development Director:
1. Location/Dispersal of Units. Affordable units shall be reasonably dispersed throughout the development where feasible and shall contain on average the same (or greater) number of bedrooms as the market-rate units.
  2. Phasing. If a project is to be developed in phases, each phase must contain the same or substantially similar proportion of affordable units and market-rate units.
  3. Exterior Appearance. The exterior appearance and quality of the affordable units must be similar to the market-rate units. The exterior materials and improvements of the affordable units must be similar to, and architecturally compatible with, the market-rate units.
- B. **Application Requirements.** An application for one or more affordable housing benefits shall be submitted as follows:
1. Each affordable housing benefit requested shall be specifically stated in writing on the application form provided by the City.
  2. The application shall include the information and documents necessary to establish that the requirements of this chapter are satisfied for each affordable housing benefit requested, including:
    - a. For density bonus requests, that the requirements of Section ~~9.2180.030~~ Eligibility for Density Bonus and Incentives) are met;
    - b. For incentive requests, that the requirements of Section 9.180.120 (Affordable Housing Incentives) are met;
    - c. For development standard waiver or modification requests, that the requirements of Section 9.180.150 (Waiver or Modification of Development Standards) are met; and/or
    - d. For parking standard modification requests, that the requirements of Section 9.180.160 (Parking Standard Modifications for Qualified Housing Developments) are met.
  3. The application shall be submitted concurrently with a complete application for a qualified housing development.
  4. The application shall include a site plan that complies with and includes the following:
    - a. For senior citizen housing development projects, the number and location of proposed total units and density bonus units.
    - b. For all qualified housing development projects other than senior citizen housing development projects, the number and location of proposed total units, affordable units and density bonus units. The density bonus units shall be permitted in geographic areas of the qualified housing development other than the areas where the affordable units are located (Government Code Section 65915(i)).
    - c. The location, design and phasing criteria required by Subsection 9.180.170.A, including any proposed development standard(s) modifications or waivers pursuant to Section 9.180.150 (Waiver or Modification of Development Standards).

5. The application for a qualified housing development shall state the level of affordability of the affordable units and include a proposal for compliance with Section 9.180.190 (Affordable Housing Agreement and Equity Sharing Agreement) for ensuring affordability.
  6. If a density bonus is requested for a qualified land donation pursuant to Section 9.180.110 (Density Bonus for Land Donations), the application shall show the location of the qualified land in addition to including sufficient information to establish that each requirement in Section 9.180.110 has been met.
  7. If an additional density bonus or incentive is requested for a childcare facility pursuant to Section 9.180.070 (Density Bonus for Housing Development with Affordable Housing Component and Childcare Facility) and/or Subsection 9.180.130.B (Number of Incentives Granted), the application shall show the location and square footage of the childcare facility in addition to including sufficient information to establish that each requirement in Section 9.180.070 and/or Subsection 9.180.130.B has been met.
- C. An application for an affordable housing benefit under this chapter shall not be processed until all of the provisions of this section are complied with as determined by the Community Development Director and shall be processed concurrently with the application for the qualified housing development project for which the affordable housing benefit is sought. Prior to the submittal of an application for a qualified housing development, an applicant may submit to the Community Development Director a preliminary proposal for affordable housing benefits. The Community Development Director shall, within 90 days of receipt of a written proposal, notify the applicant of the Community Development Director's preliminary response and schedule a meeting with the applicant to discuss the proposal and the Community Development Director's preliminary response.
- D. The Community Development Director shall provide the applicant with written notice as to whether the application ~~is~~ deemed complete in accordance with Section 9.30.060 (Determination of Completeness). If the application is deemed complete, the Community Development Director shall provide the applicant with a determination on the following:
1. The amount of density bonus for which the applicant is eligible.
  2. If the applicant requests a parking ratio pursuant to Section 9.180.120, the parking ratio for which the applicant is eligible.
  3. If the applicant requests incentives or concessions pursuant to Section 9.180.120, or waivers or reductions of development standards pursuant to Section 9.180.150, whether the applicant has provided sufficient information for the City to make a determination as to those incentives, concessions, or waivers or reductions of development standards.
  4. Any determination shall be based on the development project at the time the application is deemed complete. The City will adjust the amount of density bonus and parking ratios allowed based on any changes to the project during the course of development.

### 9.180.180 Determination on Density Bonus and Affordable Housing Incentive Program Requirements

The decision-making body for the underlying qualified housing development application is authorized to approve or deny an application for an affordable housing benefit in accordance with this chapter.

- A. **Affordable Housing Benefit Determinations.** An application for an affordable housing benefit shall be granted if the requirements of this chapter are satisfied unless:
1. The application is for an incentive for which a finding is made in accordance with Section 9.180.140 (Criteria for Denial of Application for Incentives); or
  2. The underlying application for the qualified housing development is not approved independent of and without consideration of the application for the affordable housing benefit.
- B. **Affordable Housing Benefit Compliance Provisions.** To ensure compliance with this chapter and state law, approval of an application for an affordable housing benefit may be subject to, without limitation:
1. The imposition of conditions of approval to the qualified housing development, including imposition of fees necessary to monitor and enforce the provisions of this chapter;
  2. An affordable housing agreement and, if applicable, an equity sharing agreement pursuant to Section 9.180.190 (Affordable Housing Agreement and Equity Sharing Agreement); and
  3. A recorded deed restriction implementing conditions of approval and/or contractual or legally mandated provisions.
- C. A decision regarding an affordable housing benefit application is subject to the appeal provisions of Section 9.30.100 (Appeals).

#### 9.180.190 Affordable Housing Agreement and Equity Sharing Agreement

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- A. **General Requirements.** No density bonus pursuant to Section 9.180.030 (Eligibility for Density Bonuses and Incentives) shall be granted unless and until the affordable housing developer, or its designee approved in writing by the Community Development Director, enters into an affordable housing agreement and, if applicable, an equity sharing agreement, with the City or its designee pursuant to and in compliance with this section (Government Code Section 65915(c)). The agreements shall be in the form provided by the City, which shall contain terms and conditions mandated by, or necessary to implement, state law and this chapter. The Community Development Director may designate a qualified administrator or entity to administer the provisions of this section on behalf of the City. The affordable housing agreement shall be recorded prior to, or concurrently with, final map recordation or, where the qualified housing development does not include a map, prior to issuance of a building permit for any structure on the site. The Community Development Director is hereby authorized to enter into the agreements authorized by this section on behalf of the City upon approval of the agreements by the City Attorney for legal form and sufficiency.
- B. **Low- or Very Low-Income Minimum Affordable Housing Component or Senior Citizen Housing Development.**
1. The affordable housing developer of a qualified housing development based upon the inclusion of low-income and/or very low-income affordable units shall enter into an agreement with the City to maintain the continued affordability of the affordable units for 55 years (for rental units) or 30 years (for for-sale units), or a longer period if required by the construction or mortgage financing assistance program, mortgage insurance program or rental subsidy program, as follows (Government Code Section 65915(c)(1)). The agreement shall establish specific compliance standards and specific remedies available to the City if such compliance standards are not met. The agreement shall, among other things, specify the



number of lower-income affordable units by number of bedrooms; standards for qualifying household incomes or other qualifying criteria, such as age; standards for maximum rents or sales prices; the person responsible for certifying tenant or owner incomes; procedures by which vacancies will be filled and units sold; required annual report and monitoring fees; restrictions imposed on lower-income affordable units on sale or transfer; and methods of enforcing such restrictions.

2. Rental Units. Rents for the low-income and very low-income affordable units that qualified the housing development for the density bonus pursuant to Section 9.180.030 shall be set and maintained at an affordable rent (Government Code Section 65915(c)(1)). The agreement shall set rents for the lower-income density bonus units at an affordable rent as defined in California Health and Safety Code Section 50053, except for developments meeting the criteria of Government Code Section 65915(b)(1)(G), for which rents for all units in the development, including both base density and density bonus units, shall be as follows:
  - a. The rent for at least 20 percent of the units in the development shall be set at an affordable rent, as defined in Section 50053 of the Health and Safety Code.
  - b. The rent for the remaining units in the development shall be set at an amount consistent with the maximum rent levels for a housing development that receives an allocation of state or federal low-income housing tax credits from the California Tax Credit Allocation Committee.
3. The agreement shall require that owner-occupied units be made available at an affordable housing cost as defined in Health and Safety Code Section 50052.5.
4. For-Sale Units. Owner-occupied low-income and very low-income affordable units that qualified the housing development for the density bonus pursuant to Section 9.180.030 shall be available at an affordable housing cost (Government Code Section 65915(c)(2)). The affordable housing developer of a qualified housing development based upon a very low- or low-income minimum affordable component shall enter into an equity sharing agreement with the City or the master or non-affordable housing developer. The agreement shall be between the City and the buyer or between developer and the buyer if the developer is the seller of the unit. The City shall enforce the equity sharing agreement unless it is in conflict with the requirements of another public funding source or law (Government Code Section 65915(c)(2)). The equity sharing agreement shall include at a minimum the following provisions:
  - a. 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 City shall recapture any initial subsidy, as defined in subparagraph (b), and its proportionate share of appreciation, as defined in subparagraph (c), which amount shall be used within five years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code that promote homeownership.
  - b. For purposes of this section, the City's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the very low-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, the value at the time of the resale shall be used as the initial market value.



- c. For purposes of this subdivision, the City's proportionate share of appreciation shall be equal to the ratio of the City's initial subsidy to the fair market value of the home at the time of initial sale.
  5. Senior Units. At least 35 senior citizen housing development units shall be maintained and available for rent or sale to senior citizens as defined in Civil Code Section 51.3.
- C. **Moderate Income Minimum Affordable Housing Component.**
  1. The affordable housing developer of a qualified housing development based upon the inclusion of moderate-income affordable units in a common interest development shall enter into an agreement with the City ensuring that:
    - a. The initial occupants of the moderate-income affordable units that are directly related to the receipt of the density bonus are persons and families of a moderate-income household.
    - b. The units are offered at an affordable housing cost (Government Code Section 65915(c)(2)).
    - c. The affordable housing developer of a qualified housing development based upon a moderate-income minimum affordable component shall enter into an equity sharing agreement with the City or the master or non-affordable housing developer (Government Code Section 65915(c)(2)). The agreement shall be between the City and the buyer or between the developer and the buyer if the developer is the seller of the unit. The City shall enforce the equity sharing agreement unless it is in conflict with the requirements of another public funding source or law (Government Code Section 65915(c)(2)). The equity sharing agreement shall include at a minimum the following provisions:
      - d. Upon resale, the seller of the unit shall retain the value of improvements, the down payment and the seller's proportionate share of appreciation. The City shall recapture any initial subsidy, as defined in subparagraph (b), and its proportionate share of appreciation, as defined in subparagraph (c), which amount shall be used within five years for any of the purposes described in Health and Safety Code Section 33334.2(e) that promote homeownership (Government Code Section 65915(c)(2)(A)).
      - e. The City's initial subsidy shall be equal to the fair market value of the unit 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, the value at the time of the resale shall be used as the initial market value (Government Code Section 65915(c)(2)(B)).
      - f. The City's proportionate share of appreciation shall be equal to the ratio of the City's initial subsidy to the fair market value of the unit at the time of initial sale (Government Code Section 65915(c)(2)(C)).
- D. **Minimum Affordable Housing Component and Childcare Facility.** If an additional density bonus or incentive is granted because a childcare facility is included in the qualified housing development, the affordable housing agreement shall also include the affordable housing developer's obligations pursuant to Subsection 9.180.070.A(3) for maintaining a childcare facility, if not otherwise addressed through conditions of approval.

#### **9.180.200 Density Bonus or Incentives for Condominium Conversion Projects**

**A. Requirements for Density Bonus or Incentive for Condominium Conversion Projects.**

1. An applicant requesting the conversion of Apartments to a condominium project agrees to provide at least:
  - a. 33% of the total units of the proposed condominium project to persons and families of moderate-income households; or
  - b. 15% of the total units of the proposed condominium project to persons and families of low-income households.
2. If the applicant agrees to pay for the reasonably necessary administrative costs incurred by the City pursuant to this section, the City shall either:
  - a. Grant a density bonus; or
  - b. Provide other incentives of equivalent financial value (Government Code Section 65915.5(a)).

**B. Definition of Density Bonus for Condominium Conversion Projects.** If the requirements of Subsection 9.180.200.A are met, the condominium conversion project will be entitled to an increase in units of 25% over the number of Apartments, to be provided within the existing structure or structures proposed for conversion from Apartments to condominiums (Government Code Section 65915.5(b)).

**C. Pre-submittal Preliminary Proposals for Density Bonus or Incentive for Condominium Conversion Projects.** Prior to the submittal of a formal request for subdivision map approval or other application for necessary discretionary approvals, an applicant to convert Apartments to a condominium project may submit to the Community Development Director a preliminary proposal for density bonus or other incentives of equivalent financial value. The Community Development Director shall, within 90 days of receipt of a written proposal, notify the applicant of the Community Development Director's preliminary response and schedule a meeting with the applicant to discuss the proposal and the Community Development Director's preliminary response (Government Code Section 65915.5(d)).

**D. Application for Density Bonus or Incentives for Condominium Conversion Projects.** An applicant shall submit a completed application provided by the City for a density bonus or for other incentives of equivalent financial value. The application shall be submitted concurrently with the application for the condominium conversion project. The application shall include the following:

1. All information and documentation necessary to establish that the requirements of Subsection 9.180.200.A are met.
2. The proposal for a density bonus or the proposal for other incentives of equivalent financial value.
3. Site plans demonstrating the location of the units to be converted, the affordable units, the market-rate units and the density bonus units in the condominium conversion project.
4. Any other information and documentation requested by the City to determine if the requirements of Subsection 9.180.200.A are met.

Both the application for a density bonus or other incentives of equivalent financial value and the application for the condominium conversion shall be complete before the application for a density bonus or other incentives of equivalent financial value will be considered.

**E. Granting Density Bonus or Incentive for Condominium Conversion Projects.**

1. Approval.
  - a. If the requirements of Subsection 9.180.200.A are met, the decision-making body for the condominium conversion project application is authorized to grant an application for a density bonus or other incentives of equivalent financial value, subject to Subsection 9.180.200.E(2).
  - b. Reasonable conditions may be placed on the granting of a density bonus or other incentives of equivalent financial value that are found appropriate, including but not limited to entering into an affordable housing agreement pursuant to Section 9.180.190 (Affordable Housing Agreement and Equity Sharing Agreement), which ensures continued affordability of units to subsequent purchasers who are persons and families of moderate-income households or low-income households (Government Code Section 65915.5(a)).
2. Ineligibility. An applicant shall be ineligible for a density bonus or other incentives of equivalent financial value if the Apartments proposed for conversion constitute a qualified housing development for which a density bonus as defined in Section 9.180.030 (Eligibility for Density Bonuses and Incentives) or other incentives were provided (Government Code Section 65915.5(f)).
3. Decision on Condominium Conversion Project. Nothing in this section shall be construed to require the City to approve a proposal to convert Apartments to condominiums (Government Code Section 65915.5(e)).

#### 9.180.210 Enforcement Provisions

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- A. **Occupancy.** Prior to occupancy of an affordable unit, the household's eligibility for occupancy of the affordable unit shall be demonstrated to the City. This provision applies throughout the restricted time periods pursuant to Section 9.180.190 (Affordable Housing Agreement and Equity Sharing Agreement) and applies to any change in ownership or tenancy, including subletting, of the affordable unit.
- B. **Ongoing Compliance.** Upon request, the affordable housing developer shall show that the affordable units are continually in compliance with this chapter and the terms of the affordable housing agreement. Upon 30-day notice, the City may perform an audit to determine compliance with this chapter and the terms of any agreement or restriction.
- C. **Enforcement.** The City shall have the authority to enforce the provisions of this chapter, the terms of affordable housing agreements and equity sharing agreements, deed restrictions, covenants, resale restrictions, promissory notes, deed of trust, conditions of approval, permit conditions and any other requirements placed on the affordable units or the approval of the qualified housing development. In addition to the enforcement powers granted in this chapter, the City may, at its discretion, take any other enforcement action permitted by law, including those authorized by City ordinances. Such enforcement actions may include, but are not limited to, a civil action for specific performance of the restrictions and agreement(s), damages for breach of contract, restitution and injunctive relief. The remedies provided for herein shall be cumulative and not exclusive and shall not preclude the City from seeking any other remedy or relief to which it otherwise would be entitled under law or equity.



## 9.215.040 Development Standards

AG RM RR5 RR2 RR1 RR1/2 LDR-1 LDR-2 LMDR MDR MHDR  
HDR CR CO BP HI EDC-NG EDC-MB EDC-CC EDC-NR EDC-SG OS-C OS-R OS-W PD-1 PD-2 PD-3  
PD-4 PD-5 PD-6 PD-7

In the case of mixed land uses, the total number of parking spaces shall be the sum of the requirements for the various uses computed separately unless shared parking is approved.

The following Table 9.215.040-1, Parking Requirements, is designed to allow calculation of parking spaces required for the uses shown.

| Table 9.215.040-1 Parking Requirements  |  |                          |                          |  |
|---|--|--------------------------|--------------------------|--|
| Use   | Per Square Foot or Unit  | Per Employee or Student  | Other Criteria           | For Vehicle Stacking   |
| <b>General Commercial/Retail Uses</b>   |  |                          |                          |  |
| Automobile repair and service shops/stations  | 1 space per 150 sq. ft. gross floor area (not including building for service bays) |                          | 4 spaces per service bay |  |
| Banks and financial institutions  | 1 space per 250 sq. ft. gross floor area   |                          |                          | Stacking for 6 vehicles prior to the drive-up window   |
| Furniture and home furnishing stores  | 1 space per 750 sq. ft. of sale or display area                                    |                          |                          |  |
| Clubs, discos, ballrooms, cabarets, cocktail lounges, dance halls, lodges & incidental dancing areas, and similar facilities where dancing is the principal use | 1 space per 30 sq. ft. of dance floor area   |                          |                          |  |
| General retail  | 3 spaces per 1,000 sq. ft. of gross floor area                                     |                          | See 9.215.040.A.1 below  |  |
| Personal Services (barber, beauty, nails, etc.)   | 1 space per 150 sq. ft. gross floor area   |                          |                          |  |
| Professional business offices   | 3 spaces per 1,000 sq. ft. of floor area   |                          |                          |  |
| Restaurants or similar use, including drive-through   | 8 spaces per 1,000 sq. ft. of gross floor area                                     | 1 space per 2 employees  |                          | Stacking for 6 vehicles prior to the menu board, or as required by a traffic impact assessment |
| Self-Storage, public storage facilities   |  | 2 spaces per 3 employees |                          |  |
| <b>Recreational Uses</b>  |  |                          |                          |  |
| Amusement parks including multiple activities (such as simulated flying, racing, and mini gold etc.), and arcades   | 1 space per 250 sq. ft. of gross floor area  |                          |                          |  |

**Table 9.215.040-1 Parking Requirements**

| Use   | Per Square Foot or Unit   | Per Employee or Student | Other Criteria  | For Vehicle Stacking |
|---|---|-------------------------|---|----------------------|
| Auditoriums, event centers, bingo operations, and assembly areas, including live entertainment  | 1 space per 30 sq. ft. of net assembly area   |                         | 1 space per 3 seats   |                      |
| Billiard and pool rooms, bowling alleys   | 1 space per 250 sq. ft. of gross floor area   |                         |   |                      |
| Game courts, badminton, tennis, racquetball   |   |                         | 1 space per court   |                      |
| Golf Course   |   |                         | 4 spaces per hole   |                      |
| Golf driving ranges (not in association with full-scale course)   |   |                         | 1 space per tee   |                      |
| Health and Fitness clubs/gymnasiums, indoor   | 1 space per 200 sq. ft. of gross floor area   |                         |   |                      |
| Parks and recreational areas, private   | 1 space per 8,000 sq. ft. of active recreational area within a park or playground   |                         | 1 space per acre of passive recreational area within a park or playground |                      |
| Sports and recreational facilities (not including motor driven vehicles and riding academies, but including archery ranges, athletic playgrounds, athletic fields, sports arenas, skating rinks, stadiums, and commercial swimming pools) | 1 space per 30 sq. ft. of net assembly area   |                         |   |                      |
| Theaters  | 1 space per 250 sq. ft. of gross floor area   |                         | 1 space per 3 seats   |                      |
| <b>Industrial Uses</b>  |   |                         |   |                      |
| Industrial uses   | 1 space per 250 sq. ft. of office area, PLUS 1 space per 500 sq. ft. of fabrication area, PLUS 1 space per 1,000 sq. ft. of storage area, AND 1 space per 500 sq. ft. of floor plan which is uncommitted to any type of use |                         |   |                      |
| Research and Development  | 1 space per 300 sq. ft. of gross floor area   |                         |   |                      |

Table 9.215.040-1 Parking Requirements

| Use   | Per Square Foot or Unit  | Per Employee or Student | Other Criteria  | For Vehicle Stacking          |
|---|--|-------------------------|---|-------------------------------|
| Warehouse, Logistics and Distribution Facility  | 1 space per 1,000 sq. ft. of gross floor area for the first 100,000 sq. ft.; 1 space per 1,500 sq. ft. for any additional gross floor area between 100,000 to 500,000 sq. ft.; 1 space per 2,000 sq. ft. of additional gross floor area over 500,000 sq. ft.; plus 1 space per 300 sq. ft. of office use |                         | Fulfillment Center subject to parking study             |                               |
| <b>Residential Uses</b>   |  |                         |   |                               |
| Single-family   | 2 spaces per dwelling unit   |                         | <u>Enclosed within a two-car garage, 20' x 20' min.</u> |                               |
| Duplex (two-family dwelling)  | 2 spaces per dwelling unit   |                         | <u>Enclosed within a two-car garage, 20' x 20' min.</u> |                               |
| Multiple-family: single bedroom or studio   | 1.00 spaces per unit   |                         | <u>See 9.215.040.A.8 below</u>                          |                               |
| Multiple-family: two bedrooms   | 1.50 spaces per unit   |                         | <u>See 9.215.040.A.8 below</u>                          |                               |
| Multiple-family: three or more bedrooms   | 2.50 spaces per unit   | 1 space per employee    | <u>See 9.215.040.A.8 below</u>                          |                               |
| Planned residential development: single-bedroom or studio                               | 1.25 spaces per unit   |                         | <u>See 9.215.040.A.8 below</u>                          |                               |
| Planned residential development: two or more bedrooms                                   | 2.5 spaces per unit  |                         | <u>See 9.215.040.A.8 below</u>                          |                               |
| Senior citizen development  | 1.25 per unit  |                         | <u>See 9.215.040.A.8 below</u>                          |                               |
| Mobile home park  | 2 spaces per travel trailer or mobile home space; spaces may be tandem   |                         | 1 guest space per 8 mobile home spaces                  |                               |
| Accessory dwelling unit (ADU)   | See <a href="#">9.295.020</a>  |                         | See 9.215.040.A.4 below                                 | See <a href="#">9.295.020</a> |
| <b>Multi-family and Mixed Use</b>   |  |                         |   |                               |
| Residential guest   | 1 space per each 10 dwelling units   |                         |   |                               |
| <b>Lodging Uses</b>   |  |                         |   |                               |
| Boarding houses, lodging or rooming houses, dormitories, fraternity and sorority houses |  |                         | 1 space per guest room                                  |                               |



**Table 9.215.040-1 Parking Requirements**

| Use  | Per Square Foot or Unit   | Per Employee or Student                   | Other Criteria  | For Vehicle Stacking |
|--|---|---|---|----------------------|
| Hotels and motels  |   |   | 1 space per guest room PLUS 1 space per 300 sq. ft. of meeting/conference or ballrooms        |                      |
| Recreational vehicle   | 1 space per recreational vehicle site   |   | 1 visitor space per 5 recreational vehicle sites  |                      |
| <b>Medical Uses</b>  |   |   |   |                      |
| Assisted living and community care facilities  |   | 1 space per 3 employees                   | 1 space per 3 beds, PLUS 1 space per vehicle owned and operated by the institution            |                      |
| Hospitals  |   | 1 space per staff member of largest shift | 1 space per 2 patient beds, PLUS 1 space per vehicle owned and operated by hospital or clinic |                      |
| Offices, clinics, including but not limited to medical, urgent care, eye care, dental and chiropractic | 1 space per 200 sq. ft. of net leasable floor area                                    |   |   |                      |
| Small animal hospitals and veterinary services (no outdoor facilities)                                 | 1 space per 300 sq. ft. of gross floor area   |   |   |                      |
| <b>Civic/Religious Institutions</b>  |   |   |   |                      |
| Art gallery, library, reading room, museum   | 1 space per 400 sq. ft. of gross floor area   | 1 space per 2 employees                   |   |                      |
| Cemeteries   | 1 space per 50 sq. ft. of net assembly room area                                      | 1 space per employee                      | 1 space per vehicle operated on the grounds by the proprietary institution                    |                      |
| Funeral parlor, mortuary with crematorium  | 1 space per 50 sq. ft. of net assembly area   | 1 space per employee                      |   |                      |
| Religious institutions   | 1 space per 50 sq. ft. of net assembly area used simultaneously for assembly purposes |   |   |                      |
| <b>Public Utilities</b>  |   |   |   |                      |
| Public utility substations and storage buildings   |   | 1 space per 2 employees                   | 1 space per vehicle kept in connection with the use   |                      |
| <b>Educational Institutions</b>  |   |   |   |                      |

| Table 9.215.040-1 Parking Requirements                        |   |  |                |  |
|---|---|--|----------------|--|
| Use   | Per Square Foot or Unit   | Per Employee or Student  | Other Criteria | For Vehicle Stacking   |
| Day care centers, including nurseries and preschools          |   | 1 space per 2 employees PLUS 1 space per 5 children based on facility capacity         |                |  |
| Elementary and junior high schools                            | 1.5 spaces per classroom PLUS 1 space per 5 fixed seats in auditorium, gymnasium, or similar public assembly facility |  |                | Loading/unloading space for at least 2 school buses, or as required by a traffic impact assessment |
| High schools  | 8 spaces per classroom  |  |                | Loading/unloading space for at least 2 school buses  |
| Colleges, universities, business colleges, commercial schools |   | 1 space per employee PLUS 4 spaces per 10 students based on maximum classroom capacity |                |  |
| Trade and vocational schools                                  | 1 space per 35 SF or instruction gross floor area OR  | 2 spaces per 3 people based on maximum number of students and staff                    |                |  |

A. **Conditions and Exceptions.** The following are conditions and exceptions to the requirements of Table 9.215.040-1, Parking Requirements.

- Existing, permitted, non-residential uses on lots less than 6,500 square feet are exempt from the parking requirements.
- Up to 2,500 square feet of floor area of non-residential uses in existing vertical mixed-use buildings are exempt from the parking requirements.
- No minimum requirement for residential or mixed-use reuse of listed historic structures.
- Multi-family and mixed-use guest parking. Guest parking spaces shall be distributed throughout multi-family development sites and the residential portion of the mixed-use development in a manner that allows an ease of use between the guest space and the location of the residential units. Guest spaces shall be marked as such and shall remain available for visitors to the property. In mixed use projects, these spaces are not to be used as additional

parking for permanent residents or count towards required commercial parking within a mixed commercial/residential development.

5. Unless otherwise specified, all parking must be within 600 feet of the use served, on the same parcel as the use or on an adjoining appropriately zoned parcel.
6. All vehicle storage (stacking) spaces shall be located off-street. A driveway for stacking leading to a drive-up window shall be designed so as not to interfere with the free or orderly circulation of the parking area. See Section 9.240.090 Drive-Through and Drive-In Facilities for stacking space dimensions.
7. Commercial parking stalls shall be within a building or screened with a combination of walls and landscaping. An alternative screening structure/device may be approved by the approval authority.
8. Residential parking requirements set forth in this Chapter shall be provided within a parking structure or enclosed one- and two-car garages, except that for multiple family residences, condominiums, planned residential developments and senior citizen planned residential developments, at least one of the required parking spaces per unit shall be located in a garage or carport. Parking spaces shall be assigned to each individual unit. Individual one- and two-car garages shall maintain a minimum clear parking area of not less than 10 feet by 20 feet for a one-car garage and not less than 20 feet by 20 feet for a two-car garage. No storage cabinets, areas designated for trash cans or recyclable containers, or mechanical equipment, including but not limited to, water heaters, utility sinks or washers and dryers, shall encroach into the required parking area.
9. The total number of required parking spaces may be reduced by the amount necessary to accommodate electric vehicle charging stations (EVCS), if the EVCS and associated equipment interferes with, reduces, eliminates, or in any way impacts the required parking spaces for existing uses (for additional EVCS provisions, see Section 9.215.100 Electric/Alternative Fuel Vehicle Parking).

**B. Layout Design Standards.**

1. Location of Parking Areas
  - a. No parking space shall be located within 3 feet of any property line.
  - b. No parking space on a driveway providing direct access to a street shall be located closer than 30 feet from the property line at the right-of-way.

**C. Parking Space Specifications.**

1. The location and dimensions of parking spaces and aisles adjacent to parking spaces shall be provided in accordance with Table 9.215.040-2, Dimensions of Parking Spaces and Aisles.

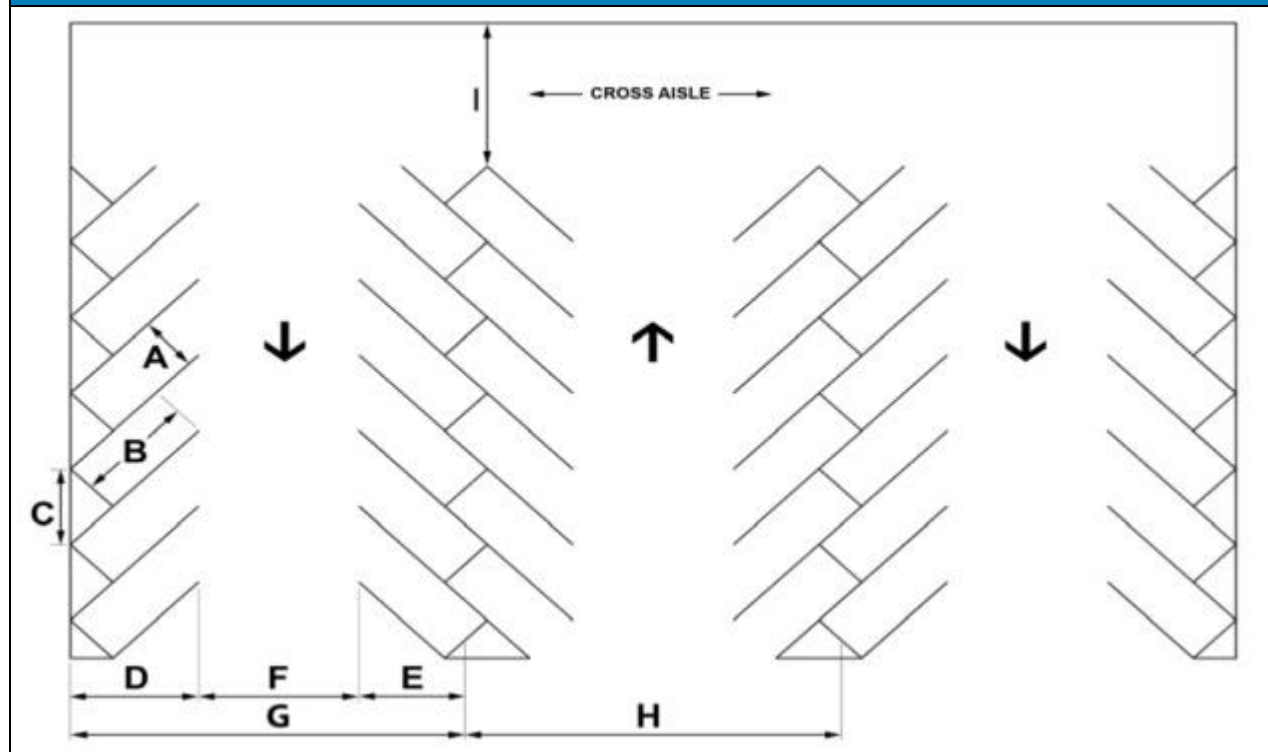


**Table 9.215.040-2 Dimensions of Parking Spaces and Aisles**

| Parking Angle | Stall Width (feet) | Stall Length (feet) | Stall Width Parallel to Curb or Wall (feet) | Parking Space Depth to Wall or Curb (feet) | Parking Space Depth to Interlock (feet) | Maneuvering Aisle Width (feet) <sup>(1)</sup> | Wall/Curb to Interlock Double Bay (feet) | Wall to Wall Double Parking Bay (feet) | Interlock to Interlock Double Bay (feet) |
|---------------|--------------------|---------------------|---|--|---|---|--|--|--|
| Figure Label  | A                  | B                   | C   | D  | E                                       | F   | G  | Not Shown                              | H  |
| 90°           | 9.0                | 18.0                | 9.0   | 18.0                                       | 18.0                                    | 24.0  | 60.0                                     | 60.0                                   | 60.0                                     |
| 75°           | 9.0                | 18.0                | 9.5   | 19.5                                       | 18.5                                    | 21.0  | 59.0                                     | 60.0                                   | 58.0                                     |
| 60°           | 9.0                | 18.0                | 10.5  | 20.0                                       | 17.75                                   | 17.5  | 55.25                                    | 57.5                                   | 53.0                                     |
| 45°           | 9.0                | 18.0                | 13.0  | 19.0                                       | 15.75                                   | 15.0  | 49.75                                    | 53.0                                   | 46.5                                     |
| 0°            | 9.0                | 22.0                | NA  | 9.0  | 22.0                                    | 12.0  | 43.0                                     | 33.0                                   | NA                                       |

(1) Aisles used for fire access shall not be less than 24 feet in width. Aisle widths below 24 feet can only be used for one-way traffic.

**Figure 9.260.040-2 Reference Drawing for Minimum Parking Dimensions**



- The width of driveways for one-family and two-family dwellings shall be 12 feet, and 24 feet for all other multifamily and non-residential uses, except as otherwise modified by the approval authority. All driveways located within a road right-of-way shall be approved by the City Engineer. Where parallel parking is allowed, the minimum width shall be increased by 8 feet for parking on one side and by 16 feet for parking on both sides.
- Stub streets in excess of 150 feet shall have a minimum 45-foot radius turnaround at the end, or as otherwise approved by the Riverside County Fire Department/Cal Fire.

#### D. Off-Street Parking Area Striping

1. If five or more parking spaces are provided, each space shall be clearly marked with white paint or other easily distinguishable material.
2. If ten or more parking spaces are provided and one-way aisles are used, directional signs or arrows painted on the surface shall be used to properly direct traffic.

**E. Drainage**

1. All parking areas, including driveways, shall be graded to prevent ponding and to minimize drainage runoff from entering adjoining properties.

**F. Curbs, Bumpers, Wheel Stops or Similar Devices**

1. Public parking areas shall be equipped with permanent curbs, bumpers, wheel stops or similar devices so that parked vehicles do not overhang required walkways, planters or landscaped areas.
  - a. If the method used is designed to stop the wheel rather than the bumper of the vehicle, the stopping edge shall be placed no closer than 2 feet from the edge of any required walkway, planter or landscaped area, or from any building.
  - b. The innermost 2 feet of each parking space, between the wheel stop or other barrier, and any required planter or walkway, may either be paved or be planted with low ground cover.
2. This additional planting area is considered part of the parking space and may not be counted toward satisfying any landscaping requirement(s).

**G. Lighting**

1. Parking area lighting is not required. However, if parking areas are lighted, such lighting facilities shall be located to prevent lights from shining directly onto adjoining properties or streets.
2. Parking area lighting shall be of an energy-efficient type. Parking area lighting shall be consistent with [Chapter 9.205](#), Lighting Standards and Chapter 6.01, Dark Sky Lighting Requirements of the Meniffee Municipal Code.

**H. Walls**

1. All paved parking areas, other than those required for single-family residential uses, which adjoin property zoned residentially, shall have a 6-foot-high solid masonry wall with an anti-graffiti coating installed to preclude a view of the parking area from such adjoining property. However, any walls within 10 feet of any street or alley shall be 30 inches high.

**I. Loading Space Requirements**

1. On each lot used for manufacturing, storage, warehousing, goods display, a department store, a wholesale store, a market, a hotel, a hospital, a laundry, dry cleaning or other uses which involve the receipt or distribution by vehicles of materials or merchandise, adequate loading space for delivery vehicle stacking and for loading activities shall be provided and maintained. The loading space and delivery vehicle stacking area shall be located and designed so as to avoid undue interference with parking, or the public use of streets and alleys.
2. Each required loading space shall be ten feet wide, twenty-five feet long, and fourteen feet of unobstructed vertical height.

3. Turning Radius. All loading areas shall be provided with an adequate turning radius. An adequate turning radius means one which will enable a vehicle to maneuver into and out of the loading area without backing onto a street or highway.
4. Screening shall be provided consistent with [Chapter 9.185](#), Fences, walls and screening.

| MINIMUM NUMBER OF LOADING SPACES |                          |
|----------------------------------|--------------------------|
| Gross Floor Area (square feet)   | Number of Loading Spaces |
| 7,499 or less                    | 0                        |
| 7,500 to 14,999                  | 1                        |
| 15,000 to 24,999                 | 2                        |
| 25,000 to 39,999                 | 3                        |
| 40,000 to 59,999                 | 4                        |
| 60,000 to 79,999                 | 5                        |
| 80,000 to 100,000                | 6                        |
| For each additional 100,000      | 6 plus 1                 |

**J. Parking for Persons with Disabilities**

Parking spaces shall be provided for access by persons with disabilities in accordance with California Code of Regulations, Title 24.

**K. Bicycle Parking Facilities**

1. Bicycle Parking Facility Classifications. Bicycle parking facilities shall be classified as follows:
  - a. Class I. Covered, lockable enclosures with permanently anchored racks for bicycles.
  - b. Class II. Lockable bicycle rooms with permanently anchored racks, where the bicyclist supplies only a padlock.
  - c. Class III. Lockable, permanently anchored bicycle racks, where the bicyclist supplies a padlock and chain or cable to secure the bicycle to the stationary object, typically a cement slab or vertical metal bar.
2. Bicycle Parking Requirements.
  - a. Minimum Bicycle Parking Facilities. The minimum bicycle parking shall be provided per Table 9.215.040-5, Bicycle Spaces for Bicycle Parking Facility Class.



| Table 9.215.040-5 Bicycle Spaces for Bicycle Parking Facility Class  |  |  |  |  |
|--|--|--|--|--|
| Bicycle Spaces for Bicycle Parking Facility Class  |  |  |  |  |
| Facility Class   | INDUSTRIAL   | RESTAURANTS AND COCKTAIL LOUNGES   | COMMERCIAL, OFFICE AND SERVICE USES NOT OTHERWISE LISTED   | Multi-Family   |
| Employees  | 1 bicycle space for every 25 parking spaces required. A minimum of 2 bicycle spaces required.<br><br>Type: Class I or Class II | 1 bicycle space for every 25 parking spaces required. A minimum of 2 bicycle spaces required.<br><br>Type: Class I or Class II | 1 bicycle space for every 25 parking spaces required. A minimum of 2 bicycle spaces required.<br><br>Type: Class I or Class II | A minimum of 2 bicycle spaces required.<br><br>Type: Class I, II, or III   |
| Patrons or visitors  | Type: N/A  | 1 bicycle space for every 25 parking spaces required. A minimum of 2 bicycle spaces required.<br><br>Type: Class I, II or III  | 1 bicycle space for every 25 parking spaces required. A minimum of 2 bicycle spaces required.<br><br>Type: Class I, II, or III | N/A  |
| Tenants  | N/A  | N/A  | N/A  | 1 bicycle space for every 20 parking spaces required. A minimum of 2 bicycle spaces required.<br><br>Type: Class I, II, or III |
| <b>NOTES:</b> <ol style="list-style-type: none"> <li>Where the application of the provisions in the above table results in the requirement for a fraction of a bicycle parking space, such a space need not be provided unless the fraction exceeds 50 percent.</li> <li>Where the application of the provisions in the above table results in the requirement of fewer than six employee spaces, Class II racks need not be placed within an enclosed lockable area.</li> </ol> |  |  |  |  |

- b. Design Standards. Bicycle parking facilities shall be installed in a manner which allows adequate spacing for access to the bicycle and the locking device when the facilities are occupied. General space allowances shall include a 2-foot width and a 6-foot length per bicycle and a 5-foot-wide maneuvering space behind the bicycle. The facilities shall be located on a hard, dust-free surface, preferably asphalt or concrete.
- c. Exemptions. Requests for exemptions from bicycle parking requirements shall be made in writing to the approval authority.
  - i. Exemptions from bicycle parking requirements shall be submitted and processed concurrently with the project application.
  - ii. Exemptions may be granted depending upon the location of the site with respect to an urbanized area, the nature and hours of operation of the proposed use, and the accessibility of the site by bicycle at present and in the future.

(Ord. No. 2022-351, 09/21/2022)

Note: Only sections amended or added are included for this Chapter

## Chapter 9.295 Special Housing Types

### Contents:

#### 9.295.010 Purpose

#### 9.295.020 Accessory Dwelling Units and Junior Accessory Dwelling Units

#### 9.295.025 Emergency Shelter

#### 9.295.030 Guest Living Quarters

#### 9.295.035 Low Barrier Navigation Center

#### 9.295.037 Multifamily Housing in Commercial Zones – AB 2011 & SB 6

#### 9.295.040 Single-Room Occupancy Units

### 9.295.020 Accessory Dwelling Units and Junior Accessory Dwelling Units

- A. **Purpose.** The purpose of this section is to establish development standards for accessory dwelling units and to ensure the accessory dwelling unit is constructed and operated in a manner that is consistent with the requirements and allowances of state law, specifically Government Code Section 65852.2.
- B. **Applicability.** The standards contained in this section shall apply to all accessory dwelling units and junior accessory dwelling units.
- C. **~~No Planning Permit Required~~ Permit Requirements.**
- ~~1. **No Planning Permit Required.** No planning application is required prior to the establishment of~~
    - ~~a. an accessory dwelling unit when proposed within an existing permitted structure, including within the primary dwelling unit, an attached or detached garage, or other accessory structure. The accessory dwelling unit shall meet all standards of Subsection 9.295.020.E.1 to be verified through the building permit process.~~
  - 1. Planning Building Permit Required.** A planning permit is required prior to the establishment of an accessory dwelling unit when not proposed entirely within an existing permitted structure in accordance with the permit procedures in Article 2, Chapter 9.35 (Administration, Permits, and Procedures) and use tables in Article 3 (Zones). Accessory dwelling units and junior accessory dwelling units shall be approved ministerially through building plan check review and the issuance of a building permit and any other non-discretionary permit (e.g., grading permit) that may be required as applicable. Building plan check is not required for use of "City approved Permit Ready Accessory Dwelling Unit Plans"; however, preparation and submission of a site plan for review is required to determine compliance with Planning, Building, Engineering and Fire Code requirements as applicable to the property in which the accessory dwelling unit is proposed. If applicable, a grading plan may also be required as determined by the Public Works Director.
  - 2. An application for a permit pursuant to this section shall, notwithstanding Sections 65901 or 65906 of the Government Code or City code requirements for the issuance of variances or special use permits, be considered ministerially, without discretionary review or a hearing. The City shall either approve or deny the application to create or serve an accessory dwelling unit or junior accessory dwelling unit within 60 days from the date of receiving a completed**

application if there is an existing single-family dwelling on the lot. If the permit application to create or serve an accessory dwelling unit or junior accessory dwelling unit is submitted with a permit application to create or serve a new single-family dwelling on the lot, the City may delay approving or denying the permit application for the accessory dwelling unit or junior accessory dwelling unit until the City approves or denies the permit application to create or serve the new single-family dwelling, but the application to create or serve the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay.

3. If the City denies an application for an accessory dwelling unit or junior accessory dwelling unit within 60 days of the date of receiving a completed application, the City shall return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.
4. An application for a permit to create an accessory dwelling unit or junior accessory dwelling unit shall not be denied due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and that are not affected by the construction of the accessory dwelling unit or junior accessory dwelling unit.
5. **Demolition Permit.** The review and issuance of a demolition permit for a detached garage that is replaced by an accessory dwelling unit shall be reviewed with the application for the accessory dwelling unit and issued at the same time.
6. **Development Impact Fees.** Development impact fees shall not be required for an accessory dwelling unit less than 750 square feet in size. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionally in relation to the square footage of the primary dwelling unit.
7. **Residential Subdivisions with Multiple Accessory Dwelling Units.** Multiple accessory dwelling units proposed in conjunction with single-family dwellings on multiple lots as part of a residential subdivision shall be subject to the Minor Plot Plan Review provisions of Chapter 9.80.

**D. Density and Consistency.**

1. Accessory dwelling units are not considered for the purposes of evaluating the density requirements established in the General Plan.
2. Accessory dwelling units are a residential use that is consistent with the existing General Plan designation and zoning for the lot.
3. Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

**E. Development and Operational Standards.**

1. **Accessory Dwelling Units within an Existing Permitted Structure.** Accessory dwelling units located within an existing permitted structure shall comply with all the following standards:
  - a. The lot is zoned ~~for to allow single-family or multifamily dwelling~~ residential use and contains no more than one existing or proposed ~~single-family~~ dwelling.



- b. No other accessory dwelling unit exists or is proposed on the same parcel, except a junior accessory dwelling unit.
- c. The accessory dwelling unit ~~shall not be sold or otherwise conveyed separate from the primary dwelling on site.~~ may be rented. An accessory dwelling unit may also be sold or conveyed separately from the primary residence to a qualified buyer if all of the following apply:
  - i. The accessory dwelling unit or the primary dwelling was built or developed by a qualified nonprofit corporation.
  - ii. There is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation that satisfies all of the requirements specified in paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code.
  - iii. The property is held pursuant to a recorded tenancy in common agreement that includes all of the following:
    - 1. The agreement allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling that each qualified buyer occupies.
    - 2. A repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the accessory dwelling unit or primary dwelling if the buyer desires to sell or convey the property.
    - 3. A requirement that the qualified buyer occupy the accessory dwelling unit or primary dwelling as the buyer's principal residence.
    - 4. Affordability restrictions on the sale and conveyance of the accessory dwelling unit or primary dwelling that ensure the accessory dwelling unit and primary dwelling will be preserved for low-income housing for 45 years for owner-occupied housing units and will be sold or resold to a qualified buyer.
    - 5. If the tenancy in common agreement is recorded after December 31, 2021, it shall also include all of the following:
      - i. Delineation of all areas of the property that are for the exclusive use of a cotenant. Each cotenant shall agree not to claim a right of occupancy to an area delineated for the exclusive use of another cotenant, provided that the latter cotenant's obligations to each of the other cotenants have been satisfied.
      - ii. Delineation of each cotenant's responsibility for the costs of taxes, insurance, utilities, general maintenance and repair, improvements, and any other costs, obligations, or liabilities associated with the property. This delineation shall only be binding on the parties to the agreement, and shall not supersede or obviate the liability, whether joint and several or otherwise, of the parties for any cost, obligation, or liability associated with the property where such liability is otherwise established by law or by agreement with a third party.

- iii. Procedures for dispute resolution among the parties before resorting to legal action.
- 6. A grant deed naming the grantor, grantee, and describing the property interests being transferred shall be recorded in the county in which the property is located. A Preliminary Change of Ownership Report shall be filed concurrently with this grant deed pursuant to Section 480.3 of the Revenue and Taxation Code.
- 7. Notwithstanding Government Code Section 65852.2(f)(2)(A), if requested by a utility providing service to the primary residence, the accessory dwelling unit has a separate water, sewer, or electrical connection to that utility.
- iv. For purposes of this section, the following definitions apply:
  - 1. “Qualified buyer” means persons and families of low or moderate income, as that term is defined in Section 50093 of the Health and Safety Code.
  - 2. “Qualified nonprofit corporation” means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.
- d. The accessory dwelling unit shall not be rented for less than a 30-day period.
- e. The accessory dwelling unit complies with all Building and Safety Code requirements.
- f. The side and rear yard setbacks are sufficient for meeting fire safety requirements.
- g. Exterior access to the accessory dwelling unit, independent from the primary dwelling unit, is provided.
- h. If a garage, carport or covered parking structure providing required parking for the primary dwelling is demolished or converted in conjunction with the construction of an accessory dwelling unit, replacement spaces for the primary dwelling shall not be required.
- i. The accessory dwelling unit shall not be required to provide fire sprinklers if they are not required for the primary dwelling. Installation of fire sprinklers in the primary dwelling shall not be required due to the construction of an accessory dwelling unit.
- j. If a private sewage disposal system is used, the applicant has obtained approval from all appropriate agencies.
- k. Installation of a new or separate utility connection or the collection of a related connection fee or capacity charge is not required.
- ~~l. If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling.~~
- 2. **Accessory Dwelling Units (Attached and Detached).** Accessory dwelling units not located within an existing permitted structure (i.e., new attached and detached structures) shall comply with all the following standards:
  - a. The lot is zoned ~~for to allow single-family or multifamily dwelling~~ residential use and contains no more than one existing or proposed ~~single-family~~ dwelling.

- b. No other accessory dwelling unit exists or is proposed on the same parcel, except a junior accessory dwelling unit.
- c. The accessory dwelling unit may be rented. An accessory dwelling unit may also be sold or conveyed separately from the primary residence to a qualified buyer if it meets all of the provisions of Section 9.295.020.E.1.c. ~~shall not be sold or otherwise conveyed separate from the primary dwelling on-site.~~
- d. Either the primary dwelling or the accessory dwelling unit shall be occupied by the owner of the property. The accessory dwelling unit shall not be rented for less than a 30-day period.
- ~~d.e.~~ The accessory dwelling unit complies with all Building and Safety Code requirements.
- ~~e.f.~~ The maximum total floor area for an attached or detached accessory dwelling unit is 1,200,1,500 square feet.
- ~~f.g.~~ Accessory dwelling units shall comply with the development standards of the zone in which the property is located, except:
  - i. **Setbacks.** ~~no setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit; and, a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit (that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure). Notwithstanding the above setback requirements, a guest living quarter located in or on a permitted existing detached accessory structure (such as a garage) may be allowed with reduced interior side and rear yard setbacks if the setbacks are found to be sufficient for meeting fire safety requirements.~~
    - 1. **Front Setback.** The front setback shall be the same as the underlying zoning of the property in which the accessory dwelling unit is proposed, except that application of the front yard setback standard shall not preclude the construction of an accessory dwelling unit, of at least 800 square feet in size with four-foot side and rear yards. The front setback standard may be reduced to the extent necessary to accommodate the accessory dwelling unit.
    - 2. **Side and Rear Setback.** A setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

The above setback requirements shall not apply where an existing permitted accessory structure or structure is converted to an accessory dwelling unit or where the accessory dwelling unit replaces an existing structure provided that the accessory dwelling unit is constructed in the same location and to the same dimensions as the existing structure and that the structure meets fire safety requirements.
  - ii. **Height.**
    - 1. A maximum height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit.



2. A maximum height of 20 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit that is within one-half mile walking distance of a major transit stop or a high quality transit corridor, as those terms are defined in Section 211155 of the Public Resources Code.

1. A maximum height of 25 feet or the height limitation of the zone applicable to the primary dwelling, whichever is lower, for an accessory dwelling unit that is attached to the primary dwelling.

~~g-h.~~ Accessory dwelling units shall be located to the rear or side of the primary dwelling, but shall not preclude the construction of an accessory dwelling unit, of at least 800 square feet in size with four-foot side and rear yards. ~~unless a minor exception is granted pursuant to the procedures of Chapter 9.70 (Minor Exception).~~

~~h-i.~~ Parking shall be provided as follows:

- i. One off-street parking space shall be required for the accessory dwelling unit. The space may be uncovered and shall be permitted in setback areas or as tandem parking, unless the location is not feasible based upon specific site or regional topographical or fire and life safety conditions.
- ii. Parking for the accessory dwelling unit shall not be required if any of the following conditions are met:

1. The accessory dwelling unit is located within one-half mile walking distance of public transit.
2. The accessory dwelling unit is located within an architecturally and historically significant historic district.

3. The accessory dwelling unit is located within an part of the proposed or existing permitted primary residence or an accessory existing permitted structure.

4. When on-street parking permits are required but not offered to the occupant(s) of the accessory dwelling unit.

5. When there is a car-share vehicle located within one block of the accessory dwelling unit.

~~5-6.~~ When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the accessory dwelling unit satisfies all other criteria required in this chapter.

- iii. If a garage, carport, or covered parking structure providing required parking for the primary dwelling is demolished or converted in conjunction with the construction of an accessory dwelling unit, replacement spaces are not required.

~~i-j.~~ Accessory dwelling units shall be compatible with the architectural style of the primary dwelling. No bare metal, unpainted or unfinished structures are allowed. To determine architectural compatibility, the accessory dwelling unit structure must possess at least three of the following traits in common with the primary dwelling on-site:

- i. Wall covering materials.
- ii. Roofing material.
- iii. Roofing pitch.

- iv. Structural eaves.
- v. Mass and scale of structure relative to structural height.
- vi. Window characteristics.
- vii. Decorative treatments.

~~j-k.~~ Outside stairways serving an accessory dwelling unit located on a second story shall not be constructed on any building elevation facing a public street, not including alleys.

~~k-l.~~ Any accessory dwelling unit located more than 150 feet from a public right-of-way shall provide ~~all-weather~~ access for emergency vehicles as required by the Fire Marshal.

~~l-m.~~ Prior to issuance of a building permit, the applicant shall grant to the City an irrevocable offer of dedication for any additional right-of-way required to be consistent with the General Plan Circulation Element, or provide for access to the project site, or ensure that previous dedications were properly provided with underlying subdivisions and lot splits (prior to Subdivision Map Act requirements).

~~m-n.~~ Prior to issuance of a building permit, public improvements may be required where public health, safety or welfare conditions warrant additional improvements.

~~n-o.~~ Prior to issuance of a building permit, the applicant shall submit to the City Building and Safety Department written certification from the affected water and sewer district(s) that adequate water and sewer facilities are or will be available to serve the proposed accessory dwelling unit. For accessory dwelling units using onsite septic facilities, the City requires a percolation test completed within the last five years, or if the percolation test has been recertified, in the last 10 years. ~~Written~~ certification of acceptability, including all supportive information, shall be submitted to the City Building and Safety Department with any application for a building permit for an accessory dwelling unit.

~~o.~~ ~~Based upon geographic constraints, review shall be required from the following agencies, departments, divisions and districts:~~

~~i.~~ ~~Fire Department.~~

~~ii.~~ ~~Riverside County Flood Control and Water Conservation District.~~

~~iii.~~ ~~Any other entities deemed necessary as determined by the Community Development Director.~~

p. Accessory dwelling units shall not be permitted in those areas of the city which have significant problems with regard to water availability or quality, sewage disposal or other public health or safety concerns. Prohibited areas shall include, but not be limited to, those areas where a development moratorium has been imposed, including a moratorium for water or sewer, whether imposed by the City or another public agency with the authority to impose such a development moratorium.

q. A new or separate utility connection directly between the accessory dwelling unit and the utility may be required, unless exempt pursuant to Government Code section 65852.2(f)(4). The connection may be subject to a connection fee or a capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit upon the water or sewer system, based upon either the size of the accessory dwelling unit or the number of its plumbing fixtures.

r. The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence. The construction of an accessory

dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing single-family or multifamily dwelling.

**3. Multifamily Accessory Dwelling Units and Accessory Dwelling Units combined with a Junior Accessory Dwelling Unit.** Notwithstanding the above, any of the following within a residential or mixed-use zone is allowed subject to ministerial approval of building permit:

- a. One accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:
  - i. The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.
  - ii. The space has exterior access from the proposed or existing single-family dwelling.
  - iii. The side and rear setbacks are sufficient for fire and safety.
  - iv. The junior accessory dwelling unit complies with the requirements of Section 9.295.020.E.4.
- b. One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described above, subject to the following conditions on the accessory dwelling unit:
  - i. A total floor area limitation of not more than 800 square feet.
  - ii. A height limitation as provided in clause (i), (ii), or (iii) as applicable, of subparagraph (D) of paragraph (2) of subdivision (c).
- c. **Multiple Accessory Dwelling units within portions of existing multifamily structures.**
  - i. Multiple accessory dwelling units within the portions of existing multifamily dwelling 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.
  - ii. At least one accessory dwelling unit within an existing multifamily dwelling up to a maximum of 25 percent of the existing multifamily dwelling units.
- d. **Multifamily with detached accessory dwelling units.**
  - i. Not more than two accessory dwelling units that are located on a lot that has an existing or proposed multifamily dwelling, but are detached from that multifamily dwelling and are subject to the applicable height limitation of this chapter as applicable, and rear yard and side setbacks of no more than four feet.
  - ii. If the existing multifamily dwelling has a rear or side setback of less than four feet, no modification of the existing multifamily dwelling as a condition of approving the application to construct an accessory dwelling unit that satisfies the requirements of this chapter.

**4. Development and Operational Standards for Junior Accessory Dwelling Units (JADU).**

- a. No more than one JADU is permitted per residential lot zoned for single-family residences, with a single-family residence built, or proposed to be built on the lot.



- b. JADUs must be constructed entirely within the walled interior area of an existing or proposed primary dwelling. Enclosed uses within the residence, such as an attached garage, are considered part of the proposed or existing single-family residence.
- c. The JADU shall not be rented for less than a 30-day period.
- d. The JADU complies with all Building and Safety Code requirements.
- e. The JADU shall have its own separate entrance from the main entrance of the proposed or existing single-family residence.
- f. The JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure. If a permitted JADU does not include a separate bathroom, the permitted JADU shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.
- g. The JADU shall not exceed 500 square feet.
- h. The JADU must include an efficiency kitchen, which shall include the following:
  - i. A cooking facility with appliances; and
  - ii. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.
- i. No additional parking shall be required for a JADU.
- j. The owner of single-family property on which the JADU is proposed, must execute a covenant and agreement in a form acceptable to the City, stating that either the remaining portion of the primary dwelling or the newly created JADU will be occupied by the property owner. Owner occupancy is not required if the owner is another governmental agency, land trust, or housing organization.
- k. The owner must record a deed restriction, which shall run with the land, which shall include the following:
  - i. A prohibition on the sale of the JADU separately from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.
  - ii. A restriction on the size and attributes of the JADU as outlined in these provisions.
- l. For purposes of any fire or life protection ordinance or regulation, a JADU shall not be considered a separate or new dwelling unit.
- m. For purposes of providing service for water, sewer, or power, including a connection fee, a JADU shall not be considered a separate or new dwelling unit.

**Certificate of Occupancy.** No certificate of occupancy for an accessory dwelling unit shall be issued before the issuance of a certificate of occupancy for the primary dwelling.

### 9.295.025 Emergency Shelter

- A. **Purpose and Intent.** The purpose of this section is to permit Emergency Shelters and to ensure that they do not adversely impact adjacent properties and surrounding neighborhoods consistent with the goals, objectives, and policies of the General plan.
- B. **Applicability.** Emergency shelters shall be permitted in the HI and HDR zones without a conditional use permit or other discretionary action. For the purposes of this Section, "Emergency Shelter" shall include other interim interventions, including, but not limited to, a navigation center, bridge housing, and respite or recuperative care.

C. **Development Standards.** Emergency Shelters shall comply with the standards of the underlying zoning of the property in which the Emergency Shelter is proposed, the City's Multifamily Objective Design Standards as applicable, and all local, state, and federal requirements. In addition, Emergency Shelters shall comply with the following:

1. The maximum number of clients permitted to be served (eating, showering, and/or sleeping) nightly shall not exceed one per one hundred twenty-five (125) square feet of floor area;
2. Sufficient parking shall be provided to accommodate all staff working in the emergency shelter, provided that the required parking for the emergency shelter is no more than other residential or commercial uses within the same zone.
3. The interior onsite waiting and client intake area for a facility shall include a minimum of ten (10) square feet per bed;
4. An exterior onsite waiting and client intake area shall be located a minimum of 50 feet from any public right-of-way, and a minimum of 50 feet from an adjacent property, and shall be screened from public view by a minimum 6-foot-high screen wall and landscaping;
5. No portion of any Emergency Shelter shall be located within three hundred (300) feet of another Emergency Shelter;
6. Lighting shall be provided in all parking, exterior (outside) intake and/or waiting areas, outside common areas and along the periphery of the building and facility. Such lighting shall be in conformance with Chapter 9.205 Lighting Standards of this Code.
7. Provide on-site facilities management personnel during all hours that the emergency shelter is in operation.
8. Provide security during all hours that the emergency shelter is in operation.

#### **9.295.035 Low Barrier Navigation Center**

A. **Purpose.** The purpose of this section is to establish requirements for review of low barrier navigation centers in compliance with California Government Code Sections 65660 through 65668. The California Legislature finds and declares that Low Barrier Navigation Center developments are essential tools for alleviating the homelessness crisis in this state and are a matter of statewide concern and not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Article 12 – Low Barrier Navigation Centers of the California Government Code shall apply to all cities, including charter cities.

B. **Applicability.** The provisions contained in this section shall apply to all low barrier navigation centers. A Low Barrier Navigation Center development is a use by right in areas zoned for mixed use and nonresidential zones permitting multifamily uses, provided that it meets the following requirements:

1. It offers services to connect people to permanent housing through a services plan that identifies services staffing.
2. It is linked to a coordinated entry system, so that staff in the interim facility or staff who collocate in the facility may conduct assessments and provide services to connect people to permanent housing.
3. It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.

4. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.
5. Low Barrier Navigation Centers shall also comply with the standards established for Emergency Shelters in Section 9.295.027 of this Code.
- C. Requirements for By Right Review.** Within 30 days of receipt of an application for a Low Barrier Navigation Center development, the City will notify a developer whether the developer's application is complete. If the application is determined to be incomplete, the City will provide the applicant with an exhaustive list of items that were not complete (Government Code Section 65943).
- D. Definitions.** For the purposes of this section, the following definitions apply unless the context clearly indicates or requires a different meaning, or otherwise defined in Government Code Sections 65660 et seq.
  1. "Coordinated entry system" means a centralized or coordinated assessment system developed pursuant to the applicable provisions of the Code of Federal Regulations as specified in Government Code Section 65662, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.
  2. "Low barrier" see definition of "Supportive Housing – Low Barrier Navigation Center" in Chapter 9.300 Universal Definitions.
  3. "Low barrier navigation center" see definition of "Supportive Housing – Low Barrier Navigation Center" in Chapter 9.300 Universal Definitions.
- E. Repeal.** This section shall remain in effect until January 1, 2027, and as of that date is repealed unless extended under state law.

### **9.295.037 Multifamily Housing in Commercial Zones – AB 2011 & SB 6**

- A. Purpose.** This section is adopted pursuant to the provisions of Assembly Bill 2011, known as the "Affordable Housing and High Road Jobs Act of 2022," and Senate Bill 6, known as the Middle Class Housing Act of 2022." This legislation is intended to provide greater opportunity for housing and address the State's continuing housing crisis.
- B. Applicability.** This section establishes clear eligibility criteria for the use of commercial-zoned properties for multiple-family developments.
  1. AB 2011 Mixed-Income Housing Projects are permitted in:
    - a. Zoning districts where office, retail, or parking are a principally permitted use;
    - and
  2. AB 2011 100% Affordable Housing Projects are permitted in:
    - a. Zoning districts where office, retail, or parking are a principally permitted use.
  3. SB 6 Projects are permitted in:
    - a. Zoning districts where office, retail, or parking are a principally permitted use.
- C. Application and Processing.**
  1. AB 2011 Mixed-Income Housing Projects and AB 2011 100% Affordable Housing Projects that meet all the requirements of this section shall be by right and require submittal of an AB 2011 Multi-Family Ministerial Review application processed in accordance with the following procedures:



- a. **Application Review Shot-Clock and Written Comments.** If the City determines that the proposed development is in conflict with any objective development standards, the City will provide the applicant with written documentation of the standards the development conflicts with, as well as an explanation for the reason(s) the development conflicts with the standards within:
    - i. 60 days of submittal for developments of 150 or fewer housing units
    - ii. 90 days of submittal for developments larger than 150 units.
  - b. **Reasonable Person Standard for Determination of whether Objective Planning Standards are met.** A development is consistent with objective planning standards if there is substantial evidence that would allow a reasonable person to conclude that the development is consistent with the objective planning standards.
  - c. **Design Review Shot-Clock.** Design review shall be broadly applicable and to developments within the City and shall not inhibit or preclude the ministerial approval provided by the review process. The review must be completed within:
    - i. 90 days of submittal for developments of 150 or fewer housing units.
    - ii. 180 days of submittal for developments larger than 150 units.
    - iii. The design review shot-clock runs concurrently with the objective standards review in Subsection a.
  - d. Applications for an AB 2011 Multi-Family Ministerial Review shall be reviewed and approved by the designated approving authority as specified in Table 9.30.090-1 (Designated Authority for Permits and Approvals). The designated approving authority is authorized to approve, alter, or deny an application for an AB 2011 Multi-Family Ministerial Review Permit.
2. Certain projects processed under AB 2011 are exempt from California Environmental Quality Act (CEQA), as set forth in AB 2011.
  3. SB 6 projects are processed as a Major Plot Plan application subject to review procedures of Chapter 9.80 Plot Plan.
  4. If the proposed project meets all SB 6 requirements (except non-compliance with zoning prohibiting residential use), then it may invoke SB 35 and the Housing Accountability Act. Chapter 9.87 of this Code outlines the approval process for SB 35 Multifamily Ministerial Review projects.
- D. Site and Project Criteria for AB 2011.** All projects must be multiple-family housing developments located within an urbanized area or urban cluster (designated by US Census Bureau) and in zoning districts where office, retail, or parking are principally permitted uses. Additional criteria required as follows:
1. 100% affordable housing projects must:
    - a. Be on a parcel in an urban area, surrounded by urban uses, and not on a site or adjoined to any site where more than 1/3 of the square footage is dedicated to an industrial use (Government Code Section 65912.111(b)-(d)). Under AB 2011, parcels separated only by a street or highway are considered adjoined.
    - b. The site satisfies the requirements of Government Code Section 65913.4(a)(6)(B)-(K). (Government Code Section 65912.111(e)).

- c. The units are subject to a recorded deed restriction of 55 years for rental units and 45 years for owner-occupied units.
- d. Meet hazardous condition criteria as determined in a Phase I environmental site assessment (ESA) (Government Code Section 65912.111(c)).
- e. Be located more than 500 feet from a freeway and more than 3,200 feet from a facility that extracts or refines oil or natural gas. (Government Code Section 65912.111(d)-(e)).
- f. Meet objective zoning standards, specifically the City's Multifamily Objective Design Standards (Government Code Section 65912.111(f)).

2. Mixed-income eligible projects must:

- a. Be on a parcel in an urban area, surrounded by urban uses, abuts a commercial corridor with a frontage along the corridor of at least 50 feet, is on a site of 20 acres or less, and is not on a site or adjoined to a site where more than 1/3 of the square footage is dedicated to industrial uses. (Government Code Sections 65912.121(b)-(f)). Under AB 2011, parcels separated only by a street or highway are considered adjoined.
- b. Be on a site that satisfies the requirements of Government Code Section 65913.4(a)(6)(B)-(K). (Government Code Section 65912.121(g)).
- c. The development would not require the demolition of:
  - i. Housing subject to recorded covenant, ordinance or law that restricts rents to levels affordable to moderate, low, or very low-income households.
  - ii. Housing subject to rent price control.
  - iii. Housing occupied by tenants in the last 10 years, excluding manager's units.
  - iv. Any historic structure on a national, state, or local historic register.
- d. Not be on a site that was previously used for permanent housing that was occupied by tenants, excluding any manager's unit, that was demolished within 10 years before development proponents submits an application.
- e. Vacant sites cannot contain tribal cultural resources or be located in a very high fire hazard severity zone (Government Code Section 65912.121(j)).
- f. Meet the following affordability criteria by providing:
  - i. For rental projects, 8% very low-income and 5% extremely low-income affordable units; or
  - ii. 15% affordable for lower income households (Government Code Section 65912.122(a)).
  - iii. All affordable units must have a recorded deed restriction for 55 years.
- g. For owner-occupied housing:
  - i. 30% of units offered as affordable to moderate income households; or
  - ii. 15% units offered as affordable to lower income households (Government Code Section 65912.122(b)).
  - iii. All affordable units must have a recorded deed restriction for 45 years.

- h. Meet objective development standards (Government Code Section 65912.123).
    - i. For sites more than one acre in size and with more than 100 feet in width, provide a density of at least 60 units/acre (Government Code Section 65912.123)
    - j. Located more than 500 feet from a freeway and more than 3,200 feet from a facility that extracts or refines oil or natural gas (Government Code Sections 65912.123(g)-(h)).
    - k. Provide notice and specified protections to existing commercial tenants located on the site (Government Code Section 65912.123(i)).
  - 4. Affordable units in the project must have the same bedroom and bathroom count ratio as the market rate units, be equitably distributed within the project, and have the same type or quality of appliances, fixtures, and finishes.
  - 5. Eligible projects must meet specified labor standard criteria, including payment of a prevailing wage, and, for larger projects (over fifty (50) units), hire contractors that participate in apprenticeship programs (Government Code Sections 65912.130,-.131).
  - 6. Projects may be eligible for a density bonus, incentives or concessions, waivers, or parking ratios pursuant to Section 9.03.050 (Residential Districts).
- E. Site and Project Criteria for SB 6 Projects.** All projects must be multiple-family housing developments or mixed-use with at least 50 percent of the square footage dedicated to residential use located within an urbanized area or urban cluster (designated by US Census Bureau) and in zoning districts where office, retail, or parking are principally permitted uses. Additional criteria required as follows:
  - 1. The project must meet specified density requirements—at least 30 units/acre for the parcel (Government Code Sections 65852.24(b)(1), and 65583.2(c)(3)(B)).
  - 2. The project site is 20 acres in size or less (Government Code Section 65852.24(b)(4)).
  - 3. The project meets specified objective development standards, specifically applicable standards of the Development Code, Subdivision Code, and Multifamily Objective Design Standards (Government Code Section 65852.24(b)(5)).
  - 4. The project is not on a site or adjoined to any site where more than 1/3 of the square footage is dedicated to an industrial use (Government Code Section 65852.24(b)(6)(B)(i)).
  - 5. The project is consistent with any applicable and approved sustainable community strategy or alternative plan (Government Code Section 65852.24(b)(7)).
  - 6. The project is either: (i) a public work (as defined in Government Code Section 65852.24.(b)(8)(A)(i) for prevailing wage purposes, or (ii) all construction labor will be paid a prevailing wage (along with other labor requirements) (Government Code Section 65852.24(b)(8)(A)).
  - 7. The developer must provide written notice to any exiting commercial tenants (Government Code Section 65852.24(c)(1)).
  - 8. Mixed-use developments consisting of residential and nonresidential retail commercial or office uses are required to have at least 50 percent of the square footage of the new construction associated with the project designated for residential use. None of the square footage of any such development shall be designated for a hotel, motel, bed, and breakfast inn, or other transient lodging use, except for a residential hotel.



9. The housing development shall comply with any public notice, comment, hearing, or other procedures imposed by the City on a housing development in the applicable zoning designation.
- F. Development standards for AB 2011 projects.**
1. 100% affordable housing projects must meet the following standards:
    - a. Project density meets or exceeds applicable density deemed appropriate to accommodate lower-income households pursuant to housing element law.
    - b. Development must meet objective zoning, subdivision, and design review standards for the zone that allows greater residential density between the following:
      - i. Existing zoning designation for the parcel if it allows multifamily residential use; or
      - ii. Zoning designation for the closest parcel that allows residential use at a density that is appropriate to accommodate lower income households pursuant to housing element law.
    - c. Development shall be deemed consistent with objective zoning standards related to housing density if compliant with maximum density allowed within the land use designation and regardless of any specified maximum unit allocation that may result in fewer units of housing being permitted.
  2. Mixed-income housing projects must meet the following standards:
    - a. In metropolitan jurisdictions, the residential density shall meet or exceed the greater of the following:
      - i. The existing residential density permitted;
      - ii. For sites of less than one acre, 30 units/acre;
      - iii. For sites of one acre or greater located on a commercial corridor of less than 100 feet in width, 40 units/acre;
      - iv. For sites of one acre or greater located on a commercial corridor of 100 feet or greater width, 60 units/acre;
      - v. For sites within one-half mile of a major transit stop, 80 units/acre.
    - b. Height limit applicable shall be the greater of the following: Height currently permitted on the parcel;
      - i. For sites on a commercial corridor of less than 100 feet in width, 35 feet;
      - ii. For sites on a commercial corridor of 100 feet or more, 45 feet;
      - iii. For sites within one-half mile of a major transit stop in a city with a population of greater than 100,000, 65 feet.
    - c. No parking is required except for requirements related to bicycle parking, electric vehicle parking spaces or parking spaces accessible to persons with disabilities.
    - d. Projects are required to meet the following setback standards:
      - i. For the portion of a property that fronts a commercial corridor, no setbacks may be required except that all parking must be set back at least

25 feet and the ground floor of a building must abut within 10 feet of the property line for at least 80% of the frontage.

- ii. For portions of the property that front a side street, the building must abut within 10 feet of the property line for at least 60% of the frontage. For portions of the property that abuts an adjoining property that also abuts the same commercial corridor, no setbacks may be required unless the adjoining property contains any residential use that was constructed prior to the enactment of AB 2011.
- iii. Along property lines that abut a residential use, the ground floor shall be set back 10 feet. Starting with the second floor, each floor shall be stepped back in an amount equal to 7 feet multiplied by the floor number.
- iv. Along property lines that abut non-residential use, the development shall be set back 15 feet.
- e. One-half of the ground floor area of the housing development shall be dedicated to retail use.

**G. Development standards for SB 6 projects.**

- 1. Must comply with local zoning, parking, design, and other ordinances, local code requirements, and procedures applicable to the processing and permitting of a housing development in the zone that allows for housing with the requested density.
  - a. If more than one zoning designation allows for requested density, the applicable zoning standards shall be those for the zoning designation for the closest parcel that allows residential use at a density that is appropriate to accommodate lower-income households pursuant to housing element law.
  - b. If the existing zoning designation for the parcel allows residential density that exceeds housing element law density, the existing zoning designation applies.
- 2. The project must comply with all other objective local requirements for a parcel (except those that prohibit residential use or allow residential use only at a lower density), including impact fee requirements.

**H. Density Bonuses.**

A housing development proposed pursuant to the act shall be eligible for a density bonus, incentives or concessions, waivers, or reductions of development standards, and parking ratios pursuant to section 65915. (§ 65912.114, subd. (f).) A development proposal for consideration as mixed-income housing has the same eligibility but cannot use a concession to reduce the City requirement for the provision of up to one-half of the ground floor dedicated to retail.

**I. Protection of Residential Units.**

The development shall not demolish more residential units than it will develop or result in the demolition of occupied or vacant protected units without meeting certain criteria outlined in the Act regardless of whether the development is or not typically affected by section 66300. (§§ 65912.114, subd. (g), 65912.124, subd. (g), 66300, subd. (d).)

**J. Subdivision Applications May be Exempt from CEQA Review.**

If the development is consistent with all objective subdivision standards in the local subdivision ordinance, an application for a subdivision pursuant to the Subdivision Map Act shall be exempt from CEQA requirements. (§§ 65912.114, subd. (h), 65912.124, subd. (h).)

**K. Some Parcels May be Exempted from the Ministerial Review Shot-Clock.**

The City may exempt parcels from the shot-clocks mandated in sections 65912.114 and 65912.124, but the parcels will still be subject to the expiration timeframes in section 65913.4, subdivision (f) relating to non-expiration of approvals for developments that include public investment in housing affordability that contain at least 50% of units affordable to households at or below 80% of the area median income ("AMI"). (§§ 65912.114, subd. (j), 65912.124, subd. (j).)

**L. City May Override Ministerial Review Process with Certain Written Findings**

The City may exempt a parcel from the Act's ministerial review process if **before** a development proponent submits an application, the City makes **written findings establishing all** of the following:

1. Identified Parcels: The City identified parcels ("Identified Parcels") that meet the requirements of section 65912.111, subdivisions (b) through (f) or section 65912.121, subdivisions (b) and (e)-(h). (§§ 65912.114, subd. (i)(1), 65912.124, subd. (i)(1).)
2. Allowing Residential Use or Higher Residential Density: If Identified Parcels would not otherwise be eligible for development pursuant to the Act, the City permitted the parcels to be developed pursuant to the Act. (§§ 65912.114, subd. (i)(2)(A), 65912.124, subd. (i)(2)(A).) If Identified Parcels would otherwise be eligible for development pursuant to the Act, the City permitted residential densities above the residential density required in subdivision (b) of sections 65912.113 and 65912.123 and heights required in section 65912.123, subdivision (c). (§§ 65912.114, subd. (i)(2)(B), 65912.124, subd. (i)(2)(B).)
3. Protecting Residential Uses: The development of the parcels will result in all of the following:
  - a. No net loss of the total potential residential density in the jurisdiction. (§§ 65912.114, subd. (i)(3)(A), 65912.124, subd. (i)(3)(A).)
  - b. No net loss of the potential residential density of housing affordable to lower income households in the jurisdiction. (§§ 65912.114, subd. (i)(3)(B), 65912.124, subd. (i)(2)(B).)
  - c. Affirmative furthering of fair housing. (§§ 65912.114, subd. (i)(3)(C), 65912.124, subd. (i)(3)(C).)

**M. Modifications and Subsequent Permits Shall Not Be Unreasonably Delayed**

Proposed modifications to a development approved pursuant to the Act shall be undertaken pursuant to section 65913.4, subdivision (g). (§§ 65912.114, subd. (k), 65912.124, subd. (k).) Further, the City shall not adopt or impose any requirement that applies to a development solely or partially on the basis that the development is eligible to receive ministerial review. (§§ 65912.114 (l), 65912.124, subd. (l)).

For development developments approved pursuant to the Act's review process, the City shall issue subsequent permits without unreasonable delay and shall not impose any procedure or requirement that is not imposed on developments that are not approved pursuant to this section. (§§ 65912.114, subd. (m), 65912.124, subd. (m), 65913.4, subd. (h)(2).) Additionally, public improvements necessary to implement the approved development shall not be reviewed in a manner that would inhibit, chill, or preclude the development. (§§ 65912.114, subd. (n), 65912.124, subd. (n), 65913.4, subd. (h)(3).)



**N. Definitions.** For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1. "AB 2011 Mixed-Income Housing Projects" shall refer to housing development project as set forth in AB 2011, Article 2 (Affordable Housing Developments in Commercial Zones), and is intended to refer to such projects which are subject to a streamlined, ministerial review, pursuant to Government Code Section 65912.114, subject to satisfying all requisite requirements, as set forth therein.
  2. "AB 2011 100% Affordable Housing Project" shall refer to housing development project(s) as set forth in AB 2011, Article 3 (Mixed-Income Housing Developments Along Commercial Corridors), and is intended to refer to such projects which are subject to a streamlined, ministerial review pursuant to Government Code Section 65912.124, subject to satisfying all requisite requirements, as set forth therein.
  3. "SB 6 Projects" shall refer to housing development project as set forth in SB 6, as codified in Government Code Section 65852.24, subject to the streamlined, ministerial approval process, satisfying all requisite requirements therein.
  4. "Commercial corridor" means a highway, as defined in Vehicle Code Section 360, that is not a freeway, as defined in Vehicle Code Section 332, and that has a right-of-way, as defined in Vehicle Code Section 525, of at least 70 feet but not greater than 150 feet.
  5. "Dedicated to industrial use" means any of the following: (1) square footage is currently being used as industrial use; (2) more recently permitted use of the square footage is an industrial use; or (3) site was designated for industrial use in local government's latest general plan adopted before January 1, 2022.
  6. "Multiple-family" as applicable to Section 9.04.050 of this Code, means a property with five or more housing units for sale or for rent. There is no requirement that the housing units be attached.
  7. "Prevailing wage" means at least the general prevailing rate or per diem wages for the type of work and the geographic area as determined by the Director of Industrial Relations pursuant to Labor Code Sections 1773 and 1773.9, except apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate. The same definition is used in both AB 2011 and SB 6.
  8. "Principally permitted use" means a use that may occupy more than one-third of the square footage of designated use on the site and does not require a conditional use permit.
  9. "Residential hotel" has the same meaning as defined in Government Code Section 50519 of the Health and Safety Code.
- O. Interpretation.** If any portion of this section conflicts with AB 2011, SB 6, or other applicable state law, state law shall supersede this section. Any ambiguities in this section shall be interpreted to be consistent with AB 2011 and SB 6.

## **Chapter 9.296 SB 9 Urban Lot Split & Two-Unit Development**

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### **9.296.010 Purpose**

The purpose of this section is to appropriately regulate urban lot splits and two-unit developments in accordance with Government Code Section 66411.7 and 65852.21.

### **9.296.020 Applicability**

Only individual property owners may apply for an urban lot split and a two-unit development. "Individual property owner" means a 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 Revenue and Taxation Code § 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by Revenue and Taxation Code § 214.15).

### **9.296.030 Approving Authority**

An application for housing development with two units on a single lot within a single-family residential zone shall be considered and approved ministerially, without discretionary review or a hearing. Applications for Senate Bill 9 (SB 9) urban lot splits and two-unit developments shall be reviewed and approved by the designated authority as specified in Table 9.30.090-1 (Designated Authority for Permits and Approvals). The designated approving authority is authorized to approve, alter, or deny an application for SB 9 urban lot splits and two-unit developments.

### **9.296.040 Requirements**

The standards set forth below shall apply to all urban lot splits and two-unit developments. For any development standard not explicitly identified below, the requirements of the underlying zone shall apply, unless superseded by State Law.

- A. **Map Act Compliance.** The lot must conform to all applicable objective requirements of the Subdivision Map Act (Government Code § 66410 et seq., "SMA"), including implementing requirements in this Code, except as otherwise expressly provided in this section.
- B. **Location and Zoning.** An urban lot split or two-unit development project shall only be allowed in a single-family residential zone. For the purposes of this section, a single-family residential zone is a zone where the only residential use that is allowed as a primary use is a single residential

dwelling on a lot, subject to the exceptions set forth below and in Government Code § 65913.4(a)(6)(B)—(K). (See Government Code § 66411.7(a)(3)(C).) Not on properties that are:

1. Prime farmland of statewide importance, or land that is zoned or designated for agricultural protection or preservation by the voters.
2. A wetland.
3. Within a very high fire hazard severity zone, unless the site complies with all fire-hazard mitigation measures required by applicable building code standards.
4. A hazardous waste site that has not been cleared for residential use.
5. Within a delineated earthquake fault zone, unless the development complies with applicable seismic protection building code standards.
6. Within a 100-year flood hazard area, unless the site has either:
  - a. Been subject to a letter of map revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction, or
  - b. Meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program.
7. Within a regulatory floodway unless all development on the site has received no-rise certification.
8. Land identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan. Properties within the Hillside Overlay are subject to Hillside Development Standards pursuant to Chapter 9.195.
9. Habitat for protected species.
10. Land under conservation easement.
11. Must not be a historic property or within an historic district that is included in the State Historic Resources Inventory. Nor may the lot be or be within a site that is designated by ordinance as a city or county landmark or as a historic property or district.

**C. Restrictions Related to Existing Affordable Housing and Rentals.** A parcel is not eligible to do an urban lot split or a two-unit development if the project would require demolition or alteration of:

1. More than 25 percent of the exterior walls of a unit that is occupied by a tenant or has been occupied by a tenant at any time in the previous three years;
2. Housing that is income-restricted for households of moderate, low, or very low income;
3. Housing that is subject to any form of rent or price control; and
4. 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 15 years prior to submission of the urban lot split application.

**D. Regulation of Uses.**

1. **Nonresidential Uses.** Except for permitted home occupations pursuant to Chapter 9.255, non-residential uses shall be prohibited.
2. **Short Term Rentals Prohibited.** Units created pursuant to this Chapter shall be rented or leased for a term equal to or longer than 30 days.



**3. Owner Occupancy.**

- a. Urban Lot Split – the applicant/property owner for an urban lot split must sign an affidavit stating that the applicant intends to occupy one of the dwelling units on one of the resulting lots as the applicant’s principal residence for a minimum of three years after the urban lot split is approved.
- b. Two-Unit Development – Unless the lot on which a two-unit development is constructed was established through an urban lot split, the property owner of the property shall reside in one of the units as their principal residence.

**E. Deed Restriction.** The owner must record a deed restriction, acceptable to the City, that does each of the following:

1. Expressly prohibits any rental of any dwelling on the property for a period of less than 30 days.
2. Expressly prohibits any non-residential use of the lots created by the urban lot split.
3. Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot.
4. States that the property is formed by an urban lot split and therefore subject to the city’s urban lot split regulations, including all applicable limits on dwelling size and development.
5. States that the deed restriction runs with the land and each provision therein may be enforced against future owners of the property.

**9.296.050 Urban Lot Split Standards**

The following development standards shall apply to urban lot splits.

**A. Parcel Size.**

1. Each resulting lot shall be of approximately equal size. In no instance shall a parcel be smaller than 40 percent of the lot area of the original parcel proposed for subdivision, or smaller than 1,200 square feet, whichever is greater.
2. Lots created from an SB 9 urban lot split may not be further subdivided.

**B. Lot Lines.** Lot lines shall be depicted on the parcel map submitted as part of urban lot split application and prepared by a registered civil engineer or licensed land surveyor in accordance with Government Code Section 66444-66450. Lot lines shall include a reference basis, distance, measurement, and bearings.

**C. Access.**

1. Each resulting parcel shall provide at least a 24-foot lot frontage along a public or private street.
2. Additional access requirements, including but not limited to a wider access corridor or easement, may be required where necessary to provide adequate access for fire safety equipment as determined by the Fire Marshal.

**D. Setbacks.** The proposed property line dividing an existing lot into two lots with a proposed urban lot split shall be setback a minimum of 5 feet from an existing primary dwelling or any existing accessory structure located on the lot intended to be subdivided.

- E. **Dedications and Easements.** Easements may be required to convey public utilities, access, and other services. Right-of-way dedication and offsite improvements shall not be required through an urban lot split.
- F. **No Prior Lot Split.** A lot shall not be eligible for an urban lot split if it was previously established through a parcel map for an urban lot split.
- G. **Adjacent Parcels.** A lot shall not be eligible for an urban lot split if the owner of the lot being subdivided, or any person acting in concert with the owner, has previously subdivided an adjacent lot via an urban lot split.
- H. **Legal Nonconforming Conditions.** An urban lot split may be approved without requiring a legal nonconforming zoning condition to be corrected.
- I. **Utilities.** Parcels created through an urban lot split shall have separate sewer, water, gas, and electrical utility services and have the ability to connect prior to approval of the urban lot split.
- J. **Unit Quantity.** No more than two dwelling units of any kind may be built on a lot that results from an urban lot split. For the purposes of this subdivision, the two-unit limitation applies to any combination of primary dwelling units, Accessory Dwelling Units (ADUs), or Junior Accessory Dwelling Units (JADUs).
- K. **Two-Units.** Parcels created through an urban lot split shall be subject to Section 9.296.060 Two-Unit Development Standards.

### **9.296.060 Two-Unit Development Standards**

The following development standards shall apply to two-unit developments.

- A. **Legal Lot.** The proposed development must be located on a legally created lot or a proposed urban lot split.
- B. **Unit Quantity.** A lot that is not created by an urban lot split may have a two-unit project under this section. No more than two 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 unit, a unit created under this section of the code, an Accessory Dwelling Unit (ADU), or a Junior Accessory Dwelling Unit (JADU).
- C. **Unit Size.**
  - 1. The total floor area of each primary dwelling unit that is developed as a two-unit project must be between 500 to 800 square feet.
  - 2. A primary dwelling that was legally established on the lot prior to the two-unit project and that is larger than 800 square feet is limited to the lawful floor area at the time of the two-unit project. The unit may not be expanded.
  - 3. A primary dwelling that was legally established prior to the two-unit project and that is smaller than 800 square feet may be expanded to 800 square feet after or as part of the two-unit project.
- D. **Lot Coverage.** The lot coverage standard per the existing zone will only be enforced to the extent that it does not prevent two primary dwelling units on the lot of 800 square feet each.
- E. **Open Space.** The open space standard per the existing zone will only be enforced to the extent that it does not prevent two primary dwelling units on the lot of 800 square feet each.
- F. **Setbacks.**

1. **Generally.** All setbacks must conform to those objective setbacks that are imposed by the underlying zoning.
2. **Separation.** Each unit shall be located 10 feet from each other and at least 5 feet from an accessory structure, patio cover, or carport.
3. **Exceptions.**
  - a. **Existing Structures.** No setback is required for an existing structure, or a structure constructed in the same location and to the same dimensions as an existing structure.
  - b. **800 Square Foot Dwelling.** 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 units from being at least 800 square feet in floor area; but in no event may any structure be less than four feet from a side or rear property line.

**G. Parking Spaces Required.**

1. Each primary dwelling unit must have at least one off-street parking space.
2. Required parking for each dwelling unit may be exempt if one of the following applies:
  - a. The lot is located within one-half mile walking distance of either of the following:
    - i. A corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.
    - ii. A site that contains an existing rail or bus rapid transit station, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.
  - b. The site is located within one block of a car-share vehicle location.

**H. Architecture.** Two-unit developments shall be compatible with the architectural style of the primary dwelling. No bare metal, unpainted or unfinished structures are allowed. To determine architectural compatibility, two-unit developments must possess at least three of the following traits in common with the primary dwelling on-site:

1. Wall covering materials.
2. Roofing material.
3. Roofing pitch.
4. Structural eaves.
5. Mass and scale of structure relative to structural height.
6. Window characteristics.
7. Decorative treatments.

**I. Utilities.**

1. Each existing and newly constructed unit shall maintain separate and independent public services and utilities, including separate utility connections and meters. All electric utility connections shall be underground.
2. Two-unit developments shall be required to connect to sewer and shall not be permitted where sewer is not available.

**J. 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:



1. Emergency access and water supply requirements shall comply with the California Code of Regulations, Title 14 and Title 24, Part 9.
2. All new structures on the site must comply with current building code standards for dwellings in a very high fire hazard severity zone.

**K. Separate Conveyance.**

1. Dwelling units on the lot may not be owned or conveyed separately from each other.
2. Condominium airspace divisions and common interest developments are not permitted within the lot.
3. All fee interest in a lot must be held equally and undivided by all individual property owners.

**L. Certificate of Occupancy.** No certificate of occupancy for a two-unit development shall be issued before the issuance of certificate of occupancy for the first primary dwelling.

**M. Applicable Chapters.** Site requirements of the following Chapters, but not limited to, shall apply to two-unit developments:

1. Chapter 9.160 – General Development Standards
2. Chapter 9.165 – Accessory Structures
3. Chapter 9.185 – Fences, walls and screening
4. Chapter 9.190 – Hillside Development Standards
5. Chapter 9.195 – Landscaping Standards
6. Chapter 9.200 – Tree Preservation
7. Chapter 9.230 – Utilities

**9.296.070 Specific Adverse Impacts**

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 “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. The building official may consult with and be assisted by the Community Development Director and others as necessary in making a finding of specific adverse impact.

## Chapter 9.300 Universal Definitions

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(Ord. No. 2022-356, 10/05/2022)

### 9.300.010 Purpose

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This chapter provides definitions of terms and phrases used in this Development Code that are technical or specialized, or that may not reflect common usage. If any of the definitions in this chapter conflict with definitions in other provisions of the Municipal Code, these definitions shall control for the purposes of this Development Code. If a word is not defined in this chapter, or other provisions of the Municipal Code, the Community Development Director shall determine the most appropriate definition in compliance with [Chapter 9.10](#) (Rules of Interpretation). State law definitions, as they may be amended from time to time, control over the definitions in this section.

### **9.300.020 “A” Definitions**

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**Abandonment.** A discontinuance of any use with intent to permanently discontinue such use.

**Abatement.** The method of reducing the degree and intensity of pollution, nuisances or violations.

**Abut.** To physically touch or border upon; to share a common property line.

**Access.** A way or means of physical entry to a property.

**Accessory Dwelling Unit.** An attached or a detached dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel as the primary dwelling unit is situated. An accessory dwelling unit also includes an efficiency unit, as defined in California Health and Safety Code Section 17958.1, and a manufactured home, as defined in California Health and Safety Code Section 18007.

**Accessory Use.** See *Use, Accessory*.

**Accessory Structure.** See *Structure, Accessory*.

**Acre.** A measure of land area containing 43,560 square feet.

**Acre, Gross.** The entire acreage of a site calculated to the centerline of bounding streets.

**Acre, Net.** The portion of a site not reserved for public use. The following are not included in the net acreage of a site: public or private road rights-of-way, common or public open space, and floodways.

**Action.** A decision on a permit application or other land use matter, made by the approval authority.

**Addition.** An extension or increase in floor area or height of an existing building or structure.

**Adverse Impact.** A condition that creates, imposes, aggravates or leads to inadequate, impractical, unsafe, unsightly or unhealthy conditions.

**Agricultural Labor Housing.** Living accommodations for employees and their immediate families employed for the exclusive purpose of agricultural pursuits either on the premises or off site. It includes single or multi-unit dwellings, including mobile homes and dormitories.

**Agricultural Operations, Commercial.** Use of land for the propagation, care, maintenance, production of food and fiber, including the growing of crops and/or the grazing of animals on natural or improved pastureland for the purpose of sale of goods and/or crops for profit. Agriculture uses include agricultural labor housing (see *Agricultural Labor Housing*).



**Agricultural Operations, Noncommercial.** Use of land for the propagation, care, maintenance, production of food and fiber, including the growing of crops and/or the grazing of animals on natural or improved pastureland for personal use. Agriculture uses include agricultural labor housing (see *Agricultural Labor Housing*).

**Aisle.** The traveled way by which cars enter and depart parking spaces.

**Alcoholic Beverage Sales.** An activity or business engaged primarily in the sale of alcoholic beverages for on-site or off-site consumption.

**Alley.** A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation.

**Alteration.** Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders and all interior partitions; any change in doors, windows or means of ingress or egress; any enlargement or diminution of a building or structure, whether horizontally or vertically; or the moving of a building or structure from one location to another.

**Amenity.** Aesthetics or other characteristics of a development that increase its desirability to the community, such as swimming pools, tennis courts, security systems, views, landscaping or enhanced open space.

**Amusement Park.** Facilities or uses that provide participant recreation indoors or outdoors. Amusement parks may include a variety of recreational uses, including but not limited to go carts, amusement arcades, miniature golf courses, batting cages and other similar uses.

**Annexation.** The incorporation of a land area into an existing city or district resulting in a change in the boundaries of the city or district.

**Apartment.** A building, or group of buildings, in which all dwelling units in the building are owned by a single party and rented out to individual tenants.

**Appeal.** A request for a review of a decision or action taken on a proposed permit application or other land use matter by the approving authority.

**Appeal Authority.** The agency, board, group or legally designated individual empowered to review and deny, uphold, or refer back to the approval authority, an appeal of an action taken by an approval authority.

**Applicant.** The owner(s) or lessee(s) of property, or their authorized agent(s), or person(s) who have contracted to purchase property contingent upon their ability to obtain the required entitlements, and who requests in writing, on the appropriate forms, the approval of a permit, license, certificate or other entitlement from the City.

**Application, Accepted.** An application filed with and accepted for processing by the City in accordance with the requirements of this Title, containing all items required as stated on the applicable application form.

**Application, Complete.** An application that has been deemed complete in accordance with California Government Code Section 65943 (Permit Streamlining Act).

**Approval Authority.** The agency, board, group or other legally designated individual empowered to review and approve a proposed permit application or other land use matter.

**Approved Plan.** A final plan that has been approved by the appropriate authority.

**Assisted Living Facility.** See *Residential Care Facility*.

**Attached.** Any structure that has an interior wall or roof in common with another structure.

**Auction.** The sale of new and used merchandise offered to bidders by an auctioneer for money or other consideration.

**Awning.** A roof-like cover attached to and extending from the wall of a building to provide shielding of windows and/or entrances.

### 9.300.030 “B” Definitions

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**Balcony.** A platform that projects from the wall of a building, typically above the first level, and is surrounded by a rail, balustrade or parapet.

**Bar.** Premises used primarily for the dispensing of alcoholic beverages by the drink for on-site consumption.

**Battery.** A single cell, stack, core building block, or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this chapter, batteries utilized in consumer products are excluded from these requirements.

(2023-369, 04/05/2023)

**Battery Management System.** An electronic system that prevents storage batteries from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected. The system generates an alarm and trouble signal for abnormal conditions.

(2023-369, 04/05/2023)

**Battery Energy Storage Systems.** A system consisting of electrochemical storage batteries, battery chargers, controls, power conditioning systems and associated electrical equipment, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle.

(2023-369, 04/05/2023)

**Battery Energy Storage Facility, ~~Utility Scale~~ Utility Scale.** Stationary batteries that are connected to distribution/transmission networks or power-generation assets. Utility scale may also be referred to as “front-of-the-meter”, large-scale or grid-scale battery storage. Utility Scale systems are intended primarily to interact with the electric grid and are not intended to serve a specific end user “behind-the-meter”. Utility-scale systems increase flexibility in power systems, provide grid reliability support and enable an optimal use of variable electricity sources like photovoltaic and wind.

(2023-369, 04/05/2023)

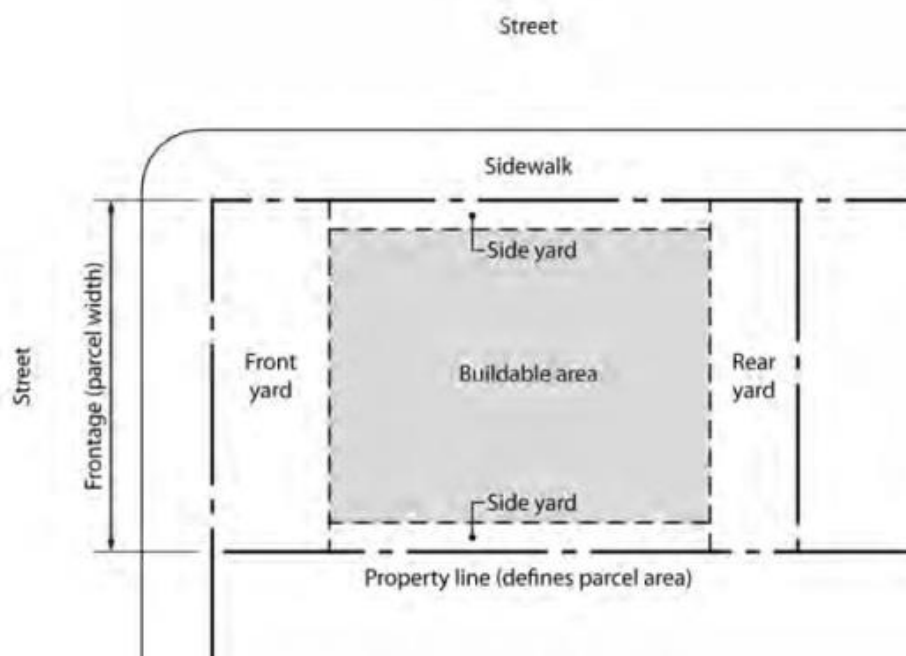
**Bed and Breakfast.** A business operated in an owner-occupied residence offering short-term rental of overnight accommodations, which provides on-site breakfast service.

**Bedroom.** A private room for sleeping, separated from other rooms, and accessible to a bathroom without crossing another bedroom.

**Berm.** A mound of earth or the act of pushing earth into a mound.

**Buffer Area.** A strip of land established to protect one type of land use from another land use. A buffer may include a physical separation in the form of a specified distance, landscaping, berms or other screens which block vision, noise or other negative impacts.

**Buildable Area/Building Envelope.** The area of a lot remaining after the minimum setback and open space requirements have been met; the area within which primary and accessory structures may be located, unless an encroachment into the setback is otherwise permitted.



**Building.** Any structure having a roof, or fully enclosed by walls, and intended for the shelter, housing or enclosure of persons, animals or property.

**Building, Accessory.** See *Structure, Accessory*.

**Building Height.** Building height shall be measured in accordance with Section in 9.195.040.A (Height Measurement).

**Building Permit.** Written permission issued by the City for the construction, repair, alteration or addition to a structure or building.

**Building, Primary.** A building in which the principal use is conducted.

**Business Services.** Rendering services to business establishments on a fee or contract basis, including printing and copying, blueprint services, advertising and mailing, office-related equipment rental and leasing, commercial research, development and testing, photo finishing and model building.

### 9.300.040 "C" Definitions



**Can Sign.** A sign in which the sign copy is placed on a transparent face, which is attached to an enclosed box or can, usually made of metal, that has an internal light source.

(Ord. No. [2022-351](#), 09/21/2022)

**Canopy.** A fixed roofed structure of any material projecting from and connected to a building, column or post or supported by a frame extending from a building and/or post.

**Caretaker Residence.** Separate or attached living quarters, usually including kitchen facilities, for employees living on-site, and accessory to the primary use.

**Car-share Vehicle.** A motor vehicle that is operated as part of regional fleet by a public or private car sharing company or organization and provides hourly or daily service.

**Carport.** A permanently roofed structure with not more than two enclosed sides, used or intended to be used for motor vehicle shelter and storage.

**Cemetery, Mausoleum, Crematory.** Property used for the preparation and/or interring of the dead.

**Certificate of Compliance.** A document issued by the City and recorded by the County Recorder certifying that a specified real property complies with the provisions of the Subdivision Map Act (Government Code Sections 66410 et seq.).

**Certificate of Use/Occupancy.** A document issued by a governmental authority allowing the occupancy or use of a building and certifying that the structure has been constructed in compliance with all the applicable municipal codes and ordinances.

**Change of Use.** A conversion of use that substantially differs from the previous use of a building or land.

**Charging Levels, Electric Vehicles.** The standardized voltage at which an electric vehicle battery is recharged.

**Level 1** Charging provides charging through a 120V AC plug and does not require the installation of additional charging equipment.

**Level 2** Charging provides charging through a 240V (residential) or 208V plug and requires the installation of additional charging equipment.

**Level 3** Charging provides fast charging through a 480V AC input and requires highly specialized, high-powered equipment as well as special equipment in the electric vehicle itself.

**Church.** See *Religious Facility*.

**City.** The City of Meniffee, including land as may be annexed from time to time.

**Cluster Development.** Development in which a number of dwelling units are placed in closer proximity than usual, or are attached, with the purpose of retaining an open space area.

**Collection Container.** Any unattended drop-off box, container, receptacle, or similar facility that is operated by a person, organization for the primary purpose of receiving or storing collected items, including household goods, clothing, or other salvageable personal items. Collection Containers do not provide a cash refund for collected items and do not include reverse vending machines.

**College.** An educational institution authorized by the state, awarding associate or higher degrees.

**Commercial Use.** An activity involving the sale of goods or services for profit.

**Commission.** The Planning Commission of the City of Meniffee.

**Common Open Space.** Land within or serving as a part of a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the occupants of the development and may include such accessory structures and improvements as are necessary and appropriate.

**Community Care Facility.** A facility licensed to provide a living environment for unrelated residents who operate as the functional equivalent of a family, or in a group setting, including such supervision and care by support staff as may be necessary to meet the physical, emotional and social needs of aged persons, physically disabled or handicapped persons, developmentally disabled persons, nondangerous mentally ill persons, or children as defined in the appropriate statutes. Community care facilities include but are not limited to the following: day care center, group residential facility, congregate care facility, and residential care facility.

**Community Center.** A building used for recreational, social, educational and cultural activities, open to the public or a designated part of the public, usually owned and operated by a public or nonprofit group or agency; a building or structure owned and operated by a governmental agency and used to provide a governmental service to the public.

**Community Development Department.** The Community Development Department of Meniffee, which is responsible for implementing the City's vision and goals for community development and land use as established in the General Plan and Development Code.

**Community Development Director.** The Community Development Director of the City of Meniffee or his/her designee. Also includes *Planning Director*.

**Community Garden.** The use of land for and limited to the cultivation and tillage of soil for the production, growing, and harvesting of any agricultural, floricultural, or horticultural commodity for public use and access.

**Conditional Use.** A use permitted in a particular zone district upon showing that such use will comply with all the conditions and standards as specified in the Development Code and authorized by the approval authority.

**Conditional Use Permit.** A permit for land use classifications with unusual site development features or operating characteristics requiring special consideration so that they may be designed, located and operated compatibly with uses on adjoining properties and the surrounding area.

**Condominium.** A building, or group of buildings, in which dwelling units, offices or floor area are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

**Congregate Care Facilities.** Establishments that provide 24-hour medical, respite, convalescent or chronic care to individuals who, by reason of advanced age, chronic illness, infirmity or disability, are unable to care for themselves on an intermediate or long-term basis, and licensed by the State of California, including, but not limited to, rest homes and convalescent hospitals, but not residential care facilities, hospitals or clinics.

**Small.** A facility that houses six or fewer persons.

**Large.** A facility that houses seven or more persons.

**Contiguous Property.** Those properties which touch property lines of any parcel, including those properties which touch said property lines of a subject parcel when such lines are projected across public or private rights-of-way, easements, roads or streets, including property owned by a public agency in fee title.

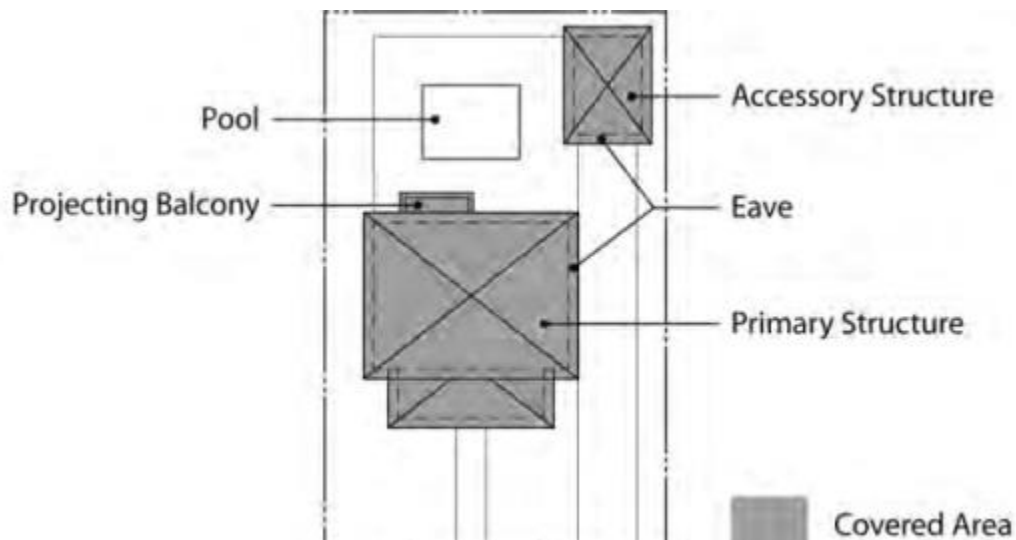
**Convenience Store.** Any small retail establishment offering for sale prepackaged food products, household items, newspapers, magazines, sandwiches and/or prepared foods for off-site consumption.

**County.** Unless otherwise specified, the County of Riverside, California.

**Covenants, Conditions, and Restrictions (CC&Rs).** A term used to describe restrictive limitations that may be placed on property and its use, and which usually are made a condition of holding title or lease.

**Coverage, Lot.** That portion of the lot that is covered by buildings, sidewalks, driveways or other impervious surface, expressed as a percentage of total lot area.

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



### 9.300.050 "D" Definitions

**Day Care Centers.** Establishments providing nonmedical care for persons on a less than 24-hour basis other than in a family day care home (see *Family Day Care Home*). This classification includes nursery schools, preschools, and day-care facilities for children or adults, and any other day-care facility licensed by the State of California.

**Days.** Shall always be consecutive calendar days, unless otherwise stated.

**Decommissioning Plan.** A plan to retire the physical facilities of the Project, including decontamination, dismantlement, rehabilitation, landscaping and monitoring. The plan contains detailed information on the proposed decommissioning and covers the schedule, type and sequence of decommissioning activities; waste management, storage and disposal of the waste from decommissioning; the timeframe for decommissioning and site rehabilitation.

(2023-369, 04/05/2023)



**Dedication.** The transfer of property, such as streets and roads or other public usage, to a public agency or utility for specific purposes.

**Density.** The number of dwelling units, households or housing structures per unit of land. Consistent with the City of Meniffee General Plan, areas where the lots are over half an acre, density is calculated by using gross acres; all other areas utilize adjusted gross (net) acres to determine the maximum number of units allowed in a given area.

**Density Transfer.** The transfer of all or part of the permitted density from one parcel to another parcel.

**Detached.** Any building or structure that does not have a wall or roof in common with any other building or structure.

**Developer.** The legal or beneficial owner or owners of property to be developed or being developed, including the holder of an option or contract to purchase or other person(s) having enforceable proprietary interests in such property.

**Development.** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

**Development Agreement.** A contract between the City and a developer through which the developer receives vested rights to construct a project subject to specific requirements benefiting the community.

**Development Code.** A set of land use regulations, as contained in [Title 9](#) of the Meniffee Municipal Code, adopted by the City which prescribes standards and regulations for land use and development.

**Development Rights.** The legally established right to develop land by a party.

**Director.** The Community Development Director of the City of Meniffee or his/her designee.

**Discretionary Decision.** An action taken by a governmental agency that calls for the exercise of judgment in deciding whether to approve and/or how to carry out a project.

**District.** A zone or geographic area in the municipality within which certain zoning or development regulations apply.

**Drainage.** Surface water runoff; the removal of surface water or groundwater from land by drains, grading or other means, which include runoff controls to minimize erosion and sedimentation during and after construction or development.

**Drainage Area.** A geographical area, formed by topography, which collects and directs surface runoff from precipitation to natural or man-made channels.

**Drive-through.** Any portion of a building or development intended to allow service direct from the building through a window, kiosk or automated delivery system to vehicle occupants. Such facilities include but are not limited to food service windows, automatic teller machines or similar service systems.

**Driveway.** A roadway providing direct access for vehicles between a street or highway and an area containing parking spaces, loading, storage or refuse collection areas.

**Dwelling.** A structure or portion thereof which is used for human habitation, including provision for living, sleeping, eating, cooking and sanitation.

**Single Family, Attached.** A dwelling unit designed for occupancy by one household, located on a single lot and typically grouped together with similar units. They may be attached through vertical party wall(s) to one or more dwellings on abutting lots or may be joined by carports or garages.

**Single Family, Detached.** A dwelling unit designed for occupancy by one household and located on a separate lot from any other dwelling, except permitted accessory dwelling units. This classification includes individual manufactured housing units installed on a foundation system pursuant to Section 18551 of the California Health and Safety Code

**Duplex.** A single building on a lot that contains two dwelling units or two single-unit dwellings on the same lot. Duplex does not include a single family dwelling with an accessory dwelling unit on the same lot, which is an accessory residential unit as defined by State law and this Title (see *Accessory Dwelling Unit*).

**Multiple Family.** A single building on a lot that contains three or more dwelling units or three or more single-unit dwellings on the same lot, or any combination thereof.

### 9.300.060 “E” Definitions

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**Easement.** A right to cross or otherwise use land for a specified purpose.

**Eave.** The projecting lower edges of a roof overhanging the wall of a building.

**Educational Institution.** An institution conducting academic instruction at the preschool, elementary school, junior high school, high school or college level.

**Elevation.** A vertical distance above or below a fixed reference level; a dimensioned drawing of the front, rear or side of a building showing features such as windows, doors and relationship of grade to floor level.

**Emergency Shelter.** A temporary, short-term residence providing housing with minimal supportive services for families or individuals experiencing homelessness, where occupancy is limited to 180 days or less, as defined in California Health and Safety Code Section 50801. Medical assistance, counseling, and meals may be provided.

**Emission.** A discharge of pollutants into the air or water.

**Employee Housing.** Employee housing shall have the same meaning ascribed in Health and Safety Code Section 17008.

**Encroachment.** The placement or construction of a fence, building, structure or other improvement or use on another’s property or on a public right-of-way.

**Expansion.** The creation or use of additional land or floor area for a specific use or activity.

**Extension.** An increase in the amount of time that a permit or approval may be valid.

### 9.300.070 “F” Definitions

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**Façade.** The exterior walls of a building exposed to view.

**Family.** Family means any individual or group of individuals living together in a dwelling unit as a single housekeeping unit. Family does not include larger institutional group living situations, such as in a boarding house or hotel/motel/long-term stay.

**Family Day Care Home.** State-licensed facilities that provide nonmedical care and supervision of minor children for periods of less than 24 hours within a single-family dwelling.

**Small.** The occupant of the residence provides care and supervision for up to eight or fewer children, when specific conditions are met in accordance with California Health and Safety Code Section 1597.44.

**Large.** The occupant of the residence provides care and supervision for between nine and up to 14 children, when specific conditions are met in accordance with California Health and Safety Code Section 1597.465.

**Farm Operations, Commercial.** See *Agricultural Operations, Commercial*.

**Farm Operations, Noncommercial.** See *Agricultural Operations, Noncommercial*.

**Farmers' Market.** An outdoor market where farmers and other producers of agricultural and related foodstuffs and products (including, but not limited to, bread, cheese and hand-made crafts such as seasonal goods, ornaments, hand-dipped or rolled candles, hand-made soap) may bring the products for sale to the general public. Meat, poultry, fish and similar foods will be allowed only to the extent there is proper refrigeration.

**Farmworker.** A person whose primary income is earned through permanent or seasonal agricultural labor.

**Farmworker Housing.** Farmworker Housing has the same meaning as "Employee Housing" as set forth in this Code.

**Fence.** An exterior physical barrier erected to enclose, screen or separate areas.

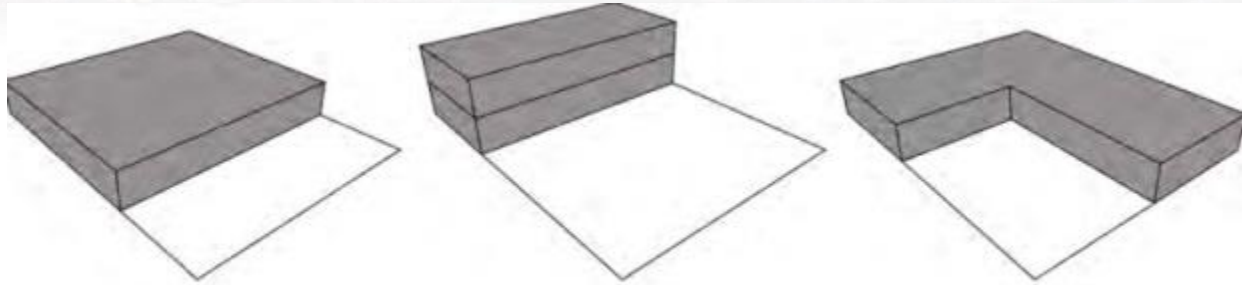
**Flag.** The symbol, insignia or display of a governmental or nonprofit organization when not displayed in connection with a commercial promotion or used as an advertising mechanism. As used in commercial promotion or used as an advertising mechanism, see *Flag* in Section 9.305.050 (Signs and Related Terms Defined).

**Floor Area, Gross.** The sum of all areas of the floors of a building or structure from the exterior face of exterior walls, or from the centerline of a wall separating two buildings but excluding any space where the floor-to-ceiling height is less than 6 feet.

**Floor Area, Net.** The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading, and all floors below the first or ground floor, except when used or intended to be used for human habitation.

**Floor Area Ratio.** The net floor area of all buildings on a parcel to the total adjusted lot square footage of that parcel. FAR calculations do not include floor areas for parking structures or outdoor open storage.





Shown: FAR of 0.07 for each configuration

**Footprint, Building.** The outline of a building at all of those points where it meets the ground.

**Frontage.** See *Lot Frontage* or *Yard, Front*. As used in signage calculation, see *Business Frontage* in Section 9.305.050 (Signs and Related Terms Defined).

**Funeral Home, Mortuary.** A building used for the preparation of the deceased for burial or cremation and the display of the deceased and ritual connected therewith before burial or cremation.

### 9.300.080 “G” Definitions

**Garage.** A building or a parking structure, or part thereof, used or intended to be used for the parking and storage of vehicles.

**Garage, Private.** A garage used exclusively for the parking and storage of vehicles owned by residents of nearby dwelling units and their guests, which is not operated as a commercial enterprise and is not available to the general public and which is owned, leased or cooperatively operated by such residents.

**General Plan.** The City of Meniffee General Plan as adopted by the City Council.

**Glare.** The effect produced by brightness sufficient to cause annoyance, discomfort or loss of visibility.

**Golf Driving Range.** A commercial recreational use, or accessory use to a golf course, where persons may practice long distance shots. Such facilities are generally outdoor uses.

**Governing Body.** The local governing unit empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

**Government(al) Agency.** Any department, commission, independent agency or instrumentality of the United States, or a state, county, incorporated local municipality, authority, district or any other agency so recognized as a governmental unit.

**Government Facility.** Offices and support facilities for any seat of any federal, state, county or City agency, or special district providing services to the general population.

**Greenhouse.** A building with roof and sides made largely of transparent or translucent material used for the cultivation of plants.

**Ground Floor.** The first floor of a building other than a cellar or basement.

**Group Residential Facilities.** Shared living quarters without separate kitchen or bathroom facilities for each room or unit, offered for rent for permanent or semi-transient residents on a weekly or longer basis. Facilities are typically licensed by the State of California. This classification includes clean and sober living facilities, other types of organizational housing, private residential clubs and farmworker housing, but excludes bed and breakfasts, dormitories, fraternity and sorority houses, boarding homes, rest homes, hotels, motels and residential care facilities.

**Small.** A facility that houses six or fewer persons.

**Large.** A facility that houses seven or more persons.

**Guest Living Quarter.** A building, generally detached from a primary building, which contains no cooking facilities, and which is used principally for temporarily housing members of the single family household and their nonpaying guests. Guest living quarters also may be known as casitas. A guest living quarter is not an accessory dwelling unit.

### 9.300.090 “H” Definitions

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**Habitable Structure.** A structure which includes habitable space for living, sleeping, eating and cooking. Closets, halls, storage or utility space, and similar areas are not considered habitable space.

**Handicapped Person.** A person who may be classified as having a physical impairment that manifests itself in one or more of the following ways: non-ambulatory; semi-ambulatory; visually impaired, deaf or hard of hearing; having faulty coordination; and having reduced mobility, flexibility, coordination or perceptiveness due to age or physical or mental conditions.

**Health Studio.** An establishment that provides exercise facilities for use on-site.

**Home-Operated Business.** A commercial or service activity conducted at a dwelling, incidental and accessory to the residential use of the dwelling, which does not change the character of the dwelling or surrounding area by generating more traffic, noise, odor, or storage of material than would be normally associated with a residential zone.

**Home Occupation.** Related activities to the home-operated business that are conducted entirely within the residence.

**Home-Based Business.** Related activities to the home-operated business may be conducted outside or within a partially enclosed structure.

**Homeowners Association.** An association of owners in a condominium, planned unit development or residential subdivision established to provide management of property in which they own an undivided, common interest.

**Hospitals and Clinics.** State-licensed facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons. This classification includes facilities for inpatient or outpatient treatment, including substance-abuse programs as well as training, research, and administrative services for patients and employees. This classification excludes animal hospitals and veterinary clinics.

**Hospital.** A facility providing medical, psychiatric, or surgical services for sick or injured persons primarily on an in-patient basis, and including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors.

**Clinic.** A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis including emergency treatment, diagnostic services, administration, and related services to patients who are not lodged overnight. Services may be available without a prior appointment. This classification includes licensed facilities such as blood banks and plasma centers, and emergency medical services offered exclusively on an out-patient basis. This classification does not include private medical and dental offices that typically require appointments and are usually smaller scale. This classification includes substance abuse treatment and recovery programs which are not residential in nature and which exclusively administer counseling services.

**Substance Abuse Treatment Clinic.** A non-residential facility that administers medication, or supervises the self-administration of medication, for substance abuse treatment.

**Hotel.** A lodging facility offering transient accommodations to the general public, typically on a less than monthly basis, and which may provide additional services, such as restaurants, meeting rooms and recreational facilities.

**Household.** *See Single Housekeeping Unit.*

### 9.300.100 "I" Definitions

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**Impact.** The effect of any direct man-made actions or indirect repercussion of man-made actions on existing physical, social or economic conditions.

**Impervious Surface.** A surface through which water cannot penetrate, such as roof, road, sidewalk or paved parking lot.

**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 Revenue and Taxation Code Section 402.1 (a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by Revenue and Taxation Code Section 214.15).

**Individual with a Disability.** Someone who has a physical or mental impairment that limits one or more major life activities, anyone who is regarded as having such impairment, or anyone with a record of such impairment.

**Industrial.** The manufacture, production, processing and/or storage of consumer goods. See also *Manufacturing*.

**Infrastructure.** Public facilities needed to sustain industry, residential, commercial and other land use activities.

**Intensification of Use.** A change to the existing use of a property which results in a change or increase in vehicular or pedestrian traffic or an increase in parking requirement, or induces additional environmental impacts, including but not limited to noise, light, glare, vibration, traffic, water quality, air quality or aesthetics.

**Intensity of Use.** The number of dwelling units per acre for residential development and floor area ratio (FAR) for residential or nonresidential development such as commercial, office and industrial development.



**Intersection.** The location where two or more roadways cross at the same grade.

### 9.300.110 “J” Definitions

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**Junk.** Any scrap, waste, reclaimable material or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled or disposed of.

**Junk Yard.** The use of any lot or parcel of land for outside storage, wrecking, dismantling or salvage of any used or secondhand materials, including but not limited to lumber, auto parts, household appliances, pipe, drums, machinery or furniture.

**Junior Accessory Dwelling Unit.** A dwelling unit that is contained entirely within a single-family dwelling or attached garage and does not exceed five hundred square feet in size.

### 9.300.120 “K” Definitions

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**Kitchen.** Any room, all or part of which is designed and/or used for storage, refrigeration, cooking and the preparation of food. The presence of a range or oven, or utility connections suitable for servicing a range or oven, shall normally be considered as establishing a kitchen.

### 9.300.130 “L” Definitions

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**Landscape Plan.** A plan on which is shown: proposed landscape species (such as number, spacing, size at time of planting, and planting details), proposals for protection of existing vegetation during and after construction, proposed treatment of hard and soft surfaces, proposed decorative features, grade changes, buffers and screening devices, and any other information that can reasonably be required in order that an informed decision can be made by the approval authority.

**Land Use.** A description of how land is occupied or utilized.

**Land Use Permit.** A permit issued by the City pursuant to the Meniffee Municipal Code allowing a specific activity to be conducted on an individual property.

**Legislative Act.** The means by which the legislative arm of government renders decisions, such as minute actions, resolutions and ordinances.

**Live Entertainment.** Entertainment provided by or one or more professionals and utilizing sound amplification equipment, but not including, a single vocalist or piano player with a microphone, karaoke or open-mike amateur type performances and not including adult uses.

**Living Area.** The area that is considered habitable living space. Does not include the garage, patios or screened enclosures.

**Loading Space.** An off-street space or berth used for the loading or unloading of cargo, products or materials from vehicles.

**Lot.** Any parcel of real property approved by a record of survey, plat, parcel map, subdivision map, or certificate of compliance, or any parcel legally created or established pursuant to the applicable zoning or subdivision regulations in effect prior to the effective date of application of this Code to such parcel.

**Corner.** A lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than 135 degrees.

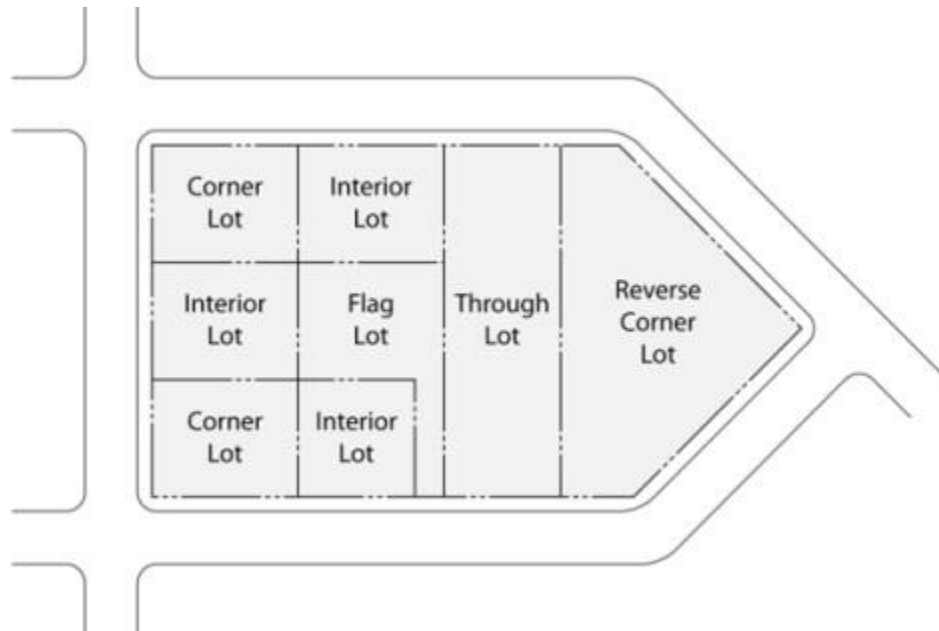
**Flag.** A lot which utilizes a narrow strip as its means of providing frontage on a street and/or providing access to the lot.

**Interior (Typical).** A lot other than a corner lot.

**Reverse Corner Lot.** A lot, the rear of which abuts the side of another lot.

**Substandard.** A parcel of land that has less than the required minimum area or dimensions.

**Through.** A lot that fronts upon two streets that do not intersect at the boundaries of the lot.



**Lot Area, Gross.** The total area within the lot lines of a lot, including any adjacent street rights-of-way.

**Lot Area, Net.** The total area within the lot lines of a lot, excluding any street rights-of-way.

**Lot Coverage.** See *Coverage, Lot*.

**Lot Depth.** The average distance measured from the front lot line to the rear lot line.

**Lot Frontage.** The length of the front lot line measured at the street right-of-way line. For flag lots, that portion of a lot, not including the pole portion, that is generally parallel to the access street.

**Lot Line.** A line of record bounding a lot that divides the lot from another lot or from a public or private street or any other public space.

**Front.** The lot line parallel to the street. On a corner lot, the shorter lot line abutting a street or the line designated as the front lot line by a subdivision or parcel map. On a flag lot, the interior lot line most parallel to the nearest street from which access is obtained.

**Interior.** A lot line which does not abut a street.

**Rear.** The lot line which intersects a side lot line and which is most distant from and most closely parallel to the front lot line.

**Side.** Any lot line other than a front or rear lot line.

**Lot Width.** The horizontal distance between the side lines, measured at the required front setback line.

**Lot of Record.** A lot that exists as shown or described on a recorded plat or deed in the records of the County Recorder.

**Low Barrier Navigation Center.** *See Supportive Housing – Lower Barrier Navigation Center.*

### 9.300.140 “M” Definitions

**Manufactured Home.** A factory-built structure that is manufactured or constructed under authority of 42 U.S.C. Sec. 5403, National Manufactured Housing Construction and Safety Standards Act of 1974, and/or California law and is to be used as a place for human habitation. The structure is manufactured either in whole or in substantial part at an off-site location, transported to the site, assembled on-site, and placed on a permanent foundation. For the purpose of this Development Code, a manufactured home shall be considered the same as any site-built, single-family detached dwelling. Manufactured home is not inclusive of a mobile home unless the mobile home has been converted to real property and is taxed as a site-built dwelling.

**Manufacturing.** Means a use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental processing of extracted or raw materials. They are characterized by having grade level bay doors with a ratio of approximately 1:15,000-20,000 square feet.

(Ord. No. 2022-337, 03/16/2022)

**Handcraft Manufacturing.** On-site production, within an enclosed structure, of goods by hand manufacturing that involves the use of hand-tools and small-scale, light mechanical equipment (e.g., drills and saws; hammers and chisels; paint brushes and sprayers; pottery wheels and kilns; sewing machines; spinning wheels; welding) and that has no negative external impacts on surrounding properties. Handcraft manufacturing also includes the incidental direct sale to consumers of those goods produced on-site. Handcraft manufacturing does not include specialized retail uses (see *Retail, Specialized*).

**Light-Intensity Manufacturing.** The manufacturing, assembling, processing, storage or packaging of products, including:

1. The manufacturing of electric and electronic circuits and instruments and devices, such as, but not limited to, radio and television, phonographic equipment, calculators, computers, semi-conductors and transistors, and similar uses.
2. The manufacturing, assembly, processing, storage, or packaging of products from previously prepared materials such as, but not limited to, cloth plastic, paper, leather, and precious or semi-precious metals or stones.
3. The manufacturing of pharmaceutical products.

Light-intensity manufacturing does not include such operations as saw and planing mills, any manufacturing uses involving primary production of wood, metal or chemical products from raw materials and similar uses, uses involving the manufacturing, processing, storage or packaging of petroleum, and heavy agricultural products or other hazardous materials, or vehicle-dismantling yards, scrap and waste yards.



**Medium-Intensity Manufacturing.** Any manufacturing, storage, and distribution that does not include hazardous wastes or result in large truck usage/parking on the site.

**Heavy-Intensity Manufacturing.** The manufacturing, assembly, processing, storage, or packaging of products involving chemicals, petroleum, and heavy agricultural products or other hazardous materials.

**Membership Club.** A group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and/or dues, regular meetings, and a constitution and bylaws.

**Membership Organization.** A group of people formally organized for a common interest, usually cultural, religious or entertainment, with regular meetings, rituals and formal written membership requirements.

**Metal Shipping Container.** Any metal container designed, built as, or formerly used for transporting seagoing cargo not to exceed the maximum dimensions of ten by ten by 40 feet.

**Ministerial Decision.** An action taken by a governmental agency that calls for only objective determinations in deciding whether to approve and/or how to carry out a project.

**Mitigation.** Methods used to alleviate or lessen the impact of development.

**Mobile Food Truck.** Motorized vehicles that function as transportable retail food and beverage facilities. This use includes mobile food trucks that provide sales to the general public of food and beverage (pre-packaged or prepared and served from the vehicle or an attached trailer) for consumption on or off of the premises.

**Mobile Home.** A trailer that is transportable in one or more sections, was built before the enactment of 42 U.S.C. Sec. 5403, National Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976, is over eight feet in width and 40 feet in length, and is sited with or without a permanent foundation. Mobile home does not include recreational vehicle, commercial coach, or factory built housing.

**Mobile Home Park.** Any area or tract of land where two or more lots are rented or leased, held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium or other form of resident ownership, to accommodate mobile\_homes used for human habitation. The rental paid for a mobile\_home shall be deemed to include rental for the lot it occupies.

**Model Home Complex.** Residential units and a temporary sales office used to illustrate the design of the units to potential homebuyers.

**Modification.** A change or alteration to an approved permit or plan.

**Motel.** An establishment providing transient sleeping accommodations with most rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

**Motor Vehicle.** A vehicle that is self-propelled by a motor or engine.

**Multiple Family Dwelling.** See *Dwelling, Multiple Family*.

**Museum.** A building or room, or any grouping thereof, open to the public, used to exhibit works of art or displays of historic objects, scientific objects or memorabilia.

### 9.300.150 “N” Definitions

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**Nightclub.** An establishment dispensing liquor with or without meals and in which music, dancing or entertainment is featured.

**Noise Attenuation.** Reduction of noise level using a substance, material or surface, such as earth berms and/or solid concrete walls.

**Nonconforming Lot.** A lot, the area or dimensions of which was lawful and legally established prior to the adoption, revision or amendment of the Development Code but that fails by reason of such adoption, revision or amendment to conform to the present requirements of the Code.

**Nonconforming Structure or Building.** A structure or building, the size, dimension or location of which was lawful and legally established, prior to the adoption, revision or amendment of the Development Code but that fails by reason of such adoption, revision or amendment to conform to the present requirements of the Code.

**Nonconforming Use.** A use or activity that was lawful and legally established prior to the adoption, revision or amendment of the Development Code, but that fails by reason of such adoption, revision or amendment to conform to the present requirements of the Code.

**Nuisance.** An interference with the enjoyment and legal use of property, including any act, condition or thing that is illegal and/or interferes with the rights of the public generally.

### 9.300.160 “O” Definitions

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**Occupancy or Occupied.** The residing of an individual(s) overnight in a dwelling unit or the storage or use of equipment, merchandise or machinery in any building.

**Occupancy Permit.** See *Certificate of Use/Occupancy*.

**Off-Site.** Located outside the lot lines of the lot in question.

**Off-Site Improvements.** Improvements required as a result of development and including but not limited to curb, gutter, sidewalk, road widening and upgrading, stormwater facilities and traffic improvements.

**Off-Site Parking.** Parking provided for a specific use but located on a site other than the one on which the specific use is located.

**Outdoor Sales.** The display and sale of products and services outside of a building or structure.

**Outdoor Storage.** The keeping, in an unenclosed area, of any goods, junk, material, merchandise or vehicles in the same place for more than 24 hours.

### 9.300.170 “P” Definitions

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**Parade.** A parade, demonstration, procession, march, review, ceremony, rally or exhibition which is conducted in, on, upon or along any portion of any public street, sidewalk or other public property owned or controlled by the city which would impede, obstruct, impair or interfere with the free use of the public street, sidewalk or other public property, often to support or oppose a specific issue.

**Parapet.** The extension of the main walls of a building above the roof level.

**Park.** A tract of land designated and used by the public for active and/or passive recreation.

**Park and Ride.** A system where participants drive to a central location to carpool or gain access to public transportation to another location.

**Parking Lot.** An off-street, ground-level open area, usually improved, for the temporary storage of motor vehicles.

**Parking, Shared.** Joint use of a parking area for more than one use.

**Parking Space.** A clearly defined location for the parking of a motor vehicle in a public or private parking area.

**Parking Space, Covered.** An accessible and usable covered space of not less than 10 by 20 feet for storage of automobiles. Such covered parking space to be so located on the lot as to meet the requirements of this Title for an accessory building or, if attached to the primary building, to be so located as to meet all the requirements of this Title for a primary building.

**Parkway.** The area of a public street between the curb and the adjacent property line or physical boundary definition such as fences or walls, which is used for landscaping and/or passive recreational purposes.

**Party Wall.** A dividing partition between two adjoining buildings (or units) that is shared by the tenants of each residence or business.

**Passageway.** A pedestrian pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

**Permit.** Written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law but not allowed without such authorization.

**Permitted Use.** Any use allowed in a zone district and subject to the restrictions applicable to that zone district.

**Personal and Professional Services.** Establishments providing non-medical services to individuals as a primary use. May also include accessory retail sales of products related to the services provided.

**Physically Disabled.** A person who has a permanent loss of, or loss of use of, a part of the body, or permanent impairment of a body function, resulting in actual disability and a diminished ability to compete in an open market.

**Planning Department.** See *Community Development Department*.

**Planning Director.** See *Community Development Director*.

**Plat.** A map representing a tract of land showing the boundaries and location of individual properties and streets; a map of a subdivision or site plan.

**Plaza.** An open space which is improved and landscaped, usually surrounded by streets and/or buildings.

**Plot.** A single unit parcel of land; a parcel of land that can be identified and referenced to a recorded plat or map.



**Plot Plan, Minor.** The process established to provide for administrative review of projects that, because of their limited size and scope, have minor aesthetic, land use or traffic implications and do not create any significant impact on public utilities or services.

**Plot Plan, Major.** The process established to examine proposed development to ensure a high standard of quality for buildings, landscaping, parking and general site design. Such review enables the City to maintain stability in property values and prevent deterioration of property and aesthetics throughout the community.

**Porch.** A roofed open area, which may be screened, usually attached to or part of and with direct access to or from a building.

**Prezoning.** The process or action by which cities are able to designate that portion of an unincorporated area for future annexation, with specific zoning districts which will apply upon annexation of the property to the City.

**Primary Building.** See *Building, Primary*.

**Primary Use.** See *Use, Primary*.

**Private Recreational Facilities.** Facilities including but not limited to country clubs, tennis and swim clubs, golf courses, racquetball and handball facilities, and commercial uses which are commonly associated and directly related to these uses.

**Processing.** A method that changes a material's nature, chemical composition, or physical qualities.

**Professional Office.** The office of a member of a recognized profession maintained for the conduct of that profession.

**Prohibited Use.** See *Use*.

**Project, Non-Subdivision.** The total development, not including subdivision of land, within the boundaries as defined on the plan for development.

**Project.** The total development, including subdivision of land, within the boundaries as defined on the plan for development.

**Projection.** That part of a building or structure which extends beyond the main wall of a building.

**Property.** A piece or parcel of land or real estate, including buildings and easements.

**Public Property.** Property owned by a governmental agency or held open to the public, including, but not limited to, parks, streets, sidewalks and alleys.

**Public Areas.** Parks, playgrounds, trails, paths, recreation areas, open spaces, scenic and historic sites, schools and other buildings and structures for public use.

**Public Improvement.** Any improvement or facility, together with the right-of-way necessary to provide transportation, drainage, utilities or other facilities that are usually owned, operated and/or maintained by a government agency.

**Public Right-of-Way.** An area or strip of land, either public or private, on which an irrevocable right of passage has been recorded for the use of vehicles or pedestrians or both.

**Public Utility.** An agency that provides electricity, gas, communications, transportation, water, sewage collection or other similar service deemed necessary for the public health, safety and welfare. See also *Utility Service*.

### 9.300.180 “Q” Definitions

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### 9.300.190 “R” Definitions

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**Reasonable Accommodation.** In the land use and zoning context, reasonable accommodation means providing individuals with disabilities or developers of housing for people with disabilities with flexibility in the application of land use and zoning and building regulations, policies, practices and procedures, or even waiving certain requirements, when it is necessary to eliminate barriers to provision of housing or service opportunities.

**Recreation, Active.** Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites or fields.

**Recreation, Passive.** Activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, card games, chess, checkers and other table games.

**Recreational Vehicle.** A vehicle which is either:

1. A motor home, travel trailer, truck camper or camping trailer, with or without motive power, designed for human habitation for recreational, emergency or other occupancy, that meets all of the following criteria:
2. It contains less than 320 square feet of internal living room area, excluding built-in equipment, including but not limited to wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.
3. It contains 400 square feet or less of gross area measured at maximum horizontal projection.
4. It is built on a single chassis.
5. It is self-propelled, truck-mounted or permanently towable on the highways without a permit.
6. A park trailer, as defined in California Health and Safety Code Section 18009.3.

**Recommending Authority.** The person or body granted authority to review and make a recommendation for final action to the approving authority on a proposed permit or approval.

**Recyclable Material.** Reusable material, including but not limited to metals, glass, plastic, paper and wood, intended for reuse, remanufacture or reconstitution for the purpose of being used in an altered form. Recyclable material does not include hazardous or potentially hazardous material as may be defined by the County of San Bernardino Division of Environmental Health Services, California Department of Toxic Substances Control and/or U.S. Environmental Protection Agency. Recyclable materials may include used motor oil.

**Recycling Collection Facility.** An attended facility for the acceptance, by donation, redemption or purchase, of recyclable materials from the public.

**Recycling Processing Facility.** A facility for the collection and processing of recyclable material. Processing means the preparation of material for efficient shipment, or to an end-user’s specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning and remanufacturing.

**Religious Facility.** A building or structure, or groups of buildings or structures, that are primarily intended for conducting organized religious services and associated accessory uses. Church includes mosque, temple, synagogue, cathedral or similar religious institutions.

**Research and Development.** Facilities for scientific research, and design. Development and testing of computer software, and electronic, magnetic, optical and mechanical components in advance of product manufacturing, that are not associated with a manufacturing facility on the same site. Also includes chemical and biotechnology research and development.

~~(Ord. No. 2022-337, 03/16/2022)~~

**Residential Care Facilities.** Facilities that are licensed by the State of California to provide permanent living accommodations and 24-hour primarily nonmedical care and supervision for persons in need of personal services, supervision, protection or assistance for sustaining the activities of daily living. Living accommodations are shared living quarters with or without separate kitchen or bathroom facilities for each room or unit. This classification includes facilities that are operated for profit as well as those operated by public or not-for-profit institutions, including hospices, nursing homes, convalescent facilities, assisted living facilities, and group homes for minors, persons with disabilities and people in recovery from alcohol or drug addictions. This use classification excludes transitional housing and social service facilities.

**Small.** A facility providing care for six or fewer persons.

**Large.** A facility providing care for more than six persons.

**Elderly.** A housing arrangement chosen voluntarily by the resident or by the resident's guardian, conservator or other responsible person; where residents are 60 years of age or older; and where varying levels of care and supervision are provided as agreed to at the time of admission or as determined necessary at subsequent times of reappraisal. This classification includes continuing care retirement communities and life care communities licensed for residential care by the State of California.

**Resorts, Group Quarters, Group Camp.** Any facility, place or building for the purpose of recreational activities, which may include overnight accommodations or camp areas.

**Restaurant.** An establishment where food and drink are prepared and served.

**Retail Sales.** The selling of goods or merchandise not specifically listed under another land use, to the general public for personal or household consumption and rendering of services incidental to the sale of goods.

**General.** Retail establishments that sell goods or merchandise to the general public for profit. General retail stores may include specialized retail stores (see *Retail, Specialized*) but does not include adult businesses, medical marijuana dispensaries, or secondhand stores.

**Specialized.** Retail establishments that sell goods or merchandise to the general public for profit but that are focused exclusively on a limited line of related products. Examples include, but are not limited to, bicycle shops, flower shops, book stores, music stores, gift shops, etc.

**Reverse Vending Machine.** An automated mechanical device which accepts one or more types of empty beverage containers and issues a cash refund or other type of redemption bonus. A reverse vending machine may sort and process containers mechanically provided that the entire process is enclosed within the machine.



**Rezoning.** An amendment to the map and/or text of a zoning ordinance to effect a change in the nature, density, intensity or regulation of uses allowed on a designated parcel or land area; an amendment to procedures regarding implementation of zoning regulations.

**Ridgeline.** A relatively narrow elevation that is prominent because of the steep angle at which it rises; an elongated crest, or series of crests, with or without individual peaks, significantly higher than the adjoining ground.

**Right-of-Way.** See *Public Right-of-Way*.

### 9.300.200 “S” Definitions

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**School.** Any institution of learning for public or private, which offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the California Board of Education. This definition includes a nursery school, kindergarten, elementary school, junior high school, senior high school or any special institution of education.

**School, Commercial.** Any building or part thereof which is designed, constructed or used for education or instruction in any branch of knowledge or art form for commercial purposes.

**School, Private.** Any building or group of buildings the use of which meets state requirements for elementary, secondary or higher education and which use does not secure the major part of its funding from any governmental agency.

**School, Secondary.** Any school licensed by the state, authorized to award diplomas for secondary education.

**School District.** A district that serves as a unit for state financing and administration of elementary and secondary schools.

**Screening.** A method of visually shielding or obscuring a structure or use from another by fencing, walls, berms or densely planted vegetation.

**Secondhand Store.** Retail establishment that buys and sells used products, including books, clothing, furniture and household goods, jewelry, appliances, musical instruments, business machines and office equipment, tools, motors, machines, instruments, firearms, or any similar secondhand articles or objects.

**Senior Center.** An assembly building intended to provide nonresidential services for senior citizens.

**Senior Citizen.** Any retired person over the age of 55 or any person over the age of 62 years.

**Setback, Building.** The required distance between the building and any lot line. See Figure 9.195.030-1 (Setback Designations).

**Front.** The required distance between the building and the front lot line.

**Rear.** The required distance between the building and the rear lot line.

**Side.** The required distance between the building and the interior side lot line.

**Street Side.** The required distance between the building and the side lot line adjacent to a public right-of-way.

**Setback Line.** The line that establishes the area of the property within which structures or other designated uses may be erected or placed.

**Self-Storage.** A storage facility in which individual units are rented to the public. The term includes mini-storage and mini-warehouse.

**Shooting Range.** An area or structure specially designed for the safe discharge and use of rifles, shotguns, pistols, silhouettes, skeet, trap, or any similar firearm for the purpose of sport shooting or military/law enforcement training.

**Short-Term Rentals.** A transient vacation rental or use in which overnight accommodations are provided in dwelling units to guests for compensation, for periods of less than 30 days.

**Sidewalk.** A paved, surfaced or leveled area paralleling and usually separated from the street, used as a pedestrian walkway.

**Sight Visibility Area.** The area established in accordance with the Public Works Department Standard 81 "Intersection Sight Distance."

**Similar Use.** A use that has the same characteristics as the specifically cited uses in terms of the following: trip generation and type of traffic, parking and circulation, utility demands, environmental impacts, physical space needs and clientele.

**Single Family Dwelling.** See *Dwelling, Single Family*.

**Single Housekeeping Unit.** One household where all the members have common access to and common use of all living, kitchen, and eating areas within the dwelling unit, and household activities and responsibilities such as meals, chores, expenses, and maintenance of the premises are shared or carried out according to a household plan or other customary method. If all or part of the dwelling unit is rented, the lessees must jointly occupy the unit under a single rental agreement or lease, either written or verbal.

**Single Room Occupancy (SRO).** A residential facility containing housing units that may have individual or shared kitchen and/or bathroom facilities and are guest rooms or efficiency units as defined by the California Health and Safety Code. Each housing unit is offered on a monthly rental basis or longer.

**Site.** A parcel of land or contiguous parcels where land alterations or activities, including grading, clearing or construction, are performed or proposed.

**Slope.** The land gradient described as the vertical rise divided by the horizontal run and expressed in terms of percentage.

$$\text{Slope percentage} = \frac{\text{Rise}}{\text{Run}} \times 100 = \% \text{ Run}$$

$$\text{Slope Ratio} = \frac{\text{Run}}{\text{Rise}} = (x) \text{ ft run to } 1 \text{ ft rise} = x:1 \text{ Rise}$$

**Steep Slope.** Land with a natural gradient of at least 25 percent (25 feet of vertical distance for every 100 feet of horizontal distance) and a vertical elevation of at least 50 feet.

**Solar Farm.** A solar facility which is developed for purposes of generating solar power for purchase or sale, regardless of size or scale. Power generated from such fields is supplied to an electric distribution system for use by a utility service or energy provider with electric energy for wholesale or retail sale or use. A commercial solar field can be one of several solar technologies including but not limited to concentrating solar power (CSP), photovoltaics (PV) or concentrating photovoltaics (CPV). A solar farm does not include small-scale solar systems designed to provide electricity directly to a user on the same site, where the system is designed only to service the peak energy demand of the on-site user.

**Specific Adverse Impact.** Has the same meaning as in Government Code Section 65589.5(d)(2), which is 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).

**Specific Plan.** A plan for the long-range development of properties, consistent with the local general plan, regulating such things as uses permitted, density allowances, and distribution of uses and services, and including a program for the implementation of the plan.

**Stable, Horse.** Riding academy, or any place where horses are rented or held for rent to the public, or where such horses are stabled, kept, or maintained for a fee, or where horses are boarded or cared for by a person or persons other than their owner.

**Staff.** The staff of the various departments or divisions of the City of Menifee.

**Standard.** A rule or measure establishing a level of quality or quantity that must be complied with or satisfied; requirements of this Code regarding building and development specifications such as minimum lot area, height limit, frontage, landscaping and floor area ratio.

**Story.** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than 6 feet above grade, as defined herein, for more than 50 percent of the total perimeter or is more than 12 feet above grade at any point, such usable or unused under-floor space shall be considered a story.

**Story, First.** The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than 4 feet below grade for more than 50 percent of the total perimeter, or not more than 8 feet below grade at any point.

**Street Improvements.** Any or all concrete curbs, gutters, sidewalks, driveway approaches and drainage structures; asphalt curbs; asphalt paving; connecting pavement; and related improvements such as back-filling and preparation of the road surface to rough grade, and the placement of paving.

**Street, Private.** A street that has not been accepted by the City or other governmental entity.

**Structure.** Anything constructed or erected which requires location on the ground or attached to something having a location on the ground, but not including fences or walls used as fences 6 feet or less in height. All buildings are structures.

**Structure, Accessory.** A structure which is detached from the main building on a parcel or lot, the use of which is incidental to that of the primary building. An accessory structure includes but is not limited to a detached garage, gazebo, greenhouse, storage shed, studio, pool house, cabana, barn, pole barn, stable or workshop.

**Structure, temporary.** A structure without a foundation which is capable of being moved.

**Subdivision.** The division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, as defined in Section 66424 of the Subdivision Map Act.



**Supportive Housing.** Dwelling units with no limit on the length of stay, that are occupied by the target population as defined in California Health and Safety Code Section 50675.14, and that are linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving their health status, and maximizing their ability to live and, where possible, work in the community.

**Supportive Housing – Lower Barrier Navigation Center.** Per Government Code Section 65660(a), a “Low Barrier Navigation Center” is a Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. “Low Barrier” means best practices to reduce barriers to entry, and may include, but is not limited to, the following:

- (1) The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth.
- (2) Pets.
- (3) The storage of possessions.
- (4) Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

**Supportive Services.** “Supportive Services” include, but are not limited to, a combination of subsidized, permanent housing, intensive case management, medical and mental health care, substance abuse treatment, employment services, and benefits advocacy.

**Swap Meet.** Any indoor or outdoor place, location, or activity where new or used goods are offered for sale or exchange to the general public by a multitude of vendors, usually in compartmentalized spaces. The term swap meet is interchangeable with and applicable to flea markets, auctions, open air markets or other similar activities, but the term does not include a supermarket, department store or typical retail operations.

### 9.300.210 “T” Definitions

**Target Population.** Persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans and homeless people.

**Temporary Use.** Special events which, by their nature, are non-recurring and which continue for a limited period of time. Temporary uses may occur indoors or outdoors, on improved or unimproved property and should be consistent with the zone for that property and its uses.

**Terrace.** A level, landscaped and/or surfaced area, also referred to as a patio, directly adjacent to a primary building at or within 3 feet of finished grade and not covered by a permanent roof.

**Tot Lot.** An improved and equipped play area for small children usually up to elementary school age.

**Toxic Substances.** Any combination of contaminants, including disease-carrying agents, that, after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, can cause death or disease, mutations, deformities or malfunctions in such organisms, or their offspring, and that adversely affect the environment.

**Tract Map.** A map showing a subdivision of five or more parcels for which a tentative and final map are required by the Subdivision Map Act, prepared in accordance with the provisions of the Subdivision Map Act, and designed to be filed for recordation in the Office of the County Recorder.

**Transit.** The conveyance of persons or goods from one place to another by means of a public transportation system.

**Transitional Housing.** Dwelling units configured as rental housing developments but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months from the beginning of assistance.

**Transportation Station.** A place where transfer between modes of transportation takes place; a terminating point where goods are transferred from a truck to a storage area or to another form of transportation.

**Two Unit Development.** The development of two primary units or, there is already a primary dwelling unit on the lot, the development of a second primary dwelling unit on a legally subdivided lot.

### 9.300.220 “U” Definitions

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**Underground Facility.** Any facility or structure built completely below grade to be used for storing personal property of the property owner such as a root cellar or a wine cellar or serving as a shelter or bunker for safety purposes in the event of a disaster, either natural or man-made. No underground facility may be rented for any purpose.

**Urban Lot Split.** The subdivision of an existing, legally subdivided lot into two lots in accordance with the requirements of Government Code Section 66411.7 pursuant to a ministerial approval process.

**Use.** The purpose or activity for which land or buildings are designed, arranged or intended or for which land or buildings are occupied or maintained.

**Use, Accessory.** A use incidental to and customarily associated with a specific primary use, located on the same lot or parcel.

**Use, Primary.** The principal or predominant use of any lot or parcel.

**Utility.** See *Public Utility*.

**Utility Services.** The generation, transmission and/or distribution of electricity, gas, communications and water; the collection and treatment of sewage and solid waste; and the provision of mass transportation.

### 9.300.230 “V” Definitions

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**Variance.** A grant of relief from the requirements of this Code which permits construction in a manner that would otherwise be prohibited by this Code.

**Vehicle Body Repair, Paint or Restoration.** A commercial use often referred to as a body and fender shop through which damaged or wrecked vehicles are repaired or restored.

**Vehicle Dismantling.** See *Vehicle Wrecking*.

**Vehicle Leasing and Rental.** A business whose primary purpose is to provide vehicles to serve customer transportation needs. Such vehicles may include automobiles, trucks, bicycles, motorcycles, trailers and/or recreational vehicles.

**Vehicle Repair, Major.** A facility which provides heavy repair of vehicles and/or trucks including but not limited to body and fender repair, automotive painting, transmission and/or engine rebuilding, or other repair services which include the removal of major automotive mechanical components of a vehicle.

**Vehicle Repair, Minor.** A facility which provides light repair of vehicles and/or light trucks, including but not limited to engine tune-up, oil change, brake repair and replacement, muffler replacement, and the sale and/or installation of tires, batteries and accessories.

**Vehicle Sales.** A facility for the display and sale of new or used automobiles, light trucks, vans, trailers or recreation vehicles and including any vehicle preparation or repair work conducted as an accessory use in designated buildings.

**Vehicle Storage Lot.** A parcel or parcels of land utilized for long-term or short-term vehicle storage, including cars, motorcycles, trucks, light trucks and/or recreational vehicles.

**Vehicle Wrecking.** The dismantling and parting out of motor vehicles or trailers, or the storage and/or sale of dismantled or wrecked motor vehicles or their parts.

**Veterinary Clinic.** A place where animals are given medical care and where the boarding of animals is limited to short-term care incidental to the medical care.

### **9.300.240 “W” Definitions**

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**Wall.** The vertical exterior surface of a building; vertical interior surfaces that divide a building’s space into rooms; fences made of block or stucco, or similar permanent material.

#### **Warehouse.**

**Fulfillment Center.** Is a facility whereby a building is primarily used to receive, process, and fulfill numerous consumer orders associated with electronic commerce ("e-commerce" retailers) or similar high capacity and high frequency orders and deliveries. The use includes the indoor storage of goods, products, and similar items and is typically characterized by a high intensity and a high frequency of truck traffic and may include multiple shifts of employees.

**Warehousing, logistics and distribution facility.** Means warehouse/distribution facilities used for the storage and/or consolidation of manufactured goods (and to a lesser extent, raw materials and includes bulk storage of materials, which are flammable, or explosive or create hazardous or commonly recognized offensive conditions) before their distribution to retail locations or other warehouses. Warehouse/distribution centers are generally having a land coverage ratio of approximately 45-60 percent, and a dock-high loading doors, could be on opposing sides of the building (cross dock facility); significant movement and storage of products, materials, or equipment; truck activities frequently outside of the peak hour of the adjacent street system; and freeway access, including:

- Freight yards/forwarding terminals
- Warehousing distribution/high cube distribution centers
- Moving agencies



- Parcel delivery terminals
- Railroad freight stations
- Shipping/receiving yards
- Truck terminals

(Ord. No. [2022-337](#), 03/16/2022)

**Watercourse.** A lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

**Wheel Stops.** Permanent devices that block the front wheels of a vehicle in a parking stall.

### 9.300.250 “X” Definitions

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### 9.300.260 “Y” Definitions

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**Yard.** The open space between a lot line and the required building setback line within which no structure shall be located except as otherwise provided in this Code. Yards shall be unobstructed from the ground to sky. See Figure [9.160.030-1](#) (Setback Designations).

**Front.** A yard extending across the full width of the lot between the side lot lines and between the front lot line and the front setback line. The front lot line shall be deemed to be the existing nearest right-of-way line of the abutting street, road or highway, unless a different right-of-way line for future use shall have been precisely fixed by law or ordinance, or by formal action of the City Council pursuant to law or ordinance, in which event the front lot line shall be deemed to be such different right-of-way line. In the event of multiple adjacent rights-of-way in residential zones, the front of the lot shall be that portion of the lot adjacent to the lowest classification of roadway as established in the General Plan Circulation Element. For all other land use districts, the front of a lot with multiple adjacent rights-of-way shall be that portion of the lot adjacent to the highest classification of roadway as established in the General Plan Circulation Element (unless otherwise established by the General Plan). In the event that more than one adjacent right-of-way are of the same classification, building orientation shall determine the front yard in all zones.

**Rear.** A yard extending across the full width of the lot between the side lot lines and measured between the rear lot line and the rear setback line. Where a rear yard abuts a street, it shall meet the front yard requirements of the district.

**Side.** That portion of a lot adjacent to a property line that is not a front or rear yard as defined herein.

**Street Side.** A side yard adjacent to a public right-of-way.

### 9.300.270 “Z” Definitions

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**Zone.** The delineation of districts and the establishment of regulations governing the use, placement, spacing and size of land and buildings.

**Zone District.** A designated section of the City for which prescribed land use requirements and building and development standards are uniform.



**Zoning Map.** The map or maps that are a part of a zoning ordinance that delineate the boundaries of zone districts.

### 9.305.030 Density Bonus and Related Terms Defined

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**Affordable Housing.** Dwelling units with a sales price or rent within the means of a low- or moderate-income household as defined by state or federal legislation. As used in this development code:

1. Very low income refers to family units/households whose annual income is 50% or less of the area's median income as defined in Health and Safety Code Section 50105 (Government Code Section 65915(b)(1)(B)).
2. Low income refers to family units/households whose annual income is between 50% and 80% of the area's median income as defined in Health and Safety Code Section 50079.5 (Government Code Section 65915(b)(1)(A)).
3. Moderate income refers to family units/households whose annual income is between 80% and 120% of the area's median income as defined in Health and Safety Code Section 50093 (Government Code Section 65915(b)(1)(D)).

**Affordable Housing Benefits.** Means one or more of the following:

1. A density bonus pursuant to Section 9.180.060.
2. An incentive pursuant to Section 9.180.120.
3. A development standard waiver or modification pursuant to Section 9.180.150.
4. A parking standard modification pursuant to Section 9.180.160.

**Affordable Housing Cost.** The definition set forth in Health and Safety Code Section 50052.5 (Government Code Section 65915(c)(1)).

**Affordable Housing Developer.** The applicant or permittee of a qualified housing development and its assignees or successors in interest.

**Affordable Rent.** The definition set forth in Health and Safety Code Section 50053 (Government Code Section 65915(c)(1)).

**Childcare Facility.** A child day-care facility other than a family day-care home, including but not limited to infant centers, preschools, extended day-care facilities and school-age childcare centers (Government Code Section 65915(h)(4)).

**Common Interest Development.** Any of the following: a community Apartment project, a condominium project, a planned development or a stock cooperative pursuant to Civil Code Section 1351(c) and Civil Code Section 4100. All common interest development units must be offered to the public for purchase (Government Code Section 65915(b)(1)(D)).

**Condominium Conversion Project.** A residential project in which the applicant proposes to convert Apartment units to condominiums pursuant to Government Code Section 65915.5(a).

**Concession or Incentive.** Means any of the following:



1. A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable and actual cost reductions, to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in Government Code Section 65915(c).
2. Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.
- 1.3. Other regulatory incentives or concessions proposed by the developer or the city, county, or city and county that result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in Government Code Section 65915(c).

**Density Bonus.** ~~A process by which a city can increase the density within a development project by a percentage established by law or through which the city offers incentives that support economic viability in return for guarantees with respect to the preservation of the rights of use or sale for affordable housing purposes. A density increase over the otherwise maximum allowable gross residential density as of the date of application by the applicant to the City, if elected by the applicant, a lesser percentage of density increase, including, but not limited to, no increase in density. The amount of density increase to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage as mandated by Government Code Section 65915(b).~~

**Density Bonus Units.** Dwelling units granted pursuant to Section 9.180.030 which exceed the otherwise maximum allowable residential density.

**Development Standard.** A site or construction condition, including but not limited to, a height limitation, a setback requirement, a floor area ratio, an on-site open-space requirement or a parking ratio, that applies to a residential development pursuant to the ~~d~~Development ~~e~~Code, the General Plan or other City condition, law, policy, resolution or regulation (Government Code Section 65915(o)(1)).

**Housing Development.** A development project of five or more residential units, including mixed-use developments. ~~includes~~ a subdivision or common interest development that is approved by the city and consists of residential units or unimproved residential lots, and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multi-family dwelling where the result of the rehabilitation would be a net increase in available residential units (Government Code Section 65915(i)).

**Incentive.** Means “incentives and concessions” as that phrase is used in Government Code Section 65915.

**Located within one-half mile of a major transit stop.** Any point on a proposed development, for which an applicant seeks a density bonus, other incentives or concessions, waivers or reductions of development standards, or a vehicular parking ratio pursuant to this chapter, is within one-half mile of any point on the property on which a major transit stop is located, including any parking lot owned by the transit authority or other local agency operating the major transit stop.

**Lower Income Student.** A student who has a household income and asset level that does not exceed the level for Cal Grant A or Cal Grant B award recipients as set forth in paragraph (1) of subdivision (k) of Section 69432.7 of the Education Code. The eligibility of a student to occupy a unit for lower income students under this section shall be verified by an affidavit, award letter, or letter of eligibility provided by the institution of higher education in which the student is enrolled or by the California Student Aid Commission that the student receives or is eligible for financial aid, including an institutional grant or fee waiver from the college or university, the California Student Aid Commission, or the federal government.

**Major Transit Stop.** Has the same meaning as defined in subdivision (b) of Section 21155 of the Public Resources Code.

**Market-Rate Unit.** A dwelling unit that is not an affordable unit.

**Maximum Allowable Residential Density.** The density allowed under the ~~d~~Development ~~e~~Code, specific plan, ~~and-or~~ the Land Use Element of the General Plan, or if a range of density is permitted, the ~~maximum allowable density for the specific district density~~greatest number of units allowed by the specific zoning range, specific plan, or Land Use Element of the General Plan applicable to the project. ~~If the density allowed under the development code is inconsistent with the density allowed under the Land Use Element of the General Plan, the General Plan density shall prevail.~~Density shall be determined using dwelling units per acre. However, if the applicable zoning ordinance, specific plan, or ~~L~~and ~~u~~se ~~e~~Element of the ~~g~~General ~~p~~lan does not provide a dwelling-units-per-acre standard for density, then the local agency shall calculate the number of units by:

1. Estimating the realistic development capacity of the site based on the objective development standards applicable to the project, including, but not limited to, floor area ratio, site coverage, maximum building height and number of stories, building setbacks and step backs, public and private open space requirements, minimum percentage or square footage of any nonresidential component, and parking requirements, unless not required for the base project. Parking requirements shall include considerations regarding number of spaces, location, design, type, and circulation. A developer may provide a base density study and the City shall accept it, provided that it includes all applicable objective development standards.
- ~~1-2.~~ Maintaining the same average unit size and other project details relevant to the base density study, excepting those that may be modified by waiver or concession to accommodate the bonus units, in the proposed project as in the study-(Government Code Section-~~65915(o)(2)~~65915(o)(6)).

**Minimum Affordable Housing Component.** A housing development project that includes a minimum of any of the following:

1. Very Low-Income Minimum Affordable Housing Component – Provides at least 5% of the total units for very low-income household residents (Government Code Section 65915(b)(1)(B)); or
2. Low-Income Minimum Affordable Housing Component – Provides at least 10% of the total units for low-income households (Government Code Section 65915(b)(1)(A)); or
3. Moderate-Income Minimum Affordable Housing Component – Provides at least 10% of the total dwelling units in a common interest development for moderate-income households (Government Code Section 65915(b)(1)(D)).

**Other Incentives of Equivalent Financial Value.** The reduction or waiver of requirements which the City might otherwise apply as conditions of condominium conversion approval, but shall not be construed to require the City to provide cash transfer payments or other monetary compensation (Government Code Section 65915.5(c)).

**Qualified Housing Development.** A housing development that meets the requirements of Section 9.180.030 for density bonus.

**Qualified Land.** Land offered for donation in accordance with Section 9.180.110 that meets the criteria set forth in Subsection 9.180.110.A.

**Senior Citizen Housing Development.** A residential development that is developed, substantially rehabilitated or substantially renovated for senior citizens and that has at least 35 senior citizen housing development units (Government Code Section 65915(b)(1)(C)).

**Senior Citizen Housing Development Unit.** A residential dwelling unit in a senior citizen housing development that is available to, and occupied by, a senior citizen as defined in Civil Code Section 51.3.

**Shared Housing Building.** A residential or mixed-use structure, with five or more shared housing units and one or more common kitchens and dining areas designed for permanent residence of more than 30 days by its tenants. The kitchens and dining areas within the shared housing building shall be able to adequately accommodate all residents. If a local ordinance further restricts the attributes of a shared housing building beyond the requirements established in this section, the local definition shall apply to the extent that it does not conflict with the requirements of this section.Government Code Section 65915(o)(7).

A. A “shared housing building” may include other dwelling units that are not shared housing units, provided that those dwelling units do not occupy more than 25 percent of the floor area of the shared housing building. A shared housing building may include 100 percent shared housing units.

B. A “shared housing building” may include incidental commercial uses, provided that those commercial uses are otherwise allowable and are located only on the ground floor or the level of the shared housing building closest to the street or sidewalk of the shared housing building.

**Shared Housing Unit.** 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.

**Specific, Adverse Impact.** 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 for the housing development was deemed complete. Inconsistency with the development code or General Plan land use designation shall not constitute a specific, adverse impact upon the public health or safety (Government Code Section 65589.5(d)(2)).

**Total Units and Total Dwelling Units.** A calculation of the number of units that:

1. Excludes a unit added by a density bonus awarded pursuant to the Development Code granting a greater density bonus.
2. Includes a unit designated to satisfy an inclusionary zoning requirement of the City.



For purposes of calculating a density bonus granted pursuant to this section for a shared housing building, “unit” means one shared housing unit and its pro rata share of associated common area facilities. Dwelling units other than density bonus units. (Government Code Section 65915(~~bo~~)(38)).