

## **Title 18 ZONING<sup>1</sup>**

### **Chapters:**

### ***DIVISION 1. GENERAL PROVISIONS***

### ***Chapter 18.10 UNDERSTANDING THE LAND USE CODE***

#### **18.10.010 Purpose.**

- A. Purposes of This Title.
1. Promote and protect the public health, safety, welfare and general prosperity of the city;
  2. Implement the general plan;
  3. Encourage the most desirable and appropriate use of land for open space, residential, commercial, industrial, institutional, and other purposes, including the most desirable mix and intensity of uses and density of population throughout the city;
  4. Ensure the orderly and adequate provision of infrastructure, facilities, and services such as streets, sidewalks, water, sewer, schools, and other public improvements;
  5. Encourage the most appropriate use and occupancy of buildings;
  6. Promote good planning and design;
  7. Provide standards that include: the use and intensity of use of structures and land for residential, commercial, industrial, institutional, or other purposes; population density; the location, height, bulk and size of buildings and other structures; yards, courts, and other private and public open spaces; parking and loading; signs; the division of land; and grading.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

#### **18.10.020 Applicability.**

- A. Limitations on Land Use. Except as otherwise provided:
1. No building or part thereof or other structure shall be erected, altered, added to or enlarged, nor shall any land, building, structure or premises be used, designated or intended to be used for any purpose or in any manner other than those uses listed in this title as permitted in the zone in which such building, land, or premises is located.

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<sup>1</sup>Editor's note(s)—Ord. No. 2012-2372, adopted Feb. 7, 2012, repealed Title 18Editor's note(s)— and enacted a new title as set out herein. The former Title 18Editor's note(s)— pertained to similar subject matter. For a complete derivation, see the Disposition of Ordinances.

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2. No building or part thereof or structure shall be erected, nor shall any existing building be altered, enlarged or rebuilt or moved into any zone, nor shall any open space be encroached upon or reduced in any manner, except in conformity with the standards and regulations of this title.
- B. Application of Provisions. The provisions of this title shall apply to all structures or land owned, operated or controlled by any person, corporation, or governmental agency, unless specifically excepted by ordinance or by applicable state or federal regulations.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

#### **18.10.030 Authority, relationship to the general plan, specific plans, and design guidelines.**

- A. Statutory Authority. This title is adopted pursuant to the provisions of the Planning Law, Title 7 of the Government Code of the state.
- B. Relationship to the General Plan. The Land Use Code is the primary tool used to implement the goals and policies contained within the general plan. All matters governed by this title shall substantially conform to the purposes, intent or provisions of the general plan. Any recommendations for zone changes, if found to be not in conformance with the general plan and its phrasing, should not be permitted unless it is also found that the general plan is in error or in need of change. In this situation, the general plan must also be amended to maintain consistency between the general plan and zoning.
- C. Relationship to Specific Plans. Specific plans are designed to meet the requirements of the State Government Code and National City's General Plan. All uses, buildings, or structures located within a specific plan area shall comply with the provisions of the applicable specific plan. Where such provisions conflict with zoning regulations, the requirements of the adopted specific plan shall take precedence over the Land Use Code. In instances where the specific plan is silent, the Land Use Code shall prevail.
- D. Relationship to Design Guidelines. The city's design guidelines are intended to supplement the general design and development regulations located in Division 4 of this Land Use Code. Conformance to the design guidelines is strongly encouraged, but not mandatory. The design guidelines represent the city's preferences and provide examples of appropriate, quality design that positively contribute to the character of the community, but they are not intended to preclude alternatives or restrict imagination. In the event there is a conflict between Division 4 of this Land Use Code and the design guidelines, the regulations in Division 4 shall prevail.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

#### **18.10.040 Responsibility for administration.**

This Land Use Code shall be administrated by: the city council, the planning commission, and the city manager or his/her designee in compliance with Title 18 of the Municipal Code.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

#### **18.10.050 Interpretation of land use code provisions.**

- A. Purpose. This section provides rules for resolving questions about the meaning or applicability of any part of this title. The provisions of this section are intended to ensure the consistent interpretation and application of the requirements of this Land Use Code and the General Plan.
- B. Rules of Interpretation.

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(Supp. No. 57)

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1. Authority. The city manager or his/her designee shall have the responsibility and authority on a staff level to interpret the meaning and applicability of all provisions and requirements of this title.
  2. Language.
    - a. Terminology. When used in this title, the words "shall," "will," "is to," and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended; and "may" is permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise. The words "include," "includes," and "including" mean "including but not limited to ...."
    - b. Number of Days. Whenever a number of days is specified in this title, or in any permit, condition of approval, or notice issued or given as provided in this title, the number of days shall be construed as calendar days, unless business days are specified. Time limits will extend to the following business day where the last of the specified number of days falls on a day that the city is not open for business, except as otherwise provided for by other state and federal laws, regulations, and agencies.
    - c. Number of Months. Whenever a time limit in this title is specified in months, the number of months shall be deemed to be consecutive months.
  3. Calculations and Rounding. Where provisions of this Land Use Code require calculations to determine applicable requirements, any fractional/decimal results of the calculations shall be rounded as provided by this section.
    - a. Residential Density and Number of Lots/Parcels. For example, the RS-1 zoning district allows a minimum lot area of ten thousand square feet for new subdivisions. Therefore, a parcel of thirty-eight thousand square feet could be subdivided into a maximum of three parcels, if approved by the review authority ( $38,000/10,000 = 3.8$ , which would be rounded down to three). Refer to Section 18.10.060(C) for rules regarding fractions.
  4. Conflicting Requirements. Any conflicts between requirements of this title, or between this title and other regulations, shall be resolved as follows.
    - a. Land Use Code Provisions. In the event of any conflict between the provisions of this title, the most restrictive requirement shall control.
    - b. Development Agreements or Specific Plans. In the event of any conflict between the requirements of this title and standards adopted as part of any development agreement or specific plan, the requirements of the development agreement or specific plan shall control.
    - c. Other Regulations. In the event of any conflict between requirements of this Land Use Code and other regulations of the city, the most restrictive requirement shall control as determined by the city.
    - d. Private Agreements. It is not intended that the requirements of this Land Use Code shall interfere with, repeal, abrogate or annul any easement, covenant, or other agreement that existed when this Land Use Code became effective. This Land Use Code applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than an applicable private agreement or restriction, without affecting the applicability of any agreement or restriction. The city shall not enforce any private covenant or agreement unless it is a party to the covenant or agreement.
    - e. General Plan. See Section 18.10.030(B).

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5. Internal Cross-References. When a provision of this Land Use Code refers to a requirement elsewhere, the subject of the cross reference is assumed to be another chapter, section, or subsection of this title, or another provision within the same section or chapter, unless the title of another document is provided.
  6. Zoning Map Boundaries. See Chapter 18.20 (Zoning Map).
  7. Allowable Uses of Land. See Chapters 18.21 through 18.26 for allowable land uses by zoning district.
- C. Procedures for Interpretations.
1. Whenever the requirements of this title are subject to interpretation generally, or as applied to a specific case, the city manager or his/her designee shall issue a determination, or refer the matter to the planning commission for interpretation.
  2. Request for Interpretation. The request for an interpretation or determination shall be filed with the city and shall include all information required by the city.
  3. Referral of Interpretation. The city manager or his/her designee has the option of forwarding any determination of the meaning or applicability of any provision of this title directly to the planning commission for consideration.
  4. Findings, Basis for Interpretation. The issuance of an interpretation shall include findings stating the basis for the interpretation. The basis for an interpretation may include technological changes or new industry standards. The issuance of an interpretation shall also include a finding documenting the consistency of the interpretation with the General Plan, and any applicable specific plan.
  5. Record of Interpretations.
    - a. Interpretations shall be written and quote the provisions of this title interpreted, and the applicability in the particular or general circumstances that caused the need for interpretations; and
    - b. This title shall be amended to reflect interpretations made as soon as is practical. Until an amendment can occur, the city manager or his/her designee shall maintain a complete record of all interpretations indexed by the number of the chapter or section that is the subject of the interpretation.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.10.060 Rules of measurement.**

- A. Purpose. The purpose of this section is to explain how various measurements referenced in this title are to be calculated.
- B. Applicant Responsibility. For all calculations, the applicant shall be responsible for supplying drawings illustrating the measurements that apply to a project. These drawings shall be drawn to scale and of sufficient detail to allow easy verification upon inspection by the city.
- C. Fractions. When calculating a maximum requirement, round down to nearest whole number. When calculating a minimum requirement, round up to nearest whole number.
- D. Measuring Distances.
  1. Measurements are the Shortest Distance. When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the closest or shortest distance between the two objects.

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2. Distances are Measured Horizontally. Distances are measured along a horizontal plane unless otherwise specified.
  3. Measurements Involving a Structure. Measurements involving a structure are made to the closest wall of the structure, unless otherwise specified.
  4. Measurements Between Uses. When measuring the distance between two different uses, the measurement is calculated from closest lot line to lot line.
- E. Measuring Height.
1. General. Height shall be considered the vertical distance from the highest point of any structure to the ground level directly below, except as otherwise provided in this section.
  2. Measuring Building Height on Sloped Lots. Height shall be measured from any point on top of the building to a line directly below which connects to opposite perimeter walls, or other perimeter support systems, at the lower of natural or finished grade. All parts of a building, except for allowed projections specifically listed in this Land Use Code, shall comply with maximum height limits.
  3. Measuring the Height of Buildings Located Near Retaining Walls. If any portion of a building lies within the setback area of a lot and the base of the retaining wall is at a lower elevation than the building, the height of the building shall be calculated from the base of the retaining wall (at the lower of natural or finished grade) rather than from the base of the building wall.
  4. Measuring the Height of Combined Fences and Retaining Walls. When a fence is constructed on top of or within one foot of the face of an above-ground retaining wall, and located in a required yard, the height of the fence shall be measured from the top of the fence to the midpoint height of the retaining wall.
- F. Measuring Lot Width and Depth.
1. Lot Width. Minimum lot width shall be measured at the front setback line, or from the front property line if there is no required setback, as determined by the zoning of the parcel.
  2. Lot Depth. Lot depth is measured along an imaginary straight line drawn from the midpoint of the front property line of the lot to the midpoint of the rear property line or to the most distant point on any other lot line where there is no rear lot line.
- G. Determining Floor Area. Floor area is the horizontal area (expressed in square feet) of all floors included within a building or buildings, according to the following rules:
1. Included in Floor Area. Floor area is deemed to include:
    - a. The floor of atrium and lobby areas.
    - b. Enclosed and roofed storage and equipment spaces.
    - c. Enclosed and roofed halls, stairways, and elevator shafts.
    - d. Enclosed and roofed porches and balconies.
    - e. Portions of basements and attics that meet building code height requirements for living space.
    - f. The actual floor space of mezzanines, interior balconies, and lofts.
  2. Excluded from Floor Area. Floor area does not include:
    - a. Unenclosed balconies, decks, porches, and stairs.
    - b. Substandard height portions of attics and basements.

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- c. The area within a building adjacent to, and in an imaginary horizontal plane with, interior balconies, mezzanines, or lofts.
- H. Determining Floor Area Ratio. Floor area ratio (FAR) is the ratio of the floor area of all principal and accessory buildings on a lot to the lot area. To calculate FAR, floor area is divided by lot area, and typically expressed as a decimal. For example, if the floor area of all buildings on a lot totals twenty thousand square feet, and the lot area is ten thousand square feet, the FAR is expressed as 2.0.
- I. Determining Lot Coverage. Lot coverage is the ratio of the footprint of all structures on a lot to the lot area, typically expressed as a percentage. The footprints of all principal and accessory structures, including garages, carports and roofed porches, shall be summed in order to calculate lot coverage. The following structures shall be excluded from the calculations:
1. Unenclosed and unroofed structures; porches, landings, balconies, and stairways less than three feet in height.
  2. Unenclosed and unroofed decks less than eighteen inches in height.
  3. Eaves and roof overhangs projecting up to four feet from a wall.
  4. Trellises and similar structures that do not have solid roofs.
  5. Swimming pools and hot tubs that are not enclosed in roofed structures.
  6. Trash enclosures.
  7. Solar collectors.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.10.070 Reasonable Accommodations.**

A. Purpose and Intent. It is the purpose of this section to provide reasonable accommodations in the City's zoning and land use regulations, policies, and practices when needed to provide an individual with a disability an equal opportunity to use and enjoy a dwelling.

B. Definitions. The following terms as used in this section shall, unless the context clearly indicates otherwise, have the following meanings:

1. "Applicant" means a person, business, or organization making a written request to the city for reasonable accommodation in the strict application of the City's zoning and land use laws, rules, policies, practices and/or procedures.
2. "Director" means the ~~Community Development~~ **Planning** Director.
3. "Disabled person" or "person with a disability" means an individual who has a physical or mental impairment that limits one or more of that person's major life activities; anyone who is regarded as having such impairment; or anyone who has a record of having such an impairment. Such an impairment shall not include an individual's current, illegal use of a controlled substance.
4. "Fair Housing Laws" means the "Federal Fair Housing Act," the Americans with Disabilities Act, and the "California Fair Employment and Housing Act," as these statutes now exist or may be amended from time to time, and each Act's implementing regulations.
5. "Reasonable accommodation" means any deviation requested and/or granted from the strict application of the City's zoning and land use laws, rules, policies, practices and/or procedures.

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C. Authority of the Planning Director. The Planning Director is hereby designated to approve, conditionally approve, or deny, without public hearing, all applications for a reasonable accommodation.

D. Procedure for Application Review.

1. Applicant. A request for a reasonable accommodation may be made by any person with a disability, his or her representative, or a developer or provider of housing for individuals with a disability.
2. Application. An application for a reasonable accommodation shall be made on a form provided by the Planning Department. No fee shall be required for a request for reasonable accommodation, but if the project requires another discretionary permit, then the prescribed fee shall be paid for all other discretionary permits. If an individual needs assistance in making the request for reasonable accommodation, the City will provide assistance to ensure that the process is accessible.
3. Other Discretionary Permits. If the project for which the request for reasonable accommodation is made requires another discretionary permit or approval, the applicant may file the request for reasonable accommodation together with the application for the other discretionary permit or approval. The processing procedures of the discretionary permit shall govern the joint processing of both the reasonable accommodation and the discretionary permit.
4. Required Submittals. An application for a reasonable accommodation shall include the following:
  - a. Documentation that the applicant is: (i) a person with a disability, (ii) applying on behalf of one or more persons with a disability, or (iii) a developer or provider of housing for one or more persons with a disability;
  - b. The name and address of the individual(s) requesting the reasonable accommodation;
  - c. The name and address of the property owner(s);
  - d. The address of the property for which accommodation is requested;
  - e. A description of the reasonable accommodation requested by the applicant;
  - f. An explanation of how the specific reasonable accommodation requested by the applicant is necessary to provide one or more persons with a disability an equal opportunity to use and enjoy the residence;
  - g. Where applicable, documentation that the requested accommodation is designed and constructed pursuant to the California Code of Regulations to allow access, circulation and full use of the building and facilities by persons with disabilities.
5. The planning director may request additional information from the applicant if the application does not provide sufficient information for the City -to make the findings required in subsection E.

E. Basis for Approval or Denial of a Reasonable Accommodation.

1. Findings. The written decision shall be based on the following findings, all of which are required for approval:
  - a. The requested accommodation is requested by or on behalf of one or more persons with a disability protected under the Fair Housing Laws;
  - b. The requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling;
  - c. The requested accommodation will not impose an undue financial or administrative burden on the City;

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- d. The requested accommodation will not result in a fundamental alteration in the nature of the City's zoning program;
          - e. The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.
      - 2. In determining whether the requested reasonable accommodation is necessary to provide one or more disabled persons an equal opportunity to use and enjoy a dwelling, pursuant to subsection (E)(1)(b), the City may consider, but is not limited to, the following factors:
        - a. Whether the requested accommodation will affirmatively enhance the quality of life of one or more individuals with a disability;
        - b. 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;
        - c. 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;
        - d. 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.
      - 3. In determining whether the requested reasonable accommodation would require a fundamental alteration in the nature of the City's zoning program, pursuant to subsection (E)(1)(d), the City may consider, but is not limited to, the following factors:
        - a. Whether the requested accommodation would fundamentally alter the character of the neighborhood;
        - b. Whether the accommodation would result in a substantial increase in traffic or insufficient parking;
        - c. Whether granting the requested accommodation would substantially undermine any express purpose of either the City's general plan or an applicable specific plan;
        - d. 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.
      - 4. Rules While Decision is Pending. 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.

F. Notice of Decision.

- 1. The Planning Director shall issue a written determination to approve, conditionally--approve, or deny a request for a reasonable accommodation. The Planning Director may elect to forward the matter to the Planning Commission for consideration of the application.
- 2. Appeals of the Director's action shall be made in accordance with Section 18.12.060.

G. Expiration, Time Extension, Violation, Discontinuance, and Revocation.

- 1. Expiration. Any reasonable accommodation approved in accordance with the terms of this Section shall expire within twenty-four months from the effective date of the approval, or at an alternative time specified as a condition of the approval, unless:



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a. A building permit has been issued and construction has commenced;

b. A certificate of occupancy has been issued;

c. The use is established; or

d. A time extension has been granted.

2. Time Extension.

a. The Planning Director may, upon an application being filed prior to expiration and for good cause, grant a time extension of up to three one-year extensions of time. Each extension of time shall be granted in one-year increments only. Upon granting of an extension, the Planning Director shall ensure that conditions of the administrative approval comply with all current development code provisions.

b. Notice. Notice of the Planning Director's decision on a time extension shall be provided in writing. All written decisions shall give notice of the right to appeal and to request reasonable accommodation in the appeals process.

c. Appeal of Determination. A time extension for a reasonable accommodation shall be final unless appealed to the City Council within fourteen calendar days of the date of mailing of the determination. An appeal shall be made in writing and shall be noticed and heard pursuant to the procedures established in Section 18.12.060 of this code.

3. Discontinuance. If the disabled persons for whom the reasonable accommodation was originally granted vacate the residence to which the reasonable accommodation applies, the reasonable accommodation shall remain in effect only if the Planning Director determines that: (a) the modification is physically integrated into the residential structure and cannot easily be removed or altered to comply with the Municipal Code; or (b) the accommodation is necessary to give another disabled individual an equal opportunity to enjoy the dwelling. The planning director may request that the applicant, or his or her successor-in-interest, provide documentation that subsequent occupants are persons with disabilities. Failure to provide such documentation within thirty days of the date of a request by the city shall constitute grounds for discontinuance by the City of a previously approved reasonable accommodation.

4. Revocation. Any reasonable accommodation approved in accordance with the terms of this code may be revoked if any of the conditions or terms of such reasonable accommodation are violated, or if any law or ordinance is violated in connection therewith.

H. Amendments. A request for changes in conditions of approval of a reasonable accommodation, or a change to plans that would affect a condition of approval shall be treated as a new application. The Planning Director may waive the requirement for a new application if the changes are minor, do not involve substantial alterations or addition to the plan or the conditions of approval, and are consistent with the intent of the original approval.

## *Chapter 18.11 NONCONFORMING USES, STRUCTURES, AND PARCELS*

### **18.11.010 Purpose.**

Within the zones established by this title, there exist uses, structures and lots which were lawful before the Land Use Code was adopted or amended, but which would be prohibited under the terms of this title or future amendment to this title. It is the intent of this title to permit these nonconforming uses to continue until they are terminated, but not to encourage their expansion. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any building where a building permit

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has been issued prior to the effective date of the Land Use Code, provided such permit construction is diligently carried to completion.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.11.020 Continuance.**

Any lawful nonconforming use existing at the time of adoption of the Land Use Code may be continued, provided such use is continually maintained and occupied. A nonconforming use in either a conforming building or a nonconforming building, structure, or portion of either shall neither be extended to any portion of the building or structure not so used nor be enlarged or extended to any other portion of the lot not actually so occupied at the time said use became nonconforming, except as otherwise provided in this chapter.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.11.030 Enlargements and alterations.**

- A. Changes to Nonconforming Uses. No existing building or premises designed, arranged, intended, or devoted to a use not permitted in the zone in which such building or premises is located shall be enlarged, extended, reconstructed or structurally altered, except:
1. Work done in any period of twelve months on ordinary structural alterations or replacements of walls, fixtures or plumbing not exceeding twice the building's assessed value, according to the assessment thereof by the county assessor for the fiscal year in which such work is done, shall be permitted.
  2. These provisions shall not prevent the expansion, increase in capacity, modernization or replacement of such public utility buildings, structures, equipment, and features as are used directly for the delivery of or distribution of the service; provided, however, that all setback requirements of the zone in which the site is located shall be maintained and there shall be no enlargement of the site.
  3. A single-family detached dwelling may be reconstructed or remodeled in accordance with the standards of the existing structure, i.e., in the same building location on the lot, the same size of the existing structure, and the same height as the existing structure; however, different materials and architectural details may be used.
  4. A nonconforming use located in the Westside Specific Plan area that substitutes another nonconforming use in compliance with Section 18.11.040 may expand, enlarge, reconstruct, or structurally alter the footprint of the existing building or structure for that substituted nonconforming use up to twenty percent within the existing parcel in which it is located, subject to first obtaining a conditional use permit.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.11.040 Substitution of nonconforming uses.**

- A. Conversion of Nonconforming Uses. A nonconforming use may not be converted to any use except to a specifically permitted use in the zone of the parcel on which it is located; except that conversion of a lawful nonconforming use to a nonconforming use found by the planning commission to be a lawful nonconforming use on another site within the same zone may be allowed where a conditional use permit therefore has been approved; provided, that this shall in no way extend the abatement provisions contained in this chapter. The exception stated in this paragraph of allowing a conversion of a lawful nonconforming use to another

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nonconforming use within the same zone does not apply to nonconforming uses located within the Westside Specific Plan area.

B. Nonconforming Uses Located Within the Westside Specific Plan Area.

1. A nonconforming use located on a parcel or parcels located within the Westside Specific Plan may not be converted to any use except to a specifically permitted use in the zone of the parcel or parcels on which it is located, except as follows:
  - a. A nonconforming use may be converted to any use which is specifically permitted in the allowable uses for any of the zones identified in Appendix A of the Westside Specific Plan.
2. A nonconforming use that converts to another nonconforming use from Appendix A may enlarge and alter their footprint to the extent allowed in Section 18.11.030.

C. Nonconforming Uses in the CA Zone. In the CA zone where there exists commercial retail shopping facilities which became nonconforming at the time of the adoption of the Land Use Code, such facilities may continue to lease commercial space to uses typical of such facilities but not otherwise permitted in the CA zone.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

**18.11.050 Partially destroyed structures.**

A. Nonconforming Buildings or Structures that Become Damaged. A nonconforming building or structure which is damaged or destroyed by fire, explosion, or natural disaster may be restored and the occupancy or use of such structure or part thereof existing at the time of such partial destruction may be continued or resumed provided:

1. Such restoration results in an equal or lesser degree of nonconformity;
2. The total cost of such restoration for structures other than single-family detached dwellings does not exceed one-half the replacement cost of the structure at the time of such damage (the replacement cost will be calculated by the department of building and housing);
3. Such restoration is started within a period of one year and is carried out diligently to completion;
4. Such damage or destruction of structures is not intentionally caused by the owner.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

**18.11.060 Religious institutions.**

Religious Institutions of a permanent nature which became nonconforming at the time of adoption of the Land Use Code may be continued, reconstructed, structurally altered, extended or enlarged subject to plans approved by the planning commission for any reconstruction, alteration, extension or enlargement and provided such reconstruction, alteration, extension or enlargement conforms with all other provisions of this title; and provided, further, that said extension, reconstruction, alteration or enlargement shall not be extended to additional property beyond the parcel(s) upon which the nonconforming use exists.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

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### **18.11.070 Single-family dwellings.**

- A. Nonconforming Single-Family Dwellings. Single-family dwellings which became nonconforming uses at the time of adoption of the Land Use Code or of amendments to the code may be continued, reconstructed, structurally altered, extended or enlarged in conformance with the following:
1. Enlargement or extension of a single-family detached dwelling shall conform to the standards of the zone which applies to the property. If a proposed enlargement or extension, except in the coastal zone, results in more than two thousand five hundred square feet of floor area and/or more than four bedrooms, parking facilities shall be provided for the increase but not for any existing deficiency in such facilities. Parking facilities required as a result of this section may be provided in a garage, carport, or surface space.
  2. No increase in parking over that previously provided shall be required for reconstruction of a nonconforming single-family residential use destroyed or partially destroyed by natural disaster, but may be permitted, in conformance to development standards of the zone which applies to the property.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.11.080 Nonconforming parking facilities.**

- A. Use Made Nonconforming by Off-Street Parking Requirements.
1. Any use, excluding a single-family detached dwelling, which is nonconforming only because of changes made in the off-street parking requirements by the adoption of the Land Use Code, or any amendment thereto, may be expanded, increased or modified, or converted to a conforming use, and no addition to or change in the off-street parking facilities shall be required except as identified below.
  2. If the existing off-street parking facilities are not sufficient to comply with the requirements of this title after such expansion, increase or modification, additional parking facilities shall be added.
  3. The capacity of said facilities shall equal the difference between the off-street parking facilities this title would require for such use as expanded, increased or modified, and the off-street parking facilities as required for such use before said expansion, increase or modification.
  4. This shall not apply to entertainment and public assembly type uses which shall provide the full amount of parking otherwise required.
  5. Any additional off-street parking facilities provided under these conditions shall be developed pursuant to the provisions of Chapter 18.45 (Off-Street Parking and Loading).
  6. Any modification of off-street parking requirements permitted by this section shall not be construed to extend the termination date of the subject nonconforming use, as specified by this title.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.11.090 Nonconforming signs.**

- A. Nonconforming Sign Regulations.
1. In cases where the area of signs existing as a lawful nonconforming use on a property exceeds the total allowable area for permitted signs, no additional signs shall be permitted on the property. If the size or configuration of a parcel or building is changed by the subdivision or splitting of the property or

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alterations to the building or parcel, property identification signs and outdoor advertising signs on the resulting properties shall be required to conform to the sign regulations applicable to the newly created parcel or parcels, at the time such change becomes effective.

2. In the event a use of any site or building is vacated, terminated or abandoned, for any reason, for a period of more than one ninety consecutive days, the owner or person in possession of the property shall be responsible for the removal of all signs on the property, building or wall, or for having the copy thereon painted out, immediately upon notice from the city.
3. Nonconforming signs shall be removed or made conforming when the business or property changes occupancy or ownership.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.11.100 Termination.**

- A. Violation of Title. Any of the following violations of this title shall immediately terminate the right to operate a nonconforming use, except as otherwise provided in this title:
  1. Changing a nonconforming use to a use not permitted in the zone;
  2. Increasing or enlarging the area, space, or volume occupied by or devoted to such nonconforming use;
  3. Addition to a nonconforming use of another use not permitted in the zone.
- B. Discontinuance. A nonconforming use or structure shall become discontinued, except when extended as otherwise provided in this title, when it is:
  1. Succeeded by a conforming use;
  2. Discontinued and not re-established within a period of twelve or more consecutive calendar months;
  3. Discontinued and not re-established within a period of eighteen or more nonconsecutive calendar months in a twenty-four-month period.
- C. Termination by Operation of Law. The following conditions will result in a termination of nonconforming signs.
  1. Termination by Abandonment. Any nonconforming sign, the use of which is discontinued for a period of ninety days, regardless of any intent to resume or not to abandon such use, shall be deemed to be abandoned and shall not thereafter be re-established. Any period of such discontinuance caused by government actions, strikes, material shortages or forces of nature, and without any contributing fault by the nonconforming user, shall not be considered in calculating the length of discontinuance for purposes of this section.
  2. Termination by Change of Business. Any nonconforming sign advertising or relating to a business on the premises on which it is located shall be terminated upon any change in the ownership or control of such business.
  3. Termination by Damage or Destruction. Any nonconforming sign damaged or destroyed, by any means, to the extent of thirty-five percent of its replacement cost new shall not be restored but shall be terminated.
  4. Termination by Going Out of Business/Closure of Business. No sign that is accessory to a principal nonconforming use or structure shall continue after such principal use or structure shall have ceased or terminated, unless it shall thereafter conform to all the regulations of the zoning district in which it is located.

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5. Termination Due to Lack of Repair. Failure to keep a nonconforming sign in good repair within one year after notification by the city shall constitute abandonment and subject to termination.

D. Affirmative Termination by Amortization.

1. The city council of the City of National City may order a nonconforming use to be terminated within a reasonable amount of time, upon recommendation of the planning commission. The planning commission shall conduct a public hearing after ten days' written notice to the nonconforming user. If the nonconforming user has not made a substantial investment in furtherance of the use, or if the investment can be substantially utilized or recovered through a currently permitted use, the order may require complete termination of the nonconforming use within a minimum of one year after the date of the order. If the nonconforming user has made a substantial investment in furtherance of the use, or if the investment cannot be substantially utilized or recovered through a currently permitted use, the order may require the complete termination of the nonconforming use within a longer reasonable amount of time. Nonconforming uses that are determined to be an imminent threat to the public health or safety may be terminated immediately, pursuant to Chapter 1.36 of this Municipal Code. In making its recommendation to terminate a nonconforming use and in recommending a reasonable amount of time in which to terminate, the planning commission shall consider:
  - a. The total cost of land and improvements;
  - b. The length of time the use has existed;
  - c. Adaptability of the land and improvements to a currently permitted use;
  - d. The cost of moving and reestablishing the use elsewhere;
  - e. Whether the use is significantly nonconforming;
  - f. Compatibility with the existing land use patterns and densities of the surrounding neighborhood;
  - g. The possible threat to public health, safety, or welfare; and
  - h. Any other relevant factors.

The term "nonconforming use" when used in this section shall include nonconforming uses, nonconforming structures, and nonconforming lots, consistent with the intent of this title.

This amortization section does not apply to any lawful nonconforming residential uses.

Failure to comply with the city council's order to terminate a nonconforming use shall constitute a violation of this chapter and is a public nuisance subject to abatement in accordance with Chapter 1.36 of this Code.

2. That a notice of exemption shall be filed indicating that this amendment to the Municipal Code is exempt from the California Environmental Quality Act, because it can be said with certainty that there is no possibility that the action will have a significant effect on the environment as it does not have a direct effect on any property or environmental consequence.

E. Unlawful Uses and Structures. Uses and structures that did not comply with the applicable provisions of this Land Use Code or prior planning and zoning regulations when established are violations of this code and are subject to the provisions of Title 1 of the Municipal Code (Administration and Enforcement). This section does not grant any right to continue occupancy of property containing an illegal use or structure. The activity shall not be allowed to continue unless/until permits or entitlements required by this Land Use Code and the Municipal Code are first obtained.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

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### 18.11.110 Exemptions.

- A. Historic Structures. Nonconforming structures of historical significance may be altered or enlarged with a building permit approval granted by the city manager or his/her designee, without conforming to current setback provisions; provided the historic structure:
  - 1. Has been certified to be an historic resource by the city, county, or state, or in the National Register of Historic Places; or
  - 2. Is to be altered or enlarged as an authentic replica of the original structure.
- B. Single-family Dwellings. Single-family dwellings are exempt from the provisions of Section 18.11.100 as follows:
  - 1. Height. An existing single-family dwelling that is nonconforming only because it exceeds the height limit of the applicable zone, shall not be required to comply with the provisions of this title.
  - 2. Setbacks. Where a single-family dwelling or a detached accessory structure, is nonconforming only by reason of substandard setbacks, the provisions of this title shall not apply; provided that any structural alteration of a nonconforming structure shall not increase the degree of nonconformity, and any enlargements shall comply with the setback requirements of the applicable zoning district.
  - 3. Parking. A single-family dwelling that is nonconforming with respect to the parking requirements of this Land Use Code is exempt from requirements of this title that would otherwise require compliance with the parking requirements of this Land Use Code.
- C. Destroyed Nonconforming Dwelling Units.
  - 1. Where the city manager or his/her designee determines that a nonconforming single- or multi-family dwelling unit has been involuntarily damaged or destroyed by accident (e.g., fire, explosion, etc.) or natural disaster (e.g., earthquake, etc.), the unit may be reconstructed or replaced with a new structure using the same development standards applied to the damaged or destroyed structure (e.g., building footprint, building height, density standards, number of dwelling units, setbacks, and floor area); provided:
    - a. The applicant provides documentation, satisfactory to the review authority, supporting the claim that the damage or destruction occurred involuntarily;
    - b. No expansion of the gross floor area or number of dwelling units occurs;
    - c. The replacement structure:
      - i. Is in compliance with the current building code; and
      - ii. Would not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the immediate vicinity of the replacement structure;
    - d. A building permit is issued no later than twelve months after the date of destruction, and construction is diligently pursued to completion.
  - 2. If the preceding requirements are not met, the replacement structure shall comply with all of the regulations of the applicable zoning district in effect on the date of application for the required building permit.
- D. Seismic Retrofitting. Alterations, reconstruction, or repairs otherwise required by law (e.g., city adopted building, electrical, plumbing codes) shall be allowed. Reconstruction required to reinforce unreinforced masonry structures or to comply with building code requirements shall be allowed without cost limitations;

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provided, the retrofitting and code compliance are limited exclusively to compliance with earthquake safety standards and other applicable building code requirements.

- E. Nonconforming Upon Annexation. Nonconforming uses or structures, or both, which are lawfully existing at the time the property on which they are located is annexed to the city, and which do not conform to the regulations of the subject zoning district following annexation, shall be deemed legal nonconforming uses or structures, or both, and shall, upon annexation, be subject to the provisions of this chapter.
- F. Nonconforming Due to a Lack of a conditional use permit.
  - 1. Conformity of Uses Requiring Conditional Use Permits. A use that becomes nonconforming only because it is a use that would be required by this Land Use Code to have conditional use permit approval shall be deemed conforming, but only to the extent that it previously existed prior to adoption of the Land Use Code (e.g., maintain the same site area boundaries, hours of operation, etc.).
  - 2. Previous Conditional Use Permits in Effect. A use that was authorized by a conditional use permit prior to adoption of this Land Use Code, but is identified in this Land Use Code as a use that is not allowed in its current location, may continue, but only in compliance with the original conditional use permit.
- G. Previous Permits. A use or structure which does not conform to the current regulations of the subject zoning district, but for which a building permit, or a permit or entitlement approved in compliance with this Land Use Code, was issued and work substantially completed before the applicability of this Land Use Code, may be completed; provided, the work is diligently pursued to completion. Upon completion these uses or structures, or parts thereof, shall be deemed to be legal nonconforming and shall thereafter be subject to the provisions of this chapter.
- H. Development Standards. The requirements of this title relating to yards, building and structure height, area, and off-street parking requirements, for any use for which a Conditional Use Permit is required, shall be observed, except where the Planning Commission and/or City Council finds that specific alterations and/or exemptions with reference to such requirements are reasonable and are required to be made. Such findings shall be made only at the same time the permit is approved.
- I. Public Acquisition. Nonconforming due to public acquisition. Whenever any structure or parcel is rendered nonconforming within the meaning of this chapter by reason of a reduction in a required parcel area, reduction of off-street parking facilities, or setbacks occurring solely by reason of dedication to, or purchase by, the city for any public purpose, or eminent domain proceedings, which result in the acquisition by the city or any agency authorized for the eminent domain proceedings of a portion of the property, the structure or parcel shall not be deemed nonconforming within the meaning of this chapter.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

## *Chapter 18.12 PERMITS AND APPLICATIONS*

### 18.12.005 Residential Development

All housing development projects, as defined in section 18.50.010 shall be subject to the following provisions:

- A. An application for a housing development project that will require the demolition of residential dwelling units shall not be approved unless the project will create at least as many residential dwelling units as will be demolished.
  - 1. An application for a housing development project that will require the demolition of occupied or vacant protected units shall not be approved unless all of the following apply:



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- (a) The project will replace all existing or demolished protected units.
    - (1) If a protected unit is or was, within the five-year period preceding the housing development project application, subject to a form of rent or price control, and is or was occupied by persons or families above lower income, ~~the Housing Authority~~ City shall require:
      - (i) The replacement units shall be made available at affordable rent or affordable housing cost to, and occupied by, low-income persons or families. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years.
  - (b) The housing development project will include at least as many residential dwelling units as the greatest number of residential dwelling units that existed on the project site within the last five years.
  - (c) Any existing residents will be allowed to occupy their units until six months before the start of construction activities with proper notice.
  - (d) The housing development project applicant agrees to provide both of the following to the occupants of any protected units:
    - (1) Relocation benefits to the occupants of those affordable residential rental units.
    - (2) A right of first refusal for a comparable unit available in the new housing development affordable to the household at an affordable rent, or an affordable housing cost.
- B. If the planned housing development project complies with applicable, objective general plan, zoning, and subdivision standards and criteria, including design review standards, in effect at the time that the application was deemed complete, the Planning Commission may deny or approve with the condition that the project be developed at a lower density, only with the written findings that the project:
- 1. Would have a specific, adverse impact on public health or safety; or
  - 2. There is no method to mitigate or avoid the adverse impact.
- C. If a planned housing development project is not in compliance with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision, the Planning Division shall provide the applicant with written documentation identifying the reasons for noncompliance:
- 1. Within 30 days of determination that the development application is complete if the project contains 150 or fewer units; or
  - 2. Within 60 days of determination that the development application is complete if the project contains more than 150 units.
  - 3. If the Planning Division does not provide the above required documentation, the housing development project shall be deemed compliant with applicable plans, programs, policies, ordinances, standards, requirements, and other similar provisions.
- D. If a planned housing development project proposes at least 20 percent of its units as lower-income units and is located on a parcel included in the site inventory of the currently adopted Housing Element, the project is subject to by right approval provided that the parcel meets one of the following requirements:
- 1. The parcel is a non-vacant site that has been included in at least one prior housing element cycle; or
  - 2. The parcel is a vacant site that has been included in two or more consecutive planning periods.
- E. If a planned housing development project is approved on a parcel identified in the currently adopted Housing Element with fewer units than shown in the Housing Element, ~~the Planning Division~~ shall either make written

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findings supported by substantial evidence that the Housing Element's remaining sites have sufficient capacity to accommodate the remaining unmet Regional Housing Needs Assessment (RHNA) allocation for National City by each income level, or within 180 days identify and make available sufficient sites to accommodate the remaining unmet RHNA allocation for each income category for the current planning period.

- F. A planned housing development project shall not be disapproved on the basis that approval of the planned housing development would trigger the identification or zoning of additional adequate sites to accommodate the remaining RHNA allocation for National City for the current planning period.
- G. Protected unit defined. A protected unit means any of the following:
1. Residential dwelling units that are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income within the past five years.
  2. Residential dwelling units that are or were subject to any form of rent or price control through a public entity's valid exercise of its police power within the past five years.
  3. Residential dwelling units that are or were occupied by lower or very low-income households within the past five years.
  4. Residential dwelling units that were withdrawn from rent or lease in accordance with Government Code Chapter 12.75 within the past 10 years.

### **18.12.010 Permit application and review.**

An application for a permit or other land use matter shall be filed with the planning division in accordance with the following provisions:

- A. Authority to File an Application. The following persons are deemed to have the authority to file an application:
1. The record owner of the real property that is the subject of the permit or other matter;
  2. The property owner's authorized agent; or
  3. Any person who can demonstrate a legal right, interest, or entitlement to use the real property subject to the application;
  4. The application of a redeveloper who is seeking to redevelop the property involved, and who is a party to an existing disposition and development agreement with the community development commission.
- B. Applications—Acceptability of Signatures. If signatures of persons other than the owners of the property making the application are required or offered in support of, or in opposition to, an application, they may be received as evidence of notice having been served upon them of the pending application, or as evidence of their opinion on the pending issue, but they shall in no case infringe upon the free exercise of the powers vested in the city as represented by the planning commission and the city council.
- C. Application Form and Submittal Items. The city manager or his/her designee shall prescribe the form in which applications are made for administrative or discretionary approvals and maintain a list specifying the materials and information to be submitted with each application for a permit or other matter filed in accordance with the Land Use Code. The list may be revised as needed to comply with revisions to local, state, or federal law, regulation, or policy.

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- D. Submittal Requirements. The application shall be made on a form provided by the city manager or his/her designee and shall be accompanied by the materials, information, fees, and deposits that are required on the date the application is filed, unless otherwise specified by the Land Use Code or state law.
  - E. Evaluation. The application shall be deemed complete when the department processing the application has determined that the application includes all of the information, materials, fees, and deposits required. The city may, in the course of processing the application, request that the applicant clarify, simplify, or provide in alternate format or medium, the information required for the application.
    - 1. The Planning Division shall notify the applicant for a housing development project in writing no later than 30 days after the application has been received if it is complete. If the application is incomplete, the planning division shall provide the applicant a list of required items that were not complete.
      - (a) The housing development project applicant may appeal this decision and the Planning Division shall provide a process through which to do so. If the Planning Division determines an application for a development project is incomplete, the applicant must submit the information required to complete the application within 90 days of receiving notification from the City that the application is incomplete. If the applicant does not adhere to this deadline, the application will be deemed expired.
      - (b) If the written determination of application completeness is not made within 30 days of the housing development project permit application receipt, the application shall be deemed complete. If the applicant appeals the decision, the Planning Division shall provide a final written determination no later than 60 days after receipt of the written appeal.
      - (c) If a final written determination is not made within 60 days of receipt of the written appeal, the application shall be deemed complete.
  - F. Filing Fee. All filing fees required to be paid upon the filing of any application shall be set forth from time to time by city council resolution.
  - G. Applications—Filing. Applications filed pursuant to this title shall be numbered consecutively in the order of their filing, and shall become a part of the permanent official records, and there shall be attached thereto and permanently filed copies of all notices and actions, with certificates and affidavits of applicable posting, mailing or publication.
  - H. Applications—Withdrawal. Any applicant may withdraw an application at any time, provided the withdrawal is in writing and notification of public hearing has not been mailed. Any public hearing for which notification has been given shall be convened, at which time withdrawal of the application may be acknowledged and filed.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.12.020 Decision processes for planning applications.**

Applications for permits or other matters identified in this Land Use Code shall be acted upon in accordance with one of the decision processes depicted in Table 18.12.020 (Decision Processes for Planning Applications). Table 18.12.020 is provided for convenience of reference only and does not define, describe, or limit the scope, meaning, or intent of any provision of the Land Use Code. This table describes the city's processes only and does not describe other decision processes that may be required by other agencies, such as the state coastal commission. Subdivision procedures are identified in Title 17.

**TABLE 18.12.020  
Decision Process for Planning Applications**

Application Type	Role of Review Authority		
	Planning Division	Planning Commission	City Council
<b>Ministerial Applications</b>			
Interpretations (See Section 18.10.050 (C))	Decision	Appeal	Appeal
Minor site plan review	Decision	Appeal	Appeal
Minor use permit	Decision	Appeal	Appeal
Home occupation permit	Decision	Appeal	Appeal
Sign permit	Decision	Appeal	Appeal
<b>Discretionary Applications</b>			
Conditional use permit	Recommend	Decision	Appeal
Variance	Recommend	Decision	Appeal
Planned development permit	Recommend	Decision	Appeal
General plan amendment	Recommend	Recommend	Decision
Zoning ordinance amendment	Recommend	Recommend	Decision
Zoning map amendment	Recommend	Recommend	Decision

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

**18.12.030 Ministerial decision process.**

- A. Purpose. Ministerial review is conducted at the staff level and is intended to ensure compliance with the regulations established in the Land Use Code.
- B. Decision. An application for an administrative permit may be approved, conditionally approved, or denied by a staff person designated by the city manager without a public hearing.
- C. Notice of Application. A notice of application is only required for minor use permits pursuant to Section 18.12.080.
- D. Notice of Decision.
  - 1. The designated staff person shall mail notice of the decision to:
    - a. The applicant.
    - b. Any person who requested notice of the approval or denial of the application from the staff person.
  - 2. Such notice shall contain a brief statement of the reason or reasons for the approval or disapproval.
- E. Appeal to the Planning Commission. The decision of the designated staff person is final and conclusive unless, within thirty days after mailing the notice of decision, the applicant or other interested party files a written letter of appeal with the planning division in accordance with Section 18.12.060(B).
- F. Appeal to the City Council. The decision of the planning commission shall become effective and final thirty days following such action unless, within such period of time the applicant or other interested party files a written letter of appeal with the planning division in accordance with Section 18.12.060(C).
- G. Streamlined Ministerial Review.
  - a. Eligible ~~planned affordable housing~~ development projects may be processed through a streamlined ministerial review process. Eligibility requirements for such projects and the applicable streamlined

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[ministerial review process are detailed in Government Code Section 65913.4, as amended. Chapter 18.49](#)

[paid applicable to the Planning Department The Planning Division The Planning Division](#)

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.12.040 Discretionary decision process.**

- A. Purpose. A discretionary permit is a permit or permit modification granted following determinations that require the exercise of judgment and deliberation, as opposed to merely determining that the permit request complies with a set of standards.
- B. Decision. As identified in Table 18.12.020-101, depending on the permit type, the decision to approve or deny a discretionary permit or action is either made by planning commission or the city council.
1. [Any housing development project for very low-, low- or moderate-income households or an emergency shelter may not be denied or conditionally approved in a manner which renders it infeasible unless the Planning Commission makes written findings based on a preponderance of evidence as to one of the considerations outlined Government Code Section 65589.5\(d\).](#)
- C. Environmental Review. All discretionary decisions by the planning commission and city council require findings prescribed in the California Environmental Quality Act and ordinances adopted pursuant thereto, in addition to all other requirements.
- D. Planning Commission Decision.
1. When a discretionary application is to be decided by the planning commission pursuant to Section 18.12.020, a hearing shall be held in accordance with Section 18.12.050.
  2. [The Planning Commission shall approve or deny a housing development projects consistent with California Government Code Section 65950, as amended. within whichever of the following periods is applicable:](#)
    - ~~(A) 180 days within certification of the Environmental Impact Report if required for the housing development project pursuant to the California Public Resources Code; or~~
    - ~~(B) 90 days within certification of the Environmental Impact Report if required for a housing development project pursuant to the California Public Resources Code; or~~
    - ~~(C) 60 days within certification of the Environmental Impact Report if required for a housing development project pursuant to the California Public Resources Code and all of the following conditions are met:~~
      - ~~i. At least 49 percent of the proposed units are affordable to very low or low income households. Rents for the lower income units shall be set at an affordable rent for at least 30 years. Owner-occupied units shall be available at an affordable housing cost;~~
      - ~~ii. Prior to the application being deemed complete, the applicant provided written notice to the department processing the application that an application has been made or will be made for an allocation or commitment of financing, tax credits, bond authority, or other financial assistance from a public agency or federal agency, and that the financial assistance is necessary for the project to be affordable;~~
      - ~~iii. There is confirmation that the application has been submitted prior to the Environmental Impact Report certification; or within the timeframes specified in Government Code Section 65950(a)(4) and (5), as amended.~~

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32. Waiver of Appeal Period. Before the close of the public hearing, an applicant may request that the appeal period be waived in accordance with Section 18.12.060(D). Notwithstanding any action of the planning commission to grant a waiver of appeal, the city council may set the matter for a hearing.
  43. If the appeal period is not waived, the decision of the planning commission shall become effective and final thirty days following such action, unless, within such period of time the applicant or other interested party files a written letter of appeal with the planning division requesting an appeal before the city council.
  45. Within such thirty days, a copy of the planning commission resolution granting or denying such application shall be transmitted to the city council unless an appeal is filed. If no appeal is filed, the city council may set the matter for a public hearing.

E. City Council Decision.

1. When a discretionary action is to be decided by the city council pursuant to Section 18.12.020, a hearing before the planning commission shall occur first in accordance with Section 18.12.050.
2. Once the planning commission has made a recommendation on the action, a hearing shall be scheduled before the city council pursuant to Section 18.12.050.
3. The city council's decision is final and effective upon the rendering of the decision.

F. Expiration.

1. If a discretionary permit is not exercised within the time permitted by this chapter, such permit shall be deemed null and void. The exercise of such rights shall be commenced within the time permitted by the resolution granting such permit. If no time is specified, then for all purposes such time for the exercise of right shall be deemed to be a period of one year from and after the adoption of the resolution granting such permit.
2. The granting body, upon good cause shown by the applicant, may extend the time permitted by this chapter for the exercise of such rights, for a period of not to exceed one year.
3. An additional extension of time may be granted by the granting body where the applicant, after a public hearing, which shall be noticed as provided in Section 18.12.050 (Noticing and Public Hearings), shows, to the reasonable satisfaction of such body, that the exercise of such rights was prevented by causes outside of the applicant's control. Such time extensions shall be for reasonable periods of time, not exceeding one year for each such extension.
4. Requests for extensions of time within which to exercise the rights under a discretionary permit shall be made prior to the expiration date thereof. Such requests shall be in writing and, where the planning commission is the granting body, shall be filed with the secretary of the commission. Where the city council is the granting body, such written requests shall be filed with the planning division. Upon the filing of such a written request, the time for the exercise of rights under the permit shall be deemed automatically extended until the granting body determines whether or not the request is to be granted, but in no event shall such automatic extension be for a period longer than thirty days, except as hereinafter provided.
5. Where the granting body is the city council, if no action is taken upon such request within a period of thirty days after the filing thereof, the same shall be deemed denied.
6. Where the granting body is the planning commission, and the commission either denies the request or fails, within a period of thirty days, to take action thereon, the same shall be deemed denied, unless within ten days after such request has been denied by the commission, or within ten days after the expiration of the thirty-day period, an appeal is filed, in writing, with the planning division.

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7. Where an appeal is taken from the commission's action or inaction, the expiration date for the permit shall be automatically extended for a period of thirty days after the filing of such written appeal with the planning division. If the Council fails to act upon the request within said thirty-day period, the same shall be deemed denied.

G. Violations. The following shall be considered violations of Title 18:

1. Commencement or continuation of an activity which requires approval of a discretionary permit pursuant to this title, not including lawful nonconforming uses, established prior to enactment of regulations that require a discretionary permit for the activity.
2. Any violation of a condition of approval of a discretionary permit.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.12.050 Noticing and public hearings.**

- A. Public Hearing Defined. A public hearing is a noticed public session to receive original evidence or testimony on applications regulated by this title. These are held by the planning commission and city council.
- B. Scheduling. For all proposals to be heard by the planning commission, the city manager or his/her designee shall set the date for public hearing and give the required notice. For all appeals of planning commission decisions and all other matters requiring public hearings by the city council, the city clerk shall set dates for public hearings and give required notices. The date of the hearings shall be not less than ten days nor more than forty-five days from the time of the filing of such verified application or the adoption of a resolution or the making of a motion to set the public hearing. [If a planned housing development project complies with applicable general plan and zoning standards and the application is complete, no more than five public hearings may be conducted, and a decision to approve or deny the project shall be reached at one of the five hearings. For these purposes, a hearing does not include a hearing to review a legislative approval required for a planned housing development project.](#)
- C. Notice—Generally. Notice of time and place of public hearings shall be given in the following manner:
  1. A notice of any public hearing upon a proposed amendment to this title, or to the zoning map, shall be given by at least one publication in a newspaper of general circulation in the city not less than ten days before the date of the public hearing.
  2. Notice of public hearing to consider a variance, conditional use permit, planned development permit, or reclassification of any property shall be given by mailing a written notice not less than ten days prior to the date of such hearing to the applicant, and to owners of property within a radius of three hundred feet of the exterior boundaries of the property to be changed, using for this purpose the name and address of such owners and properties, as shown on the latest adopted San Diego County tax roll, and other persons on request.
  3. In the event that the number of owners to whom notice may be sent pursuant to this section is greater than one thousand, notice may be given at least ten days prior to the hearing by either of the following procedures:
    - a. By placing a display advertisement of at least one-fourth page in a newspaper having general circulation within the area affected by the proposed ordinance or amendment; or
    - b. By placing an insert with any generalized mailing sent by the city to property owners in the area affected by the proposed ordinance or amendment, such as billings for city services.

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- D. Notice—Additional Requirement for Conditional Use Permits for the Sale of Alcoholic Beverages. In addition to notice required pursuant to this section, written notice for a public hearing on a conditional use permit for the sale of alcoholic beverages shall be provided as specified in Section 18.30.050 of this title.
- E. Notice—Required Wording. Such public notice of hearings on zone reclassifications, amendments, variances, planned development permits, or conditional use permits shall consist of the words "Notice of Proposed Change of Zone Boundaries or Classification" or "Notice of Proposed Variance," "Notice of Proposed Planned Development Permit," or "Notice of Proposed conditional use permit," as the case may be, setting forth the description of the property under consideration, the nature of the proposed change or use, and the time and place at which the public hearing, or hearings, on the matter will be held.
- F. Hearing Rules. The planning commission may establish rules governing the conduct of its proceedings.
- G. Continuation of Hearing. If, for any reason, testimony on any case set for public hearing cannot be completed on the date set for such hearing, the person presiding at such public hearing may, before adjournment or recess thereof, publicly announce the time and place at which the hearing will be continued, and no further notice is required.
- H. Testimony. A summary of all pertinent testimony offered at public hearings held in connection with an application filed pursuant to this title and the names of persons testifying shall be recorded and made a part of the permanent files of the case.
- I. Planning Commission Recommendation.
1. For applications requiring a final decision by the city council, the planning commission shall first hold a public hearing on the matter. For such hearing, the commission shall recommend to the city council approval or denial of the request, including the reasons for the recommendation.
  2. Upon receipt of the recommendation from the planning commission, the city council shall hold a public hearing.
  3. The city council may approve, modify, or disapprove of the recommendation of the planning commission; provided that any modification of the proposed amendment by the city council not previously considered by the planning commission during its hearing shall first be referred to the planning commission for report and recommendation, but the planning commission shall not be required to hold a public hearing thereon. Failure of the planning commission to report within forty days after the reference shall be deemed to be approval of the proposed modification.
- J. Hearing Body Decision. The hearing body responsible for making a final determination on a matter pursuant to Section 18.12.020, be it the planning commission or city council, shall announce its findings by formal resolution, and said resolution shall recite, among other things, the facts and reasons which, in the opinion of the hearing body, make the granting or denial of the permit or action necessary to carry out the provisions and general purpose of this title, and shall order that the permit or other action be granted, denied, or modified subject to such conditions or limitations that it may impose.
- K. Notice of Decision. Not later than seven days following the adoption of a resolution ordering that a permit or other action be granted or denied, a copy of said resolution shall be mailed to the applicant and to any other parties requesting notice of the action. The resolution shall also be filed with the city clerk.
- L. Effective Date of Decision.
1. The decision of the planning commission shall become effective and final thirty days following the adoption of the resolution, unless, within such period of time, the applicant or other interested party files a written letter of appeal. Within such thirty days, the planning commission resolution shall be transmitted to the city council who may set the matter for a public hearing.



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2. If the appeal period is waived in accordance with Section 18.12.060(D), then the decision of the planning commission shall become effective and final immediately upon adoption of the resolution.
  3. The decision of the city council shall become effective and final immediately upon adoption of the resolution.
- M. Refiling Procedure. Where an application has been denied by a hearing body and that action has become final, no new application for substantially the same request shall be accepted for a period of one year after the effective date of the denial, unless that hearing body specifies in its decision that the denial is without prejudice.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.12.060 Appeals.**

- A. Effect of Filing. The filing of a notice of appeal pursuant to this section stays all proceedings until a decision on the appeal is rendered.
- B. Appeal of Staff Decisions.
  1. Whenever a permit or other action has been denied at a staff level, an aggrieved person may file a written appeal with the planning division within thirty days after the mailing of a notice of decision.
  2. The planning division, upon receipt of an appeal, shall set the matter for a hearing before the planning commission as soon as is practical in accordance with the public hearing procedures outlined in Section 18.12.050. The appealing party shall be given at least ten ~~days-noticedays'~~ notice of the time and place of such hearing.
  3. At the time set for such hearing, the planning commission shall give the appealing party a reasonable opportunity to be heard on the matter; and may require reports from any city department. After the hearing, the planning commission shall affirm, disaffirm, or modify the decision appealed.
  4. A nonrefundable fee in such amount as the city council shall from time to time establish shall be paid at the time of filing the appeal.
- C. Appeal of Planning Commission Decisions.
  1. Whenever a permit or other action has been denied by the planning commission, an aggrieved person may file a written appeal with the planning division within 30 days after the public hearing in which such decision was rendered.
  2. The planning division shall notify the city clerk of the appeal and the city clerk shall notice and schedule a public hearing before the city council in accordance with Section 18.12.050. The appealing party shall be given at least ten days' notice of the time and place of such hearing.
  3. At the time set for such hearing, the city council shall give the appealing party a reasonable opportunity to be heard on the matter; and may require reports from any city department. After the hearing, the city council shall affirm, disaffirm, or modify the decision appealed. The decision of the city council shall be final and conclusive.
  4. A nonrefundable fee in such amount as the city council shall from time to time establish shall be paid at the time of filing the appeal.
- D. Waiver of Appeal Period. For permits and actions to be decided by the planning commission, before the close of the public hearing, an applicant may request that the appeal period be waived. The planning commission shall grant the request only after determining for the record that there are no interested persons who object

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to the waiver and that the applicant has waived all rights to appeal. If the appeal period is waived, the planning commission's decision becomes effective immediately upon adoption of the resolution.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.12.070 Site plan review.**

- A. Purpose. Site plan review is a ministerial action established to ensure compliance with the Land Use Code and to attach conditions as necessary to ensure such compliance.
- B. Applicability and Requirements. Prior to or concurrently with the submission of building plans for plan check or application for issuance of a building permit for any building to be erected in any zone wherein site plan review is required by this title, accurately dimensioned architectural drawings and plot plans for all proposed construction shall be submitted to the planning division for approval. The site plan or plot plan shall contain any specific information required by the city manager or his/her designee necessary to determine compliance with the Land Use Code. A nonrefundable fee in such amount as the city council shall from time to time establish by resolution shall be paid to the finance officer at the time of filing.
- C. Plan Review.
  - 1. The planning division shall review all plans submitted and shall endorse its approval on a copy thereof, if it determines that the plan shows:
    - a. Compliance with this title and all other applicable city ordinances;
    - b. Desirable site layout and design;
    - c. Utility of open areas;
    - d. Adequate landscaping;
    - e. Compatibility with neighboring property;
    - f. Compliance with the General Plan or an adopted specific plan;
    - g. Incorporation of any mitigation measures stipulated in a certified environmental impact report or negative declaration for the project, if applicable.
  - 2. If the department determines that the plans thus submitted do not conform or adequately provide for one or more of such provisions, it shall endorse its disapproval thereof, together with a statement of the provisions of this chapter with which such plans do not conform.
  - 3. When referred to the engineering department, fire department, building department, or other city agency by the planning division, such departments shall evaluate such plans as to compliance with all applicable city ordinances and standards and may require additional plans to be submitted and approved prior to final approval of such plans. The conditions of approval of development plans by the planning division may include the recommendations of other city department heads required to be made by the terms of this chapter.
- D. Issuance of Permit. No building permit, certificate of occupancy, or any other permit listed shall be issued until the approvals required by this section have been obtained.
- E. Preliminary Site Plan Review.
  - 1. Site plans may be submitted for preliminary review prior to submission of building plans for plan check, or application for issuance of a building permit for any building to be erected in any zone wherein site plan review is required by title.

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2. A fee in such amount as the city council shall from time to time establish by resolution shall be paid to the finance officer at the time of submittal, which amount will be deducted from the building permit fee paid at the time building permits are issued.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.12.080 Minor use permits.**

- A. Purpose. Minor use permits provide a ministerial process for reviewing land use activities that are allowed in the applicable zoning district, but require administrative review in order to evaluate the compatibility of the proposed use with surrounding uses and the suitability of the use to the site.
- B. Applicability. A minor use permit is required to authorize proposed land uses identified by Division 2 (Zoning Districts and Allowable Land Uses) as being allowable in the applicable zoning district subject to the approval of a minor use permit.
- C. Notice of Application.
  1. The designated staff person shall mail notice of the application no later than ten days after an application has been deemed complete to:
    - a. The applicant.
    - b. The owners of any real property, as shown on the latest equalized property tax assessment roll of the San Diego County Assessor, located within three hundred feet of the boundary of the property that is the subject of the application.
- D. Contents of the Notice of Application.
  1. The notice of application shall include the following information:
    - a. A general description of the proposed project, including, when applicable, the type of permit requested, project name, square footage of proposed construction, and number of residential units proposed.
    - b. The location and size of the property that is the subject of the application.
    - c. The name, telephone number, and city address of the designated staff person to contact for additional information.
    - d. An explanation that a minor use permit is an administrative process whereby the decision to approve, conditionally approve, or deny the proposed development will be made by the planning division without a public hearing.
    - e. An explanation of the process to appeal the decision.
- E. Requests for Notice of Decision. Persons who wish to receive notice of the approval or denial of the application may request this information from the staff person. The request must be received no later than ten business days after the date on which the notice of application is mailed.
- F. Application Requirements. An application for a minor use permit shall contain any specific information required by the city manager or his/her designee necessary to determine compliance with the Land Use Code. It is the responsibility of the applicant to provide evidence in support of the findings required by this section. A nonrefundable fee in such amount as the city council shall from time to time establish by resolution shall be paid to the finance officer at the time of filing.

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- G. Findings and Decision. The planning division may approve or deny an application for a minor use permit. The designated staff person shall record the decision and the findings on which the decision is based. The planning division may approve a minor use permit only after first finding all of the following:
1. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Land Use Code;
  2. The proposed use is consistent with the General Plan and any applicable specific plan;
  3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity;
  4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints; and
  5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.
- H. Issuance of Permit and Duration.
1. Upon the approval of an application, the planning division shall authorize the issuance of a minor use permit, with or without conditions, and one copy of which shall be forwarded to:
    - a. The applicant;
    - b. The building official;
    - c. Any other department or agency the planning division considers affected by the issuance of the permit; and
    - d. The division files for permanent retention.
  2. Minor use permits shall be in effect for the duration of the use, or for a time period specified in the conditions of approval, or until the time a revocation of the permit is effectuated on the basis of non-compliance with the terms of the permit.
- I. Conditions of Approval. In approving a minor use permit, the planning division may impose any conditions deemed reasonable and necessary to ensure that the approval would comply with the findings required by this section.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.12.090 Home occupation permits.**

- A. Purpose. A home occupation permit is a ministerial process to ensure that an occupation conducted within a dwelling is compatible with the character of the area in which the dwelling is located and that it is clearly a secondary use to the primary residential use of the dwelling.
- B. Applicability. Home occupations are permitted in residential zones as identified in Section 18.21.020 provided that they first receive a home occupation permit.
- C. Application Requirements.
1. An application for a home occupation permit shall contain any specific information required by the city manager or his/her designee necessary to determine compliance with the Land Use Code.
  2. It is the responsibility of the applicant to provide evidence in support of the findings required by this section.

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3. Any applicant for a home occupation permit who is not the legal owner of the subject real property shall provide a written statement from the legal owner consenting to the application.
  4. A nonrefundable fee in such amount as the city council shall from time to time establish by resolution shall be paid to the finance officer at the time of filing.
- D. Findings and Decision.
1. The planning division may approve or deny an application for a home occupation permit. The designated staff person shall record the decision and the findings on which the decision is based. The planning division may approve a home occupation permit only after first finding all of the following:
    - a. There is no display of merchandise;
    - b. No stock in trade nor commodity is sold upon the premises;
    - c. The home occupation shall not result in the reduction of required off-street parking;
    - d. Home occupations, except for urban agricultural uses permitted by Section 18.30.240 (Urban Agriculture), shall be conducted within an enclosed structure on the premises;
    - e. No person other than the resident is engaged in the home occupation on the premises;
    - f. The resident shall not rent space to others in association with a home occupation;
    - g. All sales of products and the performance of all service or work that requires the presence of a partner, employee, or customer shall take place off the premises;
    - h. No mechanical equipment is used except that which is normally necessary for housekeeping purposes;
    - i. No signs or advertising for the home occupation is placed on the premises and other advertising does not identify the address of the premises;
    - j. Materials or products associated with the home occupation are stored in an enclosed structure on the premises and shall not exceed one thousand cubic feet for the entire premises or any more restrictive limitations by the building or housing division or county health department.
    - k. Only one vehicle for business-related purposes is permitted on the premises or on any adjacent residentially zoned area. This vehicle may not exceed a one ton carrying capacity and may not be a tow truck.
    - l. The home occupation shall be consistent with permitted residential uses, shall not create any conditions that amount to a public nuisance, and shall not be detrimental to the neighborhood by causing increased noise, traffic, lighting, odor, or by violating any applicable laws or ordinances;
    - m. A business license is procured.
  2. Additional stipulations can be placed on the permit by the city manager or his/her designee.
- E. Issuance of Permit and Duration.
1. Upon the approval of an application, the planning division shall authorize the issuance of a home occupation permit and one copy of which shall be forwarded to:
    - a. The applicant;
    - b. Any other department or agency the planning division considers affected by the issuance of the permit; and
    - c. The division files for permanent retention.

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2. The occupation shall be limited to those activities specifically described on the permit, and subject to the conditions described in this section or as stipulated on the permit;
  3. A home occupation permit shall be in effect for the duration of the home occupation unless a revocation of the permit is effectuated.
  4. If it is determined or found by the city manager or his/her designee that the home occupation authorized causes a disturbance or nuisance to the abutting neighborhood, it shall be reviewed by the planning commission and may be declared null and void, and any business license issued shall be subject to cancellation.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.12.100 Sign permit.**

- A. Purpose. The purpose of a ministerial sign permit is to ensure conformance with the sign and outdoor advertising display regulations in Division 4 and any applicable master sign program or specific plan.
- B. Applicability. A sign permit is required for the installation or alteration of any sign, except those specifically exempt by this section.
- C. Exemptions from a Sign Permit.
  1. The following signs may be installed without a sign permit, provided that they meet the requirements listed below:
    - a. ~~Changing the copy of a sign or m~~Maintenance of a sign that does not involve structural or electrical changes;
    - b. Interior signs; except for theater lobby signs;
    - c. Public utility and safety signs that are required by law;
    - d. Signs that are required by law, other than public utility and safety signs, provided that they do not exceed the minimum dimensions required by the law;
    - e. Signs required by the fire department to designate fire lanes;
    - f. Temporary real estate signs that are not illuminated. Only one such sign is permitted to face on each street adjacent to the property. Such signs may be single- or double-faced and are limited in size to four square feet or less on property in residential zones, and ten square feet or less on property in commercial zones;
    - g. Nameplate identification signs and combination name plates and address signs with letters that do not exceed three inches in height, are not illuminated, and do not exceed four square feet in area;
    - h. Construction site signs that are not illuminated;
    - i. Window signs;
    - j. Tablets, memorials, and cornerstones that are built into the walls of a building, and provide information such as the name of the building and the date of construction;
    - k. Incidental residential signs that provide warnings such as "no parking," "watch dogs," "private property," and "security service" that are not illuminated, do not exceed one square foot in area each, and do not project over a public right-of-way. No more than three of these signs shall be allowed per premises;

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- I. Bulletin boards, provided they do not exceed sixteen square feet in area, do not project over a public right of way, and are not illuminated.
  - ~~m. Temporary on-site banners, streamers, and pennants.~~
- D. Application Requirements. Applications for sign permits shall contain any specific information required by the city manager or his/her designee necessary to determine compliance with the Land Use Code. A nonrefundable fee in such amount as the city council shall from time to time establish by resolution shall be paid to the finance officer at the time of filing.
  - E. Building Division Review. If placement of a sign requires a building permit, the building division will review the plans for compliance with California Building Code requirements.
  - F. Decision and Findings.
    - 1. The planning division may approve or deny an application for a sign permit. The designated staff person shall record the decision and the findings on which the decision is based. The sign permit may be approved once the following findings are made:
      - a. The proposed sign is architecturally and aesthetically compatible with the major structures on the subject site and adjacent sites and is compatible with the character of the neighborhood and general environment;
      - b. Granting the application is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan, and the purposes of this Land Use Code and would not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the same zoning district; and
      - c. Granting the application would not be detrimental or injurious to property or improvements in the vicinity of the subject site, or to the public health, safety, or general welfare.
  - G. Issuance of Permit and Duration.
    - 1. The sign permit may be issued after all approvals have been obtained and all required fees have been paid.
    - 2. If the work authorized under a sign permit has not been completed within six months after date of issuance, the permit shall become null and void.
    - 3. Before the expiration date of a sign permit, a permittee may submit a written application for an extension of time. The city manager or his/her designee may extend a sign permit for a period not exceeding six months if the city manager or his/her designee determines that, based on evidence provided by the permittee, circumstances beyond the control of the permittee prevented completion of the work.
    - 4. A sign permit may not be extended more than two times.
    - 5. Upon successful completion and inspection of the work authorized under a sign permit, the sign permit shall be in effect for the duration of the use for which the sign is intended, or for a time period specified in the permit, or until the time a revocation of the permit is effectuated based on non-compliance with the terms of the permit.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.12.110 Conditional use permits.**

- A. Purpose. The granting of a conditional use permit is a discretionary action that authorizes permitted uses subject to specific conditions because of the unusual characteristic or need to give special consideration to

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the proper location of said uses in relation to adjacent uses, the development of the community, and to the various elements of the General Plan. It is the purpose of this chapter to set forth the findings necessary for such discretionary action.

- B. Applicability. A conditional use permit is required to authorize proposed land uses identified by Division 2 (Zoning Districts and Allowable Land Uses) as being allowable in the applicable zoning district subject to the approval of a conditional use permit.
- C. Application Requirements. An application for a conditional use permit shall contain any specific information required by the city manager or his/her designee necessary to determine compliance with the Land Use Code. It is the responsibility of the applicant to provide evidence in support of the findings required by this section. A nonrefundable fee in such amount as the city council shall from time to time establish by resolution shall be paid to the finance officer at the time of filing.
- D. Conditional Use Permits Defined. "Conditional use permits," as the term is used in this section, shall be the same as those conditional use permits described in Section 65901 of the Government Code.
- E. Findings and Decision.
  - 1. The planning commission may approve or deny a conditional use permit through a public hearing process. Before any conditional use permit is granted, the applicant shall show the existence of the following facts:
    - a. The proposed use is allowable within the applicable zoning district pursuant to a conditional use permit and complies with all other applicable provisions of the Land Use Code; and
    - b. The proposed use is consistent with the General Plan and any applicable specific plan; and
    - c. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity; and
    - d. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints.
    - e. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located; and
    - f. The proposed project has been reviewed in compliance with the California Environmental Quality Act.
  - 2. The decision of the planning commission is appealable to the city council in accordance with Section 18.12.060.
- F. Conditions. Conditions may be imposed upon the granting of any conditional use permit so as to render the proposed use as compatible as possible with other uses in the immediate surrounding area, and to accomplish the purpose of this chapter.
- G. Acceptance of Conditions. Before any conditional use permit granted pursuant to the provisions of this chapter shall become effective, the applicant shall file a written statement, in the form to be prescribed by the city attorney, with the planning division, acknowledging and accepting all of the conditions, if any, imposed upon such conditional use permit.
- H. Revocation.
  - 1. Conditional use permits may be subject to revocation in the time and manner as set forth in this section. Whenever the city manager or his/her designee finds that any of the following facts exist, with reference to a conditional use permit, he/she may recommend to the planning commission or city council, whichever body granted the permit, that the conditional use permit be revoked:



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- a. That the conditional use permit was obtained by fraud; or
    - i. That the use authorized by such conditional use permit has ceased, or has been suspended, for any reason, for a period of six months or more; or
    - ii. That the conditional use permit is being exercised in a manner contrary to any law or conditions of approval imposed upon such conditional use permit; or
    - iii. That any use or uses pursuant to such conditional use permit is being, or has been, exercised in a manner detrimental to public peace, health, safety, or welfare, or in a manner to constitute a public nuisance.
  - b. Upon receipt of such recommendation, the granting body shall expeditiously set and conduct a public hearing upon such matter after having given notice in the manner set forth in Section 18.12.050. At the time and place of such hearing, the body conducting such hearing shall determine whether any one of the facts, set forth in Section 18.12.110(H)(1)a are present. If, as a result of the evidence produced at such hearing, the body conducting the hearing determines that any one of such facts are present, it shall revoke the conditional use permit.
  - c. If the revocation proceeding is conducted before the planning commission, the decision of the commission shall be subject to an appeal to the city council in the time and manner as set forth in Section 18.12.060. In the absence of such appeal from a commission decision, its decision shall be final and conclusive. The action of the city council, either upon an appeal or as a conducting body, shall be final and conclusive for all purposes.
- I. Modification. Any condition imposed upon the granting of a conditional use permit may be modified or eliminated, or new conditions may be added; provided that the original granting body, the commission or the council, first conducts a public hearing thereon, in the same manner as required for the granting of the same. No such modification shall be made unless the commission or council finds that such modification is necessary to protect the public interest and/or adjacent or abutting properties; or, in case of deletion of an existing condition, that such action is necessary to permit reasonable operation and use under the conditional use permit.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.12.120 Variances.**

- A. Purpose. Variances are discretionary actions meant to provide adjustments in the application of this title to avoid practical difficulties and unnecessary hardships with respect to a particular piece of property which is not enjoying the privileges commonly enjoyed by other properties in the same vicinity and zone. A practical difficulty or unnecessary physical hardship may result from the size, shape, or dimensions of a site, or because of the location of existing structures on the site, or from setbacks or building lines, or from geographic, topographic, or other physical conditions on the site or in the immediate vicinity.
- B. Applicability. A variance may be considered for any applicant who is trying to establish a use that is expressly permitted in the zone that governs his/her property, but a hardship associated with the land deprives the property of privileges enjoyed by other properties in the vicinity within the same zone and prevents the applicant from being able to fully comply with the development standards of this Land Use Code.
- C. Application Requirements. An application for a variance shall contain any specific information required by the city manager or his/her designee necessary support of the findings required by this section. A nonrefundable fee in such amount as the city council shall from time to time establish by resolution shall be paid to the finance officer at the time of filing.

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- D. Development Standards. Except for the provision(s) of this title which are the subject of a zone variance approval, all other provisions of this title shall apply.
  - E. Findings and Decision. Before any zone variance is granted by the planning commission through a public hearing process, the applicant shall show compliance with the following:
    - 1. Variances from the terms of this title shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this title deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.
    - 2. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.
    - 3. A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.
  - F. Conditions of Approval. Conditions of approval may be attached to the granting of a variance to render such variance compatible with adjacent uses and properties and in accord with the general intent and purpose of this title, and to prevent the granting of a special privilege inconsistent with the limitations placed upon other properties and uses similarly situated.
  - G. Acceptance of Conditions. Before any zone variance granted pursuant to the provisions of this chapter shall become effective, the applicant shall file a written statement, in the form to be prescribed by the city attorney, with the planning division, acknowledging and accepting all of the conditions, if any, imposed upon such zone variance.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.12.130 Planned development permits.**

- A. Purpose. The purpose of these procedures is to:
  - 1. Establish a review process for development that allows an applicant to request greater flexibility from the strict application of the regulations than would be allowed through a variance process;
  - 2. Encourage imaginative and innovative planning to achieve a more preferable development than what would be achieved by strict conformance with the regulations;
  - 3. Ensure, through the imposition of conditions of approval, a more efficient use of open space, separation of pedestrian and vehicular traffic, increased project amenities, compatibility with the surrounding neighborhood, and conformance to the achievable capacity of community utilities and improvements.
  - 4. Consider a planned development as a comprehensive unit rather than an aggregation of separate buildings on unrelated lots.
- B. Applicability. A planned development shall consist of not less than one acre and the area must be under one ownership or the subject of an application filed jointly by all the owners of the property included.
- C. Application Requirements. An application for a planned development permit shall contain any specific information required by the city manager or his/her designee necessary to support the findings required by this section. A nonrefundable fee in such amount as the city council shall from time to time establish by resolution shall be paid to the finance officer at the time of filing.

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- D. Dwelling Units. If a planned development contains residential units, the number of residential units shall not exceed the number otherwise allowed unless a density bonus is approved consistent with the provisions of Government Code Section 65915. In no case shall the right-of-way of any public or private street, sidewalk, public or semi-public parking area, or adjacent pedestrian walk be included in the allowable lot area per dwelling unit. Two or more dwelling units may be attached or combined into a single structure.
  
  - E. Special Lot Sizes, Setback, and Height Requirements.
    - 1. Reductions in lot sizes may be approved, provided that acceptable land is designated as permanent open space and/or usable recreation space. The land area of each permanent open space area shall equal or exceed the total of all lot reductions.
    - 2. Special setback and height requirements may be established for a planned development based on design and relation of buildings to each other and the surrounding areas.
  
  - F. Development Regulations. Reductions in lot sizes may be approved, provided that acceptable land is designated as permanent open space and/or usable recreation space. The land area of each permanent open space area shall equal or exceed the total of all lot reductions.
  
  - G. Findings and Decision. A planned development permit may be approved or conditionally approved by the planning commission through a public hearing process only if all of the following findings are made:
    - 1. The proposed development is consistent with the General Plan;
    - 2. The proposed development will not be detrimental to the public health, safety, and welfare;
    - 3. The proposed development will comply with the regulations of the Land Use Code;
    - 4. The proposed development, when considered as a whole, will be beneficial to the community;
    - 5. Any proposed deviations pursuant to this section are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.
    - 6. The proposed project has been reviewed in compliance with the California Environmental Quality Act.
  
  - H. Conditions of Approval. Conditions of approval may be attached to the granting of a planned development permit to render such planned development compatible with adjacent uses and properties and in accord with the general intent and purpose of this title.
  
  - I. Acceptance of Conditions. Before any planned development permit granted pursuant to the provisions of this chapter shall become effective, the applicant shall file a written statement, in the form to be prescribed by the city attorney, with the planning division, acknowledging and accepting all of the conditions, if any, imposed upon such zone variance.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.12.140 Zoning amendments.**

- A. Purpose. The zoning map or Land Use Code may be amended whenever public necessity, general welfare, convenience, or sound planning principles require.
  
- B. Initiation. Zoning amendments may be initiated by:
  - 1. The application of an owner or the agent of such owner seeking an amendment, supplement to, or change of the regulations prescribed for his property, or the reclassification of his property;

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2. The application of an entity authorized to exercise the power of eminent domain over property subject to amendment;
  3. The application of a redeveloper who is seeking to redevelop the property involved, and who is a party to an existing disposition and development agreement with the community development commission;
  4. Minute action of the city council;
  5. Minute action of the planning commission.
- C. Application. Any person desiring to initiate a zoning change shall address his/her request on a form prescribed by the city manager or his/her designee. A nonrefundable fee in such amount as the city council shall from time to time establish by resolution shall be paid to the finance officer at the time of filing.
- D. Decision. No decision on a zoning amendment shall be rendered by the planning commission or city council until they have, respectively, found that the amendment, if adopted, would be consistent with the General Plan and has been reviewed in compliance with the California Environmental Quality Act.
- E. [All zoning code or land use designation amendments shall be made in accordance with Government Code Section 66300, as amended.](#)

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

#### **18.12.150 General plan and specific plan amendments.**

- A. Purpose. The General Plan Map, General Plan, and any specific plan may be amended whenever public necessity, general welfare, convenience, or sound planning principles require, in the manner prescribed in Sections 65350 through 65362, and 65450 through 65457 of the Government Code of the state.
- B. Initiation. Amendments to the General Plan Map, General Plan, or any specific plan may be initiated by:
1. The application of an owner or the agent of such owner seeking an amendment, supplement to, or change of the regulations prescribed for his/her property, or the redesignation of his/her property.
  2. The application of an entity authorized to exercise the power of eminent domain over property subject to amendment;
  3. The application of a redeveloper who is seeking to redevelop the property involved, and who is a party to an existing disposition and development agreement with the community development commission;
  4. Minute action of the city council;
  5. Minute action of the planning commission.
- C. Application. Any person desiring to initiate a change in the General Plan Map, General Plan, or any specific plan shall address his/her request on a form prescribed by the city manager or his/her designee. A nonrefundable fee in such amount as the city council shall from time to time establish by resolution shall be paid to the finance officer at the time of filing.
- D. Decision. The planning commission shall recommend approval, approval with modifications, or denial of the application through a public hearing pursuant to Section 18.12.050. The city council, after receiving such recommendation, shall hold a public hearing pursuant to Section 18.12.050 and render a final decision.
- E. Limitations on General Plan Amendments. General Plan amendments shall occur no more frequently than four times during any calendar year unless otherwise specified in Government Code Section 65358.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

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### 18.12.160 Historic properties.

- A. Intent and Purpose. It is the intent and purpose of this section to protect, preserve and, where damaged, restore National City's historic resources by:
1. Establishing a procedure whereby properties of historical significance are identified and appropriate notice is provided in the event demolition, significant alteration, or conversion is proposed.
  2. Protecting the educational, cultural, economic, and general welfare of the public, while employing regulations that are consistent with sound historical preservation principles and the rights of private property owners.
- B. Designation of Historic Properties.
1. A list of historic properties shall be maintained and periodically updated.
  2. Changes to the historic properties list may be initiated by resolution of the city council or on the verified application of the owner(s) of the property to be designated or their authorized agents.
    - a. For a planned housing development project, the Planning Commission shall determine whether the site of the proposed housing development project is a historic site at the time the application for the housing development is complete. The determination shall remain valid during the pendency of the housing development project for which the application was made unless any archaeological, paleontological, or tribal cultural resources are encountered during construction.
  3. Any application or resolution that proposes changes to the historic properties list shall be accompanied by an evaluation of the historic character of the property and shall be reviewed by the planning division.
  4. The planning division, after reviewing such application for completeness, shall notify the historical society of the proposed changes to the historic properties list. Any comments or recommendations provided by the historical society must be received within twenty days of the notice of proposed changes.
  5. Once the planning division has completed review of the application and considered any comments or recommendations from the historical society, it shall prepare a report and recommendation to the planning commission.
  6. The planning commission shall hold a public hearing on the proposal and shall provide a recommendation to the city council.
  7. The city council shall hold a public hearing and may approve, modify and approve, or deny the proposed changes to the historic properties list.
- C. Review of Ministerial Permits.
1. The building official or designee shall review each request for a non-discretionary building or demolition permit to determine if it involves any structure identified on the list of historic properties. If a property proposed for demolition or significant alteration or conversion is determined to be on the historic properties list, the building official or designee shall withhold issuance of the permit for a period of thirty days.
  2. The building official shall immediately notify the planning division and the city council of the pending permit.
  3. Within five days, the planning division shall provide notice to the historical society of the pending permit and may request comments and recommendations. Any comments or recommendations provided by the historical society must be received within twenty days of the notice of pending permit.

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4. Once the planning division has reviewed the permit application and considered any comments or recommendations from the historical society, it shall provide a recommendation to the city council. The recommendation may include approval of the permit, no recommendation, recommendation that the permit be denied, or a request for additional time to evaluate the permit.
  5. The city council, at its sole discretion, may approve the permit, deny the permit if a finding is made that such permit may result in an adverse effect on the public welfare, or withhold the issuance of the permit until such time as all alternative measures are thoroughly evaluated.
- D. Review of Discretionary Permits. All discretionary permits involving a historic resource shall be reviewed in compliance with the California Environmental Quality Act.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

## ***DIVISION 2. ZONING DISTRICTS AND ALLOWABLE LAND USES***

### ***Chapter 18.20 ZONING MAP***

#### **18.20.010 Purpose.**

This section identifies the zones that apply to property within the city and adopts the city's zoning map. National City is organized into zones that implement the General Plan, which are identified on the zoning map.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

#### **18.20.020 Zones and zoning map.**

- A. Official Zoning Map. The official zoning map of the city is a zoning regulation within the context of and adopted pursuant to this title.
- B. Zone Boundaries—Determination in Cases of Uncertainty. The location of zone boundaries may be determined by the rules for interpretation pursuant to this title.
- C. Zone Boundary Changes—Procedure. Changes in the boundaries of the zones shall be made by ordinance adopting an amended official zoning map.
- D. Pre-Zoning of Unincorporated Lands.
  1. Areas outside of city limits, but within National City's sphere of influence are unincorporated lands and governed by the County of San Diego until such time as those areas are annexed into the city. These areas have been pre-zoned with city zones to identify the regulations that would apply once the land is annexed into the city.
  2. Pre-zone changes may be initiated and heard, in the manner provided for zone changes in this title, prior to the effective date of annexation to be effective upon annexation.
- E. Effect of Specific Plans. Lands within an adopted specific plan are governed by the zoning regulations of that specific plan. If the requirements of any specific plan are either more restrictive or less restrictive than the zoning regulations of this title, the requirements of the specific plan shall take precedence. If the specific plan is silent with regard to a development standard that is addressed within the provisions of this title, the provisions of this title shall apply. Specific plans referred to in this title shall be adopted in compliance with the procedural requirements of the California Government Code.

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(Supp. No. 57)

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- F. Zone Classifications Established. The following zone classifications are established and applied to the city as shown on the official zoning map.

**TABLE 18.20.020  
Zone Classifications**

Zone Classification Symbol	Zone Classification	General Plan Land Use Designation
Residential		
RS-1 <sub>1</sub>	Large Lot Residential	<del>Very Low</del> <del>Medium</del> Density Residential
RS-2 <sub>1</sub>	Small Lot Residential	Low <del>Medium</del> Density Residential
RS-3 <sub>1</sub>	Medium-Low Density Multi-Unit Residential	Medium Density Residential
RS-4 <sub>1</sub>	Residential Single-Family	Specific Plan (Westside)
RM-1 <sub>1</sub>	Medium Density Multi-Unit Residential	Medium Density Residential
RM-2 <sub>1</sub>	High Density Multi-Unit Residential	High Density Residential
RM-3 <sub>1</sub>	Very High Density Multi-Unit Residential	<del>Very</del> High Density Residential
Commercial		
CA	Commercial Automotive	Commercial <del>and Services</del> <del>Automotive</del>
CL	Limited Commercial	Specific Plan (Westside)
CS	Service Commercial	<del>Commercial and Services</del> <del>Commercial</del>
<u>CT</u>	<u>Tourist Commercial</u>	<u>Specific Plan (Harbor District Specific Plan Area)</u>
Mixed-Use		
MCR-1 <sub>1</sub>	Mixed Commercial-Residential	Specific Plan (Westside)
MCR-2 <sub>1</sub>	Mixed Commercial-Residential (Smart Growth Area)	Specific Plan (Westside)
MXC-1 <sub>1</sub>	Minor Mixed Use Corridor	<del>Medium</del> <del>Minor</del> Mixed Use
MXC-2 <sub>1</sub>	Major Mixed Use Corridor	<del>High</del> <del>Major</del> Mixed Use
MXD-1 <sub>1</sub>	Minor Mixed Use District	<del>Medium</del> <del>Minor</del> Mixed Use
MXD-2 <sub>1</sub>	Major Mixed Use District	<del>High</del> <del>Major</del> Mixed Use
<u>MXT<sub>1</sub></u>	<u>Mixed-Use Transition</u>	<u>Lower Mixed-Use</u>
Industrial		
IL	Light Industrial	<u>Light</u> Industrial
IM	Medium Industrial	Industrial
IH	Heavy Industrial	Industrial
Institutional		
I	Institutional	Institutional
Open Space		
OS	Open Space	Open Space
OSR	Open Space Reserve	
Military		
M	Military	Military <u>Reservation</u>
San Diego Unified Port District		
UPD	Port Master Plan	San Diego Unified Port District
Specific Plan		

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SP <sub>1</sub>	Specific Plan	Specific Plan
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[ADUs and JADUs permitted subject to Sections 18.30.380 and 18.30.390](#)

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### 18.20.030 Prohibited land uses.

Land uses not specifically allowed in a zone are prohibited in that zone; in addition, the following are specifically prohibited.

- A. In all zones, no structure of a temporary nature shall be used as a residence, neither temporarily nor permanently, including:
  - 1. Boats (except in marinas).
  - 2. Camper shells (except in recreational vehicle parks).
  - 3. Mobilehomes (except in mobilehome parks).
  - 4. Recreational vehicles (except in recreational vehicle parks).
  - 5. Shacks.
  - 6. Sheds.
  - 7. Shipping containers.
  - 8. Storage units.
  - 9. Tarpaulins.
  - 10. Tents (except in recreational vehicle parks).
  - 11. Trailers (except in recreational vehicle parks).
  - 12. Buildings or structures of a temporary nature.
- B. In all zones, the following shall not be used for temporary or permanent sleeping areas, [with the exception of those that have been converted into an accessory dwelling unit as stipulated in Section 18.21.050](#):
  - 1. Attics.
  - 2. Basements.
  - 3. Cellars.
  - 4. Decks.
  - 5. Game rooms.
  - 6. Garages.
  - 7. Nonresidential buildings.
  - 8. Patios.
  - 9. Porches.
  - 10. Rooftops.
- C. In all zones, outdoor storage is prohibited except as specifically allowed by the zone.
- D. In all zones, outdoor storage or parking of the following is prohibited unless specifically allowed by the zone:



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1. Boats within any required front, side, exterior, or street setback.
  2. Camper shells within any required front, side, exterior, or street setback.
  3. Mobile homes (except in mobile home parks).
  4. Recreational vehicles within any required front, side, exterior, or street setback.
  5. Trailers within any required front, side, exterior, or street setback.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

## *Chapter 18.21 RESIDENTIAL ZONES*

### **18.21.010 Purpose.**

This section lists the land uses allowed within the residential zones. The purposes of the individual residential zones and the manner in which they are applied are as follows:

- A. Large Lot Residential (RS-1). The purpose of the RS-1 zone is to provide for areas of single-family detached residences on large lots (ten thousand square feet minimum and a density of up to five dwelling units per acre).
- B. Small Lot Residential (RS-2). The purpose of the RS-2 zone is to provide for areas of single-family detached residences on small lots (five thousand square feet minimum and a density of six to nine dwelling units per acre).
- C. Medium-Low Density Residential (RS-3). The purpose of the RS-3 zone is to provide for low-rise, medium-low density (10 to 15 units per acre) single-family attached and multiple family residential areas. The RS-3 zone is intended to retain characteristics found in the single-family zones, such as private yards and patios and privately maintained open space.
- D. Residential Single-Family (RS-4). The purposes of the RS-4 zone are to provide for areas of single-family attached and detached homes on minimum lot sizes of two thousand five hundred square feet; and provide for small lot single-family development within the Westside Specific Plan area. The RS-4 zone permits one attached or detached single-family dwelling for each full two thousand five hundred square feet of lot area provided there is no more than one single-family residence for each two thousand five hundred square feet of lot area. It also allows for the continuation of the existing mixture of housing types and encourages infill with single-family zones on vacant properties and where existing parcels may be further subdivided as provided herein.
- E. Medium Density Multi-Unit Residential (RM-1). The purpose of the RM-1 zone is to provide for low-rise, medium density (sixteen to twenty-three dwelling units per acre) multiple family residential areas. The RM-1 zone is a transitional zone between higher density residential uses and lesser intensity single-family areas.
- F. High Density Multi-Unit Residential (RM-2). The purpose of the RM-2 zone is to provide for low- to mid-rise, high density (twenty-four to forty-eight dwelling units per acre) multiple family residential.
- G. Very High Density Multi-Unit Residential (RM-3). The purpose of the RM-3 zone is to provide for mid- to high-rise, very high density (forty-nine to seventy-five dwelling units per acre) multiple family residential.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

**18.21.020 Allowed land uses and permit requirements.**

A. Residential Land Uses.

1. Table 18.21.020 identifies the uses of land allowed in each residential zone.
2. Table 18.21.020 does not apply to the RS-4 zone. See Appendix A, Land Use Table, within the Westside Specific Plan for the list of permitted uses in the RS-4 zone.
3. Within the RS-4 zone, existing multi-family and duplexes may continue as a permitted use. Existing churches and religious services may continue as a permitted use whereas new churches and religious facilities and expansions to existing churches and religious facilities are permitted pursuant to approval of a conditional use permit. Parks and open space are permitted uses.

**TABLE 18.21.020  
Allowed Land Uses  
Residential Zones**

Land Use	Permit Required By District						Specific Use Regulations
	RS-1	RS-2	RS-3	RM-1	RM-2	RM-3	
Accessory structure (incidental to primary use and not a second unit)	P	P	P	P	P	P	
Animal husbandry	C	—	—	—	—	—	Section 8.32
Bed and breakfast inn (B&B)	C	C	C	C	C	C	Section 18.30.290
Family day care home, small	P	P	P	P	P	P	Section 18.30.080
Family day care home, large	P	P	P	P	P	P	Section 18.30.080
Convalescent services/hospice (in home care only)	P	P	P	P	P	P	
Dormitory (Accessory to a school)	—	—	—	—	C	C	
Dwelling unit, single detached	P	P	P	P	P	P	
Dwelling unit, single attached	—	—	P	P	P	P	
Dwelling unit, multiple	—	—	P	P	P	P	
Home occupation (accessory use)	P	P	P	P	P	P	Section 18.12.090

Neighborhood corner store	M	M	M	M	M	M	Section 18.30.260
Open space reserves	P	P	P	P	P	P	
Parks, passive recreation	P	P	P	P	P	P	
Parks, active recreation	C	C	C	P	P	P	
Plant nursery	C	—	—	—	—	—	
Public assembly	C	C	C	C	C	C	
Public safety facility	C	C	C	C	C	C	
Rectory (accessory to religious facility)	C	C	C	C	C	C	
Renewable energy infrastructure (accessory)	P	P	P	P	P	P	Section 18.30.210/18.30.300; California Building Code
Rooming or boarding house (accessory)	C	C	C	C	C	C	
Second unit (accessory)	P	P	P	P	P	P	
Transitional / supportive housing	<u>PC</u>	<u>CP</u>	P	P	P	P	
Utility facilities, minor	P	P	P	P	P	P	
Utility facilities, major	C	C	C	C	C	C	
Urban agriculture	P	P	P	P	P	P	Section 18.30.240
P Permitted C Conditional use permit M Minor use permit (ministerial) — Not permitted							

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012; Ord. No. 2019-2464, § 2, 11-5-2019)

### 18.21.030 Accessory uses.

- A. Home Occupations. A home occupation permit granted by the planning division pursuant to Section 18.12.090 (Home Occupation Permits) shall be required. The home occupation shall comply with the provisions included within the definition as provided in the glossary.
- B. Roomers and Boarders. In a dwelling unit occupied as a private residence, one or two rooms may be rented and table board provided for a maximum of two paying guests in all residential zones. Renting to more than two paying guests in a private residence is considered a rooming or boarding house and is subject to approval of a conditional use permit.
- C. Limitations on Accessory Uses and Structures.

1. Accessory uses and structures are prohibited without a permissible main building.
  2. Each accessory structure is allowed no more than one half bath [unless it has been converted into an accessory dwelling unit as stipulated in Section 18.30.380.](#)
- D. Recreational Facilities. Recreational facilities serving a multi-unit residential development may be permitted. Typical facilities include:
1. Swimming pools, gymnasiums/fitness centers, and hot tubs/spas;
  2. Tennis, badminton, volleyball, croquet, and similar courts;
  3. Playgrounds, sitting areas, and picnic/barbeque areas.
- (Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

**18.21.040 General development standards.**

Development standards for residential zones are set forth in Table 18.21.040.

**Table 18.21.040  
Development Standards  
Residential Zones**

Development	Requirement By Zoning District						
	RS-1	RS-2	RS-3	RS-4	RM-1	RM-2	RM-3
Minimum setbacks, Primary structure							
Front	20'	20'	15'	10'/ 15(a)	15'	10'	10'
Side—Interior	5'	5'	5'	3/0(b)	5'	5'	5'
Side—Exterior	10'	10'	5'	10'(a)	5'	5'	10'
Rear	25'	25'	10'	15'	5'	5'	5'
Minimum setbacks, Accessory structure							
Front	20'	20'	15'	10/ 15'(c)	15'	10'	10'
Side—Interior	5'	5'	5'	3'	5'	5'	5'
Side—Corner	5'	5'	5'	10'	5'	5'	5'
Rear	5'	5'	5'	3'	5'	5'	5'
Detached building separation	5'	5'	5'	6'	5'	5'	5'
Number of detached buildings	3 per full 5,000 ft <sup>2</sup> of lot area	3 per full 5,000 ft <sup>2</sup> of lot area	3 per full 5,000 ft <sup>2</sup> of lot area	3			

Development	Requirement By Zoning District						
	RS-1	RS-2	RS-3	RS-4	RM-1	RM-2	RM-3
Minimum lot area	10,000 SF	5,000 SF	5,000 SF	2,500 SF	5,000 SF	5,000 SF	5,000 SF
<a href="#">Minimum separation of primary structures</a>			<a href="#">10 feet if side-by-side; 15 feet if front-to-back</a>		<a href="#">10 feet if side-by-side; 15 feet if front-to-back</a>	<a href="#">10 feet if side-by-side; 15 feet if front-to-back</a>	<a href="#">10 feet if side-by-side; 15 feet if front-to-back</a>
Minimum street frontage (Standard)	60'	50'	50'	25'	50'	50'	50'
Minimum street frontage (lots on the bulb of a cul-de-sac)	36'	36'	36'	15'	36'	36'	36'
Maximum density	One du per lot	One du per lot	One du per 2,900 SF of lot area	One du for each 2,500 SF of lot area	One du per 1,900 SF of lot area	One du per 900 SF of lot area	One du per 580 SF of lot area
Minimum usable open space	N/A	N/A	N/A	N/A	See Section 18.41.040		
Maximum lot coverage	75%	75%	75%	N/A	75%	75%	75%
Maximum height, primary structure	35'	35'	35'	35'	45'	65'	95'
Maximum stories, primary structure	2	2	3	3	4	6	9
Maximum height, accessory structure	35'	35'	35'	35'	45'	65'	95'
	Shall not exceed the number of stories or				Shall not exceed the allowed maximum height		

Development	Requirement By Zoning District						
	RS-1	RS-2	RS-3	RS-4	RM-1	RM-2	RM-3
	height of the primary structure.				of accessory structures in adjacent zone within 100-feet of the adjacent zone.		
Maximum area (total), accessory structures— Excluding up to 400 SF of covered parking <u>and area dedicated to an ADU</u>	10% of lot size (d)	10% of lot size (d)	10% of lot size (d)	None	None	None	None

Notes:

(a) Stoops and porches may extend into the front yard up to the front property line or in the case of a corner parcel, to the side property line. Garages shall maintain a fifteen-foot front yard setback.

(b) A zero foot minimum side yard, for one side yard on the parcel, is permitted provided that there is a six-foot separation to the adjacent residential structure and that there is a minimum three-foot side yard setback on the opposite side.

(c) Except for stoops and porches, accessory structures shall not be located in the front yard setback. Porches or stoops should be at least six feet deep.

(d) No single accessory structure shall have a footprint greater than that of half of the primary structure excluding area dedicated to an ADU.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012; Ord. No. 2017-2438, § 2, 10-3-2017)

**~~18.21.050 Second units.~~**

~~A. — Purpose. The purpose of this section is to provide regulations for the establishment of accessory dwelling units in the residential zones. Accessory dwelling units help advance the city's growth and planning policies by:~~

- ~~1. — Accommodating new housing units while preserving the character of existing neighborhoods;~~
- ~~2. — Allowing efficient use of the city's existing housing stock and infrastructure;~~
- ~~3. — Providing housing options and choices that respond to varying income levels, changing household sizes and lifestyle needs; and,~~
- ~~4. — Providing a means for residents—particularly seniors, single parents, younger singles and younger couples, and empty nesters—to remain in their homes and neighborhoods, and obtain and preserve income, security, companionship, and assistance.~~

~~B. — Development Standards.~~

- ~~1. — Shall be permitted on properties with only one single family residence on the lot or constructed in conjunction with a single family residence;~~

- 
- ~~2. Shall not be allowed where the city manager or his/her designee determines that roadways, public utilities or services are inadequate;~~
- ~~3. Shall not be allowed on lots that exceed the allowed number of dwelling units;~~
- ~~4. The development standards for accessory structures shall apply to second units, except that the setback requirements for primary structures shall apply and the floor area shall not exceed the maximum area allowed for accessory structures, but in no case shall exceed one thousand two hundred square feet.~~
- ~~C. Architectural Compatibility. A second dwelling unit shall incorporate the same or substantially similar architectural features with respect to roof pitch, compatible building materials, colors, and design details of the primary dwelling unit.~~
- ~~D. Parking. One off-street parking space, in addition to that which is required by this code for the primary residence shall be provided. Parking spaces include garages, carports, or uncovered parking.~~
- ~~(Ord. No. 2012-2372, Exh. B 1, 2-7-2012)~~

## Chapter 18.22 COMMERCIAL ZONES

### 18.22.010 Purpose.

- A. Purposes. The general purposes of commercial zones are to:
1. Provide areas in which business may be conducted, goods sold and distributed, public and private services rendered, and such other activities provided which are related to the function of commercial development;
  2. Ensure compatibility of the various commercial areas with adjacent land uses;
  3. Implement the General Plan by concentrating the locations of intensive commercial uses.
- B. Commercial Automotive (CA). The purpose of the commercial automotive (CA) zone is to provide for automobile and truck sales and services and sales and services that support such uses. Uses may also include alternative fuel vehicle sales, services and related supplies, and rental car facilities.
- C. Limited Commercial (CL). The purposes of the limited commercial (CL) zone are to:
1. Provide for small scale, limited convenience retail shopping facilities at the neighborhood level, typically including food and convenience stores, small retail and service shops, professional offices, and artisan activities such as studios, galleries, production space, and small performance venues. The sale of all merchandise shall be retail only.
  2. Ensure that the character of the CL zone will be compatible with and will complement the surrounding residential area.
- D. Service Commercial (CS). The purpose of the service commercial (CS) zone is to provide for intensive commercial activities; specialized service establishments; ~~light manufacturing~~, wholesaling, and distribution uses that operate in a clean and quiet manner; and supporting and complimentary uses.
- E. Tourist Commercial (CT). The purpose of the CT zone is to provide areas catering specifically to the needs of automobile-oriented trade, such as transient accommodations and services, certain specialized retail outlets, commercial amusement enterprises and compatible residential development.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

**18.22.020 Allowed land uses and permit requirements.**

Table 18.22.020 identifies the uses of land allowed in each commercial zone. This table does not apply to the CL zone. For a list of allowable uses in the CL zone, please refer to Appendix A of the Westside Specific Plan.

**TABLE 18.22.020  
Allowed Land Uses  
Commercial Zones**

Land Use	Zone		Specific Use Regulations
	CA	CS	
Auto towing dispatch (accessory to service station)		P	
Alcohol, sales for off-site consumption (accessory to retail sales)		C	Section 18.30.050
Alcohol, sales for on-site consumption (accessory to eating place)		C	Section 18.30.050
Car wash, automatic and full service		P	
Car wash, manual		C	
Civic, fraternal, community, and cultural facilities		C	
Commercial recreation, indoor		C	
Commercial recreation, outdoor		C	
Convenience store (accessory to service station)		M	Section 18.30.190
Eating place, dine-in (accessory)		P	
Eating place, dine-in		P	
Eating place, drive-thru/take-out		C	
Games of skill or amusement, maximum of four machines (accessory)		P	
Gasoline service station		C	Section 18.30.190
Goods and services, retail		P	
New automobile and truck sales, leasing, and rentals	P		
Offices		P	
Off-street parking and loading facilities (accessory)		P	
Open space reserves		P	
Parking garage		P	
Pawn shops		C	Section 18.30.330
Payday lenders		C	Section 18.30.320
Public assembly		C	
Public safety facilities		P	
Research and development		P	
Recycling facility, small (accessory)		P	Section 18.30.170

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Recycling facility, mobile		C	Section 18.30.170
Renewable energy infrastructure (accessory)		P	Section 18.30.210/ 18.30.300; CBC
Sale of vehicle parts and accessories when provided by new vehicle dealership on contiguous property	P		
Sale or rental of campers, camper trailers, vacation trailers, self-propelled mobile homes, boats, and other sporting and pleasure equipment which is substantial in size. This activity must be incidental to the principal activity of the automobile and/or truck dealership	P		
Service and repair of trucks and automobiles when provided by new vehicle dealer on contiguous property	P		
Storage building (accessory)		P	
Tattoo parlors and body piercing establishments		C	Section 18.30.310
Telecommunications facilities		C	Section 18.30.220
Used auto and truck sales when part of a new vehicle dealership and located on contiguous land	P		
Utility facilities, minor		P	
Utility facilities, major		C	
Vehicle body and paint shop		C	Section 18.30.060
Vehicle, outdoor storage (a)		C	Section 18.30.160
Vehicle parts and accessories sales		P	
Vehicle, repair or service (minimum 7,500 square foot lot)		P	
Vending machines (accessory)		P	Section 18.30.150(E)
Warehouse and distribution facility		P	
Wrecked vehicle storage, maximum 60 days (accessory)		P	
P Permitted C Conditional use permit M Minor use permit — Not permitted			

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### 18.22.030 Accessory uses.

- A. Commercial Uses in Hotels and Motels. Accessory uses and services incidental to the principal use may be permitted; and accessory businesses intended for the convenience or necessity of the guests of the principal use, including bars, cafes, restaurants, lunchrooms, coffee shops, gift shops, florists, barbershops, beauty shops, news and tobacco shops, travel and car rental agencies, business centers, valet service (agency for laundering, cleaning, and pressing of clothing), letting of space for professional offices, operated in

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(Supp. No. 57)

conjunction with the uses permitted in this section and not as a separate enterprise, and located on the same premises may be permitted, provided there shall be no entrance to such accessory uses except from the lobby or the interior of a principal building or buildings or patio.

- B. Storage Buildings and Garages. Storage buildings and garages incidental to principal uses on the same premises are permitted.
- C. Sale of Gasoline. The sale of gasoline may be permitted as an accessory use in any zone where gasoline service stations are permitted, subject to the issuance of a conditional use permit.
- D. Auctions. Auctions, in conjunction with used furniture or antique sales, may be permitted subject to the issuance of a conditional use permit.
- E. Games of Skill or Amusement.
  - 1. In the commercial and mixed-use zones, games of skill or amusement, as an incidental or accessory use, shall be limited to four machines per establishment, two of which may be multiple-player machines.
  - 2. Bowling alleys shall be limited to thirty games of skill or amusement as an incidental use. All such machines shall be located in the main concourse of the facility within the line-of-sight of a supervising adult employed by the business proprietor, whom shall be continuously present at all times that machines are being used.
  - 3. The use of games of skill or amusement as an incidental or accessory use may be permitted within an existing establishment only if a conditional use permit is granted.
  - 4. Limitations on location of games of skill and amusement.
    - a. No games of skill and amusement accessible for use by minors shall be maintained, operated, conducted or used, nor kept for such purposes, in or on the premises of any establishment whose primary business is the sale of alcoholic beverages. This shall not prohibit the operation of amusement machines in a bona fide establishment with an on-sale liquor license or restaurants which are not licensed to sell alcoholic beverages.
    - b. No games of skill and amusement shall be maintained, operated, conducted or uses, nor kept for such purposes, within any place which is closer than three hundred feet from any public or private school which conducts classes for any grades from kindergarten to twelfth grade.
- F. Catering Services. Catering services for retail food preparation and party supplies may be permitted; provided said use is conducted in conjunction with a permitted restaurant, retail store, or commercial office; and further provided that the wholesaling or warehousing of merchandise does not occur in the operation of the catering business.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

**18.22.040 General development standards.**

Development standards for commercial zones are set forth in Table 18.22.040. Refer to the Westside Specific Plan for additional requirements in the CL zone.

**TABLE 18.22.040  
Development Standards  
Commercial Zones**

Development Standard	Zone		
	CA	CL	CS

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Minimum lot area	15,000 SF	5,000 SF	5,000 SF (b)(c)
Minimum street frontage	50'	50'	50' (d)
Minimum setbacks			
Front	0'	10'	0'
Side, interior	0'	0'/10'(e)	0'
Side, exterior	0'	10'	0'
Rear	0'	5'	0'
When adjacent to a residential zone	>20 feet from adjacent zone boundary	N/A	20 feet from adjacent zone boundary
Maximum height/stories	50' and 3 stories	50' and 3 stories	50' and 3 stories
When adjacent to residential zone	Shall not exceed the allowed maximum height in the adjacent zone within 100-feet of the adjacent zone	N/A	Shall not exceed the allowed maximum height in the adjacent zone within 100-feet of the adjacent zone
Maximum floor area ratio	1.5	0.6	1.5
Lot coverage	80%	N/A	80%

Notes:

- (b) Automobile service stations shall have a minimum lot area of fifteen thousand square feet.
  - (c) Automobile and truck repair facilities shall have a minimum lot area of seven thousand five hundred square feet.
  - (d) Automobile service stations shall have a minimum street frontage of one hundred feet.
  - (e) Ten feet if adjacent to an existing single-family or multi-family development without commercial/office uses.
- (Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

**18.22.050 Uses to be conducted in enclosed buildings.**

All uses shall be conducted in enclosed buildings; provided, however, that businesses such as auto and truck dealers, landscape nurseries, gas stations, sidewalk cafes/outdoor dining, and similar uses that customarily include outdoor use, may be permitted outside of a completely enclosed building. This section shall not restrict incidental loading, parking, property maintenance, or special promotions as provided by this title.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

*Chapter 18.23 WESTSIDE MIXED-USE ZONES*

**18.23.010 Purpose.**

The purpose of the MCR-1 and MCR-2 zones is to provide an area within the Westside Specific Plan area for either commercial or multi-family residential development or a commercial and multi-family development constructed on a single parcel or as components of a single development on an assemblage of parcels.

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(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

**18.23.020 Allowed land uses and permit requirements.**

The uses permitted in the MCR-1 and MCR-2 zones are listed in Appendix A of the Westside Specific Plan.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

**18.23.030 General development standards.**

The development standards for the MCR-1 and MCR-2 zones are identified in Table 18.23.030. Refer to the Westside Specific Plan for additional requirements in the MCR-1 and MCR-2 zones.

**TABLE 18.23.030  
Development Standards  
MCR-1 AND MCR-2 Zones**

Development Standard	Zone	
	MCR-1	MCR-2
Minimum setbacks		
Front	10'	10'
Side, interior	0'/10'(a)	0'/10'(a)
Side, exterior	10'	10'
Rear	5'	5'
Minimum distance between buildings	0'/10'(a)	0'/10'(a)
Minimum density	24 du/acre	24 du/acre
Maximum density	24 du/acre	45/60 du/acre (b)
Minimum dwelling unit size	600 SF	600 SF
Maximum height/stories	3 stories and 50'	5 stories and 65'
Common usable open space (c)	300 SF/du	300 SF/du
Private usable open space (c)	75 SF/du	75 SF/du
Maximum floor area ratio	0.6	0.6

Notes:

- (a) Ten feet if adjacent to single-family or multi-family development without commercial/office uses
- (b) Maximum density if forty-five dwelling units per acre in the MCR-2 civic center drive district and sixty dwelling units per acre in the MCR-2 transit oriented development district.
- (c) Required for each unit over three units.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

***Chapter 18.24 MIXED-USE CORRIDOR AND DISTRICT ZONES***

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### **18.24.010 Purpose.**

The purpose of the mixed-use corridor and district zones is to create vibrant, mixed-use places that support a dynamic economy, affordable housing and environmental sustainability along major roadways. The mixed-use zones establish standards relating to building form and placement, building frontages, land use, parking, civic spaces, and streets. These standards are intended to create transit-oriented development with high quality architecture, pedestrian-oriented streets, a variety of housing options, accessible civic spaces, and a fine-grained mixture of land uses and activities. These standards differ from conventional zones by de-emphasizing land use regulations and instead focusing on physical form and building design. The mixed-use corridor and district zones implement policies relating to neighborhood design in the Land Use and Community Character Element of the National City General Plan.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.24.020 Mixed-use zones.**

- A. **Mixed-Use Corridor, Minor (MXC-1).** The MXC-1 zone supports the creation of mixed-use corridors at a scale compatible with adjacent single-family residential neighborhoods. Development in the zone is intended to create a pedestrian-oriented development that enhances the quality of life within the corridor and for adjacent residential neighborhoods. Buildings in the zone are built at or near front property lines to create a well-defined public realm. Parking areas are de-emphasized by being located adjacent to or behind buildings. Multi-family residential and mixed-use buildings provide a diversity of housing choices for existing and new residents. Commercial uses provide goods and services for residents and jobs for the community.
- B. **Mixed-Use Corridor, Major (MXC-2).** The MXC-2 zone supports the creation of mixed-use corridors that function as important activity centers within the community. Development in the zone is intended to create vibrant places at an urban scale. Buildings in the zone are built to the property lines to create a clearly defined street edge with building frontages that are active and inviting for pedestrians. Residents in mixed-use buildings with housing above retail support commercial establishments within the corridor. High quality architectural design and a distinctive sense of place make the zone an attractive destination to work, shop, and play for residents and visitors.
- C. **Mixed-Use District, Minor (MXD-1).** The MXD-1 zone supports the creation of mixed-use districts at a scale compatible with adjacent single-family residential neighborhoods. New development within the zone may be oriented towards an existing public street or a new street or civic space within the development site. A mixture of land uses within the zone will support a neighborhood feel and increase the ability for workers and residents to walk to destinations. New streets established in the zone support a pedestrian-oriented environment and accommodate all modes of transportation. New civic spaces required for large redevelopment projects create a lively focal point within the district that functions as a gathering place for residents and workers within the district.
- D. **Mixed-Use District, Major (MXD-2).** The MXD-2 zone supports the creation of mixed-use districts that serve as primary activity centers within the city. These activity centers will function as twenty-four-hour neighborhoods for residents, workers, and visitors. Housing, employment, retail, and recreational uses located within close proximity to one another will reduce dependence on the automobile. Urban-scale development will contribute to a lively, dynamic, and unique sense of place. Streets established in the zone support a pedestrian-oriented environment and accommodate all modes of transportation. New civic spaces required for large redevelopment projects will reinforce the urban design character of the district and provide a gathering place for residents, workers, and visitors.
- F. **Mixed-Use Transition (MXT).** The MXT zone supports the creation of transitional mixed-use areas between single-family residential neighborhoods and retail and commercial districts and corridors. Development in

this zone is intended to facilitate an integrated pattern of uses and activities that complement and enhance the quality of life of the adjacent residential neighborhoods. Buildings in the zone are built at or near front property lines to create a well-defined public realm. Parking areas are de-emphasized by being located adjacent to or behind buildings. Multi-family residential and mixed-use buildings provide a diversity of housing choices for existing and new residents. Commercial uses provide goods and services for residents and jobs for the community.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

**18.24.030 General provisions.**

The requirements of this chapter (Mixed-Use Corridor and District Zones) take precedence over the regulations found elsewhere in Title 18. In the event of a conflict between this chapter and another portion of the Land Use Code, the provisions of this chapter shall govern.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

**18.24.040 Building form and placement.**

- A. Purpose. This section establishes standards for building form and placement, including building height, bulk, mass, and parking placement within the mixed-use corridor and district zones.
- B. Intent. The intent of these standards is to ensure excellence in site planning and building design in order to create a vibrant and well-defined public realm that is pedestrian-friendly and supportive of a sustainable way-of-life. The images below illustrate the intent of these standards.
- [C.] Mixed-Use Transit Corridor, Minor (MXC-1). Development in the MXC-1 zone shall comply with the standards in Table 18.24.040A (MXC-1 Zone Building Form and Placement).

**TABLE 18.24.040A  
MXC-1 Zone Building Form and Placement**

Development Standard	Minimum	Maximum
Street wall	75%	100%
Building setbacks		
Street	0'	15' - 1st and 2nd story None - 3rd story
Other	0'	None
Other, adjacent to residential zone	Same as <a href="#">the equivalent setback in the adjacent residential zone</a>	None
Building setbacks		
3rd story setback from 2nd story street wall	8'	None
3rd story setback from 2nd story walls adjacent to RS zone	15'	None
Building volume		
Height	None	50' and 3 stories
Height, adjacent to residential zone	None	Same as adjacent zone (within 50 feet)
Floor area ratio, mixed-use (a)	None	2.0

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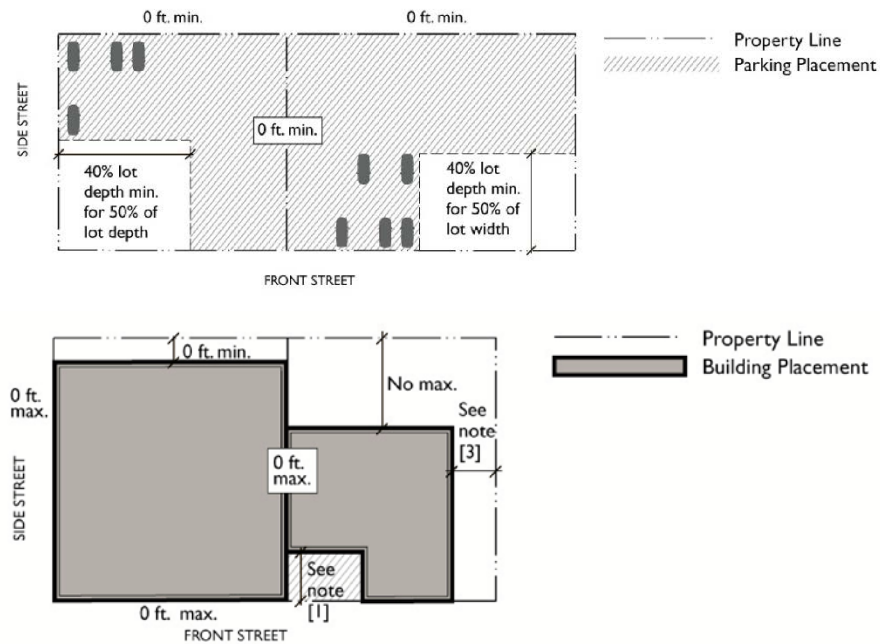
Floor area ratio, single-use	None	1.0
<a href="#">Lot area (lots on the bulb of a cul-de-sac)</a>	<a href="#">5,000 SF</a>	
<a href="#">Lot street frontage (lots on the bulb of a cul-de-sac)</a>	<a href="#">50'/36'</a>	
Residential density (net rights-of-way)	None	48 du/acre
Parking setback adjacent to street (b)	40'	None

Notes:

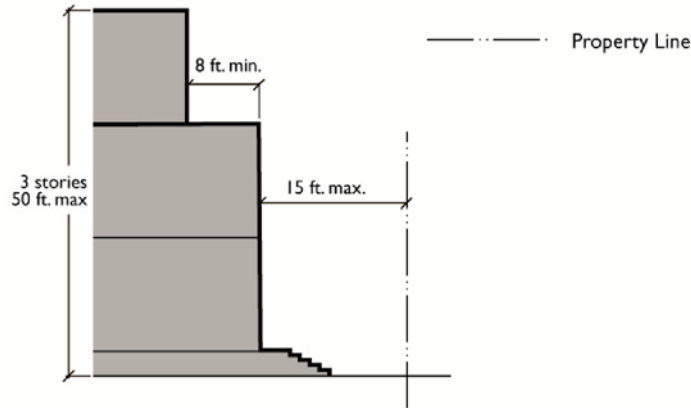
(a) Mixed use shall be defined as both vertical mixed use (e.g., residential or office above ground floor commercial) and horizontal mixed use (e.g., residential and commercial uses in separate buildings located on a single parcel or site). A mixed use development that is primarily residential shall contain a minimum of ten percent commercial floor area. A mixed use development that is primarily commercial shall contain a minimum twenty percent residential floor area.

(b) Does not apply when parking is not visible from any point six feet above finish grade along property lines adjacent to public rights-of-way.

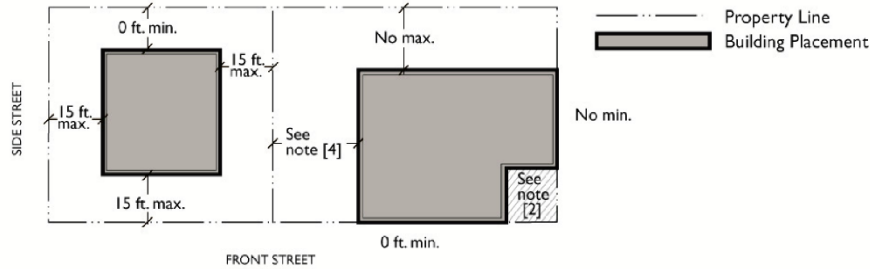
**Building Setback Standards in the MXC-1 Zone**



**Building Volume Standards in the MXC-1 Zone**



### Parking Setback Standards in the MXC-1 Zone



[D.] Mixed-Use Corridor, Major (MXC-2) Standards. Development in the MXC-2 zone shall comply with the standards in Table 18.24.040B (MXC-2 Zone Building Form and Placement).

**TABLE 18.24.040B**  
**MXC-2 Zone Building Form and Placement**

Development Standard	Minimum	Maximum
Street wall	75%	100%
Building setbacks		
Street	0'	10' - 1st and 2nd story None - 3rd story
Other	0'	None
Other, adjacent to residential zone	Same as adjacent residential zone	None
Building setbacks		
5th story setback from 4th story street wall	8'	None
3rd, 4th, and 5th story setback from 2nd story walls adjacent to RS zone	15'	None
Building volume		
Height	None	65' and 5 stories



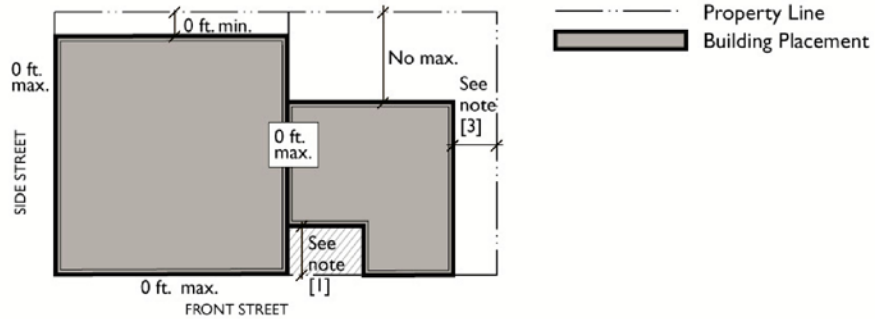
Height, adjacent to residential zone	None	Same as adjacent zone (within 50 feet)
Floor area ratio, mixed use (a)	None	3.5
Floor area ratio, single use	None	2.5
Residential density (net rights-of-way)	None	75 du/acre
Parking setback adjacent to street (b)	40'	None

Notes:

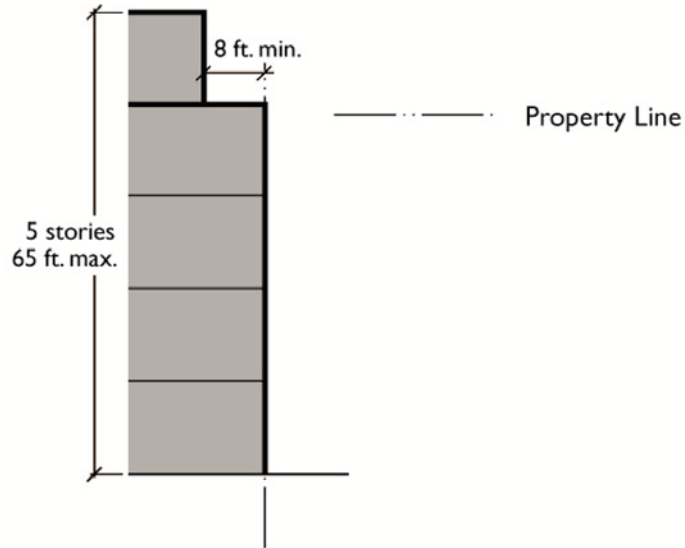
(a) Mixed use shall be defined as both vertical mixed use (e.g., residential or office above ground floor commercial) and horizontal mixed use (e.g., residential and commercial uses in separate buildings located on a single parcel or site). A mixed use development that is primarily residential shall contain a minimum of ten percent commercial floor area. A mixed use development that is primarily commercial shall contain a minimum twenty percent residential floor area.

(b) Does not apply when parking is not visible from any point six feet above finish grade along property lines adjacent to public rights-of-way.

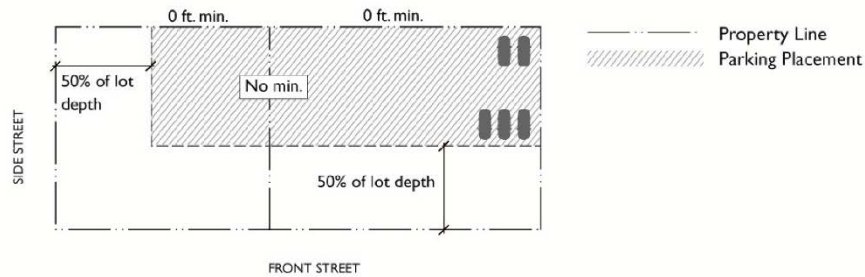
**Building Setback Standards in the MXC-2 Zone**



**Building Volume Standards in the MXC-2 Zone**



**Parking Setback Standards in the MXC-2 Zone**



[E.] Mixed-Use Transition (MXT). Development in the MXT zone shall comply with the standards in Table 18.24.040C (MXT Zone Building Form and Placement).

**TABLE 18.24.040C**  
**MXT Zone Building Form and Placement**

<u>Development Standard</u>	<u>Minimum</u>	<u>Maximum</u>
<u>Street wall</u>	<u>75%</u>	<u>100%</u>
<u>Building setbacks</u>		
<u>Street</u>	<u>0'</u>	<u>15' - 1st and 2nd story</u> <u>None - 3rd story</u>
<u>Other</u>	<u>0'</u>	<u>None</u>
<u>Other, adjacent to residential zone</u>	<u>Same as the equivalent setback in the adjacent residential zone</u>	<u>None</u>
<u>Building setbacks</u>		
<u>3rd story setback from 2nd story street wall</u>	<u>8'</u>	<u>None</u>
<u>3rd story setback from 2nd story walls adjacent to RS zone</u>	<u>15'</u>	<u>None</u>

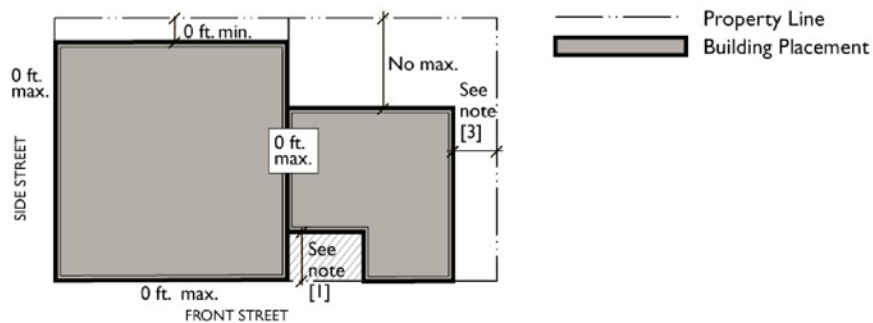
<u>Building volume</u>		
<u>Height</u>	<u>None</u>	<u>45' and 4 stories</u>
<u>Height, adjacent to residential zone</u>	<u>None</u>	<u>Same as adjacent zone (within 45 feet)</u>
<u>Floor area ratio, mixed-use (a)</u>	<u>None</u>	<u>2.0</u>
<u>Floor area ratio, single-use</u>	<u>None</u>	<u>1.0</u>
<u>Lot area (lots on the bulb of a cul-de-sac)</u>	<u>5,000 SF</u>	
<u>Lot street frontage (lots on the bulb of a cul-de-sac)</u>	<u>50'/36'</u>	
<u>Residential density (net rights-of-way)</u>	<u>None</u>	<u>24 du/acre</u>
<u>Parking setback adjacent to street (b)</u>	<u>40'</u>	<u>None</u>

Notes:

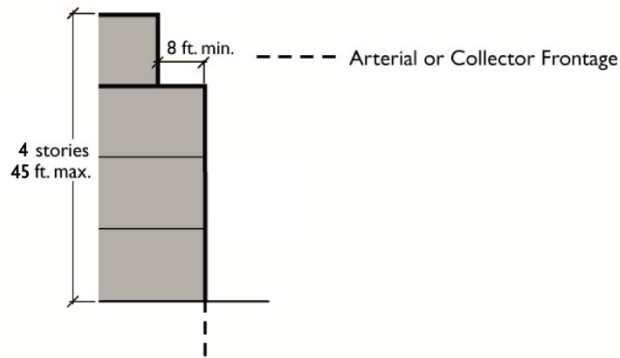
(a) Mixed use shall be defined as both vertical mixed use (e.g., residential or office above ground floor commercial) and horizontal mixed use (e.g., residential and commercial uses in separate buildings located on a single parcel or site). A mixed use development that is primarily residential shall contain a minimum of ten percent commercial floor area. A mixed use development that is primarily commercial shall contain a minimum twenty percent residential floor area.

(b) Does not apply when parking is not visible from any point six feet above finish grade along property lines adjacent to public rights-of-way.

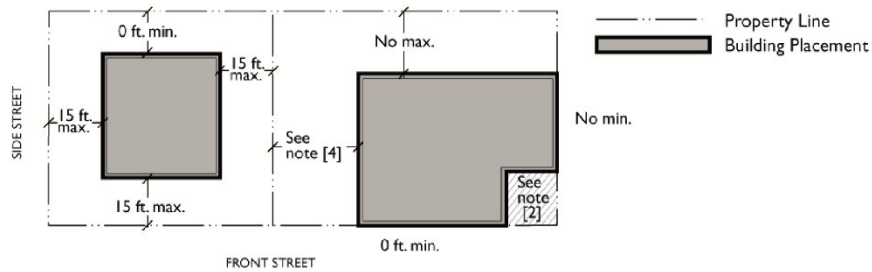
**Building Setback Standards in the MXT Zone**



**Building Volume Standards in the MXT Zones**



**Parking Setback Standards in the MXT Zone**



[F.E.] Mixed-Use District (MXD-1) Standards. Development in the MXD-1 zone shall comply with the standards in Table 18.24.040 DE (MXD-1 Zone Building Form and Placement).

**TABLE 18.24.040 DE**  
**MXD-1 Zone Building Form and Placement**

Development Standard	Minimum	Maximum
Street wall	75%	100%
Building setbacks		
Street	0'	15' - 1st and 2nd story None - 3rd story
Other	0'	None
Other, adjacent to residential zone	Same as adjacent residential zone	None
Building setbacks		
3rd story setback from 2nd story street wall	8'	None

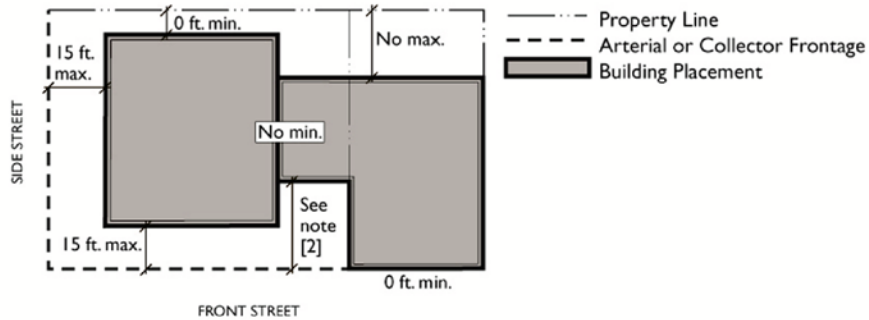
3rd story stepback from 2nd story walls adjacent to RS zone	15'	None
Building volume		
Height	None	50' and 3 stories
Height, adjacent to a residential zone	None	Same as adjacent zone (within 50 feet)
Floor area ratio, mixed use (a)	None	2.0
Floor area ratio, single use	None	1.0
Residential density	None	48 du/acre
Parking setback adjacent to street (b)	40'	None

**Notes:**

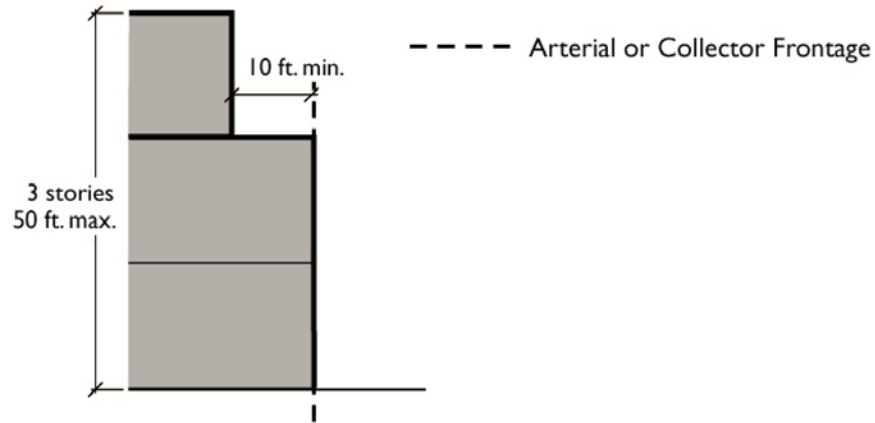
(a) Mixed use shall be defined as both vertical mixed use (e.g., residential or office above ground floor commercial) and horizontal mixed use (e.g., residential and commercial uses in separate buildings located on a single parcel or site). A mixed use development that is primarily residential shall contain a minimum of ten percent commercial floor area. A mixed use development that is primarily commercial shall contain a minimum twenty percent residential floor area.

(b) Does not apply when parking is not visible from any point six feet above finish grade along property lines adjacent to public rights-of-way.

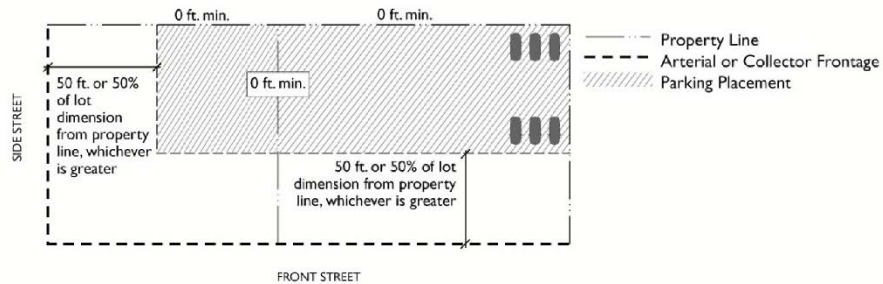
**Building Setback Standards in the MXD-1 Zone**



**Building Volume Standards in the MXD-1 Zone**



### Parking Setback Standards in the MXD-1 Zone



[GF.] Mixed-Use District, Major (MXD-2) Standards. Development in the MXD-2 zone shall comply with the standards in Table 18.24.040 <sup>ED</sup> (MXD-2 Zone Building Form and Placement).

**TABLE 18.24.040 <sup>ED</sup>**  
**MXD-2 Zone Building Form and Placement**

Development Standard	Minimum	Maximum
Street wall	75%	100%
Building setbacks		
Street	0'	10' - 1st and 2nd story None - 3rd story
Other	0'	None
Other, adjacent to residential zone	Same as adjacent residential zone	None
Building setbacks		
5th story setback from 4th story street wall	8'	None
3rd, 4th, and 5th story setback from 2nd story walls adjacent to RS zone	15'	None
Building volume		
Height	None	65' and 5 stories

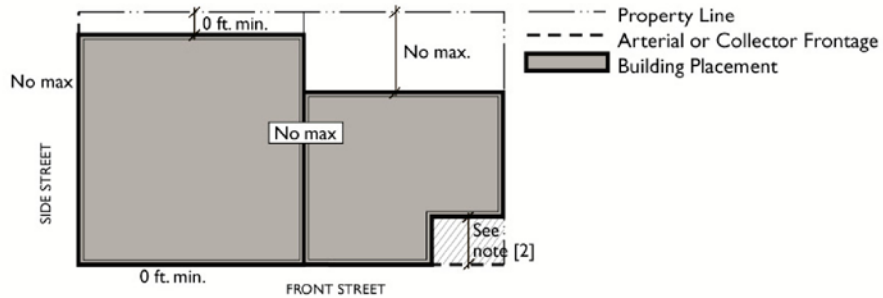
Height, adjacent to residential zone	None	Same as adjacent zone (within 50 feet)
Floor area ratio, mixed use (a)	None	3.5
Floor area ratio, single use	None	2.5
Residential density (net rights-of-way)	None	75 du/acre
Parking setback adjacent to street (b)	40'	None

Notes:

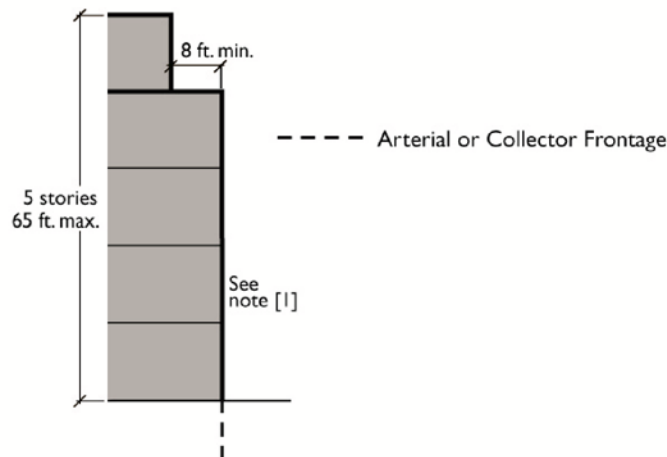
(a) Mixed use shall be defined as both vertical mixed use (e.g., residential or office above ground floor commercial) and horizontal mixed use (e.g., residential and commercial uses in separate buildings located on a single parcel or site). A mixed use development that is primarily residential shall contain a minimum of ten percent commercial floor area. A mixed use development that is primarily commercial shall contain a minimum twenty percent residential floor area.

(b) Does not apply when parking is not visible from any point six feet above finish grade along property lines adjacent to public rights-of-way.

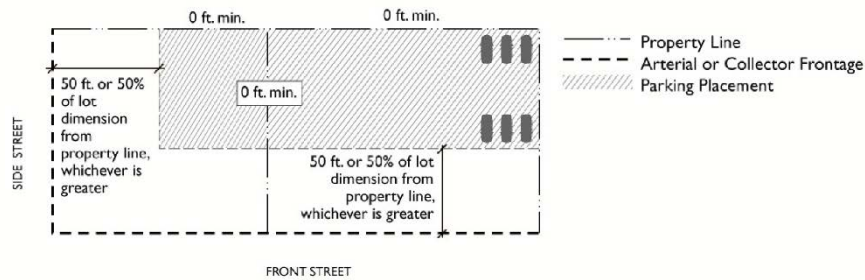
**Building Setback Standards in the MXD-2 Zone**



**Building Volume Standards in the MXD-2 Zone**



**Parking Setback Standards in the MXD-2 Zone**



(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

**18.24.050 Allowed land uses and permit requirements.**

- A. Purpose. This section identifies permitted uses within the mixed-use zones.
- B. Permitted Land Uses. Land uses permitted in the mixed-use zones shall be as specified in Table 18.24.050 (Allowed Land Uses - Mixed-Use Zones).

**TABLE 18.24.050  
Allowed Land Uses  
Mixed-Use Zones**

Land Use	Permit Required by Zone					Specific Use Regulations
	MXC-1 (a)	MXC-2	MXD-1	MXD-2	<u>MXI</u>	
Alcohol, sales for off-site consumption (accessory to retail sales)	C	C	C	C	<u>C</u>	Section 18.30.050
Alcohol, sales for on-site consumption (accessory to eating places)	C	C	C	C	<u>C</u>	Section 18.30.050
Animal boarding/kennel, small (setback 150 feet from single-family residential zones)	C	C	C	C	<u>C</u>	
Adult day health care	C	C	C	C	<u>C</u>	
Bar/nightclub	C	C	C	C	<u>C</u>	Section 18.30.050
Bed and breakfast inn (B&B)	C	C	C	C	<u>C</u>	



Breweries, small	P	P	P	P	<u>P</u>	
Brewery tasting room	P	P	P	P	<u>P</u>	Section 18.30.050/ City Council Policy 707
Car wash, automatic and full service	P	P	P	P	<u>P</u>	
Car wash, manual	C	C	C	C	<u>C</u>	
Civic, fraternal, community, and cultural facilities	P	P	P	P	<u>P</u>	
Commercial recreation, indoor	P	P	P	P	<u>P</u>	
Commercial recreation, outdoor	M	M	M	M	<u>M</u>	
Convalescent / nursing home / hospice	P	P	P	P	<u>P</u>	
Child day care center	M	M	M	M	<u>M</u>	Section 18.30.070
Family day care home, small (accessory)	P	P	P	P	<u>P</u>	Section 18.30.080
Family day care home, large (accessory)	M	M	M	M	<u>M</u>	Section 18.30.080
Convenience store (accessory to gas service station)	P	P	P	P	<u>P</u>	Section 18.30.190
Dormitory (accessory to school)	C	C	C	C	<u>C</u>	
Dwelling unit, single detached (b)	P	P	P	P	<u>P</u>	
Dwelling unit, single attached (b)	P	P	P	P	<u>P</u>	
Dwelling unit, multiple (b)	P	P	P	P	<u>P</u>	
Eating places, dine in	P	P	P	P	<u>P</u>	
Eating places, drive-through/take-out	C	C	C	C	<u>C</u>	

Farmer's market	C	C	C	C	<u>C</u>	
Gasoline service station	C	C	C	C	<u>C</u>	Section 18.30.190
Goods and services, retail	P	P	P	P	<u>P</u>	
Guidance/social assistance services	C	C	C	C	<u>C</u>	
Heliport/helistop (accessory)	—	—	C	C	<u>—</u>	
Home occupation (accessory)	P	P	P	P	<u>P</u>	
Hospital	—	—	C	C	<u>—</u>	
Hotel, motel, and related services	P	P	P	P	<u>P</u>	Section 18.30.270
<a href="#">Low Barrier Navigation Center</a>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<a href="#">Section 18.30.400</a>
Maintenance yards	C	C	C	C	<u>C</u>	
Medical offices/clinics and laboratories	P	P	P	P	<u>P</u>	
Offices	P	P	P	P	<u>P</u>	
Open space reserves	P	P	P	P	<u>P</u>	
Parking garage	P	P	P	P	<u>P</u>	
Parks (passive and active recreation)	P	P	P	P	<u>P</u>	
Pawn shops	C	C	C	C	<u>C</u>	Section 18.30.330
Payday lenders	C	C	C	C	<u>C</u>	Section 18.30.320
Private/public educational institutions, schools	C	C	C	C	<u>C</u>	
Public assembly	C	C	C	C	<u>C</u>	
Public safety facilities	P	P	P	P	<u>P</u>	
Rectory (accessory to religious facility)	P	P	P	P	<u>P</u>	
Recycling facility, small (accessory)	P	P	P	P	<u>P</u>	Section 18.30.170

Recycling facility, mobile	C	C	C	C	<u>C</u>	Section 18.30.170
Renewable energy infrastructure (accessory)	P	P	P	P	<u>P</u>	Section 18.30.210/18.30.300; California Building Code
Sidewalk café (accessory)	P	P	P	P	<u>P</u>	Section 18.30.200
Storage building (accessory)	P	P	P	P	<u>P</u>	
Tattoo parlors and body piercing establishments	C	C	C	C	<u>C</u>	Section 18.30.310
Telecommunication facilities, commercial	C	C	C	C	<u>C</u>	Section 18.30.220
Tobacco specialty businesses	—	—	C	C	<u>—</u>	Section 18.30.230
Transitional/supportive housing (b)	P	P	P	P	<u>P</u>	
Urban agriculture	P	P	P	P	<u>P</u>	Section 18.30.240
Utility facilities, minor	P	P	P	P	<u>P</u>	
Utility facilities, major	C	C	C	C	<u>C</u>	
Vending machines (accessory)	P	P	P	P	<u>P</u>	Section 18.30.150(E)
Veterinary clinics/hospitals	C	C	C	C	<u>C</u>	Section 18.30.250
Winery tasting room	P	P	P	P	<u>P</u>	Section 18.30.050/ City Council Policy 707
	P Permitted C Conditional use permit M Minor use permit (ministerial) — Not permitted					

Notes:

(a) Visitor serving, tourist commercial, and recreational uses are prioritized in the coastal zone.

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(b) Residential uses are not permitted in the coastal zone west of I-5.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012; Ord. No. 2015-2407, § 2, 11-3-2015; Ord. No. 2017-2444, § 2, 12-19-2017; Ord. No. 2018-2448, § II, 7-17-2018; Ord. No. 2018-2451, § 2, 11-20-2018)

### **18.24.060 Accessory uses.**

- A. Commercial Uses in Hotels and Motels. Accessory uses and services incidental to the principal use may be permitted; and accessory businesses intended for the convenience or necessity of the guests of the principal use, including bars, cafes, restaurants, lunchrooms, coffee shops, gift shops, florists, barbershops, beauty shops, news and tobacco shops, travel and car rental agencies, business centers, valet service (agency for laundering, cleaning, and pressing of clothing), letting of space for professional offices, operated in conjunction with the uses permitted in this section and not as a separate enterprise, and located on the same premises may be permitted, provided there shall be no entrance to such accessory uses except from the lobby or the interior of a principal building or buildings or patio.
- B. Storage Buildings and Garages. Storage buildings and garages incidental to principal uses on the same premises are permitted. [Storage buildings and garages may be attached to or contain accessory dwelling units as stipulated in Section 18.30.380.](#)
- C. Recreational Facilities. Recreational facilities serving the customer or patron of a principal use may be permitted. Typical facilities include:
1. Swimming pools, gymnasiums/fitness centers, and hot tubs/spas;
  2. Tennis, badminton, volleyball, croquet, and similar courts;
  3. Playgrounds, sitting areas, and picnic/barbeque areas.
- D. Sale of Gasoline. The sale of gasoline may be permitted as an accessory use in any zone where gasoline service stations are permitted, subject to the issuance of a conditional use permit.
- E. Auctions. Auctions, in conjunction with used furniture or antique sales, may be permitted subject to the issuance of a conditional use permit.
- F. Games of Skill or Amusement.
1. In the commercial and mixed-use zones, games of skill or amusement, as an incidental or accessory use, shall be limited to four machines per establishment, two of which may be multiple-player machines.
  2. Bowling alleys shall be limited to thirty games of skill or amusement as an incidental use. All such machines shall be located in the main concourse of the facility within the line-of-sight of a supervising adult employed by the business proprietor, whom shall be continuously present at all times that machines are being used.
  3. The use of games of skill or amusement as an incidental or accessory use may be permitted within an existing establishment only if a conditional use permit is granted.
  4. Limitations on location of games of skill and amusement.
    - a. No games of skill and amusement accessible for use by minors shall be maintained, operated, conducted or used, nor kept for such purposes, in or on the premises of any establishment whose primary business is the sale of alcoholic beverages. This shall not prohibit the operation of amusement machines in a bona fide establishment with an on-sale liquor license or restaurants which are not licensed to sell alcoholic beverages.

- b. No games of skill and amusement shall be maintained, operated, conducted or uses, nor kept for such purposes, within any place which is closer than three hundred feet from any public or private school which conducts classes for any grades from kindergarten to twelfth grade.
- G. Catering Services. Catering services for retail food preparation and party supplies may be permitted; provided said use is conducted in conjunction with a permitted restaurant, retail store, or commercial office; and further provided that the wholesaling or warehousing of merchandise does not occur in the operation of the catering business.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

**18.24.070 Building frontage standards.**

- A. Purpose. This section identifies permitted frontage types for each mixed-use zone and establishes design standards that apply to each frontage type.
- B. Frontage Types Defined. Frontage types refer to the design and function of street-facing wall building façades. Frontage types define the way a structure engages the street and provides a transition between the public and private realm.
- C. Permitted Frontage Types.
  - 1. ~~MXC-1, and~~MXC-2, ~~and~~ MXT Zones. Exterior building walls in the MXC-1 and MXC-2 zones facing a street shall feature a permitted frontage type as shown in Table 18.24.070 (Building Frontage Types).
  - 2. MXD-1 and MXD-2 Zones. Exterior building walls in the MXD-1 and MXD-2 zones facing a collector or arterial street shall feature a permitted frontage type as shown in Table 18.24.070 (Building Frontage Types). Within the MXD-1 and MXD-2 zones, frontage type requirements do not apply to building walls facing other types of streets.

**TABLE 18.24.070  
Building Frontage Types in Mixed-Use Zones**

	Mixed-Use Zones	
	<del>MXC-1, and</del> MXD-1, <del>and</del> MXT	MXC-2 and MXD-2
Porch	P	See Note (a)
Stoop	P	See Note (a)
Lightcourt	P	See Note (a)
Dooryard	P	See Note (a)
Forecourt	P	See Note (a)
Shopfront	P	P
Gallery	-	P
Arcade	-	P
Lobby	-	P

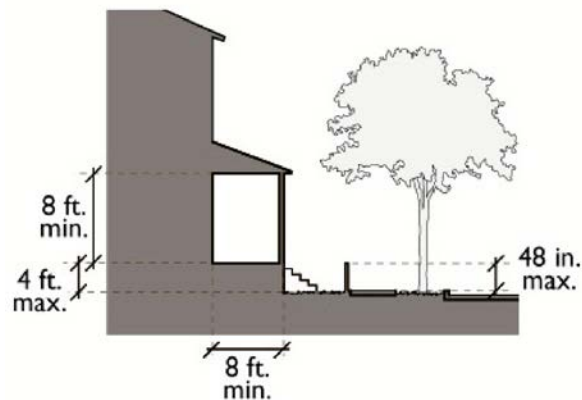
Notes:

(a) Permitted only for exterior building walls fronting one or more existing single-family home.

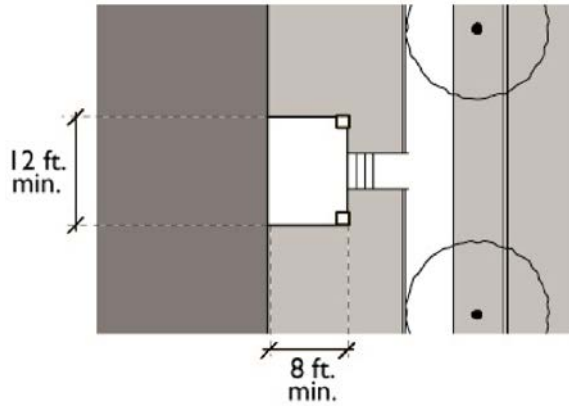
- D. Residential Transitions.
  - 1. Required Frontage Types. The portion of a building facing and located across a street from one or more detached single-family home shall feature either a porch or a stoop frontage type.

- 
2. Distinct Volumes. Frontages as required by subsection (1) above shall read as a series of distinct volumes, each no greater than fifty feet in width. Variation in building color, breaks in the horizontal plane, architectural detailing, and other similar methods may be used to comply with this requirement. Unarticulated facades are not permitted.
- E. Frontage Type Standards. Frontage types shall comply with the following standards.
1. Porch.
    - a. Porch Defined. A porch is a covered but unenclosed projection from the front wall of a structure generally surrounding the main entry to a dwelling unit.
    - b. Dimensions. A porch shall comply with the following dimension standards:
      - i. Depth: Eight feet minimum.
      - ii. Width: Twelve feet minimum.
      - iii. Height: Eight feet minimum from finished floor to ceiling.
    - c. Maximum Elevation. The elevation of a porch floor shall not exceed four feet from adjacent grade.
    - d. Maximum Fence Height. The height of a fence located at the front sidewalk shall not exceed forty-eight inches from adjacent grade.
    - e. Open Sides Required. Full or partial enclosure of porches greater than forty-two inches in height is prohibited.

**Porch and Fence Standards:  
Section View**



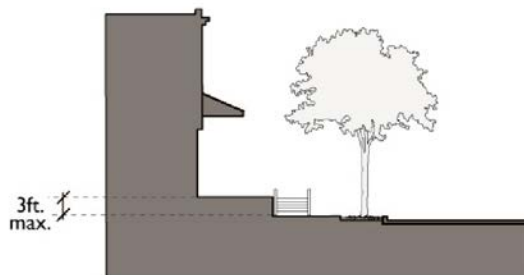
**Porch and Fence Standards: Plan View**



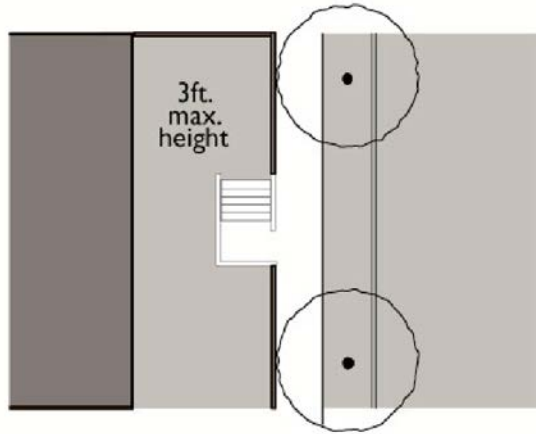
2. Stoop.

- a. Stoop Defined. A stoop is an uncovered unenclosed elevated platform projecting from the front wall of a structure providing access to the ground level of a building.
- b. Dimensions. A stoop shall comply with the following dimension standards:
  - i. Depth: Six feet minimum.
  - ii. Width: Four feet minimum.
- c. Maximum Elevation. The elevation of a stoop floor shall not exceed six feet from adjacent grade.
- d. Maximum Fence, Handrail, or Wall Height. The height of a fence, handrail, or wall surrounding a stoop shall not exceed forty-two inches as measured from the stoop floor.
- e. Open Sides Required. Full or partial enclosure of stoops greater than forty-two inches in height is prohibited.

**Stoop Standards: Section View**



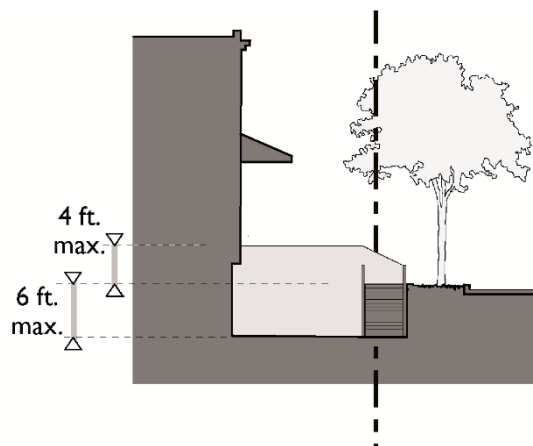
**Stoop Standards: Plan View**



3. Lightcourt.

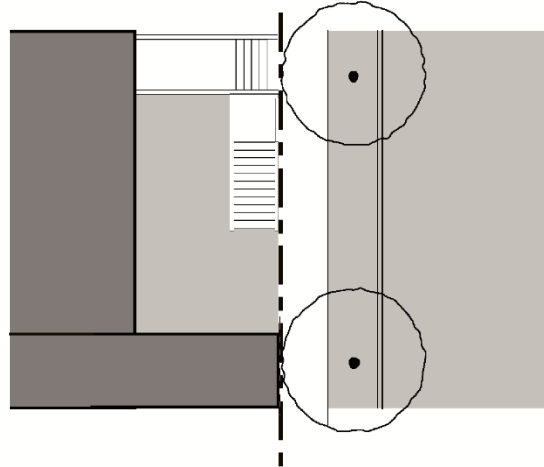
- a. Lightcourt Defined. A lightcourt is a sunken front yard area that buffers residential uses from adjacent sidewalks.
- b. Maximum Depth. The lower level of a building accessed by a lightcourt shall be no more than six feet below adjacent grade.
- c. Maximum Stoop Elevation. The maximum elevation of the stoop portion of a lightcourt shall not exceed six feet from adjacent grade.

**Lightcourt Standards: Section View**



**Lightcourt Standards: Plan View**

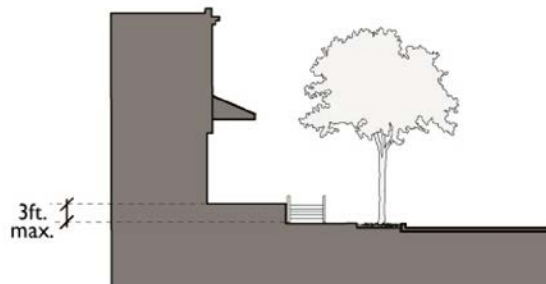




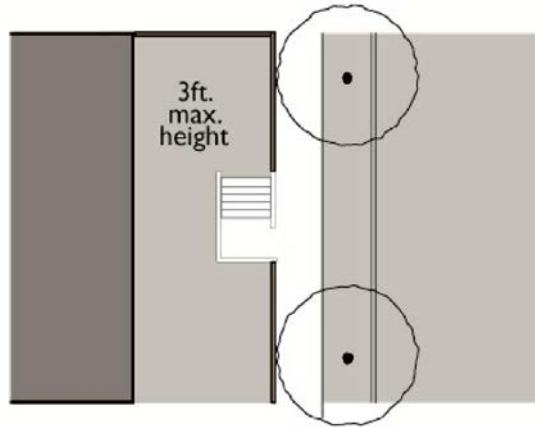
4. Dooryard.

- a. Dooryard Defined. A dooryard is a garden or terrace in the front yard area elevated from the adjacent sidewalk.
- b. Maximum Garden or Terrace Elevation. The maximum elevation of an elevated garden or terrace shall be three feet from adjacent grade.
- c. Open Sides Required. Full enclosure of an elevated garden or terrace is prohibited.

**Dooryard Standards: Section View**



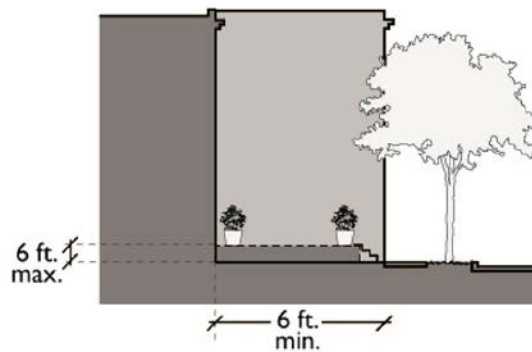
**Dooryard Standards: Plan View**



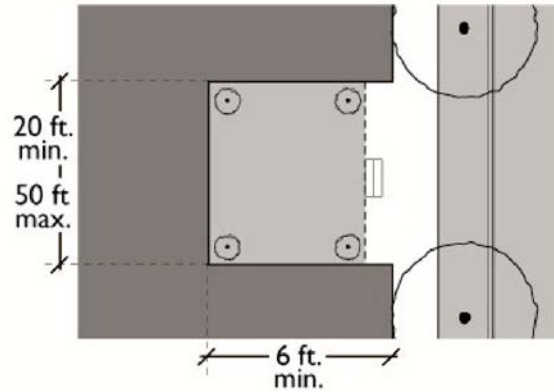
5. Forecourt.

- a. Forecourt Defined. A forecourt is an open area partially surrounded by building walls that opens to a public sidewalk.
- b. Minimum Dimensions. The area of a forecourt surrounded by building walls shall comply with the following dimension standards:
  - i. Depth: Six feet minimum.
  - ii. Width: Twenty feet minimum, fifty feet maximum.
- c. Maximum Elevation. The elevation of a forecourt floor shall not exceed six feet from adjacent grade.
- d. Minimum Transparency. The minimum area of a forecourt's street-facing walls consisting of transparent windows shall be forty percent for residential uses and sixty percent for commercial uses.

**Forecourt Standards: Section View**

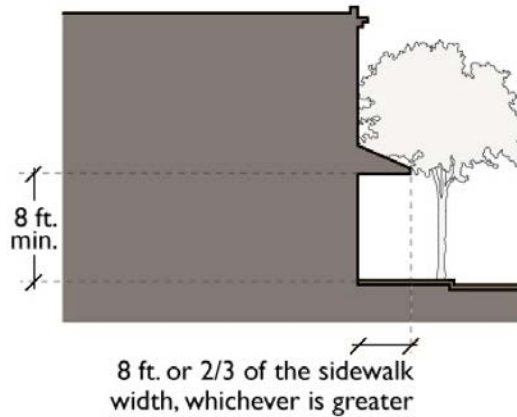


**Forecourt Standards: Plan View**

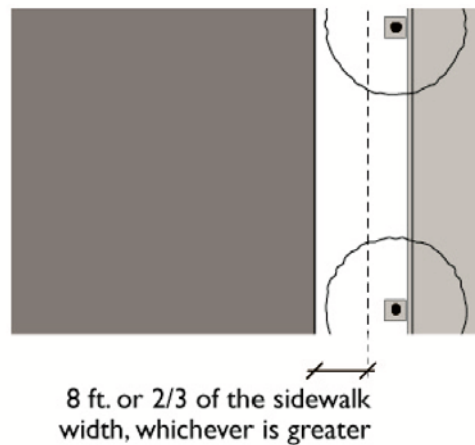


6. Shopfront.
- a. Shopfront Defined. A shopfront is a building façade that consists primarily of transparent glass with access to a commercial space located at street level.
  - b. Minimum Transparency, Ground Floor. A minimum of sixty-five percent of the street-facing walls of a ground floor shopfront shall consist of transparent windows or doors with views into the building
  - c. Minimum Transparency, Upper Floors. A minimum of forty percent of the street-facing walls of upper floors shall consist of transparent windows or doors.
  - d. Ground Floor Doors. A minimum of eighty percent of the area of any door providing access to ground floor commercial uses shall consist of transparent glass.
  - e. Upper Floor Window Proportions. Façade openings and windows on upper stories shall be vertically proportioned, with a greater height than width. The height-width ratio of windows and openings shall be no less than 1.5:1.
  - f. Ground and Upper Floor Windows. The percentage of building façade consisting of windows shall be greater on the ground floor than on upper floors.
  - g. Awning and Canopy Dimensions. An awning or canopy attached to the exterior of a shopfront shall comply with the following dimension standards.
    - i. Maximum projection from building wall: Eight feet, or two-thirds of the sidewalk width, whichever is greater.
    - ii. Minimum eight feet clearance above sidewalk.
  - h. Awning and Canopy Location. Awnings and canopies may be permitted along storefronts and doors only.
  - i. Doors and Windows. Doors and windows shall not open or project into the public right-of-way.

#### Shopfront Standards: Section View

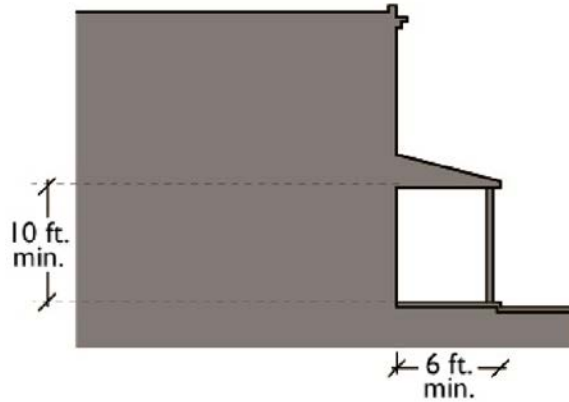


### Shopfront Standards: Plan View

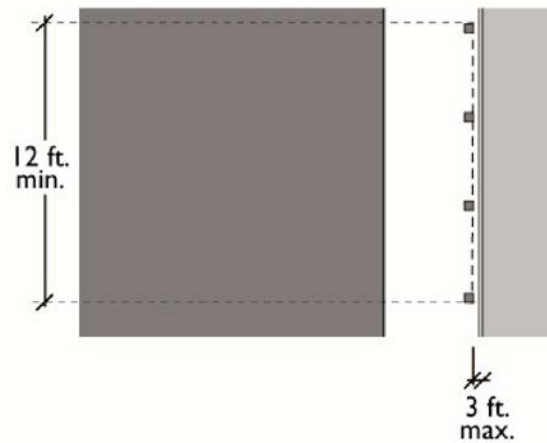


7. Gallery.
  - a. Gallery Defined. A gallery is a storefront with a covered walkway supported by columns or arches that may project over a sidewalk or walkway.
  - b. Minimum Transparency. A minimum of sixty percent of the primary frontage of a gallery shall consist of transparent windows or doors with views into the building.
  - c. Minimum Dimensions. A gallery shall comply with the following minimum dimension standards:
    - i. Minimum dimensions of twelve feet wide, six feet deep, and ten feet high.
    - ii. Maximum three feet distance between curb face and edge of gallery column or arch.
  - d. Doors and Windows. Doors and windows shall not open or project into the public right-of-way.

### Gallery Standards: Section View



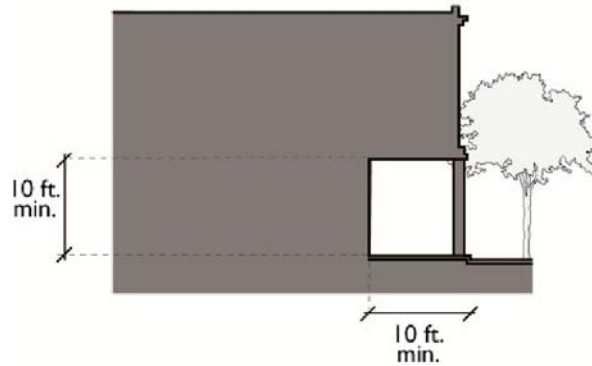
**Gallery Standards: Plan View**



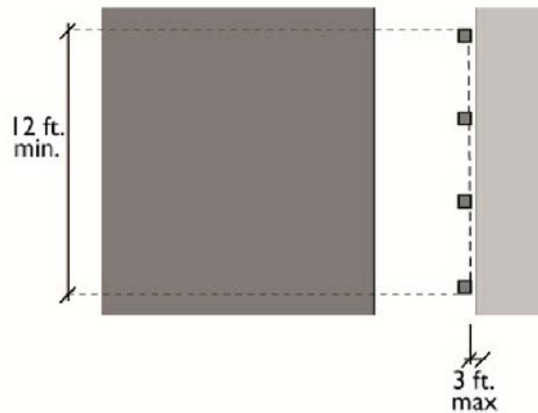
8. Arcade.
  - a. Arcade Defined. An arcade is a shopfront with a habitable upper story that projects over a sidewalk supported by columns or arches.
  - b. Minimum Transparency, Ground Floor. A minimum of sixty percent of the street-facing ground floor frontage of an arcade shall consist of transparent windows or doors with views into the building.
  - c. Minimum Transparency, Upper Floors. A minimum of forty percent of the upper floors of the street-facing frontage of an arcade shall consist of transparent windows or doors.
  - d. Minimum Dimensions. An arcade shall comply with the following minimum dimension standards:
    - i. Minimum dimensions of twelve feet wide, ten feet deep, and ten feet high
    - ii. Maximum three feet distance between curb face and edge of arcade
  - e. Doors and Windows. Doors and windows shall not open or project into the public right-of-way

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### Arcade Standards: Section View

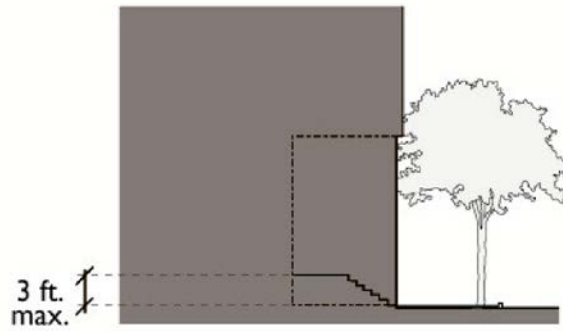


### Arcade Standards: Plan View

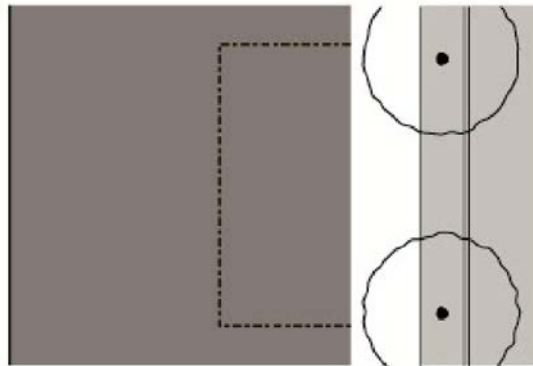


9. Lobby.
  - a. Lobby Defined. A lobby is a building façade that includes transparent glass with access to a lobby space located at street level.
  - b. Minimum Transparency. The minimum area of a lobby's street-facing walls consisting of transparent windows shall be forty percent for residential uses and sixty percent for commercial uses.
  - c. Maximum Elevation. The elevation of a lobby floor shall not exceed three feet from adjacent grade.
  - d. Entrances. Entrance may be inset or flush with building façade
  - e. Doors and Windows. Doors and windows shall not open or project into the public right-of-way.

### Lobby Standards: Section View



**Lobby Standards: Section View**



- F. Commercial Service Location and Screening.
  1. Service activities associated with commercial uses shall be setback a minimum of fifteen feet from any property line abutting a parcel occupied by a detached single-family home.
  2. Outdoor storage, trash collection, and loading areas shall located and screened from view such that they are not visible from any parcel occupied by a detached single-family home.
- G. Noise Generating Activities. Outdoor dining, amplified music, and other noise-generating activities as determined by the Director shall be setback a minimum of one hundred fifty feet from the property line of any parcel occupied by a detached single-family home.

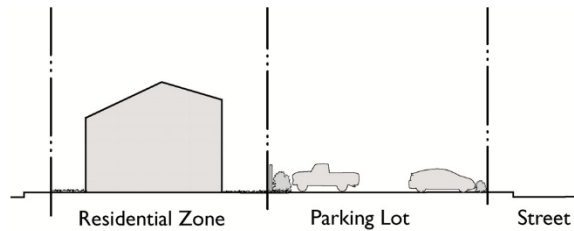
(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

**18.24.080 Parking requirements.**

- A. Purpose. This section establishes parking standards that apply to the mixed-use zones.
- B. Required On-Site Parking. Off-street parking shall be provided pursuant to Chapter 18.45.

- C. Parking Structures. All multi-story parking structures shall be lined with commercial, retail or residential uses on the ground floor at street frontages, except for the pedestrian and vehicular entries into the parking structure.
- D. Parking Buffers.
  1. Surface parking lots abutting a public sidewalk or street shall provide a landscaped buffer a minimum of two feet in width and three feet in height along the perimeter of the parking lot abutting the sidewalk or street.
  2. A landscaped buffer at least three feet in width and six feet in height shall be provided for any surface parking lot abutting a residential zone.

**Landscaped Parking Buffer Standards**



- E. Parking Costs.
  1. The payment of parking costs shall be separate from rent payments or purchase prices for all uses located within the mixed-use zones.
  2. All places of employment within the mixed-use zone shall offer a parking cash-out program that allows employees to receive either owner-subsidized free parking or a cash payment equal to the value of the parking subsidy.
- F. Alley Access. For new development on property adjacent to a rear alley, vehicle and service access to the property shall be provided only through the rear alley.
- G. Driveways.
  1. New driveways comply with the following standards.
    - a. Dimensions. Driveways shall comply with the dimension standards shown in Table 18.24.080B (Driveway Dimension Standards).
    - b. Number. No more than one driveway approach shall be provided for every fifty feet of street frontage.
    - c. Proximity. A new curb cut providing access to a driveway from a public street shall be separated a minimum distance of thirty-five feet from any other curb cut.
    - d. Parking. Parking spaces shall not be located along the sides of a driveway.

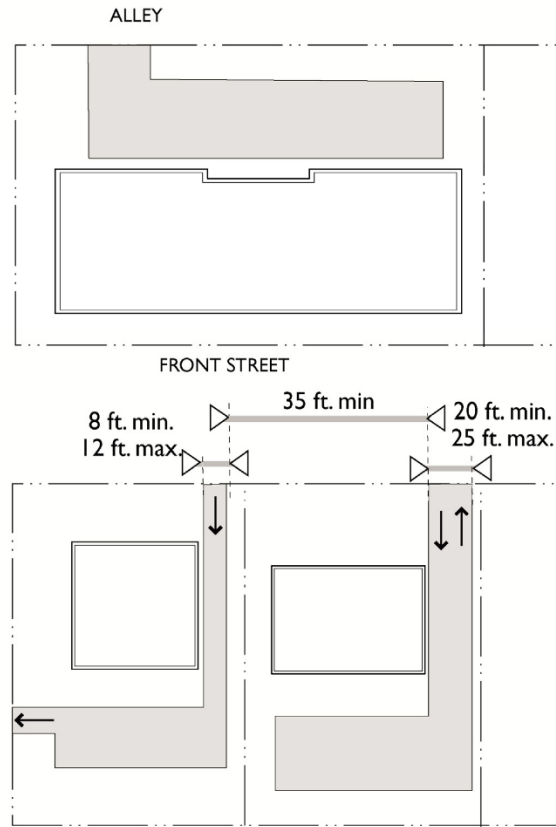
**TABLE 18.24.080B  
Driveway Dimension Standards**

Driveway Type	Driveway Width
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	Minimum	Maximum
1-way	8'	12'
2-way	20'	25'

2. The Community Development Director may approve exceptions to the driveway requirements in subsection (1) above in the case of shared or joint use of driveways and parking lots.



**Vehicle Access Standards**

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

**18.24.090 Civic space standards.**

- A. Purpose. This section establishes requirements and standards for civic spaces in the MXD-1 and MXD-2 zones. Civic spaces are areas within neighborhoods where people can gather, interact and enjoy access to recreational and open space amenities.
- B. Applicability. Any commercial or mixed-use redevelopment project on a site ~~three~~five acres or greater in the MXD-1 or MXD-2 zones shall include a ~~publicly~~-accessible civic space consistent with the standards established in this section.

- 
- C. Types of Civic Spaces. Permitted types of civic spaces in the MXD-1 and MXD-2 zones are greens, squares, plazas, and playgrounds, as defined in subsection (E) (standards for specific types of civic spaces) below.
- D. General Standards. The following standards apply to all civic spaces and new development adjacent to civic spaces.
1. The on-site parking of vehicles within a civic space is prohibited.
  2. All areas with playground equipment shall be visible from the street edge.
  3. All sides of a civic space shall front either a public street, the primary frontage of a building, or a natural physical barrier such as a hillside or creek.
  4. All building walls fronting a civic space shall feature a frontage type permitted within the applicable zone as specified in Section 18.24.070 (Building Frontage Standards).
  5. Quasi-public activities, such as outdoor seating serving a restaurant, are permitted to occupy no more than twenty-five percent of the area of a civic space.
  6. Civic spaces shall be designed and located so as to be clearly visible from one or more public streets.
  7. All civic spaces shall front onto a public street for a minimum distance of 50 feet.
- E. Standards for Specific Types of Civic Spaces. Specific types of civic spaces within the MXD-1 and MXD-2 zones, when required by subsection (B) (applicability) above, shall comply with the following standards.
1. Green. A green shall comply with the following standards.
    - a. The size of all greens shall be a minimum of 0.5 acres and a maximum of five acres.
    - b. All greens shall front on a minimum of one public street.
    - c. Permitted improvements include playgrounds, ball parks, picnic shelters, benches, pergolas, bandstands and other similar improvements.
    - d. Landscape within parks shall feature lawns generally unobstructed with limited trees naturalistically arranged and a maximum fifty percent irrigated turf.
    - e. Hardscape within greens shall be limited to the minimum needed for circulation and amenities.
    - f. No more than ten percent of a green shall be covered with impervious surfaces.
  2. Square. A square shall comply with the following standards.
    - a. The size of all squares shall be a minimum of 0.5 acres and a maximum of three acres.
    - b. All squares shall front on a minimum of three public streets.
    - c. Permitted improvements within squares include paths, benches, pergolas, public art, fountains, gazebos, bandstands, small structures such as kiosks and restrooms and other similar improvements.
    - d. Landscape within squares shall include lawns and trees formally arranged and a maximum ten percent irrigated turf.
    - e. Hardscape within squares shall feature pathways and amenities formally arranged around a central point of interest. No more than twenty-five percent of a green shall be covered with impervious surfaces.



**Green — Plan Illustration**



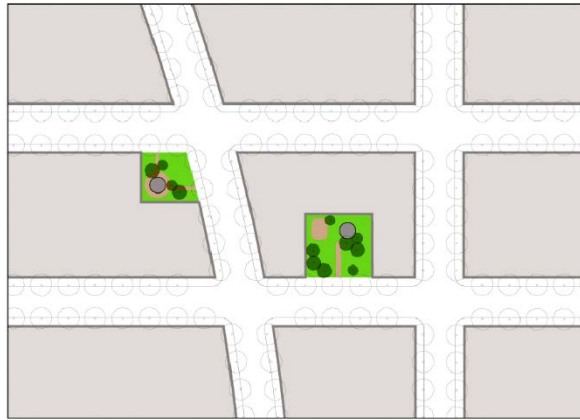
**Square — Plan Illustration**

3. Plaza. A plaza shall comply with the following standards.
4. Playground. A playground shall comply with the following standards.



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**Plaza — Plan Illustration**



**Playground — Plan Illustration**

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

*Chapter 18.25 INDUSTRIAL ZONES*

**18.25.010 Purpose.**

This section lists the land uses allowed within the industrial zones and provides basic standards for site layout and building use. The purposes of the individual industrial zoning districts and the manner in which they are applied are as follows:

- A. Light Industrial (IL). The IL light industrial zone is intended to accommodate warehousing operations, storage, office, and research and development facilities and establishments engaged in the manufacturing, assembling, packaging, treatment and processing of products other than those that which may be obnoxious or offensive to adjacent residential and business districts due to reason of odor, dust, smoke, gas, noise, vibration or other nuisances.
- B. Medium Industrial (IM). The IM medium industrial zone is designed to provide for the development of medium manufacturing and industrial uses that operate without excessive noise, dust, odor or other nuisances and yet may be objectionable to other non-industrial uses.
- C. Heavy Industrial (IH). The IH heavy industrial zone is intended to provide for manufacturing facilities and industries that may be obnoxious by reason of emission of odor, dust, smoke, gas, noise, vibration or similar causes and therefore require isolation from many other kinds of land uses.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

**18.25.020 Allowed land uses and permit requirements.**

Table 18.25.020 identifies the uses of land allowed in each industrial zone.

**TABLE 18.25.020**  
**Allowed Land Uses**  
**Industrial Zones**

Land Use	Zone			Specific Use Regulations
	IL	IM	IH	
Animal boarding/kennel, small	C	C	C	
Assembly and light manufacturing/processing	P	P	P	
Automotive impound and storage yards	C	C	C	Section 18.30.040
<a href="#">Auto Body and Paint</a>	<a href="#">C</a>	<a href="#">C</a>	<a href="#">C</a>	
Auto towing dispatch (accessory to service station)	P	P	—	
Breweries, small	P	P	P	
Breweries, large	C	C	C	
Brewery tasting room	P	P	P	Section 18.30.050/ City Council Policy 707
Building supplies and equipment, sales and rental	P	P	P	
Cemetery/mausoleum/crematory	—	C	C	
Commercial recreation, indoor	C	—	—	
Eating places, dine-in (accessory)	P	P	P	
Emergency shelter	P	—	—	Section 18.30.110
Gasoline service station	C	C	—	Section 18.30.190
Goods and services, retail sales (accessory)	P	P	P	
Heavy manufacturing/processing	—	—	C	
Industrial equipment/machinery, sales and rentals	P	P	P	
Medium manufacturing/processing	—	P	P	
Offices (accessory)	P	P	P	
Offices	P	M	M	
Open space reserves	P	P	P	
Outdoor storage	C	C	C	Section 18.30.160
Pawn shops	C	—	—	Section 18.30.330

Payday lenders	C	—	—	Section 18.30.320
Plant nursery	P	P	C	
Parking, structure/ fleet	P	P	P	
Personal storage facilities (mini-warehouses)	P	P	—	
Public assembly	C	—	—	
Public safety facilities	P	P	P	
Recycling facilities, small (accessory)	P	P	—	Section 18.30.170
Recycling facilities, mobile	C	C	—	Section 18.30.170
Renewable energy infrastructure (accessory)	P	P	P	Section 18.30.210/ 18.30.300; California Building Code
Renewable energy infrastructure	P	P	P	Section 18.30.210/ 18.30.300; California Building Code
Research and development	P	P	P	
Scrap metal processing	—	—	C	Section 18.30.180
Sixty-day storage of wrecked vehicles	P	P	P	
Storage facility, self (mini-warehouses)	P	P	P	
Tattoo parlors and body piercing establishments	C	—	—	Section 18.30.310
Telecommunication facilities, commercial	C	C	C	Section 18.30.220
Trade schools	P	C	C	
Trucking and transportation terminal	—	C	P	
Urban agriculture	C	—	—	Section 18.30.240
Utility facilities, minor	P	P	P	
Utility facilities, major	P	P	P	
<a href="#">Vehicle repair or service (minimum 7,500 square-foot lot)</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	
Veterinary hospitals and clinics	M	M	—	Section 18.30.250

Waterfront related industries	P	P	P	
Wholesaling, warehousing, and distribution	P	P	P	
Winery	C	C	C	
Winery tasting room	P	P	P	Section 18.30.050/ City Council Policy 707
P Permitted C Conditional use permit M Minor use permit (ministerial) — Not permitted				

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012; Ord. No. 2017-2444, § 3, 12-19-2017; Ord. No. 2018-2448, § 3, 7-17-2018)

### 18.25.030 Accessory uses.

Accessory uses and the conditions of their use are set out in subsections (A) through (C) below.

- A. Storage Buildings and Garages. Storage buildings and garages incidental to principal uses on the same premises are permitted.
- B. Sale of Gasoline. The sale of gasoline may be permitted as an accessory use in any zone where gasoline service stations are permitted, subject to the issuance of a conditional use permit.
- C. Auctions. Auctions, in conjunction with used furniture or antique sales, may be permitted subject to the issuance of a conditional use permit.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### 18.25.040 General development standards.

**TABLE 18.25.040**  
**Development Standards**  
**Industrial Zones**

Development Standard	Zone		
	IL	IM	IH
Minimum lot area	5,000 sq. ft. (a)	5,000 sq. ft. (a)	5,000 sq. ft.
Minimum street frontage	50' (b)	50' (b)	50'
Minimum setbacks	When adjacent to a residential zone, 20' from the adjacent zone boundary		
Street	10'	10'	10'
Other	0'	0'	0'
Maximum height	35' and 3 stories	60' and 4 stories	60' and 4 stories

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(Supp. No. 57)

	When adjacent to a residential zone, the maximum height shall not exceed the maximum height in the adjacent zone within one hundred feet of the adjacent zone boundary.		
	Architectural features and mechanical equipment may exceed the maximum height by an additional ten feet.		
Maximum floor area ratio	2	2	2
Maximum lot coverage	60%	80%	80%

Notes:

- (a) Automobile service stations shall have a minimum lot area of fifteen thousand square feet.
  - (b) Automobile service stations shall have a minimum street frontage of one hundred feet.
- (Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

**18.25.050 Uses to be adequately housed in completely enclosed buildings.**

All uses in the industrial zones shall be housed in completely enclosed buildings; provided, however, that businesses such as lumber yards, building material yards, gas stations, recycling facilities, metal processing yards, vehicle storage, storage lots, and similar uses that customarily include outdoor use, may be permitted outside of a completely enclosed building when screened from public view.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

*Chapter 18.26 INSTITUTIONAL ZONE*

**18.26.010 Purpose.**

The purpose of the institutional (I) zone is to provide for a wide range of institutional and accessory uses including public, quasi-public, and private facilities that address health, safety, educational, cultural, and welfare needs of the community and neighborhoods. Allowed uses include educational facilities, government offices and courts, community centers, libraries, museums and cultural centers, hospitals and medical centers, retirement communities, public safety facilities (i.e., fire and police stations), neighborhood gardens and community farms, public utilities, and similar uses.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

**18.26.020 Allowed land uses and permit requirements.**

Table 18.26.020 identifies the uses of land allowed in the institutional zone.

**TABLE 18.26.020  
Allowed Land Uses  
Institutional Zone**

Land Use	Permit Required	Specific Use Regulations
<a href="#">Adult day health care center</a>	P	
Animal husbandry	P	Section 8.32



Caretaker's residence (accessory)	M	
Cemetery/mausoleum	P	
Child day care center	P	Section 18.30.070
<a href="#">Children's home</a>	C	
Civic, fraternal, community, and cultural facilities	P	
Commercial recreation, indoor (accessory)	P	
Convalescent/nursing home/hospice/ <a href="#">skilled nursing facility</a>	P	
Detention facility	C	
Dormitory (accessory to school)	C	
Farmers' markets	C	
Fraternity or sorority house	C	
Government offices	P	
Guidance/social assistance services	P	
Helicopter/helipad (accessory to hospital)	C	
Hospital	P	
Maintenance buildings/yards	C	
Medical offices/clinics and laboratories	P	
Military installations	P	
<a href="#">Open space reserves</a>	P	
Parking, structure/fleet	P	
<a href="#">Parks (passive and active recreation)</a>	P	
Private/public educational institutions, schools	P	
Public assembly	C	
Public safety facilities	P	
Public utilities, minor	P	
Public utilities, major	C	
Renewable energy infrastructure (accessory)	P	Section 18.30.210/18.30.300; California Building Code
<a href="#">Social rehabilitation center and temporary residence for chronic drug users</a>	C	
Storage yards and buildings (accessory)	P	Section 18.30.160
Telecommunication facilities, commercial	C	Section 18.30.220
Urban agriculture	P	Section 18.30.240
P Permitted C Conditional use permit M Minor use permit (ministerial) — Not permitted		

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### 18.26.030 General development standards.

Design regulations for the institutional zone are set out in Division 4, unless specified in this chapter.

**TABLE 18.26.030  
Development Standards  
Institutional Zone**

Zone	Front Yard	Interior Side Yard	Rear Yard	Exterior Side Yard	Rear Yard Abutting Alley or Public Park	Minimum Lot Area	Maximum Building Height	FAR
I	10'	0' (a)	0' (a)	5'	5'	5,000 SF	65' and 5 stories (b)	3.0

Notes:

(a) Or, when adjacent to a residential zone, the interior side or rear yard setback shall be the same as the interior side or rear year setback required in the residential zone.

(b) When adjacent to a residential zone, the maximum height shall not exceed the maximum height in the adjacent zone within one hundred feet of the adjacent zone boundary.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

*Chapter 18.27 OPEN SPACE ZONE*

**18.27.010 Purpose.**

The purpose of the open space (OS) zone is to provide for public and private improved and unimproved open space. Allowed land uses include urban agriculture and recreational areas such as parks, golf courses, athletic fields, playgrounds, community gardens and farms, recreational trails, nature and wildlife preserves, marshes and wetlands, water bodies, public utility areas, flood control channels, and other scenic and open space areas.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

**18.27.020 Allowed land uses and structures and permit requirements.**

Table 18.27.020 identifies the uses of land allowed in the open space zone.

**TABLE 18.27.020  
Allowed Land Uses and Permit Requirements  
Open Space Zone**

Land Use	Permit Required	Specific Use Regulations
Animal husbandry	P	Section 8.32
Caretaker's residence (accessory)	M	
<del>Cemetery/mausoleum</del>	<del>P</del>	
Child day care center	P	Section 18.30.270
Civic, fraternal, community, and cultural facilities	P	

Commercial recreation, indoor (accessory)	P	
Convalescent/nursing home/hospice	P	
Detention facility	C	
Dormitory (accessory to school)	C	
Farmers' markets	C	
Fraternity or sorority house	C	
Government offices	P	
Guidance/social assistance services	P	
Heliport/helistop (accessory to hospital)	C	
Hospital	P	
Maintenance buildings/yards	C	
Medical offices/clinics and laboratories	P	
Military installations	P	
Open space reserves	P	
Parking, structure/fleet	P	
Parks (passive and active recreation)	P	
Private/public educational institutions, schools	P	
Public assembly	C	
Public safety facilities	P	
Public utilities, minor	P	
Public utilities, major	C	
Renewable energy infrastructure (accessory)	P	Section 18.30.210/18.30.300; California Building Code
Storage yards and buildings (accessory)	P	Section 18.30.160
Telecommunication facilities, commercial	C	Section 18.30.220
Urban agriculture	P	Section 18.30.240
P Permitted C Conditional use permit M Minor use permit (ministerial) — Not permitted		

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

**18.27.030 General development standards.**

The maximum FAR in the open space zone is 0.25 and the maximum height limit is thirty-five feet.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

*Chapter 18.28 OPEN SPACE RESERVE ZONE*

**18.28.010 Purpose.**

The intent of the open space reserve zone is to provide a use category to preserve and protect public and private open space lands, salt marsh and coastal wetlands, water areas, uninhabited agricultural lands, flood control channels, and other scenic or biological open space areas by restricting development in such areas.

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(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

**18.28.020 Allowed land uses and permit requirements.**

Table 18.28.020 identifies the uses of land allowed in the open space reserve zone.

**TABLE 18.28.020  
Allowed Land Uses and Permit Requirements  
Open Space Reserve Zone**

Land Use	Permit Required	Specific Use Regulations
Aquaculture	P	
Wildlife reserves or sanctuaries	P	
Bay access	P	
Bikeways, paths, and trails	P	
Open space reserves (land and water)	P	
Public utilities, minor	P	
P Permitted		

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

*Chapter 18.29 OVERLAY ZONES*

**18.29.010 Purpose.**

The purpose of overlay zones is to provide supplemental regulations that have been tailored to specific geographic areas of the city. Overlay zones are applied in conjunction with a base zone and modify or add to the regulations of the base zone to address specific issues such as development within the coastal zone, special height restrictions, or supplemental processing requirements.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

**18.29.020 Overlay zone designations.**

Overlay zones are designated on the zoning map as indicated below:

- A. Coastal Zone (CZ). The coastal zone designates all properties located within the coastal zone subject to the development standards and specific requirements of the local coastal plan.
- B. Height Restriction (H). The height limit restriction overlay zone places a restriction on allowable building height, lower than otherwise permitted by the City's development regulations.
- C. Mobile Home Park (MHP). The mobile home park overlay zone identifies where mobile home parks are permitted in the city and establishes standards for the development of new mobile home parks and the preservation of existing mobile home parks.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

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### **18.29.030 Coastal ~~zone~~Zone (CZ).**

- A. Purpose. The intent and purpose of the coastal zone is to identify and give notice that properties within this zone are affected by the city's local coastal program. The purpose of the coastal overlay zone is to protect and enhance the quality of public access and coastal resources.
- B. Applicability. When any property bears on the zoning map of the city, in addition to its zone designation, the symbol CZ, the provisions of this chapter shall apply.
- C. Regulations. In addition to meeting the requirements of the underlying zone, any use on a property bearing the symbol CZ on the zoning map must in addition meet the provisions of the city's local coastal program.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.29.050 Height limit restriction overlay zone (H).**

- A. Applicability. Whenever any property bears, on the zoning map of the city, in addition to its zone designation, the symbol "H" followed by a numerical figure, the provisions of this chapter shall apply insofar as height limitations for any buildings or structures located, or to be located, upon such property are concerned.
- B. Formula. No building or structure shall be erected upon any property in any zone, which property bears on the zoning map the symbol "H" together with a numerical figure following, exceeding a building height, of a distance measured in feet, equal to the numerical figure following the symbol "H."

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.29.060 Mobile home park overlay zone (MHP).**

- A. Purpose. The purpose of the MHP overlay zone is to provide for appropriate locations for mobile home parks to be established, maintained, and protected. This overlay zone provides for a greater range and choice of housing types, recognizes the potential for higher standards offered by mobile home design and technology, and is intended to create attractive mobile home parks that will preserve and enhance the character of surrounding areas. This zone also sets forth procedures for the conversion of an existing mobile home park to another use and is intended to minimize the adverse impacts of displacing mobile home park tenants whenever an existing mobile home park or portion thereof is converted to another use.
- B. Applicability. When any property bears on the zoning map of the city, in addition to its zone designation, the symbol MHP, the provisions of this section shall apply.
- C. Permitted Uses.
  - 1. New mobile home parks are subject to conditional use permit approval.
  - 2. Accessory structures limited to awnings, cabanas, storage cabinets, renewable energy infrastructure, fences or windbreaks, carports, garages, and porches are permitted.
  - 3. Accessory uses such as recreational facilities, parks and open space, playgrounds, clubhouses, laundries, community centers, and similar uses are permitted; provided, that such uses are designed for and limited to use by residents of the mobile home park and their guests and that such uses are not authorized on the individual mobile home lots within the mobile home park.
  - 4. Minor utility facilities are permitted; major utility facilities require conditional use permit approval.

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5. Home occupations are permitted subject to the approval of a home occupation permit pursuant to Section 18.12.090.
  6. Small family day care homes are permitted subject to Section 18.30.080.
  7. Large family day care homes are permitted subject to the approval of a minor use permit and provided they comply with Section 18.30.080.
- D. Development Standards.
1. Mobile home parks shall comply with the maximum density of the applicable general plan designation and underlying zone and all other development standards of the underlying zone (unless otherwise constrained by Section 18000 et seq. of the Health and Safety Code) with the exception of the following:
    - a. The front yard setback shall be a minimum of twenty-five feet.
    - b. The interior side yard setback shall be a minimum of ten feet.
  2. When located on a lot adjoining another residential use, mobile home parks shall be permanently screened from such adjoining property by a fence or wall and suitable landscaping, adjacent to or opposite the other residential use.
- E. Discontinuance Procedures.
1. The application for discontinuance of a mobile home park shall be accompanied by:
    - a. A relocation plan to provide for the tenants who will be displaced by the discontinuance of the property as a mobile home park or the conversion of mobile home spaces to other uses.
    - b. A phasing plan indicating the timing and manner in which the existing mobile home units will be discontinued.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

**18.29.070 Floodway (-FW), Floodway Fringe (-FF-1), Floodway Fringe Shallow Flooding (-FF-2), Floodway Fringe Riverine Flooding (-FF-3), and Coastal High Hazard Flooding (-FF-4) zones.**

- A. Statement of Purpose. It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
1. Protect human life and health;
  2. Minimize expenditure of public money for costly flood control projects;
  3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
  4. Minimize prolonged business interruptions;
  5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
  6. Help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
  7. Ensure that potential buyers are notified that property is in an area of special flood hazard; and

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8. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
- B. Methods of Reducing Flood Losses. In order to accomplish its purposes, this chapter includes methods and provisions to:
1. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
  2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
  3. Control the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel floodwaters;
  4. Control filling, grading, dredging, and other development which may increase flood damage; and
  5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.
- C. Warning and Disclaimer of Liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, the state of California or the Federal Insurance Administration, Federal Emergency Management Agency for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.
- D. Abrogation and Greater Restrictions. This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another chapter, easement, covenant or deed restrictions conflict or overlap, whichever imposes the more stringent restriction shall prevail.
- E. Definitions. Unless specifically defined below, or in this title, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.
1. "Accessory use" means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.
  2. "Adversely affects" means, for purposes of this chapter, that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.
  3. "Alluvial fan" means a geomorphologic feature characterized by a cone- or fan-shaped deposit of boulders, gravel, and fine sediments that have been eroded from slopes, transported by flood flows, and then deposited on the valley floor, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.
  4. "Apex" means the point of highest elevation on an alluvial fan, which on undisturbed fans is generally the point where the major stream that formed the fan emerges from the slope.
  5. "Appeal" means a request for a review of the floodplain administrator's interpretation of any provision of this chapter.
  6. "Area of shallow flooding" means a designated AO or AH zone on the flood insurance rate map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path

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of flooding is unpredictable and indeterminate; and, velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

7. "Area of special flood hazard"—see "special flood hazard area."
8. "Base flood" means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "one hundred-year flood"). Base flood is the term used throughout this chapter.
9. "Base flood elevation" (BFE) means the elevation shown on the flood insurance rate map for Zones AE, A0, A1—30, VE and V1—V30 that indicates the water surface elevation resulting from a flood that has a one percent or greater chance of being equaled or exceeded in any given year.
10. "Basement" means any area of the building having its floor subgrade—i.e., below ground level—on all sides.
11. "Breakaway walls" are any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which is not part of the structural support of the building and which is designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by flood waters. A breakaway wall shall have a safe design loading resistance of not less than ten and no more than twenty pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:
  - a. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
  - b. The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.
12. "Building"—see "structure."
13. "Coastal high hazard area" means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. It is an area subject to high velocity waters, including coastal and tidal inundation or tsunamis. The area is designated on a flood insurance rate map (FIRM) as Zone V1—V30, VE, or V.
14. "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
15. "Encroachment" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.
16. "Exception." See "variance."
17. "Existing manufactured home/mobile home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes/mobile homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before February 15, 1979.
18. "Expansion to an existing manufactured home/mobile home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes/mobile homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or pouring of concrete pads).



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19. "Flood, flooding or floodwater" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, and/or the unusual and rapid accumulation or runoff of surface waters from any source.
  20. "Flood boundary and floodway map (FBFM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.
  21. "Flood hazard boundary map" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated the areas of flood hazards.
  22. "Flood insurance rate map (FIRM)" means the official map on which the Federal Emergency Management Agency or the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
  23. "Flood insurance study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood insurance rate map, the flood boundary and floodway map, and the water surface elevation of the base flood.
  24. "Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source—see "flooding."
  25. "Floodplain administrator" means the individual appointed to administer and enforce the floodplain management regulations. This individual shall be the city engineer of the city.
  26. "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.
  27. "Floodplain management regulations" means this chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other applications of police power which control development in flood-prone areas. The term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.
  28. "Flood-proofing" means any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
  29. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "regulatory floodway."
  30. "Floodway encroachment lines" means the lines marking the limits of floodways on the effective flood insurance rate map.
  31. "Floodway fringe" means that area of the floodplain on either side of the "regulatory floodway" where encroachment may be permitted. These areas are identified on the effective flood insurance rate map as 'Zone AE' and 'Zone AO'.
  32. "Fraud and victimization," as related to subsection (CC) (conditions for variances) of this chapter, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the planning commission will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject, during all those years, to increased risk of damage from floods, while future owners of the property

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- and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.
33. "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.
  34. "Habitable floor" means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor."
  35. "Hardship," as related to (CC) (conditions for variances) of this chapter, means the unusual hardship that would result from a failure to grant the requested variance. The planning commission requires that the variance be unusual and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.
  36. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
  37. "Historic structure" means any structure that is:
    - a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
    - b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
    - c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
    - d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states with approved programs.
  38. "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.
  39. "Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.
  40. "Lowest floor" means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area (see "basement") is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this title. (Note: This definition allows attached garages to be built at grade. Below grade garages are not allowed as they are considered to be basements).

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41. "Manufactured home" or "mobile home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include "recreational vehicles" or "travel trailers."
  42. "Manufactured home/mobile home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale or rent.
  43. "Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.
  44. "New construction" for floodplain management purposes means structures for which the "start of construction" commenced on or after February 15, 1979, and includes any subsequent improvements to such structures.
  45. "New manufactured home/mobile home park or subdivision" means a manufactured home/mobile home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes/mobile homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after February 15, 1979.
  46. "Obstruction" means and includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, or along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.
  47. "One hundred-year flood"—see "base flood."
  48. "Primary frontal dune" means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively mild slope.
  49. "Principal structure" means a structure used for the principal use of the property as distinguished from an accessory use.
  50. "Public safety and nuisance," as related to subsection (CC) (conditions for variances) of this chapter, means that the granting of an variance must not result in anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal or basin.
  51. "Recreational vehicle" means a vehicle which is:
    - a. Built on a single chassis;
    - b. Four hundred square feet or less when measured at the largest horizontal projection;
    - c. Designed to be self-propelled or permanently towable by a light-duty truck; and
    - d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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52. "Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
  53. "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
  54. "Sheet flow"—see "area of shallow flooding."
  55. "Special flood hazard area (SFHA)" means an area having special flood or flood-related erosion hazards, and shown on a FBHM or FIRM as Zone A, AO, A1—A30, AE, A99, AH, V1—V30, VE or V.
  56. "Start of construction" means and includes substantial improvement and other proposed new development, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty days from the date of the permit. The actual start means either the first placement of permanent construction of a structure (other than a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivisions, "start of construction" means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.
  57. "Structure" means a walled and roofed building that is principally aboveground. This includes a gas or liquid storage tank or manufactured/mobile home.
  58. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.
  59. "Substantial improvement" means any reconstruction, rehabilitation, addition or other proposed new development of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual work performed. The term does not, however, include either:
    - a. Any project for improvement of a structure to correct violations or to comply with state or local health, sanitary, or safety code specifications which have been identified by a local code conformance official and which are solely necessary to assure safe living conditions; or
    - b. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."
  60. "V zone — see coastal high hazard area.

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61. "Variance," as used in this chapter, means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.
  62. "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.
  63. "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.
  64. "Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.
- F. Lands to which Chapter Applies. This chapter shall apply to all areas of special flood hazards within the jurisdiction of National City.
1. No structure or land shall hereafter be constructed, located, extended, converted or altered without first submitting an application for a flood hazard area development permit to the flood plain administrator.
- G. Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard as shown on the special flood hazard map as floodway (FW), floodway fringe (FF-1), and floodway fringe-shallow flooding (FF2) zones and conforming with the areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the flood insurance study (FIS) for National City dated August 4, 1988, and accompanying flood insurance rate maps (FIRMs) and flood boundary and floodway maps (FBFMs), dated August 4, 1988, and all subsequent amendments and/or revisions, are adopted by reference and declared to be a part of this chapter without a further action by the city council. This FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the planning commission by the floodplain administrator. The study, FIRMs and FBFMs are on file at the office of the floodplain administrator at 1243 National City Boulevard, National City, California, 91950.
- H. Compliance. No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the city from taking such lawful action as is necessary to prevent or remedy any violation.
- I. Interpretation. In the interpretation and application of this chapter, all provisions shall be:
- a. Considered as minimum requirements;
  - b. Liberally construed in favor of the city; and
  - c. Deemed neither to limit nor repeal any other powers granted under state statutes.
- J. Severability. This chapter and the various parts thereof are declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

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- K. Floodway Zone (FW) Established. There is established, on the special flood hazard map, a designated floodway zone. The FW zone shall be applied to those areas of special flood hazard designated as floodways on the flood boundary and floodway map of the flood insurance study.
- L. Floodway Fringe Zone (FF-1) Established. There is established, on the special flood hazard map, a designated floodway fringe zone. The FF-1 zone shall be applied to those areas of special flood hazard designated as floodway fringe on the flood boundary and floodway map of the flood insurance study, but excluding areas of shallow flooding designated AO or AH on the flood insurance rate map (FIRM).
- M. Floodway Fringe—Shallow Flooding Zone (FF-2) Established. There is established, on the special flood hazard map, a designated floodway fringe-shallow flooding zone. The FF-2 zone shall be applied to those areas of special flood hazard designated as floodway fringe on the flood boundary and floodway map of the flood insurance study, and designated as areas of shallow flooding AO or AH on the flood insurance rate map (FIRM).
- N. Floodway Fringe—Riverine Flooding Zone (FF-3) established. There is established, on the special flood hazard map, a designated riverine flooding zone. The FF-3 zone is that area of the floodplain on either side of the "regulatory floodway" where encroachment may be permitted.
- O. Floodway Fringe—Coastal High Hazard Flooding Zone (FF-4) established. There is established, on the special flood hazard map, a designated coastal high hazard flooding zone. The FF-4 zone shall be applied to those areas of special flood hazard designated as areas of coastal flooding VE or V on the flood insurance rate map (FIRM).
- P. Standards Applicable to All Areas of Special Flood Hazard. In all areas of special flood hazards including the FW, FF-1, FF-2, FF-3, and FF-4 zones, the following standards are required:
1. Anchoring.
    - a. All new construction and substantial improvements, shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
    - b. All manufactured/mobile homes shall meet the anchoring standards of subsection (S).
  2. Construction Materials and Methods. All new construction and substantial improvements, including manufactured homes, shall be constructed:
    - a. With materials and utility equipment resistant to flood damage
    - b. Using methods and practices that minimize flood damage;
    - c. With electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and
    - d. Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.
  3. Elevation and Flood-proofing. (See section (E) definitions for "new construction," "substantial damage" and "substantial improvement.")
    - a. Residential construction, new or substantial improvement, shall have the lowest floor, including basement:
      - i. In an AO zone, elevated above the highest adjacent grade to a height exceeding the depth number specified in feet on the FIRM by at least one foot, or elevated at least three feet above the highest adjacent grade if no depth number is specified;

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- ii. In an AE, AH, or A1—30 zones, elevated at least one foot above the base flood elevation, as determined by the city;
  - iii. In an A (unnumbered/approximate A zone) zone, without base flood elevations specified on the FIRM, elevated at least one foot above the base flood elevation, as determined by the city;

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional civil engineer or surveyor to be properly elevated. Such certification or verification shall be provided to the floodplain administrator.

- b. Nonresidential construction, shall either be elevated to conform with subsection (3)a of this section or together with attendant utility and sanitary facilities:
    - i. Be completely flood-proofed below the elevation recommended under subsection (C)(1) of this section so that the structure is watertight with walls substantially impermeable to the passage of water; and
    - ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
    - iii. Be certified by a registered professional civil engineer that the standards of this subsection (3)b of this section are satisfied. Such certification shall be provided to the floodplain administrator.
  - c. All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basement) that are usable solely for parking vehicles, building access or storage, and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must exceed the following minimum criteria:
    - i. Be certified by a registered professional civil engineer; or
    - ii. Be certified to comply with a local flood-proofing standard approved by the Federal Insurance Administration, Federal Emergency Management Agency; or
    - iii. Have a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above adjacent natural grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
  - d. Manufactured homes shall also meet the standards in subsection (3)c of this section and subsection (S).
4. Storage of Material and Equipment.
- a. The storage or processing of materials that are, in time of flooding, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.
  - b. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

Q. Standards for Utilities.

- 1. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

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- a. Infiltration of floodwaters into the systems; and
  - b. Discharge from the systems into floodwaters.
2. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.
- R. Standards for Subdivision.
1. All preliminary subdivision proposals, including proposals for manufactured home parks and subdivisions, greater than fifty lots or five acres, whichever is the lesser, shall identify the flood hazard area and the elevation of the base flood.
  2. All subdivision plans will provide the elevation of the lowest floors of all proposed structure(s) and pad(s). If the site is filled above the base flood elevation, the final first floor and pad elevations shall be certified by a registered professional civil engineer or surveyor and provided as part of an application for a letter of map revision based on fill (LOMR-F) to the floodplain administrator.
  3. All subdivision proposals shall be consistent with the need to minimize flood damage.
  4. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
  5. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.
- S. Standards for Manufactured Homes/Mobile Homes.
1. All manufactured homes that are placed or substantially improved, within Zones A1—30, AH, AE, V1-30, VE, or V on the flood insurance rate map, on sites located:
    - a. Outside of a manufactured home park or subdivision;
    - b. In a new manufactured home park or subdivision;
    - c. In an expansion to an existing manufactured home park or subdivision; or
    - d. In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated at least one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. Within Zones V1-30, V, and VE on the flood insurance rate map shall meet the requirements of subsection (R).
  2. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1—30, AH, AE, V1-30, V, and VE on the flood insurance rate map that are not subject to the provisions of subsection (A) of this section shall be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either:
    - a. The lowest floor of the manufactured home is at least one foot above the base flood elevation; or
    - b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six inches in height above grade.
  3. All mobile homes/manufactured homes shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:



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- a. Over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, with mobile homes less than fifty feet long requiring only one additional tie per side;
  - b. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with mobile homes less than fifty feet long requiring only four additional ties per side;
  - c. All components of the anchoring system be capable of carrying a force of four thousand eight hundred pounds; and
  - d. Any additions to the mobile home shall be similarly anchored.
- T. Standards for Recreational Vehicles.
- 1. All recreational vehicles placed on sites within Zones A1—30, AH, AE, V1-30, VE, and V on the community's flood insurance rate map will either:
    - a. Be on the site for fewer than one hundred eighty consecutive days; or
    - b. Be fully licensed and ready for highway use—a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
    - c. Meet the permit requirements of subsection (W) of this chapter and the elevation and anchoring requirements for manufactured homes in subsection (S)(1)a.
  - 2. Recreational vehicles placed on sites within Zones V1—30, V, and VE on the community's flood insurance rate map will meet the requirements of subsection (R) and subsection (S).
- U. Floodways (FW). Located within areas of special flood hazard established in subsection (G) are areas designated as floodways to which the following provisions apply:
- 1. Until a regulatory floodway is adopted in Zone A areas, no new construction, substantial development, or other development (including fill) shall be permitted within Zones A1—30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than one foot at any point within the City of National City.
  - 2. Within an adopted regulatory floodway, the City of National City shall prohibit encroachments, including fill, new construction, manufactured homes, substantial improvements, and other development within Zones A1—30 and AE, unless certification by a registered professional civil engineer is provided demonstrating that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
  - 3. If subsection (U)(2) is satisfied, all new construction, substantial improvements, and other new development shall comply with all other applicable flood hazard reduction provisions of subsections (P) through (U) and require approval of a Conditional Use Permit pursuant to Title 18 of the National City Municipal Code.
- V. Coastal High Hazard Area. Within coastal high hazard areas, Zones V, V1—30, and VE, as established under subsection (E)(13), the following standards shall apply:
- 1. All new residential and nonresidential construction, including substantial improvement/damage, shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the

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effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or local building standards.

2. All new construction and other development shall be located on the landward side of the reach of mean high tide.
  3. All new construction and substantial improvement shall have the space below the lowest floor free of obstructions or constructed with breakaway walls as defined in subsection (E) of this chapter. Such enclosed space shall not be used for human habitation and will be usable solely for parking of vehicles, building access or storage.
  4. Fill shall not be used for structural support of buildings.
  5. Man-made alteration of sand dunes which would increase potential flood damage is prohibited.
  6. The floodplain administrator shall obtain and maintain the following records:
    - a. Certification by a registered engineer or architect that a proposed structure complies with this section; and
    - b. The elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) of all new and substantially improved structures, and whether such structures contain a basement.
- W. Establishment of Development Permit. A development permit shall be obtained concurrently with or before issuance of any building, grading, conditional use, planned development, planned unit development permit, or site plan approval, including manufactured homes, and before construction or development begins within any area of special flood hazard established in subsection (G). Application for a development permit shall be on forms furnished by the floodplain administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:
1. Identify and describe the work to be covered by the permit for which application is made;
  2. Describe the land on which the proposed work is to be done by lot, block, tract, house and street address; or similar description that will readily identify and definitely locate the proposed building or work;
  3. Indicate the use or occupancy for which the proposed work is intended;
  4. Be accompanied by plans and specifications for proposed construction;
  5. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority;
  6. Proposed elevation in relation to mean sea level of the lowest floor (including basement) of all structures in AO zone elevation of highest adjacent grade and proposed elevation of lowest floor of all structures;
  7. Proposed elevation in relation to mean sea level to which any structure will be flood-proofed, if required in subsection (P)(3)c;
  8. All appropriate certifications listed in subsection (Y)(5) of this chapter;
  9. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development;

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10. Give such other information as reasonably may be required by the floodplain administrator, including but not limited to:
    - a. A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be corrupted by the proposed development and higher water information,
    - b. Locations and elevations of streets, water supply, sanitary facilities, photographs showing existing land uses and vegetation upstream and downstream, soil types and other pertinent information,
    - c. Profile showing the slope of the bottom of the channel or flow line of the stream;
  11. Evidence of prior or concurrent approval of any conditional use permit which may be required by subsection (Y) for alteration of watercourses.
- X. Designation of the Floodplain Administrator. The city engineer is appointed to administer, implement and enforce this chapter by granting or denying development permits in accord with its provisions.
- Y. Duties and Responsibilities of the Floodplain Administrator. The duties of the floodplain administrator shall include, but not be limited to the following:
1. Permit Review. Review all development permits to determine that:
    - a. Permit requirements of this chapter have been satisfied; including determination of substantial improvement and substantial damage of existing structures;
    - b. All other required state and federal permits have been obtained;
    - c. The site is reasonably safe from flooding; and
    - d. The proposed development does not adversely affect the carrying capacity of the areas where base flood elevations have been determined but a floodway has not been designated.
    - e. All letters of map revision (LOMRs) for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on conditional letters of map revision (CLOMRs). Approved CLOMRs allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.
  2. Review Use and Development of any Other Base Flood Data. When base flood elevation data have not been provided in accordance with subsection (G), the floodplain administrator shall obtain, review and reasonably utilize any base flood and floodway elevation data available from a federal or state agency or other source, in order to administer subsections (P) through (U), inclusive. Any such information shall be submitted to the city for adoption.
  3. Information to be Obtained and Maintained.
    - a. Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures;
    - b. For all new or substantially improved flood-proofed structures:
      - i. Verify and record the actual elevation (in relation to mean sea level); and
      - ii. Maintain the flood-proofing certifications required in subsection (3)a, b, and c of subsection (P), part (2) of subsection (R), and part (2) of subsection (U);
    - c. Maintain for public inspection all records pertaining to the provisions of this chapter.
  4. Conditional Use Permit Required. In alteration or relocation of a watercourse, a conditional use permit shall be required by the planning commission. Such permit shall include the following conditions:

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- a. Notification of adjacent communities and the California Department of Water Resources prior to alteration or relocation;
  - b. Submission of evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency;
  - c. Assurance that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained;
  - d. The new channel shall be completed before the old channel is abandoned.
5. Base flood elevations are changed due to physical alterations:
- a. Within six months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a letter of map revision (LOMR).
  - b. All letters of map revision (LOMRs) for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on conditional letters of map revision (CLOMRs). Approved CLOMRs allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.
6. Changes in corporate boundaries: Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.
7. Documentation of Floodplain Development. Obtain and maintain for public inspection and make available as needed the following:
- a. Certification required by subsection (N)(3)a (floor elevations);
  - b. Certification required by subsection (N)(3)b (elevation or flood-proofing of nonresidential structures);
  - c. Certification required by subsection (N)(3)c (wet flood-proofing standard);
  - d. Certification of elevation required by subsection (P)(2) (subdivision standards);
  - e. Certification required by subsection (S)(1) (floodway encroachments).
8. Remedial Action. Take action to remedy violations of this chapter as specified in subsection (H).
- Z. Map Determination. The boundaries of the FW, FF-1, FF-2, FF-3 and FF-4 zones shall be determined by the scale contained on the special flood hazard map. Where interpretation is needed to the exact location of said boundaries (for example where there appears to be a conflict between a mapped boundary and actual field conditions), the planning commission shall make such determination in accordance with this title based upon:
1. The recommendation of the floodplain administrator; and
  2. A review of the flood hazard boundary maps adopted by reference and declared to be a part of this chapter; and
  3. Technical evidence which may be presented by the applicant.

The regulatory flood elevation for the point in question shall be the governing factor in locating the boundary on land. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in subsection (AA).

- AA. Appeals. The planning commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the floodplain administrator in the enforcement or

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administration of this chapter. Appeals may be filed and shall be processed in the same manner as for site plan review as provided in this title.

BB. Variances.

1. Applications for variances from the terms of this chapter shall be submitted and processed in the same manner as conditional use permits, as provided in this title.
2. In passing upon such applications for variances, the planning commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter and the:
  - a. Danger that materials may be swept onto other lands to the injury of others;
  - b. Danger to life and property due to flooding or erosion damage;
  - c. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner and future property owners;
  - d. Importance of the services provided by the proposed facility to the community;
  - e. Necessity to the facility of a waterfront location where applicable;
  - f. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - g. Compatibility of the proposed use with existing and anticipated development;
  - h. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - i. Safety of access to the property in times of flood for ordinary and emergency vehicles;
  - j. Expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and
  - k. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
3. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:
  - a. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance; and
  - b. Such construction below the base flood level increases risks to life and property.
  - c. A copy of the notice shall be recorded by the floodplain administrator in the office of the San Diego County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
4. The floodplain administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Insurance Administration, Federal Emergency Management Agency.

CC. Conditions for Variances.

1. Generally, variances may be issued for new construction and substantial improvements and other proposed development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in

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subsections (P) through (X), inclusive, of this chapter have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

2. Variances may be issued for the repair or rehabilitation of "historic structures" (as defined in subsection (E) of this chapter) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
3. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the "minimum necessary," considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this chapter. For example, in the case of variances to an elevation requirement, this means the planning commission need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the planning commission believes will both provide relief and preserve the integrity of this chapter.
5. Variances shall only be issued upon:
  - a. A showing of good and sufficient cause;
  - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
  - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in subsection (E) of this chapter, or conflict with existing local laws or ordinances.
6. Variances may be issued for new construction, substantial improvement, and other proposed development necessary for the conduct of a functionally dependent use provided that the provisions of subsections (CC)(1) through (5) are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.
7. Upon consideration of the factors of subsection (BB) and the purposes of this chapter, the planning commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
8. The floodplain administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

DD. Fees.

1. A nonrefundable fee as established in the fee schedule adopted by the city shall be paid to the city at the time of filing an application for a development permit pursuant to subsection (W).
2. A nonrefundable fee as established in the fee schedule adopted by the city shall be paid to the city at the time of filing an appeal pursuant to subsection (AA).
3. A nonrefundable fee as established in the fee schedule adopted by the city shall be paid to the city at the time of filing for a variance pursuant to subsection (BB).

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012; Ord. No. 2019-2465, § 2, 11-5-2019; Ord. No. 2020-2478, § 2, 1-21-2020)

## ***DIVISION 3. SPECIFIC USES***

### ***Chapter 18.30 SPECIFIC USE REGULATIONS***

#### **18.30.010 Purpose.**

This chapter provides site planning, development, and/or operating standards for certain land uses that are allowed by Division 2 and for activities that require special standards to mitigate their potential adverse impacts. The standards for specific uses in this chapter supplement and are required in addition to those in Division 2 and Division 4. In the event of any conflict between the requirements of this chapter and those of Divisions 2 and 4, the requirements of this chapter shall control.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

#### **18.30.020 Applicability.**

The land uses covered by this chapter shall comply with the provisions of the sections applicable to the specific use, in addition to all other applicable provisions of this Land Use Code. The uses that are subject to the standards in this chapter shall be developed in compliance with the requirements of Division 2.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

#### **18.30.030 Adult-oriented businesses.**

A. Purpose.

1. It is the purpose of this chapter to establish reasonable and uniform content-neutral regulations to decrease blight and crime by either dispersing adult-oriented businesses, or by shifting part of the burden of regulating such businesses to the private sector by placing them in locations which minimize the negative secondary effects of such businesses.
2. It is the intent of this chapter that these regulations be utilized to serve the substantial interest of the city in preventing problems of blight and deterioration which accompany and are brought about by adult-oriented businesses, which allowing reasonable alternative locations for those businesses.
3. In enacting this chapter, the city council is relying upon the experiences of the City of National City, and upon the experiences and studies of other municipalities concerning the deleterious effects of adult-oriented businesses, which this chapter is intended to curtail.

B. Definitions. It is the purpose of this section to provide clear and concise definitions of those words, terms, and phrases most commonly utilized in the regulations and provisions of this chapter in order to assist in the uniform interpretation of such regulations and provisions and to ensure uniformity in their application.

It is intended that the following words, terms and phrases, whenever used in this chapter, shall be construed as defined in the following subsections, unless from the context a different meaning is specifically defined and more particularly directed to the use of such words, terms, or phrases.

It is also intended that those definitions and interpretations set forth in Section 1.04.010 and the glossary shall be used for purposes of uniformity of interpretation and application of the regulations and provisions of this chapter but only where they do not conflict with any definitions or interpretation set forth in this chapter.

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1. "Specified anatomical areas" means and includes any of the following:
    - a. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae; or
    - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
  2. "Specified sexual activities" means and includes any of the following:
    - a. The fondling or other touching of human genitals, pubic region, buttocks, anus, or female breast:
    - b. Sex acts, normal or perverted, actual or simulated; or
    - c. Masturbation, actual or simulated; or
    - d. Excretory functions as part of or in connection with any of the activities set forth in this subsection.
  3. "Adult bookstore" is an establishment that devotes more than fifteen percent of the total floor area utilized for the display of books and periodicals to the display and sale of the following:
    - a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, tapes, records or other forms of visual or audio representations which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or
    - b. Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.
    - c. An adult bookstore does not include an establishment that sells books or periodicals as an incidental or accessory part of its principal stock-in-trade and does not devote more than fifteen percent of the total floor area of the establishment to the sale of books and periodicals.
  4. "Adult motion picture theater" is an establishment, with a capacity of fifty or more persons, where, for any form of consideration, films, motion pictures, video cassettes, compact discs, digital video discs, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons.
  5. "Adult mini-motion picture theater" is an establishment, with a capacity of more than five but less than fifty persons, where, for any form of consideration, films, motion pictures, video cassettes, compact discs, digital video discs, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons.
  6. "Adult motion picture arcade," to include without limitation a peep show, is any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas. The image-producing device or peep show device shall also include any other device by or through which electronic, video, photographic, cinematic, digital, or computer-generated images depicting specified anatomical areas or specified sexual activity defined by this section are or can be reflected or projected onto an external screen or be internally projected, generated or reflected onto a screen that is an integral part of the device itself.



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7. "Adult drive-in theater" means an open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of motion pictures, films, theatrical productions and other forms of visual productions, for any form of consideration, to persons in motor vehicles or on outdoor seats, and presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.
  8. "Adult cabaret" is a night club, bar, restaurant, cabaret or similar establishment which may serve food or alcoholic or non-alcoholic beverages, or both, and which, for consideration, regularly features live performances or films, motion pictures, video cassettes, compact discs, digital video discs, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or the exposure of specified anatomical areas for observation by patrons or attendees.
  9. "Adult motel" is a motel or similar establishment offering public accommodations for any form of consideration which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, compact discs, digital video discs, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
  10. "Adult theater" is a theater, concert hall, auditorium or similar establishment, either indoor or outdoor in nature which, for any form of consideration, regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified sexual activities or by exposure of specified anatomical areas for observation by patrons.
  11. "Adult model studio" is any establishment open to the public where, for any form of consideration, one or more persons display or expose any portion of specified anatomical areas to be observed, sketched, drawn, painted, sculptured, photographed, videoed or be similarly viewed or depicted by any person, other than the proprietor, who pays a consideration to either the proprietor, an employee of the proprietor or the model. This definition shall also include, without limitation, a "lingerie modeling establishment."
    - a. This definition shall not apply to any school of art which is operated by an individual, firm, association, partnership, corporation or institution which meets the requirements established in the Education Code of the State of California for the issuance or conferring of, and is in fact authorized thereunder to issue and confer a diploma.
  12. "Sexual encounter establishment" is an establishment, other than a hotel, motel or similar establishment offering public accommodations, which, for any form of consideration, provides a place where two or more persons may congregate, associate or consort in connection with specified sexual activities or the exposure of specified anatomical areas. This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state of California engages in sexual therapy.
  13. "Body painting studio" is an establishment or business which provides the service of applying paint or other substance whether transparent or nontransparent to or on the human body when such body is wholly or partially nude in terms of specified anatomical areas.
  14. "General motion picture theater" is a building or part of a building intended to be used for the specific purposes of presenting entertainment as defined in this chapter, or displaying motion pictures, slides or closed circuit television pictures before an individual or assemblage of persons, whether such assemblage be of a public, restricted or private nature, except a home or private dwelling where no fee, by way of an admission charge, is charged; provided, however, that any such presentations are not distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas in that any such depiction or description is only incidental to the plot or story line.

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15. "Legitimate or live theater" is a theater, concert hall, auditorium or similar establishment which, for any fee or consideration, regularly features live performances which are not distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas in that any such depiction or description is only incidental to the primary purpose of the performance.
  16. "General bookstore" is an establishment engaged in the buying, selling and/or trading of new and/or used books, manuscripts and periodicals of general interest. A general bookstore does not include an establishment that is encompassed by the definition of adult bookstore.
  17. "School" is an institution of learning for minors, whether public or private, which offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the state board of education. This definition includes a nursery school, kindergarten, elementary school, junior high school, senior high school or any special institution of learning under the jurisdiction of the state department of education, but it does not include a vocation or professional institution or an institution of higher education, including a community college.
  18. "Establishing an adult-oriented business," as used in this chapter, means and includes any of the following:
    - a. The opening or commencement of any such business as a new business;
    - b. The conversion of an existing business, whether or not an adult-oriented business, to any of the adult-oriented businesses defined in this chapter; or
    - c. The addition of any of the adult-oriented businesses defined herein to any other existing adult-oriented business; or
    - d. The relocation of any such business.
  19. "Transfer of ownership or control," as used in this chapter, means and includes any of the following:
    - a. The sale, lease, or sublease of an adult-oriented business;
    - b. The transfer of securities which constitute a controlling interest in such business, whether by sale, exchange or similar means; or
    - c. The establishment of a trust, gift or other similar legal device which transfers the ownership or control of such business, except for transfer by bequest or other operation of law upon the death of the person possessing such ownership or control.
  20. "Sale and display of paraphernalia and literature commonly associated with the use of narcotics and controlled substances (headshops)" is an establishment or place where more than fifteen percent of the floor area in any room is used for the sale and display of such paraphernalia and literature, including but not limited to cocaine and sniffing kits, glass mirrors for cutting cocaine, snorting spoons and tubes, strainers to sift cocaine, water pipes (bongs), everyday items with special removable tops that have been converted to conceal narcotics and drugs, including simulated beer cans, oil cans and plastic photograph film vials, "roach clips" (for holding marijuana cigarettes), or books and magazines extolling the use of narcotics or controlled substances. Such a place is an adult-oriented business. This definition does not limit licensed pharmacies in selling and displaying paraphernalia that is medical equipment prescribed by licensed medical practitioners.
  21. A "private viewing room" is an area separated from the sales or display area of the establishment by a curtain, wall, door, shade, or similar obstruction thus allowing the private viewing of video tapes, compact discs, digital video discs, movies, transparencies, films, or projectable motion pictures by customers at the establishments.

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22. "Video cassette, compact disc, digital video disc sales, and rentals—adult" is the same as "adult bookstore."
  23. "Video games—adult" are coin-operated electronic game machines having visual displays and animation that depict in any manner, any sort of activity characterized by exposure of "specified anatomical areas" or "specified sexual activities."
  24. "Sexually oriented business" is any business in which:
    - a. Specified sexual activity occurs or specified anatomical areas are exposed, or both, by a patron, attendee, employee or independent contractor for any form of consideration paid or furnished to the owner, proprietor, an employee of the owner or proprietor, or to an independent contractor at the location or premises; or
    - b. Material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activity or specified anatomical areas, or both, is displayed, sold, or provided for consideration on a regular basis.
  25. "Consideration," as used in this chapter, means a payment or transfer of money or other thing of value exceeding a total of one cent to an owner or proprietor, an employee of the owner or proprietor, or to a performer, independent contractor or entertainer at the establishment, without regard to:
    - a. Any donative intent of the payer, transferor, or donor;
    - b. The time of payment or transfer; or
    - c. Whether the payment or transfer was for admission to the establishment or for merchandise, food or beverage displayed or sold at or on behalf of that establishment.
  26. "Lingerie modeling establishment" means an establishment where, for consideration and for viewing by a patron at that establishment, a person either:
    - a. Wears and displays undergarments, lingerie, underwear and similar articles of intimate apparel which cover those areas which constitute specified anatomical areas; or
    - b. Changes from one costume into another in the presence of a patron or patrons and thereby exposes one or more specified anatomical areas to that patron or patrons. This definition shall not, however, be construed so as to apply to a commercial retail or wholesale establishment that principally and customarily sells clothing and related wearing apparel and where specified anatomical areas are not exposed to customers during demonstration displays of merchandise for sale.

C. Prohibitions.

1. No person or entity shall own, establish, operate, control or enlarge or cause or permit the establishment, operation, enlargement or transfer of ownership or control, except pursuant to Section 18.30.030(F), of any of the following adult-oriented businesses if such adult-oriented business is or would be within one thousand five hundred feet of another adult-oriented business, within one thousand five hundred feet of any school or public park within the city, or within one thousand feet of any residentially zoned property in the city:
  - a. Adult bookstore;
  - b. Adult motion picture theater;
  - c. Adult mini-motion picture arcade (peep shows);
  - d. Adult arcade;
  - e. Adult drive-in theater;

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- f. Adult cabaret;
  - g. Adult motel;
  - h. Adult theater;
  - i. Adult model studio;
  - j. Body painting studio;
  - k. Any sexually oriented business;
  - l. Adult video games;
  - m. Adult video cassette sales and rentals;
  - n. Sexual encounter establishments;
  - o. Lingerie modeling establishment.
2. An establishment listed in this section shall not be established, operated, enlarged, or transferred unless the provisions of the zone in which the site or proposed site is located permit such a use. The conduct of such establishment and the use of premises shall otherwise comply with the Land Use Code and all other applicable regulations.
  3. Nothing in this chapter prohibits the location of adult-oriented businesses within retail shopping centers in all commercial and major mixed-use zones wherein such activities will have their only frontage upon enclosed malls or malls isolated from their direct view from public streets, parks, schools, churches or residentially zoned property.
  4. Sexual encounter establishments shall be permitted only upon the prior issuance of a conditional use permit.
  5. The location of an adult-oriented business listed in subsection (C)(1) (with the exception of subsections (C)(1)k and (C)(1)o) within any new or existing retail center, as specified in subsection (C)(3), shall not require a conditional use permit.
- D. Measure of Distance. The required minimum distance between any two adult-oriented businesses shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each such business. The distance between any adult-oriented business and any public school, public parks or residential zoned land shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of the adult-oriented business to the closest property line of the public school, public park, or residential zone.
- E. Development and Maintenance Standards. All adult-oriented businesses hereafter commenced shall, in addition to compliance with the Land Use Code, comply with these specific requirements:
1. Signs. Except for theater marquee signs, changeable copy signs, temporary signs and small permanent signs are not permitted. In addition to the requirements of Section 18.62.020 for permit approvals, all sign permits shall be subject to review and approval by the planning commission.
  2. Exterior Painting. Buildings and structures shall not be painted or surfaced with garish colors or textures or any design that would simulate a sign or advertising message.
  3. Advertisements, displays of merchandise, signs or any other exhibit depicting adult-oriented activities placed within the interior of buildings or premises shall be arranged or screened to prevent public viewing from outside such buildings or premises.
  4. No outdoor loudspeakers or other outdoor sound equipment advertising or directing attention to an adult-oriented use is allowed.

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5. Upon order of the city manager, graffiti appearing on any exterior surface of a building or premises, which graffiti is within public view, shall be removed, and that surface shall be restored within seventy-two hours of notification to the owner or person in charge of the premises.
  6. All exterior windows that are visible to the public must be opaquely covered.
- F. Exceptions.
1. Nothing in this section prohibits the transfer of principal ownership or control of adult-oriented uses permitted under Section 18.30.030(C)3 or 18.30.030(C)5.
  2. Notwithstanding any other provision of this code to the contrary, the provisions of this chapter shall be applicable to all land within the city, including all redevelopment project areas now in existence or hereafter established.
- G. Other Regulations, Permits, or Licenses.
1. Effect. The provisions of this chapter do not waive or modify any other provision of this code. Adult-oriented businesses shall comply with all applicable provisions of law and this code.
  2. Reference. This list is not all-inclusive and is inserted here for reference only; other applicable regulations include, but are not limited to the following chapters.
- H. Protection of Minors. Adult-oriented business shall not allow the admission of minors and shall otherwise comply with Chapter 10.62. An attendant shall be present at all times during hours of operation to deny admittance to minors.
- I. Private Viewing Rooms. It is unlawful for any person or entity which is subject to the regulations of this chapter, and which sells or rents prerecorded video tapes, movies, transparencies, films, projectable motion pictures or equipment used for showing any or all of these items, to offer or allow the viewing of these materials in private viewing rooms, as defined in subsection (B)(22).
- J. Constitutional Severability. The city council declares that the invalidity of any section or portion of this chapter shall not affect the validity of any other remaining section or portion; that the city council would have adopted each of those remaining portions notwithstanding any later declared invalid. If any portion determined to be invalid can be severed or be judicially interpreted in a way that could harmonize it with the remaining provisions, then it may either be severed or be judicially interpreted and, as interpreted, be applied so as to give full purpose, meaning, and effect to the remaining provisions of this chapter.
- (Ord. No. 2012-2372, Exh. B-1, 2-7-2012; Ord. No. 2019-2455, § 6, 1-22-2019)

### **18.30.040 Automobile impound and storage yards.**

- A. Conditional Use Permit—Required. Any application for a permit to establish an automobile impound and storage yard shall be subject to the issuance of a conditional use permit. The permittee must be a successful bidder of a contract with the city to participate in the assignment of service calls on police-impounded automobiles. No permit shall be granted to premises located east of National City Boulevard. This section does not apply to storage only yards. See Section 18.30.160 (Outdoor Storage) for storage only regulations.
- B. Yard Area Requirements. The conditional use permit shall require, for its issuance, that the proposed storage area meet the following criteria:
1. The storage area shall be in a building or enclosed by a solid fence or wall at least eight feet in height. The construction and maintenance of a required fence shall be in accordance with Chapter 18.43.
  2. No sign, picture, transparency, advertisement or mechanical device which is used for the purpose of or does advertise or bring to notice any person or persons, or article or articles of merchandise, or any

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- business or profession, or anything that is to be or has been sold, bartered or given away, shall be placed or maintained, or caused to be maintained, upon the outward face of such fence or wall.
3. The storage area must contain a gross surface of not less than ten thousand square feet, nor more than fifteen thousand square feet devoted to the storage of wrecked vehicles.
  4. The storage area, including driveways and access roads, shall be surfaced with asphalt cement, or decomposed granite with oil.
  5. The storage area shall be served by drainage facilities adequate to prevent the accumulation of standing water. The city engineer shall determine the adequacy of proposed drainage facilities.
  6. Gates in the fence or wall surrounding the storage area shall be constructed of new material, the same height as the fence or wall. No gate shall swing outward. All gates shall be kept closed except when vehicles or pedestrians are exiting or entering the premises. As an alternative to closing all gates, an interior screening fence may be erected so as to prevent public view of the contents of the storage yard during times when the gates are open.
  7. A four-foot setback from dedicated streets is required. The setback area and the parkway area shall be landscaped with trees, shrubs, or other ground cover in accordance with Chapter 18.44 and adopted guidelines.
  8. Exterior floodlighting, when used, shall be directed away from adjacent property and streets. All lights shall be shielded in such a manner that the light therefrom will fall only on the same premises upon which such light source is located.
  9. A conditional use permit shall not be granted for an area visible from a freeway unless all wrecked vehicles can be stored out of sight of adjacent freeways.
- C. Rules of Operation. The conditional use permit shall require, for its issuance and continued validity, that permitted storage operations be conducted pursuant to the following rules:
1. Stripping of automobiles, removal of parts, and dismantling, salvaging or junking shall be prohibited; provided, however, that the permittee may remove articles required to be removed to permit scrapping of the impounded vehicles. Removed parts may be accumulated for thirty days on the licensed premises.
  2. All inflammable liquids shall be removed from any unregistered or scrapped vehicle.
  3. Stored material and vehicles shall be so arranged that reasonable inspection of all parts of the premises can be made at any time by fire, health, police, planning and building authorities.
  4. Trash containers shall be installed and maintained on the premises, and the premises shall be kept free of trash at all times.
  5. Wrecked vehicles shall be disposed of in an expeditious manner, and no vehicle shall be retained in storage in excess of three months from the date of impoundment. Upon recommendation of the chief of police of the city or order of a court of competent jurisdiction, the city council may extend the storage time.
  6. No article shall be piled higher than the enclosing fence or wall, or nearer than two feet to the enclosing fence or wall.
- D. Conditional Use Permit—Expiration. A conditional use permit granted under the provisions of this title will expire upon the revocation, expiration, or cancellation of a permittee's contract with the City.
- E. Conditional Use Permit—Revocation for Violation. Violation of any requirement of this title is grounds for revocation of a conditional use permit.

**18.30.050 Sale of alcoholic beverages and live entertainment.**

- A. Conditional Use Permit—Required. A conditional use permit is required for the sale of alcoholic beverages, whether for on-site or off-site consumption.
- B. Conditional Use Permit—Additional Notice Required. In addition to notices required pursuant to Section 18.12.050 (Noticing and Public Hearings), written notice for a public hearing on a conditional use permit for the sale of alcoholic beverages shall be provided to owners and occupants of property within a radius of six hundred sixty feet of the exterior boundaries of the property where the sale of alcoholic beverages is proposed.
- C. Community Meeting—Required. Prior to the public hearing, the applicant shall hold a community meeting to inform residents of a proposal for the sale of alcoholic beverages. The applicant shall provide to the planning division documentation of the meeting and input received.
- D. Distance Requirements. Establishments where alcoholic beverages are sold for on or off-site consumption shall be located as follows:
  - 1. Liquor stores, or other businesses where the principal use involves the sale of alcohol for off-site consumption, shall be:
    - a. A minimum of six hundred sixty feet from any public school (kindergarten through twelfth grade) within the boundaries of the city; and
    - b. A minimum of five hundred feet apart.
  - 2. Bars and cocktail lounges or other establishments where the sale of alcoholic beverages for on-site consumption is the principal use, shall be:
    - a. A minimum of six hundred sixty feet from any public school (kindergarten through twelfth grade) within the boundaries of the city; and
    - b. No less than one thousand feet apart.
  - 3. Restaurants where the sale of alcoholic beverages for on-site consumption is accessory or incidental to the principal use shall be a minimum of six hundred sixty feet from any public school (kindergarten through twelfth grade) that is on property zoned as institutional (I) within the boundaries of the city; except that this distance requirement shall not apply to tasting rooms or restaurants (other than fast-food restaurants with drive-through service) where at least thirty percent of the floor area of the building is comprised of seating area.
  - 4. Private clubs or lodges, bowling alleys, theaters and other establishments where the sale of alcoholic beverages is accessory or incidental to the principal use shall be:
    - a. A minimum of six hundred sixty feet from any public school (kindergarten through twelfth grade) within the boundaries of the city; and
    - b. No closer than five hundred feet apart. This limitation shall not apply to restaurants.
  - 5. No minimum distances from schools or other uses are required for grocery stores, convenience stores or other retail establishments involving the sale of alcohol for off-site consumption as an accessory use.
- E. Measure of Distance. For the purposes of Section 18.30.050(D) (Distance Requirements):

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1. The distance between any two establishments that sell alcoholic beverages shall be measured in a straight line without regard to intervening structures from the closest exterior structural walls of the establishments.
  2. The distance between any establishment selling alcohol and a school shall be measured in a straight line, disregarding intervening structures, from the closest exterior structural walls of the establishment to the closest property line of the school.
- F. Additional Standards for the Sale of Alcohol at Restaurants or Public Eating Places. Restaurants or public eating places shall conform to the following, additional standards:
1. Alcoholic beverage sales shall be incidental to food service.
  2. There shall be no sale of alcoholic beverages after midnight unless otherwise specified by the conditional use permit. The conditional use permit may further restrict the times when alcoholic beverages may be sold.
- G. Live Entertainment.
1. Live entertainment shall be limited to a single entertainer performing musical work (piano bars, etc.) except as provided below.
  2. Additional entertainers, dancing, audience participation, karaoke, or other live entertainment may be authorized by a conditional use permit in zones where live entertainment is permitted.
  3. Live entertainment specified in subsection (B) of this section may be permitted by a resolution of approval for a conditional use permit for the sale of alcohol in zones where live entertainment is permitted.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012; Ord. No. 2017-2444, § 4, 12-19-2017)

### **18.30.060 Automotive body and paint shops.**

Automobile painting with accessory body and fender work shall be conducted entirely within a building. The hours of operation shall be between seven a.m. and seven p.m., except where the building adjoins a residential area the hours of operation shall be restricted to between eight a.m. and six p.m. Monday through Saturday. (Accessory body work shall be defined as "only that work required in the preparation for complete auto repaint.")

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.30.070 Child day care centers.**

- A. Purpose. The purpose of establishing child day care center regulations is to implement state law with regard to the provision of child care centers as defined by the California Health and Safety Code to ensure compatibility of such uses with surrounding uses and properties and to avoid any impacts associated with such uses.
- B. Applicability. Day care centers are permitted as set forth in Division 2 subject to the requirements of this section.
- C. Site Location.
  1. Child day care facilities are encouraged to be located near schools, trolley stops, major bus stops, and close to employment centers in order to reduce commute trips and improve air quality.



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2. All child care facilities shall have direct access to a public street with adequate access to a collector or arterial street system.
  3. A new child care facility must be located at least six hundred feet away from an existing child day care center.
- D. Operation and Development Standards.
1. The applicant must obtain all licenses and permits required by state law for operation of the facility and shall keep all state licenses and permits valid and current.
  2. The center shall meet all zoning standards applicable to the site.
  3. Indoor and outdoor play areas that satisfy the requirements of the State shall be provided. The outdoor play area shall be adjacent to the center and accessible through the center itself. The outdoor play area shall be screened and enclosed by a natural barrier, wall, or fence a minimum of five feet in height. If adjacent to a single-family residential zone, the separating barrier shall be of solid construction. The outdoor play area shall be designed to reduce noise impacts on adjacent properties.
  4. Parking shall not be located in any required front yard setback and an adequate on-site loading/unloading area shall be provided that can be easily accessed from the child day care center without crossing any driveways or streets. Clearly designated pedestrian walkways should be provided.
  5. All child day care centers shall comply with the city's noise regulations as set forth in Title 9.
  6. The drop off and pick up of children from vehicles shall only be permitted on the site's driveway or parking area. A facility with access from an arterial street, as designated by the General Plan, must provide a paved drop-off/pick-up area designated with on-site parking and maneuvering to allow vehicles to pick-up/drop-off children and exit the site without backing out onto the arterial street.
  7. Any additional conditions regarding safety and access deemed necessary or desirable by the city engineer, fire marshal, or building official must be met.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.30.080 Family day care homes.**

- A. Purpose. The purpose of this section is to implement the California Health and Safety Code provisions regarding day care homes, both large family and small family.
- B. Applicability. Family day care homes are permitted as set forth in Division 2 subject to the requirements of this section.
- C. Operation and Development Standards.
  1. The family day care home must be the residence of the day care provider.
  2. The day care home must be clearly incidental and secondary to the use of the property for residential purposes.
  3. Hours of operation shall be less than twenty-four hours a day.
  4. The day care home shall comply with all municipal and state laws and regulations regarding single-family residences and day care homes.
  5. Noise must be maintained in compliance with the city's noise regulations as set forth in Title 12.

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6. The provider shall comply with all applicable regulations of the city's fire department regarding health and safety requirements as they relate to day care homes and shall contain a fire extinguisher and smoke detector device.
  7. All state licensing standards must be met and the provider shall keep all state licenses and permits current.
  8. The day care home shall be maintained to retain the appearance of a home consistent with the general character of the neighborhood.
  9. Large family day care homes shall provide at least one off-street parking space per employee of driving age not living in the home. The residential driveway approach is acceptable for this parking requirement provided that it does not conflict with a required drop-off/pick-up area and does not block the public sidewalk or right-of-way.
  10. Indoor and outdoor play areas that satisfy the requirements of the state shall be provided. The outdoor play area shall be screened and enclosed by a natural barrier, wall, or fence a minimum of five feet in height. The outdoor play area shall be designed to reduce noise impacts on adjacent properties.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012; Ord. No. 2019-2464, § 3, 11-5-2019)

### **18.30.090 Condominium conversions.**

The conversion of existing apartments, hotels and motels, and other rental properties to condominiums, community projects, or stock cooperatives may be permitted if the following conditions are satisfied:

- A. Permit. A conditional use permit is required and the following findings shall be made:
  1. The proposal is consistent with housing element goals and objectives;
  2. Plans and reports submitted by the applicant, along with conditions of approval, show that necessary upgrading will be completed prior to the sale of any unit;
- B. Tentative and Parcel Maps. A conversion shall comply with requirements for tentative and final parcel maps.
- C. Subdivision Map Act. Requirements of the state Subdivision Map Act will be satisfied, specifically with regard to requirements for notice to tenants and right of tenants to exclusive contract for purchase in condominium, community apartment or stock cooperative projects.
- D. Physical Elements Reports.
  1. At the time of submitting the conditional use permit application required in subsection (A) of this section, the applicant shall submit a report or reports on the status of the physical elements of the project, including the condition and remaining useful life of building foundations and walls, roofs, electrical systems, plumbing systems, mechanical systems, recreational facilities, parking and other paved areas and drainage facilities. These reports shall be prepared by California licensed structural or civil engineers or private home inspectors and they shall include a detailed evaluation of the existing physical elements, a recommendation on their status including any necessary repairs or replacement, either immediate or in the future, and a certification of the findings. The reports shall also specifically address or include the following:
    - a. Measures that should be taken to improve sound attenuation between units (except for projects built after July 1, 1979 in compliance with the building code);
    - b. Structural pest report;
    - c. Building history report identifying the date of construction of all elements;

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- d. Characteristics of the building not in compliance with currently applicable building or housing codes, and with codes in effect at the time of construction;
  - e. The need for smoke detectors in individual units, as well as for other on-site fire protection systems maintained by the homeowners association.
2. The planning commission, or city council on appeal, shall review these reports to determine the need to repair or replace any existing physical elements as a condition of approving the proposed conversion.
- E. Other Materials. Any other materials required by the planning division to provide evidence in support of the above conditions shall be submitted before the conditional use permit application is determined complete.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.30.100 Conversions to nonresidential use.**

- A. Generally. A structure or building intended or designed to be used as a dwelling unit may be used in the commercial and industrial zones for a permitted commercial or industrial use, subject to the provisions of this chapter.
- B. Approval. [Approval of a site plan by the Planning Commission is required.](#) ~~Approval of the location and plans by the planning commission is required.~~
- C. Removal of Residential Facilities. All facilities for living, sleeping, cooking, and dining shall be permanently removed except for employee dining facilities.
- D. Compliance with Zoning Regulations. All other provisions of this title shall be complied with.
- E. Building Occupancy. The structure or building shall not be used or occupied until after the issuance of a certificate of occupancy by the building official. Any change of occupancy shall comply with all requirements of the building code of the city and this title.
- F. Dwelling Unit of Historical Character. When application is made for approval to convert a dwelling unit of recognized historical character, the planning commission may deny a permit on grounds of unsuitability of the proposed use.
- G. Dwelling Unit Used as a Place of Assembly. A dwelling unit or any portion thereof shall be permitted to be converted and/or used as a place of assembly as defined by this title only by the issuance of a conditional use permit.
- H. Design and Aesthetics. In the approval of any plans for the conversion of a residential structure for any of the uses permitted under this chapter, the planning commission shall take into consideration the architectural design of the structure, as well as the aesthetic quality of the structure and the property.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.30.110 Emergency shelters.**

- A. Purpose. This section establishes standards for the development and operation of emergency shelters where permitted by right as set forth in Division 2.
- B. Permitted Use. In compliance with SB 2 effective January 1, 2008, emergency shelters shall be allowed as a permitted use without the need for a conditional use permit and are exempt from CEQA (California Environmental Quality Act).

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- C. Limitations on Location.
1. Eligible Locations. A new facility shall be a permitted use in the light industrial (IL) zone only.
  2. Separation Between Emergency Shelters. A new emergency shelter shall not be closer than three hundred feet to another emergency shelter as measured between property lines.
- D. Lighting. Adequate external lighting shall be provided for security purposes to ensure fully lit parking, gathering and waiting areas.
- E. Building Design Standards.
1. Number of Beds. An emergency shelter shall contain a maximum of one bed per one hundred fifty square feet of sleeping area not to exceed fifty beds and shall serve no more than fifty persons.
  2. Client Waiting Areas. Emergency shelters shall have an interior, enclosed client waiting and intake area large enough to accommodate the number of persons equal to twenty-five percent of the number of beds. The area shall be based on space required for seated persons. Any exterior overflow waiting area shall be fenced, screened, gated, and covered and shall not obstruct sidewalks or driveways.
  3. Client Gathering Areas. Emergency shelters shall have an interior multipurpose area separate from the sleeping area. The multi-purpose area shall be provided with space equal to at least ten square feet per bed, but not be less than two hundred fifty square feet. The multipurpose area shall have an exterior gathering area equal to at least fifty square feet per bed and shall be fenced, screened, and landscaped.
- F. Facility Operating Standards.
1. On-Site Management. The facility shall maintain a management plan. The management plan must document that management and staffing is sufficient for adequate control of the facility. The management plan shall include descriptions of:
    - a. On-site management.
    - b. Staffing levels and qualifications.
    - c. Client services offered and case management.
    - d. Behavior guidelines including no drug or alcohol use.
    - e. Facility maintenance.
    - f. Emergency plan.
    - g. Security plan.
  2. Vehicle Parking. The number of off-street parking spaces shall be calculated based on the amount of office space at the facility ~~plus or~~ one parking space per ~~employee~~ ~~ten beds~~. The square footage of office space shall be used to determine the number of spaces per the standards specified in Chapter 18.45 (Parking and Loading Requirements). The number of parking spaces based on this calculation shall not exceed the number of parking spaces required for other residential or commercial uses within the same zone as the emergency shelter.
  3. Length of Stay. Temporary shelter shall be available to residents for a maximum of six months.
  4. Hours of Operation. The emergency shelter shall only accept clients between the hours of seven a.m. and eight p.m.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

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### **18.30.120 Hazardous waste facilities.**

- A. Definition.
  - 1. "Hazardous waste facility" shall be defined as specified by the California Health and Safety Code and San Diego County Hazardous Waste Management Plan.
- B. Approval. Hazardous waste facilities may be permitted only in the medium industrial (IM), heavy industrial (IH) zones and shall require approval of a conditional use permit. Data, policies, criteria and procedures contained in the San Diego County Hazardous Waste Management Plan shall be utilized for evaluation of applications for hazardous waste facilities. The siting criteria, the conditional use permit procedure and the fair share policies of the plan shall be utilized in making decisions on such applications.
- C. Grant Conditions. Before any conditional use permit may be granted for a new hazardous waste facility project or for modification of an existing facility, in addition to the conditions required by Section 18.12.110, it shall be found that the proposed facility is in compliance with the following siting criteria documents of the County of San Diego Hazardous Waste Management Plan:
  - 1. Section E, entitled "Local and Regional Facility Needs," of Chapter IX, entitled "Siting and Permitting of Hazardous Waste Facilities" (Pages IX-35 through IX-37);
  - 2. Appendix IX-A, entitled "Siting Criteria for Evaluating Hazardous Waste Management Facility Siting Proposals in San Diego County"; and
  - 3. Appendix IX-B, entitled "General Areas for Siting Hazardous Waste Management Facilities."
- D. Information Requirements. An application for a conditional use permit for a hazardous waste facility project shall provide information required by the planning director to show conformance with procedural requirements of Article 8.7 of the California Health and Safety Code. Such information may include but shall not be limited to documentation from the state office of permit assistance regarding procedures required for approval of the proposed facility.
- E. Related Permit Requirements. All applicable zoning, subdivision, conditional use permit and variance decisions made by the city shall be consistent with the siting criteria documents of the County of San Diego Hazardous Waste Management Plan listed in subsection (C), above.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.30.130 Helicopter operations.**

- A. Purpose. The purpose of this section is to provide rules and regulations governing the conduct of the operation of helicopters and related facilities within the city.
- B. Conditional Use Permit. No person shall operate or maintain a heliport or helistop without first obtaining a conditional use permit and demonstrating that the facility will comply with FAA regulations.
- C. Temporary Heliport or Helistop Permits.
  - 1. No person shall operate a helicopter to or from any property within the city other than a heliport or helistop approved by the city (except in cases of an emergency situation); provided, however, that the landing and takeoff of helicopters at places other than approved heliports and helistops may be authorized for specifically designated and limited times. Such authorization shall not exceed a thirty-day period.
  - 2. Every application for a temporary heliport or helistop permit shall include the following:

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- a. Copy of application for state approval;
  - b. Copy of application for Federal Aviation Administration approval;
  - c. Written approval of landowner or duly authorized agent or representative;
  - d. Certificate of insurance.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.30.140 Mobile homes and similar temporary structures.**

- A. Use as Dwelling—Restrictions. A mobile home shall not be used for living or sleeping purposes except when located in an approved mobile home park or unless it meets the criteria for factory built housing in state law as defined by Civil Code Section 18.007.
- B. Restrictions. A mobile home, modular structure, or other temporary structure shall not be used as a business or other commercial use in any zone except that a modular structure may be used as a temporary office or classroom for a period of no longer than one year, subject to the issuance of a temporary use permit. This prohibition shall not apply to any former landfill site which is subject to the regulatory order or directive of a regulatory agency, due to the existence on the site of hazardous materials as defined by Section 25260 of the California Health and Safety Code.
- C. Mobile Home Park—Conditional Use Permit. The development of a mobile home park shall require the issuance of a conditional use permit to ensure that such development will be compatible with existing and permitted uses in the adjacent areas. The conditions of approval may include, but shall not be limited to, external traffic circulation, screening walls and plantings, park layout and design (including architectural design), lot size and shape, landscaping, signs, parking, usable open space and recreation areas, and service buildings.
- D. Mobile Home Park—Screening. When located on a lot adjoining another residential use, mobile home parks shall be permanently screened from such adjoining property by a fence or wall and suitable landscaping, adjacent to or opposite the other residential use.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.30.150 Outdoor display or sale of merchandise.**

- A. Outdoor Display or Sale of Merchandise Prohibited—General. The outdoor display or sale of merchandise on public or private property is unlawful, except as provided in this section. Merchandise is displayed outdoors when it is placed to the exterior of a building or structure.
- B. Permitted Displays in Commercial, Mixed-Use, and Industrial Zones.
  - 1. In commercial, mixed-use, and industrial zones, service stations, auto dealers, recreational vehicle sales lots, nurseries, licensed flower shops, grocers, and neighborhood corner stores limited to the sale of fresh produce and flowers, and building material yards may display merchandise outdoors only on the same site approved for the business.
  - 2. Other businesses in commercial, mixed-use, and industrial zones shall not display or sell merchandise outdoors except pursuant to a determination by the planning department that the display would be customary with that type of business and consistent with or comparable to the types of uses.
  - 3. Other items not covered in this section may be permissible as allowed by an established right-of-way enhancement program.

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C. Special Promotions.

1. Except as allowed by subsection (B) all other businesses in the commercial, mixed-use, and industrial zones are permitted to have special promotions at which outdoors display and sales will be allowed, limited to a maximum of three consecutive days each, including all set-up and takedown time. No business shall have more than two such sales in a calendar year. There shall be a period of at least thirty days between sales.
2. Special promotions involving outdoor display of merchandise which are to last more than three days, or would involve more than two such sales in any calendar year, are not allowed unless city council approval in accordance with Chapter 15.60 is first obtained. All sales shall be limited to the site approved for the business.
3. No business shall conduct a special promotion with an outdoor display on a property unless the business has a permanent business address on that property. This restriction shall not apply to sales conducted entirely indoors.

D. Seasonal Sale of Christmas Trees and Pumpkins.

1. The seasonal sale of Christmas trees and pumpkins outdoors is permitted only in commercial and mixed-use zones on property developed with a commercial use or on vacant property in a commercial or mixed-use zone.
2. Displays and sales of Christmas trees and pumpkins are limited to thirty-five days respectively, including installation and removal of all related materials. A business license shall be obtained each year prior to setting up displays.

E. Outdoor Vending Machines. Outdoor vending machines are allowed in all commercial and mixed-use zones. Outdoor vending machines shall:

1. Be located along the front facade of a building or against a structure designed to accommodate them;
2. Occupy not more than ten percent the length of the wall facing the street or access drive, or twenty feet, whichever is less;
3. Not obstruct private pedestrian walkways; a minimum of forty-four inches shall be kept clear of obstructions, or more if pedestrian traffic volume warrants. They are not allowed on public sidewalks.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012; Ord. No. 2017-2440, § 4, 10-17-2017)

**18.30.160 Outdoor storage.**

- A. Enclosure. All outdoor storage, in any zone, which occupies a volume of more than sixty cubic feet and is visible from any abutting public street, or which abuts property used for residential purposes, shall be enclosed by a view-obscuring fence or wall at least six feet high. All gates provided for ingress and egress in any required fence or wall shall be at least six feet in height and shall be of view-obscuring construction.
- B. Stacking Stored Materials—Height Limitation. Merchandise, materials, equipment, or other goods, other than neatly stacked lumber in lumberyards, shall be stacked in outdoor storage areas to a height no greater than that of any building, wall, fence, or gate enclosing the storage area. For scrap metal processing yards, see Section 18.30.180.
- C. Posting Signs or Devices Prohibited. No sign, picture, transparency, advertisement, or mechanical device which is used for the purpose of or which does advertise or bring to notice any person or persons, or article or articles of merchandise, or any business or profession, or anything that is to be or has been sold, bartered or given away shall be placed or caused to be placed or to be maintained or caused to be maintained upon the outward face of any gate, fence or wall enclosing any outdoor storage area.

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- D. Storage in Yard Setback Prohibited. No storage shall be permitted in any required front or side yard setbacks adjacent to a public street or highway.
- E. Materials Storage During Construction. During construction and sixty days thereafter, property in said project area may be used for the storage of materials, excluding batch plants, used in the construction of the individual buildings in the project and for the contractor's temporary office.
- F. Areas Designated for Storage. Except as specified herein, no other areas shall be used for outdoor storage. Areas designated for storage or which are otherwise restricted to vehicular passage shall be indicated on the plot plan and be so maintained. All areas of the yard open to vehicular passage shall be paved.
- G. Specific Storage Regulations in Commercial, Mixed-Use, and Industrial Zones. In the commercial, mixed-use, and industrial zones, the following regulations shall apply:
1. The storage of all materials or wastes which might cause fumes or dust, or which constitute a fire hazard, or which may be edible by or otherwise attractive to insects or rodents, unless said materials or wastes are stored outdoors in closed containers, is prohibited.
  2. The storage of corrosive materials is permitted subject to the provisions of the city fire code.
  3. Activities involving the storage of fire and explosive hazard materials shall be conducted in accordance with the city fire code.
  4. Toxic or dangerous materials shall be stored in a manner that insures against their escape from the premises to the detriment of public safety, health or welfare.
  5. No material, equipment, or goods of any kind shall be stored on the roof of any building in any zone.
  6. In the industrial zones, the storage of materials, liquids, or wastes upon any lot in such form or manner that they may be transferred or flow off said lot by natural causes or forces is prohibited.
  7. Shipping containers and truck trailers shall not be used for storage purposes in any zone, except pursuant to a temporary use permit as approved by the city council.
- H. Rubbish Storage.
1. Rubbish and solid waste shall be disposed of by public facilities, when available. Liquid wastes shall be promptly and properly disposed of in a manner acceptable to the city and to the San Diego Metropolitan Sewer District. Where public facilities are not provided for disposal, rubbish and solid waste shall be contained in rodent proof, nonflammable, waterproof storage containers with close-fitting lids. When liquid wastes are of such a character as to be unacceptable in the public sewer system, such wastes shall be stored in suitable containers or tanks until transfer. Such containers or tanks shall comply with the city fire code and other applicable regulations in this title.
  2. All storage and disposal facilities shall be screened from all public view. In the residential, commercial, mixed-use, and institutional zones such screening shall be of solid masonry construction with sturdy gates of view-obscuring design. Location and accessibility shall be subject to site plan review.
  3. Any building or structure or portion of building or structure used for storage of rubbish-and waste shall contain an approved floor drain connected to the public sewer system.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.30.170 Recycling collection facilities.**

- A. Purpose. It is the intent and purpose of this chapter to establish reasonable regulations for establishment of recycling collection facilities to encourage and facilitate the recycling of glass, aluminum, plastic and nonaluminum metal beverage containers in a safe and convenient manner.



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- B. Definitions. For the purpose of this chapter, the following words shall have the following meanings:
1. Igloos. An "igloo" is a small, moveable collection bin or container occupying no more than forty square feet each.
  2. Mobile Recycling Unit. A "mobile recycling unit" means an automobile, truck, trailer or van, licensed by the department of motor vehicles, which is used for the collection of recyclable materials. A mobile recycling unit also means the bins, boxes or containers, other than igloos, transported by trucks, vans, or trailers, and used for the collection of recyclable materials.
  3. Recyclable Material. "Recyclable material" is reusable material including aluminum, nonaluminum metal, glass and plastic beverage containers, which are intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. Recyclable material as described in this section does not include paper, refuse, motor oil or other hazardous materials.
  4. Recycling Collection Facility. A "recycling collection facility" is a center for the collection of recyclable materials from the public by donation, redemption or purchase. A certified recycling facility means a recycling facility certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. A recycling facility does not include storage containers located on the premises of a commercial or industrial use used solely for the collection of recyclable materials generated by that use. Recycling collection facilities include the following:
    - a. Reverse vending machines;
    - b. Igloos;
    - c. Mobile recycling units.
  5. Reverse Vending Machine. A "reverse vending machine" is an automated mechanical device which accepts at least one or more types of empty beverage containers including aluminum and nonaluminum metal cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by the state. A reverse vending machine may sort and process containers mechanically; provided that the entire process is enclosed within the machine. In order to accept and temporarily store all four container types in a proportion commensurate with their relative redemption rates, and to meet the requirements of certification as a recycling facility, multiple grouping of reverse vending machines may be necessary. A "bulk reverse vending machine" is a reverse vending machine that is larger than fifty square feet; is designed to accept more than one container at a time; and will pay by weight instead of by container.
  6. Small Recycling Facility. A small recycling facility is defined as an igloo or reverse vending machine.
- C. Types of Facilities Permitted.
1. Reverse vending machines, igloos, and mobile recycling units may be permitted subject to conformance with all of the following:
    - a. Location within the MXC-1, MXC-2, MXD-1, MXD-2, [MXT](#), CS, IL, and IM zones;
    - b. Location within convenience zones designated by the State of California Department of Conservation, Division of Recycling;
    - c. Certification or application for certification by the State of California;
    - d. Required permits, as described in subsection (D);
    - e. Operation and design standards, as described in subsection (E);

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- f. No recycling collection facility shall be permitted if it is found that the facility or its operation will have a detrimental effect on public health, safety, or general welfare.
- D. Permits Required.
1. Site Plan Review. Small recycling facilities, as defined in subsection (B), shall require site plan review approval.
  2. Conditional Use Permit. Mobile recycling units, as defined in subsection (B), shall require conditional use permit approval.
- E. Operation and Design Standards.
1. Reverse vending machines shall comply with the following standards:
    - a. Established in conjunction with a commercial use or community service facility which is in compliance with the zoning, building, and fire codes of the city;
    - b. Located within thirty feet of the entrance to the commercial structure and shall not obstruct pedestrian or vehicular circulation;
    - c. Not occupy parking spaces required by the primary use;
    - d. Except for bulk reverse vending machines, occupy no more than fifty square feet of floor space per installation, including any protective enclosure, and be no more than eight feet in height; no more than four reverse vending machines at the site; bulk reverse vending machines shall occupy no more than three hundred square feet of floor space per installation, including any protective enclosure;
    - e. Constructed and maintained with durable waterproof and rustproof material;
    - f. Clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is nonoperative;
    - g. Have a sign area of a maximum of four square feet per machine, exclusive of operating instructions;
    - h. Maintained in a clean, litter-free condition on a daily basis;
    - i. Illuminated to ensure comfortable and safe operation if operating hours are after dusk;
    - j. Installation of all wiring required in accordance with the National Electrical Code, latest edition.
  2. Igloos shall comply with the following standards:
    - a. Established in conjunction with an existing commercial use or community service facility which is in compliance with the zoning, building, and fire codes of the city;
    - b. Occupy an area no larger than two hundred square feet;
    - c. Set back at least ten feet from any front property line and shall not obstruct pedestrian or vehicular circulation;
    - d. Accept only glass, metal, and plastic containers;
    - e. No power-driven processing equipment used;
    - f. Containers constructed and maintained with durable, waterproof and rust-proof material, covered when site is not attended, secured from unauthorized entry or removal of material, of a capacity sufficient to accommodate materials collected and collection schedule;

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- g. All recyclable material stored in containers, and materials not left outside of containers at any time;
  - h. Maintained free of litter and any undesirable materials;
  - i. Not be located within fifty feet of a residentially zoned property;
  - j. Operation of attended facilities located within one hundred feet of a property zoned or occupied for residential use only during the hours of nine a.m. and seven p.m.;
  - k. Noise levels not exceeding sixty dBA as measured at the property line of residentially zoned or occupied property, and otherwise not exceeding sixty-five dBA;
  - l. Location of containers for the twenty-four-hour donation of materials at least one hundred feet from any property zoned or occupied for residential use unless there is a recognized service corridor and acoustical shielding between the containers and the residential use;
  - m. Labeling of containers to identify the type of material which may be deposited, identification of the facility with the name and telephone number of the facility operator and the hours of operation, and display of notice stating that no material shall be left outside the recycling enclosure or containers;
  - n. Signing permitted as follows:
    - i. Identification signs with a maximum of four square feet, in addition to informational signs required in subsection (E)(2)m, above;
    - ii. Signs consistent with the character of the location;
    - iii. Directional signs, bearing no advertising message, installed with the approval of the city manager or his/her designee if the facility is not visible from the public right-of-way;
    - iv. Authorization from the city manager or his/her designee for increase in the number and size of signs upon finding that it is compatible with adjacent businesses.
  - o. Required landscape area not occupied or interfered with;
  - p. No occupation of parking spaces on the site unless deemed necessary and authorized by the city manager or his/her designee; no additional parking spaces required for customers of an igloo collection facility located at the established parking lot of a host use; one space of host use permitted to be occupied by an attendant, if needed.
3. Mobile recycling units shall comply with the following standards:
- a. Established in conjunction with an existing commercial use or community service facility which is in compliance with the zoning, building, and fire codes of the city;
  - b. No larger than three hundred fifty square feet and occupy no more than three parking spaces not including space that will be periodically needed for removal of materials or exchange of containers;
  - c. Set back at least ten feet from any front property line and shall not obstruct pedestrian or vehicular circulation;
  - d. Accept only glass, aluminum, nonaluminum, and plastic containers;
  - e. No power-driven processing equipment used;
  - f. Containers constructed and maintained with durable waterproof and rustproof material, covered when site is not attended, secured from unauthorized entry or removal of material, and of a capacity sufficient to accommodate materials collected and collection schedule;

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- g. All recyclable materials stored in containers or in the mobile unit vehicle, and not left outside of containers at any time;
  - h. Maintained free of litter and any other undesirable materials; mobile facilities, at which truck or containers are removed at the end of each collection day, swept at the end of each collection day;
  - i. Noise levels not exceeding sixty dBA as measured at the property line of residentially zoned or occupied property, and otherwise not exceeding sixty-five dBA;
  - j. Not to be located within fifty feet of a residentially zoned property;
  - k. Operation of attended facilities located within one hundred feet of a property zoned or occupied for residential use only during the hours of nine a.m. and seven p.m.;
  - l. Location of containers for the twenty-four-hour donation of materials at least one hundred feet from any property zoned or occupied for residential use unless there is a recognized service corridor and acoustical shielding between the containers and the residential use;
  - m. Labeling of containers to identify the type of material which may be deposited; identification of the facility to identify the name and telephone number of the facility operator and the hours of operation, and display of a notice stating that no material shall be left outside the recycling enclosure or containers;
  - n. Signing permitted as follows:
    - i. Identification signs with a maximum of four square feet, in addition to informational signs required in subsection (E)(3)m, above;
    - ii. Signs consistent with the character of the location;
    - iii. Directional signs, bearing no advertising message, installed with the approval of the city manager or his/her designee if the facility is not visible from the public right-of-way;
    - iv. Authorization from the city manager or his/her designee for increase in the number and size of signs upon finding that it is compatible with adjacent businesses.
  - o. Required landscape area not occupied or interfered with;
  - p. No additional parking spaces required for customers of a mobile recycling unit located at the established parking lot of a host use; one space of the host use permitted to be occupied by the attendant, if needed;
  - q. Area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present;
  - r. No reduction of available parking spaces below the minimum number required for the primary host use unless a parking study shows that existing parking capacity is not already fully utilized during the time the recycling facility will be on the site; reduction in available parking spaces in an established parking facility then permitted as follows:
    - i. For a commercial host use:

Number of Parking Spaces Available	Maximum Reduction
0—25	0
26—35	2
36—49	3

- ii. For a community facility host use, a maximum of four spaces reduction will be allowed when not in conflict with parking needs of the host use.

F. Additional Requirements. Additional requirements may be required as conditions of permit approval.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.30.180 Scrap metal processing.**

- A. Regulations Generally. Scrap metal yards, scrap or used metal sales, and scrap metal processing shall be operated in accordance with the provisions of this section. This shall not relieve the operators of scrap metal processing uses from complying with all city regulations, laws, and ordinances.
- B. Site Plan Review Required. All scrap metal processing uses shall be subject to site plan review.
- C. Salvage or Junk Storage Restrictions. The storage of salvage or junk shall not be placed or allowed to remain outside of the enclosed yard area. It may be stored above the height of the fence or wall, provided such storage is not within ten feet of an exterior lot line. Nonmetallic salvage or processing not clearly incidental to the principal use shall not be allowed.
- D. Fences and Walls—Required. The entire premises shall be enclosed by fences and walls of uniform height in relation to the ground upon which they stand. Such fences or walls shall be a minimum of eight feet high and shall not exceed 15 feet in height.
- E. Fences and Walls—Materials. All fences and walls open to view from any street shall be constructed of the following materials:
  - 1. Metallic panels, at least .024 inches thick, painted with a baked-on enamel or similar permanent finish. All fences constructed with metallic panels exposed to view from the exterior side shall have an interior face of solid wood not less than two inches thick from the ground to the top of such fence;
  - 2. Masonry;
  - 3. Other materials comparable to the foregoing if approved by the planning division.
- F. Fences and Walls—Construction Standards. All fences and walls shall be constructed in a workmanlike manner and shall consist solely of new materials, unless the director of planning approves the substitution of used materials where, in his opinion, such used materials will provide the equivalent in service, appearance, and useful life.
- G. Fences and Walls—Painting. All fences and walls, excluding masonry and approved permanent finish panels, shall be painted a uniform complimentary color, excluding black, which blends with the surrounding terrain and improvements, and shall be maintained in a neat, orderly condition at all times. Such fence or wall shall contain no painted signs or posters except as approved by the director of planning. In all cases, colors shall be subject to approval by the director of planning.
- H. Standards for Structures. Any structures which are used as part of the yard boundaries and/or are exposed to view from a street frontage shall be subject to painting, maintenance and sign requirements for fences and walls as provided in Chapter 18.43. The planning division may approve other appropriate architectural treatment.
- I. Paving of Yards. Areas designated for storage or which are otherwise restricted to vehicular passage shall be indicated on the site plan and shall be so maintained. All areas of the yard open to vehicular passage shall be paved

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- J. Landscaping.
    - 1. Along each street frontage, all required setbacks and the adjacent street parkways shall be fully landscaped.
    - 2. A permanent automatic irrigation system shall be provided which satisfactorily irrigates all planted areas.
    - 3. All landscaped areas shall be continuously and properly maintained in good condition.
  - K. Painting and Maintenance. All equipment, structures, etc., extending above the height of exterior fences shall be continuously maintained and painted in a neat and orderly fashion.
  - L. Storage and Combustibles. Containers approved by the city fire department shall be provided for the storage of combustible materials removed from scrap autos delivered to the site.
  - M. Litter Prohibited. The entire site shall be continuously maintained to prevent accumulations of weeds, rubbish, litter, or combustible waste. Any incidents of rat or vermin harborage shall be promptly corrected.
  - N. Performance Standards. All salvage operations shall comply with the performance standards for air pollution, noise, vibration, and glare as set forth in Section 18.40.030 and Title 7 of the Municipal Code.
- (Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.30.190 Service stations and convenience stores with gasoline pumps.**

- A. Conditional Use Permit Required. The development and construction of all service stations shall be subject to the issuance of a conditional use permit.
- B. Frontage. The site shall have a minimum of one hundred feet of frontage on a dedicated street.
- C. Minimum Site Area. The minimum site area shall be fifteen thousand square feet.
- D. Site Planning Standards.
  - 1. Bay doors of service stations and automotive maintenance and repair facilities should not be visible from the major street, whenever possible.
  - 2. Fuel pump islands and canopies should be screened by the main building structure. The convenience store should be placed at the street frontage with display windows along the sidewalk, to encourage pedestrian use.
  - 3. Curb cuts shall be limited to one per street for corner locations, or two per street for mid-block locations.
  - 4. Curb cuts on the same street shall be spaced at least twenty-five feet apart.
- E. Screening. When a service station adjoins a residential zone along a rear or side lot line, a masonry screening wall, not less than five feet and no more than six feet in height, shall be erected along such adjoining lot line.
- F. Building Fronts.
  - 1. All building materials and designs shall be consistent with the general standards for commercial businesses. Metal buildings are not permitted.
  - 2. The design of stand-alone gas stations and convenience stores should conform to the dominant existing or planned character of the surrounding neighborhood or development. This can be accomplished through the use of similar forms, materials and colors.

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3. The design of a facility that occupies a pad or portion of a building within a larger commercial center should be designed to reflect the design elements of that center.
  4. All sides of a building visible from the street shall express consistent architectural detail and character.
- G. Pump Island Canopies and Other Buildings and Structures. All structures on the site (including kiosks, car wash buildings, pump island canopies, and screen walls) shall be architecturally consistent with the main structure, including roof design, color, materials, and architectural details.
- H. Landscaping—Generally. Ten percent of the gross site area shall be devoted to landscaping.
- I. Open Area—Surfacing. All open areas, not included in landscaped areas shall be paved.
- J. Use Regulations. The operation of all service stations shall be in accordance with the following regulations:
1. Uses permissible at a service station do not include body or fender work or automobile painting unless they are permissible uses within the particular zone. Dismantling of automobiles for the purpose of selling parts is prohibited.
  2. All repair work being conducted shall be within a structure which shall be attached to the existing service station facility.
  3. Adequate facilities for such repair shall be available.
  4. No outdoor storage of disabled vehicles, vehicles under repair, automobile parts, or repair equipment shall be allowed at any time.
  5. Major repairs shall be conducted only between the hours of seven a.m. and seven p.m.
  6. Operations outside permanent structures shall be limited to the dispensing of motor fuels and servicing of tires, batteries and/or automobile accessories.
- K. Gasoline Pumps as an Accessory Use. This section shall have no effect on the installation and operation of a gasoline pump or pumps, or lube oil drums which are used solely to service the motorized equipment of commercial, manufacturing or industrial use of the land upon which the pump or drum is installed; provided, however, that the pump or drum shall not be installed or operated on any parcel of land not included within the land of the permissible principal use.
- L. Sale of Gasoline as an Accessory Use.
1. The sale of gasoline as an accessory use to a permitted use shall require the issuance of a conditional use permit.
  2. The sale of gasoline as an accessory use will be allowed only in zones in which the sale of gasoline as a principal use is allowed.
- M. Sale of Non-automotive Products at Service Stations. The sale of nonautomotive products in service stations is permitted as follows:
1. Such products must be displayed within an enclosed permanent building.
  2. The display area shall be a maximum of two hundred sixteen cubic feet, except that a conditional use permit may be issued to authorize additional areas of display, where such use is otherwise permitted by this title. The sale of any alcoholic beverages is prohibited, regardless of the display area, unless specifically authorized by a conditional use permit.
- N. Lighting.
1. General. All lighting shall be directed away from adjoining properties and streets and shall be so shielded and adjusted that the light is directed to fall only on the same premises upon which the light source is located.

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2. Canopy Lighting.
    - a. Lights shall not be mounted on the top or sides of the canopy. The sides shall not be illuminated in any manner.
    - b. Fuel pump canopies shall not be internally illuminated. Light fixtures shall be completely recessed into the canopy so that the light source is concealed.
  - O. Enhanced Vapor Recovery Systems (EVR). As required by AST Executive Order VR-401-B adopted by State of California Air Resources Board, as of April 1, 2009, all gasoline dispensary facilities with underground storage tanks must upgrade to an Enhanced Vapor Recovery System (EVR) Phase II. All EVR Systems, including pipes that and other components that extend beyond/above the tank, shall be screened from view.
- (Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.30.200 Sidewalk cafés.**

- A. Purpose. Sidewalk cafés make a significant contribution to the quality of public spaces and community life. They provide an active street frontage that is lively and dynamic. They are natural locations for social interaction. The purpose of this section is to provide procedures for and standards to encourage the establishment of sidewalk cafes wherever permitted.
- B. Permit Requirements. A sidewalk café shall require the approval of a right-of-way permit as specified by an established right-of-way enhancement program.
- C. Review Authority. A sidewalk café may be approved by the planning division if it is determined that the proposed café is in conformity with all of the requirements of this section. An encroachment permit must thereafter be obtained from the city council.
- D. Limitations and Requirements.
  1. Where Permitted. A sidewalk café may be permitted only in a zoning district that allows indoor restaurants, and then only if the sidewalk café is situated adjacent, as specified below, to an indoor restaurant and the sidewalk café's operation is incidental to and a part of the operation of such adjacent indoor restaurant.
    - a. A sidewalk café may be located on the public sidewalk immediately adjacent to and abutting the indoor restaurant which operates the café, provided that the area in which the sidewalk café is located extends no farther along the sidewalk's length than the actual sidewalk frontage of the operating indoor restaurant and all other applicable provisions of this section are fulfilled.
    - b. The service of alcoholic beverage to customers using the sidewalk café is prohibited.
  2. Sidewalk Clearances. A sidewalk café may be permitted only where the sidewalk is wide enough to adequately accommodate both the usual pedestrian traffic in the area and the operation of fifty percent of the sidewalk's width at any point and not less than eight consecutive feet of sidewalk width at every point shall be kept clear and unimpeded for pedestrian traffic.
  3. Outdoor Furniture. All tables and chairs comprising a sidewalk café shall be set back not less than two feet from any curb and from any sidewalk or street barrier, including a bollard, and shall not be situated within eight feet of any designated bus stop. All outdoor dining furniture, including tables, chairs, umbrellas, and planters, shall be movable. All outdoor furniture must be of commercial quality to withstand the wear of outdoor use; plastic tables and chairs are not permitted. Outdoor furniture should be complimentary to the adjoining indoor business design and make a positive contribution to the street environment. Umbrellas must be secured with a minimum base of not less than sixty pounds. Outdoor heaters, music, or speakers are prohibited.



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4. Signage. No signing shall be allowed at any outdoor café except for the name of the establishment on an awning or umbrella fringe.
  5. Food and Beverages. A sidewalk café may serve only food and nonalcoholic beverages prepared or stocked for sale at the adjoining indoor restaurant.
  6. Service Requirements. The outdoor preparation of food and bussing/server stations are prohibited at sidewalk cafes. The presetting of tables with utensils, glasses, napkins, condiments, and the like is prohibited. All exterior surfaces within the café shall be easily cleanable and shall be kept clean at all times by the permittee. Trash and refuse storage for the sidewalk café shall not be permitted within the outdoor dining area or on adjacent sidewalk areas and the permittee shall remove all trash and litter as they accumulate. The permittee is responsible for maintaining the outdoor dining area, including the sidewalk surface and furniture and adjacent areas in a clean and safe condition.
  7. Hours of Operation. Sidewalk cafes may only operate between the hours of seven a.m. and ten p.m. and shall be setback a minimum of one hundred fifty feet from the property line of any parcel occupied by a detached single-family residence. Tables, chairs, and all other furniture used in the operation of an outdoor café shall be removed from the sidewalk and stored indoors at night and whenever the café is not in operation.
- E. Power to Suspend Operation of Sidewalk Café. The city shall have the right and power, acting through the city manager or his/her designee, to suspend the operation of a sidewalk café at any time because of anticipated or actual problems or conflicts in the use of the sidewalk area. Such problems and conflicts may arise from, but are not limited to, scheduled festivals and similar events, or parades or marches, or repairs to the street or sidewalk, or from demonstrations or emergencies occurring in the area. To the extent possible, the permittee shall be given prior written notice of any time period during which the operation of the sidewalk café will be suspended by the city, but any failure to give prior written notice shall not affect the right and power of the city to suspend the café's operation at any particular time.
- F. Findings and Conditions. In connection with granting approval for a minor use permit for a sidewalk café, the planning division shall make findings that the proposed operation meets the limitations of this section and may impose conditions in granting its approval as deemed are needed to ensure that the proposed operation will meet the operating requirements and conditions set forth in this section and to assure that the public safety and welfare will be protected.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012; Ord. No. 2017-2440, § 5, 10-17-2017)

### **18.30.210 Small wind energy systems.**

- A. Purpose. The intent of the section is to allow for the limited use of wind turbines or windmills throughout the city for the purpose of small-scale generation of electricity to serve the needs of a home, institutional or open space land use, or business. These provisions are intended to ensure that such facilities are well designed, carefully sited, and operated in a manner that will not pose a nuisance or hazard to the general public or nearby neighbors. In addition, these provisions are intended to preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of small wind energy systems.
- B. Definitions.
1. "Roof peak" is the highest point of a roof excluding any architectural feature such as a cupola, parapet, turret, tower, elevator shaft enclosure, or similar architectural embellishment.
  2. "Small wind energy system" means a wind energy system consisting of a single wind turbine, tower, and associated control or conversion electronics providing electricity for a home, accessory dwelling unit, multi-family residential building, or small business.

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3. "Total height" means the vertical distance from ground level to the tip of a fully extended wind turbine blade at its highest point.
  4. "Tower" means a freestanding structure that supports a wind turbine.
  5. "Wind energy system" means equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, turbine, vane, wire, or other component used in the system.
  6. "Wind turbine" means the mechanical and electrical conversion components mounted at the top of a tower in a wind energy system.
- C. Small Wind Energy System Standards. A small wind energy system shall be a permitted use in all zoning districts subject to the following requirements:
1. Lot Size and Maximum Height.
    - a. Small mono-pole wind energy systems shall be subject to the height limit of the underlying zone. One mono-pole wind energy system is permitted for each half-acre or portion thereof not to exceed three. Wind turbine systems shall comply with the FAA height regulations and coastal zone requirements.
    - b. Roof-mounted wind energy systems shall be allowed on any lot size with a total height limit of ten feet above the peak of the roof and located the furthest distance from adjacent residences.
  2. Setbacks.
    - a. A wind tower shall be set back a distance equal to the total height to the top of a fully extended blade from any public right-of-way or overhead utility lines and all property lines.
    - b. No part of the wind system structure, including guy-wire anchors, may extend closer than accessory building setbacks of the appropriate zone to the property lines of the installation site.
  3. Access. All ground mounted electrical and control equipment shall be secured to prevent unauthorized access and the tower shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum height of eight feet above the ground.
  4. Noise. Small wind energy systems shall comply with the noise ordinance of the National City Municipal Code.
  5. Approved Wind Turbines. Small wind turbines must be approved by the emerging technologies program of the California Energy Commission or any other small wind certification program recognized by the American Wind Energy Association.
  6. Appearance.
    - a. The wind generator and tower shall be painted in subdued tones of white, silver, light grey, or light blue or the manufacturer's original paint or finish shall be permitted if it complies with the subdued tones identified herein or should be designed and painted a color that blends with the surrounding natural or manmade features.
    - b. Where mounted on a building, the installation shall be well integrated with the architecture of the building.
  7. Safety Precautions.
    - a. A wind energy system shall be equipped with manual and automatic overspeed controls to limit the rotational speed of the blade within the design limits of the rotor.
    - b. All wind towers shall have lightning protection.

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- c. If a wind tower is supported by guy wires, the wires shall be clearly visible to the height of at least six feet above the guy wire anchors.
  - d. The minimum distance between the ground and any part of the rotor blade system shall be fifteen feet.
  - e. A six-foot-high fence with a locking gate shall be placed around the system's tower base.

D. Permits.

- 1. Small roof mounted wind energy systems are an accessory use permitted in all zoning districts. No small wind energy systems shall be erected, constructed, or installed without first receiving a building permit from the appropriate city authority. A building permit shall also be required for any modification to an existing small wind energy system.
- 2. Small mono-pole wind energy systems and meteorological towers shall not be erected, constructed, or installed without first receiving a conditional use permit and a building permit from the appropriate city authorities. A building permit shall also be required for any modification to an existing system.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.30.220 Telecommunications facilities.**

A. Purpose. The purpose and intent of this section is to provide a uniform and comprehensive set of standards for the development, siting, and installation of wireless telecommunications facilities and antenna installation. These regulations are intended to protect and promote the public health, safety, and welfare of the residents of National City and to preserve community character and protect aesthetic quality in accordance with the guidelines and intent of the Telecommunications Act of 1996 and to encourage siting in preferred locations to minimize aesthetic impacts and to minimize the intrusion of these uses into residential areas.

B. [Commercial Telecommunications Facilities on Private Property](#)~~Commercial Telecommunications Facilities.~~

- 1. Telecommunication facilities are subject to a conditional use permit and design review and shall comply with all applicable provisions of this section.
- 2. Design guidelines for commercial facilities. To the greatest extent possible, commercial telecommunication facilities shall be sensitively designed and located to be compatible with and minimize visual impacts to surrounding areas, including public property. To this end, each facility shall comply with the following design guidelines.
  - a. Innovative design solutions that minimize visual impacts should be utilized; stealth solutions where facilities are not detectable are especially encouraged.
    - i. A good faith effort in achieving co-location shall be required of the host entity. Requests for utilization of facility space and response to such requests shall be made in a timely manner and in writing and copies shall be provided to the city. Co-location is not required in cases where the visual impacts are found to be substantial, the facility cannot reasonably accommodate additional facilities, or where good faith lease arrangements fail.
    - ii. All properties found suitable for co-location and multiple users shall be designed to promote facility and site sharing. To this end telecommunication facilities and necessary appurtenances, shall be shared by site users, when in the determination of the planning commission, as appropriate, this will minimize overall visual impacts to the community.
  - b. Telecommunication facilities shall be as small as possible and the minimum height necessary without compromising reasonable reception or transmission.

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- c. Antennas and their support structures should be located on the rear half of property or structures when reasonable transmission and/or reception would not be impaired and when visual impacts would be reduced, unless no other feasible alternative location exists.
  - d. Telecommunication facilities and appurtenances should not be situated between the primary building on the parcel and any public or private street adjoining the parcel.
  - e. Telecommunication facilities should be located and designed to avoid blocking and/or substantially altering scenic views.
  - f. Building mounted telecommunication facilities are encouraged rather than telecommunication towers.
  - g. Building mounted telecommunication facilities should be integrated with existing structures.
  - h. Telecommunication facilities should be designed and painted a color that blends with the surrounding natural or manmade features.
  - i. Telecommunication facilities and appurtenances shall be screened by existing and/or proposed structures and landscaped to the extent possible without compromising reception and/or transmission.
  - j. The design of fencing, landscaping, and other screening for telecommunication facilities shall be integrated and compatible with surrounding improvements.
  - k. Multiple telecommunication facilities of reduced heights are encouraged to cover a service area where the visual impacts would be less than a single larger and more visually obtrusive tower.
  - l. Co-location of commercial telecommunication towers and the use of the same site by multiple carriers is encouraged where feasible and found to be desirable.
  - m. Monopoles or guyed/lattice towers are discouraged except where satisfactory evidence is provided demonstrating that a self-supporting tower is needed to provide the height and/or capacity necessary for the proposed facility and visual impacts would be minimized.
  - n. All utility lines serving the facility shall be under-grounded.
  - o. Each commercial telecommunication facility shall be installed in a manner that will maintain and enhance existing native vegetation. Suitable landscaping to screen the facility shall also be installed where necessary.
  - p. All major commercial telecommunication facilities, other than government owned facilities, shall be prohibited in residential zones.
  - q. All major commercial telecommunication facilities shall be located at least 75 feet from any habitable structure, except for a habitable structure on the property in which the facility is located.
- 3. Commercial transmission towers are prohibited.
  - 4. Telecommunication facilities shall conform to the requirements of the FCC.
- C. Amateur Radio and Citizen's Band Antennas. Amateur radio and citizen's band antennas shall comply with the following regulations, and all other applicable requirements of this section.
- 1. The following amateur radio and citizen band facilities require site plan review only:
    - a. An antenna facility that is not within the public view provided the facility otherwise complies with all other applicable provisions of this section. It shall be the responsibility of the applicant to prove that the proposed facility will not be in public view.

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- b. No more than one ground mounted antenna per parcel, not to exceed thirty feet in height setback a distance equal to the height of the facility from the property line.
    - c. No more than one building mounted antenna per parcel, not to exceed twelve feet in height above the highest part of the building.
  - D. Receive-Only Television and Radio Antennas. Receive-only TV and radio antennas shall comply with the following regulations, and all other applicable requirements of this section.
    - 1. The following facilities require site plan review only provided they comply with subsection (E):
      - a. An antenna that is not within the public view provided the facility otherwise complies with all other applicable provisions of this section. It shall be the responsibility of the applicant to prove that the proposed facility will not be in public view.
      - b. Ground mounted facility that is a satellite dish one meter (3.28 feet) or less in diameter.
      - c. Building mounted facility that is a satellite dish one meter (3.28 feet) or less in diameter.
  - E. Development Criteria for All Facilities. Each antenna and other telecommunications facility, including exempt facilities, shall comply with the following requirements.
    - 1. The antenna shall be accessory to the primary use of the property which is not a telecommunications facility.
    - 2. No more than one citizen band, amateur radio, receive only TV or radio antenna tower is allowed per parcel.
    - 3. Telecommunication facilities shall not be located within any setback area required by the applicable zoning district.
    - 4. Antennas and appurtenances should not be installed between the primary structure and any private or public street adjoining the parcel unless sufficiently screened, and no other feasible alternative exists.
    - 5. No portion of an antenna array shall extend beyond the property lines of the subject parcel, unless the affected property owner has given written consent to the encroachment and the consent has been recorded at the San Diego County Recorder. Any consent given under this condition shall set forth a procedure by which the consent may be terminated.
    - 6. The facility shall be as small as possible and the minimum height necessary without compromising reasonable reception and/or transmission.
    - 7. All hardware such as brackets, turnbuckles, clips, and similar items subject to rust or corrosion shall be protected by galvanizing or paint.
    - 8. Satellite dishes shall be painted a color that blends with their surroundings.
    - 9. Satellite dishes shall not be used as a sign or contain any advertising copy
    - 10. Facilities shall be screened by existing and/or proposed structures and landscaping to the extent possible without compromising reception and/or transmission.
    - 11. Each facility shall comply with all federal, state, and city codes, including FCC and FAA standards.
  - F. Permit Requirements. A telecommunications facility shall require conditional use permit approval in compliance with this section, if not considered an amateur radio and citizen's band antenna pursuant to subsection (C) or exempt pursuant to subsection (D).
    - 1. Conditional Use Permit Required.

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- a. A conditional use permit is required for all commercial telecommunication facilities. The review authority for conditional use permits is the planning commission.
  - b. Application requirements for commercial facilities. In addition to the conditional use permit application requirements, the following information shall be submitted when applying for a telecommunications facility:
    - i. A narrative description of the proposed facility, including the type of facility, type of technology and consumer services that provider will provide to its customers;
    - ii. Area development, service area, and network maps;
    - iii. Alternative site or location analysis;
    - iv. Title reports; and
    - v. Visual impact analysis, including photo montages, field ~~mock-ups~~mockups, line of site sections, and other techniques shall be prepared by or on behalf of the applicant which identifies the potential visual impacts of the facility, at design capacity. Consideration shall be given to views from public areas as well as from private properties. The analysis shall assess visual impacts of the facility; and shall identify and include all technologically feasible mitigation measures.
  - c. Exceptions. Exceptions to the requirements of this section may be granted through conditional use permit approval by the planning commission.
- G. Abandonment. Upon abandonment of a telecommunication facility, the facility shall be removed by the applicant and/or property owner and, where applicable, the site shall be restored to its natural condition.
- H. Notwithstanding any other provision of this section, all "small wireless facilities" as defined by the FCC in 47 C.F.R. § 1.6002(l), as may be amended or superseded, shall be subject to permits and other requirements as specified in City Council Policy No. 506, which is adopted and may be amended or repealed by a City Council resolution. If City Council Policy No. 506 is repealed and not replaced, an application for a small wireless facility shall be processed pursuant to this section.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012; Ord. No. 2019-2457, § 3, 5-7-2019)

### **18.30.230 Tobacco specialty businesses.**

Tobacco specialty businesses, where permitted pursuant to the Land Use Code, shall comply with the following standards:

1. A conditional use permit is required.
2. The business shall not be located within one thousand feet of any school, playground, recreation center or facility, childcare center, or library in the City of National City.
3. No alcohol or food may be sold or consumed on the premises.
4. No person under the age of twenty-one years of age may enter the premises unless that person is accompanied by his or her parent or legal guardian.
5. ~~No more than forty percent of the business's floor area shall be devoted to the use, display, and/or sales of tobacco products and/or paraphernalia.~~

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012; Ord. No. 2018-2451, § 3, 11-20-2018)

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### 18.30.240 Urban agriculture.

- A. Purpose. The purpose of urban agriculture is to ensure that urban garden areas are appropriately located and protected to meet needs for local food production, community health, recreation, community education, garden-related job training, environmental enhancement, preservation of green space, and community enjoyment.
- B. Definitions.
1. "Coldframe" means an unheated outdoor structure consisting of a wooden or concrete frame and a top of glass or clear plastic, used for protecting seedlings and plans from the cold.
  2. "Community farm" is an area of land larger than one acre managed and maintained by an individual or group of individuals to grow and harvest food and horticultural products for shareholder consumption or for sale or donation. Shareholders may arrange to work on the farm in exchange for a share of the crops and/or pay for a portion of the crop in advance. A community farm may be a principal or accessory use. Sale and donation of food and horticultural products grown in the community farm may occur on-site.
  3. "Greenhouse" means a building made of glass, plastic, or fiberglass in which plants are cultivated.
  4. "Home garden" means a garden maintained by one or more individuals who reside in a dwelling unit located on the subject property. Food and horticultural; products grown in the home garden may be used for personal consumption or for donation or sale. On-site sales are not permitted. A home garden is an accessory use to a principal residential use.
  5. "Hoophouse" means a structure made of PVC piping or other material covered with translucent plastic, constructed in a "half-round" or "hoop" shape.
  6. "Neighborhood garden" is an area of land, one acre or less, managed and maintained by an individual or group of individuals to grow and harvest food and horticultural products for personal or group consumption, for sale or donation. A neighborhood garden may be divided into separate garden plots for cultivation by one or more individuals or may be farmed collectively by members of the group. Sale and donation of food and horticultural products grown in the neighborhood garden may occur on-site. A neighborhood garden may be a principal or accessory use.
  7. "Rooftop garden" means any garden on the roof of a building. Besides the decorative benefit, roof plantings may provide food, temperature control, hydrological benefits, architectural enhancement, habitats or corridors for wildlife, and recreational opportunities.
- C. Permitted Primary Uses. Cultivation of edible vegetables, flowers, herbs, fruits and other plants in the ground, in raised beds, and in greenhouses which may have occasional sales of items at the site. Sale of nonagricultural items is prohibited.
- D. Permitted Accessory Uses.
1. Only the following accessory uses and structures shall be permitted in both neighborhood gardens and community farms:
    - a. Open space associated with and intended for use as garden areas.
    - b. Signs limited to identification, information and directional signs, including sponsorship information where the sponsorship information is clearly secondary to other permitted information on any particular sign, in conformance with the regulations of the signage sections.
    - c. Benches, bike racks, raised/accessible planting beds, compost bins, picnic tables, seasonal farm stands, fences, garden art, rain barrel systems, and children's play areas.

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- d. Buildings, restroom facilities with composting toilets, and planting preparation houses.
  - e. Off-street parking and walkways, in conformance with the regulations of Division 4.
  - f. Tool sheds and shade pavilions.
2. Only the following accessory uses shall be permitted on community farms:
    - a. Greenhouses, hoopouses, coldframes, and similar structures used to extend the growing season.
    - b. Buildings limited to barns, restroom facilities with composting toilets, and planting preparation houses.
    - c. Cold storage.
    - d. Packing facilities.
    - e. Market stands.
- E. Supplemental Regulations. Uses and structures shall be developed and maintained in accordance with the following regulations:
1. Location. Buildings associated with a community farm or neighborhood garden shall be set back from property lines of a residential district a minimum distance of ten feet,
  2. Height. No building or other structure shall be greater than sixteen feet in height.
  3. Building Coverage. The combined area of all buildings, excluding greenhouses and hoopouses, shall not exceed fifteen percent of the garden site lot areas for community farms and five percent for neighborhood gardens. Buildings and other structures may not exceed 12 feet in height.
  4. Parking and Walkways. Off-street parking shall be permitted only for those garden sites exceeding 15,000 square feet in lot area. Such parking shall be limited in size to 15 percent of the garden site lot area and must be surfaced in accordance with the parking section of this Land Use Code. Walkways shall be paved in accordance with the Americans with Disabilities Act (ADA).
  5. Signs. Signs shall not exceed four square feet in area per side and shall not exceed six feet in height.
  6. Farm Stands. Farm stands that sell produce grown on site shall be removed from the premises or stored inside a building on the premises during that time of the year when the garden is not open for public use.
  7. Interior Fences. Fences around individual garden plots is permitted but not required. Interior fences shall be open and shall not exceed four feet in height.
  8. Exterior Fences. Fences located on the perimeter of a community farm or neighborhood garden shall not exceed six feet in height, shall be at least fifty percent open if they are taller than four feet, and shall be constructed of wood, chain link, or ornamental (tubular) steel. For any garden that is fifteen thousand square feet in area or greater and is in a location that is subject to design review and approval by the regulating authority, no fence shall be installed without review by the city planning division.
  9. Operating Rules. The garden management shall have an established set of operating rules addressing the governance structure of the garden, hours of operation, maintenance and security requirements and responsibilities; a garden coordinator to perform the coordinating role for the management of the community gardens; and, must assign garden plots according to the operating rules established for that garden. The name and contact number/address of the garden coordinator and a copy of the operating rules shall be kept on file with the city planning division.



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10. Hours of Operation. Retail sales and all other public use of the farm shall begin no earlier than seven a.m. and end by seven p.m. every day of the week.
- F. Certain Activities Prohibited.
1. Use of insecticides made from synthetic chemical materials is forbidden.
  2. Use of synthetic herbicides and weed killers is prohibited.
  3. Composting of animal parts is prohibited.
  4. Production of intoxicating or poisonous plants is forbidden.
  5. Use of chemical rodenticides, except for those that are acceptable under organic regulations.
  6. Water, fertilizer, and other organic materials shall not drain onto adjacent property.
  7. Use of barbed wire is prohibited.
- G. Procurement of Water.
1. Procurement of water from public supplies should be negotiated between the Sweetwater Authority and the individual or organization conducting agricultural activities on the site.
  2. Use of private sources of water, such as water delivered through a hose from a spigot attached to a participant's house, is permitted.
  3. Use of on-site rainwater (i.e., rain barrels) shall be permitted providing it is not maintained for human consumption.
  4. The use of water for irrigation shall be in conformance with Section 18.44.190 (Water Efficient Landscape Regulations) of this Land Use Code.
- H. Toxic or Flammable Chemicals.
1. Gasoline used for the operation of lawnmowers or other combustion engine-driven gardening machinery must be kept in sealed containers in locked, ventilated structures.
  2. No flammable materials or other chemical except the permitted chemicals mentioned above may be used or stored for an urban agriculture land use.
- I. Machinery. Tractors, lawnmowers, and other farm-related machinery may be used and stored as long as they are in good working order and do not create a nuisance as defined elsewhere in the Municipal Code.
- J. Prevention of Growth of Poisonous or Injurious Weeds.
1. Parties using or otherwise occupying urban agriculture land uses are responsible for preventing the growth of those weeds defined as poisonous or injurious.
  2. Invasive species as defined by the California Native Plant Society and San Diego County American Society of Landscape Architects are not permitted and shall be promptly removed from the site.
- K. Handling and Preparation of Food for Sale. Refer to county health department for rules regarding food and food establishments. These rules are to apply where parties involved in agriculture activities seek to sell food on-site.
- L. Soil Dangers and Toxicity.
1. Prior to implementing neighborhood gardens and community farms and before any food products may be grown in topsoil, such soil should be tested for contaminants that would render it unsuitable for cultivation, including, but not limited to: lead and other toxic heavy metals; industrial solvents;

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gasoline; perchlorethylene; and other chemicals that can be transmitted to people via soil contact or consumption of foods grown in such soil.

2. Area of dry, loose soil that may be moved by wind should be covered by mulch or plastic or otherwise confined.

M. Rooftop Gardens. For multi-unit residential buildings and residential care facilities, rooftop gardens are highly encouraged. Rooftop gardens are also permitted on nonresidential buildings. Rooftop gardens can be grown in containers or as a "green roof system." A rooftop must be structurally capable of supporting the additional weight of a rooftop garden and the people who use them. Rooftop gardens should:

1. Be accessible to all residents of a residential building.
2. Have access to water.
3. Be provided with a storage area for equipment, material, and gardening tools.
4. Have a minimum safety enclosure of forty-two inches in height.
5. Be provided with shade if used by the elderly.
6. Be provided with a composting bin or bins.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

#### **18.30.250 Veterinary hospitals and clinics.**

- A. Restriction on Types of Animals Served. Veterinary clinics shall be limited to serving only those kinds of small, domesticated animals or household pets commonly maintained in residence with man.
- B. Conditional Use Permit Required. Veterinary hospitals or clinics shall be subject to the issuance of a conditional use permit. In addition to complying with the provisions of a conditional use permit, such uses shall:
  1. Be located no closer than one hundred feet to any residential zone, or to any restaurant, hotel or motel;
  2. Show that adequate measures and controls have been taken to prevent offensive noise and odor;
  3. Not allow the incineration of refuse or animal carcasses on the premises;
  4. Not be operated as a kennel.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

#### **18.30.260 Neighborhood corner stores.**

- A. Purpose. The neighborhood corner store is established largely to serve adjacent residential neighborhoods. The corner store allows for a small convenience store.
- B. Applicability.
  1. Neighborhood corner stores are permitted in all residential zones, but limited to the following corner sites:
    - a. Intersections of an arterial streets with an arterial street;
    - b. Intersections of an arterial street with a collector street;

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- c. Intersections of a collector street with a collector street.
  - 2. The Circulation Element of the General Plan identifies the locations of all arterial and collector streets.
  - C. Definition. A small retail business (three thousand square feet maximum) located in a residential area established for the sale of convenience goods limited to food, groceries, non-alcoholic beverages, toiletries, cleaning products, magazines and newspapers, indoor vending/ATM machines, lottery tickets, over-the-counter medication, and any other products determined by the city to be of the same general character as those listed here. The space devoted to the sale of non-food items shall be limited to ten percent of the gross floor area. Corner stores are strongly encouraged to provide fresh produce. Outdoor vending machines are not permitted. A corner store may include a single residential unit. A corner store may be accessory to a residential unit.
  - D. Permitted Locations. Neighborhood corner stores are permitted in residential zones at intersections of collector and/or arterial streets [with a Minor Use Permit](#).
  - E. Setbacks.
    - 1. Front and corner side setback. Buildings shall be located between zero feet and ten feet from the front and/or corner side property line.
    - 2. Side/rear setbacks. A corner store shall meet the minimum standards for setbacks of the residential zoning district that it is located.
  - F. Parking. Parking is allowed in rear yards but may be permitted in side yards by conditional use. Use of on street parking to meet the parking requirements of corner stores is permitted; however, the number of on street parking spaces used to meet the parking requirements may not extend further than twenty feet beyond the edge of the corner store parcel.
  - G. Architectural Standards.
    - 1. Building Footprint. The building footprint for any individual nonresidential building shall not exceed three thousand square feet. The maximum length of building frontage is seventy-five feet.
    - 2. Building Character. New buildings and renovations to existing buildings shall be harmonious with the character of nearby residential neighborhoods.
    - 3. Drive-through Facilities. Drive through facilities are not permitted.
    - 4. Outdoor Uses. Outdoor uses such as seating and display of fresh produce and flowers may be established consistent with Section 18.30.150 (Outdoor Display of Merchandise). Outdoor display of produce and flowers is limited to a maximum length of fifteen percent of the front facing building façade or fifteen percent if the façade facing a parking lot. Produce and flowers shall not obstruct the flow of pedestrian traffic.
  - H. Performance Standards.
    - 1. Lighting. Lighting for the neighborhood corner store shall be appropriately shielded to not negatively impact the residential neighborhood.
    - 2. Hours of Operation. Neighborhood corner stores are only permitted to operate between the hours of seven a.m. to ten p.m. A neighborhood corner store shall be allowed to operate so that neighboring residents are not exposed to offensive noise, especially from traffic, routine deliveries or late night activity.
    - 3. Noise. All neighborhood corner stores shall comply with the noise standards contained in Title 12. No amplified sound including music shall be audible to neighboring residents.

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4. Sale of Beer, Wine, and Alcohol Prohibited. Neighborhood corner stores are not permitted to sell beer, wine, or other alcohol. Neighborhood corner stores shall not be permitted to apply for a conditional use permit to sell beer, wine, or other alcohol.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.30.270 Motels.**

- A. Construction or Expansion. Any proposal for the construction or expansion of a motel in any zone shall comply with the following standards:
  1. All motels shall have a manager's apartment.
  2. Kitchen or kitchenette facilities are prohibited in all but the resident manager's unit.
  3. All motels shall be located on lots that are at least twenty thousand square feet in size and the minimum number of units provided shall be twenty.
  4. Motel rooms shall be at least three hundred square feet in size including the bathroom.
  5. A swimming pool at least five hundred twenty-five square feet in size shall be provided on all sites.
  6. On-site parking shall be provided in accordance with Division 4.
  7. Landscaped areas shall be provided per Division 4.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.30.280 Markets that sell seafood.**

Markets that sell fresh or frozen seafood that are less than twenty-five thousand square feet in area shall be located a minimum distance of three hundred feet from any residentially zoned properties. A conditional use permit shall be required for all markets that sell fresh or frozen seafood. This section shall not apply to manufacturers' of prepackaged frozen products.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.30.290 Bed and breakfast inns.**

- A. Conditions for Operating a Bed and Breakfast Inn.
  1. Permitted in any residence listed on the city's list of historic properties subject to the issuance of a conditional use permit.
  2. Operated as an accessory use to the owner's residential use. The bed and breakfast inn shall be operated by the owner of the property only.
  3. Check-in/check-out time shall be between nine a.m. and eight p.m. only.
  4. Breakfast shall be the only meal served to guests.
  5. No long-term rental of rooms shall be permitted. The maximum stay for guests shall be seven days.
  6. No cooking facilities shall be allowed in the guest rooms.
  7. If the use at any time becomes unduly intrusive to the neighborhood, the permit may be revoked at the discretion of the planning commission. The decision of the planning commission shall be final.

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8. The historic character of the structure shall be maintained.
  9. Bed and breakfast inns shall comply with all applicable adopted city fire and building codes.
  10. The number of rooms permitted in the bed and breakfast inn shall be specified in the conditional use permit.
- B. Design Requirements. The following design requirements shall apply to all bed and breakfast inns:
1. Parking shall be provided at a ratio of one off-street parking space for each guest room plus two spaces for the owner's unit. In addition, one space shall be provided for each employee of the shift of maximum employment.
  2. One sign shall be permitted subject to approval of the planning commission at the time of the conditional use permit consideration. Such sign shall be compatible with the historic character of the structure in design, color and materials. The sign shall not exceed twelve inches wide by sixteen inches long and shall be mounted at a maximum height of four feet. Modification of the sign, at a later time, shall be subject to approval of the city manager or his/her designee in accordance with site plan review.
  3. Bed and breakfast inns shall comply with the design regulations for the underlying zone in which the site is located.
  4. Bed and breakfast inns shall be subject to the provisions of site plan review.
- C. Preliminary Departmental Review. Prior to submittal for a conditional use permit to operate a bed and breakfast inn, the applicant may request that the building official, or his/her designee, and the fire marshal, or his/her designee, conduct an inspection of the proposed bed and breakfast inn. After such inspection the applicant will be notified of the findings of the preliminary inspection and given a tentative list of modifications that will be required for the structure as conditions of the conditional use permit. Upon submission of the conditional use permit application and review by the departments, the above list may be added to or deleted from. The planning commission shall consider the findings of the director of building and safety and the fire chief when considering the conditional use permit.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.30.300 Solar energy systems.**

Solar collectors are permitted outright as an accessory use to any principal use subject to the following standards: Solar collectors are not considered as "reflective roofing materials" and there is no limit to the specific percentage of roof coverage.

- A. Allowed Height of Solar Energy Systems.
1. Single-family: Except within the coastal zone, photovoltaic solar energy systems may extend up to five feet above the height limit in the zoning district. Solar water or swimming pool heating systems may extend up to seven feet above the height limit in the zoning district;
  2. All Other Properties: Except within the coastal zone, photovoltaic solar energy systems may extend up to five feet above the roof surface on which they are installed, even if this exceeds the maximum height limit in the district in which it is located. Solar water or swimming pool heating systems may extend up to seven feet above the roof surface on which they are installed even if this exceeds the maximum height limit in the district in which it is located.
- B. Side and Rear Yard Setbacks.

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1. Excluding solar collector panels, solar energy system equipment may be installed within the required side and rear yard but shall not be closer than three feet to any property line.

C. Visibility of Solar Energy Systems.

1. Excluding solar collector panels, their necessary support structure, and conduit, solar energy systems shall not be visible from the public right-of-way adjacent to the front property line.
2. Solar collector panels, their necessary support structure, and conduit, shall be installed in the location that is the least visible from abutting streets directly facing the subject property so long as installation in that location does not significantly decrease the energy performance or significantly increase the cost of the solar energy system as compared to a more visible location.
3. Solar collector panels, not located on the rooftop of a primary structure, garage, or accessory structure on lots adjacent to RS-1 and RS-2 zones shall be limited to a maximum height of six feet. Solar collector panels located in all other zones shall comply with the maximum height permitted for an accessory structure in said zone.

D. Solar Collectors on Historic Properties.

1. Add solar panels on roof surface or roof surfaces not visible from a public street or park. However, solar shingles may be added to a roof surface visible from a public way if low or non-reflective shingles are used.
2. Place solar panels or other solar devices on a non-character-defining roofline of a non-primary elevation (not readily visible from public streets). Run solar panels and devices parallel to the original roofline.
3. Set solar panels and solar devices back from the edge of a flat roof to minimize visibility. Panels and devices may be set at a pitch and elevated, if not highly visible from public streets.
4. Select solar panels, solar devices, mechanical equipment and mounting structures with non-reflective finishes such as an anodized finish.
5. Where permitted, paint mechanical equipment attached to the building fascia the same color as the fascia in order to blend into the building.
6. Locate detached arrays of solar panels and solar devices at a historic site in the rear or side yard if the arrays are not highly visible from the public streets or public parks and do not detract from other major character defining aspects of the site. The location of detached solar arrays should also consider visibility from adjacent properties, which shall be reduced to the extent possible while still maintaining solar access.
7. Use solar devices in non-historic windows, walls, siding or shutters that do not face public streets.
8. Use solar panels and solar devices that are similar in color to roof materials, if available.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.30.310 Tattoo parlors and body-piercing establishments.**

A. Restrictions.

1. No tattoo or body piercing establishment shall be located within one-mile of another such establishment.
2. Tattoo parlors and body-piercing establishments shall be located no less than 1,000 feet from a church, school, or playground.

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3. Tattoo parlors and body-piercing establishments shall be no closer than two hundred fifty feet from a residential zone.
  4. No tattoo and body-piercing establishments shall be located east of Interstate 805.
  5. A conditional use permit is required.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.30.320 Pawn shops and businesses engaged in secondhand dealing and/or the purchase and selling of gold and other precious metals.**

#### **A. Restrictions.**

1. No pawn shops and businesses engaged in secondhand dealing and/or the purchase and selling of gold and other precious metals shall be located within two thousand feet of another such business. This shall not apply to shopping centers of fifty thousand square feet or more.
2. Pawn shops and businesses engaged in secondhand dealing and/or the purchase and selling of gold and other precious metals shall be no closer than two hundred fifty feet from residential zones.
3. No pawn shop or businesses engaged in secondhand dealing and/or the purchase and selling of gold and other precious metals shall be located east of Interstate 805. This shall not apply to shopping centers of fifty thousand square feet or more.
4. A police permit is required, the processing of which shall comply with Business and Professions Code Section 21641. The chief of police shall charge a nonrefundable fee(s) or the required renewal fee(s) to cover the costs of processing the police permit and actual costs incurred to process the application and to collect and transmit the fee charged by the department of justice.
5. A pawn shop or businesses engaged in secondhand dealing and/or the purchase and selling of gold and other precious metals that provides payday lending is not exempt from the regulations of payday lenders.
6. No more than six pawn shops shall be allowed within National City.
7. All pawnbrokers and secondhand dealers shall require, at minimum, a secondhand dealer license and shall abide by state-mandated reporting requirements for secondhand tangible personal property as required in the Business and Professions Code.
  - a. These requirements shall also be required of retail businesses that offer trade-ins or credit for secondhand tangible personal property.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012; Ord. No. 2012-2377, § 2, 10-30-2012; Ord. No. 2020-2481, § 2, 5-19-2020)

### **18.30.330 Payday lenders.**

#### **A. Restrictions.**

1. No more than twelve payday lending establishments shall be allowed within National City.
2. Payday lenders shall be located within shopping centers of fifty thousand square feet or more and within a multi-tenant building.
3. A conditional use permit is required.
4. A pawn shop which provides payday lending is not exempt from these regulations.

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(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

**18.30.340 Medical marijuana dispensaries.**

- A. Prohibition.
  - 1. Medical marijuana dispensaries are prohibited.
- B. Definitions.
  - 1. For purposes of this section, "medical marijuana dispensary" shall mean a facility where marijuana is made available for medical purposes in accordance with Section 11362.5 of the California Health and Safety Code.
  - 2. For purposes of this section, "marijuana" shall have the same meaning as the definition of that word in Section 11018 of the California Health and Safety Code.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

**18.30.345 Medical Marijuana Cultivation.**

- A. Prohibition.
  - 1. Cultivation of marijuana for medicinal purposes is prohibited.
  - 2. Cultivation of marijuana is prohibited regardless of purpose.
- B. Definitions. For the purpose of this section the following definitions shall apply:
  - 1. "Cultivation of marijuana" shall mean the planting, growing, cultivating, harvesting, drying, or processing of marijuana.
  - 2. For purposes of this section, "marijuana" shall have the same meaning as the definition of that word in Section 11018 of the California Health and Safety Code.

(Ord. No. 2016-2409, § 1, 1-19-2016)

**18.30.350 Auto body uses.**

- A. General Operation and Maintenance.
  - 1. A separate business license shall be required of all autobody businesses operating within the city.
  - 2. An integrated maintenance and operational plan (IMOP) shall be required of all new autobody businesses. The IMOP shall be maintained on site and provided upon request. The plan shall be in addition to, and complementary with, California's required injury and illness program (IIP).
  - 3. All autobody activities shall be conducted entirely within a building. All sanding, mixing and other pre-painting activities, as well as painting activities, are prohibited to be performed outside of a building.
- B. Air Pollution.
  - 1. Separate spray booths and mixing rooms shall be required. Paint spray booths shall include appropriate ventilation and filtration systems, as well as exhaust filters and/or overspray arrestors.
  - 2. Low-volatile organic compound (VOC)-content paints shall be utilized for all painting processes (e.g., pretreatment coating, primer, paint).

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3. All relevant federal, state and/or local air quality authority permits shall be required for new and renewing businesses. All such permits shall be kept current and copies provided with the application for or annual renewal of a city business license.
  4. Emissions shall be at least ninety-eight percent efficient in accordance with the National Emission Standards for Hazardous Air Pollutants (NESHAP), Subpart HHHHHH, or current standard in place at the time of application.
- C. Hazardous Materials.
1. Where possible, hazardous materials, such as used oil, used oil filters, antifreeze, solvents and other materials, shall be recycled. During storage prior to recycling, all waste fluids shall be stored in separate containers.
  2. All flammable or combustible materials shall be stored a minimum of fifty feet from the front property line. All such storage shall comply with the adopted Uniform Fire Code.
  3. Prep stations or work areas which allow sanding, mixing and other pre-painting activities shall be separated from open work areas. All such prep stations shall be located within separate and properly ventilated areas of the facility where hazardous materials can be controlled.
  4. Where practical, floor drains shall not be installed in spray booth areas. If floor drains are necessary, a control system shall be installed that captures and contains waste streams.
  5. Floor drains cannot connect to stormwater or sanitary sewer systems near any spray booth areas, hazardous material storage areas (e.g., mixing rooms), or hazardous waste storage areas.
  6. All new autobody facilities shall use reusable cloth rags and towels. Rags and towels for disposal shall be stored in a marked container and disposed of at an approved facility.
  7. All waste streams, including paints, solvents and automobile fluids, shall be separated and clearly labeled. All containers shall remain closed except when adding or removing waste.
- D. Parking and Site Layout.
1. Parking for auto body uses shall be provided at a ratio of one parking space per five hundred square feet of gross floor area. All such parking area shall be located at the rear of the property.
  2. Separate ingress and egress shall be provided for new auto body uses. Driveways shall be designed so that vehicles exiting the property may do so in a forward direction.
  3. Auto body uses shall be located a minimum of five hundred feet from schools or residential properties, as measured from property line to property line.
  4. Vehicle access doors (e.g., bay doors, garage doors, roll-up doors) shall be located at the rear of the property. In the case of a corner lot or non-vehicular right-of-way, other methods of screening may be used.
  5. Queuing in front of vehicle entry doors shall be provided for no more than four cars. Vehicles in the queue shall not block traffic flow on the property. The queuing area shall be a minimum of twenty-four feet wide and a maximum of one hundred four feet long.
  6. All vehicle loading and unloading areas shall be located behind the building.
- E. Noise.
1. All repair activities shall be in accordance with Title 12 (Noise Control) of the National City Municipal Code.
- F. Vehicle Storage.

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1. All new auto body uses shall provide a minimum of five hundred square feet and a maximum of two thousand square feet of vehicle storage area.
  2. Vehicle storage time shall not exceed thirty days. Vehicles awaiting repair shall be stored in a designated storage area and shall not be stored in parking or other open areas.
  3. No vehicles shall be stored on adjacent streets or within the public right-of-way.

G. Security and Fencing.

1. All vehicle storage areas shall be screened from adjacent properties.
2. Fencing or screening shall be solid and decorative in nature, and shall be a minimum of six feet high and a maximum of eight feet high.

H. Pollution Prevention.

1. No hazardous materials shall be released into any groundwater system. Waste disposal systems including, but not limited to, discharge pits, dry wells, cesspools, septic system drain fields or shallow injection wells are prohibited.
2. Floor drains shall connect to a holding area or separator to collect waste, which shall be disposed of separately.
3. A storm water pollution prevention plan (SWPPP) shall be required for all new autobody businesses. The SWPPP shall be consistent with Chapter 14.22 of the National City Municipal Code and shall be available at any time for review by city inspectors.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.30.360 Fast food eating places.**

- A. Additional Notice Required. In addition to notices required pursuant to Section 18.12.050, written notice for a public hearing on a conditional use permit for a fast food eating place shall be provided to occupants of property within a radius of three hundred feet of the exterior boundaries of the property where the fast food eating place will be located.
- B. Fast food eating places shall be located a minimum of three hundred feet from any residential zoned properties, except for those located within the MXC 2 or MXD 2 zone.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012; Ord. No. 2013-2383, § 2, 9-3-2013)

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### **18.30.370 Massage establishments.**

Massage establishments may be located in any zone where medical offices are permitted in accordance with Chapters 10.70 and 10.79.

(Ord. No. 2019-2455, §§ 5, 7, 1-22-2019)

### **18.30.380 - Accessory Dwelling Units.**

A. Purpose. The purpose of this section is to provide for the construction of Accessory Dwelling Units (ADUs) in areas zoned to allow residential uses pursuant to Government Code Section 65852.2. ADUs help advance the goals and policies of the City’s Housing Element by:

1. Providing an affordable type of home to construct without the cost of acquiring new land, dedicated parking, and costly infrastructure;
2. Accommodating new housing units while preserving the character of existing neighborhoods;
3. Allowing efficient use of the city's existing housing stock and infrastructure;
4. Providing housing options and choices that respond to varying income levels, changing household sizes and lifestyle needs; and,
5. Providing a means for residents—particularly seniors, single parents, young singles, and younger couples—to remain in their homes and neighborhoods, and obtain and preserve income, security, companionship, and assistance.

B. Consistency with state law. This section is intended to be consistent with Government Code Section 65852.2. If inconsistency is found with this section and state law, state law shall prevail.

C. Definitions. For the purposes of this section Accessory Dwelling Unit (ADU) is defined in Section 18.50.010.

D. ADUs permitted.

1. One ADU is permitted on a lot if all the following are met:

- a. The lot includes a proposed or existing dwelling.
- b. The lot is in a zone that allows for a residential use as indicated in Table 18.20.020.
- c. The proposed ADU is located where the city manager or his/her designee has not determined that public utilities or services are inadequate or the ADU will adversely impact traffic flow or public safety.
- d. The ADU meets the standards of subsection F.

2. Two detached ADUs are permitted on a lot with a multi-family residential use if all the following are met:

- a. The lot includes an existing multi-family residential dwelling.
- b. Each ADU does not exceed a total floor area of 1,200 square feet and 16 feet in height.

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3. Multiple ADUs are permitted within the portions of existing multi-family residential 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.
- a. At least one ADU is permitted within an existing multi-family residential structures and up to 25 percent of the existing number of multi-family dwelling units is allowed.
- E. Review. The approval of an ADU is subject to a ministerial decision process outlined in Section 18.12.030. For the purposes of this subsection, a staff person designated by the city manager shall review and act on a building permit application for an ADU within 60 days after a complete application is received. An ADU proposed with a permit application for a new primary dwelling shall not be approved until the primary dwelling receives approval. An applicant may request a variance subject to Section 18.12.120 in conjunction with an application for an ADU.
- F. ADU Development Standards.
1. Density. ADUs are consistent with the allowable density for the lot upon which the ADU is located and the ADU is a residential use that is consistent with existing General Plan and zoning designations for the lot.
2. Location. An ADU may be either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing dwelling. An ADU may be attached to, located within, or detached from an existing or proposed primary dwelling unit, including garages and habitable or non-habitable accessory structures.
3. Parking. No additional parking is required for an ADU. If an ADU is constructed within existing garage or covered parking, then no replacement parking spaces may be required.
4. Height. The maximum height of an ADU is as follows:
- a. On a property with a single-family residential primary dwelling, the height of the ADU, attached or detached, shall not exceed the height of the primary dwelling or 16 feet, whichever is greater. For an ADU constructed above a garage or on a lot smaller than 5,000 square feet, the height shall not exceed 25 feet.
- b. On a property with a multi-family residential structure, the height of a detached ADU shall not exceed 16 feet.
5. Setbacks.
- a. For all ADUs, the front setback shall be a minimum of 15 feet.
- b. For all ADUs, the exterior and interior side yard setback shall be a minimum of four feet and the rear yard setback shall be a minimum of four feet.
- c. No setback shall be required for an existing living area or permitted 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.
6. Landscaping.
- a. One 24-inch box tree shall be planted within the required 15 foot front yard setback for ADUs or in the abutting parkway. Existing trees that are at least 15 feet high and 15 feet in width may be used to satisfy this requirement.

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7. Building Design Standards. ADUs shall conform to adopted single-family infill standards in Section 18.42.070.C.

8. Size of unit.

a. The minimum size of an ADU is a total floor area of 150 square feet.

b. The total floor area of an ADU attached to a primary dwelling unit shall not exceed 50% of the total floor area of the existing primary dwelling or 1,200 square feet, whichever is greater, save and except (d) below.

c. The total floor area of a detached ADU shall not exceed 1,200 square feet save and except (d) below.

d. An ADU constructed within the footprint of an existing dwelling or a detached structure shall not be subject to a maximum square footage of total floor area.

e. As provided in state law, an attached or detached ADU with a maximum size of 850 square feet or 1,000 square feet with more than one bedroom shall be permitted in any circumstance subject to a maximum height of 16 feet, four foot side and rear setbacks, and compliance with all building codes.

9. A minimum lot size shall not be required for an ADU under this ordinance.

10. No passageway shall be required for an ADU under this ordinance.

11. ADUs are only required to provide fire sprinklers if they are required for the primary residence.

G. Limitations and other requirements

1. An ADU shall not be sold or otherwise conveyed separate from the primary residence.

2. An ADU may serve as a rental unit or be occupied by family members, guests, or in-home health care providers and others at no cost.

3. Neither the ADU nor the primary dwelling unit shall be rented for a term of less than 31 days. ADUs on multi-family properties shall be subject to this provision, except the restriction shall not apply to existing multi-family units.

4. Owner occupancy of the primary unit or ADU is not required.

5. Trash and recycling. Receptacles are required and shall conform to the requirements of Section 7.10.040 of the Code of Ordinances.

6. Prohibited units. No structure of a temporary nature shall be used as a residence or ADU, neither temporarily nor permanently. Refer to Section 18.20.030.A.

7. Fees. An ADU with less than 750 square feet is exempt from any impact fees imposed by the city. For ADUs 750 square feet or more, impact fees shall be charged proportionately in relation to the square footage of the primary dwelling unit.

8. Before a building permit may be issued for an ADU, the record owner shall enter into an agreement with the City in a form that is approved by the City Attorney. The agreement shall include the following provisions: the ADU may not be sold or conveyed separately from the primary dwelling unit; the agreement may be enforced against future purchasers; and the ADU may not be rented for a period of less than 31 days. The City shall submit the agreement to the County Recorder for recordation. The agreement shall run with the land for life of the ADU.

H. Nonconforming zoning conditions. The correction of existing nonconforming uses, structures, or parcels pursuant to Chapter 18.11 shall not be required as a condition of approval for an ADU.

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### **18.30.390 - Junior Accessory Dwelling Units.**

- A. Purpose. The purpose of this section is to provide for the construction of Junior Accessory Dwelling Units (JADUs) in areas zoned to allow residential uses pursuant to Government Code Section 65852.22. JADUs help advance the goals and policies of the City's Housing Element by:
1. Providing an affordable type of home to construct without the cost of acquiring new land, dedicated parking, and costly infrastructure;
  2. Accommodating new housing units while preserving the character of existing neighborhoods;
  3. Allowing efficient use of the city's existing housing stock and infrastructure;
  4. Providing housing options and choices that respond to varying income levels, changing household sizes and lifestyle needs; and,
  5. Providing a means for residents—particularly seniors, single parents, young singles, and younger couples—to remain in their homes and neighborhoods, and obtain and preserve income, security, companionship, and assistance.
- B. Consistency with state law. This section is intended to be consistent with Government Code Section 65852.22. If inconsistency is found with this section and state law, state law shall prevail.
- C. Definitions. For the purposes of this section junior accessory dwelling unit (JADU) is defined in Section 18.50.010.
- D. JADUs permitted.
1. One JADU is permitted on a lot if the following are met:
    - a. The lot includes a proposed or existing single-family dwelling.
    - b. The lot is in a zone that allows for a residential use as indicated in Table 18.20.020.
    - c. The JADU meets the standards of subsection F.
    - d. The proposed JADU is located where the city manager or his/her designee has not determined that public utilities or services are inadequate or the JADU will adversely impact traffic flow or public safety.
- E. Review. The approval of a JADU is subject to a ministerial decision process outlined in Section 18.12.030. For the purposes of this subsection, a staff person designated by the city manager shall review and act on a building permit application for a JADU within 60 days after a complete application is received. A JADU proposed with a permit application for a new primary dwelling shall not be approved until the primary dwelling receives approval.
- F. Development standards.
1. A JADU may have a total floor area of not less than 150 square feet and not more than 500 square feet, and is permitted within an existing or proposed single-family residential dwelling unit. A JADU constructed within an existing structure may construct an additional 150 square feet for ingress and egress only.
  2. A JADU shall have a separate exterior entry from the primary dwelling unit and shall provide a kitchen or an efficiency kitchen.
  3. Parking. No replacement parking spaces are required when a JADU is created within an existing attached garage.
- G. Limitations and other requirements.

1. The owner must occupy the single-family residence in which the JADU will be permitted. The owner may reside in either the remaining portion of the structure or the newly created JADU. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.
2. Before a building permit may be issued for a JADU, the record owner shall enter into an agreement with the City in a form that is approved by the City Attorney. The agreement shall include the following provisions: the JADU may not be sold or conveyed separately from the primary dwelling unit; the agreement may be enforced against future purchasers; the JADU shall not be rented for a period of less than 31 days; and the record owner shall reside on the premises. The City shall submit the agreement to the County Recorder for recordation. The agreement shall run with the land for life of the JADU.

### **18.30.400 Low Barrier Navigation Centers.**

- A. Purpose. This section establishes standards for the development and operation of low barrier navigation centers where permitted by right as set forth in Division 2.
- B. Permitted Use. Low barrier navigation centers shall be a permitted and developed consistent with use as stipulated in Government Code Conditional Use Permit Sections 65660, 65662, 65664, and 65666, as amended.

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### **18.30.410 Transitional/Supportive Housing.**

- A. Purpose. This section establishes standards for the development and operation of transitional/supportive housing where permitted by right as set forth in Division 2.
- B. Permitted Use. Transitional/supportive housing shall be a permitted and developed use as stipulated in consistent with Government Code Sections 65582, 65583, and 65650 - 65656, as amended in all zones where multi-family and mixed uses are permitted — the Planning Division the Planning Division Section 65915(c)(3) the Planning Division relevant City staff.

## ***DIVISION 4. GENERAL DESIGN AND DEVELOPMENT REGULATIONS***

### ***Chapter 18.40 GENERAL STANDARDS***

#### **18.40.010 Purpose.**

This chapter expands upon the standards of Division 2 by addressing details of site planning, building design, landscaping, parking and loading, outdoor lighting, and signs and outdoor advertising displays. These standards are intended to ensure that all development produces an environment of stable and desirable character, is compatible with existing and future development, and protects the use and enjoyment of neighboring properties, consistent with the General Plan.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

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### **18.40.020 Applicability.**

The requirements of this chapter shall apply to existing and new development and land uses and shall be considered in combination with the standards for the applicable zone in Division 2 and Specific Use Regulations in Division 3. If there is conflict, the standards in Division 3 shall control.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.40.030 Performance standards for all development and land uses.**

- A. Purpose. This section provides performance standards that are designed to minimize various potential operational impacts of land uses and development within the city, and promote compatibility with adjoining areas and land uses.
- B. Applicability. The provisions of this section apply to all new and existing land uses, in all zones, unless an exemption is specifically provided.
- C. Noise. No use shall be established nor any activity conducted which violates the standards of the Noise Control Ordinance—Title 12 of the Municipal Code.
- D. Air Emissions. Other than as permitted by the County of San Diego Air Pollution Control District, no visible dust, gasses, or smoke shall be emitted.
- E. Combustibles and Explosives. The use, handling, storage, and transportation of combustibles and explosives shall comply with the Uniform Fire Code and California Code of Regulations Title 19.
- F. Dust. Activities that may generate dust emissions (e.g., construction, grading, commercial gardening, and similar operations) shall be conducted to limit the emissions beyond the site boundary to the maximum extent feasible. Appropriate methods of dust management shall include the following, subject to approval by the building division.
  - 1. Water all active construction areas twice per day and use erosion control measures to prevent water runoff containing silt and debris from entering the streets and storm drain system;
  - 2. Cover trucks hauling soil, sand, and other loose material;
  - 3. Pave, water, or apply non-toxic soil stabilizers on unpaved access roads and parking areas;
  - 4. Sweep and collect (i.e., vacuum) paved access roads and parking areas daily; and
  - 5. Sweep and collect (i.e., vacuum) streets daily if visible material is carried onto adjacent public streets.
  - 6. Hydroseed or apply non-toxic soil stabilizers to inactive construction areas;
  - 7. Enclose, cover, water, or apply non-toxic soil binders to open materials stockpiles;
  - 8. Limit traffic speeds on unpaved roads to fifteen mph;
  - 9. Install sandbags or other erosion control measures to prevent silt runoff to public roadways;
  - 10. Replant vegetation in disturbed areas within ten days after project completion;
  - 11. Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site;
  - 12. Install wind breaks, or plant trees/vegetation at windward sides of construction areas, or avoid removing existing vegetation which acts as a windbreak;



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13. Suspend excavation and grading activity when winds (instantaneous gusts) exceed twenty mph or dust clouds cannot be prevented from extending beyond the site; and
  14. Limit area subject to excavation, grading, and other construction activities at any one time.
  15. Limit access to the construction sites, so tracking of mud or dirt on to public roadways can be prevented.
  16. Projects that have significant construction period exhaust emissions shall reduce fleet average emission rates. Developers or contractors shall provide a plan for approval by the city or SDAPCD demonstrating that the heavy-duty (>50 horsepower) off-road vehicles to be used in the construction project for more than an accumulated forty hours, including owned, leased and subcontractor vehicles, will achieve emission standards similar to in-use equipment that meets CARB certified Tier II standards.
- G. Ground Vibration. No ground vibration shall be generated that is perceptible without instruments by a reasonable person at the property lines of the site, except for vibrations from temporary construction or demolition activities, and motor vehicle operations.
- H. Light and Glare.
1. Outdoor lighting shall comply with the requirements of Chapter 18.46 (Outdoor Lighting).
  2. Any operation or activity producing glare shall be conducted or shielded so as not to cause illumination in residential zones in excess of five-tenths footcandles. Flickering or intrinsically bright sources of illumination shall be controlled so as not to be a nuisance in residential zones.
  3. Illumination levels shall be measured with a photoelectric photometer having a spectral response similar to that of the human eye, following the standard spectral luminous efficiency curve adopted by the Illuminating Engineering Society of North America (IESNA).
- I. Liquid Waste. No liquid shall be discharged into a public or private body of water, sewage system, watercourse, or into the ground, except in compliance with applicable regulations of the Regional Water Quality Control Board.
- J. Odor.
1. No obnoxious odor or fumes shall be emitted that are perceptible without instruments by a reasonable person at the property line of the site. For mixed-use buildings, commercial uses that emit odors, such as restaurants and nail salons, shall be properly ventilated to as not to impact adjoining residential uses.
  2. No use shall be established nor any activity conducted which violates the standards of the Odor Control Ordinance—Title 7.08—Environmental Conditions of the Municipal Code.
- K. Radioactivity, Electrical Disturbance or Electromagnetic Interference. None of the following shall be emitted:
1. Radioactivity, in a manner that does not comply with all applicable State and Federal regulations; or
  2. Electrical disturbance or electromagnetic interference that interferes with normal radio or television reception or with the function of other electronic equipment beyond the property line of the site; or that does not comply with all applicable Federal Communications Commission (FCC) and other applicable state and federal regulations.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### *Chapter 18.41 SITE PLANNING STANDARDS*

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### **18.41.010 Purpose.**

The purpose of this chapter is to provide guidance and standards for site planning for nonresidential and multi-unit residential development in order to enhance safety, convenience and attractiveness for walking, transit use and bicycling; provide safe access to businesses and minimize pedestrian conflicts; and foster an attractive, quality environment to foster community pride and attract desired development and uses.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.41.020 Nonresidential site planning standards.**

These standards apply to those areas in the city that will be developed as commercial use without a residential component (mixed-use) or areas where only a commercial use is permitted. This section considers two basic types of development: freestanding buildings and multi-tenant strip developments including mini-malls.

- A. Shopping Center Development.
  - 1. When shopping centers are set back from the street with parking in front, thirty percent of the street frontage shall be lined with buildings.
  - 2. Parking lots for shopping centers should provide vehicular connections to adjacent commercial projects.
  - 3. Pedestrian walkways for shopping centers should provide pedestrian connections to adjacent uses.
  - 4. Access drives for commercial centers should be located at least two hundred feet apart and at least one hundred feet from any major intersection. Access drives should be located a minimum of ten feet from property lines unless a shared drive is provided.
  - 5. For neighborhood-serving and convenience retail centers and office and institutional developments, the first row of parking which is perpendicular to an access drive from a street shall be set back at least forty feet from the sidewalk to provide adequate queuing distance from the street and for pedestrian safety. Larger community or regional retail centers may require significantly more setback area as determined by the engineering division.
- B. Freestanding or "Pad" Buildings.
  - 1. Except for drive-through/drive-in establishments, parking for freestanding retail or "pad" buildings fronting a public street shall be located a maximum of twenty feet from the property line. Freestanding buildings adjacent to a public street are discouraged from being separated from the sidewalk with parking.
  - 2. The building entry shall be accentuated with architectural details and landscaping.
  - 3. Freestanding restaurants may provide outdoor seating at the building entry.
- C. Drive-Through Businesses.
  - 1. Minimum vehicular queuing distance shall be established through the conditional use permit process.
  - 2. Drive through business aisles shall have a minimum interior turning radius of twenty-five feet for any curves. A smaller radius may be established through the conditional use permit process with the approval of the city engineer.
  - 3. A drive-through window or lane shall not be placed between the right-of-way or internal drive and the associated building unless a ten-foot wide landscape strip extending the entire length of the drive-

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through queuing is installed and maintained with a minimum three-foot height continuous hedge and ornamental trees spaced a minimum of twenty feet on center.

- D. Industrial Site Planning Standards. Planning standards for industrial buildings and business parks include the following:
1. Services areas shall be located at the sides or rear of buildings. Service areas located at the exterior side of buildings shall be screened from view by a combination of screen walls, landscaping, and/or portions of the building.
  2. Loading areas must be designed so that trucks will not need to back in from the public street onto the site.
  3. Parking for visitors shall be convenient to the main entrance.
  4. Emphasis shall be placed on the building entry.
  5. Buildings should be oriented so as to provide space for plazas and courtyards.
  6. Outdoor storage and equipment shall be screened from public right-of-ways.
- E. Pedestrian Walkways.
1. A pedestrian walkway within a retail center, office, industrial or institutional development shall be a minimum of five feet wide. Pedestrian walkways immediately adjacent to and perpendicular to parking stalls shall be a minimum of six feet wide.
  2. Materials for pedestrian walkways may include concrete, concrete pavers, brick, stone or combination thereof or materials as approved by the planning division.
  3. A pedestrian walkway shall provide direct pedestrian access from peripheral sidewalks to the sidewalks that front on-site buildings and building entrances.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012; Ord. No. 2013-2383, § 3, 9-3-2013)

### **18.41.030 Multi-unit residential site planning standards.**

- A. Pedestrian Access.
1. Unit Entries Adjacent to a Street. Multi-unit projects should be designed with each unit adjacent to a street having its primary pedestrian entrance from the street sidewalk, or as forecourt projects with at least the primary building entrance having access to the street sidewalk. Where individual units have access to the street sidewalk, private "front yard" outdoor space may be differentiated from the public right-of-way by a porch, or small yard (i.e., patio) enclosed by a low wall or fence not to exceed forty-two inches in height.
  2. Pedestrian walkways shall be provided to every unit entry.
  3. Notwithstanding the provisions of Section 4450 et seq., of Chapter 7 of Title 1 of the Municipal Code, containing requirements for facilities necessary to assure access and usability for the physically handicapped, in all multi-unit residential projects the following provisions shall apply:
    - a. Safe, convenient, well-drained pedestrian access to dwelling units, parking lots, and service areas, by provision of walks, steps or stepped ramps, so constructed as to assure reasonable durability and economy of maintenance, shall be required.
    - b. Pedestrian walkways shall be a minimum of thirty-six inches in width.
    - c. Pedestrian walkways shall be graded or ramped to no steeper than a one-to-twelve slope.

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(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

#### **18.41.040 Common usable open space requirements.**

- A. Purpose. The purpose of this section is to prescribe standards for the development of open space areas provided for the exclusive use of the occupants of a multi-unit residential building.
- B. Standards.
  - 1. For projects of three units or more, common usable open space shall be required in a minimum amount of three hundred square feet per dwelling unit.
  - 2. Private usable open space may be substituted for such common usable open space but may not exceed one hundred square feet per unit. Each square foot of private usable open space shall be considered equivalent to two square feet of required common usable open space, and may be so substituted, subject to the minimum requirements for actual common usable open space. All units shall be provided with at least sixty square feet of private usable open space.
  - 3. Both common and private usable open space provided at ground level may be provided in the interior side yard and rear yard setback areas, within courts, and within exterior side yard setback areas to within five feet of the property line.
  - 4. Private usable open space provided above the first floor may be located in the front setback area to within twelve feet of the front property line.
  - 5. A minimum of forty percent of the required common usable open space shall be provided outdoors.
    - a. [Up to 25% of required common usable open space shall be allowed to be a use other than recreational or leisure space](#)
  - 6. Common usable open space areas [used for recreational or leisure purposes](#) shall have no dimension less than twenty feet.
  - 7. Private usable open space areas shall have no dimension less than five feet.
  - 8. See the Westside Specific Plan for other open space requirements related to the MCR-1 and MCR-2 zones.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

#### **[18.41.050 Open space requirements for mixed-use development.](#)**

- A. [Purpose. The purpose of this section is to prescribe standards for the development of open space areas provided for the exclusive use of the occupants of a mixed-use building.](#)
- B. [Common usable open space shall be provided in the amount of one hundred square feet per unit. A minimum of 40 percent of the required common useable open space should be provided outdoors. Indoor common usable open space providing an amenity approved by the Planning Division for recreational or leisure purposes may be provided in lieu of areas outdoors.](#)
- C. [At least seventy-five percent of the units shall have a minimum of sixty square feet of private usable open space. Private usable open spaces shall have no dimension less than five feet.](#)

### *Chapter 18.42 BUILDING DESIGN STANDARDS*

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### 18.42.010 Purpose.

The purpose of standards for building design and materials is to focus efforts on good design in order to create a quality image for the city, making new buildings and building additions compatible with their surroundings, encourage reinvestment, and improve the city's economic vitality. ~~These standards apply to those areas in the city that will be developed as a commercial or institutional use without a residential component (mixed use) or areas where only a commercial or institutional use is permitted.~~

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### 18.42.020 Projections into setbacks and courts.

- A. Requirements—General. Every required front, side, and rear setback shall be open and unobstructed from the ground to the sky, unless otherwise provided. In addition to permitted accessory buildings and structures, the following structures may be erected or projected into any required setback:
1. Fences and walls may be erected or projected into any required setback as provided in this section.
  2. Cornices, belt courses, sills, eaves, or other similar architectural features (other than bay windows or vertical projections) may project into a required interior side setback not more than two inches for each one foot of width of such side setback, and may project into any other required setback, passageway or other open space not more than thirty inches, provided the width of an exterior side setback is not reduced to less than three feet.
    - a. Bay windows or other vertical projections may be permitted, subject to the limitations stated in subsection (A)(2), provided that no floor area is added. This may be accomplished through a minimum thirty-six-inch gap between ground level and the lower limit of the projection, or some form of permanent interior physical limitation (cabinetry, counter, etc.). The projection may not be greater than thirty percent of the width of the elevation from which it projects.
  3. Eaves may project into a required interior side setback not more than four inches for each one foot of width of such side setback, provided the width of such side setback is not reduced to less than two and one-half feet. Eaves may also project into any other required setback, passageway or other open space not more than thirty inches, provided the width of an exterior side setback is not reduced to less than two and one-half feet.
  4. Chimneys may project into a required setback, passageway or other required open space not more than two feet, provided the width of any required side setback is not reduced to less than three feet.
  5. Fire escapes may project into any setback not more than four feet.
  6. Open unenclosed stairways or balconies, not covered by a roof or canopy, may project into a required rear setback not more than four feet, and into a required front setback, exterior side setback side or other required open space not more than thirty inches, provided the width of an exterior side setback is not reduced to less than two and one-half feet.
  7. Open, unenclosed porches, platforms or landing places, including access stairways, not covered by a roof or canopy, which do not extend above the level of the first floor of the building, may project into any required setback passageway or other open space not more than four feet, provided that in no event shall any such porch, platform or landing place be more than four feet above the adjacent natural ground level.

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8. A one-story unenclosed breezeway, not over five feet in width, extending from a main residential building to an accessory parking or other accessory structure, may project into a required rear or exterior side yard setback a distance not to exceed the required setback of the accessory structure.
  9. Awnings or canopies without enclosing walls or screening may be attached to the exterior walls of a residential structure provided that:
    - a. Such awnings or canopies do not extend more than four feet into a required front setback and have no vertical support within the setback or space;
    - b. Such awnings or canopies do not extend more than thirty inches into a required side setback, rear setback, or other required open space, but in no event nearer than thirty inches to an interior lot line;
    - c. Where such awnings or canopies project into a required front or side setback or other required open space, they may extend only over the windows or doors to be protected and for twelve inches on each side thereof.
  10. Entry arbors, either freestanding or as part of a fence as provided for in this section.

11. Air conditioning units, water heaters and required screens or enclosures.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012; Ord. No. 2015-2401, § 2, 3-3-2015)

#### **18.42.030 Accessory structures.**

- A. Conditions. Accessory structures and uses may be developed as permitted in this title, provided they are located on the same lot or parcel of land<sup>7</sup> and are incidental to and do not substantially alter the character of the principal permitted use.
- B. Alteration. No accessory structure shall be structurally altered, converted, enlarged or maintained for the purpose of providing a second dwelling units unless such accessory structures are made to conform to all regulations of this title for new structures.
- C. Westside Specific Plan. Accessory structures in the RS-4 zone shall maintain a three-foot setback from the side lot line and the rear lot line and a minimum of six feet between structures<sup>7</sup> but shall not be located in the front yard setback required except as provided by this title.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

#### **18.42.040 Screening mechanical equipment and elevator housing.**

- A. Standards Applicable to All Zones.
  1. All mechanical equipment located at ground level shall be enclosed within a permanent noncombustible enclosure subject to the approval of the building official, and subject to all yard and setback regulations.
  2. All elevator housing and mechanical equipment located on the roof of any building shall be screened from adjacent views and contained within a completely enclosed penthouse or portion of the same building having walls and roofs with construction and appearance similar to the building served by the equipment and other appurtenances.
  3. All accessory equipment, including air conditioning systems, dryers, exhaust or make up air, and similar systems, shall be completely screened with a parapet wall and shall be colored/painted the same color as the surface on which it is mounted or adjacent to.

### **18.42.050 Commercial and institutional building design standards.**

- A. Applicability. This section provides standards for commercial buildings including retail, service, office, and institutional buildings in any zone where they are permitted.
- B. Commercial Retail Buildings.
1. Large Format Retail or Anchor Stores.
    - a. Ground floor façades that face public streets shall have arcades, pergolas or galleries; display windows, accentuated entries or entry pavilions; awnings; raised planters; or special corner treatments such as towers, turrets, angled corners with parapets, or similar architectural treatments on at least sixty percent of the total façade length.
    - b. Façades greater than one hundred twenty feet in length measured horizontally shall incorporate wall plane projections or recesses having a depth of at least two percent of the length of the façade and extending at least twenty-five percent of the length of the façade.
    - c. A minimum of twenty-five percent transparency (clear vision glass) is required on the ground floor of a large format retail or anchor store.
  2. Freestanding or "Pad" Buildings.
    - a. Freestanding retail buildings fronting a sidewalk shall be provided with sufficient display windows meeting the transparency requirements identified in subsection ~~(C)(3)~~ below.
    - b. Freestanding retail or "pad" buildings within centers (multi-tenant strip developments) that do not front on a public street shall exhibit a minimum of a fifty percent window to fifty percent wall on at least three building facades.
  3. Retail Shops/Multi-Tenant Development.
    - a. Buildings facades within a multi-tenant development must provide a repeating pattern that shall include at least one of the following elements at horizontal intervals of no more than thirty feet:
      - i. Color change;
      - ii. Texture change;
      - iii. Material change; or
      - iv. Structural bay expression through a change in plane no less than twelve inches in width such as an offset, reveal, or project rib.
    - b. Retail storefronts set back from a street with parking in front shall provide a minimum sixty percent transparency through the use of clear vision windows and doors when located along a sidewalk, building arcade or gallery.
    - c. Doors and windows mounted flush with the wall surface shall not be used unless in conjunction with an arcade or covered walkway. Doors and windows shall be set back in their wall openings to reveal the thickness of the wall when an arcade or covered walkway is not provided.
- C. Building Aesthetics and Materials.
1. Articulation is required to reduce the mass and scale of large monolithic commercial buildings. Articulation is required on at least three sides of a building's façade by use of color, changes in materials, arrangement of façade elements (such as insets, offsets or varying setbacks, canopies,

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- window recesses, arches, arcades or colonnades, varied roof planes, vertical projections, and fenestration). The service side of a building's façade shall not require the same articulation unless it is visible from an adjacent street, park or open space or residential/residentially-zoned area.
2. Any side of an office, commercial and institutional building visible from or adjacent to residential areas or residentially zoned lands shall be treated in the same manner as the street facing façade.
  3. For buildings that front on a public right-of-way, internal private street or private drive intended to function as a street, the following minimum standards for transparency or clear vision glass are required:
    - a. Ground floor retail: Sixty percent.
    - b. Upper story retail: Forty percent.
    - c. Ground floor office or institutional: Fifty percent.
    - d. Second floor office or institutional: Thirty-five percent.
  4. Rooflines.
    - a. Both single and multi-tenant buildings shall have variations in the rooflines and roof features that are consistent with the buildings mass and scale. Roofs shall meet at least two of the following requirements:
      - i. Decorative parapets that are a minimum of three feet in height.
      - ii. A three-dimensional cornice treatment a minimum of twelve inches in height.
      - iii. Overhanging eaves that extend at least two feet beyond the building façade.
      - iv. Three or more roof planes.
      - v. Any other treatment that in the opinion of the planning division, meets the intent of this section.
  5. Exterior facades of new buildings should be constructed of materials which will withstand the abuses of weathering and possible defacing due to vandalism. These materials should be easily maintained and attractive from any distance. In the commercial and mixed-use zones, the exteriors of all buildings or accessory structures shall be constructed of stucco, masonry, architectural concrete masonry units, pre-cast concrete, rock, and/or wood or wood simulated siding; provided, however, that all buildings or structures shall have an integrated color or painted exterior.
    - a. Metal for use as a primary exterior building material is not permitted. The use of metal is permitted only as an accent material and may not exceed ten percent of each building façade face.
    - b. Building fronts shall incorporate and present either a finished parapet or overhang to the street.
    - c. All roof edges shall be finished with fascia and/or combination fascia gutter.
    - d. Finished soffits are required.
    - e. The use of decorative materials to enhance the aesthetic appearance of the building or structure shall be required on any portion of the building or structure abutting upon a public street.
  6. The exterior walls of all buildings or structures constructed within the commercial and mixed-use zones shall be of new material; provided, however, that quality used materials such as rock, red brick, or decorative masonry may be permissible. Other forms of architectural treatment of used materials may be approved by the planning division.
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7. Color.
    - a. The use of colors on the exterior of a building shall be limited to an appropriate and complementary palette.
    - b. Large areas of intense white color shall be avoided except on rooftops.
    - c. The color palette chosen for a building should be compatible with the colors of adjacent buildings except where existing buildings strongly diverge from these standards.
    - d. Fluorescent or neon colors shall be avoided.
  8. Accessory structures shall have compatible architectural details, design elements, and roof designs as the primary structure.
  9. Trash and recycling enclosures.
    - a. Standards are found in Title 7, Section 7.10.080 (Enclosures required).
    - b. Enclosures shall be provided with receptacles for both rubbish and recyclable materials.
    - c. Enclosures shall be constructed with a roof.
  - D. Prohibited Exterior Wall Materials. The following materials are prohibited as a primary exterior wall material:
    1. Unfinished concrete and concrete block, except split-face concrete block or slump block.
    2. Corrugated metal, standing seam metal, or other metal wall materials.
    3. Reflective mirror-type glass.
    4. Plywood, including T-11 or similar wood products.
    5. Imitation "rock work" veneer.
    6. Corrugated fiberglass.
    7. Asphalt shingles.
    8. Plastic or plastic laminates.
  - E. Prohibited Roofing Materials. The following materials are prohibited for use as a roofing material:
    1. Corrugated metal.
    2. High contrast or brightly colored glazed tile, except where desirable for accent purposes.
    3. Highly reflective surfaces.
    4. Aluminum sheet metal.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

#### **18.42.060 Industrial building design standards.**

- A. Building Aesthetics and Materials.
  1. Long unbroken building facades shall be avoided. Facades with varied front setbacks shall be required.
  2. Warehouses shall avoid blank front and exterior side wall elevations on street frontages through the use of building indentations and architectural details.
  3. Building entrances to industrial use buildings shall be enhanced with architectural elements and landscaping for emphasis.

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4. Materials.
    - a. All buildings and structures shall be constructed of metal, stucco, masonry, architectural concrete masonry units, pre-cast concrete, rock, and/or wood or wood simulated siding, and shall have an integrated color or painted exterior.
    - b. Thirty percent, including doors, of the gross area, to a twelve-foot height, of any building or structure abutting on the front or exterior side yard of a lot shall be constructed of, or surfaced with, glass, stone, wood, brick, and/or decorative masonry as architectural treatment to increase the aesthetic appearance of the building. On a corner lot, if the treatment required on the exterior side yard is concentrated on the corner of the building or structure and is located nearest the corner of the intersecting streets, the percentage of required area for decorative purposes may be reduced on the exterior side yard to ten percent.
    - c. Where the end use of any building or structure prohibits the use of decorative materials in either the front or exterior side of any building or structure or it is not economically feasible to use decorative materials, a color combination of the exterior surface of integrated or painted finish may be permitted, subject to site plan review.
    - d. The exterior walls of all buildings or structures in the industrial zones shall be of new material; provided, however, that quality used materials such as rock, red brick, or decorative masonry may be permissible. Other forms of architectural treatment of used materials may be approved by the planning division.
    - e. Metal buildings shall have the architectural appearance of conventionally built structures and an exterior surface that includes stucco, plaster, glass, stone, wood, brick, decorative masonry, or wood sheathing.
  5. Trash and recycling enclosures.
    - a. Standards are found in Title 7, Section 7.10.080 (Enclosures required).
    - b. Enclosures shall be provided with receptacles for both rubbish and recyclable materials.
    - c. Enclosures shall be constructed with a roof.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

#### **18.42.070 Residential building design standards.**

- A. Multi-Unit Residential Building Design Standards.
  1. The exterior design, height, and bulk of multi-unit projects should not negatively impact adjacent lower density residential areas.
  2. Façade and Roof Articulation. A structure with three or more attached units should incorporate wall and roof articulation to reduce apparent scale. Changes in wall planes and roof heights, and elements such as balconies, porches, arcades, dormers, and cross gables can avoid a barracks-like quality. Long flat walls and roofs shall be avoided. Secondary hipped or gabled roofs covering the entire mass of a building are preferred.
  3. Scale. Because multi-unit projects are usually taller than one story, their bulk can be imposing on surrounding uses. Structures with greater height may require additional setbacks at the ground floor level and/or upper levels.
  4. Balconies Porches or Patios as Part of Multi-unit Structures are Required. These elements shall be used to break up large wall masses, offset floor setbacks, and add human scale to structures, and increase

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neighborhood safety by providing opportunities for "eyes on the street." Individual unit entrances within a multi-unit project shall have individual covered porches.

5. Trash and Recycling Enclosures.

- a. Standards are found in Title 7, Section 7.10.080 (Enclosures required).
- b. Enclosures shall be provided with receptacles for both rubbish and recyclable materials.
- c. Enclosures shall be constructed with a roof.

6. Laundry Facilities. For multi-unit residential projects containing nine units or more that do not provide a washer and dryer for each unit, the following laundry facilities shall be provided: one washer and one dryer for each twenty dwelling units. The minimum requirement shall be one washer plus one dryer for multi-unit residential projects containing nine to twenty dwelling units.

7. Storage Space. In all multi-unit residential projects, a storage space of not less than one hundred fifty cubic feet for each unit plus fifty cubic feet for each additional bedroom more than one. The cubic feet utilized by mechanical equipment (e.g., water heater, furnace, etc.) may not be included in the cubic footage requirement. A bedroom closet shall not be included in the cubic footage requirement.

B. Mobile Homes/Factory-Built Housing.

1. Definition. Factory-built housing includes modular housing and residential structures certified under the National Mobile Home Construction and Safety Standards Act of 1974 and as defined in 798.3 of the Civil Code. All factory-built housing and the lot on which it is placed shall comply with all applicable provisions of Title 18 of the National City Municipal Code and the Design Guidelines.

2. Eligibility. A mobile home shall not be located on a permanent foundation, on a private lot, unless it:

- a. Was constructed after September 15, 1971, and was issued an insignia of approval by the California Department of Housing and Community Development or was constructed after July 1, 1976, and was issued an insignia of approval by the U.S. Department of Housing and Urban Development; and
- b. Has not been altered in violation of applicable codes.

3. Criteria. Mobile homes placed on a permanent foundation system, on a private lot, shall:

- a. Be occupied only as a residential use type;
- b. Meet all requirements for the zone in which located;
- c. Be attached to a foundation system in compliance with all applicable building regulations and Section 18551 of the Health and Safety Code;
- d. Have a minimum width of twenty feet;
- e. Be covered with an exterior material customarily used on conventional dwellings and approved by the planning division pursuant to site plan review. The exterior covering material shall extend to the ground, except that when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation;
- f. Have a roof consisting of shingles or other material customarily used on conventional dwellings;
- g. A mobile home may be required to have a porch, eaves or roof with eaves when it is determined, pursuant to site plan review, it is necessary to have it compatible with the dwellings in the area.

4. Foundation System. The most recently adopted California Building Code specifies regulations for the mobile home foundation system. These regulations provide:

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- a. Foundation system definition. A "foundation system" is an assembly of material constructed below, or partly below grade, not intended to be removed from its installation site, which is designed to support the structure and engineered to resist the imposition of external natural forces;
  - b. That mobile home foundation systems be designed in accordance with the provisions of the most recently adopted California Building Code, and local soil conditions. Design conditions for roof, wind, and seismic loads applicable to permanent building foundations shall be applicable to the mobile home foundation system;
  - c. The mobile home shall be installed in accordance with installation instructions provided by:
  - d. The manufacturer of the mobile home; or
  - e. A California-licensed architect or engineer for an individual mobile home where manufacturer's installation instructions are not available;
  - f. That both the foundation system and connection of the mobile home to the foundation system shall be capable of withstanding the design loads and concentrated loads identified in the installation instructions;
  - g. A foundation system plan shall be provided in addition to the installation instructions. The foundation system plan may be:
    - i. Provided by the mobile home manufacturer either as a part of, or separate from, the installation instructions;
    - ii. Provided by the installation contractor;
    - iii. Required to be signed by a California-licensed architect or engineer;
    - iv. A foundation system plan approved by the California Department of Housing and Community Development will be accepted.
5. Utility Connections. The mobile home electrical, gas, water and drain connections shall be made permanent in a manner applicable to permanent buildings. Gas shut-off valves, meters and regulators shall not be located beneath the mobile homes.
  6. Surrender of Registration. Prior to occupancy, the owner shall request a certification from the planning division that a certificate of occupancy be issued pursuant to Section 18551(b)(2) of the California Health and Safety Code. Thereafter, for an existing mobile home, any vehicle license plate, certificate of ownership and certificate of registration issued by a state agency is to be surrendered to the appropriate state agencies.
  7. Park and School Fees. Mobile homes placed on a permanent foundation shall be subject to local park and school fees in the same manner as conventional single-family dwellings.
  8. Modification of Criteria. Modification of the criteria set forth in this section may be granted by the planning division if the site plan review finds that such modification will not be detrimental to the public interest or surrounding residents or properties. No such modification may be granted from Subsections (3)a, (3)b, and (3)c of this section.
  9. Additions. Additions to a mobile home placed on a permanent foundation shall be made in accordance with all applicable laws, codes, and ordinances enforced by the city, and installation instructions provided by (site plan review required):
    - a. The manufacturer of the mobile home; or
    - b. A California-licensed architect or engineer; or

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- c. A building addition plan approved by the California Department of Housing and Community Development.
- C. Single-family Infill Standards.
- 1. Architectural Considerations.
    - a. New single-family projects should incorporate the distinctive architectural characteristics of surrounding development, for example: window and door detailing, decoration, materials, roof style and pitch, finished-floor height, porches, bay windows, dormers, chimneys, balconies, shutters, decorative molding, and similar architectural details.
    - b. Rooflines of building additions shall be constructed to integrate the addition with the existing building. Contrasting rooflines which emphasize the separate construction of the addition, such as shed roofs extending from the wall of a structure with a hip or gable roof are prohibited.
    - c. Exterior materials, window details, and colors of building additions should match those of existing structures.
    - d. Roof pitches in common use in the residential neighborhood are gable and hip. New residential construction and additions should incorporate roofs which are compatible with the existing neighborhood style. Minimize the use of flat roofs unless the surrounding context suggests their use, or the structure being added on to has a flat roof.
    - e. Walls should be of either wood or simulated wood clapboard or stucco where the style and context would allow it. Brick or stone is recommended as an accent material. Clay tile is also a very suitable material for roofs and accents, but very shiny glazed roof tile should be avoided.
    - f. If concrete block is used for exterior wall construction, it shall receive a finish coat of stucco.
    - g. While two-story construction is considered acceptable in single-story neighborhoods, the structure should incorporate both vertical and horizontal variations in the wall planes in order to reduce the overall bulk of the project and develop a smaller scale to be compatible with adjacent single-story structures.
    - h. The use of any roof mounted equipment is highly discouraged for single-family units. If alternatives are not feasible, equipment must be screened from view in a manner which blends with the architectural style of the house, including use of materials and colors.
  - 2. Site Design Considerations.
    - a. New development should continue the functional, on-site relationships of the surrounding neighborhood. For example, in many older neighborhoods, common patterns that should be continued are entries facing the street, front porches, and parking at the rear.
    - b. Front setbacks for new single-family development in existing neighborhoods should be either:
      - i. Equal to the average setback of all residences and buildings on both sides of public streets within one hundred feet of the property lines of the new project or
      - ii. Equal to the average of the two immediate adjacent buildings.
    - c. In cases where averaging between two adjacent existing buildings is chosen, the new building may be averaged in a stepping pattern.
    - d. Side yard setbacks in the neighborhood create a certain rhythm along the street. New projects or additions should be respectful of the open space pattern created by these setbacks.

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e. Single-family residences located in non-residential and mixed-use zones shall maintain the same setbacks as the RS-2 zone. Lots with up to three single-family detached homes shall maintain the same setbacks as the RS-3 zone.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

## *Chapter 18.43 FENCES AND WALLS*

### **18.43.010 Purpose.**

The purpose of this chapter is to establish regulations for fences and walls. The intent is to enhance the aesthetic appearance of property by providing standards relating to the quality of design materials; to create buffers between different land uses; and to protect the public health, safety, and welfare.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.43.020 Screening requirements.**

#### A. Between Land Uses.

1. Where the side or rear setback of a commercial or industrial use abuts a residential zone, those side or rear setbacks of the commercial or industrial use shall be screened from the residential zone by an opaque fence or wall with a minimum six feet and a maximum height not to exceed eight feet.
2. Where the side or rear setback of a multi-family residential use abuts a single-family residential zone, those side or rear setbacks of the multi-family residential use shall be screened from the single-family residential zone by and opaque fence or wall with a minimum six feet and a maximum height not to exceed eight feet.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.43.030 Parking lots.**

#### A. Screening.

1. Parking lots shall be screened from adjacent residential zones and adjacent streets with a five- to six-foot-high fence or wall within a five-foot-wide landscape buffer.
2. The screening requirements for parking lots may be waived when the parking lot serves the structure or use to which the parking is accessory.
3. Required screening shall be continuous, broken only for access driveways and walkways.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.43.040 Materials, construction, and maintenance.**

#### A. Fences and Walls.

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1. All fences and walls shall be constructed of new or good used material, and all fences and walls shall be kept in good repair and adequately maintained. Any dilapidated, dangerous, or unsightly fences or walls shall be removed, unless otherwise required, or repaired.
  2. All masonry walls shall conform to the requirements of the California Building Code. All masonry walls require a building permit.
  3. Wood fencing must be constructed using pressure-treated wood posts set in concrete footings.
  4. Vinyl fencing is permitted.
  5. Chain Link Fences. Chain link fencing of minimum nine-gauge wire and three and one-half inch by five-inch mesh with two and one-half inch by five-sixteenths inch redwood slats may be used in screening residential or industrial areas.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.43.050 Maximum height.**

#### **A. Fences and Walls.**

1. Fences and walls not exceeding eight feet in height and hedges may be located in setback areas; provided, that if located in any front setback or exterior side setback of any corner lot, they shall not exceed four feet in height, except that a residentially developed property in a residential zone may have a fence, wall or hedge not exceeding six feet in height within the exterior side setback of a corner lot.
2. Fences, walls and hedges over four feet in height shall not be permitted in the rear setback area of a reversed corner lot where such reverse corner lot abuts a front setback of the key lot at the rear.
3. The height of retaining walls contributes to the allowable height of fences and walls; provided, that within interior side setbacks and rear setbacks, the required height of screens or protective fences shall not be inhibited by the height of a retaining wall. The height of such protective fences shall be measured from the top of the retaining wall above or upon which the protective fence is placed.
  - a. When a fence is constructed on top of or within one foot of the face of an above-ground retaining wall, and located in a required yard, the height of the fence shall be measured from the top of the fence to the midpoint height of the retaining wall.
4. Masonry walls shall not exceed a height of eight feet. Masonry walls that include a retaining wall shall not exceed a maximum height of six feet for the masonry wall and two feet eight inches for the retaining wall.
5. Up to thirty percent of the length of a fence may exceed the height limits specified in this section by up to six inches.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.43.060 Prohibited fences.**

#### **A. Materials.**

1. The use of barbed wire, electrified fence, concertina or razor wire fence in conjunction with any fence, wall, or hedge, or by itself within any zoning district, is prohibited in residential and commercial zones unless required by law or regulation of the city, the state, or the federal government.

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2. The use of barbed wire above six feet in height is only allowed in industrial zones, ~~except for front and exterior side yards.~~
  3. In the Westside Specific Plan area, the use of chain link, barbed wire and razor wire fencing shall be prohibited.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

#### **18.43.070 Entry arbors.**

- A. Requirements. Arbors may be placed freestanding, or at entrances along fences within required front and exterior side setbacks, subject to the following standards:
  1. The height of the arbor shall not exceed ten feet.
  2. The width of the arbor shall not exceed six feet between centerlines of the supports.
  3. A maximum two-foot overhang is permitted on each side of the center of the supports.
  4. The depth of the arbor shall be no more than two feet six inches.
  5. A minimum six-foot eight-inch vertical clearance above grade is required.
  6. Supports shall not exceed six inches by six inches (horizontal dimensions).
  7. The arbor shall not be enclosed on any side other than where attached to a building or by an entry gate that is part of an allowed fence.
  8. Arbors may encroach into the entire width of the required front or exterior side setback.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

#### **18.43.080 Openings in view-obscuring fences.**

- A. When Allowed.
  1. With the approval of a site plan, the planning division may allow view-obscuring fences to have visual openings, for security surveillance. Such openings shall not exceed twenty-four inches in width and the aggregate of openings shall not exceed fifteen percent of the linear length of the fence along any side of an enclosed area.
  2. Upon recommendation of the chief of police, the planning division or building division may require that security openings be provided in view-obscuring fences constructed after the effective date of the ordinance codified in this section.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

#### **18.43.090 Special fences.**

- A. Conditions and Restrictions. Special fences are subject to review and approval by the planning division. Staff may impose reasonable conditions or restrictions including, but not limited to, neighbor notification, setbacks and landscape screening as staff deems necessary to secure the purpose of this title and to assure compatibility of the special fence with adjoining properties and those in the general vicinity, and may require guarantees and evidence that such conditions are being, or will be, complied with.
- B. Types. Special fences include, but are not limited to the following:

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1. Recreation Area Fence. Fences not to exceed twelve feet in height may be located near or around tennis courts, badminton courts, batting cages, golf courses/driving ranges, basketball or volleyball courts and similar play areas, providing that all parts of the fence over six feet are made of open-wire construction or other corrosion-resistant material;
2. Security Fences. Fences not to exceed eight feet in height may be located near and around industrial, industrial-institutional, or research uses where required for security purposes, screening, or containing and protecting hazardous materials;
3. Swimming Pool Fences. Fences required for swimming pools are governed by Chapter 15.40 of the Municipal Code. Swimming pool fences are subject to building official approval.
4. Wood fence posts greater than eight inches in width or depth;
5. Front yard fence posts with more than two attached lights. In no event shall such posts exceed four feet in height plus a two-foot-high light fixture;
6. Chain link fencing in residential areas is permitted in the side and rear yards with vinyl-coating and landscape screening. Chain link fencing shall not exceed six feet in height in these areas. Chain link fencing in front yards in residential areas is not permitted;
7. Gates exceeding four feet in width for pedestrian use or fourteen feet in width for driveway use;
8. Other structures which in the opinion of the review authority are of a similar nature.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

**18.43.100 Traffic visibility triangles.**

A. Sight Requirements.

1. Also known as a "sight visibility triangle," each corner or reversed corner lot in the commercial and industrial zones shall maintain a yard area conforming to the traffic visibility triangle requirements as defined in Table 18.43.100, except that a single supporting column, for a cantilevered roof or second story, having a diameter of eight inches or less may be located in the triangle area.
2. A visibility triangle is the area encompassed by the triangle formed by projecting lines of a specified distance from the point of intersection of the front and side street edges of pavement and a straight line connecting the termini of said projected lines. Within the area comprising the triangle, no tree, fence, wall, shrub, or other physical obstruction higher than three feet above the official grade lot line shall be permitted.
3. The following traffic visibility triangles shall be established for the following intersection types as identified in Table 18.43.100 below:

**TABLE 18.43.100  
Traffic Visibility Triangles**

Classification of Intersection Types	Distance Measurements from Point of Intersection of Front and Side Lot Lines
Driveway or Alley with any street	As provided by Caltrans and AASHTO stopping sight distance criteria
Local — Local	25'
Local — Collector	25'
Driveway — Collector or Arterial Street	30'
Collector — Arterial	30'

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Arterial — Arterial	30'
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(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

## *Chapter 18.44 LANDSCAPING*

### **18.44.010 Purpose.**

The purpose of this chapter is to provide property owners with standards in landscaping their properties. These standards will be used by the planning division, planning commission, and city council when reviewing plans for landscaped areas. These standards are also intended to provide direction for the design, installation, and maintenance of water efficient landscaping as directed by California state law.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.44.020 Applicability.**

These standards shall be used when preparing landscape and irrigation plans for all multi-family residential, commercial, industrial, and institutional projects. Projects with a total landscaped area of five hundred square feet or less, private yard areas for single-family dwellings, and registered historic sites shall be exempt from requirements for water efficiency identified in this chapter. These standards shall not apply to revegetation plans that will be reviewed individually by staff and all appropriate state and federal agencies. [All required yards separating off-street parking areas from street lot lines shall be landscaped in accordance with this chapter, except multi-unit residential projects of eight units or less.](#)

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.44.030 Definitions.**

#### A. Definitions Used in this Chapter.

1. "Landscaping" means the use of architectural and horticultural materials to provide control of erosion, dust, weeds, and accumulation of litter in a manner complementary to the purpose of adding natural environmental quality to the premises. "Landscaping" includes the planting and maintenance of some combination of trees, shrubs, ground cover, vines, flowers, lawns or other planting materials, other than weeds, providing shade, visual screening, aesthetic enhancement, soil conservation, and the removal or reduction of fire hazards, rodent harborages, vermin, and disease-bearing creatures. In addition, the combination or design may include natural features such as rock and stone and structural features such as pools, artwork, screens, walls, fences, and benches. See also "fence," defined in the glossary, and "screening," defined in the glossary.
2. "Landscaping maintenance" includes sufficient irrigation, fertilization, pruning, trimming and training, and all other reasonable acts necessary to keep plants in a healthy vigorous condition. "Maintenance" also includes removal of weeds, dead materials and accumulated litter, rubble or other foreign substances; and reseeding, and replacement of dead plants and planting where necessary to restore a landscaped area to the level of coverage required of a new installation.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

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#### **18.44.040 Landscape plan.**

- A. Requirements. A detailed landscape plan shall be submitted as part of a site plan review. The landscape plan shall include, but not be limited to, the following items:
1. The landscape plan shall be drawn at the same scale as the plot or site plan or at a minimum scale of one inch to twenty feet.
  2. The landscape plan shall locate and identify existing and proposed buildings, walls, fences, walks, drives, utilities, etc.
  3. Proposed plant location, spacing, size, species (common and botanical name).
  4. Existing and proposed contours on-site and one hundred feet beyond the site at intervals not to exceed two feet.
  5. Height and type of construction of wall or fence, including footings.
  6. Provide the types and amounts of soil amendments (additives mixed with the soil) used per one thousand square feet.
  7. Significant site details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain existing natural drainage patterns.
  8. Planting and staking details in drawing form to ensure proper installation and establishment of proposed materials.
  9. Identification of existing trees proposed to be saved including individual tree caliper size and species. Clearly reference on the plan the total number of trees proposed to be preserved, caliper of tree saved, and number of trees requested for credit consideration.
  10. Identification of tree protection method for trees proposed to be preserved.
  11. Identification of existing trees over two and one-half inch caliper proposed to be removed.
  12. Identification of grass and other groundcover or proposed seed mix and the amount in pounds to be used per one thousand square feet and method of planting.
  13. Prepare calculations for the total number of parking spaces and number of parking lot shade canopy trees required to be placed within the interior of the parking area.
  14. Prepare calculations for the square footage of the twenty percent landscape area requirement. The twenty percent required landscape area shall be clearly denoted on the landscape plan.
  15. For sites with existing buildings and parking that are proposed for expansion, label the net percent increase and calculated landscape requirement.
  16. An irrigation and planting plan shall be submitted that meets the requirements of the water efficient landscape regulations of this chapter.
  17. Each landscape plan shall be prepared by a California licensed landscape architect, licensed landscape contractor, certified nurseryman, or other professional determined by the city to be qualified.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

#### **18.44.050 Requirements.**

- A. General.

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1. Where on-site landscaping is required by this chapter as part of a project, all landscaping work shall be included in such permit. Such landscaping shall not be considered complete until approved by the planning division.
  2. Notwithstanding other provisions of this title requiring on-site landscaping, all buildings erected hereafter shall have the surrounding courts, yard areas, open-space areas, and public street parkways, that are otherwise unimproved, landscaped in accordance with Section 18.54.030. This shall include centrally controlled mechanical irrigation systems.
  3. New single-family and two-family residences shall be landscaped with a minimum of:
    - a. Complete landscaping of all slopes steeper than 3:1;
    - b. Turf or suitable ground cover on all other ground area lying between the curb, or edge of roadway, within adjoining streets and the rear line of the rearmost main building and the area between the main building and the rear property line on reversed corner lots;
    - c. This required landscaping shall include irrigation systems meeting the guidelines of this chapter. All street parkways and slopes more than three feet in height shall have permanent centrally controlled mechanical irrigation systems.
  4. All street parkways and slopes more than three feet in height shall have permanent centrally controlled mechanical irrigation systems.
  5. Street trees shall be installed within the parkway of public streets at a ratio of one per thirty linear feet of frontage and may not interfere with effective street lighting. Tree selection and tree location shall be approved by the planning division.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

#### **18.44.060 Plant materials.**

##### **A. Requirements.**

1. Landscaping shall include a variety of trees, shrubs, and groundcover.
2. Plant materials shall conform to or exceed the plant quality standards of the latest edition of American Standard for Nursery Stock published by the American Association of Nurserymen, or the equivalent.
3. Plant materials shall be sized and spaced to achieve immediate effect and shall not be less than a fifteen-gallon container for trees, five-gallon container for specimen shrubs, and six-inch pots for mass planting, unless otherwise approved by the regulating authority.
4. Plant materials shall be selected for low water demand and drought tolerance; use of appropriate native species; adaptability to the National City environment; the geological and topographical conditions of the site; ability to provide shade; and, soil retention capability.
5. Plants having similar water use shall be grouped together in distinct hydrozones.
6. Deciduous trees shall be used to shade buildings and parking lots in summer and allow for passive solar heating of buildings in winter.
7. Street trees shall be planted at a rate of one tree for every thirty linear feet of right-of-way. The review authority may modify this requirement depending on the chosen tree species and its typical spread at maturity.
8. Shrubs. A minimum of two five-gallon shrubs shall be provided for every six feet of distance along street frontages.

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(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

#### **18.44.070 Turf lawn.**

A. Restrictions.

1. Turf lawn is the landscape element which requires the most water and maintenance; therefore, the use of turf must be limited to functional areas such as playgrounds, entertainment areas, picnic areas, employee areas, play areas, etc.
2. Turf shall not exceed twenty percent of the total landscaped area. Decorative cool season turf shall not exceed fifteen percent of the landscaped area.
3. Turf shall not be used in parking lot islands or strips.
4. Turf may not be planted in areas with a width of less than six feet.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

#### **18.44.080 Soils and mulching.**

A. Requirements.

1. A minimum of one foot depth of uncompacted soil shall be provided for water absorption and root growth in each planted area.
2. Soil shall be prepared and/or amended to be suitable for the landscaping to be installed.
3. A minimum of two to three inches of mulch such as ground bark or other composted organic material shall be added in each non-turf area to the soil surface after planting. Any plant type that is intolerant to mulch shall be excluded from this requirement.
4. If a weed control barrier is needed, only porous fabrics shall be used under mulches.
5. Gravel or crushed rock for use as mulching is not permitted.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

#### **18.44.090 ~~Miniumum~~Minimum percentage of net lot area to be landscaped.**

The minimum area of each site to be landscaped with trees, shrubs, groundcover, or turf lawn shall be twenty percent of the net site area, except for a reduction approved by the city manager or his/her designee due to lot size, sites with existing development, or for lots with zero setback requirements.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

#### **18.44.100 Statuary structures and other lawn art.**

Statuary structures and other lawn art shall be limited to a maximum of three structures and shall not exceed four feet in height and two feet in depth unless otherwise determined by the planning division. Staff may impose reasonable conditions or restrictions including, but not limited to, neighbor notification, setbacks and landscape screening as staff deems necessary to secure the purpose of this title and to assure compatibility of the statuary structures and other lawn art with adjoining properties and those in the general vicinity, and may require guarantees and evidence that such conditions are being, or will be, complied with.

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(Supp. No. 57)

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### **18.44.110 Landscape location requirements.**

- A. Provisions. Landscaping shall be provided in all areas of a site subject to development with structures, grading, or the removal of natural vegetation, as follows:
1. Setbacks. The setback and open space areas required by this Land Use Code, and easements for utilities and drainage courses shall be landscaped except where:
    - a. Occupied by approved structures;
    - b. Occupied by required paved areas;
    - c. A required single-family dwelling residential setback is screened from public view; or
    - d. They are retained in their natural state, and the review authority determines that landscaping is not necessary to achieve the purposes of this chapter.
  2. Unused Areas. Any area of a project site not intended for a specific use, including a commercial pad site intended for future development, shall be landscaped unless retained in the natural state, and the review authority determines that landscaping is not necessary to achieve the purposes of this chapter.
  3. Areas Adjacent to Side or Rear Property Lines. A parking area for a nonresidential use or multi-unit residential project shall provide a perimeter landscape strip at least eight feet wide where the parking area adjoins a side or rear property line. The requirement for a landscape strip may be satisfied by a setback or buffer area that is otherwise required to be eight feet or greater. Trees shall be provided within the landscape strip at the rate of one for each thirty linear feet of landscaped area.
  4. Areas Adjacent to Buildings. When a parking area is located adjacent to a nonresidential structure, a minimum eight-foot-wide landscape strip shall be provided adjacent to the structure, exclusive of any building entries, or areas immediately adjacent to the wall of the structure that serves as pedestrian accessways. Landscape strips shall be planted with a combination of canopy trees, ornamental trees, shrubs, perennials, ornamental grasses, and groundcover.
  5. Areas Adjacent to Residential Use. A parking area for a nonresidential use or multi-unit residential project adjoining a residential use in an RS zone shall provide a landscaped buffer with a minimum ten-foot width between the parking area and the common property line bordering the residential use. A solid, continuous decorative masonry wall or fence and landscape buffer shall be provided along the property line, except for approved access points, to address land use compatibility issues (e.g., nuisance noise and light/glare), as determined by the review authority to be necessary. Trees shall be provided at the rate of one for each thirty linear feet of landscaped area.
  6. Parking Lot Landscape Requirements.
    - a. A minimum of one shade canopy tree shall be required for every seven parking spaces in a parking lot for all zones.
    - b. All of the required parking lot trees shall be placed within the parking lot envelope, described as the area including the parking lot surface and extending a minimum of eight to ten feet from the edge of the parking lot.
    - c. Landscape areas within the parking lot island shall be planted with a combination of required canopy trees, ornamental trees, shrubs, perennials, ornamental grasses, and groundcover.

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- d. A minimum of two-thirds of the required trees shall be placed within the interior of the parking area. A maximum of one-third may be placed within the ten-foot landscape area that surrounds a parking lot.
  - e. A parking area for a nonresidential use adjacent to a public street shall be designed to provide a minimum ten-foot-wide landscape planting strip between the street right-of-way and the parking lot.
  - f. A parking area for a residential use except for dwelling or duplex, shall be designed to provide a landscaped planting strip between the street right-of-way and parking area equal in depth to the setback required by the applicable zoning district.
  - g. The landscaping shall be designed and maintained to screen vehicles from view from the street to a minimum height of three feet, but shall not exceed any applicable height limit for landscaping within a setback or traffic visibility triangle. Screening materials may include a combination of plant materials, earth berms, solid decorative masonry walls, raised planters, or other screening devices which meet the intent of this requirement.
  - h. All landscaping including canopy tree placement shall be dispersed throughout the parking lot in order to balance and soften the large areas of pavement and help direct traffic flow within the lot.
  - i. A permanent underground irrigation system shall be provided for all landscaped areas.
7. Paved Areas. Paving within the required front and exterior setbacks in the residential zones is prohibited, except for driveways, walkways, and porches approved through site plan review or as part of a landscaping plan

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

#### **18.44.120 Tree preservation.**

- A. Site Plan Requirements, Maintenance, and Credits.
  1. All trees over eight inches caliper shall be identified on the site plan and landscape plan with notations of trees to be preserved and trees to be removed.
  2. Trees intended to be preserved shall be noted with a unique symbol on the site plan and be protected during construction through the use of construction fencing at or beyond the drip line of the tree or trees to be preserved.
  3. Trees to be preserved shall be considered for credit only if they are located on the developed portion of the site. To obtain credit consideration, the preserved trees shall be of a high quality and at least two and one-half inches caliper.
  4. The following credits will be considered for high quality trees that are preserved:
    - a. Two and one-half to 7.99 inches: One tree.
    - b. Eight inches to 11.99 inches: Two trees.
    - c. Twelve inches and over: Three trees.
  5. To protect and encourage the continued health and vitality of the preserved trees, the ground within the drip line shall be maintained in the existing natural state. Storage of soils, construction equipment or other materials during or after construction within the tree dripline is prohibited.

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6. If preserved trees die within three years after construction, the property owner shall replace with the number of trees that would have been required had the tree preservation credit not been provided. Said trees shall be replaced within thirty days of written notice from the city or within an extended time period as specified in said notice.
  7. The minimum number of required trees shall not be reduced by less than fifty percent through the use of approved tree credits, unless the planning commission determines that during the site plan review existing vegetation intended to be preserved would provide adequate landscaping, shading, buffering or screening comparable to that required under this chapter.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

#### **18.44.130 Landscaping work included in building permit inspections.**

Where on-site landscaping is required by this title as part of a project for which a building permit is also required, all landscaping work shall be included in such permit. Such landscaping shall not be considered complete until inspected, certified for compliance, and approved by the planning division. The city fire department is authorized to annually inspect all properties for adequacy of landscaping maintenance as a part of its annual weed abatement program. Conditions of inadequate landscaping maintenance that cannot be abated pursuant to the weed abatement provisions of the California Health and Safety Code, which nonetheless constitute unsightly or otherwise detrimental conditions, shall be reported to code enforcement for enforcement under this title.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

#### **18.44.140 Traffic visibility triangle.**

Refer to Table 18.43.100, Traffic Visibility Triangle, for regulations on landscaping.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

#### **18.44.150 Maintenance required.**

##### **A. Property Owner Responsibilities.**

1. It shall be the responsibility of each property owner to adequately maintain the landscaping of private property and the adjoining public street parkway landscaped, except street trees. All landscaping shall be properly maintained. Trees located within public street parkways will be pruned and trimmed by city forces and not by private property owners.
2. All trees, shrubs, plants, and other landscaping of parking lots, including interior landscaped areas, setbacks, and parkways shall be periodically and systematically watered, weeded, fertilized, and maintained in a healthy, growing condition. Dead growth should be promptly replaced so as to maintain the designed planting scheme.
3. Landscaping—Pruning or Trimming. All growth in landscaped areas should be controlled by pruning, trimming or otherwise so that:
  - a. It will not interfere with the maintenance or repair of any public utility;
  - b. It will not restrict pedestrian or vehicular access;
  - c. It will not constitute a traffic hazard because of reduced visibility.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)



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#### **18.44.160 Certain trees a public nuisance.**

Any tree or shrub growing or standing on private property in such a manner that any portion thereof interferes with utility poles, lines, wires or electroliers lawfully erected, constructed or maintained along any public street, sidewalk, or intersection or with any person or persons lawfully using the same, or any such tree which has become diseased or weakened in such a manner as to be dangerous to persons lawfully using the streets or sidewalks, or any such tree which has roots that pose a hazard to pedestrians using a sidewalk constitutes a public nuisance. The public works department shall cause notice to be served upon such property owner directing that such public nuisance be abated or removed within seven days after said notice is served. The public works department is authorized to abate or cause to be abated such public nuisance by trimming, pruning, cutting or removing all or such portion of such tree, shrub or plant as may be necessary to eliminate such interference, obstruction or condition. Whenever it is necessary for the public works department to direct the use of city employees to abate, remove, or cause to be abated or removed, public nuisances as contained in this section, he/she shall determine the cost of the work performed by city employees and bill the property owner the cost of the work performed.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

#### **18.44.170 Nonconforming landscaping.**

All properties, now landscaped, which are inadequately maintained shall be brought into compliance with this chapter upon not less than ninety days' from the date of a written notice from the city. All properties not now landscaped shall be landscaped whenever a building permit for structures valued ten thousand dollars or more is issued for the site. All other properties or portions of properties, not landscaped shall be kept free of rubbish, litter, debris, unused merchandise, unused building materials, machinery or vehicular paraphernalia not essential to the occupancy of the premises.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

#### **18.44.180 Public utilities.**

No species of trees or large shrubs shall be planted under overhead lines or over underground utilities if its growth might interfere with the installation or maintenance of any public utilities.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

#### **18.44.190 Water efficient landscape regulations.**

- A. Purpose. The purpose of this section is to provide property owners with standards in landscaping their properties. These standards will be used by the planning division, planning commission, and director or parks and recreation when reviewing plans for landscaped areas. These standards are also intended to provide direction for the design, installation, and maintenance of water efficient landscaping as directed by California state law.
1. Promote the values and benefits of landscapes while recognizing the need to utilize water and other resources as efficiently as possible.
  2. Establish a structure for planning, designing, installing, maintaining, and managing water efficient landscapes.
  3. Promote the use, when available, of tertiary treated recycled water, for irrigating landscaping.

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4. Use water efficiently without waste by setting a maximum applied water allowance (MAWA) as an upper limit for water use and reduce water use to the lowest practical amount.
  5. Encourage water users of existing landscapes to use water efficiently and without waste.
- B. Definitions. The following definitions shall apply to this section:
1. "Automatic irrigation controller" means an automatic timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers shall schedule irrigation events using either evapotranspiration (ETo) (weather-based) or moisture sensor data.
  2. "Building permit" means a permit to engage in a certain type of construction at a specific location.
  3. "Certified landscape irrigation auditor" means a person certified to perform landscape irrigation audits by an accredited academic institution, a professional trade organization, or other accredited certification program.
  4. "Developer" means a person who seeks or receives permits for or who undertakes land development activities who is not a single-family homeowner. Developer includes a developer's partner, associate, employee, consultant, trustee, or agent.
  5. "Director" means the development services director or anyone to whom the director has designated or hired to administer or enforce this section.
  6. "Discretionary permit" means any permit requiring a decision-making body to exercise judgment prior to its approval, conditional approval, or denial.
  7. "Estimated total water use" (ETWU) means the estimated total water use in gallons per year for a landscaped area.
  8. "ET adjustment factor" (ETAF) means a factor that when applied to reference ETo, adjusts for plant water requirements and irrigation efficiency, two major influences on the amount of water that is required for a healthy landscape.
  9. "Evapotranspiration" (ETo) means the quantity of water evaporated from adjacent soil and other surfaces, and transpired by plants during a specified time period.
  10. "Reference evapotranspiration" means a standard measurement of environmental parameters which affect the water use of plants. ETo is given in inches per day, month, or year and is an estimate of the ETo of a large field of four inches to seven inches tall, cool season turf that is well watered. Reference ETo is used as the basis of determining the MAWA so that regional differences in climate can be accommodated.
  11. "Grading" means any importation, excavation, movement, loosening, or compaction of soil or rock.
  12. "Hardscape" means any durable surface material, pervious, or non-pervious.
  13. "Homeowner-provided landscaping" means landscaping installed either by a private individual for a single-family residence or installed by a California licensed contractor hired by a homeowner.
  14. "Hydrozone" means a portion of the landscape area having plants with similar water needs. A hydrozone may be irrigated or non-irrigated.
  15. "Invasive plant species" means species of plants not historically found in California that spread outside cultivated areas and may damage environmental or economic resources.
  16. "Irrigation audit" includes an in depth evaluation of the performance of an irrigation system conducted by a certified landscape irrigation auditor. An irrigation audit may include, but is not limited to, inspection, system tune up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule.

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17. "Irrigation efficiency" means the measurement of the amount of water beneficially used divided by the water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices.
  18. "Landscaped area" means an area with outdoor plants, turf, and other vegetation. A landscaped area may include a water feature either in an area with vegetation or that stands alone. A landscaped area may also include design features adjacent to an area with vegetation. A landscaped area does not include the footprint of a building, decks, patio, sidewalk, driveway, parking lot, or other hardscape. A landscaped area also does not include an area without irrigation designated for non-development such as designated open space or area with existing native vegetation and areas dedicated for food production.
  19. "Landscape manual" means the Water Efficient Landscape Design Manual, approved by the City of National City that establishes specific design criteria and guidance to implement the requirements of this section.
  20. "Low head drainage" means a sprinkler head or other irrigation device that continues to emit water after the water to the zone in which the device is located has shut off.
  21. "Low volume irrigation" means the application of irrigation water at low pressure through a system of tubing or lateral lines and low volume emitters such as drip lines or bubblers.
  22. "Maximum applied water allowance" (MAWA) means the maximum allowed annual water use for a specific landscaped area based on the square footage of the area, the ETAF, and the reference ETO.
  23. "Mulch" means an organic material such as leaves, bark, straw, or inorganic mineral materials such as rocks, gravel, or decomposed granite left loose and applied to the soil surface to reduce evaporation, suppress weeds, moderate soil temperature, or prevent soil erosion.
  24. "Overspray" means the water from irrigation that is delivered outside an area targeted for the irrigation and makes contact with a surface not intended to be irrigated.
  25. "Pervious" means any surface or material that allows the passage of water through the material and into underlying soil.
  26. "Plant factor" means a factor when multiplied by the ETo, estimates the amount of water a plant needs.
  27. "Recycled water" means waste water that has been treated at the highest level required by the California Department of Public Health for water not intended for human consumption.
  28. "Recreational areas" means areas of active play or recreation, such as parks, playgrounds, sports fields, golf courses, school yards, picnic grounds, or other areas where turf provides a playing surface or serves other recreational purposes.
  29. "Runoff" means water that is not absorbed by the soil or landscape to which it is applied and flows from the landscaped area.
  30. "Special landscaped area" means an area of the landscape dedicated to edible plants, an area irrigated with recycled water, or an area dedicated as turf area within a park, sports field, or golf course where turf provides a passive or active recreational surface.
  31. "Standard urban storm water mitigation plan" (SUSMP) means a plan designed to reduce pollutants and runoff flows from new development and significant redevelopment.
  32. "SUSMP manual" means the manual prepared for implementation of SUSMP requirements, and available for reference at the city's development services department and on the city's website.

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33. "Storm water management and discharge control" means regulations contained in Chapter 14.22 of the Municipal Code enacted to reduce the effects of polluted discharge on water of the state, to secure benefits from the use of storm water as a resource, to ensure compliance with the San Diego Regional Water Quality Control Board (RWQCB) and applicable state and federal law.
  34. "Subsurface irrigation" means an irrigation device with a delivery line and water emitters installed below the soil surface that slowly and frequently emit small amounts of water into the soil to irrigate plant roots.
  35. "Tertiary treated recycled water" means water that has been through three levels of wastewater treatment including filtration and disinfection, but not intended for human consumption.
  36. "Transitional area" means a portion of a landscaped area that is adjacent to a natural or undisturbed area and is designated to ensure that the natural area remains unaffected by plantings and irrigation installed on the property.
  37. "Turf" means a groundcover surface of mowed grass.
  38. "Water feature" means a design element where open water performs an aesthetic or recreational function. A water feature includes a pond, lake, waterfall, fountain, artificial streams, spa, and swimming pool. Constructed wetlands used for on-site wastewater treatment or storm water best management practices are not water features.
  39. "WUCOLS III" means Water Use Classification of Landscape Species and refers to the Department of Water Resources 1999 publication or the most current version.

C. Applicability.

1. All new industrial, commercial, institutional, or multi-family residential development with a total landscaped area less than two thousand five hundred square feet shall provide the following:
  - a. Install on-site landscaping and below grade automatic irrigation system in accordance with the landscape manual.
  - b. Landscaping shall be installed in all areas not utilized for structures, parking, drainage, and hardscape.
  - c. Drought tolerant landscaping and water efficiency in accordance with this section and the landscape manual is encouraged.
  - d. Parkways, between the curb and the sidewalk, bordering the development shall be provided with ground cover, shrubs, and at a minimum one fifteen-gallon street tree every forty linear feet.
2. All new single-family and two-family residences with a total landscaped area less than five thousand square feet shall provide the following:
  - a. Install on-site landscaping and below grade automatic irrigation systems in accordance with the landscape manual.
  - b. Landscaping shall be installed on all areas not used for structures, driveways, drainage, and hardscape.
  - c. Drought tolerant landscaping and water efficiency for all new landscaping consistent with this section is encouraged.
  - d. Parkways, between the curb and the sidewalk, bordering the development shall be provided with groundcover, shrubs, and at a minimum one fifteen-gallon street tree every forty linear feet.

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3. For all other projects that exceed the landscape area identified in Section 18.44.190(C)(1) and (C)(2) of this section shall apply to the following projects when a building permit or a discretionary permit is required:
    - a. A project for an industrial, commercial, institutional, or multi-family residential use with a total landscaped area equal to or greater than two thousand five hundred square feet.
    - b. Developer installed residential and common area landscapes where the total landscaped area for the development is equal to or greater than two thousand five hundred square feet.
    - c. A new single-family residence with homeowner provided landscaping, where the landscaped area is equal to or greater than five thousand square feet.
    - d. A model home that includes a landscaped area.
    - e. A public agency project that contains a landscaped area equal to or greater than two thousand five hundred square feet.
    - f. A rehabilitated landscape for an existing industrial, commercial, institutional, public agency, or multi-family use where a building permit or discretionary permit is being issued, and the applicant is installing or modifying two thousand five hundred square feet or more of landscaping.
  4. This section shall not apply to the following:
    - a. A registered local, state, or federal historical site.
    - b. An ecological restoration project that does not require a permanent irrigation system.
    - c. A mined land reclamation project that does not require a permanent irrigation system.
    - d. A botanical garden or arboretum, open to the public.
    - e. Any single-family residence that is being rebuilt after it was destroyed due to a natural disaster, such as a fire, earthquake, or hurricane.
- D. Administration and Enforcement.
1. The director shall administer and enforce this section.
  2. The director shall provide guidance to applicants on how to comply with the requirements of this section.
- E. Landscape Documentation Package.
1. Building permit applications for projects shall submit and have approved a landscape documentation package to the development services department prior to issuance of a building permit. A minimum of three percent of the construction cost to install the landscaping and irrigation improvements shall be submitted as a deposit to review the landscape documentation package. The developer shall be billed for actual costs incurred by the city, including actual labor charges and consultant fees, less the amount of the deposit. In addition to the fee, the landscape documentation package shall contain the following.
    - a. A soils management report and plan that complies with subsection (F).
    - b. Planting and irrigation plans that comply with subsection (G).
    - c. A water efficient landscape worksheet that complies with subsection H.
    - d. A grading plan that complies with subsection (I) below, and Chapters 14.22 (Storm Water Management and Discharge Control) and 15.70 (Grading) of the Municipal Code.

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F. Soils Management Report.

1. The soils management report as required by Section 18.44.190(E)(1)a, above shall be prepared by a licensed landscape architect, licensed civil engineer, licensed architect, or other landscape professional appropriately licensed by the state, and shall contain the following information:
  - a. An analysis of the soil for the proposed landscaped areas of the project that includes information about the soil texture, soil infiltration rate, pH, total soluble salts, sodium, and percent organic matter.
  - b. Recommendations about soil amendments that may be necessary to foster plant growth and plant survival in the landscaped area using efficient irrigation techniques.
  - c. Proposed soil amendments and mulch as follows:
    - i. The report shall identify the type and amount of mulch for each area where mulch is applied. Mulch shall be used as follows:
      - A minimum two-inch layer of mulch shall be applied on all exposed soil surfaces in each landscaped area except in turf areas, creeping or rooting ground covers or direct seeding applications where mulch is contraindicated.
      - Stabilizing mulch shall be applied on slopes.
      - The mulching portion of seed/mulch slurry in hydro-seeded applications shall comply with subsection (F)(1), above.
      - Highly flammable mulch material shall not be used.
      - The report shall identify any soil amendments and their type and quantity.
2. When a project involves mass grading of a site, the soils report shall be submitted with the certificate of completion required by subsection (S).

G. Planting and Irrigation Plan.

1. The planting and irrigation plans required shall be prepared by a licensed landscape architect, licensed civil engineer, licensed architect, or other landscape professional appropriately licensed by the state. The plans shall:
  - a. Include the MAWA for the plans, including the calculations used to determine the MAWA. The calculations shall be based on the formula in subsection (K).
  - b. Include the ETWU for the plans, including the calculations used to determine the ETWU. The calculations shall be based on the formula in subsection (L).
  - c. Include a statement signed under penalty of perjury by the person who prepared the plan that provides, "I am familiar with the requirements for landscape and irrigation plans contained in the City of National City Water Efficient Landscape Regulations (LUC Chapter 4 Section 18.44.190). I have prepared this plan in compliance with those regulations. I certify that the plan implements those regulations to provide efficient use of water."
  - d. Demonstrate compliance with best management practices identified in Municipal Code Chapter 14.22, including the storm water management, discharge control ordinance and standard urban stormwater mitigation plan (SUSMP).
  - e. Demonstrate compliance with state and city requirements for defensible space around buildings and structures, and avoid the use of fire prone vegetation.
2. The planting plan shall meet the following requirements:

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- a. The plan shall include a list of all vegetation by common and botanical plant name, which exists in the proposed landscaped area. The plan shall state what vegetation will be retained and what will be removed.
  - b. The plan shall include a list of all vegetation by common and botanical plant name which will be added to each landscaped area. Invasive plant species shall not be added to a landscaped area. The plan shall include the total quantities by container size and species. If the applicant intends to plant seeds, the plan shall describe the seed mixes and applicable purity and germination specifications.
  - c. The plan shall include a detailed description of each water feature, including the type and surface area of all water features that will be included in the landscaped area. The water feature shall utilize a recirculating water system.
  - d. The plan shall be accompanied by a drawing showing the specific location of all vegetation, retained or planted, the plant spacing and plant size, natural features, water features, and hardscape areas. The drawing shall include a legend listing the common and botanical plant name of each plant shown on the drawing.
  - e. All plants shall be grouped in hydrozones, and the irrigation shall be designed to deliver water to hydrozones based on the moisture requirements of the plant grouping. A hydrozone may mix plants of moderate and low water use or mix plants of high water use with plants of moderate water use. No high water use plants shall be allowed in a low water use hydrozone. The plan shall also demonstrate how the plant groupings accomplish the most efficient use of water.
  - f. The plan shall identify areas permanently and solely dedicated to edible plants.
  - g. The plan shall demonstrate that landscaping when installed and at maturity will be positioned to avoid obstructing motorists' views of pedestrian crossings, driveways, roadways, and other vehicular travel ways. If the landscaping will require maintenance to avoid obstructing motorist's views, the plan shall describe the maintenance and the frequency of the proposed maintenance.
  - h. The plan shall avoid the use of landscaping with known surface root problems adjacent to a paved area, unless the plan provides for installation of root control barriers or other appropriate devices to control surface roots.
  - i. Plants in a transitional area shall consist of a combination of site adaptive and compatible native and/or non-native species. Invasive species shall not be introduced or tolerated in a transitional area. The irrigation in a transitional area shall be designed so that no overspray or runoff shall enter an adjacent area that is not irrigated.
  - j. Where applicable, the plan shall identify passive and active recreational areas.
  - k. Parkways, between the curb and the sidewalk, bordering the development shall be provided with ground cover, shrubs, and at a minimum one fifteen-gallon street tree every forty linear feet.
3. The irrigation plan shall meet the following requirements:
    - a. The plan shall show the location, type, and size of all components of the irrigation system that will provide water to the landscaped area, including the controller, water lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators, and backflow prevention devices.
    - b. The plan shall show the static water pressure at the point of connection to the public water supply and the flow rate in gallons, the application rate in inches per hour, and the design operating pressure in pressure per square inch for each station.

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- c. The irrigation system shall be designed to prevent runoff, overspray, low-head drainage and other similar conditions where irrigation water flows or sprays onto areas not intended for irrigation. The plan shall also demonstrate how grading and drainage techniques promote healthy plant growth and prevent erosion and runoff.
  - d. The plan shall identify each area irrigated with recycled water.
  - e. The plan shall provide that any slope greater than twenty-five percent will be irrigated with an irrigation system with a precipitation rate of seventy-five hundredths inches per hour or less to prevent runoff and erosion. As used in this section, twenty-five percent grade means one foot of vertical elevation change for every four feet of horizontal length. An applicant may employ an alternative design if the plan demonstrates that no runoff or erosion will occur.
  - f. The plan shall provide that all wiring and piping under a paved area that a vehicle may use, such as a parking area, driveway or roadway, will be installed inside a PVC conduit.
  - g. The plan shall provide that irrigation piping and irrigation devices that deliver water, such as sprinkler heads, shall be installed below grade if they are within twenty-four inches of a vehicle or pedestrian use area. The director may allow on-grade piping where landform constraints make below grade piping infeasible.
  - h. The plan shall provide that only low volume irrigation shall be used to irrigate any vegetation within twenty-four inches of an impermeable surface unless the adjacent impermeable surfaces are designed and constructed to cause water to drain entirely into a landscaped area.
  - i. The irrigation system shall provide for the installation of a manual shutoff valve as close as possible to the water supply. Additional manual shutoff valves shall be installed between each zone of the irrigation system and the water supply.
  - j. The irrigation system shall provide that irrigation for any landscaped area will be regulated by an automatic irrigation controller using either evapotranspiration or soil moisture sensor data.
  - k. The irrigation system shall be designed with a landscape irrigation efficiency necessary to meet the MAWA.
  - l. The plan shall describe each automatic irrigation controller the system uses to regulate the irrigation schedule, and whether it is a weather-based system or moisture detection system. The plan shall depict the location of electrical service for the automatic irrigation controller or describe the use of batteries or solar power that will power valves or an irrigation controller.
  - m. Parkways, between the curb and the sidewalk, bordering the development shall be provided below grade irrigation.
- H. Water Efficient Landscape Worksheet. The water efficient landscape worksheet required by Section 18.44.190(E)(1)(c) shall be prepared by a licensed landscape architect, licensed civil engineer, licensed architect, or other landscape professional appropriately licensed by the state, and shall contain the following:
- 1. A hydrozone information table that contains a list of each hydrozone in the landscaped area of the project and complies with the following requirements:
    - a. For each hydrozone listed, the table shall identify the plant types and water features in the hydrozone, the irrigation methods used, the square footage, and the percentage of the total landscaped area of the project that the hydrozone represents.
    - b. The plant types shall be categorized as turf, high water use, moderate water use, or low water use.



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2. Water budget calculations, which shall meet the following requirements:
    - a. The plant factor used shall be from WUCOLS III. A plan that mixes plants in a hydrozone that requires a different amount of water shall use the plant factor for the highest water using plant in the hydrozone.
    - b. Temporarily irrigated areas shall be included in the low water use hydrozone. Temporarily irrigated as used in this section means the period of time when plantings only receive water until they become established.
    - c. The surface area of a water feature, including swimming pools, shall be included in a high water use hydrozone.
    - d. The calculations shall use the formula for the MAWA in subsection (K) and for the ETWU in subsection (L).
    - e. Each special landscaped area shall be identified on the worksheet and the area's water use calculated using an ETAF of 1.0.
  - I. Grading Plan. The required grading plan shall comply with the Municipal Code Chapters 14.22 (Storm Water Management and Discharge Control) and 15.70 (Grading). See the SUSMP Manual for implementation guidelines for Chapter 14.22 to reduce runoff and the discharge of pollutants. The grading plan shall be prepared by a California licensed civil engineer, and shall comply with following requirements:
    1. The grading on the project site shall be designed for the efficient use of water by minimizing soil erosion, runoff, and water waste, resulting from precipitation and irrigation.
    2. The plan shall show the finished configurations and elevations of each landscaped area including the height of graded slopes, the drainage pattern, pad elevations, finish grade, and any storm water retention improvements.
  - J. Irrigation Schedule. The irrigation schedule shall be prepared by a licensed landscape architect, licensed civil engineer, licensed architect or other landscape professional appropriately licensed by the state, and shall provide the following information:
    1. A description of the automatic irrigation system that will be used for the project.
    2. The irrigation schedule shall consider irrigation run times, emission device, flow rate, and current reference evapotranspiration so that applied water meets the estimated total water use. Total annual applied water shall be less than or equal to maximum applied water allowance (MAWA). Actual irrigation schedules shall be regulated by automatic irrigation controllers using current reference evapotranspiration data or soil moisture sensor data.
    3. Overhead irrigation will be scheduled between four p.m. and nine a.m., unless weather conditions prevent it. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.
    4. The parameters used for setting the irrigation system controller for watering times for:
      - a. The plant establishment period.
      - b. Different seasons during the year.
      - c. Established landscaping and temporarily irrigated areas.
      - d. Irrigation uniformity or efficiency setting.
    5. The consideration used for each station based on the following factors:
      - a. The days between irrigation.

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- b. Stations run time in minutes for each irrigation event, designed to avoid runoff.
  - c. Number of cycle starts required for each irrigation event, designed to avoid runoff.
  - d. Amount of water to be applied on a monthly basis.
  - e. The root depth setting.
  - f. The plant type setting.
  - g. The soil type.
  - h. The slope factor.
  - i. The shade factor.
  - j. Application rate setting.
  - k. Irrigation uniformity or efficiency setting.
- K. Maximum Applied Water Use.
- 1. A landscape project subject to this section shall not exceed the MAWA. The MAWA for a landscape project shall be determined by the following calculation:  $MAWA = (ET_o)(0.62)[0.7 \times LA + 0.3 \times SLA]$ .
  - 2. The abbreviations used in the equation have the following meanings:
    - a. MAWA = Maximum applied water allowance in gallons per year.
    - b.  $ET_o$  = Evapotranspiration in inches per year.
    - c. 0.62 = Conversion factor to gallons per square foot.
    - d. 0.7 = ET adjustment factor for plant factors and irrigation efficiency.
    - e. LA = Landscaped area includes special landscaped area in square feet.
    - f. 0.3 = the additional ET adjustment factor for a special landscaped area ( $1.0 - 0.7 = 0.3$ ).
    - g. SLA = Portion of the landscaped area identified as a special landscaped area in square feet.
- L. Estimated Total Water Use.
- 1. An applicant for a project subject to Section 18.44.190 shall calculate the ETWU for each landscaped area and the entire project using the following equation:  $ETWU = (ET_o)(0.62)(PF \times HA/IE + SLA)$ .
  - 2. The abbreviations used in the equation have the following meanings:
    - a. ETWU = Estimated total water use in gallons per year.
    - b.  $ET_o$  = Evapotranspiration in inches per year.
    - c. 0.62 = Conversion factor to gallons per square foot.
    - d. PF = Plant factor from WUCOLS.
    - e. HA = Hydrozone area in square feet. Each HA shall be classified based upon the data included in the landscape and irrigation plan as high, medium, or low water use.
    - f. IE = Irrigation efficiency of the irrigation method used in the hydrozone.
    - g. SLA = Special landscaped area in square feet.
  - 3. The ETWU for a proposed project shall not exceed the MAWA.

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- M. Adjustment to Landscaped Area for Non-Vegetated Area. Rock and stone or pervious design features, such as decomposed granite ground cover that are adjacent to a vegetated area may be included in the calculation of the MAWA and ETWU provided the features are integrated into the design of the landscape area and the primary purpose of the feature is decorative.
- N. Regulations Applicable to Use of Turf on Landscaped Areas. The following regulations shall apply to the use of turf on a project subject to Section 18.44.190:
1. Only low volume or subsurface irrigation shall be used for turf in a landscaped area when either of the following occurs:
    - a. On a slope greater than twenty-five percent grade where the toe of the slope is adjacent to an impermeable hardscape.
    - b. Where any dimension of the landscaped area is less than eight feet wide.
  2. On a roadway improvement project, commercial, industrial, institutional, or multi-family project, no turf shall be allowed on a center island median strip or on a parking lot island.
  3. A ball field, park, golf course, cemetery, and other similar use shall be designed to limit turf in any portion of a landscaped area not essential for the operation of the facility.
  4. No turf shall be allowed in a landscaped area that cannot be efficiently irrigated to avoid runoff or overspray.
- O. Projects with Model Homes. A person who obtains a permit to construct a single-family residential development that contains a model home or homes shall provide a summary of this section to each adult visitor that visits a model home. If an adult visitor is accompanied by one or more adults during the visit only one set of written materials is required to be provided. Each model home shall provide an educational sign in the front yard of the model home visible and readable from the roadway that the home faces that states in capital black lettering at least two inches high on a white sign, "THIS MODEL HOME USES WATER EFFICIENT LANDSCAPING AND IRRIGATION."
- P. Recycled Water.
1. A person who obtains a permit for a project that is subject to this section shall use recycled water for irrigation and decorative water features when tertiary treated recycled water is available from the water purveyor who supplies water to the property.
  2. A person using recycled water shall install a dual distribution system for water received from the water purveyor. Pipes carrying recycled water shall be purple.
  3. A person who uses recycled water under this section shall be entitled to an ETAF of 1.0.
  4. This section does not excuse a person using recycled water from complying with all state and local laws and regulations related to recycled water use.
- Q. Landscaping and Irrigation Installation. A person issued a landscape approval for a project shall install the approved landscaping and irrigation system before final inspection of the project.
- R. Landscaping and Irrigation Maintenance.
1. A property owner using water on property subject to a landscape approval shall prepare a maintenance schedule for the landscaping and irrigation system on the project. The schedule shall provide for (1) routine inspection to guard against runoff and erosion and detect plant or irrigation system failure; (2) replacement of dead, dying and diseased vegetation; (3) eradication of invasive species; (4) repairing the irrigation system and its components; (5) replenishing mulch; (6) soil amendment when necessary to support and maintain healthy plant growth; (7) fertilizing, pruning, and

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- weeding and maintaining turf areas; and (8) maintenance to avoid obstruction of motorists' view. The schedule shall also identify who will be responsible for maintenance.
2. After approval of a landscape plan, the owner is required to:
    - a. Maintain and operate the landscaping and irrigation system on the property consistent with the MAWA.
    - b. Maintain the irrigation system to achieve efficiency that meets or exceeds the MAWA.
    - c. Replace broken or malfunctioning irrigation system components with components of the same materials and specifications, their equivalent or better.
    - d. Ensure that when vegetation is replaced, replacement plantings are representative of the hydrozone in which the plants were removed, and are typical of the water use requirements of the plants removed, provided that the replaced vegetation does not result in mixing high-water use plants with low-water use plants in the same hydrozone.
  - S. Certificate of Completion. Each person issued a landscape approval shall submit:
    1. A signed certificate of completion, under penalty of perjury, on a form provided by the City of National City within ten days after installation, that includes the following:
      - a. A statement verifying that the landscaping and irrigation were installed as allowed in the approved landscape and irrigation plan, all recommended approved soil amendments identified in the soil management report were implemented, the installed irrigation system is functioning as designed and approved, the irrigation control system was properly programmed in accordance with the irrigation schedule, and the person operating the system has received all required maintenance and irrigation plans.
      - b. "As-built" plans submitted by the landscape design professional of record showing the changes when there have been significant changes to the landscape plan during the installation of landscaping or irrigation devices or irrigation system components.
      - c. Signature by the landscape design professional of record.
    2. An irrigation schedule that complies with subsection (J) that describes the irrigation times and water usage for the project.
    3. A landscaping and irrigation system maintenance schedule that complies with subsection (R).
    4. A soil management report that complies with subsection (F) if the applicant did not submit the report with the landscape documentation package.
  - T. Waste Water Prevention. No person shall use water for irrigation that results in runoff, low head drainage, overspray or other similar condition, water flows onto adjacent property, non-irrigated areas, structures, walkways, roadways, or other paved areas.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

## *Chapter 18.45 OFF-STREET PARKING AND LOADING*

### **18.45.010 Purpose.**

- A. Intent of this Chapter.

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1. Provide for the establishment of accessory off-street parking and loading facilities incidental to new uses and to major alterations and enlargements of existing uses, in order to prevent or to progressively alleviate traffic congestion and shortage of curb space;
  2. Prescribe minimum off-street parking and loading requirements for the various structures and uses irrespective of the districts in which they occur;
  3. Ensure that off-street parking and loading facilities are designed, developed and maintained in a manner that will assure their usefulness, provide for public safety, and, where appropriate, insulate surrounding uses from their impact.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.45.020 Requirements—General.**

For any structure or use hereafter constructed, established, substantially altered, increased in intensity of use, or changed in, off-street parking and loading facilities conforming to the requirements of this chapter shall be provided on the same lot as the main building or structure or on contiguous property.

- A. Required for New or Moved Structures. Parking and loading facilities shall be provided for all structures and uses hereafter constructed, established, or moved to new sites.
- B. Additional Facilities for Altered Structures—Requirements.
  1. Additional parking and loading facilities need not be provided where any structure is renovated or repaired, provided said structure is not increased in intensity of use or changed to a use requiring additional facilities.
  2. Parking and loading facilities shall be provided in accordance with the requirements for an equivalent new structure where any such structure is in any way structurally altered to the extent of more than twice the latest assessed valuation prior to the alteration. (This provision applies to existing structures which, upon the effective date of the National City Land Use Code, are nonconforming as to parking and loading. The "latest assessed valuation" requirement is identical to the requirement for all nonconforming structures under the nonconforming provisions.)
- C. Increase in Intensity of Use.
  1. For the purpose of this chapter, an increase in the intensity of use of any structure or premises shall mean the addition of dwelling units, employees, gross floor area, seating capacity, or any other unit of measurement specified in this title as a basis for determining required parking and loading facilities.
  2. When the intensity of use of any structure or premises, excluding single-family detached dwellings, is increased by less than fifty percent, parking and loading facilities shall be provided for the increase but not for any existing deficiency in such facilities.
  3. When the intensity of use is increased by more than fifty percent, excluding single-family detached dwellings, parking and loading facilities shall be provided for the entire structure or premises.
  4. When consecutive increases in intensity of use amount to a total increase of more than fifty percent, parking and loading facilities shall be provided for the entire structure or premises. Consecutive increases shall be figured from the effective date of the National City Land Use Code or from the time of the initial construction or establishment, whichever is more recent.
  5. When a single-family detached dwelling is increased or expanded to more than two thousand five hundred square feet of floor area and/or more than four bedrooms, off-street parking facilities

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shall be provided for the increase but not for any existing deficiency in such facilities. Parking facilities required as a result of this chapter may be provided in a garage, carport, or surface space.

- D. Change in Use. When the use of any structure or premises is changed to a different use, parking and loading facilities shall be provided for the different use, in compliance with the provisions of this section for increase in intensity of use.
- E. Permitted Facilities. Any off-street parking or loading facility which is permitted but not required by this title shall comply with all regulations in this chapter governing the location, design, improvement, operation and maintenance of such facilities.
- F. Reduction of Existing Facilities. Accessory parking and loading facilities in existence on the effective date of the National City Land Use Code, or authorized and subsequently established under a building permit issued prior to said effective date, shall not be reduced below, or if already less than, shall not be further reduced below, the requirements for an equivalent new structure or use. All such facilities shall be continued for as long as the structure or use served is continued, or until equivalent facilities are substituted in conformance with the requirements of this title. In no case, however, shall it be necessary to continue parking or loading facilities in excess of those required by this title for equivalent new structures or uses.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

#### **18.45.030 Off-site facilities.**

- A. Off-site Facilities—Recorded Agreements.
  - 1. Where required parking or loading facilities are provided on a lot other than the lot on which the structure or use served is located, as a prerequisite to the issuance of a building permit or certificate of occupancy, the property owners for which the facilities are required to be provided shall record an agreement, approved by the city attorney as to form and content, in the office of the county recorder as a covenant running with the land for the benefit of the city. The agreement shall provide that said facilities shall be continued so long as the structure or use they intended to serve is continued.
  - 2. Said agreement shall remain in effect until satisfactory evidence has been submitted to the planning division either that other parking or loading facilities meeting the requirements of this title have been provided or that the structure or use served has been removed or changed so as to no longer require said facilities. Upon submission of such evidence, the planning division shall remove the restriction from the property.
- B. Off-site Facilities—Certificate of Occupancy for Building or Structure Being Served.
  - 1. Any certificate of occupancy for the structure or use referred to in Section 18.43.030(A) shall be valid only while such parking facilities are continued and shall bear a notation to that effect.
  - 2. Each such certificate shall be continuously displayed in a conspicuous place in the building, or, if there is no building, on the premises. The city manager or his/her designee shall keep a record of each off-site parking or loading facility and shall periodically inspect such facilities to ensure their continuation.
  - 3. If such facilities are not continued, the certificate of occupancy for the structure or use served by the facilities shall be automatically canceled. The building official shall notify the person having custody of said structure or use of the cancellation of the certificate and the reasons therefore. The structure or use shall not thereafter be occupied or used until the required facilities are again provided in accordance with the provisions of this title and a new certificate is issued.

- C. Requirements—General. Where there is a combination of structures or uses on a lot, the total number of parking stalls and loading facilities required shall be the sum of the individual requirements of the various structures or uses on the premises.
- D. Unspecified Uses—Determination of Parking Requirements. Parking requirements for structures and uses not specified in Section 18.45.050 shall be determined by the planning commission based on the requirements for the most comparable structure or use specified.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

**18.45.040 Site plan review required.**

All parking facility improvements shall comply with the provisions of Section 18.12.070 (Site Plan Review). Improvements subject to review include, but are not limited to, driveways, access to streets and alleys, arrangement of parking stalls, aisles and maneuvering areas, signs and traffic-control devices, striping, surfacing, lighting, landscaping, screening, pedestrian walkways, fire access ways, obstructions, traffic flow and protective barriers.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

**18.45.050 Off-street parking requirements by land use.**

The off-street parking and loading spaces as required by this section shall be completed and made available for use, including curb break and driveway installed to the established grade of the street, prior to the occupancy of the building served.

- A. Off-Street Parking Schedule. Each land use shall be provided the number of parking spaces required as determined in Table 18.45.050. In addition, the following information shall be used to determine off-street parking requirements.
  1. Floor Area. Where Table 18.45.050 establishes a parking requirement based on the floor area of a use in a specified number of square feet (e.g., one space per two hundred fifty square feet), the floor area shall be construed to mean gross floor area.
  2. Fractions. Where application of the requirements in Table 18.45.050 results in a fractional requirement, a fraction of 0.5 or greater shall be increased to the next higher number and a fraction of less than 0.5 shall be reduced to the next lower number.

**TABLE 18.45.050  
Schedule of Off-Street Parking Requirements by Land Use**

Uses and Structures	Minimum Parking Spaces Required (Unless Otherwise Specified)
<b>Residential Uses</b>	
Dwelling, single detached (RS-1 zone)	2 covered spaces, plus one additional uncovered space per bedroom greater than four bedrooms or one additional uncovered space for dwellings greater than 2,500 SF, whichever is greater.
Dwelling, single detached (all other RS and RM zones, except within the Westside Specific Plan area)	One covered space and one uncovered space, plus one additional uncovered space per bedroom greater than four bedrooms or one additional uncovered space for dwellings greater than 2,500 SF, whichever is greater.
Dwelling, single attached	1.5 spaces per dwelling unit in a garage or carport

Dwelling, multiple	1.3 spaces per 1-bedroom dwelling unit plus 1.5 spaces per 2-bedroom or more unit, and conveniently located guest parking of ½ space per unit for 20 units or less, plus ¼ space for each unit over 20. Half of the required guest parking spaces may include parking spaces on dedicated public streets along the sides of the streets that are adjacent to the site.
Fraternity, sorority house, or dormitory	1.5 spaces for each sleeping room
Mobile home parks	2 spaces per unit
Rectory	1 garage space per bedroom
Rooming or boarding house	1 space per guest room
Second dwelling unit	1 space in addition to primary residence parking requirements
Senior housing	1 space per unit plus 1 guest space for each 10 units
RS-4 (Westside Specific Plan): Units greater than 1,200 square feet	2 spaces per unit
RS-4 (Westside Specific Plan): Units less than 1,200 square feet	1.7 spaces per unit
Commercial and Office Uses	
Banks and financial institutions	3 spaces per 1,000 square feet floor area
Offices, administrative, clerical, and professional	Number of required parking spaces varies depending on the amount of floor area as identified in the column to the left.
• First 5,000 square feet	• 1 space per 200 square feet floor area
• 5,000 to 10,000 square feet	• 1 space per 250 square feet floor area
• 10,000 to 30,000 square feet	• 1 space per 300 square feet floor area
• 30,000 to 100,000 square feet	• 1 space per 350 square feet floor area
• Over 100,000 square feet	• 1 space per 400 square feet floor area
Offices, medical/dental office or outpatient clinic, veterinary hospitals and clinics	1 space per 300 square feet floor area
Lodging - Hotel, motel, bed and breakfast inn	1 for each guest bedroom, plus 1 for the manager's unit
Restaurant, bar, nightclub, pool hall, bowling alley, or similar establishment	10 spaces per 1,000 square feet floor area
Gasoline service station	1 space per 1,000 square feet of lot area; less the footprint of any convenience store area, plus 3.3 spaces per 1,000 square feet of convenience store area
Commercial recreation, indoor	2.5 spaces per 1,000 square feet floor area
Retail sales	1 for each 250 square feet of floor area
Personal services	1 space per 300 square feet of floor area
Shopping centers with multiple tenants	1 space per 200 square feet floor area
Vehicle repair or service, including car wash	1 space per 500 square feet floor area
Vehicle sales or rental (new and used)	1 space per 500 square feet floor area plus one per every 2,500 square feet outdoor display area
Theater/auditorium, stadium/sports arena	1 space per 5 seats
Mausoleum/crematory	25 spaces per 1,000 square feet of seating area



CL zone (Westside Specific Plan): Office	2.9 spaces per 1,000 square feet floor area
CL zone (Westside Specific Plan): Retail	3.6 spaces per 1,000 square feet floor area
CL zone (Westside Specific Plan): Industrial	2 spaces per 1,000 square feet floor area
Mixed-Uses in the MXD and MXC Zones	
Nonresidential uses	Minimum: 2 spaces per 1,000 square feet floor area
Residential - studio, 1 bedroom, and 2 bedroom units	Minimum: 1 space per unit
Residential - 3 or more bedroom units	Minimum: 1.5 spaces per unit
MCR Zones in the Westside Specific Plan	
Residential units greater than 1200 square feet	1.5 spaces per unit
Residential units less than 1200 square feet	1 space per unit
Office uses	2.9 spaces per 1,000 square feet floor area
Retail uses	3.6 spaces per 1,000 square feet floor area
Industrial uses	2 spaces per 1,000 square feet floor area
Industrial Uses	
Industrial manufacturing and processing uses, waterfront related industry, wholesaling, warehousing, and distribution	1 space for each 1,000 square feet of floor area
Industrial/building supplies and equipment, sales and rentals	1 space per 800 square feet floor area
Research and development	1 space per 400 square feet of floor area
Recycling facilities	2 spaces per 1,000 square feet floor area
Animal boarding/kennel	1 space per 500 square feet floor area
Trucking and transportation terminal	2 spaces per 1,000 square feet floor area plus 1 space for every 2 fleet vehicles
Institutional Uses	
Hospital or other inpatient medical institution	1 space per 3 beds, excluding bassinets
Civic, fraternal, community, and cultural facilities	1 space per every 200 square feet of floor space open to the public plus 1 space per each 300 square feet of administrative office area
Public/religious assembly, fraternal lodge or club, banquet hall/facilities, and similar establishments	1 space for every 35 square feet of seating area
Convention center	1 space per 50 square feet floor area
Child day care center, preschool, or nursery school	2 spaces per 1,000 square feet floor area
Schools, elementary and middle	1.5 spaces per classroom plus one space for each 300 square feet of office area
Schools, high	1 space per each 150 square feet of classroom area plus one space for each 300 square feet office area

Schools, trade, college/university, business, adult education	1 space per 40 square feet of classroom area plus 1 space per 300 square feet of office area
Open Space/Agriculture	
Neighborhood and community farms	Minimum 2 parking spaces, plus one additional space for every acre of garden site lot area over 2 acres. Each garden site that includes a farm stand shall provide 1 additional space for every 250 feet of floor area and outdoor display space.

\*For projects that include an affordable housing component, State law would supersede the parking ratios established in Table 18.45.050.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

**18.45.055 Tandem Parking.**

- A. Tandem parking shall be permitted only in multi-family or mixed-use development for units of three bedrooms or more.
- B. Tandem spaces shall only be permitted in an enclosed parking garage.
- C. Each tandem space shall be reserved for the exclusive use of a three-or-more-bedroom unit and may not be split between units.
- D. A maximum of twenty-five percent of said multi-family or mixed-use development may be provided with tandem parking spaces.
- E. Tandem parking is permitted when a mechanical lift parking device is used. See Section 18.45.100 G.

**18.45.060 Westside specific area plan parking requirements.**

- A. Shared Parking for Mixed Use in MCR-1 and MCR-2 Zones. Shared parking may be considered where fifty percent of the parking may be shared between daytime uses (commercial and office) and nighttime uses (residential).
- B. Joint Parking Arrangements. Joint parking arrangements may be developed on-site or within an off-site parking lot or parking structure located within five hundred feet of the property line of the development.
- C. Tandem Parking.
  - 1. Two-car tandem garages are permitted within the RS-4 zone. A two-car tandem garage shall measure a minimum of ten feet wide by thirty-eight feet long. A tandem parking space within a parking structure shall be a minimum of eight and one-half feet wide by thirty-six feet long.
  - 2. A maximum of twenty-five percent of multi-family development may be provided with tandem parking spaces.
  - 3. Tandem parking is permitted when a mechanical lift parking device is used. See Section 18.45.100.G.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

**18.45.070 Parking for commercial vehicles.**

In addition to the parking spaces required by Table 18.45.050, for owners, occupants, employees, customers, or visitors of structures and uses, one parking space shall be provided for each commercial vehicle used in connection with the operation of any structure or use. Parking spaces for accessory vehicles shall be provided

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within an open or enclosed parking facility on the same lot as the structure or use to which the vehicles are accessory.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.45.080 Opportunities for reduced parking.**

- A. Transportation Demand Management Program (TDM). The planning commission, appealable to city council, may approve a reduction in off-street parking spaces otherwise required by the strict application of this section, subject to conditions it deems appropriate, when the applicant has demonstrated to the City's satisfaction that, due to the TDM program, that the spaces proposed to be eliminated for the subject development are unnecessary and that the reduction will not adversely affect the site or the adjacent area. A TDM program shall include, at a minimum, the following components:
1. A projected reduction in parking demand expressed as a percentage of overall parking demand and the basis for such reduction;
  2. The TDM program actions to be taken by the applicant to reduce the parking demand;
  3. A requirement by the applicant to periodically monitor whether the projected reductions are being achieved; and
  4. A commitment and plan whereby the applicant shall provide additional parking spaces in an amount equivalent to the reduction should the TDM program not result in the projected reduction in parking demand.
- B. Proximity to Transit. The planning commission, appealable to city council, may approve a reduction in off-street parking spaces otherwise required by the strict application of this section, subject to conditions that it deems appropriate, when the subject development is conveniently accessible to a transit station. The transit station must either exist or is programmed for completion within the same time frame as the completion of the subject development. In addition, the subject development shall be located within a quarter-mile radius (one thousand three hundred twenty feet) of the transit station. Such reduction may be approved when the applicant has proven that the parking spaces proposed to be eliminated are unnecessary based on the projected parking demand resulting from the proximity to the transit station and such reduction in parking spaces will not adversely affect the site or the adjacent area. Parking may be reduced to no more than two parking spaces per one thousand square feet of commercial floor area and multi-unit residential parking requirements may be reduced to no more than one space for studio, one-bedroom, and two-bedroom units and two spaces for three-bedroom units. The subject development may be exempt from minimum parking requirements are per Assembly Bill 2097 (AB 2097).
- C. Shared Parking. The planning commission, appealable to city council, encourages parking lots for different structures or uses, or for mixed-uses, to be shared. At the applicant's request, a reduction in off-street parking spaces otherwise required by the strict application of this section, subject to conditions it deems appropriate, when the applicant has demonstrated to the review authority's satisfaction that, due to the shared parking approach, that the spaces proposed to be eliminated for the subject development are unnecessary and that the reduction will not adversely affect the site or the adjacent area. Uses that are sharing the parking facility shall be a maximum of five hundred feet from the closest parking space in a lot providing the shared spaces.
- D. Adjacent On-Street Parking. The planning commission, appealable to city council, may approve a reduction in off-street parking spaces otherwise required by the strict application of this section, subject to conditions it deems appropriate, when the applicant has demonstrated to the city's satisfaction that the spaces proposed to be eliminated for the subject development are unnecessary and that the reduction will not adversely affect the site or the adjacent area. A reduction in parking spaces will only be allowed for adjacent on-street

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parking when said spaces are located along the public street frontage shared with the building's façade. For example, if a building fronting a public street measures one hundred linear feet and four parking spaces are located adjacent to the one hundred linear feet of frontage, the parking reduction may be four spaces. Fractions of spaces will not be permitted to count towards the reduction allowance.

- E. Car-Sharing. The planning commission, appealable to city council, may approve a reduction in off-street parking spaces otherwise required by the strict application of this section, subject to conditions it deems appropriate, when the applicant has demonstrated to the city's satisfaction that the spaces proposed to be eliminated for the subject development are unnecessary and that the reduction will not adversely affect the site or the adjacent area. A reduction of one parking space for each car sharing vehicle space leased by a car sharing program may be allowed for every sixty dwelling units in a multi-unit residential development.
- F. Motorcycle Parking Spaces. Parking lots with forty or more spaces may replace regular spaces with motorcycle spaces. One regular space may be replaced for each forty required spaces. Motorcycle spaces shall be a minimum size of four feet by eight feet. Although more spaces may be provided, a maximum of two and one-half percent of the total parking space requirement based on the strict application of this section may be motorcycle parking spaces provided in lieu of automobile parking space. Motorcycle parking spaces shall be located within one hundred feet of a building entry.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

#### **18.45.090 Parking for disabled persons.**

- A. California Vehicle Code. Properly posted and identified off-street parking stalls reserved for disabled persons shall be provided pursuant to California Vehicle Code Section 21107.8 et seq. or the most recently adopted Chapter 11 of the California Building Code. Such parking stalls shall be included in the minimum number of parking stalls required by this chapter.

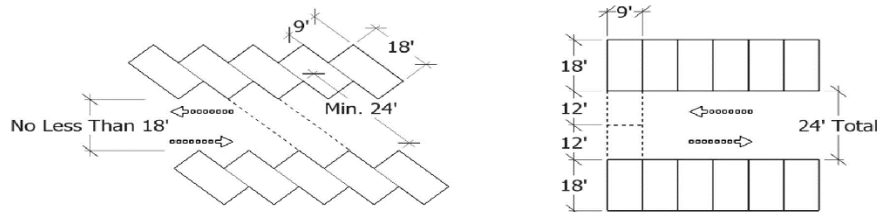
(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

#### **18.45.100 Parking ~~lot~~ design standards.**

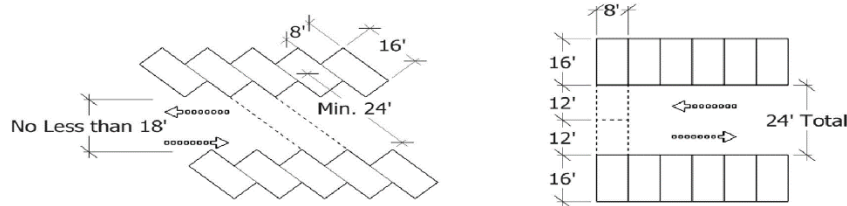
- A. Setbacks.
  - 1. Parking facilities may occupy any portion of a lot, except and as provided by this section.
  - 2. Parking facilities shall not extend into any required yard that adjoins a street lot line.
  - 3. Where a parking facility is on a lot not in a residential zone but which adjoins a residential zone along the same street, the parking facility shall not be located closer to the street lot line than would be permitted on the adjoining residential zone lot or twenty feet, whichever is less. The street setback provided by this provision shall extend for a distance of at least fifty feet from the adjoining residential zone.
  - ~~4. All required yards separating off-street parking areas from street lot lines shall be landscaped in accordance with this chapter, except multi-unit residential projects of eight units or less.~~
  - 5. All parking stalls in an open parking facility shall be setback from any dwelling unit wall on the same lot if the wall contains doors or windows which are on the same or approximately the same level as the parking facility. The setback shall be at least ten feet in width, at least one-half the width of which shall be unpaved.
- B. Minimum Dimensions. Stalls, Back-Up Areas, and Aisles. All parking stalls for a standard size car shall measure no less than nine feet wide and eighteen feet long, except for parallel parking spaces, which shall

[measure no less than nine feet wide and twenty-three feet long](#). All two-way aisles providing access to parking stalls, including compact parking spaces, shall provide a minimum back-up and maneuvering distance of twelve feet for each space. In no instance may a two-way aisle measure less than eighteen feet in width. All one-way aisles providing access to parking stalls, including compact parking spaces, shall provide a minimum back-up and maneuvering distance of twelve feet for each space, but in no instance may a one-way aisle measure less than twelve feet width. The following diagrams illustrate the minimum layout of parking stalls, back-up space, and drive aisles. The minimum back-up area for two-way aisles is twenty-four feet. All aisles shall be adequate to provide safe and efficient access to and from parking spaces, based on minimum standards administered by the city traffic engineer. One foot shall be added to the width of the stall for each side of a stall abutting a building, fence, or other obstruction.

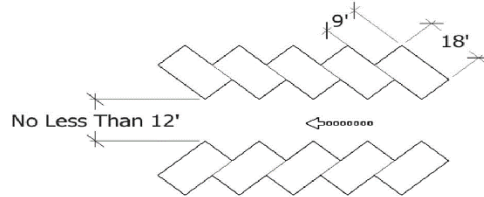
**Parking Lot Design Standards Dimensions**



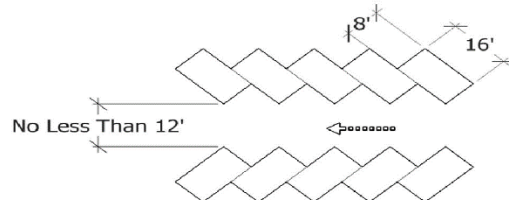
**Standard Size Car  
Minimum Stall, Back-Up, and Two-Way Aisle Dimensions**



**Compact Size Car  
Minimum Stall, Back-Up, and Two-Way Aisle Dimensions**



**Standard Size Car  
Minimum Stall, Back-Up, and One-Way Aisle Dimensions**



**Compact Size Car  
Minimum Stall, Back-Up, and One-Way Aisle Dimensions**

C. Parking Stalls—General Provisions.

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1. Parking Stalls—Openings. All parking stalls shall open directly on a maneuvering or turnaround area, an access driveway, or an aisle leading to an access driveway, and shall be individually and continuously accessible.
  2. Parking Stalls—Location. All parking stalls shall be so located and free of obstructions that parking can be accomplished in a continuous forward movement and unparking can be accomplished with not more than one backing movement and one forward movement.
  3. Vertical Clearance. Each parking space shall have a vertical clearance of at least seven feet.
- D. Driveways and Aisles—General Provisions.
1. Access to Streets or Alleys.
    - a. Access driveways shall be provided between each parking facility and a public street or alley. Lots should not have access from predominantly residential streets, except when the lot is serving a residential use. Residential driveways shall be permitted only on an arterial street where no other access to the property exists.
    - b. One-way driveways and driveways serving a single-family residence shall have a minimum width of twelve feet; except for driveways leading to a single car garage or parking space where the city manager or his/her designee may authorize a lesser width.
    - c. Two-way driveways between a street and private parking facilities shall have a minimum width of eighteen feet. Two-way driveways between a street and public parking facilities shall have a minimum width of twenty-four feet. Two-way driveways within a parking facility connecting separated areas of parking spaces shall have a minimum width of eighteen feet, or as otherwise required by this section.
    - d. Where access is available from any adjoining or abutting alley to any lot proposed for residential or mixed use development in the commercial zones, access to the required residential parking facility shall be from that alley when appropriate to avoid access to commercial collector or arterial streets.
  2. Internal Circulation—Generally. All parking facilities, except those serving not more than two dwelling units, shall be arranged so that:
    - a. Any vehicle entering a public street can do so traveling in a forward motion;
    - b. A vehicle entering the parking facility shall not be required to enter a street to move from one location to any other location within the parking facility or premises.
  3. Internal Circulation—Serving Not More than Two Dwelling Units. Parking facilities serving not more than two dwelling units shall be arranged so that any vehicle entering a street can do so traveling in a forward motion where:
    - a. The parking facility is served by a single access driveway that is less than twenty feet in width and more than one hundred feet in length;
    - b. The access driveway opens upon an arterial street.
  4. Vehicle Maneuver Restrictions. All parking facilities, except those serving not more than two dwelling units, shall be arranged so that parking maneuvers can be accomplished without driving, maneuvering, or encroaching into or upon any public right-of-way, walkway, or unpaved landscaped area within or adjoining the parking facility.
  5. Parking Facilities—Driveway Vertical Clearance. The minimum vertical clearance for driveways shall be thirteen feet six inches to allow for the passage of emergency vehicles, or as required by the city fire department, whichever is greater.

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6. Parking Facilities—Aisles, Approach Lanes, and Maneuvering Areas for Two-Way Traffic. For two-way traffic within parking facilities, all aisles, approach lanes and maneuvering areas shall have a minimum width as specified in this section or as required by the city fire department for emergency access, whichever is greater.
  7. Parking Facilities—One-Way Aisles—Width. One-way aisles shall have a minimum width of twelve feet or as specified in this section, whichever is greater.
  8. Parking Facilities—One-Way Aisles—Directional Markings. One-way aisles shall have directional markings to indicate one-way circulation.
  9. Parking Facilities—Entrances and Exits.
    - a. The location and design of all street or alley entrances and exits for off-street parking facilities shall be subject to the approval of the city engineer, to insure traffic safety.
    - b. Each exit to a parking lot shall be constructed and maintained so that any vehicle leaving the parking lot shall be clearly visible to a person reaching a point ten feet from the edge of the approach to the driveway nearest to him, when the vehicle is at a point distant ten feet from the property line within the parking lot. Exits from parking lots shall be clearly posted with stop signs. Appropriate bumper guards, entrance and exit signs, and directional signs shall be maintained where needed. Upon a finding that parking facilities cause imminent hazard upon adjoining public streets, the city engineer may order the placement and maintenance of such guards and signs. Failure to comply with any such order may be grounds for a finding of a public nuisance.
  10. Vertical Clearance. The minimum vertical clearance for driveways shall be thirteen feet six inches to allow for the passage of emergency vehicles, or as required by the city fire department, whichever is greater.
- E. Compact Car Parking.
1. In the industrial, institutional zones, commercial, and mixed-use zones (except retail uses) twenty-five percent of the parking stalls required by the schedules set out in this section may be allocated to compact car spaces. No compact parking spaces shall be permitted for retail uses and guest and visitor parking.
  2. For residential multifamily use, one parking space may be compact in size for every ten parking spaces required.
  3. All parking spaces provided in excess of the number required by Table 18.45.050 set out in this section may be allocated to compact car spaces.
  4. All parking facilities constructed, installed or modified to incorporate compact car spaces shall comply with the provisions of this section. Design features subject to review shall include, but are not limited to, specific findings of good circulation, adaptability to balance of parking lot, easy identification and adequate signs and pavement markings. The design of such signs and markings shall be subject to approval of the planning division.
  5. Maintenance of parking facilities pursuant to this section shall also include maintenance of all special compact car signs and pavement markings shown on approved site plans or otherwise required by this section.
  6. The dimensions of compact car parking stalls, back-up areas, and drive aisles shall be as indicated in the diagrams in Section 18.45.100(B).
- F. Dimensions for Garage or Carport Areas and Openings.

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1. A one-car garage or carport shall contain an unobstructed interior parking area of a minimum of eleven feet wide by nineteen feet deep. A two-car garage or carport shall contain an unobstructed interior parking area of a minimum of twenty feet wide by nineteen feet deep.
  2. A garage for more than two cars shall contain a minimum area of nine feet by 18 feet for each additional car.
  3. A single-car garage door or opening to a single space carport shall be a minimum of eight feet wide; a two-car garage door or opening to a two-space carport shall be a minimum of sixteen feet wide. For larger parking garages or carports serving multifamily residential or nonresidential development, openings shall be increased in width by at least one foot if a column, post, or similar obstruction is located within at least three and one-half feet of the opening to the stall.
- G. Mechanical Lift Parking. Mechanical lifts for vertical storage of vehicles are permitted in the Downtown and Westside Specific Plan areas. Each vertically stacked space shall count as one space. Mechanical lifts shall be completely enclosed or fully screened from street view and adjacent residential zones. Vertically stacked vehicles are exempt from the seven-foot vertical clearance requirement. All mechanical parking equipment must be designed, installed, constructed, and maintained so as to be reasonably safe to life, limb, and adjoining property and must be reviewed by the city manager or his/her designee prior to installation or construction.
- H. Motorcycle Parking. Each motorcycle parking space shall measure at least four feet wide and thirty-two square feet in total area. Motorcycle parking spaces shall be located within one hundred feet of a building entry.
- I. Pedestrian Walkways.
1. All parking facilities shall have safe, unobstructed, convenient, well-drained pedestrian access by provision of walks, steps or stepped ramps, so constructed as to assure reasonable durability and economy of maintenance.
  2. Pedestrian walkways shall be a minimum of five feet in width. Pedestrian walkways located immediately adjacent to and perpendicular to a parking stall shall be a minimum of six feet.
  3. The preferred gradient for pedestrian walkways is no greater than five percent. Pedestrian walkways shall not exceed a gradient of twelve percent. Pedestrian walkways between five percent and twelve percent gradients shall be provided with handrails.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.45.110 Loading requirements.**

- A. General Provisions.
1. On the same premises with every building, structure or part erected and occupied in the commercial or industrial zones, there shall be provided and maintained, on the lot, adequate space for standing, loading and unloading services, in order to avoid undue interference with public use of the streets or alleys.
  2. Such space, unless otherwise adequately provided for, shall include one twelve-foot by fifty-foot loading space with a fourteen-foot height clearance for every twenty thousand square feet or fraction thereof of building floor area, or for every twenty thousand square feet or fraction thereof of land use.
  3. All loading facilities shall be improved in accordance with the requirements established for parking facilities by this section.



4. Required loading facilities shall be used exclusively for the loading and unloading of vehicles concerned with the transportation of goods or materials. Loading facilities shall not be used to satisfy the stall requirements for parking facilities, nor shall they be used for the sale, display, rental or repair of motor vehicles.
  5. Loading facilities shall be screened as provided in this section except that all loading berths exceeding twenty-five feet in length which are located within fifty feet of a residential zone shall be enclosed or screened from the residential zone by a solid masonry wall not less than six feet nor more than eight feet in height.
  6. No interior landscaping of loading areas shall be required.
  7. All loading facilities shall be arranged so that any vehicle utilizing the facility may enter a street traveling in a forward motion.
  8. Each loading berth shall open directly upon a maneuvering or turnaround area, an access driveway, an aisle leading to an access driveway, or an alley, and shall be easily accessible.
  9. All access driveways serving loading facilities shall conform to the requirements established in this section for parking facility access driveways, but in addition shall be located so that any street entrance or exit to or from the loading facility is at a point at least fifty feet from the nearest point of intersection of any two streets and at least thirty feet from any lot in a residential district.
- B. Number of Spaces Required. The following loading and unloading spaces shall be provided and maintained as specified below for the use to which the property is devoted. Fractional requirements are omitted. Encroachment of the loading space on a public right-of-way is not permitted.
1. Retail and wholesale markets, warehouses, hotels, hospitals, laundry and dry cleaning establishments and other places where large amounts of goods are received and shipped, no loading space is required for a building less than ten thousand square feet in gross floor area.
  2. For such buildings with ten thousand to forty thousand square feet in gross floor area, one off-street loading space shall be required.
  3. For such buildings with greater than forty thousand square feet in gross floor area, one off-street loading space is required for each forty thousand square feet in total gross floor area.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

**18.45.120 Bicycle parking.**

- A. Number of Spaces Required. The following minimum off-street bicycle parking facilities shall be required for all new or expanded developments. Calculation of bicycle parking facilities shall be based on the off-street vehicle parking spaces required prior to consideration of any vehicle parking reduction measures. Fractional requirements up to one-half shall be omitted. One-half or over shall require one space. Calculation of bicycle parking facilities for mixed use land uses shall be based on the individual use as identified in Table 18.45.120A, below.

**TABLE 18.45.120A  
Bicycle Parking Requirements by Land Use**

Use	Required Number of Bicycle Parking Spaces
Multi-family residential	1 for every 10 vehicle parking spaces
Senior housing	1 space for every 20 dwelling units
Health care facilities	1 space for every 10 vehicle parking spaces
Retail commercial, public and civic	1 space for every 20 vehicle parking spaces

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(Supp. No. 57)

Public assembly, health clubs, hotels, private clubs and lodges	1 space for every 10 vehicle parking spaces
Business, professional, and corporate office	1 space for every 10 vehicle parking spaces
Industrial	1 space for every 10 vehicle parking spaces

B. Bicycle Parking Design.

1. 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. Space allowances shall be thirty inches wide and six feet long per bicycle and include a five-foot maneuvering space behind the bicycle. At least seven feet of vertical clearance is required.
2. The facilities shall be located on a hard dust-free surface, such as asphalt or a concrete slab.
3. Bicycle parking facilities shall be located in view of building entrances or in view of windows and/or security personnel stations. At least fifty percent of required bicycle parking must be located within fifty feet of a customer entrance, and the remainder must be located within one hundred feet of any entrance.
4. Bicycle spaces shall be separated from sidewalks, motor vehicle parking spaces or aisles by a fence, wall, or curb, or by at least five feet of open area, marked to prohibit motor vehicle parking.

- C. Required Shower Facilities. All new buildings and additions to existing buildings that result in a total floor area as shown in the following table are encouraged to provide employee showers and dressing areas for each gender as shown in the following Table 18.45.120B.

**TABLE 18.45.120B  
Required Number of Showers**

Land Use	Number of Showers Required for Specified Building Floor Area	
	1 Shower for Each Gender	1 Additional Shower for Each Gender
Office use (business, professional)	50,000 to 149,000 square feet	Each 100,000 square feet over 150,000
Retail trade and services	100,000 to 299,999 square feet	Each 200,000 square feet over 300,000
Industrial/manufacturing	50,000 square feet or more	N/A

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

## *Chapter 18.46 OUTDOOR LIGHTING*

### **18.46.010 Purpose.**

A. Intent and Purpose of this Chapter.

1. To provide reasonable restrictions and limitations upon the use of lighting in or near the residential zones of the city so as to prevent lighting from creating a nuisance to residents within said residential zones. It is recognized that lighting is widely used in commercial or industrial zones for the purpose of advertising and security and that such lighting is essential to the conduct of many commercial or industrial enterprises.

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2. The city acknowledges that protective security lighting in residential zones constitutes a deterrent to crime and an aid in law enforcement and contributes generally to the safety of those persons residing in such residential zones. It is further accepted that properly controlled lighting in residential areas used for landscaping and highlighting of architectural features of buildings and structures enhances and promotes the aesthetic condition of the property and the general welfare of the area.
  3. It is equally recognized that lighting, by virtue of its intensity, brightness, direction, duration and hours of operation, can constitute a nuisance to adjacent residential dwellers. The purpose and intent of this section is to establish outdoor lighting standards that reduce the impacts of glare, light trespass, overlighting, skyglow, and poorly shielded or inappropriately directed lighting fixtures and that promote safety and energy conservation.
  4. It is the intent of the city to adopt this section to encourage the continued and appropriate use of lighting for the purposes set forth in this section, but to require that said lighting be regulated and controlled in a manner so as to avoid the creation of a public nuisance in residential areas. All outdoor lighting in National City shall be regulated by this Land Use Code and by the State of California Title 24 Energy Efficiency Standards for outdoor lighting requirements.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

#### **18.46.020 Applicability.**

- A. New Uses, Buildings, and Additions. Unless specifically exempted elsewhere in this chapter, the provisions of this chapter shall apply to all outdoor lighting for proposed new land uses, developments, buildings, structures, or building additions that require a permit.
- B. Nonconforming Uses, Structures, or Lots. Whenever a nonconforming use, structure or lot is abandoned for a period of one year and then recommenced or changed to a new use, then any existing outdoor lighting shall be reviewed and brought into compliance with the provisions of this chapter as necessary for the entire building, structure or premises, to the maximum extent possible as determined by the planning division.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

#### **18.46.030 General standards.**

- A. Outdoor Lighting Fixtures. All outdoor lighting fixtures shall be designed, shielded, aimed, located, and maintained to shield adjacent properties and to not produce glare onto adjacent properties or roadways. Parking lot light fixtures and light fixtures on buildings shall be full cut-off fixtures.
- B. Street Lighting. Street lighting shall be provided in accordance with the requirements of the National City Standards Manual.
- C. Prohibited Lighting. Flashing, revolving, intermittent exterior lighting or internally illuminated signs are prohibited. High intensity light beams, such as, but not limited to, outdoor searchlights, lasers, or strobe lights shall be prohibited.
- D. Lighting for Safety. In all multiple family residential, commercial, or industrial developments, all sites shall be well lit so as to provide safe pedestrian and vehicular access and to eliminate dark areas.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

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#### **18.46.040 Lighting plan requirements.**

- A. Exterior Lighting Plan. The applicant shall submit to the planning division sufficient information, in the form of an overall exterior lighting plan, to enable the director to determine that the applicable provisions will be satisfied. The exterior lighting plan shall include, at a minimum, the following information:
1. Manufacturer specification sheets, cut sheets or other manufacturer provided information for all proposed lighting fixtures.
  2. The proposed location, mounting height, and aiming point of all exterior lighting fixtures.
  3. If building elevations are proposed for illumination, drawings shall be provided for all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, the luminance levels of the elevations, and the aiming point for any remote light fixture. If only architectural lighting below five foot-candles is proposed, this section or any portion of it may be waived by the director.
  4. A brief written narrative which describes the objectives of the lighting.
  5. Photometric data, Color Rendering Index (CRI) of all lamps (bulbs), and other descriptive information of the fixtures, and, if applicable or required, designation as Illuminating Engineering Society of North America (IESNA) "cut-off" fixtures.
  6. A computer generated photometric grid showing foot-candle readings every ten feet within the property or site, and ten feet beyond the property lines at a scale specified by the director. Iso foot-candle contour line style plans may be substituted for the photometric grid.
  7. For exterior lighting installations within fifty feet of upper level living units, horizontal and vertical projection of photometric data is required.
  8. If needed to review proposed exterior lighting installations, the director may require additional information following the initial lighting plan submittal, including but not limited to:
    - a. Landscaping information that indicates mature tree size;
    - b. Shrubbery and other vegetation in order to evaluate the long-term and seasonal effectiveness of lighting or screening of lighting.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

#### **18.46.050 Security lighting.**

- A. Defined. For the purposes of this section, security lighting is defined to include the following: lighting intended to reduce the risk (real or perceived) of personal attack and lighting intended to discourage intruders, vandals, or burglars, and to protect property.
- B. Shielded and Aimed. All security lighting fixtures shall be shielded and aimed so that illumination is directed only within the owner's property boundaries and not cast on other areas. In no case shall lighting be directed above a horizontal plane through the top of the lighting fixture, and the fixture shall include shields that prevent the light source or lens from being visible from adjacent properties and roadways. The use of general floodlighting fixtures shall be prohibited unless it meets the shielding requirements of this section.
- C. Vertical Surfaces. Security lighting may illuminate vertical surfaces (e.g. building facades and walls) up to a level eight feet above grade or eight feet above the bottoms of doorways or entries, whichever is greater.
- D. Pole-Mounted. Security lighting fixtures may be mounted on poles located no less than ten feet from the perimeter of the property boundary.

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- E. Site Perimeters. Security lights intended to illuminate a perimeter (such as a fence line) shall include motion sensors and be designed to be off unless triggered by an intruder located within five feet of the perimeter. The zone of activation sensors must be within the property boundaries of the property wishing to be illuminated.
  - F. Timers and Photocells. Security lights shall combine timers with dusk-to-dawn photocells to ensure lights are on only when it is dark.
  - G. Requirements. In addition to the application materials set forth in the general provisions of this section, applications for security lighting installations shall include a written description of the need for and purposes of the security lighting, a site plan showing the area to be secured and the location of all security lighting fixtures, specifications of all fixtures, the horizontal and vertical angles in which light will be directed, and adequate cross-sections showing how light will be directed only onto the area to be secured.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

#### **18.46.060 Accent lighting.**

Architectural features may be illuminated by uplighting, provided that the light is effectively contained by the structure, the lamps are low intensity to produce a subtle lighting effect, and no glare or light trespass is produced. For national flags, statues, public art, or other objects that cannot be illuminated with down lighting, upward lighting may only be used in the form of two narrow-cone spotlights that confine the illumination to the object of interest.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

#### **18.46.070 Lighting standards for uses within fifty feet of residential zones.**

- A. For Uses Within Fifty Feet of Residential Zones.
  - 1. Lighting poles shall be no taller than twenty feet.
  - 2. Lighting fixtures shall be aimed and shielded in a manner that shall not direct illumination on adjacent residential zones. Fixtures shall be of a type or adequately shielded to prevent glare from normal viewing angles.
  - 3. At the discretion of the review authority and, where feasible, additional landscaping may be used to provide light screening between commercial zones and residential zones to help prevent light trespass. Where landscaping is used for light screening, the director shall take into consideration the applicable landscaping standards, the design standards, the creation of excessive shadows or dark spaces, and views into and out of a site.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

#### **18.46.080 Parking lot lighting.**

- A. Standards.
  - 1. Parking lots shall comply with the standards of this chapter in addition to the other requirements of this title.
  - 2. Parking lot lighting shall be designed to provide for uniform lighting throughout the facility with no dark patches or pockets.

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3. Parking lot lighting shall be designed to provide sufficient lighting to identify parking features and provide pedestrian safety.
  4. In order to direct light downward and minimize the amount of light spilled into the dark night sky, all lighting fixtures serving parking lots, shall be full cut-off fixtures as defined by the Illuminating Engineering Society of North America (IESNA).
  5. The maximum permissible mounting height of all parking lot lighting shall be thirty feet unless otherwise specified in this chapter.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

#### **18.46.090 Lighting of outdoor performance, sport and recreational facilities.**

##### A. Events and Special Activities.

1. Lighting levels and pole heights for outdoor performance, sports, and recreation facilities shall not exceed by more than five percent of the Illuminating Engineering Society of North America published standards for the proposed activity.
2. Where playing fields or other special activity areas are to be illuminated, lighting fixtures shall be specified, mounted, aimed and shielded so that their beams fall within the primary playing area and immediate surroundings, and so that no direct illumination is directed off the site.
3. The main lighting shall be turned off as soon as possible following the end of the event. The main lighting shall not remain on longer than thirty minutes following the end of the event. Where feasible, a low level lighting system shall be used to facilitate patrons leaving the facility, cleanup, nighttime maintenance and other closing activities. The low level lighting system shall provide a horizontal illumination level at grade of no more than four foot-candles.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

#### **18.46.100 Lighting for multi-unit attached residential projects.**

In all multi-unit attached residential developments, light fixtures for walks, steps, parking areas, driveways, on-site streets, and other facilities shall be provided in keeping with the type of development and at locations to assure safe and convenient nighttime use. Fixtures shall be designed in keeping with the project and shall be properly shaded to screen the windows of habitable rooms from the direct rays of light. All outdoor lighting shall be so shielded and adjusted that the light is directed to fall only on the same premises upon which the light source is located. All outdoor security and safety lighting shall be installed in accordance with the standards in this chapter.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

#### **18.46.110 Standards for single-family residential uses.**

##### A. Standards.

1. Protective security lighting, landscape lighting or architectural highlighting, properly directed and shielded, may be operated at all hours of the night.
2. Luminaires providing outdoor lighting and permanently mounted to a residential building or to other buildings on the same lot are allowed.

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(Supp. No. 57)

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3. Motion sensors with integral photo-control area and high-efficacy dust-to-dawn lighting are encouraged.
  4. Permanently installed luminaires in or around swimming pools, water features, or other locations subject to Article 680 of the California Electrical Code need not be high-efficacy luminaires.
  5. Lighting for single-family residential uses shall be directed to fall only on the same premises upon which the light source is located.
  6. Floodlighting is discouraged, and if used, must be shielded to prevent:
    - a. Disability glare for drivers or pedestrians;
    - b. Light trespass beyond the property line; and
    - c. Light above a horizontal plane. "Wallpack" type fixtures are not permitted.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

## ***Chapter 18.47 SIGNS ON PRIVATE PROPERTY AND PUBLIC PROPERTY NOT OWNED BY THE CITY OR ITS AFFILIATED AGENCIES<sup>2</sup>***

### **18.47.010 Title.**

This chapter shall be known as the Regulatory Sign Ordinance of the City of National City, California.

(Ord. No. 2016-2411, § 2, 4-5-2016)

### **18.47.020 Authority, scope, intent, purposes.**

- A. Authority. This chapter is enacted pursuant to the city's general and police powers, California Constitution Article XI, Section 7; California Government Code Sections 65000 *et seq.*, 65850(b), 38774, and 38775; Business and Professions Code Sections 5200 *et seq.*, 5230, 5490 *et seq.*, 13530 *et seq.* and 13540; Penal Code Section 556 *et seq.*; and other applicable state laws.
- B. Scope. This chapter regulates signs, as defined herein, which are located within the corporate limits of the City of National City and over which the city has land use regulatory authority, but not on city owned land. Signs on city land are subject to Chapter 13.28. Signs used in conjunction with parades, protests, demonstrations and outdoor public assemblies are regulated as temporary uses under Chapter 15.60.
- C. Intent. By adoption of this chapter, the city council intends to create and implement a comprehensive system for the regulation of signs within the scope of this chapter, with a regulation system that: 1) accommodates the expression rights of the First Amendment to the U.S. Constitution and the corollary provisions of the California Constitution; 2) comports with all applicable principles of federal and state constitutional, statutory and administrative law.

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<sup>2</sup>Editor's note(s)—Ord. No. 2016-2411, § 2, adopted April 5, 2016, amended Ch. 18.47Editor's note(s)—, §§ 18.47.010Editor's note(s)—18.47.270 in its entirety, in effect repealing and replacing said chapter to read as herein set out. The former Ch. 18.47Editor's note(s)— pertained to signs and outdoor advertising displays and derived from Ord. No. 2012-2372, Exh. B-1, 2-7-2012.

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- D. Purposes and Interests Served. The purposes of this chapter include, but are not limited to: 1) serving the governmental and public interests in controlling visual clutter, community esthetics, and safety of drivers, passengers, and pedestrians; 2) aiding in the identification of properties, land uses, enterprises and other establishments; 3) enhancing the general appearance and esthetics of the urban environment; and 4) protecting the natural beauty of the city's open space.

(Ord. No. 2016-2411, § 2, 4-5-2016)

#### **18.47.030 Basic principles.**

- A. Message Neutrality Policy. It is the policy of National City to regulate signs in a manner that does not favor commercial speech over noncommercial speech and does not regulate protected noncommercial speech by message content.
- B. Message Substitution Policy. A constitutionally protected noncommercial message may be substituted, in whole or in part, for any allowed commercial message or any other protected noncommercial message, provided that the sign structure or mounting device is legal. Any substitution shall require the private property owner's consent. The purpose of this provision is to prevent any favoring of commercial speech over non-commercial speech, or favoring of any particular protected noncommercial message over any other protected noncommercial message. The message substitution policy does not: 1) create a right to increase the total amount of sign display area on a site or parcel; 2) create a right to substitute an off-site commercial message in place of an onsite commercial message or in place of a noncommercial message; 3) affect the requirement that a sign structure or mounting device must be properly permitted; 4) authorize changing the physical method of image presentation (such as digital or neon) display without a permit; or 5) authorize a physical change to the sign structure without compliance with applicable building codes, safety codes, and neutrally-applicable rules for sign size, height, orientation, setback, separation or illumination.
- C. Enforcement Authority. The director is authorized and directed to administer and enforce this chapter.
- D. Administrative Interpretations. Interpretations of this chapter are to be made initially by the director in consultation with the city attorney. The director may refer an interpretation question to the planning commission. All interpretations of this chapter are to be exercised in light of the message neutrality and message substitution policies. Where a particular type of sign is proposed, and the type is neither expressly allowed nor prohibited by this chapter, or whenever a sign does not qualify as a "structure" as defined in the building code, as adopted by the city, then the planning commission or director, as applicable, shall approve, conditionally approve or disapprove the application based on the most similar sign type, using physical and structural similarity, that is expressly regulated by this chapter.
- E. Responsibility for Compliance. The responsibility for compliance with this chapter rests jointly and severally upon the sign owner, the permit holder, all parties holding the present right of possession and control of the property whereon a sign is located, mounted or installed, and the legal owner of the lot or parcel, even if the sign was mounted, installed, erected or displayed without the consent or knowledge of the owner and/or other parties holding the legal right to immediate possession and control.
- F. Onsite-Offsite Distinction. Within this chapter, the distinction between onsite signs and offsite signs applies only to commercial messages. It does not apply to non-commercial messages.

(Ord. No. 2016-2411, § 2, 4-5-2016)

#### **18.47.040 Definitions.**

The following definitions apply to this chapter, and to other chapters when cross-referenced by such other chapters.



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"Banner" means any flexible material, such as cloth, plastic, vinyl, paper, cardboard or thin metal, with or without a message, attached outdoors to a building, structure or mounting device, or attached indoors to a building, structure or mounting device so as to be visible from the exterior of a building, or structure. The term "banner" includes a pennant, flag, or bunting.

"Billboard" means a permanent sign structure in a fixed location which meets any one or more of the following criteria: (1) it is used for the display of off-site commercial messages; (2) the message display area, or any part thereof, is made available to message sponsors other than the owner(s) or operator(s) of the sign, typically for a fee or other consideration, i.e., it is general advertising for hire; (3) the sign is a principal or secondary use of the land, rather than appurtenant or accessory to some other principal use of the land.

"Bunting" means a form of banner that is typically presented and displayed in a folded or gathered fashion or combination. It may include a display in combination with a flag or banner. Depending on the format of the display, the term may be synonymous with banner.

"Changeable copy sign" means a sign displaying a message that is changed by means of moveable letters, slats, lights, light emitting diodes, or moveable background material. "Digital signs," "dynamic signs," and CEVMS (changeable electronic variable message signs) are all within this definition.

"City" means the City of National City California.

"City property" means any parcel of land or separately leasable space over which the city or any of its related entities, holds the present right of possession and control, regardless of who may hold legal fee title, or that is within the public right-of-way.

"Commercial mascot" means a person or animal attired or decorated with commercial insignia, images, costumes, masks, or symbols, and/or holding signs displaying commercial messages, when a principal purpose is to draw attention to or advertise a commercial enterprise. This definition includes "sign twirlers," "sign clowns," "sign spinners," "sign twirlers," and "human sandwich board" signs. Also known as "living signs."

"Commercial message" means a message that proposes a commercial transaction or pertains primarily to the economic and commercial interests of the message sponsor and/or the sign audience.

"Construction site sign" means a sign that is displayed on the site of a construction development project during the period of time of actual construction.

"Digital display" means display methods utilizing LED (light emitting diode), LCD (liquid crystal display), plasma display, projected images, or any functionally equivalent technology, and which is capable of automated, remote or computer control to change the image, either in a "slide show" manner (series of still images), or full motion animation, or any combination of them.

"Director" means the city manager or designee.

"Directional sign" is a sign used to provide directions to pedestrians and vehicular traffic.

"Election period" means that period of time which begins sixty days before a special, general, or primary election in which at least some registered voters in the city are eligible to vote, and ends ten days after such election.

"Establishment" means any legal use of land, other than long-term residential, which involves the use of structures subject to the building code. By way of example and not limitation, this definition includes businesses, factories, farms, schools, hospitals, hotels and motels, offices and libraries, but does not include single-family homes, mobile homes, residential apartments, residential care facilities, or residential condominiums. Multi-unit housing developments are considered establishments during the time of construction; individual units are not within the meaning of establishment once a certificate of occupancy has been issued or once a full-time residency begins.

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"Establishment premises" means a specific occupancy within a building or upon a parcel of land, typically having a specific address and discrete entrance(s) and exit(s) so as to maintain a specific identity and location.

"Flag" means a piece of fabric or other flexible material, usually rectangular, of distinctive design, used as a symbol.

"Freestanding sign" means a sign which is principally supported on the ground by one or more uprights, braces, poles, pylons or other similar structural components. This category includes both monument and pole signs.

"Frontage" when used as a measurement reference of a building or establishment premises, shall refer to the distance between the two most distant corners of a building measured in a straight line along the building face bordering the adjoining street. See glossary pertaining to frontage when made applicable to a parcel of land. The term also refers to the elevation of a building that abuts or adjoins a private or public right-of-way or parking lot.

"Garage sale sign" means a sign whose message concerns short-term rummage, estate, boutique, or garage sales of used or handmade common household items from a residential property.

"General advertising," also known as "general advertising for hire," means the enterprise of advertising or promoting other businesses or causes using methods of advertising, in contrast to self-promotion or on-site advertising.

"Height" means the distance measured vertically from grade to the highest point or portion of the object to be measured or height limited.

"Illegal sign" means a sign that was installed without proper city or other required approvals and/or permits at the time it was initially installed, and which has not been legalized by later action. This definition also includes a sign that was erected in conformance with all applicable laws, rules, and regulations in effect at the time of installation, but which was subsequently altered so as to be out of compliance with applicable law, including the terms of permits which authorized construction. All signs described in Business and Professions Code Section 5499.1 and defined therein as an "illegal on-premises advertising display" are also within this definition.

"Illuminated sign" means a sign whose message is made readable by internal or external lights or light emitting diodes (or functionally equivalent technology), typically (but not necessarily) during hours of darkness.

"Install" or "installation" includes but is not limited to the act by which a sign is constructed or placed on land or a structure, or the act of attaching, painting, printing, producing, or reproducing, or using any other method or process by which a visual message is presented or placed upon a surface.

"Legal nonconforming sign" means a sign that complied with all applicable laws, rules and policies at the time of installation, and which has not been expanded beyond the originally applicable rules, but which does not conform to currently applicable law and rules.

"Mobile billboard" means a sign on a wheeled conveyance (whether motorized or not) or water craft, including those which carry, convey, pull or transport any sign used for general advertising for hire. The term does not include vehicles and vessels that display identification information concerning the usual business or regular work of the vehicle/vessel owner (not including general advertising).

"Motor fuel price sign" means a sign of the type described and required by Business and Professions Code section 13530 et seq.

"Monument sign" means a low-profile freestanding sign supported by a structural base or other solid structural features other than support poles, which may contain copy on more than one side.

"Mural-type sign" means a sign painted on the exterior wall of a building consisting of graphics or images, either alone or in combination with letters. Mural-type signs shall be treated as any other sign subject to the signage area requirements.

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"Non-commercial message" means a constitutionally protected message that addresses topics of public concern or controversy such as, by way of example and not limitation, politics, religion, philosophy, science, art or social commentary.

"Offsite sign" means a sign that advertises commercial products, accommodations, services, or activities not provided in or on the property or premises upon which it is located. The on-site/off-site distinction does not apply to non-commercial messages.

"Onsite sign" means a sign that advertises the commercial business, accommodation, services, or activities provided on the premises on which the sign is located, or is expected to be provided in the near future, such as "coming soon" movie posters. In the case of developments subject to a master sign program, all establishments subject to the program are considered on-site whenever located within any location subject to the program. All establishments within a shopping center are on-site as to any sign(s) also located within that shopping center. The on-site/off-site distinction does not apply to non-commercial messages.

"Outdoors" means a location on undeveloped property or the exterior of a building or structure.

"Parcels" or "property" or similar references or descriptions mean parcels defined or delineated by assessor parcel numbers maintained by the County tax assessor or as defined in the glossary of this Code.

"Pennant" is a banner with three sides, or swallow-tail form.

"Permanent sign" means a sign that is solidly attached to a building, structure, or the ground by means of mounting brackets, bolts, welds, or other combination of attachment methods, thereby rendering the sign non-moveable or difficult to reposition without the use of machinery, cutting devices, or mechanical devices. See also "temporary sign."

"Pole sign" means a permanently mounted, freestanding sign which is supported above the ground by one or more uprights, braces, poles, or other similar structural components.

"Projecting sign" is any sign which projects beyond a building face and uses a wall or vertical element of a building as its main source of support. The term includes a double-faced sign that is installed more or less perpendicular to the face of a building so as to allow a message to be viewable from either side. The term does not include signs that are installed along the face of a building and that are completely attached to the face of a building.

"Real estate sign" means any sign whose message concerns a proposed economic transaction involving real estate, including all signs described in Civil Code 713.

"Residential sign" means a sign displayed on a legal, individual dwelling unit. The term does not apply to management offices of apartment complexes or mobile home parks, or to hotels, motels, inns or other places of transient occupancy.

"Responsible party" means the permittee, property owner, or owner or person in charge of the sign.

"Rooftop sign" or "roof-mounted sign" means a sign that extends above the ridgeline of the roof of a building or a sign attached to any portion of the roof of a building.

"Safety codes" refers to the building, electrical, plumbing, grading, and similar codes which ensure safe construction.

"Shopping center" shall mean a group of commercial buildings as defined in the glossary.

"Sign" as used in this chapter, generally means the public display of any visually communicative image placed on public display and visible from the exterior of any portion of the public right-of-way or place open to passage by the public. Notwithstanding the generality of the foregoing, the term "sign" does not include:

1. Aerial banners towed behind aircraft;

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2. Architectural features—Decorative or architectural features of buildings (not including lettering, trademarks or moving parts), which do not perform a communicative function (examples include color stripes around an office building or retail store);
  3. Automated teller machines (ATMs), when not used for general advertising;
  4. Cornerstones and foundation stones;
  5. The legal use of fireworks, candles and artificial lighting not otherwise regulated by this chapter;
  6. Grave markers, gravestones, headstones, mausoleums, shrines, and other markers of the deceased;
  7. Historical monuments, plaques and tablets;
  8. Holiday and cultural observance decorations displayed in season, including inflatable objects, on private residential property which are on display for not more than forty-five calendar days per year (cumulative, per dwelling unit) and which do not include commercial messages;
  9. Inflatable gymnasiums associated with legal residential uses—Inflatable, temporary, moveable, gymnasium devices commonly used for children's birthday parties, and similar devices (also called "party jumps" or "bounce houses");
  10. Interior graphics—Visual communicative devices that are located entirely within a building or other enclosed structure and are not visible from the exterior thereof;
  11. Manufacturers' marks—Marks on tangible products, which identify the maker, seller, provider or product, and which customarily remain attached to the product even after sale;
  12. Mass transit graphics—Graphic images mounted on duly licensed and authorized mass transit vehicles that legally pass through the city;
  13. News racks, newspaper vending devices and newsstands;
  14. Personal appearance: makeup, masks, wigs, costumes, jewelry, apparel and the like, unless it constitutes a commercial mascot;
  15. Safety warnings on motorized or electrified equipment;
  16. Searchlights used as part of a search and rescue or other emergency service operation (this exclusion does not apply to searchlights used as attention attracting devices for commercial or special events);
  17. Shopping carts, golf carts, horse drawn carriages, and similar devices (any motorized vehicle which may be legally operated upon a public right-of-way is not within this exclusion);
  18. Symbols embedded in architecture—Symbols of non-commercial organizations or concepts including, but not limited to, religious or political symbols, when such are permanently integrated into the structure of a permanent building which is otherwise legal, by way of example and not limitation, such symbols include stained glass windows on churches, carved or bas relief doors or walls, bells and religious statuary;
  19. Vehicle and vessel insignia—On street legal vehicles and properly licensed watercraft: license plates, license plate frames, registration insignia, non-commercial messages, messages relating to the business of which the vehicle or vessel is an instrument or tool (not including general advertising) and messages relating to the proposed sale, lease or exchange of the vehicle or vessel.
  20. Vending machines, automated intake devices and product dispensing devices which do not display off-site commercial messages or general advertising messages;
  21. Window displays—The display of merchandise in a store window, when such merchandise is immediately available for purchase.

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"Signage" is the collective noun for all signs on a given parcel, lot or location, or within a stated classification;

"Sign area" means that portion of a sign which consists of visually communicative copy, including the advertising surface and any framing, trim, or molding but not including the supporting structure, measured one side only, provided that the angle between faces for two-sided signs does not exceed thirty degrees.

"Sign copy" means the visually communicative elements, including but not limited to words, letters, numbers, designs, figures, or other symbolic presentation incorporated into a sign with the purpose of attracting attention to the subject matter or message.

"Sign face" means the portion of a sign that is available for displaying sign copy, together with any frame, color, panel, ornamental molding, or condition which forms an integral part of the sign copy and which is used to differentiate such sign copy from any wall or background against which it may be placed. Those portions of the supports, uprights, or base of a sign that do not function as a sign shall not be considered as part of a sign face.

"Sign height" means the vertical distance of a sign from the uppermost point used in measuring the sign area to the ground immediately below such point or to the level of the upper surface of the nearest curb of a street or alley (other than a structurally elevated roadway), whichever measurement permits the greater elevation of the sign.

"Special event" means an activity or event that occurs rarely or irregularly, is open to the public, and is of a duration not exceeding seven days. Any event that is subject to a temporary use permit will be considered within this definition. By way of example and not limitation, special events include circus or carnival runs, 4<sup>th</sup> of July Festival, Easter Egg Hunt, Relay for Life, Christmas Tree Lighting, parking lot sales at shopping centers and malls, holiday celebrations, Auto Heritage Day, etc.

"Temporary message" means a message that pertains exclusively to an event which occurs on, or ends on, a particular day.

"Temporary sign" means a sign that is constructed of lightweight or flimsy material, and is easily installed and removed using ordinary hand tools. Any sign that qualifies as a "structure" under the Building Code is not within this definition.

"Visibility triangle" means at the intersection of any two or more streets, that area extending horizontally fifty feet from the corner of the intersection and vertically, from a height of three feet to a height of eight feet.

"Visible to the exterior" refers to the placement of a sign or banner within the interior first eight feet of a commercial or industrial building or structure in such a manner so that it or its message is readily visible on an immediately contiguous public right-of-way, parking lot, or parcel. To be visible does not require that the message be understandable or readable.

"Wall sign" means a sign that is attached to, erected against or painted on the wall of a building or other vertical structure.

"Warning sign" means a sign that is posted to provide notice of danger, such as "Beware of Dog," "Railroad Crossing," "Danger High Voltage" or noting the location of underground utilities.

"Window sign" means a sign that is painted or mounted on a window pane, or that is mounted within five feet of a window and oriented for viewing by exterior passersby.

"Zone" refers both to the zone classifications given in Section 18.20.020, and to the specific areas or districts to which a given zoning classification applies.

(Ord. No. 2016-2411, § 2, 4-5-2016; Ord. No. 2017-2440, § 6, 10-17-2017)

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### **18.47.050 Sign permits, other sign-related decisions, appeals.**

- A. Sign Permit Generally Required. Unless exempted from the sign permit requirement, all signs regulated by this chapter may be installed, maintained, erected, or displayed only pursuant to sign permit pursuant to this chapter, and a finding of compliance is made by the planning division, using the design criteria identified in this chapter and other applicable regulations. A sign permit may be approved subject to conditions, so long as those conditions are required by this chapter or some other applicable law, rule or regulation.
- B. Compliance Required. No permit shall be issued for any sign or sign structure except in compliance with the provisions of this chapter. A sign permit may be subject to compliance with permitting requirements imposed by other sources of law, including the safety codes for building, electrical, plumbing, grading, etc. Where there is a conflict between the provision of this chapter and other applicable regulations, the more restrictive shall apply.
- C. Right to Permit or Display. When any sign permit application is complete and fully complies with all applicable provisions of this chapter, and all other applicable laws, rules and regulations, the permit shall be approved and issued within the required time. In the case of signs which are exempt from the sign permit requirement, there is a right to erect, display, and maintain such signs as are authorized by this chapter, subject to the applicable rules. This "right to permit" provision does not apply when the relevant city law is under active consideration for amendment at the time the application for a sign permit is submitted, or when the rules or regulations relevant to the application are changed prior to the expiration of the time for decision.
- D. Legally Existing Signs; Alterations. Signs legally existing prior to the effective date of this chapter shall be exempt from the sign permit requirement unless a structural alteration is made, the sign area or any other point of nonconformity is enlarged or expanded, or there is some other change in the structural elements of the sign. Structural alterations and expansions require a sign permit.
- E. Review. All sign permit applications shall be initially reviewed by the director. In the case of any discretionary permit in which signage is included, such as a master sign program, a specific plan including signs, a variance, or an appeal, the director shall prepare a report for the body which shall hear the matter, the planning commission or city council. The report may, but is not required, to include recommendations.
- F. Application for a Sign Permit. Any person seeking a sign permit for a sign shall submit to the director a written application for such. The director shall prepare a sign permit application form and provide it to any person on request, along with such other materials and information as applicants need to submit for a permit. The same form may be used for both the application and the decision thereon. A single form may be used for multiple signs on the same site; however, the director may make separate decisions as to each sign. A sign permit application is complete only when it is accompanied by the appropriate application fee, in an amount set by resolution of the city council.
- G. Application Contents. The sign permit application form may call for the following information:
  - 1. Name, address and telephone number of the applicant and, if applicable, the name, address, and telephone number; when the applicant is not the holder of legal title to the property, consent to the installation of the sign by the person(s) or entities who hold legal title and the present right of possession and control of the property; when the sign is proposed to be installed by a sign contractor, the name, address, contact information, and the license number, if any, of the contractor;
  - 2. As to the proposed location for the sign, multiple sets of a fully dimensioned site plan (drawn to scale) indicating the street address, assessor's parcel number, zone classification, all property lines, public and private street lines (including center lines), structures, easements, utility poles and wires, and the location and size (in square feet) of all existing and proposed signs;

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3. As to existing signs already on parcel, information as to whether each is permitted or exempt from permitting;
  4. Accurate and scaled building elevation showing existing and proposed building signs; including existing and proposed sign area of each individual sign and the combined area of all signs (including those already existing or previously permitted) in relation to the maximum allowed sign area;
  5. A statement as to whether the sign is intended to be used in whole or in part for off-site commercial messages, advertising for hire or general advertising;
  6. A statement or graphical description as to whether the proposed sign, or any part of it, is proposed to utilize any of the following physical methods of message presentation: sound; odor, smoke, fumes or steam; rotating, moving or animated elements; activation by wind or forced air; neon or other fluorescing gases; fluorescent or day-glow type colors; flashing or strobe lighting; light emitting diodes, liquid crystal displays or other video-like methods; digital display technology; use of live animals or living persons as part of the display; mannequins or statuary;
  7. A statement as to whether the property or parcel on which the sign is proposed to be erected or displayed, or any currently existing sign thereon, is the subject of any outstanding notice of zoning violation or notice to correct, including whether any such deficiencies are to be remedied by the proposed application;
  8. Photographs of the existing property, parcel and/or building on which the sign is proposed to be erected or displayed;
  9. In the case of any proposed sign which is subject to a discretionary process, such as a variance, conditional use permit, or sign program, all information required by such process(es);
  10. The director is authorized to modify the list of information to be provided on a sign permit application; however, additions may be made only after thirty days public notice. The director is also authorized to request, require, or accept application materials, in whole or in part, in electronic form, and to specify the acceptable computer formats for such submissions.
- H. Completeness. As the first step in processing a sign permit application, the director shall determine whether the application is complete. If the application is not complete, the applicant shall be so notified in person or in writing initially within thirty days of the date of receipt of the application; the notice of incompleteness shall state the points of deficiency and identify any additional information necessary. The applicant shall then have thirty calendar days, to submit additional information to render the application complete.
- I. Disqualification. No sign permit application will be approved if:
1. The applicant has installed a sign in violation of the provisions of this chapter and, at the time of submission of the application, each illegal or non-permitted sign has not been legalized, removed or a cure included in the application;
  2. There is any other existing Code violation located on the site of the proposed sign(s) (other than an illegal or nonconforming sign that is not owned or controlled by the applicant and is located at a different establishment) which has not been cured at the time of the application, unless the noncompliance is proposed to be cured as part of the application;
  3. The sign application is substantially the same as an application previously denied, unless: (i) twelve months have elapsed since the date of the last application, or (ii) new evidence or proof of changed conditions is furnished in the new application;
  4. The applicant has not obtained any applicable required use permit or conditional use permit. However, applications for such permits may be processed simultaneously with a sign permit application.

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- J. Applications for Multiple Signs. When an application proposes two or more signs, the application may be granted either in whole or in part, with separate decisions as to each proposed sign. When a multiple sign application is denied in whole or in part, the director's written notice of determination shall specify the grounds for such denial.
  - K. Discretion. When discretion is authorized for a master sign program or site plan review, that discretion may be exercised only as to location, structural and safety factors, and not as to message content, graphic design or artistic merit. Permissible factors for consideration include: style or character of existing improvements upon the site and lots adjacent to the site; construction materials; number and spacing of signs in the area; the sign's height, design, and location in relation to its proposed use; form, proportion, scale, overall sign size; potential effect of the proposed sign on driver and pedestrian safety; potential blocking of view (whole or partial) of a structure or facade or public view of historical or architectural significance; potential obstruction of views of users of adjacent buildings.
  - L. Master Sign Programs. Permit applications for master sign programs as part of planned commercial, office-professional and industrial development shall include the above information as part of a site development plan or specific plan. When approval is sought for a development that includes one or more signs, then the sign aspects of the proposed development must satisfy the applicable provisions of this chapter. In addition, when a development project will have six or more leased spaces, it must also comply with the master sign program requirements set forth in Section 18.47.130. Such proposals may be reviewed by the director and shall be decided by the planning commission. In preparing a report for the planning commission, the director may, but is not required to, make recommendations.
  - M. Revocation or Cancellation. The director may revoke any approval or permit upon refusal or failure of the permittee to comply with the provisions of the permit and the requirements of this chapter, after written notice of noncompliance and at least fifteen calendar days opportunity to cure. However, opportunity to cure does not apply when a sign, by virtue of its physical condition, constitutes an immediate and significant threat to public safety.
  - N. Permits Issued in Error. Any approval or permit issued in error may be summarily revoked by the director upon written notice to the permittee, stating the reason for the revocation. "Issued in error" means that the permit should not have been issued in the first place and includes but is not limited to omissions, errors or misrepresentations in the application materials, and oversights or errors in the processing thereof.
  - O. Inspections. All signs subject to one or more safety permits (building, plumbing, electrical, grading, etc.) require final inspection and approval by the Building Official.
  - P. Sign-Related Decisions. Challenges or objections to sign-related decisions, notices and orders, other than approval or denial of a sign permit, do not require a particular form, but must be in writing, signed by the applicant or challenger, and particularly state the matter challenged and the grounds therefore. Challenges shall be made to the director within thirty days of the date of the decision, notice, and/or order. Challenges and objections to sign-related decisions not made in accordance with these procedures shall not be eligible for appeal.
  - Q. Levels of Review; Order of Review. Except for signs subject to initial review by the planning commission, initial review and decisions on all sign permit applications shall be by the director unless otherwise stated herein; appeal is first to the planning commission and then to city council.
  - R. Safety Codes. When a proposed sign, by virtue of its physical, structural, location, and other non-message factors, is subject to any permits or requirements under the safety codes, then satisfaction of such requirements shall be a condition of the sign permit.
  - S. Permit Denial. When a sign permit application is denied, the denial shall be in writing and sent or delivered to the address shown on the applicant's application form, and shall specifically state the grounds for denial.



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- T. Timely Decision. At each level of review or appeal, the decision shall be rendered in writing within thirty calendar days. The time period begins running when an appeal, challenge, or objection is received, the application is complete (or is deemed complete because no notice of incompleteness has been given), an amendment is received, or the notice of appeal has been filed, whichever applies. The timely decision requirement may be waived by the applicant or appellant. If a decision is not rendered within the required time, then the application or appeal shall be deemed denied; in the case of an appeal, the lower-level decision shall be deemed affirmed.
  - U. Appeal. Any decision regarding a sign permit application or other sign-related decision may be appealed by any affected person. Notices of appeal and challenges and objections to sign-related decisions must be filed with the city clerk within thirty calendar days of the decision; if city offices are not open on the thirtieth day, then the time period is extended to the next day city offices are open to the public. Appeals shall be heard by the planning commission. The decision of the planning commission may be appealed to the city council pursuant to Section 18.12.060, as augmented by this chapter. The appeal right arises at the earliest of: a) the date of the written decision that is delivered to the applicant, or b) the time for decision has run without a written decision. The notice of appeal, objection, or challenge must state specifically the matter appealed from and the grounds for appeal. Notices of appeal must be signed by the appellant or their authorized agent, representative, or attorney.
  - V. Status Quo. During the pendency of review or appeal, the status quo of the subject sign(s) shall be maintained. This does not apply whenever a sign, by virtue of its physical condition, constitutes an immediate threat to public safety.
  - W. Judicial Review. Following final decision by the city council, any affected person may seek judicial review of the final decision on a sign permit application or other sign-related decision pursuant to the applicable provisions of the California Code of Civil Procedure.
  - X. Notices. Written notices by the city, required within this chapter, shall be deemed given on the earliest of the following: when personally delivered, when publicly posted, or on the day of mailing. Notices are deemed effective when sent to the last known address of the addressee.

(Ord. No. 2016-2411, § 2, 4-5-2016)

### **18.47.060 Signs exempt from sign permit requirement.**

The signs listed in this section are exempt from the requirement of prior approval (either by sign permit or site plan review), but still subject to the rules stated in this chapter. When any residential sign meets the definition of "structure" in the building code, or is electrified, then compliance with all safety codes (building permits, electrical permits, etc.) is required. Signs may also be exempted from the sign permit requirement by other sections of this chapter, other chapters of this Code, or other bodies of law.

- A. Residential Signs. All legal residential dwelling units are allowed a defined maximum cumulative display area, which is available at all times, subject to:
  - 1. Physical types: residential signs may be free standing or mounted on doors, walls, or fences; flag poles not exceeding twenty-five feet cumulative of linear footage; roof-mounted signs are prohibited;
  - 2. Permissible message types: any variety or combination of constitutionally protected noncommercial speech (including but not limited to political/election signs); real estate signs (must be removed not more than five days after the proposed economic transaction is completed, or the property goes off the market); garage sale signs compliant with the other provisions in the Municipal Code addressing garage sales which is currently set forth at Section 7.21.060; construction site signs;

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3. Prohibited message types: commercial messages other than those specified in the preceding subsection; general advertising for hire; any message whose public display is illegal;
  4. Maximum display area: sixteen square feet per parcel per frontage at all times; except that during the election period, when there shall be no limit on the maximum display area. The maximum display area is the cumulative total of all signs that are subject to the area limit. Not included within with the cumulative total: indicators of street address and occupants' name(s), visual images mounted on the ground (i.e., door mats);
  5. Maximum sign size: six square feet per sign at all times. The maximum sign size is the maximum square footage allowed for an individual sign.
  6. Illumination: special illumination of residential signs is prohibited; residential signs may be illuminated only by natural and legal ambient lighting;
- B. Construction Site Signs, subject to:
1. On single-family residential properties, construction site signs shall be no larger than twenty square feet per street frontage;
  2. For all other construction projects: maximum display area for signs shall be no greater than fifty square feet per frontage;
  3. Construction site signs must be removed prior to final inspection or before issuance of a certificate of completion or certificate of occupancy, as applicable;
  4. Illumination: prohibited.
- C. Signs required or authorized by other bodies of law or court orders;
- D. Signs required by the fire department to designate fire lanes;
- E. Nameplate identification signs and combination name plates and address signs with letters that do not exceed three inches in height, are not illuminated, and do not exceed four square feet in area;
- F. Window signs that do not exceed fifteen percent of the area of a window or twelve square feet, whichever is less;
- G. Warning signs such as "no parking," "watch dogs," "private property," and "security service" that are not illuminated, do not exceed one square foot in area each, and do not project over a public right-of-way. No more than three of these signs shall be allowed per premises;
- H. Bulletin boards, provided they do not exceed sixteen square feet in area, do not project over a public right-of-way, and are not illuminated.

(Ord. No. 2016-2411, § 2, 4-5-2016)

### **18.47.070 Prohibited signs.**

The signs listed in this section are prohibited in all zones and at all times unless explicitly authorized or allowed by another provision of this chapter, another chapter of the Code, or other applicable law.

1. New billboards, conversion of existing billboards to digital or dynamic or tri-vision display, expansion of the display face of any existing billboard (except as authorized by state law), and the installation of an additional display face to an existing billboard structure;
2. Mobile billboards, but not including taxis or shuttle vehicles or public transportation vehicles that legally pass through the city;

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3. Signs mounted on roofs, water towers, radio, television, or cell phone towers;
  4. Signs mounted on fences;
  5. Signs mounted on trees, bushes, or vegetation;
  6. Signs placed on property (public or private) without consent of the property owner or other party holding the present right of possession and control;
  7. Signs that obstruct any window, door, gate or opening used or required as a means of regular ingress or egress, legal light or ventilation, as a fire escape or other emergency access or escape;
  8. Signs displayed on vacant or undeveloped lots;
  9. Signs whose intensity of illumination or size, shape or location interferes with the safe operation of a vehicle or creates distraction to the operator of a wheeled vehicle on adjoining public streets;
  10. Signs mounted in such a manner as to obstruct the free flow of vehicular or pedestrian traffic;
  11. Signs that are confusingly similar to authorized, official traffic and pedestrian control signs, even though they are in fact not traffic control signs;
  12. Signs using animation, flashing, blinking, or intermittent light exceeding any of these operational parameters:
    - a. Illumination equivalent to incandescent light bulbs of sixty watts maximum per bulb;
    - b. Flashes or blinks more than fifteen times per minute;
    - c. Chaser lights;
    - d. High intensity neon lights, tubes and flashing lights are prohibited on animated and flashing signs;
    - e. Rotating beacon lighting elements.
  13. Advertising or attention-getting devices that are inflatable, float in air or water, or are activated by wind or forced air;
  14. Temporary signs displaying off-site commercial messages or used for general advertising for hire, unless required by state law;
  15. Signs placed in the public right-of-way, unless explicitly allowed by Chapter 13.28.
  16. Signs mounted on motor vehicles parked in the public right-of-way.

(Ord. No. 2016-2411, § 2, 4-5-2016)

### **18.47.080 Permanent signs.**

Unless specifically exempted herein, all permanent signs require a sign permit. The following three types of signs are categorically exempt from this sign permit requirement: 1) signs installed and displayed pursuant to court order, statutory requirement or authorization; 2) signs on residential properties; 3) signs posted by any governmental entity in the execution of its official duties.

- A. Signs less than six square feet. The display on any non-residential parcel of any single sign or banner that is less than six square feet in area is allowed and is exempt from obtaining a sign permit.
- B. Directional Signs. Directional signs that do not exceed a total of three square feet in size per sign, and total area combined does not exceed nine square feet per parcel, are allowed, and are exempt from obtaining a sign permit.

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- C. Freestanding Signs. A maximum of two freestanding or monument signs, not to exceed a total of one hundred square feet, are allowed, subject to a sign permit, for single-family subdivisions, multi-family developments, and mobile home parks.
  - D. Flags. On residential land uses, a total of twenty-four square feet of flag area may be displayed at any and all times; on non-residential land uses, there shall be no limit to the allowable flag area that may be displayed at any and all times. On residential lots, the number of flag poles is limited to a cumulative linear footage of twenty-five feet; on non-residential lots, the cumulative linear footage shall be limited to the maximum height allowed in the zone in which the property is located. Flag poles intended for permanent use are subject to appropriate building permits.
  - E. Permanent Signs in Commercial, Industrial, Mixed-Use, and Institutional Zones. Except in shopping centers (where special rules, stated in the next subsection, apply) and public assembly uses (to which special rules, stated below, apply), permanent signs may be installed on or along the face of a building in commercial zones and commercial uses in a mixed-use zone, and industrial or institutional zones, subject to the following:
    - 1. Signs exceeding twenty-five square feet in display area:
      - a. Maximum number: one sign per establishment premises per frontage along a street, freeway, or parking lot;
      - b. Sign area on the primary frontage shall not exceed thirty percent of the area of the building face or four square feet of sign for each linear foot of building face along that frontage, whichever is greater;
      - c. Sign area on a secondary frontage shall not exceed fifteen percent of the area of the building face or two square feet per linear foot of secondary frontage, whichever is greater;
      - d. The sign face shall not be located, such as by a cabinet, deep lettering, or architectural feature, more than eighteen inches from a building face.
    - 2. Permanent signs with twenty-five square feet or less of display area in commercial, industrial, institutional, mixed-use and multi-family zones:
      - a. Location: only in windows or along the face of a building;
      - b. Maximum total cumulative area: not exceeding ten percent of the wall or elevation on which the sign is placed;
  - F. Permanent Signs in Shopping Centers. Permanent signs for establishments within a shopping center shall be limited to one per establishment premises per frontage on a common walkway, parking lot, driveway, alleyway, street, or freeway. The size and placement of these signs shall conform with the standards specified for permanent signs in commercial, industrial, mixed-use and institutional zones (Subsection 18.47.080(E)) as well as standards that may be applied through any required city council or planning commission approval, including but not limited to a conditional use permit, planned development permit, specific plan, or variance.
  - G. Public Assembly Uses. On property used for public assembly, with periodically changing programs, the following signs may be installed and displayed, subject to a sign permit:
    - 1. Wall sign: one wall mounted sign not to exceed twenty square feet in area per street frontage or parking lot frontage; and
    - 2. One freestanding changeable copy directory sign not to exceed six feet in height and twelve square feet in area per street frontage or parking lot frontage shall be allowed;

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3. Provided, however, that the signs shall be architecturally related to the structure to which they are appurtenant;
  4. Number Limit: No more than two wall-mounted signs plus no more than two freestanding signs.
- H. Pole or Monument Signs in Commercial, Industrial, Mixed-Use, and Institutional Zones. Pole-mounted or freestanding signs are allowed subject to a sign permit in the commercial and industrial zones and non-residential uses in a mixed-use zone, subject to:
1. Number Limit: Pole signs or monument signs shall be limited to one sign per frontage on street, freeway, or parking lot, and may include a cluster sign identifying individual businesses on the parcel(s);
  2. Display Area Limit:
    - a. The total area of any sign installed along the primary frontage shall not exceed four square feet per lineal foot of property on the primary frontage;
    - b. The total area of any sign installed along each secondary frontage shall not exceed two square feet per lineal foot of property on the secondary frontage;
  3. Location: Sign structures shall not be placed within the required setback area applicable to that zone, except that projecting signs may protrude into or overhang a maximum distance of one-half of the setback.
  4. Height Limit: Pole signs may be one-half feet high for each one foot away from the centerline of the street on which the sign is located, but in no case exceeding:
    - a. MXC 1 and MXD 1 zones—Fifty feet;
    - b. MXC 2 and MXD 2 zones—Fifty feet. Signs exceeding fifty feet may be allowed if located near a freeway and approved by the Planning Commission as compatible with the other uses near the site;
    - c. CA and CS zones—Fifty feet. Signs exceeding fifty feet may be allowed, up to a maximum of seventy-five feet, if located near a freeway and approved by the Planning Commission as compatible with the other uses near the site;
    - d. Industrial zones—Seventy feet.
    - e. Institutional zones—Fifty feet.
- I. Rotating Signs in Commercial and Industrial Zones. Signs that rotate are restricted to no more than eight revolutions per minute. Rotating signs are allowable only in commercial and industrial zones.
- J. Projecting Signs in Commercial, Industrial, Mixed-Use, and Institutional Zones. Projecting signs may be installed and displayed, subject to a sign permit, in all commercial, industrial, mixed-use, and institutional zones, subject to:
1. Projecting signs shall not project over any public right-of-way, including streets or alleys, except as provided in Subsection D, below;
  2. The maximum height of any projecting sign shall be twelve feet, and may project above any eave or parapet of less than twelve feet in height, but may not project inward over any such eave or parapet.
  3. Maximum display area for all sides: thirty-two square feet.
  4. Projecting signs may project over street parkways and required setback areas a maximum of one-half of the street parkway or setback width. For the purpose of this section, "street parkway" is

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defined as that part of the public street right-of-way lying between the front property line and the edge of the roadway.

5. Number limit: No more than one projecting sign shall be placed on each street frontage per business premises.
  6. Qualification: A projecting sign shall be permitted only in lieu of a freestanding or marquee sign, and may not be utilized in addition to a freestanding or marquee sign.
  7. Design: Projecting signs shall be supported so as to appear to be an architectural and integral part of the building. The sign shall be free of any extra bracing, angle iron, guy wires, or cables.
- K. Digital Display Signs. Signs using digital display are allowed in the following zones: industrial, commercial, and mixed-use districts, subject to a sign permit, and subject to:
1. Maximum height: the same rule that would apply to the same sign if it were not using digital display;
  2. Minimum requirement: digital display must be part of a master sign program;
  3. Maximum display area:
    - a. For properties that front on arterial roadways, the digital display portion of the sign structure shall not exceed twenty-five percent of the allowable display area;
    - b. For properties that front on highways, the digital display portion of a sign shall not exceed fifty percent of the allowable display area;
    - c. Maximum Number: No more than one sign using digital display may be permitted on a site. The electronic message display may be single-faced or double-faced.
    - d. Signs using digital display may not project moving images or images that appear to move; each still image must be on display a minimum of eight seconds; transitions between still images shall not exceed one second.
    - e. Light Intensity: each sign using digital display shall include a photometric sensor that will adjust the intensity of the sign for daytime and nighttime viewing. The nighttime intensity shall be limited to 0.3 foot-candles (over ambient levels) as measured at a preset distance as established by the Lewin Report as prepared for the Outdoor Advertising Association of America (OAAA). The city may modify or further restrict the intensity of any DAD display should the lighting create a distraction to drivers or an adverse effect on nearby residential property.
    - f. Operational Hours: the digital display portion of any sign shall not be operated between the hours of 10:00 p.m. and 7:00 a.m.
    - g. Signs using digital display shall be shielded or the light intensity reduced as necessary to prevent annoying glare impacting surrounding properties.
    - h. All new signs using digital display, which are not attached to a building, shall be mounted on one support column only.
    - i. Signs using digital display may be located on the wall of a building, provided the sign does not obscure any of the building's windows, architectural features, or other architectural details.
    - j. No sign using digital display may be placed within one mile of another sign using digital display on the same side of a highway. No sign using digital display may be placed within one thousand feet of another digital display on any street.

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- k. Signs using digital display are limited to noncommercial messages and onsite commercial messages; such signs may not be used as billboards or for purposes of general advertising for hire.

(Ord. No. 2016-2411, § 2, 4-5-2016)

### **18.47.090 Temporary signs.**

All temporary signs must have attached to them contact information for the persons and/or entities placing the signs on public display. Such information must include, at a minimum, the name of the person(s) and/or entities, and currently valid contact information such as phone number, mailing address, or email address. The purpose of this requirement is to give the city a way to contact persons who exceeded the time limit or other rules regarding display of certain signs, and give them an opportunity to cure the violation. The contact information must be in an easily readable, common typeface, such as Times New Roman, Garamond, Helvetica, Arial, or similar. Type size must be at least ten point.

- A. Construction Site Signs. Temporary signs may be installed and displayed on construction sites without permit, subject to:
  - 1. The maximum total area for signs at single-family residential construction projects shall be twenty square feet per street frontage;
  - 2. The maximum area of signage at other construction projects shall be 50 square feet per street frontage;
  - 3. For any request for square-footage exceeding the limits set forth in Subsections A.1. and A.2., a temporary use permit is required, the granting or denial of which shall be based solely on objective criteria such as time, location, and size;
  - 4. All signs must be removed prior to and as a condition of the final inspection and approval of the project.
- B. Temporary Signs Regarding Real Property Offered For Sale or Lease. Temporary signs may be installed and displayed on real property that is currently offered for sale or lease, or otherwise pursuant to Civil Code 713, without a sign permit, subject to:
  - 1. A maximum of two temporary signs may be installed on developed or undeveloped property, with the following requirements and specifications for the sign:
    - a. The maximum area of signage allowed by this section per parcel per street frontage in commercial, industrial, mixed-use, multi-family, or institutional zones shall be fifty square feet;
    - b. These signs shall not be specially illuminated;
    - c. Such signs shall be removed within ten days following the lease or sale of the premises on which the sign is displayed.
- C. Temporary Signs for Special Events. Temporary signs may be installed and displayed when related to and for the duration of thirty days prior and five days after a special event, subject to:
  - 1. Special Event Signs in Commercial, Industrial, Multi-family, Mixed-use and Institutional zones.
    - a. Temporary signs which do not cumulatively exceed thirty-two square feet in display area per street frontage, are allowed subject to a special event permit;
    - b. Temporary signs, except flags and banners, shall not be fastened directly to the exterior wall or face of any building. Temporary signs may be displayed in windows or on display

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boards, provided the combined total area of all signs does not exceed ten percent of the area of the building face upon which the signs are mounted. (See Section 18.47.120 for restrictions on flags and banners.)

D. Temporary Signs in Residential Zones. Refer to Section 18.47.060 for signs in residential zones.

(Ord. No. 2016-2411, § 2, 4-5-2016)

### **18.47.100 Vehicle signs.**

Buses and taxis that legally traverse the public streets may display advertising; however, mobile billboards are prohibited on public streets and parking spaces.

(Ord. No. 2016-2411, § 2, 4-5-2016)

### **18.47.110 Mural-type signs.**

Mural-type signs shall be treated as any other sign subject to signage area requirements.

(Ord. No. 2016-2411, § 2, 4-5-2016; Ord. No. 2017-2440, § 7, 10-17-2017)

### **18.47.120 Flags, banners, and pennants.**

Permit required: All banners require the approval of the planning division. In order to obtain approval, see application and drawings required at the city planning division.

- A. Auto Sales Lots. These provisions apply to all motor vehicle sales. Flags, banners, and pennants may be displayed on automobile sales lots without time limitation or site plan review, provided that:
  - 1. The displays are properly maintained;
  - 2. Displays are limited to the perimeter of the lot;
  - 3. Displays do not exceed a height of twenty-five feet above the ground;
  - 4. Displays may not be used in place of a permanent sign.
- B. Other Commercial and Industrial Uses. Flags, banners, and pennants may be displayed on other commercial and industrial uses for a cumulative period of sixty days within each calendar year. The time limit commences when a banner permit is issued by the planning director. The sixty-day period may be divided into two occasions per calendar year, provided the total display time does not exceed sixty days per calendar year. A banner permit fee and an administrative fee in an amount representing the anticipated city enforcement costs in causing the applicant to remove flags or banners shall be paid to the city treasurer at the time of application for site plan review. The administrative fee shall be refunded upon the verified removal of the flag or banner by the specified deadline.
- C. The following shall apply to all displays of commercial flags, banners, and pennants, except for displays on auto sales lots:
  - 1. Must be removed by the owner or occupant within fifteen days after a determination by the city manager or that the display is improperly maintained or the flag, banner or pennant is tattered or worn;
  - 2. Shall not be larger than forty square feet (cumulative of all visible copy/image areas);
  - 3. Shall not be displayed in lieu of a permanent sign;



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4. Shall not be placed on a roof, placed in required yard areas, or landscaped areas;
  5. Must be compatible with the primary building's appearance;
  6. Violation of the time limits shall render the site ineligible for issuance of a permit for display of a flag, banner or pennant for a period of one year from the date that the violation is abated;
  7. The restrictions of this section shall also apply to signs and banners located within the first eight feet of the interior of commercial or industrial premises when such sign or banner is visible to the exterior.

(Ord. No. 2016-2411, § 2, 4-5-2016)

### **18.47.130 Master Sign Programs.**

Purpose and Applicability. The purpose of the master sign program provisions is to provide a coordinated approach to signage for National City's business districts, which include but not limited to the Harbor District, Downtown, Mile of Cars, and Plaza Bonita. Whenever a development project will have six or more separately leased spaces, then a master sign program is required.

- A. Approval. A master sign program shall require the approval of the planning commission and the city council, after considering the proposed design standards.
- B. Design Standards. Master sign programs shall feature a unified and coordinated approach to the materials, color, size, type, placement, and general design of signs proposed for a project or property.
- C. Effect of Master Sign Program. All subsequent signs proposed for a development or property subject to an approved master sign program shall comply with the standards and specifications included in the master sign program.

(Ord. No. 2016-2411, § 2, 4-5-2016)

### **18.47.140 Nonconforming signs; abandoned uses.**

Signs that were legal when first installed, and which have not been modified or expanded in a manner that was illegal at the time of modification or expansion, may continue in use, so long as there is no modification or expansion which violates the regulations of this chapter. If the size or configuration of a parcel or building is changed by the subdivision or splitting of the property or alterations to the building or parcel, property identification signs and outdoor advertising signs on the resulting properties shall be required to conform to the sign regulations applicable to the newly created parcel or parcels, at the time such change becomes effective.

Nonconforming signs shall be removed or made conforming when the business or property changes occupancy or ownership.

- A. Change of Land Use/Nonconforming Signs. When there is a change in the use of land upon which are located signs that do not conform to this chapter, then all signs on the parcel, lot, or leasable space must be brought into conformance with this chapter and all other applicable laws, rules, regulations and policies.
- B. Abandoned Site or Building. When the use of any parcel or building is vacated, terminated, or abandoned for any reason for a period of more than ninety consecutive days, the owner or person in possession of the property shall be responsible for the physical removal of all signs on the property, building or wall(s), and for painting over the surface so as to obliterate any painted or printed signs on the building so that the copy is not visible, within thirty days following notice from the city. Removal, painting out, or obliteration shall be performed in a manner that does not create a blighting influence.

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Any sign that relates or pertains to an establishment that is not actually operating on the same site for a period of ninety or more consecutive calendar days shall be considered abandoned. Legal nonconforming use rights are extinguished when a sign qualifies as abandoned.

(Ord. No. 2016-2411, § 2, 4-5-2016)

#### **18.47.150 Safety, maintenance, and refacing.**

- A. Safety Codes—Compliance Required. All signs must comply with the applicable Uniform Building, Mechanical, Electrical Codes, and other safety codes adopted by the city. Safety Code permits for installation shall be obtained, when required, prior to any installation, from the director of building and safety.
- B. Maintenance. All signs and their supporting structures and components shall be maintained in a state of safe condition and good repair. Signs shall be "face washed" at least once a year. Electrically energized components must bear the seal of approval of an approved testing laboratory. Broken faces and burned-out lamps, bulbs, or tubes must be replaced within thirty days from the date of notification from the city. All permanent signs shall be "face washed" at least once a year. Electrically energized components must bear the seal of approval of an approved testing laboratory. Broken faces and burned-out lamps, bulbs, or tubes must be replaced within fifteen days from the date of notification from the city.
- C. Refacing. Changing the copy or refacing of a sign shall require a sign reface permit. No consideration of message content shall occur. The purpose is to maintain an inventory of signs.

(Ord. No. 2016-2411, § 2, 4-5-2016)

#### **18.47.160 Enforcement and removal.**

- A. Public Nuisance. All violations of this chapter are declared to constitute public nuisances which may be abated by any method provided by law.
- B. Enforcement. Each day of violation or non-compliance with these regulations shall be deemed as a separate offense and subject to all remedies available at law. Legal procedures and penalties shall be in accordance with the enforcement procedures established by the municipal Code or state law.
- C. Illegal Signs. Illegal signs may be abated by the city in accordance with its Municipal Code, state law, including but not limited to Business and Professions Code 5499.1 et seq., or state law on abatement of public nuisances, or as otherwise provided by law.
- D. Summary Abatement—Safety Hazards. If any sign is an immediate threat to the public health and safety by virtue of the physical condition of the sign structure, said sign may be immediately and summarily removed with the cost of such removal charged to the property owner in accordance with this chapter.
- E. Notice of Violation. Whenever any sign or part thereof, other than those causing an immediate threat to the public health and safety, constitutes an illegal sign and/or is erected or maintained in violation of this chapter, the director shall give written notice to all responsible parties to remove the sign or to bring it into compliance. The notice shall specify the nature of the violation, and give directions for a cure, which may include complete removal or replacement by a specific date. The notice shall advise the permittee, owner, or person in charge of the sign of the hearing rights established by this chapter. The date for removal specified in the written notice shall not be less than ten days from the date of the mailing of the notice for permanent signs; and, the date for removal specified in the written notice for temporary signs shall not be less than seven days from date of the mailing of the notice. The responsible party receiving notice may request a hearing as detailed in Section 18.47.050.

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(Supp. No. 57)

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- F. **Removal of Uncured Violations.** Whenever the responsible parties fail to comply with an order of the director made pursuant to this section, and the time for cure has elapsed without the cure being effected, the director may remove the sign, or order it removed, either by the city's own force or by a private party under contract. The expense of the removal may be charged, jointly and severally, to any and all responsible parties. Such amount shall constitute a debt owed to the city. No permit shall thereafter be issued to any permittee, owner, or person in charge of a sign who fails to pay such costs. Any costs, including attorney's fees, incurred by the city in collection of the costs shall be added to the amount of the debt.
  - G. **Cumulative Remedies.** The provisions of this section are alternative and additional remedies for the enforcement of this chapter. Nothing in this section shall preclude the city from enforcing the provisions of this chapter by any other criminal, civil, or administrative proceeding.

(Ord. No. 2016-2411, § 2, 4-5-2016)

### **18.47.170 Severability.**

The city council declares that the judicial invalidity of any subsection or portion of this chapter shall not affect the validity of any other remaining section or portion; that the city council would have adopted each of those remaining portions, notwithstanding any later declared invalidity. If any provision determined invalid under the preceding sentence can either be judicially severed or interpreted in a way that could harmonize it with the remaining provisions, then it may be severed or interpreted and applied so as to give full purpose, meaning, and effect to the remaining provisions of this chapter.

(Ord. No. 2016-2411, § 2, 4-5-2016)

## *Chapter 18.48 RESIDENTIAL DENSITY BONUS AND AFFORDABLE HOUSING INCENTIVES*

### **18.48.010 Purpose.**

- A. **Intent and Purposes of Section.** The intent and purposes of this chapter are to:
  - 1. Implement the policies of the General Plan's Housing Element for developing affordable housing for households with very low, low, and moderate incomes.
  - 2. Encourage affordable housing units to be developed citywide and designed to be consistent with the surrounding neighborhood.
  - 3. Implement the provisions of State Government Code Section 65915.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.48.020 Definitions.**

- A. **Section Definitions.** Within this chapter, the following definitions shall apply:
  - 1. "Additional incentives" means any regulatory concessions or incentives which would result in identifiable cost avoidance or reductions that are offered in addition to a density bonus, as also specified in California Government Code Subsections 65915.

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2. "Density bonus" means a density increase of up to thirty-five percent over the otherwise maximum residential density allowable by the applicable zoning designation, pursuant to State Government Code Section 65915, as amended from time to time.
  3. "Density bonus units" means those residential units granted pursuant to the provisions of this chapter that exceed the otherwise allowable maximum residential density for the development site.
  4. "Development standard" shall have the meaning given that term by Government Code Section 65915.
  5. "Financial pro forma" means a financial report for density bonus projects that shall include identifiable, financially sufficient, and actual cost reductions achieved through any requested incentives or concessions, as well as evidence that the cost reduction allows the developer to provide affordable rents or affordable sales prices.
  6. "Housing development" for the purpose of this chapter means construction projects consisting of five or more residential units, including single-family, multi-family, and mobile homes for sale or rent.
  7. "Lower income household" means households whose income is no more than eighty percent of the area median income of San Diego County, as established and amended time to time by Section 8 of the United States Housing Act of 1937, pursuant to Section 50079.5 of the California Health and Safety Code.
  8. "Maximum residential density" means the maximum number of residential units permitted by the city's General Plan Land Use Element and Land Use Code at the time of application, excluding the provisions of this chapter. In calculating the required number of dwelling units affordable to moderate, lower, or very low-income households, any decimal fraction resulting from the applicable percent of the total units shall be rounded to the next larger whole number.
  9. "Moderate income household" means households whose income does not exceed one hundred twenty percent of the area median income of San Diego County, as established and amended time to time by Section 8 of the United States Housing Act of 1937, pursuant to Section 50093 of the California Health and Safety Code.
  10. "Non-restricted unit" means all units within a housing development as defined in this section, excluding the target units.
  11. "Target unit" means a dwelling unit within a housing development that will be reserved for sale to or rent to, and affordable to, very low, or moderate income households, or qualifying residents.
  12. "Very low-income household" means households whose income is no more than fifty percent of the area median income of San Diego County, as established and amended time to time by Section 8 of the United States Housing Act of 1937, pursuant to Section 50105 of the California Health and Safety Code.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.48.030 Applicability and Eligibility**

A. Applicants seeking a density bonus shall be subject to the eligibility requirements listed in this section. To be eligible for a density bonus, incentive or concession, waiver or reduction in development standards, and reduced parking ratios, a planned housing development shall contain at least one of the following:

1. Ten percent of the total units of a housing development for lower income households.
2. Five percent of the total units of a housing development for very low-income households.

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3. A senior citizen housing development, as defined in the California Civil Code, or a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to the California Civil Code.
  4. Ten percent of the total dwelling units in a common interest development, as defined in the California Civil Code, for persons and families of moderate income, provided that all units in the development are offered to the public for purchase.
  5. Ten percent of the total units of a housing development for transitional foster youth, as defined in the California Education Code, disabled veterans, or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act. These units shall be subject to a recorded affordability restriction of 55 years and shall be provided at the same affordability level as very low-income units.
  6. Twenty percent of the total units for lower income students in a student housing development that meets the following requirements. The units described in this subparagraph shall be subject to a recorded affordability restriction of 55 years:
    - a. 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. In order to be eligible under this subclause, the developer shall, as a condition of receiving a certificate of occupancy, provide evidence to the city 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.
    - b. The applicable 20-percent units will be used for lower income students. For purposes of this clause, "lower income students" means students who have a household income and asset level that does not exceed the level for Cal Grant A or Cal Grant B award recipients.
    - c. The rent provided in the applicable units of the development for lower income students shall be calculated at 30 percent of 65 percent of the area median income for a single-room occupancy unit type.
    - d. The housing development will provide priority for the applicable affordable units for lower income students experiencing homelessness.
  7. One hundred percent of all units in the housing development, including total units and density bonus units, but exclusive of a manager's unit or units, are for lower income households, except that up to 20 percent of the units in the development, including total units and density bonus units, may be for moderate-income households.
- B. An applicant shall be ineligible for a density bonus or any other incentives or concessions under this section if the housing development is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control through a public entity's valid exercise of its police power; or occupied by lower or very low income households, unless the proposed housing development replaces those units, and either of the following applies:
1. The proposed housing development, inclusive of the units replaced pursuant to this paragraph, contains affordable units at the percentages set forth in subdivision 18.48.040.
  2. Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or very low-income household.

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### **18.48.0430 Density bonus.**

- A. In applications for projects meeting the minimum threshold of five units or more, the density bonus provisions set forth in Government Code Section 65915, as amended from time to time, shall apply.
- B. It is the intent of this chapter to ensure that all projects applying for the concessions and incentives of this chapter provide for affordable housing units that are comparable in size, design, and quality to the market units in the same project. The city manager or his/her designee, unless otherwise specified, shall have the discretion and authority to enforce this provision during the application process.
- C. An applicant shall agree to, and the city shall ensure, the continued affordability of all very low- and low-income rental units that qualified the applicant for the award of the density bonus for 55 years, or longer if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

### **18.48.0540 Concessions, incentives, and development standards.**

- A. Requests for Incentives and Concessions. In applications for projects meeting the minimum threshold of five units or more, concessions and incentives including reductions in site development standards, modifications of zoning code or architectural design requirements, and other incentives or concessions defined in Government Code Section 65915(1) may be requested, consistent with the parameters enumerated below.
- B. Financial Pro Forma. The applicant shall provide a financial pro forma demonstrating to the city that the requested concession or incentive results in identifiable, financially sufficient, and actual cost reductions to the project pursuant to California Government Code Section 65915(l)(1).
- C. Development Standards. Applicants may seek a waiver or modification of development standards that will have the effect of precluding the construction of a residential development meeting the criteria of Government Code Section 65915 at the densities or with the incentives or concessions permitted by that section.
- D. Financial Incentives. Nothing in this section requires the city to provide direct financial incentives for the residential development, including but not limited to the provision of publicly owned land, waiver of fees, off-site improvements, or dedication requirements.
- E. Density Calculations. All density calculations resulting in fractional units shall be rounded up to the next whole number. A general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval shall not be required.
- F. Concessions and Incentives
  - 1. An applicant for a density bonus may submit to the City a proposal for the specific incentives or concessions that the applicant requests pursuant to this section, and may request a meeting with the City. The City shall grant the concession or incentive requested by the applicant unless the City makes a written finding, based upon substantial evidence, of any of the following:
    - a. The concession or incentive does not result in identifiable and actual cost reductions to provide for affordable housing costs or for rents for the targeted units to be set as specified in subdivision 18.48.030.

b. The concession or incentive would have a specific adverse impact upon public health and safety, or the physical environment, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

bc. The concession or incentive would have a specific adverse impact on any real property that is listed in the California Register of Historical Resources.

ed. The concession or incentive would be contrary to state or federal law.

2. The applicant shall receive the following number of incentives or concessions:

a. One incentive or concession for planned housing developments that include at least 10 percent of the total units for lower income households, at least 5 percent for very low-income households, or at least 10 percent for persons and families of moderate income in a common interest development.

b. Two incentives or concessions for planned housing developments that include at least 17 percent of the total units for lower income households, at least 10 percent for very low-income households, or at least 20 percent for persons and families of moderate income in a common interest development.

c. Three incentives or concessions for planned housing developments that include at least 24 percent of the total units for lower income households, at least 15 percent for very low-income households, or at least 30 percent for persons and families of moderate income in a common interest development.

d. Four incentives or concessions for planned housing developments meeting the criteria of subparagraph (7) of paragraph (A) of subdivision 18.48.030. If the planned housing development is located within one-half mile of a major transit stop, the applicant shall also receive a height increase of up to three additional stories, or 33 feet.

3. The City shall not grant an incentive or concession that has a specific, adverse impact upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, or an adverse impact on any real property that is listed in the California Register of Historical Resources.

G. Waivers of Development Standards that Physically Preclude Construction.

1. An applicant may submit to the City a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a housing development that meets the criteria of subdivision 18.48.030.

2. A proposal for the waiver or reduction of development standards pursuant to this section shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to subparagraph (F) of subdivision 18.48.050.

H. Density Bonus Amount. The City shall grant one Density Bonus, the amount of which is specified in this subsection, when an Applicant seeks and agrees to construct a housing development that meets the standards and criteria of the following specified housing unit types, detailed in subdivision 18.48.030.

1. Common Interest Development.

e. A common interest development in which ten percent of the total dwelling units are restricted for persons and families of moderate income, provided that all units in the development are offered to the public for purchase, shall be eligible for the following density bonus:

<u>Percentage of Moderate-Income Units</u>	<u>Percentage Density Bonus</u>
<u>10</u>	<u>5</u>

<a href="#">11</a>	<a href="#">6</a>
<a href="#">12</a>	<a href="#">7</a>
<a href="#">13</a>	<a href="#">8</a>
<a href="#">14</a>	<a href="#">9</a>
<a href="#">15</a>	<a href="#">10</a>
<a href="#">16</a>	<a href="#">11</a>
<a href="#">17</a>	<a href="#">12</a>
<a href="#">18</a>	<a href="#">13</a>
<a href="#">19</a>	<a href="#">14</a>
<a href="#">20</a>	<a href="#">15</a>
<a href="#">21</a>	<a href="#">16</a>
<a href="#">22</a>	<a href="#">17</a>
<a href="#">23</a>	<a href="#">18</a>
<a href="#">24</a>	<a href="#">19</a>
<a href="#">25</a>	<a href="#">20</a>
<a href="#">26</a>	<a href="#">21</a>
<a href="#">27</a>	<a href="#">22</a>
<a href="#">28</a>	<a href="#">23</a>
<a href="#">29</a>	<a href="#">24</a>
<a href="#">30</a>	<a href="#">25</a>
<a href="#">31</a>	<a href="#">26</a>
<a href="#">32</a>	<a href="#">27</a>
<a href="#">33</a>	<a href="#">28</a>
<a href="#">34</a>	<a href="#">29</a>
<a href="#">35</a>	<a href="#">30</a>
<a href="#">36</a>	<a href="#">31</a>
<a href="#">37</a>	<a href="#">32</a>
<a href="#">38</a>	<a href="#">33</a>
<a href="#">39</a>	<a href="#">34</a>
<a href="#">40</a>	<a href="#">35</a>
<a href="#">41</a>	<a href="#">38.75</a>
<a href="#">42</a>	<a href="#">42.5</a>
<a href="#">43</a>	<a href="#">46.25</a>
<a href="#">44</a>	<a href="#">50</a>

2. [A housing development in which ten percent of the total units are restricted for lower income households.](#)

<a href="#">Percentage of Low-Income Units</a>	<a href="#">Percentage Density Bonus</a>
<a href="#">10</a>	<a href="#">20</a>
<a href="#">11</a>	<a href="#">21.5</a>
<a href="#">12</a>	<a href="#">23</a>
<a href="#">13</a>	<a href="#">24.5</a>
<a href="#">14</a>	<a href="#">26</a>
<a href="#">15</a>	<a href="#">27.5</a>
<a href="#">16</a>	<a href="#">29</a>
<a href="#">17</a>	<a href="#">30.5</a>
<a href="#">18</a>	<a href="#">32</a>



<u>19</u>	<u>33.5</u>
<u>20</u>	<u>35</u>
<u>21</u>	<u>38.75</u>
<u>22</u>	<u>42.5</u>
<u>23</u>	<u>46.25</u>
<u>24</u>	<u>50</u>

3. A development in which five percent of the total units are restricted for very low-income households.

<u>Percentage of Very Low-Income Units</u>	<u>Percentage Density Bonus</u>
<u>5</u>	<u>20</u>
<u>6</u>	<u>22.5</u>
<u>7</u>	<u>25</u>
<u>8</u>	<u>27.5</u>
<u>9</u>	<u>30</u>
<u>10</u>	<u>32.5</u>
<u>11</u>	<u>35</u>
<u>12</u>	<u>38.75</u>
<u>13</u>	<u>42.5</u>
<u>14</u>	<u>46.25</u>
<u>15</u>	<u>50</u>

4. A senior citizen housing development, as defined in the California Civil Code, or a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to the California Civil Code.

a. Density bonus of 20 percent of the number of senior housing units.

5. A housing development in which ten percent of the total units are restricted for transitional foster youth, as defined in the California Education Code, disabled veterans, or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act.

a. Density bonus of 20 percent of the number of the type of units giving rise to a density bonus pursuant to this criteria.

6. A student housing development that meets the requirements of subparagraph (6) of paragraph (A) of subdivision 18.48.030 in which twenty percent of the total units are restricted for lower income students.

a. Density bonus of 35 percent of the student housing units.

7. A housing development in which one hundred percent of all units, including total units and density bonus units, but exclusive of a manager's unit or units, are restricted for lower income households, except that up to 20 percent of the units in the development, including total units and density bonus units, may be for moderate-income households.

a. Density bonus of 80 percent of the number of units for lower income households.

b. No maximum density controls shall be placed if the development is located within one-half mile of a major transit stop.

8. Land donation.

a. When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to the City, county, or city and county in accordance with this subdivision, the applicant shall be entitled to a 15-percent increase above the otherwise maximum allowable residential density for the entire development, as follows:

<u>Percentage Very Low-Income</u>	<u>Percentage Density Bonus</u>
<u>10</u>	<u>15</u>
<u>11</u>	<u>16</u>
<u>12</u>	<u>17</u>
<u>13</u>	<u>18</u>
<u>14</u>	<u>19</u>
<u>15</u>	<u>20</u>
<u>16</u>	<u>21</u>
<u>17</u>	<u>22</u>
<u>18</u>	<u>23</u>
<u>19</u>	<u>24</u>
<u>20</u>	<u>25</u>
<u>21</u>	<u>26</u>
<u>22</u>	<u>27</u>
<u>23</u>	<u>28</u>
<u>24</u>	<u>29</u>
<u>25</u>	<u>30</u>
<u>26</u>	<u>31</u>
<u>27</u>	<u>32</u>
<u>28</u>	<u>33</u>
<u>29</u>	<u>34</u>
<u>30</u>	<u>35</u>

b. This density bonus increase shall be in addition to any increase in density mandated by subparagraph (H) of this section, up to a maximum combined mandated density increase of 35 percent if an applicant seeks an increase pursuant to both this subparagraph and subparagraph (H). All density calculations resulting in fractional units shall be rounded up to the next whole number. An applicant shall be eligible for the increased density bonus described in this subparagraph if all of the following conditions are met:

- a. The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.
- b. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low-income households in an amount not less than 10 percent of the number of residential units of the planned housing development.
- c. The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned with appropriate development standards for development at the density described in paragraph (3) of subdivision (c) of Section 65583.2 of California Government Code, and is or will be served by adequate public facilities and infrastructure.
- d. The transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low-income housing units on the

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transferred land, not later than the date of approval of the final subdivision map, parcel map, or residential development application.

- e. The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with subdivision 18.48.040, which shall be recorded on the property at the time of the transfer.
- f. The land is transferred to the local agency or to a housing developer approved by the **Housing Authority**. The local agency may require the applicant to identify and transfer the land to the developer.
- g. The transferred land shall be within the boundary of the planned housing development or, if the **Housing Authority** agrees, within one-quarter mile of the boundary of the planned housing development.
- h. A proposed source of funding for the very low-income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application.

9. Childcare Facility.

- a. When an applicant proposes to construct a housing development that conforms to the requirements of subdivision 18.48.030 and includes a childcare facility that will be located on the premises of, as part of, or adjacent to, the project, the either of the following shall be granted:
  - a. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the childcare facility.
  - b. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the childcare facility.
- b. 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 density bonus units are required to remain affordable.
- c. Of the children who attend the childcare facility, the children of very low-income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low-income households, lower income households, or families of moderate income.

I. Parking.

- 1. Upon the request of the developer, a vehicular parking ratio, inclusive of parking for persons with a disability and guests, shall not be required of a housing development that exceeds the following ratios:
  - a. Zero to one bedroom: one onsite parking space.
  - b. Two to three bedrooms: one and one-half onsite parking spaces.
  - c. Four and more bedrooms: two and one-half parking spaces.
- 2. If a housing development includes at least 20 percent low-income units for housing developments meeting the requirements of subparagraph (1) of paragraph (A) of subdivision 18.48.030, or at least 11 percent very low-income units for housing developments meeting the criteria of subparagraph (2) of paragraph (A) of subdivision 18.48.030, is located within one-half mile of a major transit stop, and there is unobstructed access to the major transit stop from the housing development, then, upon the request of the developer a vehicular parking ratio, inclusive of parking for persons with a disability and guests, that exceeds 0.5 spaces per unit, shall not be imposed.

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3. If a housing development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families, then, upon the request of the developer, vehicular parking standards shall not be imposed if the housing development meets either of the following criteria:
    - a. The housing development is located within one-half mile of a major transit stop and there is unobstructed access to the major transit stop from the housing development.
    - b. The housing development is a for-rent housing development for individuals who are 62 years of age or older and the housing development has either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.
  4. If a housing development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families, and the housing development is either a special needs housing development or a supportive housing development, then, upon the request of the developer, a minimum vehicular parking requirement shall not be imposed. A special needs housing development shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.
  5. If the total number of parking spaces required for a housing development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subdivision, a housing development may provide onsite parking through tandem parking or uncovered parking, but not through on-street parking.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

#### **18.48.0650 Application requirements and review.**

- A. Application Conference. Prior to submitting an application, an applicant proposing a housing development pursuant to this section shall schedule a pre-application conference with appropriate planning and/or housing division staff. The applicant should provide the following information:
  1. A brief description of the proposed development, including at a minimum the total number of units, total number of target units, and total number of density bonus units proposed.
  2. The combined general plan/zoning designations and assessor parcel number(s) of the project site.
  3. A vicinity map and preliminary site plan, drawn to scale, including building footprints, driveway and parking layout.
  4. If an additional incentive(s) is requested, the application should describe why the additional incentive(s) is necessary to ensure affordability of the target units and density bonus units proposed!
  5. The developer/applicant should also submit the project pro-forma, outlining revenue sources, expenses, and projected profit.
- B. Application/Processing. Requests for a density bonus and/or additional incentive(s) pursuant to this section shall be submitted to the planning division and processed pursuant to procedures in Division 1 for approval of a conditional use permit and concurrently with any other application(s) required for the development. In addition, applications shall include the following:
  1. A description of any requested density bonuses, incentives, concessions, waivers or modifications of development standards, or modified parking standards.
  2. Identification of all affordable units qualifying for the project for a density bonus, and level of affordability of all affordable units.

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3. For all incentives and concessions, a financial pro forma demonstrating that the requested incentives and concessions result in identifiable, financially sufficient, and actual cost reductions is required.
  4. For waivers or modifications of development standards: evidence that the imposition of the development standards for which a waiver is requested will have the effect of precluding the construction of the residential development at the densities or with the incentives or concessions permitted by Government Code Section 65915.
  5. Any financial pro forma submitted to comply with this section may not include the lost opportunity cost of any affordable units (i.e., the revenue that would have been generated had the units been rented or sold at market rate) and may include as an additional cost only those additional expenses that are required solely because of the proposed construction of the affordable units. The pro forma shall also include:
    - a. The actual cost reduction achieved through the incentive or concession; and
    - b. Evidence that the cost reduction allows the developer to provide affordable rents or affordable sales prices.
  6. The city may retain a consultant to review the financial report (pro forma). The cost of the consultant shall be borne by the applicant with the following exception: if the applicant is a ~~non-profit~~non-profit organization, the cost of the consultant may be paid by the city upon prior approval of the city council.
- C. Findings for Approval. Before any density bonus and/or additional incentive is granted, the approving authority shall make the following findings:
1. The residential development is eligible for a density bonus and any concessions, incentives, waivers, modifications, or reduced parking standards requested.
  2. The residential development conforms to all standards for affordability included in this chapter.
  3. Any requested incentive or concession will result in identifiable, financially sufficient, and actual cost reductions based upon appropriate financial analysis and documentation if required by conditional use permit.
  4. If a waiver or modification is requested, the applicant has shown that the imposition of the development standards sought to be waived or modified will have the effect of physically precluding the construction of the development at the densities or with the incentives or concessions otherwise permitted by this chapter.
- D. Findings for Denial—Concessions, Incentives, Waivers, Modifications.
1. Concessions or Incentives. The city may deny one or more requested concessions or incentives if, based on substantial evidence, the city makes either of the following findings:
    - a. The concession or incentive is not required in order 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 65915(c); or
    - b. The concession or incentive would have a specific adverse impact, as defined in Government Code Section 65598.5(d)(2), upon 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 very low, low, and moderate income households.
  2. Waivers and Modifications. The city may deny one or more requested waivers or modifications if the city makes either of the following findings:

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- a. The waiver or modification would have a specific adverse impact, as defined in Government Code Section 65598.5(d)(2), upon public health and safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact; or
  - b. The waiver or modification would have a specific adverse impact on any real property that is listed in the California Register of Historical Resources.
- E. Deed Covenant. Approval of a density bonus and/or additional incentive(s) pursuant to this section shall require the recordation of a deed covenant recorded against the property to ensure the target unit(s) is maintained for affordability for the time period required prior to final map recordation or prior to the issuance of a building permit, if no subdivision of property is involved.
- F. Appeal Procedure. The decision of the planning commission to approve or deny a request for a density bonus, additional incentive(s), and/or waivers or modifications of development standards pursuant to this section may be appealed to the city council pursuant to procedures for appeal of other discretionary permit applications that are concurrently considered, or if no other discretionary permit applications are concurrently considered, the decision of the planning commission may be appealed pursuant to procedures specified in Section 18.12.110 (Conditional Use Permits) of the Land Use Code.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

#### **18.48.0760 Density bonus housing agreement.**

- A. Agreement with the City. Applicants/developers requesting a density bonus shall enter into a density bonus housing agreement with the city. The terms of the draft agreement shall be approved by the executive director of the community development commission of the City of National City or his designee.
- B. Recordation. Following execution of the agreement by all parties, the completed density bonus housing agreement, or memorandum thereof, shall be recorded with the County of San Diego Recorders Office, and the conditions therefore filed and recorded on the parcel or parcels designated for construction of target units and a copy of the recorded document shall be provided to the city. Recordation of the agreement shall occur prior to recordation of a final map or prior to issuance of building permits, whichever occurs first. The density bonus housing agreement shall be binding to all future owners and successors in interest during the term of the agreement, unless rescinded by the city upon completion of terms of the agreement.
- C. Provisions of Agreement. The density bonus housing agreement shall include at least the following:
  - 1. The total number of units approved for the housing development, including the number of target units.
  - 2. A description of the household income group to be accommodated by the housing development, as outlined in Section 18.487.0650 of this chapter, and the standards for determining the corresponding affordable rent or affordable sales price and housing cost.
  - 3. The location, unit sizes (square feet), and number of bedrooms of target units.
  - 4. Tenure of use restrictions for target units of at least ten or thirty years, in accordance with Section 18.487.0650 of this chapter.
  - 5. A schedule for completion and occupancy of target units.
  - 6. A description of the density bonus, additional incentive(s) or equivalent financial incentives being provided by the city.
  - 7. A requirement to submit to the executive director of the community development commission of the City of National City or his designee for review and approval of an affirmative marketing plan, which details the actions the developer/applicant shall take to provide information and otherwise attract eligible persons to the available housing units without regard to race, sex, sexual orientation, marital

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- status, familial status, color, religion, national origin, ancestry, handicap, age, or any other category which may be defined by law now or in the future.
8. A description of remedies for breach of the agreement by either party. The city may identify tenants or qualified purchasers as third party beneficiaries under the agreement.
  9. Other provisions to ensure implementation and compliance with this section.
  10. Provision allowing payment of fee by applicant to the city to recover their administrative expenses.
- D. For-Sale Housing Developments. In the case of for-sale housing developments, the density bonus housing agreement shall provide for the following conditions governing the initial sale and use of target units during the applicable use restriction period:
1. Target units shall, upon initial sale, be sold to eligible very low, low, or moderate income households at an affordable sales price and housing cost, or to qualified residents (i.e., maintained as senior citizen housing) as defined by this chapter.
  2. Target units shall be initially owner-occupied by eligible very low, low, or moderate households, or by qualified residents in the case of senior citizen housing.
  3. Target units, if later rented by the owner, shall be made available to eligible very low, low, or moderate income households at an affordable rent or to qualified residents (i.e., senior citizens) as defined by this chapter.
  4. The initial purchaser of each target unit shall execute an instrument or agreement approved by the city restricting the sale or rental of the target unit in accordance with this title during the applicable use restriction period. Such instrument or agreement shall be recorded against the parcel containing the target unit and shall contain such provisions as the city may require to ensure continued compliance with this chapter and the state density bonus law.
- E. Rental Housing Developments. In the case of rental housing developments, the density bonus housing agreement shall provide for the following conditions governing the use of target units during the use restriction period:
1. The rules and procedures for qualifying tenants, establishing affordable rent, filling vacancies, and maintaining target units for qualified tenants;
  2. Property owners shall be required to verify tenant incomes on an annual basis and maintain books and records to demonstrate compliance with this chapter.
  3. Property owners shall be required to submit an annual report to the city, which includes the name, address, household size, and income of each household occupying target units, and which identifies the bedroom size and monthly rent or cost of each target unit.
  4. Property owners shall be required to allow a city representative to inspect each unit annually at a minimum to ensure that units are being maintained to local Code and the Department of Housing and Urban Development (HUD) Housing Quality Standards.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

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## Chapter 18.49 OBJECTIVE DESIGN STANDARDS

### 18.49.010 Purpose.

- A. The purpose of the Objective Design Standards is to provide architectural and design requirements aimed at streamlining the approval process for qualifying multi-unit residential developments. The Objective Design Standards are intended to support a high-quality and desirable character for National City.

### 18.49.020 Applicability.

- A. The Objective Design Standards apply to:
1. Qualifying multi-family projects located on a site that is zoned for residential use or residential mixed-use development or on a site that has a general plan designation allowing residential use or a mix of residential and non-residential uses; or
  2. Qualifying mixed-use projects in a mixed-use zone that designates at least two-thirds of the square footage of the development for residential use.
- B. These standards serve as the minimum requirements and are mandatory for any eligible project for which a streamlined approval process is requested pursuant to state law provisions that reference objective design standards, found in Section 18.12.030 (Ministerial decision process). All projects must comply with provisions established by National City's Zoning Ordinance (Municipal Code, Title 18) and the goals, policies, and actions established in the General Plan that help ensure the city and its neighborhoods remain great places to live.

### 18.49.030 Definitions.

- A. Definitions used in this chapter
1. Downtown Specific Plan area: Planning area bounded by Division Street, Roosevelt Avenue, 16th Street, D Avenue, Plaza Boulevard, Kimball Park, and Interstate 5.
  2. Long-term bicycle parking: Bicycle parking designed for residents, employees, students, public transit users, and others that need to park their bicycles for several hours or more that provides security and weather protection.
  3. Mixed-use zones: Zones that support residential, commercial, and recreational uses that intend to create vibrant dynamic districts. Mixed-use zoning designations include MCR-1, MCR-2, MXC-1, MXC-2, MXD-1, and MXD-2.
  4. Project: Multi-family or mixed-use development with at least two-thirds of the square footage of the development designated for residential use.
  5. Residential zones: Zones that allow residential uses including high-rise, mid-rise, low-rise, multi-family attached or single-family detached. Residential zoning designations include RS-1, RS-2, RS-3, RM-1, RM-2, and RM-3.
  6. Short-term bicycle parking: Bicycle parking where bicycles are left for two hours or less, such as bicycle racks.

### 18.49.040 Site design.

- A. Neighborhood compatibility
1. Projects located across single-family residential areas shall orient entrances, patios, and landscaping to the street. Residential uses and activities may be located near other residential uses.



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2. Projects adjacent to single-family residential areas shall install solid masonry walls and landscaping at the adjoining property line within the required setbacks found in Sections 18.21.040, 18.23.30, and 18.24.30. The landscaped setback shall not be less than five feet.
  3. Uses that may generate noise levels over sixty Db shall have primary entries, window openings, and permitted outdoor uses front commercial streets and away from residential uses.
  4. Projects located in mixed-use zones or within the Downtown Specific Plan area shall orient all ground floor commercial and residential uses to the street, plazas, or parks to encourage public activity.

**B. Transit connections**

1. Driveways shall not be located directly adjacent to bus stops to avoid conflicts between buses and vehicles entering or exiting the parking.
2. Projects adjacent to a transit stop shall provide a direct connection between the transit stop and any pedestrian and bicycle entrances via walkways, paseos, sidewalks, or any other path of travel uninterrupted by a driveway or parking area.

**C. Air quality**

1. Projects located within 500 feet of Interstate 5 shall require a health risk assessment to determine air quality impacts on sensitive uses.

**18.49.050 Building design.**

**A. Massing**

1. Residential projects shall have massing breaks at least every thirty feet along any street frontage using varying setbacks, vertical recesses up to three feet deep and four feet wide, or recessed building entrances. Massing breaks shall be at least two feet deep and extend the full height of the building.
2. Mixed-use projects must distinguish non-residential uses at the ground floor from the upper stories by having massing breaks at least every sixty feet along any street frontage above the podium level using varying setbacks, vertical recesses up to three feet deep and four feet wide, or recessed building entrances. Massing breaks shall be at least two feet deep and extend the full height of the building.

**B. Setbacks**

1. Setback requirements are found in Sections 18.21.040, 18.23.30, and 18.24.30, which are not part of the objective design standards.
2. Setbacks for ground-floor residential units along street frontages shall not exceed ten feet. The setback area shall include street trees and understory plantings.
3. Projects located in mixed-use zones with ground-floor non-residential uses shall have a minimum of seventy percent of building frontage constructed to the front property line with a zero-foot front yard setback.
4. Projects within the Downtown Specific Plan area shall have at least eighty percent of building frontages with non-residential uses constructed to the setback line with a zero-foot front yard setback to activate the street and improve the pedestrian environment.

**C. Ground floor residential features**

1. Residential units located on the ground floor shall be elevated between two and three feet above grade to provide adequate separation from the public street while preserving a visual connection. Accessibility requirements may be met with unit entries from the building interior.

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2. A three-foot deep transition space must be provided between ground floor private residential unit entries and the street using features such as stoops, porches, and landscaping. At-grade entry with an internal stair to the elevated floor level may be provided as an alternative to stoops.

D. Ground floor mixed-use features

1. Mixed-use projects in mixed-use zones and the Downtown Specific Plan area shall support a strong pedestrian-scale experience at the ground level by including features such as concertina doors, large pivot doors, and large operable windows to avoid blank façades.

E. Materials

1. Exterior building façades shall be constructed of stucco, fiber cement, masonry, architectural concrete masonry units, pre-cast concrete, rock, wood, or simulated wood siding. All buildings shall have an integrated color or painted exterior.
2. For projects that have a mix of affordable units and market-rate units, exterior materials and details shall be the same for both such that the units are not distinguishable.

**18.49.060 Façade and articulation.**

A. Articulation

1. Residential projects with street-facing façades greater than fifty feet shall incorporate two or more of the following variations in the building frontage:
  - a. Changes in material or color every thirty feet or less. Upper stories shall exhibit a lighter character than the base.
  - b. Cornices that project no more than three feet into the public right-of-way.
  - c. Window bays or other projecting windows that encroach no more than three feet into the public right-of-way every thirty feet or less.
  - d. Above-ground balconies that encroach no more than three feet into the public right-of-way every thirty feet or less.
  - e. Projections or recesses, such as porches, steps, entryway doors, or similar architectural elements, that may project up to six feet into the minimum front yard setback area to define the primary entrances of the building.
  - f. Changes in height of the building of at least four feet for projects with two or more stories.
2. Mixed-use projects in mixed-use zones and the Downtown Specific Plan area shall have articulated street-facing façades for at least eighty percent of each façade length. Other façades shall be articulated for at least sixty percent of the façade length. Street-facing facades should include at least one of the following variations:
  - a. Changes in material from the remainder of the façade.
  - b. Horizontal design features, such as water tables, belt courses, or belly bands to transition to the upper stories.

B. Ground floor height

1. Mixed-use projects in mixed-use zones with ground floor non-residential uses shall have a minimum ground floor ceiling height of fourteen feet.
2. Projects within the Downtown Specific Plan area with ground floor residential uses shall have a minimum ground floor ceiling height of twelve feet.

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3. Mixed-use projects in the Downtown Specific Plan area with ground floor non-residential uses shall have a minimum ground floor ceiling height of fifteen feet.

C. Windows

1. Projects with residential uses along street frontages, including residential units over non-residential uses, shall provide clear glass windows or doors of at least thirty percent transparency.
2. Mixed-use projects with retail and office uses along street frontages within a mixed-use zone or the Downtown Specific Plan area shall have transparent windows and doors of a minimum of sixty percent transparency to provide views into the building. Views into the building shall not be blocked by shelving or displays.
3. Projects shall provide double-glazed windows for all residential units.

D. Accessory structures

1. Accessory structures shall match the residential development by using the same roof form, overhangs, trims, windows, and colors.

**18.49.070 Building equipment and service areas.**

A. Mechanical equipment

1. Screening for both ground-level and roof-mounted mechanical equipment shall be consistent with the design of the building.
2. All mechanical equipment, including heating/air conditioning units, transformer, terminal boxes, meter cabinets, pedestals, and ducts, located at ground level shall be screened from view from streets, parks, gathering areas, and building entries using noncombustible screenings. Screenings are subject to all yard and setback regulations and shall exceed all mechanical equipment by one foot in height.
3. Elevator housing and mechanical equipment located on the roof of the building shall be screened from view behind a full or partial penthouse with walls and roofs that have the same construction and appearance of the building served by the equipment.
4. All Heating, Ventilation and Air-Conditioning (HVAC) system air intakes shall be located as far away as possible from sources of air contaminants, including freeways, freeway on-ramps, roadways, and parking areas.
5. Projects within 500 feet of Interstate 5 shall install and maintain air filters on the air handling units of the HVAC system meeting or exceeding the AHSSRAE Standard 52.2 Minimum Efficiency Reporting Value (MERV) of 13.

B. Utility connections

1. All utility connections shall be designed to be consistent with the architectural elements of the site so as not to be exposed except where necessary. Pad-mounted transformers and/or meter box locations shall be included in the site plan and must be screened from view.
2. All new and existing utility connections within the boundaries of the project shall be placed underground.

C. Trash and recycling enclosures

1. Standards for trash enclosures are found in Section 7.10.080 (Enclosures required) and Section 18.42.070.5 (Trash and recycling enclosures).

D. Laundry facilities

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1. Standards for laundry facilities for multi-unit projects are found in Section 18.42.070.6 (Laundry facilities).

E. Storage facilities

1. Multi-family units shall be provided with a minimum of one hundred and fifty-cubic feet for storage space per dwelling unit plus fifty-cubic feet for each additional bedroom more than one. Bedroom closets and cubic feet utilized by mechanical equipment shall not be included in the cubic feet requirement.
2. Outdoor storage areas shall be located to the rear of a building and enclosed by solid decorative masonry walls and view-obstructing gates, both to be not less than six feet in height to adequately screen such areas from view.

**18.49.080 Fence and walls.**

A. Standards

1. Fence and walls standards are found in Section 18.43 (Fences and walls).

B. Height

1. Standards for fence and wall heights are found in Section 18.43.050 (Maximum height).

C. Materials

1. Fences shall be constructed of wood, vinyl, decorative iron, or welded steel. If wood is used, it shall consist of pressure-treated wood posts set in concrete footings. barbwire, electrified fence, chain link, and razor wire are prohibited.
2. All fences along a public street shall be constructed of decorative iron or welded steel.
3. Masonry walls are allowed and shall conform to the requirements of the California Building Code and will require a building permit.

**18.49.090 Pedestrian access.**

A. Orientation and dimensions

1. Building frontages shall be oriented towards the street with clearly defined entrances. Residential and commercial entrances must be clearly differentiated.
2. Pedestrian walkways with a minimum width of thirty-six inches and a grade no steeper than a one-to-twelve slope shall be provided to every multi-unit unit entry.
3. Projects located along street corners shall include a primary entry within 30 feet of a street corner whether for residential or commercial uses, measured from the back of the curb.
4. Projects in mixed-use zones and the Downtown Specific Plan area with ground floor commercial and retail shall provide direct access from and to the street.

B. Residential access

1. For buildings with ground floor residential units with street frontage, entrances shall be clearly defined and directly accessible from the public sidewalk. For units that do not face the street, entrances may face a forecourt with at least the primary building entrance having access to the public sidewalk.

**18.49.100 Outdoor/common spaces.**

A. Common space requirements

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1. Common usable open space shall be provided for all multi-unit projects with three or more units. Required open space may be a combination of open space amenities accessible to all project residents. Depending on their location, projects shall provide open space as follows:

- a. Residential zones: minimum two hundred square feet per unit
- b. Mixed-use zones: minimum one hundred and twenty-five square feet per unit
- c. Downtown Specific Plan area: minimum seventy-five square feet per unit

B. Dimensions

- 1. At least seventy-five percent of the units shall be provided a minimum of sixty square feet of private usable space. Balconies, porches, and rooftop gardens can apply towards this requirement, but driveways and services areas shall not be counted as applying.
- 2. Up to a maximum of forty percent of the required common usable open space may be provided indoors.
- 3. Common usable open space areas shall be provided with minimum length and width dimensions of twenty feet.

C. Amenities

- 1. Projects with twenty-five or more units shall include at least one amenity from the following options:
  - a. Active recreational facilities, such as sports fields, sports courts, or areas for recreational/exercise equipment, with a minimum area of four hundred square feet.
  - b. Passive recreational facilities, such as paseos, plazas, or shaded gathering areas, with a minimum area of four hundred square feet.
  - c. Community or rooftop gardens with a minimum area of four hundred square feet.
  - d. Playgrounds or tot lots with a minimum of three structured play modules and a seating area.
  - e. Lounge or reading area with a minimum area of four hundred square feet.
  - f. Video screening room with a minimum area of four hundred square feet.

**18.49.110 Landscaping.**

A. Landscaping

- 1. The landscape plan, plant materials, turf lawn, and both soil and mulching shall comply with standards held within Section 18.44 (Landscaping).

B. Location

- 1. All common space areas, building entries, and pedestrian walkways shall be landscaped with defined edges.
- 2. Projects in residential zones shall have landscaped pedestrian walkways with shade trees at intervals of thirty feet. At least fifty percent of street trees shall be deciduous trees to shade walkways in summer and allow for the sun in winter.
- 3. Projects with residential uses on the ground floor shall provide landscaping along the street frontage to create a buffer between the sidewalk and the residential units. The landscaped setback shall not be less than three feet.

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4. For projects in mixed-use zones and the Downtown Specific Plan area, a tree canopy shall be provided along the street frontage by installing shade trees at intervals of thirty feet or less. A minimum distance of twelve feet shall be provided between the center of the tree and the edges of the building.

C. Trees

1. Tree species for projects located in residential and mixed-use zones shall be selected in accordance with the National City Urban Forest Management Plan.
2. Tree species for projects within the Downtown Specific Plan area shall be selected following Section 7.7.10.1 (Street trees guidelines) of the National City Downtown Specific Plan.

**18.49.120 Parking.**

A. Parking requirements

1. Parking requirements for multi-unit and mixed-use projects shall conform with the standards established in 18.45.050 (Off-street parking requirements by land use) and Table 18.45.050 (Schedule of off-street parking requirements by land use).

B. Location and access

1. Parking spaces (including structures) shall not occupy more than twenty-five percent of the site frontage and shall be integrated into the design of the development. Parking may be placed behind buildings and/or on the interior of blocks to reduce visual prominence.
2. Parking areas along side or private streets shall occupy less than forty percent of the site frontage.
3. If multiple driveways are provided along the street frontage, they shall be at least fifty feet apart measured from the internal edges to reduce impacts of on-street parking capacity and minimize pedestrian and vehicular conflicts.
4. Projects in mixed-use zones and the Downtown Specific Plan area shall have parking and garage entrances with an architectural style that is consistent with the rest of the project.
5. Clearly defined pedestrian and bicycle access shall be provided and shall be accessible from the public street. All access points shall be a minimum of five feet in width and shall be unobstructed and conveniently accessible by walks, steps, or stepped ramps.

C. Screening

1. Parking shall be integrated into the design of new developments and shall be screened from street frontage by building placement, architectural elements, landscaping, planted fence, topography, or some combination of these elements. Landscaping used for screening purposes shall be no more than five feet wide and no more than six feet tall.
2. Parking behind buildings shall be screened on all sides from adjacent residential zones and adjacent streets by a six-foot-high wall or wood privacy fence to avoid headlight impacts to adjoining properties. A five-foot-wide landscape buffer (from the back of the sidewalk or street curb to the parking lot paving) may be used for screening purposes.
3. Parking screening shall be continuous, broken only for access driveways and walkways.
4. Architectural elements used for screening purposes shall be three feet tall and shall utilize the same materials, colors, and lighting fixtures as the site or building, or include a mural.
5. For mixed-use developments, parking along the frontage street shall be wrapped with a linear space for retail, commercial, or residential uses.

D. Landscaping

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1. Landscaping shall be included in all parking lots and include drought-tolerant plantings that can thrive in an urban setting and be resilient to changing climate conditions, permeable pavers, and permanent water-efficient irrigation systems.
  2. One shade canopy tree shall be included for every seven parking spaces and shall be placed within the parking lot envelope. The trees shall be dispersed throughout the parking lot to soften large areas of pavement.
  3. Landscaped areas within parking lot islands shall be planted with a combination of canopy trees, ornamental trees, shrubs, perennials, ornamental grasses, and groundcover and shall comply with the requirements established in Section 18.44.060 (Plant materials).
  4. Living ground cover shall be designed and maintained to screen vehicles from view from the street to a minimum height of three feet. Screening materials shall include a combination of plant materials, earth berms, solid decorative masonry walls, or raised planters.

F. Vehicle Parking

1. Parking structures shall be integrated into the design of the multi-unit project and shall be consistent with the articulation and design of the building façade. Parking shall incorporate screening elements including faux building façades and/or artistic elements along the full length of the façade.
2. Glare-free, dark-sky compliant fixtures shall be utilized to prevent uneven light distribution and trespass or glare outside the structure or property line.

**18.49.130 Bicycle parking.**

A. Long-term bicycle parking

1. Multi-unit projects shall provide one long-term bicycle parking/storage space for every two units.
2. Long-term bicycle parking shall be located on the ground floor or first level of the parking structure in a secured location within proximity to the public street.
3. Bicycle spaces shall not be located within required storage areas for the building; however, they may be located in common areas with direct access to the street.
4. Each required bicycle parking space shall be accessible without moving another bicycle.

B. Short-term bicycle parking

1. Standards for short-term bicycle parking are found in Section 18.45.120 (Bicycle parking).
2. Projects shall provide one short-term bicycle parking space for every ten parking spaces.
3. Bicycle parking facilities shall be placed so the full length of the rack remains clear of pedestrian/wheeled user and vehicular access.
4. Each required bicycle parking space shall be accessible without moving another bicycle.
5. Bicycle parking facilities shall be in well-lit and convenient areas on private property within fifty feet of the main entrance to the building.

**18.49.140 Lighting.**

A. General standards

1. All outdoor lighting shall comply with the standards held within Section 18.46 (Outdoor lighting).

B. Lighting for multi-unit attached residential projects

1. All walkways, steps, parking areas, driveways, onsite streets, and other facilities shall be illuminated to ensure safe and convenient nighttime use.
2. All fixtures shall be fully shielded and directed downward to direct light to fall on the same premises upon which the light is located and prevent light from entering habitable rooms and enclosures.
3. All bicycle parking and storage areas shall be illuminated.

## Chapter 18.50 FLOOR AREA RATIO BONUS REGULATIONS

### 18.50.010 Purpose.

- A. The purpose of these regulations is to provide a floor area ratio-based density bonus incentive program for development within areas served by transit that provides housing for very low-income or low-income households and other community benefits. These regulations are intended to materially assist in providing adequate housing for the community, to provide a balance of housing opportunities within the City of National City with an emphasis on housing near transit, and to provide community benefits that assist with uplifting the quality of life for residents and reducing the impacts of gentrification and tenant displacement. For purposes of this opt-in program, two floor area ratio (FAR) tiers (FAR Tier 1 and FAR Tier 2, as described below) would apply and would supersede the dwelling unit per acre maximums allowed by the base zones. The following base zones are included as part of this program: MCR-1; MCR-2; MXC-1; MXC-2; MXD-1; MXD-2; RM-1; RM-2; RM-3; MXT. New development shall comply with the underlying development standards of the zone in which the property is located, unless otherwise waived by this chapter.

These regulations do not implement California Government Code Section 65915 (State Density Bonus Law), which is implemented through Chapter 18.48 (Density Bonus and Affordable Housing Incentives).

### 18.50.020 Definitions.

- A. For purposes of this Division, the following definitions shall apply:
1. FAR Tier 1 means any premises where any portion of the premises is outside the Downtown Specific Plan area.
    - a. Tier 1: 2.5 FAR Bonus Zones: MCR-1; MCR-2/TOD; RM-1; and MXT
    - b. Tier 1: 4.0 FAR Bonus Zones: MXC-1; MXD-1; RM-2; RM-3; and MXD-2
  2. FAR Tier 2 means any premises located on Plaza Bonita Road, within the Hospital District, and along Sweetwater Road/East 30th Street, as well as the area along 4th Avenue, located south of SR-54.
    - a. Tier 2: 4.0 FAR Bonus Zone: MXC-2
  3. Affordable dwelling units are defined as:
    - a. Subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to very low income or low-income households during the five (5) year period preceding the development application.
    - b. Dwelling units that are or were occupied by very low income or low-income households during the five (5) year period preceding the development application.



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4. Transit Priority Areas (TPA): Transit priority area means the area defined in California Public Resources Code Section 21099, as may be amended, or an area within one-half mile of a major transit stop that is existing or planned, if the planned major transit stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program.

### **18.50.030 Application of floor area ratio bonus regulations.**

- A. At the request of the applicant, the regulations in this Division shall apply to any development within the areas defined as FAR Tier 1 or 2. Parcels shall be zoned for twenty dwelling units per acre or higher. A land use designation that is residential or mixed-use or a residential or mixed-use overlay zone shall be required. Furthermore, all of the following requirements shall be met in order to utilize the Floor Area Ratio Bonus provisions:
1. The development includes dwelling units affordable to very low-income or low-income households, in accordance with Municipal Code Section 18.48.020 and the following criteria:
    - a. Within the categories of very low-income or low-income households, affordable dwelling units may be further targeted or restricted for senior citizens, as defined in California Civil Code Sections 51.3 and 51.11.
    - b. Within the very low-income category, affordable dwelling units may be further targeted or restricted for transitional foster youth, as defined in Section 66025 of the California Education Code; disabled veterans as defined in Section 18541 of the California Government Code; or homeless persons as defined in the McKinney-Vento Homeless Assistance Act.
    - c. A portion of the total dwelling units in the development shall be reserved for very low-income or low-income households, in accordance with Municipal Code Section 18.48.020.
  2. The dwelling units within the development shall not be used for a rental term of less than 30 consecutive days.
  3. The development shall comply with the height limit prescribed by the base zone.
- B. The regulations in this Division shall not apply to the following types of development:
1. Development that proposes to concurrently utilize the density bonus provided in Chapter 18.48 (Affordable Housing Regulations). Existing development that was constructed in accordance with the Affordable Housing Regulations situations in which and an applicant proposes to construct additional dwelling units through a new development application may utilize this Division to add gross floor area and density if the existing development was constructed using the maximum density bonus available based on the affordability level of the development.
  2. Development that includes visitor accommodations, except a single room occupancy (SRO) hotel.
- C. The regulations in this Division may be utilized to add gross floor area (GFA) to an existing development through the construction of additional dwelling units. The additional gross floor area allowed shall be determined as follows:
1. The additional GFA is determined by multiplying the remaining lot area by the applicable FAR. The remaining lot area is the difference between the lot coverage of the existing development and the lot area.
  2. The minimum number of dwelling units is determined by multiplying the maximum number of dwelling units that could be constructed on the remaining lot area by 0.80.

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- a. For this calculation, the maximum number of pre-density bonus dwelling units that could be constructed on the remaining lot area is calculated by dividing the remaining lot area by the maximum permitted density under the base zone.
  - b. If the number calculated for the minimum number of dwelling units exceeds a whole number by more than 0.50, the minimum number of dwelling units shall be rounded up to the next whole number.
- D. The regulations in this Division may be utilized to add GFA for residential development to an existing non-residential development through the conversion of existing non-residential space to permanent rental or for-sale dwelling units.
- E. The required number of affordable dwelling units shall be calculated in accordance with Section 18.4950.070. To calculate the required number of affordable dwelling units, all density calculations resulting in fractional units shall be rounded up to the next whole number. Existing covenant-restricted affordable dwelling units shall not be counted towards the affordable housing requirement in this Division.
- F. The regulations in this Division shall not supersede the regulations of any other Municipal Code Section unless specified.

#### **18.50.040 Required replacement of existing affordable units.**

- A. An applicant is ineligible for any incentive under this Division if the premises on which the development is proposed contains, or during the seven years preceding the application, contained, rental dwelling units that have had the rent-restricted by law or covenant to persons and families of low income or very low income, or have been occupied by persons and families of low income or very low income unless the proposed development replaces the affordable dwelling units, and either:
- 1. Provides affordable dwelling units at the percentages set forth in Section 18.48.020 (inclusive of the replacement dwelling units), or
  - 2. Provides all of the dwelling units in the development as affordable to low-income or very low-income households, excluding any manager's unit(s).
- B. The number and type of required replacement affordable dwelling units shall be determined as follows:
- 1. The development shall replace all existing and demolished affordable dwelling units on the premises. Affordable dwelling units are defined as:
    - a. Subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to very low income or low-income households during the five (5) year period preceding the development application.
    - b. Dwelling units that are or were occupied by very low income or low-income households during the five (5) year period preceding the development application.
  - 2. The affordable dwelling units shall be replaced as follows:
    - a. For a development containing any occupied affordable dwelling units, the development must:
      - a. Contain at least the same number of replacement affordable dwelling units, of equivalent size and bedrooms, and must be made affordable to and occupied by persons and families in the same or a lower income category as the occupied affordable dwelling units.
      - b. For unoccupied affordable dwelling units in the development, the replacement affordable dwelling units shall be made affordable to and occupied by persons and families in the same or lower income category as the last household in occupancy.

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- c. If the income category of the last household is unknown, it is presumed that the affordable dwelling units were occupied by very low-income and low-income renter households in the same proportion of very low-income and low-income renter households to all renter households within the City of National City, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database, and replacement affordable dwelling units shall be provided in that same percentage.
    - b. If all of the affordable dwelling units are vacant or have been demolished within the last seven (7) years preceding the application, the development must:
      - a. Contain at least the same number of replacement affordable dwelling units, of equivalent size and bedrooms, as existed at the high point of those units in the seven-year period preceding the application and must be made affordable to and occupied by persons and families in the same or a lower income category as those in occupancy at that same time.
      - b. If all of the affordable dwelling units are vacant or have been demolished within the seven years preceding the application, the development must contain at least the same number of replacements affordable dwelling units, of equivalent size and bedrooms, as existed at the high point of those units in the seven-year period preceding the application and must be made affordable to and occupied by persons and families in the same.
      - c. If the income categories are unknown for the high point, it is presumed that the dwelling units were occupied by very low-income and low-income renter households in the same proportion of very low-income and low-income renter households to all renter households within the City of National City, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database, and replacement dwelling units shall be provided in that same percentage.
  - 3. All replacement affordable dwelling unit calculations resulting in fractional units shall be rounded up to the next whole number.
  - 4. All rental replacement affordable dwelling units shall be affordable for at least 55 years through a recorded affordability restriction documented by written agreement, and a deed of trust securing the agreement, entered into by the applicant and the National City Housing Authority.
  - 5. Any existing residents will be allowed to occupy their dwelling units until six months before the start of construction activities with proper notice, which shall occur at least 12 months prior to the anticipated date of termination. The property owner shall deliver a written notice of intent to terminate to the Housing Authority and to each tenant household as part of the development permit application.
  - 6. The applicant agrees to provide relocation benefits to the occupants of those affordable residential dwelling units, and the right of first refusal for a comparable dwelling unit available in the new housing development at a rent affordable to very low- or low-income households.
    - a. The displaced occupants are entitled to payment for actual moving and related expenses that the Housing Authority determines to be reasonable and necessary.
    - b. For any very low- or low-income household displaced by conversion, the applicant shall pay to such household an amount in accordance with Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 of the California Government Code.
    - c. For a development, residents living in the jurisdictional boundary limits of National City at the time of application shall receive priority for 75 percent of the affordable dwelling units in the development that are reserved for very low-income or low-income households. For National City

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residents who may have been displaced from their rental units in the preceding ten (10) year time frame and can demonstrate proof of National City residency from those ten years, those residents shall be eligible to receive priority for 75 percent of the new affordable dwelling units.

7. All for-sale replacement affordable dwelling units shall be subject to the following provisions:
- a. The initial occupant of all for-sale affordable dwelling units shall be a very low-income or low-income household.
  - b. Prior to, or concurrent with, the sale of each affordable dwelling unit, the applicant shall require the buyer to execute and deliver a promissory note in favor of the National City Housing Authority so that the repayment of any initial subsidy is ensured.
  - c. Each for-sale affordable dwelling unit shall be occupied by the initial owner at all times until the resale of the affordable dwelling unit.
  - d. Upon the first resale of an affordable dwelling unit, the seller shall comply with all conditions regarding the sale of a dwelling unit, as applied by the National City Housing Authority, and as set forth in California Government Code Section 65915(c)(2).
8. Development shall comply with the California Department of Housing and Community Development Tenant Preference policies contained within Government Code Section 7061. Furthermore, development shall comply with the City of National City Preference Policy as stipulated in Resolution 2016-38.

C. The applicant shall provide existing residents of affordable dwelling units with all of the following:

- 1. The ability to occupy their existing units until six months before the start of construction activities with proper notice, pursuant to California Government Code Sections 7260 through 7277. Any existing residents will be allowed to occupy their existing dwelling units until six months before the start of construction activities with proper notice, which shall occur at least 12 months prior to the anticipated date of termination of tenancy. The property owner shall deliver a written notice of intent to terminate tenancy to the National City Housing Authority and to each tenant household as part of the development permit application.
- 2. To those households that remain in a protected affordable dwelling unit, the applicant shall provide:
  - a. Relocation benefits pursuant with the requirements of California Government Code Sections 7260 through 7277 for public agencies. The applicant or applicant's agent shall engage a qualified third-party contractor or consultant to oversee the provision of the required relocation benefits. The third-party contractor or consultant shall provide a letter to the National City Housing Authority certifying compliance with the relocation benefits requirements after completion of the relocation process.
  - b. A right of first refusal for a comparable dwelling unit available in the new development affordable to the household at an affordable rent or affordable housing cost based on household income in accordance with Table 143-12A.
  - c. Residents living within one mile of the development at the time of application shall receive priority for 75 percent of the affordable dwelling units in the development that are reserved for very low-income or low-income households. For National City residents who resided in National City for a period of three months or longer and who may have been displaced from their rental units in the preceding ten (10) year time frame and can demonstrate proof of National City residency from those ten years, those residents shall be eligible to receive priority for 75 percent of the new affordable dwelling units.

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### **18.50.050 Tenant benefits, rights, and obligations.**

- A. The subdivider of a condominium conversion project shall provide the benefits specified in Section 18.30.090 (C) to persons whose tenancy in very low- and low-income units is in a project the subdivider terminates due to the condominium conversion.
- B. The applicant shall provide a relocation assistance payment to all tenants of the project including:
  - 1. A relocation payment of three months' rent based on the current National City "fair market rent" for apartment size, as established by the U.S. Department of Housing and Urban Development. The relocation payment shall be paid no later than the day on which the applicant gives notice to the tenant to vacate the premises and shall be based upon the fair market rent at the time of the notice.
  - 2. The applicant shall provide relocation benefits pursuant to California Government Code Sections 7260 through 7277 for public agencies.
  - 3. The applicant or applicant's agent shall engage a qualified third-party contractor or consultant to oversee the provision of the required relocation benefits.
  - 4. The third-party contractor or consultant shall provide a letter to the National City Housing Authority certifying compliance with the relocation benefits requirements after completion of the relocation process.
- C. Any existing tenants in the project will be allowed to occupy their existing dwelling units until six months before the start of construction activities with proper notice, which shall occur at least 12 months prior to the anticipated date of termination of tenancy. The property owner shall deliver a written notice of intent to terminate tenancy to the National City Housing Authority and to each tenant household as part of the submission of a development permit.
- D. Displaced residents may relocate to a dwelling unit in National City or outside of the city's jurisdiction and remain eligible to apply for affordable housing opportunities within a ten-year period of vacating the affordable dwelling unit in which the resident established residency for a period of at least three (3) months in National City.

### **18.50.060 Incentives in exchange for transit priority area affordable housing.**

An applicant proposing development that is consistent with the criteria in Section 18.4950.030(A)(C) shall be entitled to the following incentives:

- A. Waiver of the existing FAR, and implementation of a new FAR based upon whether the development is located in FAR Tier 1 or FAR Tier 2 as specified in Section 18.4950.020.
- B. Waiver of the maximum permitted residential density of the land use designation(s) in the applicable land use plan. Density shall be limited by the allowable floor area ratio of the affordable density bonus in FAR Tier 1 and FAR Tier 2 and the requirements of the California Building Code as adopted and amended by the City of National City, unless otherwise specified.
- C. Waiver of Development Impact Fees for all covenant-restricted affordable units and units exceeding 800 SF.
- D. Waiver of the following applicable base zone regulations:
  - 1. Minimum lot area if a qualifying development is proposed in a lot with an area of 5,000 square feet or less.
  - 2. Street frontage requirements, if safe and adequate access to the premises can be provided to the satisfaction of the Fire Department.

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3. Maximum lot coverage if a qualifying development is proposed in a lot with a maximum lot coverage of 75 percent or less.
  4. Floor Area Ratio (FAR) Bonus for Residential Mixed-Use. Development utilizing the regulations in this Division shall not be eligible for other FAR or density bonuses.
  5. Maximum front setback or street side setback if the maximum is 20 feet or less.
- E. Waiver of the personal storage area requirement in Section 18.42.070 (A)(7) and the private exterior open space requirement in Section 18.41.040 for all dwelling units in the development.
  - F. Use of up to four Affordable Housing Incentives. An applicant utilizing the regulations in this Division shall be entitled to incentives for any development for which a written agreement and a deed of trust securing the agreement is entered into by the applicant and the National City Housing Authority.
    1. An incentive means any of the following:
      - a. A deviation to a development regulation, with the exception of any regulations or requirements of this Division;
      - b. Any other incentive proposed by the applicant that results in identifiable, actual cost reductions.
    2. Items not considered incentives by the City of National City include, but are not limited to the following:
      - a. A waiver of any required permit;
      - b. A waiver of fees or dedication requirements with the exception of Development Impact Fees and TDIF for restricted affordable units and units exceeding 800 square feet;
      - c. A direct financial incentive;
      - d. A waiver of any of the requirements, regulations, or standards of this Division;
      - e. A waiver of the height limit.
    3. An incentive requested as part of a development meeting the requirements of this Division shall be processed according to the following:
      - a. Upon an applicant's request, a development that meets the applicable requirements of this Division shall be entitled to incentives unless the City makes a written finding of denial based upon substantial evidence, of any of the following:
        - a. The incentive is not required in order to provide for affordable housing costs, as defined in California Health and Safety Code Sections 50052.5 and 50053;
        - b. The incentive would have a specific adverse impact upon public health and safety as defined in Government Code Section 65589.5, the physical environment, including environmentally sensitive lands for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to very low-income and low-income households;
        - c. The incentive would be contrary to state or federal law. Requested incentives shall be analyzed in compliance with the California Environmental Quality Act (CEQA) and no incentive shall be granted without such compliance.
      - b. The granting of an incentive shall not require a General Plan amendment, zoning change, a development permit, or other discretionary approval.
      - c. When a development permit is otherwise required, the decision to deny a requested incentive shall be made by City staff responsible for processing the development permit.

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4. The number of incentives available is as follows:

- a. Three incentives for a development that includes at least 10 percent of the post-density dwelling units for very low-income households at or below 50 percent area median income (AMI).
- b. Four incentives for a development in which at least 10 percent of the post-density bonus covenant-restricted dwelling units are three bedrooms at or below 80 percent AMI.

G. Affordable Housing waivers may be granted, except that waivers cannot be used to deviate from the requirements of this Division. An applicant utilizing the regulations in this Division shall be entitled to a waiver for any development for which a written agreement and a deed of trust securing the agreement is entered into by the applicant and the National City Housing Authority.

1. A waiver means a request by an applicant to waive or reduce a development standard that physically precludes construction of development meeting the criteria of this Division.
2. Upon an applicant's request, a development that meets the applicable requirements of this Division shall be entitled to a waiver unless the City staff responsible for processing the development permit makes a written finding of denial based upon substantial evidence that is in compliance with State of California Affordable Housing Density Bonus Government Code, of any of the following:
  - a. The waiver would have a significant, quantifiable, direct, and unavoidable impact upon health, safety, or the physical environment for which there is no feasible method to mitigate or avoid the impact;
  - b. The waiver would be contrary to state or federal law. Requested waivers shall be analyzed in compliance with CEQA ~~as set forth in Chapter 12, Article 8,~~ and no waiver shall be granted without such compliance; or,
3. The granting of a waiver shall not require a General Plan amendment, zoning change, development permit, or other discretionary approval.
4. There is no limit on the number of waivers an applicant may request.

#### **18.50.070 Required provision of affordable dwelling units.**

- A. A. An applicant requesting the application of the regulations in this Division shall agree to the City of National City's written agreement to provide affordable dwelling units, entered into by the applicant and the National City Housing Authority and secured by a deed of trust, that meets the following requirements:
1. Provides at least 10 percent of the post-density bonus rental dwelling units in the development, excluding any additional dwelling units allowed under a floor area ratio bonus, for rent by very low-income households at a cost, including an allowance for utilities, which does not exceed 30 percent of 50 percent of the AMI, as adjusted for household size.
  2. Provides at least 10 percent of the post-density bonus rental dwelling units in the development as three-bedroom units, excluding any additional dwelling units allowed under the FAR bonus, for rent by low-income households, including an allowance for utilities, which does not exceed 30 percent of 80 percent of the AMI, as adjusted for household size.
  3. For rental dwelling units to be counted as affordable and meet the requirements of this Division, the following qualifying criteria shall be met:
    - a. The affordable dwelling units shall be comparable in bedroom mix and amenities to the market-rate dwelling units in the development, as determined by the National City Housing Authority, except that the affordable dwelling units shall not be required to exceed three bedrooms per dwelling unit. The affordable dwelling units shall have access to all common areas and amenities

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provided by the development. The square footage and interior features of the affordable units shall be good quality and consistent with current building standards for new housing in the City of National City.

b. The affordable dwelling units shall remain available and affordable for a period of at least 55 years, unless 100 percent of the dwelling units in the development are affordable and the development is owned and operated by an institution of higher education, including a community or junior college, college or university, or a religious institution-affiliated housing development project, as defined in California Government Code Section 65913.6, in which case the affordable dwelling units shall remain available and affordable for a period of at least 25 years.

B. Nothing in this Division shall preclude an applicant from using affordable dwelling units constructed by another applicant to satisfy the requirements of this Division, including contracting with an affordable housing developer with experience obtaining tax-exempt bonds, low-income housing tax credits, and other competitive sources of financing, upon approval by the National City Housing Authority.

### **18.50.080 Supplemental development regulations**

Development utilizing the regulations in this Division must comply with the following Supplemental Development Regulations and may not utilize incentives or waivers provided in Section 18.4950.060 to deviate from the requirements in Section 18.4850.0380.

A. Pedestrian Circulation Space. All development shall include the following pedestrian circulation improvements:

1. Sidewalk Widening. A sidewalk widening enlarges a pre-existing or required sidewalk to a minimum of 10 feet in width measured perpendicular to the street. For a premise that is less than 25,000 square feet, an applicant may elect to provide public seating and pedestrian-oriented lighting, in lieu of a sidewalk widening.
2. At least one, 24-inch box canopy tree is required for each 25 feet of street frontage on each side of the required sidewalk. See National City Street Tree guidelines for list of approved street trees.
3. Above-ground utility placement within the sidewalk and/or pedestrian path is prohibited.
4. Gated entryways and street yard fencing are prohibited.
5. Green or cool roofs are defined as a roof with high reflectivity and emissivity that improves the energy efficiency of a building that has minimum reflectance of 0.70 and a minimum emittance of 0.75

B. Buffer from Adjacent Freeways. Development on premises within 100 feet of a freeway shall comply with the following:

1. A 10-foot minimum landscaped buffer shall be provided between the residential and commercial uses and any freeway; and
2. Outdoor areas such as balconies, patios, parks, plazas, and other spaces occupied by residents, customers, or members of the public shall be oriented away from the freeway.

C. Transition to Adjacent Residential Single-Unit Zones. Development on premises directly adjacent to a Residential Single-zoned parcel, including RS-1; RS-2; RS-3, and RS-4, where an existing dwelling unit is located on the adjacent premises, shall comply with the following criteria:

- 1) Incorporate a transition plane in the development that does not exceed a 65-degree angle.
  - a. The transition plane for the development shall start from the shared property line with the RS zone and extend 1/3 of the lot depth.



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## ***DIVISION 5. GLOSSARY***

### ***Chapter 18.650 GLOSSARY***

#### **[18.650.010] Generally.**

For the purpose of carrying out the provisions of this title, the words, phrases, and terms included herein shall be deemed to have the meaning ascribed to them in this chapter.

Abut or abutting. "Abut" or "abutting" means the same as "adjoining" and "contiguous."

Access. "Access" means the place or way by which pedestrians and vehicles shall have safe, adequate and suitable ingress and egress to a property or use as required by this title.

Accessory building or structure. "Accessory building or structure" means a subordinate building or structure, the use of which is incidental to that of and separate from the main building or primary structure and is located on the same lot.

Administrative services. "Offices, administrative, clerical or public contact services that deal directly with the citizen, together with incidental storage and maintenance of necessary vehicles. Typical uses include federal, state county and city offices."

[Accessory Dwelling Unit \(ADU\): "Accessory Dwelling Unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An ADU also includes an efficiency unit and a manufactured home, as defined in Section 18007 of the Health and Safety Code. Refer to Section 18.030.380 for ADU regulations.](#)

Accessory use. "Accessory use" is a use, [occupying no more than 40 percent of the lot](#), conducted on the same lot as the principal use or structure to which it is related, except that where specifically provided in the parking and loading regulations, accessory off-street parking or loading need not be located on the same lot; and, a use which is clearly incidental to and customarily found in connection with such principal use, and which is either in the same ownership as such principal use or is maintained and operated on the same lot substantially for the benefit or convenience of the owners, occupants, employees, customers, or visitors of the principal use.

Addition. "Addition" means the result of any work that increases the volume of an existing structure or replaces a demolished portion. Compare "alteration" and "structural alteration."

Adjacent. "Adjacent" refers to two or more lots or parcels of land separated only by an alley, or located in close proximity to each other; or two or more objects that lie near or close to each other. Compare "adjoining."

Adjoining. "Adjoining" refers to two or more lots or parcels of land sharing a common boundary line, or two or more objects in contact with each other. Synonyms are "contiguous" or "abutting."

Adult day health care center. "Adult day health care center" means a facility for seniors which provides care, protection and activities on a less than twenty-four-hour basis under the supervision of professional staff. The establishment shall be licensed by the state and conducted in accordance with state requirements.

Advertising. For definitions relating to advertising, see sign-related definitions.

[Affordable Housing Cost. "Affordable Housing Cost", in accordance with the California Health and Safety Code, means:](#)

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(1) For extremely low-income households the product of 30 percent times 30 percent of the area median income adjusted for family size appropriate for the unit.

(2) For very low-income households the product of 30 percent times 50 percent of the area median income adjusted for family size appropriate for the unit.

(3) For lower income households whose gross incomes exceed the maximum income for very low-income households and do not exceed 70 percent of the area median income adjusted for family size, the product of 30 percent times 70 percent of the area median income adjusted for family size appropriate for the unit. In addition, for any lower income household that has a gross income that equals or exceeds 70 percent of the area median income adjusted for family size, it shall be optional for any state or local funding agency to require that affordable housing cost not exceed 30 percent of the gross income of the household.

(4) For moderate-income households, affordable housing cost shall not be less than 28 percent of the gross income of the household, nor exceed the product of 35 percent times 110 percent of area median income adjusted for family size appropriate for the unit. In addition, for any moderate-income household that has a gross income that exceeds 110 percent of the area median income adjusted for family size, it shall be optional for any state or local funding agency to require that affordable housing cost not exceed 35 percent of the gross income of the household.

Affordable Rent. "Affordable Rent", in accordance with the California Health and Safety Code, means:

(1) For extremely low-income households the product of 30 percent times 30 percent of the area median income adjusted for family size appropriate for the unit.

(2) For very low-income households, the product of 30 percent times 50 percent of the area median income adjusted for family size appropriate for the unit.

(3) For lower income households whose gross incomes exceed the maximum income for very low-income households, the product of 30 percent times 60 percent of the area median income adjusted for family size appropriate for the unit. In addition, for those lower income households with gross incomes that exceed 60 percent of the area median income adjusted for family size, it shall be optional for any state or local funding agency to require that affordable rent be established at a level not to exceed 30 percent of gross income of the household.

(4) For moderate-income households, the product of 30 percent times 110 percent of the area median income adjusted for family size appropriate for the unit. In addition, for those moderate-income households whose gross incomes exceed 110 percent of the area median income adjusted for family size, it shall be optional for any state or local funding agency to require that affordable rent be established at a level not to exceed 30 percent of gross income of the household.

Agent of owner. "Agent of owner" means any person who can show certified written proof that he is acting for the property owner.

Agricultural or agriculture. "Agricultural" or "agriculture" means the use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for handling, treating or storing the produces; provided, however, that the operation of any such accessory use shall be secondary to that of the normal agricultural activity.

Air contaminant. "Air contaminant" means particulate matter, dust, fumes, gas, mist, smoke, vapor, or any combination thereof having or tending to have a deleterious effect on human beings, vegetation, animals or property.

Alley. "Alley" means a public or private right-of-way, other than a street or highway, permanently reserved as a means of providing secondary vehicular access to abutting properties.

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Alteration. "Alteration" means any work on a structure that does not result in any addition to the structure. Compare "addition" and "structural alteration."

Amendment. "Amendment" means a change in the wording, context or substance of this title, or a change in the zoning maps, which are part of this title when adopted by ordinance of the city council in the manner prescribed by law.

Anchor. "Anchor" means a large store, such as a department store or supermarket, that is prominently located in a shopping mall to attract customers who are then expected to patronize the other shops in the mall. See also "large format retail."

Animal boarding/kennel, small. The provision of temporary shelter and care for small animals on a commercial basis. Small animals include domesticated animals or household pets commonly maintained in residence with humans.

Animal hospital. For a definition of "animal hospital," see "veterinary hospital."

Animal husbandry. "Animal husbandry" is the care and breeding of domestic agricultural animals such as chickens and other fowl and horses.

Arcade. A covered walkway composed of a succession of arches supported by columns.

Architectural projection. For this definition, see "projection, architectural."

Area. "Area" means the same as "net area," unless otherwise specified.

Area, net. "Net area" means that area of a lot or parcel of land exclusive of public alleys, highways or streets; or proposed public facilities such as alleys, highways, or streets or other necessary public sites when included within a proposed development project; or other public or private easements where the owner of the servient tenement does not have the right to use the entire surface of the land.

Articulation. "Articulation." The degree or manner in which a building wall or roofline is made up to distinct parts or elements. A highly articulated wall will appear to be composed of a number of different planes, usually made distinct by their change in direction (projections and recesses) and/or changes in materials, colors, or textures.

Assembly building. "Assembly building" means a building or a portion of a building used for gathering for such purposes as deliberation, worship, auditorium, church or chapel, dance floor, lodge rooms, conference rooms, dining rooms, drinking establishments, exhibit rooms, or lounges.

Assembly and light manufacturing/processing. Assembly, light manufacturing, and processing uses have no objectionable environmental influences by reason of the emission of odor, heat, smoke, noise, and vibration and do not use explosive or petroleum materials. Such uses may include manufacturing, printing, assembling, processing, repairing, bottling, or packaging of products from previously prepared materials (excluding the assembly of large equipment and machinery); manufacturing of electrical and electronic instruments, devices and components, furniture, tools, clothing and shoes, toys and novelties, renewable energy infrastructure; artist studios; dyeing and cleaning plants, except large-scale operations; and any other limited manufactured/processing use which is determined by the city to be of the same general character as the uses listed here.

Assisted living facility. "Assisted living facility" means a complex that is designed to accommodate primarily the elderly but may accommodate others, with staff personnel and programs to assist residents with many activities of daily living. Units may or may not have kitchens, but meals are provided in a central location. Units usually rent on a monthly basis.

Auto body uses. A building or portions of a building where painting and interior and body modifications or repairs are performed on motor vehicles and trailers, including associated floor space used for offices, parking or showrooms. This includes shops that specialize in collision repair work; customization work on the body and interior of vehicles for aesthetic purposes or for the physically disabled, or other customers with special

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requirements; painting for post-collision, refurbishment or customization; and restoration of classic and antique vehicles.

Automobile, abandoned. "Abandoned automobile" means any motor vehicle which is required to be registered by the California Vehicle Code when operated upon a highway and whose registration has been expired for a period of six months or more. However, a motor vehicle stored within a permitted building or structure shall not be considered to be an abandoned automobile.

Automobile and trailer sales area. "Automobile and trailer sales area" means an open area, other than a street, used for the display, sale or rental of new or used automobiles or trailers and where no repair work is done except minor incidental repairs of automobiles or trailers to be displayed, sold or rented on the premises.

Automobile dismantling yard or automobile wrecking yard. "Automobile dismantling yard" or "automobile wrecking yard" means any premises used for the dismantling or wrecking of vehicles required to be registered under the California Vehicle Code, including the buying, selling or dealing of such vehicles or the integral parts or component materials thereof, or the storage, sale or dumping of dismantled, partly dismantled or wrecked inoperative vehicles. "Automobile dismantling" shall not include the incidental storage of inoperative or disabled vehicles in connection with a legal operation of an automobile repair garage, automobile body and fender repair shop, or automobile impound yard. See "scrap metal processing."

Automobile impounding yard. "Automobile impounding yard" means facilities maintained by a permittee, on contract with the city, for the temporary storage of vehicles legally removed or impounded by a peace officer from public or private property as prescribed by law.

Automobile parking. For definitions relating to automobile parking, see "parking lot" and parking-related definitions.

Automobile repair, major. "Major automobile repair" means repair involving removal of heads, pans, transmissions; repairing, replacing, or overhauling of engines, motor transmissions; repairing or replacing driving mechanisms, steering mechanisms, differential assemblies; and repairing or replacing any other major automotive part or parts.

Automobile repair, minor. "Minor automobile repair" means the sale, installation, and servicing of tires, batteries, automotive accessories and replacement items, engine tune-up, replacing points and plugs, carburetor overhaul; brake replacement and drum turning; alignment work, wheel balancing; replacing shock absorbers; air conditioning service; washing and lubricating services; steam cleaning; and supplying other incidental customer services and products.

Automobile service station. "Automobile service station" means a retail place of business engaged in the sale of motor fuels and in supplying goods and services generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorist needs. These shall include free restroom facilities for service station customers, and may include any of the items included under "major automobile repair" or "minor automobile repair."

Automobile wrecking. For a definition of "automobile wrecking," see "automobile dismantling, or wrecking yard."

Awning. "Awning" means a temporary shelter supported by an exterior wall of a building and of a type which can be retracted, folded or collapsed against the face of the supporting building.

Balcony. "Balcony" means an unroofed platform enclosed by a railing or parapet projecting from the wall of a building for the private use of tenants or for exterior access to the above-grade living units. When a balcony is roofed and enclosed with operating windows, it is considered part of the room it serves.

Bar/nightclub. "Bar/nightclub" includes restaurants with dancing after dinner hours, cocktail lounges, bars, establishments that provide live entertainment, and similar uses.

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Basement. or a definition of "basement," see the Uniform Building Code.

Batching plant. "Batching plant" means a plant for the manufacture or mixing of concrete, cement, and concrete and cement products, including any apparatus and uses incident to such manufacturing and mixing.

Bed and breakfast inn. "Bed and breakfast inn" means a residential building containing a specified number of guest rooms occupied by a specific number of persons, which provides living units and limited refreshments for transient guests, and which is managed and occupied by the owner of the property.

Bedroom. "Bedroom" means a private room intended for or capable of being used for sleeping, separated from other rooms by a door, having a window and closet/storage nook, and accessible to a bathroom without crossing another bedroom.

Beginning of construction. "Beginning of construction" means demolition, elimination and removal of an existing structure preparatory to new construction, or the incorporation of labor and materials in the foundation of a building or buildings.

Billboard or outdoor advertising structure. For definitions relating to billboards or outdoor advertising structures, see sign-related definitions in Chapter 18.47.

Block. "Block" means the land adjoining one side of a street between two consecutive junctions of said street with streets, railways, rights-of-way, or waterways crossing or meeting said side of said street.

Body piercing. "Body piercing" means penetrating the skin to make a hole, mark, or scar that is generally permanent in nature to place jewelry or objects of metal or plastic on any area for cosmetic purposes. "Body piercing" does not include practices that are considered medical procedures or the puncturing of the outer perimeter or lobe of the ear using a pre-sterilized, single-use stud and clasp ear piercing system.

Bona fide public eating place. "Bona fide public eating place" means a place which is regularly and in a bona fide manner, used and kept open for the serving of meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for ordinary meals, the kitchen of which must be kept in a sanitary condition with the proper amount of refrigeration for keeping of food on said premises and must comply with all the regulations of the local department of health. "Meals" mean the usual assortment of foods commonly ordered at various hours of the day; the service of such food and victuals only as sandwiches or salads shall not be deemed a compliance with this requirement. "Guests" mean persons who, during the hours when meals are regularly served therein, come to a bona fide public eating place for the purpose of obtaining, and actually order and obtain at such time, in good faith, a meal therein. Nothing in this section, however, shall be construed to require that any food be sold or purchased with any beverage.

Breweries, small. "Small breweries" are those breweries producing 60,000 barrels a year or less.

Breweries, large. "Large breweries" are those breweries producing more than 60,000 barrels a year.

Brewery. "Brewery" means an establishment which is licensed by the California Department of Alcoholic Beverage Control under a Type 1 or Type 23 to manufacture and sell alcoholic beverages on the premises for on-site or off-site consumption. Minors are allowed on the premises (per ABC Type 1 and Type 23 license regulations).

Brewery tasting room. "Brewery tasting room" means an establishment which is licensed by the California Department of Alcoholic Beverage Control under a Type 1 or Type 23 (Beer Manufacturer or Small Beer Manufacturer respectively) duplicate license to sell malt beverages the licensee produces for on-site and off-site consumption; including sales of sealed containers (commonly known as growlers) for off-site consumption. Only beer produced by the master licensee may be sold and/or consumed at the location. Minors are allowed on the premises (per ABC Type 1 and Type 23 license regulations).

Buildable area. "Buildable area" means the same as "net area."

Building. For a definition of "building," see the Uniform Building Code.

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Building bulk. "Building bulk" means the size of buildings or other structures and their relationships to each other and to open areas and lot lines. Regulations controlling bulk include maximum height, maximum lot coverage, maximum floor area ratio, minimum size of yards and setbacks, shape of buildings or other structures, the area of the lot upon which a residential building is located, and the number of dwelling units or rooms within such building in relation to the area of the lot.

Building height. For a definition of "building height," see the Uniform Building Code.

Building line. "Building line" means a line established by law or agreement usually parallel to the property line beyond which a structure may not extend.

Building lot coverage. See "lot coverage."

Building, main or primary. "Main building" means any building in which is conducted the principal use of the building site on which it is situated. In any residential zone, any dwelling shall be deemed to be a main building on the building site on which it is located.

Building site. "Building site" means:

1. The ground area of one lot; or
2. The ground area of two or more lots when used in combination for a building or permitted group of buildings, together with all open spaces as required by this title. See "lot."

Bulk distributing station, hazardous materials. "Hazardous materials bulk distributing station" means any distributing station for hazardous materials where there is located a loading rack and which is not an integral part of a refinery, natural gasoline plant, or crude petroleum producing or pipeline operation.

Cabaret. "Cabaret" means a cafe, restaurant, bar or other public establishment that serves food or alcoholic or nonalcoholic beverages, or both, where entertainment is regularly provided by paid or unpaid performers or musicians, or dancing is regularly allowed to the accompaniment of recorded or live music or rhythmic sound.

Camper. For a definition of "camper," see "recreational vehicle." Compare "mobile home."

Camp, tourist. For this definition, see "tourist camp."

Camp, youth. For this definition, see "youth camp."

Canopy. "Canopy" means a roof-like projection extending horizontally from a structure, usually made of metal, over a sidewalk or driveway for protection from sun or rain.

Car. For definitions relating to cars, see "motor vehicle," "vehicle," and other automobile-related definitions.

Carport. "Carport" means an accessory structure or portion of a principal structure, consisting of a roof and supporting members such as columns or beams, unenclosed from the ground to the roof on at least two sides, and designed or used for the parking or temporary storage of motor vehicles of owners or occupants of the structure to which it is accessory.

Car wash, automatic. An "automatic car wash" means a building or portion thereof containing facilities for washing vehicles, using conveyORIZED and/or mechanized equipment where the washing of the vehicle is performed by the equipment.

Car wash, full service. A "full service car wash" means a building or portion thereof containing facilities for washing vehicles, using conveyORIZED and/or mechanized equipment where the washing of the vehicle is performed by the equipment and an employee or employees of the facility assist in performing other services such as cleaning, drying, vacuuming, waxing, detailing, or similar services on the vehicle.

Car wash, manual. A "manual car wash" means a building or portion thereof containing self-service facilities where the washing of the vehicle is performed by the customer.

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Cellar. For a definition of "cellar," see the Uniform Building Code.

Cemetery. "Cemetery" means land used or intended to be used for the burial or interment of the dead and dedicated for such purposes, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

Certificate of occupancy. "Certificate of occupancy" means a required document issued by the department of building and housing prior to the occupation or use of vacant land, except for agricultural uses, or prior to occupation or use of buildings erected or structurally altered.

Child day care center. "Child care center" means any child care facility of any capacity, other than a child day care home, in which less than twenty-four-hour per day nonmedical care and supervision are provided to children in a group setting.

Children's home. "Children's home" means one or more buildings used for the semi-permanent, twenty-four-hour care of orphans or other children deprived of parental care, operated by a public agency or a philanthropic or charitable organization, but shall not include commercial enterprises operated by such organization or a correctional institution.

Circus and/or carnival. "Circus" and/or "Carnival" means a temporary outdoor amusement center, bazaar or fair, either involving use of special purpose equipment or conducted by professional operators, or both, and where activities include such things as rides, exhibitions, food service, sales, or small-scale games.

City council. See Chapter 2.04.

City manager. See Chapter 2.01.

Civic, fraternal, community, and cultural facilities. "Civic, fraternal, community, and cultural facilities" means a facility operated entirely on a public or nonprofit basis for the purpose of providing education, information, training, and/or entertainment of a civic or cultural nature. Such facilities include, but are not limited to, libraries, museums, and community centers.

Clinic. "Clinic" means any facility used for the care, diagnosis and treatment of sick, active, infirm or injured persons and those who are in need of medical, dental or surgical attention, but who are not provided with board or room, or kept overnight on the premises. "Clinic" includes dental clinic, health clinic, medical clinic and doctors' offices, and may include laboratory facilities in conjunction with normal clinic services.

Club, country. "County club" means a private club organized and operated for social purposes and possessing outdoor recreational facilities, such as golf courses, tennis courts or polo grounds.

Club. A "club" means any building or premises used by an association of two or more people united by a common interest or goal, whether incorporated or unincorporated, organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

College and university facilities. "College and university facilities" means educational institutions of higher learning which offer a course of study designed to culminate in the issuance of a degree.

Colonnade. "Colonnade." See arcade.

Commencement, land use activity. "Commencement" of any land use activity as provided for by this title is the date of beginning of such activity after all required city permits and approvals have been given. Where a use or premises require an occupancy permit, commencement shall not be recognized before that permit is issued. Any land use activities begun prior to commencement as defined above are, for the purposes of this title, not commenced.

Commercial. "Commercial" refers to any activity on or use of land which involves the buying, selling, processing, or improving of things not produced on the land and having financial gain as the primary aim of the

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activity or use, whether or not such activity or use is for hire or on account of the buyer, seller, processor, or improver.

Commercial recreation (indoor). "Commercial recreation (indoor)" refers to indoor recreational facilities that are operated as a business and open to the general public for a fee. Such uses may include, but are not limited to, gyms/health clubs, bowling alleys, martial arts, dance and exercise studios, skating rinks, batting cages, indoor swimming pools, boxing studios, indoor climbing walls, and similar uses.

Commercial recreation (outdoor). "Commercial recreation (outdoor)" refers to outdoor recreational facilities that are operated as a business and open to the general public for a fee. Such uses may include, but are not limited to, sports fields, golf courses/driving ranges, miniature golf, outdoor swimming pools, skate parks, court games, and similar uses.

Communication equipment building or use. "Communication equipment building or use" means a building or lot housing electrical and mechanical equipment necessary for the conduct of a public communications business with or without necessary personnel.

Community center. "Community center" means a neighborhood building for social, recreational, and cultural activities.

Community farm. "Community farm" means an area of land larger than one acre managed and maintained by an individual or group of individuals to grow and harvest food and horticultural products for shareholder consumption or for sale or donation. Shareholders may arrange to work on the farm in exchange for a share of the crops and/or pay for a portion of the crop in advance. A community farm may be a principal or accessory use.

Conditional use. "Conditional use" means a use which requires a special degree of control because of characteristics peculiar to it, or because of size, technological processes or type of equipment, or because of the exact location with reference to surroundings, streets and existing improvements or demands upon public facilities. Such control is to ensure that the particular use at the particular site on which such use is proposed to be located is compatible with other existing or permitted uses surrounding the site.

Condominium development. "Condominium development" means a structure and appurtenant premises divided in ownership by the existence of condominiums as now or hereafter defined by state law, and includes instances where ownership is so divided following prior single ownership of the entire structure and premises, as well as new structures and premises so divided in ownership.

Construction yard. "Construction yard" means an area on or immediately adjacent to a major construction or demolition site used on a temporary basis for the parking and storage of equipment used in the project, and the storage and preparation of materials and other items used in the project. Such yard may include construction offices and such shops as are necessary for work on the immediate project.

Contiguous. "Contiguous" means the same as "adjoining."

Convalescent services. "Convalescent services" means a use providing bed care and in-patient services for persons requiring regular medical attention, such as nursing homes, but excluding facilities providing surgical or emergency medical services, facilities providing care for alcoholism, drug addiction, mental disease or communicable disease.

Convenience establishments. "Convenience establishments" means small establishments designed and intended to serve the daily or frequent trade or service needs of the surrounding population. Such establishments include grocery stores, variety stores, drugstores, coin-operated laundry and dry-cleaning establishments, beauty shops, barber shops, and medical and dental offices. Specifically excluded are automobile service stations and repair garages, and drive-in eating and drinking establishments.

Corner lot. For this definition, see "lot, corner."



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Cornice. "Cornice" means an ornamental molding that finishes or crowns the top of a building, wall, arch or similar structure.

Court. "Court" means an area on the same lot with a building which is bounded on two or more sides by the exterior walls of a building or buildings on the same lot.

Courtyard housing. "Courtyard housing" means a group of three or more detached or attached one-story dwellings located on a single lot, and having a common court or yard. Each dwelling unit will have a separate entrance on the ground floor.

Coverage. See "lot coverage."

Curb level. "Curb level" means the level of the established curb in front of the building measured at the center of such front. Where no curb level has been established, the city engineer shall establish such curb level or its equivalent.

Dairy. "Dairy" means any premises where three or more cows or goats or any combination thereof equaling three or more animals are kept or maintained for the purpose of producing milk or milk products.

Decibel. "Decibel" is a unit which describes the sound pressure level or intensity of sound. The sound pressure level in decibels is twenty times the logarithm, to the base ten, of the ratio of the pressure of the sound to a reference pressure of 0.0002 microbars.

Density. "Density" means the number of dwelling units that may be constructed per acre or per square foot of lot area.

Department store. "Department store" means a store or group of shops under unified management selling a variety of merchandise groups, normally including clothing, appliances, hardware, and furniture.

Depth of lot. For this definition, see "lot depth."

Development. "Development" means the design, construction and related use of real property in any manner requiring compliance with this code.

Disposal facility. A "disposal facility" provides permanent containment or destruction of waste materials. Landfills and incinerators are examples of disposal facilities.

Dock. "Dock" means a landing pier for boats; a wharf, a structure supported by piling or floats in such a manner as to allow free flow of water beneath said structure and in which any buildings constructed thereon are incidental to the use of said structure as a wharf or landing pier.

Dormitory. "Dormitory" means a dormitory is a living facility accessory to a learning center designed to house students. A dormitory may be located on the same property as the learning center (college, university, boarding school, nursing school, or similar learning center) or may be located within one-quarter mile radius of the learning center.

Drive-through restaurant or drive-through eating place. "Drive-through restaurant" or "drive-through eating place" means any commercial establishment serving food or drinks, making provisions encouraging consumption of food or beverages off-site. Drive-through restaurants or eating places may also provide areas for indoor consumption.

Driveway. "Driveway" means a private road, the use of which is limited to persons residing, employed or otherwise using or visiting the parcel on which located.

Dump. "Dump" means an area devoted to the disposal of refuse and salvage, including incineration, reduction, or the dumping of ashes, garbage, combustibles or non-combustibles, or offal.

Duplex. "Duplex" means a building containing two dwelling units meant for residential occupancy which are attached by a common wall.

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Dwelling. "Dwelling" means a building or portion thereof designed or used exclusively for residential occupancy. For the purposes of this title, dwellings do not include hotels, motels, roominghouses, nursing homes, rest homes, university-owned or university-leased housing or institutions. See also "residential building."

Dwelling, group. "Group dwelling" means two or more single detached, single attached, or multiple-dwellings or apartments located on the same lot.

Dwelling, mobile home. For a definition of "mobile home dwelling," see "mobile home."

Dwelling, multiple. "Multiple dwelling" means the same as multi-unit residential dwelling.

Dwelling, single detached. "Single detached dwelling" means a detached building containing one dwelling unit meant for residential occupancy.

Dwelling, single attached. "Single attached dwelling" means a building containing two dwelling units meant for residential occupancy which are attached by a common wall.

Dwelling unit. "Dwelling unit" means one or more rooms with private kitchen and bathroom facilities, designed for occupancy for living and sleeping purposes. [Only one kitchen is allowed per unit.](#)

Easement, private road. For this definition, see "private road easement" in the glossary.

Educational institution. "Educational institution" means any elementary school, junior high school, high school, or college or university, either public or private, giving general academic instruction in the several branches of learning.

Efficiency unit. For this definition, see "studio unit" in the glossary.

Electric distribution substation. "Electric distribution substation" means the assembly of equipment which is part of a system for the transmission of electric power, which receives electric energy at a very high voltage from its source of generation, by means of a network of high voltage lines, and where, by means of transformers, said high voltage is transformed to a lower subtransmission voltage for the purpose of supplying electric power to large individual customers, or interconnections with other power-producing agencies or electric distribution substations for transformation to still lower voltage for distribution to smaller individual use.

Emergency shelter. "Emergency shelter" is defined in Section 50801(e) of the Health and Safety Code and includes housing with minimal supportive services that is limited to occupancy of up to six months. No individual or household may be denied emergency shelter because of an inability to pay.

[Employee housing. "Employee housing" means housing providing accommodations for six or fewer employees. Employee housing shall be deemed a single-family structure with a residential land use designation.](#)

Essential services. "Essential services" means the erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police callboxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including any buildings, electrical substations, or water storage tanks.

Explosive material. "Explosive material" means any chemical compound mixture or device, the primary and common purpose of which is to function by explosion with substantially simultaneous release of gas and heat, the resulting pressure being capable of producing destructive effects.

Façade. The exterior face of a building which is the architectural front, sometimes distinguished from other faces by elaboration of architectural or ornamental details.

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Family day care home, large. "Large family day care home" means a home that provides family day care for seven to fourteen children, inclusive, including children under the age of ten years who reside at the home, or as set forth in Section 1597.465 of the California Health and Safety Code and as defined in regulations.

Family day care home, small. "Small family day care home" means a home that provides family day care for eight or fewer children, including children under the age of ten years who reside at the home, or as set forth in Section 1597.44 of the California Health and Safety Code and as defined in regulations.

Family foster care home. "Family foster care home" means a family residence in which twenty-four-hour full-time care is provided for not more than six foster children (persons under eighteen years of age) and the dwelling unit is licensed by the state.

Farm stand. A "farm stand" is a temporary or permanent structure used for the display and sale of agricultural products.

Fast food eating place. "Fast food eating place" means any retail food establishment that primarily provides short order food services for on-site dining or take-out service, where such food and beverage is served on paper, plastic, or other disposable containers, and including drive in and drive through restaurants where ready-to-eat foods are served primarily to be consumed off the premises. This definition includes all self-service restaurants, except cafeterias, sit-down pizza parlors, and donut shops.

Fence. "Fence" means a freestanding structure of metal, masonry, composition or wood, or any combination thereof, resting on or partially buried in the ground and rising above ground level, and used for confinement, privacy, protection, screening or partition purposes.

Fenestration. "Fenestration" is the number, design, and arrangement of exterior windows.

Final map. "Final map" means a map prepared in accordance with the land division regulations and with any applicable provisions of the Subdivision Map Act, designed to be recorded with the county recorder.

Fire protection. "Fire protection" means such fire hydrants and other protective devices as required by the chief of the fire department.

Floor area. "Floor area" means the sum of the gross area of each floor of a building, excluding mechanical space, cellar space, elevators and stair bulkheads, open balconies, open porches, open breezeways, open terraces, and required parking.

Floor area ratio. "Floor area ratio" means the total floor area on a lot divided by the lot area. For example, a building containing twenty thousand square feet of floor area on a zoning lot of ten thousand square feet has a floor area ratio of two.

Free standing retail. "Free standing retail" means a single retail sales facility of up to twenty thousand square feet in size that is situated independently on a building lot and for which associated parking serves exclusively that facility.

Freeway. "Freeway" means a divided highway for through traffic with full control of access and with grade separations at intersections, and declared to be such in compliance with the California Streets and Highways Code.

Frequency. "Frequency" means the number of times that a displacement completely repeats itself in one second of time. Frequency may be designated in cycles per second or hertz (Hz).

Frontage. "Frontage" means all property fronting on one side of a street between intersecting or intercepting streets, or between a street and right-of-way, waterway, end of dead-end street, or city boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

Frontage road. For this definition, see "service road" in the glossary.

Front yard. For this definition, see "yard, front" in the glossary.

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Future street or alley. For this definition, see "street or alley, future" in the glossary.

Games of skill or amusement. "Games of skill or amusement" means any machines, devices or apparatus, the operation or use of which is permitted, controlled, allowed or made possible by the deposit or placement of any currency, plate, disc, slug or key into any slot or crevice, for the purpose or use as a game or amusement of any description the use for the purpose of which is not prohibited by any law of the state.

Garage, private. For a definition of "private garage," see "parking garage, private."

Garage, public. For a definition of "public garage," see "parking garage, public."

Garage, repair. "Repair garage" means a structure or portion thereof, other than a storage or parking garage, designed or used for repairing, equipping or servicing motor vehicles. Such garages may also be used for housing, storage or sale of motor vehicles.

Garage, storage. "Storage garage" means a structure or portion thereof designed and used exclusively for the storage of motor vehicles, and within which temporary parking may also be permitted.

General plan. "General plan" means a comprehensive declaration of purposes, policies and programs for the development of the city and including, where applicable, diagrams, maps and text setting forth objectives, principles, standards, and other features, and which have been adopted by the city council.

Goods and services, retail. Retail goods include commercial establishments that provide physical goods, products or merchandise directly to the consumer, where such goods are typically available for immediate purchase and removal from the premises by the purchaser. Typical uses include, but are not limited to, apparel, household appliances, computers and electronics, books and stationary, gifts and souvenirs, paint and wallpaper, pets, plants, groceries and baked goods, hardware, hobby and crafts, sports equipment or similar products. Services include establishments or places of business primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty shops, barbershops, nail salons, animal grooming establishments, shoe, jewelry, or watch repair, coin-operated laundromats, dry cleaners and tailors, travel agencies, insurance agencies, banks and credit unions, printing and copy businesses, photographic studios, or similar businesses. Retail goods and services do not include the sale and service of vehicles, industrial-type equipment, heavy machinery, or other similar uses.

Government service agency. "Government service agency" means a government service facility providing direct services to the public wherein large aggregations of people are probable, especially those such as employment offices, public assistance offices, motor vehicle registration and licensing services and similar activities commonly accustomed to having sizeable assemblages of people queueing, tarrying, bidding or waiting for service, whether pedestrian or vehicular.

Grade. For a definition of "grade," see the Uniform Building Code.

Gradient. "Gradient" means the rate of vertical change of a ground surface expressed as a percentage figure and determined by dividing the vertical distance by the horizontal distance.

Guidance/social assistance services. "Guidance/social assistance services" means a use providing counseling, guidance, recuperative, or similar services for persons requiring rehabilitation assistance as a result of mental illness, alcoholism, detention, drug addiction, or similar conditions for only part of a twenty-four-hour day.

Hazardous waste facility. "Hazardous waste facility" shall be defined as specified by the California Health and Safety Code and the San Diego County Hazardous Waste Management Plan.

Health facility, long-term. "Long-term health facility" means an institution or premises licensed by the state and used for the housing and care of the ambulatory, aged or infirm, and offering or providing lodging, meals, nursing, dietary or other personal services, but not including the care and treatment of persons with contagious or communicable diseases or persons insane or addicted to narcotics or alcohol. There shall be no surgery, physical therapy, or other similar activities such as are customarily provided in hospitals. Also called rest homes;

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convalescent homes; homes for the aged; veterans' homes; institutions for the feeble-minded, cerebral palsied and the like; plus other similar names signifying long-term care, which is personal and, at most, nursing help, rather than medical or surgical care. See also "hospital." (Note: A senior citizens' project or housing-for-the-elderly project is to be distinguished from a long-term health facility in that the senior citizens' project or housing is primarily of a residential character with only incidental nursing facilities while a nursing home is primarily designed and used for the care of convalescent or ill persons.)

Heavy manufacturing/processing. "Heavy manufacturing/processing" includes uses that process or treat materials for the fabrication of large base-sector products. Assembly of large equipment and machines is included in this category as well as manufacturing uses that typically produce noise, dust, or other pollutants capable of harming or annoying adjacent uses. Such uses include manufacturing and processing of plastics and synthetic resins; rubber products; soaps, bleaching products, and other disinfectants; large scale laundry and dry-cleaning facilities; industrial chemicals; paint and lacquer; fish, vinegar, and other food products with offensive odors (except slaughterhouses); steel mills; petroleum chemical sales; organic chemical research; and other uses that are found by the city to be of the same general character to those listed here.

Helicopter. "Helicopter" means a rotary-wing aircraft which depends, for its support and motion in the air, principally upon the lift generated by one or more power-driven rotors that rotate on a substantially vertical axis.

Heliport. "Heliport" means an area of land or water or a structural surface which is used or intended for use for the landing and takeoff of helicopters, and any appurtenant areas which are used or intended for use for heliport buildings and other heliport facilities.

Helistop. "Helistop" means the same as a heliport, except that no refueling, maintenance, repairs or storage of helicopters is permitted.

Highway. For definition, see "freeway."

Home, convalescent. "Convalescent home" means the same as "long-term health facility."

Home garden. "Home garden" means a garden maintained by one or more individuals who reside in a dwelling unit located on the subject property. Food and horticultural; products grown in the home garden may be used for personal consumption or for donation or sale on-site. A home garden is an accessory use to a principal residential use.

Home occupation. "Home occupation" means an occupation carried on within the main building by the occupant of the dwelling as a secondary use, in connection with which there is no display, no stock in trade nor commodity sold upon the premises, no person employed, and no mechanical equipment used except that which is normally necessary for housekeeping purposes.

Homeless shelter. "Homeless shelter" means the same as "emergency shelter."

Hospice. "Hospice" means a program that provides care for clients in the last stages of a terminal illness within the client's home or a home-like facility.

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

Hospital, long-term convalescent, or nursing and convalescent. "Long-term convalescent hospital" or "nursing and convalescent hospital" means the same as "long-term health facility."

Hospital, psychiatric. "Psychiatric hospital" means the same as "special hospital."

Hotel. "Hotel" means a building in which lodging is provided and offered to the public for compensation, and which is open to transient guests for less than thirty days. No room rentals shall be provided on an hourly basis. The hotel may include facilities available to the general public, such as meeting and dining facilities and limited goods and services, provided these are an integral part of the hotel operations.

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Household pet. "Household pet" means any domesticated animal commonly maintained in residence with humans.

[Housing Development Project. "Housing Development Project" means a use consisting of either of the following:](#)

[\(1\) Residential use only, with one or more units](#)

[\(2\) Mixed-use developments consisting of residential and nonresidential uses in which the nonresidential uses are less than 50 percent of the total square footage of the development and are limited to neighborhood commercial uses \(small-scale general or specialty stores that furnish goods and services primarily to residents of the neighborhood\) and to the first floor of buildings that are two or more stories.](#)

Improvement, public. "Public improvement" means such street work and utilities as may be installed on land to be used for public or private streets, highways, alleys, pedestrian ways, ways, and easements, as are necessary for the general use and safety of the landowner and the public. Such street work and utilities may include necessary monuments, street name signs, guardrails, barricades, safety devices, fire hydrants, grading, retaining walls, storm drains and flood control channels and facilities, erosion control structures, sanitary sewers, street lights, street trees, traffic warning devices (other than traffic signals), and such other facilities as may be required by this title.

Incidental use. "Incidental use" means the same as "accessory use."

[Income, low. "Low income" means any household whose income exceeds 50 percent but does not exceed 80 percent of the median income as adjusted for household size as defined by the U.S. Department of Housing and Urban Development for the San Diego Standard Metropolitan Statistical Area.](#)

[Income, very low. "Very low income" means any household whose income does not exceed 50 percent of median income as adjusted for household size as defined by the U.S. Department of Housing and Urban Development for the San Diego Standard Metropolitan Statistical Area.](#)

Industrial park. "Industrial park" means a special or exclusive type of industrial area designed or equipped to accommodate a community of industries, or approved under the procedure for planned development.

Institution. An "institution" is a non-profit or quasi-public use, or institution such as a library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.

Institution, health. For definitions relating to health institutions, see "clinic," "long-term health facility," and "hospital."

Institution, philanthropic. For this definition, see "philanthropic institution."

Inundation. "Inundation" means ponded water or water in motion of sufficient depth to damage property due to the presence of the water or due to deposits of silt.

[Junior Accessory Dwelling Unit \(JADU\): "Junior Accessory Dwelling Unit" means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing structure. Refer to Section 18.030.390 for JADU regulations.](#)

Junk or salvage yard. "Junk or salvage yard" means any premises used for the keeping or storage of junk, including but not limited to iron and scrap metals, paper, rags, glass, wood and similar materials, and includes the dismantling of machinery or the storage or keeping for sale of parts and equipment resulting from dismantling or wrecking operations on said property or elsewhere. "Junk or salvage yard" also includes the baling of cardboard, cardboard boxes, paper and paper cartons. Compare "automobile dismantling, or wrecking yard" and "scrap metal processing."

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Kennel. "Kennel" means any place where three or more dogs are kept for breeding purposes and where the pups are sold to any other person; or where dogs are received for care or for boarding by the day, week or month, or for longer periods of time.

Kitchen. "Kitchen" means any room or space within a building designed, intended to be used, or used for the cooking or the preparation of food.

Landscaping. "Landscaping" means the use of architectural and horticultural materials to provide control of erosion, dust, weeds, and accumulation of litter in a manner complementary to the purpose of adding natural environmental quality to the premises. "Landscaping" includes the planting and maintenance of some combination of trees, shrubs, groundcover, vines, flowers, lawns or other planting materials, other than weeds, providing shade, visual screening, aesthetic enhancement, soil conservation, and the removal or reduction of fire hazards, rodent harborages, vermin, and disease-bearing creatures. In addition, the combination or design may include natural features such as rock and stone, and structural features such as pools, art work, screens, walls, fences and benches. See also "fence" and "screening" as defined in the glossary.

Landscaping maintenance. "Landscaping maintenance" includes sufficient irrigation, fertilization, pruning, trimming, training, and all other reasonable acts necessary to keep plants in a healthy vigorous condition. Maintenance also includes removal of weeds, dead materials and accumulated litter, rubble, or other foreign substances; and reseeding, and replacement of dead plants and planting where necessary to restore a landscaped area to the level of "coverage" required of a new installation.

Large format retail. "Large format retail" is a single retail sales facility that has greater than twenty thousand square feet of gross floor area and is contained in a single building.

Loading berth. "Loading berth" means a space within a loading facility, exclusive of driveways, aisles, maneuvering areas, ramps, columns, landscaping areas, office and work areas, for the temporary parking of a commercial vehicle while loading or unloading goods or materials, and which abuts upon a street, alley, or other appropriate means of access.

Loading facility. "Loading facility" means an area, either open or enclosed, or partially enclosed within a structure or portion thereof, designed or used for the temporary parking of commercial vehicles while loading or unloading goods or materials.

Lot. The following shall constitute a legal building site:

1. A parcel of land which is shown on a final subdivision map recorded in the office of the county recorder, pursuant to the provisions of the Subdivision Map Act; or
2. A parcel of land, the dimensions or boundaries of which are defined by a duly recorded record of survey map; or
3. A parcel of land shown on the approved lot split map on file in the city engineering department; or
4. A parcel of land which is shown on an approved parcel map recorded in the office of the county recorder; or
5. A parcel of land not described as in subsections 1, 2, 3, and 4 of this definition and legally subdivided prior to the adoption of this National City Land Use Code.

Lot area. "Lot area" means the total area, measured on a horizontal plane, included within the lot lines of a lot or parcel of land.

Lot, corner. "Corner lot" means a lot or parcel of land situated at the intersection of two or more streets or highways, which streets or highways have an angle of intersection, measured within the lot or parcel of land, of not more than one hundred thirty-five degrees.

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Lot coverage. "Lot coverage" means that percentage of a lot which, when viewed directly from above, would be covered by a structure or structures, or any part thereof, excluding projecting roof eaves.

Lot depth. "Lot depth" means the horizontal distance between the front and rear lot lines, measured in the mean direction of the side lot lines.

Lot frontage. For a definition of "lot frontage," see "frontage."

Lot, interior. "Interior lot" means a lot other than a corner lot or reversed corner lot.

Lot, key. "Key lot" means the first interior lot to the rear of a reversed corner lot and not separated by an alley.

Lot line. "Lot line" means the property line bounding the lot.

Lot line, front. "Front lot line" means a line separating an interior lot from a street or highway, or a line separating the narrower street frontage of a corner lot from the street or highway. In the case of a corner lot with equal frontages on intersecting streets, the front lot line shall be the continuation of the street line with the greatest number of lot frontages in the block. [In the case of a landlocked lot, the front lot line shall be that which is closest to the street on which the lot is addressed.](#)

Lot line, rear. "Rear lot line" means a lot line which is opposite and most distant from the front lot line and, in the case of an irregular, triangular, or gore-shaped lot, a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line.

Lot line, side. "Side lot line" means any lot boundary line not a front lot line or a rear lot line.

Lot, reversed corner. "Reversed corner lot" means a corner lot, the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.

Lot, through. "Through lot" means a lot having frontage on two parallel or approximately parallel streets.

Lot width. "Lot width" means the horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

[Low Barrier Navigation Center. "Low Barrier Navigation Center" means 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.](#)

Maintenance and service facilities. "Maintenance and service facilities" means a facility supporting maintenance, repair, vehicular or equipment servicing, material storage, and similar activities, including corporation yards, equipment service centers and similar uses having characteristics of commercial services or contracting or industrial activities.

Major highway. For definition, see "freeway."



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Maps. For definitions relating to maps, see "final map," "parcel map" "Subdivision Map Act," "tentative map," and "zoning map" in the glossary.

Mass. "Mass" means three dimensional form; the visual impact of a building's height, depth, and length.

"Massage". See Municipal Code Sections 10.79 and 18.30.370.

Marquee. "Marquee" means a fixed shelter used only as a roof and extended over a building line, and which is entirely supported by the building to which it is attached. Compare "awning" and "canopy" in the glossary.

Medical office/medical clinic. "Medical office/medical clinic" means a facility providing medical, psychiatric, or surgical services for sick or injured persons exclusively on an out-patient basis, including emergency treatment, diagnostic services, training, administration and services to out-patients, employees or visitors.

Medium manufacturing/processing. "Medium manufacturing/processing" includes uses that have moderately objectionable environmental influences by reason of the emission of odor, heat, smoke, noise, or vibration. Such uses include the manufacture of food products, drugs, pharmaceuticals and the like; wineries, distilleries, and large breweries; lumber yards and wood products; leather products; plastics; paper products and packaging material; floor coverings; stone, clay, glass, and concrete activities and products; manufacturing of textile products; metal fabrication and welding; vehicle manufacture, railroad equipment; and any other uses found by the city to be of the same general character of those listed here.

Merchandise. "Merchandise" means any tangible object of nominal or value greater than one cent including, but not limited to, all manufactured products, food, goods and flowers, but excluding "newspapers."

Microbrewery. "Microbrewery" means a pub or restaurant that also produces and sells beer on the premises. Generally, a microbrewery produces fewer than ten thousand barrels of beer and ale a year.

Military installations. "Military installations" means military facilities of the federal and state governments.

Mini-warehouse/self-storage. "Mini-warehouse" (also [known](#) as [self-storage](#) facilities) means a building used for private rental of space for temporary storage of household goods and materials other than storage by commercial "household goods storage" businesses and except "warehouses."

Mixed-use. The term "mixed-use" shall be defined as a combination of commercial and residential uses or structures, designed and built on a single lot or parcel, or as components of a single development.

Mobile home. A "mobile home" is defined by Section 798.3 of the California Civil Code.

Mobile home park. "Mobile home park" means an area of land where two or more mobile home sites are rented or leased, or offered for rent or lease, to accommodate mobile homes used for human habitation.

Mobile home site. "Mobile home site" means that portion of a mobile home park set aside and designated for the occupancy of a mobile home and including the area set aside or used for parking or structures, including awnings, cabanas or ramadas which are accessory to the mobile home.

Model home. "Model home" means a dwelling or residential building having all of the following characteristics:

1. Said dwelling is constructed upon a proposed lot previously designated as a model home site by the planning commission in a subdivision for which the commission has approved or conditionally approved a tentative map but for which a final map has not yet been recorded;
2. The proposed lot upon which the model home is constructed is recognized as a legal building site for the duration of the model home permit;
3. No certificate of occupancy for such dwelling has been issued by the director of building and housing;
4. Where applicable, temporary access to such dwelling is permitted over future streets previously restricted to public access; and,

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5. Said dwelling is intended to be temporarily utilized as an example of the dwellings which have been built or which are proposed to be built in the same subdivision.

Motel. "Motel" means any building or group of buildings containing guest rooms for overnight visitor accommodations and not more than thirty days. No room rentals shall be provided on an hourly basis. The motel may include facilities available to the general public, such as dining facilities, provided these are an integral part of the motel operations.

Motor vehicle. "Motor vehicle" means a self-propelled device used or intended to be used for the transportation of freight or passengers upon a street or highway, excepting a device moved by human power or a device used exclusively upon stationary rails or tracks. See also "recreational vehicles" and automobile-related definitions, plus "accessory vehicle," "commercial vehicle" and "vehicle."

Multi-unit residential. "Multi-unit residential" is a residential structure containing three or more residential dwelling units.

Mural. "Mural" means a painting, graphic design, or pictorial representation applied directly or attached to an exterior mounting surface or exterior wall that is visible from any point of any public right-of-way, including public street, sidewalk, or trail. Any representation which identifies a business or building by logo, product, service, trademark, message, or slogan shall be considered a sign.

Neighborhood corner store. "Neighborhood corner store" means a small convenience store not more than three thousand square feet established in a residential zone pursuant to Section 18.30.260.

Neighborhood garden. "Neighborhood garden" is an area of land, one acre or less, managed and maintained by an individual or group of individuals to grow and harvest food and horticultural products for personal or group consumption, for sale or donation. A neighborhood garden may be divided into separate garden plots for cultivation by one or more individuals or may be farmed collectively by members of the group. Neighborhood garden group members may or may not reside on the subject property. Sale and donation of food and horticultural products grown in the neighborhood garden may occur on-site. A neighborhood garden may be a principal or accessory use.

Net area. For this definition, see "area, net."

Nonconforming structure. "Nonconforming structure" means a structure which was lawfully erected prior to the adoption of the ordinance codified in this title but which, under the provisions of this title, does not conform to the standards of coverage, yards, height of structures, or distances between structures prescribed in the regulations for the zone in which the structure is located.

Nonconforming use. "Nonconforming use" means a use of a structure or land, which was lawfully established and maintained prior to the adoption of the ordinance codified in this title, but which, under the provisions of this title, does not conform with the use regulations for the zone in which it is located.

Nursing home. "Nursing home" means the same as "long-term health facility."

Office. "Office" means an establishment providing direct, "over-the-counter" services to consumers and office-type facilities occupied by businesses providing professional services and/or engaged in the production of intellectual property. This includes, but is not limited to such uses as accounting, auditing, and bookkeeping services, advertising agencies, travel reservation centers, architectural, engineering, planning, and surveying services, real estate and related services, legal services, art and design services, computer software and hardware design, counseling services, data processing services, detective agencies, insurance companies, telemarketing, management and public relation services, photography studios, writer and artist offices, postal facilities, administrative and clerical services, or public contact offices of a government agency, and banks and financial institutions.

Open space, common usable. "Common usable open space" means recreational or leisure space for the shared use of residents of a multi-unit development with no dimension less than twenty feet and may include

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gardens, playgrounds, courtyards, swimming pools, sitting areas, court games, recreation rooms, exercise rooms or gyms, spas, community rooms, lawn/turf used for open play, ponds, fountains, atriums, picnic areas, rooftop gardens or green roofs, or similar uses or facilities.

Open space, private usable. "Private usable open space" means an outdoor recreational or leisure space devoted to the exclusive use of a unit with no dimension less than five feet, including the following: patio, porch, and balcony.

Open space, usable roof area. "Usable roof area open space" means that part of a roof which is usable by all residents of the building, is accessible to all residents by a passageway from the buildings, is enclosed by parapet or ground rails adequate for the safety of the occupants, has no dimension less than twenty feet, and is developed for active or passive recreational use.

Outdoor advertising display. "Outdoor advertising display" means any card, paper, cloth, metal, glass, wooden or other display or device of any kind placed for outdoor advertising purposes on the ground or on any tree, wall, rock, structure, or other object.

Outdoor advertising structure. For definitions relating to outdoor advertising structures, see sign-related definitions.

Outdoor storage. "Outdoor storage" means storage of goods and materials outside of any building or structure, but not including storage of a temporary or emergency nature.

Overlay zoning/overlay zone. "Overlay zoning is a regulatory tool that creates a special zoning district, placed over an existing base zone(s), which identifies special provisions in addition to those in the underlying base zone. The overlay district can share common boundaries with the base zone or cut across base zone boundaries. Regulations or incentives are attached to the overlay district to protect a specific resource or guide development within a special area."

Pad, building. "Building pad" means the area occupied by a building or buildings on a building site, including the open area contiguous to and surrounding such buildings and having a slope not greater than ten percent. Building pads shall be exclusive of required front yards.

Parapet. "Parapet" means the part of a wall which rises above the edge of a roof.

Parcel. For a definition of "parcel," see "lot."

Parcel map. "Parcel map" means a map showing the division of land, as described in the California Subdivision Map Act, and prepared in accordance with the provisions of this title and the Subdivision Map Act.

Pergola. "Pergola" means an open framework over a walkway or path, which is usually designed to be covered in climbing plants; a walk framed by columns or posts and covered by cross members.

Park (active recreation). "Park (active recreation)" means a piece of land that is not part of a residential development, which is developed with such uses as sports fields, court games, skate parks, swimming pools, and other recreational uses that have the potential to generate a lot of noise.

Park (passive recreation). "Park (passive recreation)" means a piece of land that is not part of a residential development, which is generally kept in a natural state and contains sitting areas, picnic areas, trails, and other recreational activities that do not generate a significant amount of noise.

Parking facility. "Parking facility" means an area other than a street or other public way, either open or enclosed within a structure or portion thereof, designed or used for the parking of motor vehicles.

Parking facility, accessory. "Accessory parking facility" means a parking facility which is accessory to a structure or use on the same lot or another lot, and may include both required or permitted parking stalls.

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Parking garage, private, or carport, private. "Private parking garage" or "private carport" means a detached accessory building or portion of a main building assigned for the parking or temporary storage of automobiles of the occupants of the premises.

Parking garage, public. "Public parking garage" means a structure or portion thereof designed or used for the parking of motor vehicles and some or all of whose parking stalls are non-accessory. Commercial or public parking garages may include accessory off-street parking stalls limited to such stalls which are accessory to other structures or uses on the same lot.

Parking lot. "Parking lot" means an open area, other than a street, used or designated to be used for temporary storage of vehicles, and which is available for either public or private use, whether free, for compensation, as an accommodation for clients or customers, or for private use.

Parking lift, mechanical. A "mechanical parking lift" is an automated parking lift contained entirely within a parking lift rack structure for parking two or more vehicles. The parking lift rack structure is two or more tiers high and is erected indoors or outdoors. Parking spaces for a mechanical parking lift are considered tandem spaces.

Parking space or stall. "Parking space" or parking stall" means a permanently surfaced space within a parking facility, exclusive of driveway, aisles, maneuvering or landscaped areas, ramps, columns, office and work areas, for the parking of one motor vehicle.

Parkway. "Parkway" means the space located between the street curb and the property line. The parkway may include a sidewalk and a landscape strip, a sidewalk, or a sidewalk with a cut-off for a street tree.

Patio structure. "Patio structure" means an attached roofed structure open on one or more sides, whose principal use shall be for indoor-outdoor living and recreation.

Pawn shop. A "pawn shop" is a business that offers secured loans to people, with items of personal property used as collateral.

Payday lender. "Payday lender" means an establishment that provides monetary loans to borrowers that must be paid in full, usually at a high interest rate, when the borrowers receive their next pay check.

Pedestrian way. "Pedestrian way" means a right-of-way for pedestrians, free from vehicular traffic and including access ramps, stairs, and mechanical lifts and routes through buildings which are available for public use.

Performance standards. For provisions regarding "performance standards," see Chapter 18.4, Title 7, and Title 12 and specific definitions dispersed throughout this title.

Petroleum bulk plant. "Petroleum bulk plant" means any premises used for the wholesale distribution and storage of gasoline, oil or petroleum products, but not including the storage of liquid petroleum gas, a tank farm, or connection to a pipeline constituting, in effect, a petroleum terminal.

Pet grooming. "Pet grooming" is a personal service establishment that, for a fee, trims, cleans or curries domestic pets such as dogs and cats and which may sell pet supplies. This term shall not include establishments which board pets or provide pet day care.

Pet shop. "Pet shop" means any store, department of any store, or place of business where dogs, cats, monkeys, birds, reptiles, or any other animals are kept for sale, for hire, or are sold.

Philanthropic institution. "Philanthropic institution" means a nonprofit, charitable institution devoted to the housing, training or care of children, or of aged, indigent, handicapped or underprivileged persons, but not including the following: office buildings, except as an accessory to and located on the same lot with an institutional activity, as listed above; hospitals, clinics or sanitariums, correctional institutions; institutions or homes for the insane or those of unsound mind; lodging houses or dormitories providing temporary quarters for transient unemployed persons; organizations devoted to collecting and salvaging new or used materials; or organizations devoted principally to distributing food, clothing or supplies on a charitable basis.

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Planning commission. For this definition, see Chapter 2.28.

Planning division. The "planning division" is a unit of city government responsible for reviewing land development proposals, ensuring compliance with the city's General Plan, Land Use Code, Local Coastal Program Land Use Plan (PDF), Local Coastal Program Implementation (PDF), State Subdivision Map Act, California Environmental Quality Act (CEQA), and other applicable local and state regulations. The planning division also provides staff support to the planning commission, and recommends and implements changes to the land use section of the Land Use Code.

Postal facilities. "Postal facilities" means postal services, including post offices, bulk mail processing or sorting centers, operated by the United States Postal Service.

Principal permitted use. "Principal permitted use" means the primary allowed land use. Where more than one use is located within a single place, the principal use is that activity to which the greatest amount of floor and/or ground space is devoted. All other activities are "accessory uses." An accessory use that is clearly subordinate and incidental to a permitted use is a component of that permitted use.

Private road easement. "Private road easement" means a parcel of land not dedicated as a public street but intersecting or connecting with a public street, or another private street, for which a private easement for road purposes has been proposed or granted to the owners of property contiguous or adjacent thereto, and for which an instrument creating the easement has been duly recorded and filed with the county recorder.

Projection, architectural. "Architectural projection" means anything attached to and extended outside the outer face of the exterior wall of a structure and not intended for shelter or occupancy.

Property line. "Property line" means a line separating parcels of real property having separate legal descriptions, but not including a building line.

Public assembly. "Public assembly" means an institution, such as a church or lodge, that people regularly attend to participate in or hold religious services, public meetings, or other similar activities. This term does not carry a secular connotation and includes the buildings or other locations in which the religious services of any denomination are held.

Public safety facilities. "Public safety facilities" means facilities for conduct of public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.

Public utility service center. "Public utility service center" means any building or premises used for the administration of public utility repair, maintenance and installation crews, including parking for vehicles not to exceed one and one-half-ton rated capacity, but not including warehouses or storage yards.

Public utility service yard. "Public utility service yard" means any building or premises used for the office, warehouse, storage yard, or maintenance garage of a public utility, including microwave repeater stations when incorporated as a part of the service yard use. See also "communication equipment building" and "telephone repeater station."

Public way. "Public way" means any street, alley, pedestrian way, channel, viaduct, subway, tunnel, bridge, easement, right-of-way, or other way in which a public agency has a right of use. See also "street or public street" and "freeway."

Quarry. "Quarry" means any place on a lot or parcel of land where dirt, soil, sand, gravel, rock, clay, decomposed granite, or other similar material is removed by excavation or otherwise. "Quarry" includes mining operations for the removal of ores, precious stones, or other solid minerals, but shall not include excavation and removal of materials from a lot or parcel of land preparatory to construction of a building for which a building permit has been issued and remains in full force and effect, provided that such excavation is confined to that necessary for such building construction, but in no event shall more than five thousand cubic yards of soil or other excavated materials be removed from the premises; or excavation, on a lot, parcel of land or subdivision, necessary to grading, building construction or operation on the premises, where a building permit is not in full

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force and effect, provided that such grading is necessary to prepare a site for a lawful use permitted thereon, but in no event shall more than five hundred cubic yards of soil or other excavated materials be removed from such premises.

Railroad facilities. "Railroad facilities" means railroad yards, equipment servicing facilities and terminal facilities.

Real estate sales office. "Real estate sales office" means a sales office established and maintained in one model home as approved by the planning commission, or in a single-family dwelling on a recorded lot previously designated as a model home site by the planning commission and serving temporarily as an example of houses in the same subdivision, and subject to the provisions of this title.

Rear lot line. For this definition, see "lot line, rear."

Rear yard. For this definition, see "yard, rear."

Recreational vehicles:

1. "Recreational vehicles" include the following:
  - a. Boats and boat trailers, including boats, floats, and rafts, plus the normal equipment to transport the same on a highway;
  - b. Campers, which are structures designed primarily to be mounted upon a motor vehicle and with sufficient facilities to render same suitable for use as a temporary dwelling for camping travel, recreational and vacation purposes;
  - c. Full tent trailers, which are canvas folding structures mounted on wheels and designed for travel and vacation use;
  - d. Motorized homes, which are portable dwellings designed and constructed as an integral part of a self-propelled vehicle;
  - e. Travel trailers, which are vehicular portable structures built on a chassis and designed to be used as temporary dwellings for travel, recreational and vacation uses permanently identified as a travel trailer by the manufacturer.
2. See also "mobile home" and "motor vehicle."

Recreation, commercial. "Commercial recreation" means recreation facilities operated as a business and open to the general public for a fee.

Recreation, private, noncommercial. "Noncommercial private recreation" means clubs or recreation facilities operated by a nonprofit organization and open only to bona fide members of such nonprofit organization.

Recreation, public. "Public recreation" means publicly owned or operated recreation facilities.

Recreation room or building. "Recreation room or building" means a room, contained in either a main building or an accessory building, designed to be utilized primarily for games, the pursuit of hobbies, social gatherings, and such activities. Such a room may contain such plumbing fixtures as are utilized in a bar or for hobby activities. Such a room in a single-family or two-family dwelling, or in an accessory building appurtenant to a single-family or two-family dwelling, may not include facilities for the cooking and preparation of food. However, in a multiple residential use or in an accessory building appurtenant thereto, a recreation room which is for the common use of all the dwelling units therein may contain facilities for the cooking and preparation of food.

Rectory. "Rectory" is the residence of one or more leaders of a religious institution of any denomination and may also function as the administrative offices of the religious institution. A rectory is also known as a presbytery, parsonage, or manse.

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Recyclables or recyclable materials. "Recyclables" or "recyclable materials" means plastic bottles, plastic containers, glass bottles, glass jars, newspapers, aluminum and/or metal cans, and any other material designated by the city as a recyclable material in Chapter 9.52.

Renewable energy infrastructure. "Renewable energy infrastructure" is equipment used to generate electricity or heat from renewable or low-carbon sources. Renewable energy infrastructure includes, but may not be limited to, solar power, wind power, electric vehicle charging stations, and similar facilities and devices.

Repair garage. For this definition, see "garage, repair."

Research and development. "Research and development" means a laboratory facility that is primarily used for scientific research. This use can include the design, development, and testing of biological, chemical, electrical, magnetic, mechanical, and/or optical components in advance of product manufacturing. This use does not involve the fabrication, mass manufacture, or processing of the products.

Residential building. "Residential building" means a building or portion thereof designed or used for human habitation.

Residential care home. "Residential care home" means a state authorized, certified, or licensed home serving six or fewer mentally disordered or otherwise handicapped persons or dependent or neglected children, and providing care on a twenty-four-hour-a-day basis, as defined in Section 5116, California Welfare and Institutions Code.

Residential density. "Residential density" means the average number of families living on one acre of land in a given area. Net residential density is determined by dividing the total number of families in a defined area by the total acreage of all parcels of land within the area that are used for residential and accessory purposes. Gross residential density is obtained by dividing all land in a defined area used for residences, streets, local schools, local parks, and local shopping facilities into the total number of families in said area.

Rest home. "Rest home" means the same as "long-term health facility."

Restoration is initiated. "Restoration is initiated" means that, at a minimum, a building permit application has been issued.

Retail sales or retail store. "Retail sales" or "retail store" means the sale of goods, merchandise or commodities for consumption or use by the purchaser.

Right-of-way. "Right-of-way" means an area of land reserved for public or private easements.

Roadway. "Roadway" means that portion of a right-of-way for a street, highway or alley designed or used for accommodating the movement of vehicles.

Rooming or boarding house. "Rooming or boarding house" means a private residence which is rented out to more than two paying guests.

Rubbish. "Rubbish" means refuse and waste material, whether combustible or noncombustible, not included within the definition of garbage as herein defined, including but not limited to paper, rags, leaves, glass, cans, ashes, tree and vine trimmings. It shall not include plaster, rock sand, dirt, automobile frames or fenders, or waste material pertaining to building operations, construction or repair. It shall not mean discarded water heaters or furniture.

Salvage yard. For this definition, see "yard, salvage."

Satellite television antenna. "Satellite television antenna" means a device or instrument designed or used for the reception of television or other electronic communications signals broadcast or relayed from an earth satellite. It may be a solid, open-mesh or bar-configured structure, typically eight feet in diameter, in the shape of a shallow dish or parabola.

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Scale. "Scale" means the measurement of the relationship of one object to another object. The scale of a building or the scale of a building's components can be described in terms of its relationship to a human being. A building's scale can range from intimate or pedestrian-scale to monumental. Intimate or pedestrian-scale refers to the portions of a building that are around eight to ten feet in height above the ground plane. A monumental scale is used to present a feeling of grandeur. Building types which commonly use a monumental scale usually include banks, churches, and civic buildings.

Soffit. "Soffit" means the finished underside of an eave.

School, elementary and high. "Elementary school" and "high school" mean institutions of learning which offer instruction in the several branches of learning and study required to be taught to the public schools by the Education Code of the state. "High school" includes junior and senior high schools.

School, trade, vocational, business or professional. "Trade school," "vocational school," "business school" or "professional school" means an institution of learning which offers specialized instruction as preparation for entrance into, or as supplementary training in, a specific field or endeavor. Such institutions include, but are not limited to, secretarial schools, barber schools, modeling schools, language schools, electronics schools, dancing schools, and art schools.

Scrap metal processing. "Scrap metal processing" means the recovery of metals from salvage for consumption by primary metals industries, using cutting, shredding, and melting processes. "Scrap metal processing" includes the preparation of such salvaged metals for reshipment. "Scrap metal processing" does not include wrecking yards, junkyards, or any similar use where metals are stored or sold as secondhand or used materials. Nonmetallic salvage or processing not clearly incidental to the principal use shall not be allowed.

Screening. "Screening" means solid walls, solid fences, or dense living hedges for the purpose of concealing from view the area behind such structure or hedge. See also "fence" and "landscaping."

Second unit. "Second unit" is a small, self-contained residential unit built on the same lot as an existing primary residence or built in conjunction with a primary residence. It provides complete independent living facilities for one or more persons. Second units are also referred to as "accessory dwelling units," "in-law apartments," "granny flats," "ancillary apartments" or "carriage houses." Second units may be attached to or detached from the primary residence. Refer to Section 18.21.050 for second unit regulations.

Secondhand dealer. A "secondhand dealer" means and includes any person, co-partnership, firm, or corporation whose business includes buying, selling, trading, taking in pawn, accepting for sale on consignment, accepting for auctioning, or auctioning secondhand tangible personal property, as defined in this Glossary.

Secondhand tangible personal property. "Secondhand tangible personal property" includes, but is not limited to, all secondhand tangible personal property that bears a serial number or personalized initials or inscription or which, at the time it is acquired by the secondhand dealer, bears evidence of having had a serial number or personalized initials or inscription, as defined by the California Business and Professions Code. In addition, secondhand tangible personal property also includes precious metals such as gold, silver, platinum, and jewelry.

Senior citizens' housing. For this definition, see "senior housing."

Senior housing. "Housing for the elderly" or "senior housing," also called "elderly housing and senior citizen housing" means a project specially designed for elderly persons and providing living unit accommodations. Senior housing may also include spaces for common use by the occupants in social and recreational activities and, when needed, incidental facilities and space for the project residents.

Setback. "Setback" means a horizontal distance determining the location of a building with respect to a street, zone boundary line, or another use. Where the term "setback" is used in conjunction with a modifying word or words, such as "parking area," the setback shall, in its application, include but not be limited to building.

Shared parking. "Shared parking" means parking spaces shared by more than one user or land use.



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Shopping center. "Shopping center" means a group of commercial establishments planned and developed, owned or managed as a unit, with off-street parking and loading provided on the property, and related in its location, size, and type of shops to the trade area which the unit serves.

Sidewalk. "Sidewalk" means that portion of a thoroughfare, other than a roadway, set apart by curbs, barriers, markings or other delineations for pedestrian travel.

Sidewalk café. "Sidewalk café" means the outdoor seating portion of an eating or drinking establishment such as a restaurant, coffeehouse, or café. Sidewalk cafes must conform to the regulations set forth in Section 18.30.200.

Side yard. For this definition, see "yard, side."

Sight visibility triangle. Refer to "traffic visibility triangle."

Site, building. For this definition, see "building site."

Site, Vacant. A "vacant site" means a site without any houses, offices, buildings, or other significant improvements on it. Improvements are generally defined as development of the land or structures on a property that are permanent and add significantly to the value of the property.

Site, Nonvacant. A "nonvacant site" means a site with one or more houses, offices, buildings, or other significant improvements on it. Improvements are generally defined as development of the land or structures on a property that are permanent and add significantly to the value of the property.

Skilled nursing facility. "Skilled nursing facility" means an institution, or part of an institution, that provides licensed, skilled nursing care and related services for patients who require twenty-four-hour medical, nursing or rehabilitative services.

Sloping terrain. "Sloping terrain" means any ground surface having a rate of incline or decline of greater than a ten percent gradient.

Solar array. A "solar array" is an electrical device consisting of a large array of connected solar cells

Solar collector. A "solar collector" is any of several devices that absorb and accumulate solar radiation for use as a source of energy.

Solar energy system:

- (1) Any solar collector or other solar energy device, certified pursuant to state law, along with its ancillary equipment, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.
- (2) Any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.

Specific plan. "Specific plan" means a definite statement, adopted by ordinance, of policies, standards, and regulations, together with a map or description defining the location where such policies, standards, and regulations are applicable.

Stall, parking. For a definition of "parking stall."

Storage, outdoor. For a definition of "outdoor storage."

Story. For a definition of "story," see the Uniform Building Code.

Street or public street. "Street" or "public street" means any public thoroughfare other than an alley or walk. Where a subdivision has been recorded containing lots which abut only on an alley or walk, the alley or walk may be considered to be a street.

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Street, collector. "Collector street" means a street (including the principal access streets of a subdivision) which carries traffic from local streets, either directly or by way of other existing or proposed collector streets, to a major or secondary highway.

Street line. "Street line" means the boundary line between a street and the abutting property.

Street, local. "Local street" means any street, other than a collector street, major or secondary highway or freeway, providing access to abutting property and serving local, as distinguished from through, traffic.

Street or alley, future. "Future street or alley" means any real property which the owner thereof has offered for dedication to the city for street or alley purposes but which has been rejected by the city council subject to the right of the council to rescind its action and accept by resolution at any later date and without further action by the owner all or part of said property as a public street or alley.

Street, private. "Private street" means a private road easement that the director determines to be adequate for access and which conforms to such dimensional and improvement standards as are adopted by the commission.

Street, side. "Side street" means a street which is adjacent to a corner lot and which extends in the general direction of the line determining the depth of the lot.

Structural alteration. "Structural alteration" means any change in the supporting members of a building, such as foundations, bearing walls, columns, beams, floor or roof joists, girders, or rafters, or changes in roof or exterior lines.

Structure. "Structure" means anything constructed or erected which is supported directly or indirectly on the earth, but not including any vehicle which conforms to the California State Vehicle Act. "Structure" includes any building or accessory building which can be used for the housing, shelter, or enclosure of persons, animals, chattels, or property of any kind, plus fences, walls, billboards, platforms, towers, panels and signs.

Structure, accessory. For this definition, see "accessory structure."

Subdivision Map Act. "Subdivision Map Act" means the Subdivision Map Act of the state.

Studio or efficiency unit. "A studio or efficiency unit" means a dwelling that combines kitchen, living, and sleeping rooms into one room.

Substantial conformance. "Substantial conformance" means a determination in which a revision to a development that was approved through a permit or tentative map complies with the objectives, standards, guidelines, and conditions, for that permit or tentative map.

Supportive housing. Supportive housing is defined in Section 50675.14 of the Health and Safety Code and has no limit on the length of stay, is linked to on-site or off-site services, and is occupied by a target population as defined in Health and Safety Code Section 53260 (i.e., low income persons with mental disabilities, AIDS, substance abuse or chronic health conditions or persons whose disabilities originated before the person turned eighteen). Services typically include assistance designed to meet the needs of the target population in retaining housing, living and working in the community, and/or improving health and may include case management, mental health treatment, and life skills.

Tandem parking. "Tandem parking" is where vehicles park nose-to-end or are stacked vertically. Tandem parking shall only be permitted in the Westside and Downtown Specific Plan areas, [and in multi-family or mixed-use developments within enclosed parking garages \(see section 18.45.055\).Add "In the case of a landlocked lot, the front lot line shall be that which is closest to the street on which the lot is addressed.](#) See definition for "parking lift, mechanical."

Tattoo. The terms "tattoo refers to any method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin of a human with ink or any other substance, resulting in the coloration of the skin by the aid of needles or any other instrument designed to touch or puncture the skin.

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Tattoo and body piercing establishment. A "tattoo and body piercing establishment" is an establishment that provides a service for tattoos and body piercing as defined in this section. See "tattoo" and "body piercing."

Telecommunications facility/wireless telecommunications facility. "Telecommunications facility/wireless telecommunications facility" means a facility consisting of any commercial antenna, monopole, microwave dish, and/or other related equipment necessary for the transmission and/or reception of cellular, personal communication service, and/or data radio communications.

Telephone repeater station. "Telephone repeater station" means a building used for housing amplifying equipment along aerial or underground telephone cable routes. See also "public utility service center" and "public utility service yard."

Temporary use. For this definition, see "use, temporary."

Tentative map. "Tentative map" means a map made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it, and need not be based upon an accurate or detailed final survey of the property.

Tentative map, revised. "Revised tentative map" means a map involving a revised arrangement of the streets, alleys, easements or lots within property for which a tentative map has been previously approved, or a modification of the boundary of the property.

Termination, land use activity. "Termination" or "cessation" of a land use activity occurs when premises are, from outward appearance, vacated, abandoned, inoperative or disused for a consecutive period of thirty days or more, or when electric service has been discontinued by the occupant or the premises are barricaded, padlocked or otherwise closed to all entry; or when the holder of city permits or licenses advises city agencies that a use has terminated or ceased.

Texture. "Texture" means variations in the exterior façade described in terms of the roughness of the surface material and the patterns inherent in the material or the patterns in which the material is placed.

Threshold concentration or threshold limit value. For definitions, see "odor threshold concentration" and "odor threshold limit value."

Tideland. "Tideland(s)" means that area designated by the state legislature to be the jurisdiction of the San Diego Unified Port District.

Tobacco specialty business. "Tobacco specialty business" means any business, the primary use of which is the use and/or sale of tobacco products or paraphernalia. A business shall be determined a tobacco specialty business when more than forty percent of its floor area is devoted to the use, display, and/or sales of tobacco products and/or paraphernalia.

Townhouses or townhomes. "Townhouses" means attached buildings, each containing a single dwelling unit and each located or capable of being located on a separate lot.

Trailer. For definitions relating to trailers, see "recreational vehicles."

Trailer, utility. "Utility trailer" means a vehicle designed to be drawn by a motor vehicle for the purpose of transporting cargo, but not including any recreational vehicle or mobile home. The vehicle shall not exceed two thousand pounds in weight. Compare "mobile home" and "recreational vehicles."

Traffic visibility triangle. "Traffic visibility triangle" is a triangular area that defines a zone necessary for the clear view by the driver of a motor vehicle or a bicyclist of oncoming cross-street motor vehicle, bicycle or pedestrian traffic or of a traffic control device, and includes street intersection visibility triangles, alley intersection visibility triangles, and public access driveway visibility triangles for all land uses. A visibility triangle is the area encompassed by the triangle formed by projecting lines of a specified distance from the point of intersection of the front and side street edges of pavement and a straight line connecting the termini of said projected lines. Within

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the area comprising the triangle, no tree, fence, shrub, or other physical obstruction higher than three feet above the official grade lot line grade shall be permitted.

Transit Priority Area. "Transit Priority Area" means the area defined in California Public Resources Code Section 21099, as may be amended, or an area within one-half mile of a major transit stop that is existing or planned, if the planned major transit stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program.

Transient. "Transient" means any person who exercises temporary occupancy by reason of concession, permit, right of access or license under the provision of Civil Code Section 1940(b).

Transitional housing. "Transitional housing" is defined in Section 50675.2 of the Health and Safety Code as rental housing for stays of at least six months but where the units are re-circulated to another program recipient after a set period. Transitional housing may be designated for a homeless individual or family transitioning to permanent housing. This housing can take several forms, including group housing or multifamily units, and may include supportive services to allow individuals to gain necessary life skills in support of independent living.

Trash enclosure. A "trash enclosure" is a wall surrounding a trash bin or bins and accessible by a gate of sufficient width to allow the bin to be removed and which is constructed in a manner and of materials that blend architecturally and aesthetically with the main structure. A trash enclosure shall not be considered in the calculations for lot coverage. See also Title 7.

Travel trailer. For this definition, see "recreational vehicles."

Trucking and transportation terminal. A "trucking and transportation terminal" is an establishment which provides the movement of goods/products from one location to another, where trucks/tractors are dispatched from a central location to haul goods/products from one location to another or to many other locations. A transportation facility may also include parking, refueling, and accessory uses including but not limited to an office, convenience goods and services, maintenance, and repair of vehicles.

Unit, Single Room Occupancy (SRO). "Single Room Occupancy (SRO)" means "a rooming unit or efficiency living unit located in a building containing six or more such dwellings that are offered for occupancy by residential tenants for at least thirty consecutive days. Kitchen and bathroom facilities may be wholly or partially included in each living space or may be fully shared.

Urban agriculture. "Urban agriculture" is the cultivation, processing, and distribution of edible vegetables, flowers, herbs, fruits, and other plants.

Use. "Use" means the purpose for which land or structures are arranged, designed or intended, or for which either land or structures are, or may be, occupied or maintained. "Use" includes construction, establishment, maintenance, alteration, moving onto, enlargement, operation or occupancy.

Use, accessory. For this definition, see accessory use."

Use, conditional. For this definition, see "conditional use." For provisions regarding conditional use permits, see Chapter 18.12.

Use, principal. "Principal use" means the main or primary purpose for which a structure or lot is designed, arranged or intended, or for which either may be used, occupied or maintained under this title.

Use, temporary. "Temporary use" means a use of land or structures not intended to be of permanent duration and regulated by Chapter 15.60.

Utility building. "Utility building" means a separate building on the same lot with the main building or a portion of an accessory building designed or intended for use as a washhouse, laundry room, or any similar purpose. Plumbing facilities are permitted but the building shall not be designed nor equipped for cooking or preparation of food.

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Utility facilities, major. "Utility facilities, major" means generating plants, electrical switching facilities and primary substations, refuse collection or disposal facilities, water and wastewater treatment plants and similar facilities.

Utility facilities, minor. "Utility facilities, minor" means facilities which are necessary to support principal development and involve only minor structures such as lines and poles which are necessary to support principal development.

Utility trailer. For this definition, see "trailer, utility."

Variance. For a definition of "variance" and provisions regarding variances, see Chapter 18.12.120, variances.

Vehicle. "Vehicle" means a device or craft that is designed or used to transport people or cargo. Vehicles include automobiles, trucks, boats and other watercraft, campers, motor homes and other recreational vehicles, trailers, and motorcycles. A semi-trailer truck and farm equipment shall not be included in the definition of a vehicle for the purpose of this Land Use Code.

Vehicle, accessory. "Accessory vehicle" means any motor vehicle used in connection with the operation of any structure or use.

Vehicle, commercial. "Commercial vehicle" means a vehicle which when operated upon a highway is required to be registered as a commercial vehicle by the California Vehicle Code, and which is used or maintained for the transportation of persons for hire, compensation, or profit, or designed, used or maintained primarily for the transportation of property.

Vehicle, recreational. For definitions relating to recreational vehicles, see "recreational vehicles."

Vehicle queuing. "Vehicle queuing" is the length of a drive aisle necessary to allow for the movement of vehicles within a parking lot to a drive-up window service or other drive-through services without impeding the flow of traffic on-site and off-site.

Vehicle storage yard, commercial. "Commercial vehicle storage yard" means the storage, for compensation or consideration, of more than one motor vehicle, recreational vehicle, or unoccupied mobile home on a parcel of land for a period of time exceeding seventy-two hours. A commercial vehicle storage yard shall comply with the provisions of Section 18.40.040 (Automobile Impound and Storage Yards) and Section 18.40.070 (Outdoor Storage). Premises used for the sale, lease, or rental of motor vehicles, recreational vehicles, or mobile homes shall not be governed by this section.

Vehicular access rights. "Vehicular access rights" means the right or easement for access of owners or occupants of abutting lands to a public way other than as pedestrians.

Vending machine. A "vending machine" is a device which dispenses a product or service, either for sale or for free, and which is activated entirely by the receiver of the product or service, including ice machines; food and beverage vending machines; purified, distilled or spring water vending machines; movie vending machines; and newspaper racks or similar. Vending machines do not include motor fuel pumps.

Veterinary clinic. "Veterinary clinic" means a treatment center serving only those kinds of small domesticated animals or household pets commonly maintained in residence with man.

Veterinary hospital. "Veterinary hospital" means an establishment where more than six domestic animals are kept for observation, diagnosis, and medical care.

Walk. "Walk" means any right-of-way for pedestrians, including sidewalks and inner-block walks.

Walkway. "Walkway" means any path or way, which is some manner, is specifically designated exclusively for pedestrian travel.

Warehouse. A "warehouse" is a building used for storage of goods or materials other than stock in trade of businesses on the premises or for goods stored in conjunction with permitted distribution type businesses

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operated on the premises or goods or materials manufactured on the premises. Warehouse includes the storage of impounded goods and materials, dead storage, and storage of in-transit commodities. It does not include mini-warehouses or [self-storage](#) facilities.

Waterfront related industry. "Waterfront related industry" includes waterfront uses and activities including small boat marinas; ship berthing; supportive commercial and recreational businesses; boat and other water vehicle sales, leasing, rentals, and service/repair; freight handling; any use operated and maintained by the San Diego Unified Port District as part of the marine terminal; and any other use determined by the city to have the same general character as those uses listed here.

Water supply. "Water supply" means such water system supply and distribution facilities as are necessary to provide a reliable and adequate water supply for private use and public fire protection services.

Wholesale store or sales. "Wholesale store" or "wholesale sales" means a business establishment engaged in selling to retailers or jobbers, rather than consumers.

Wind energy system. "Wind energy system" means equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, turbine, vane, wire, or other component used in the system.

Winery. "Winery" means an establishment that is licensed by the California Department of Alcoholic Beverage Control ("ABC") under a Type 2 license to manufacture and sell alcoholic beverages on the premises for on-site or off-site consumption. Minors are allowed on the premises (per ABC license regulations).

Winery tasting room. "Winery tasting room" means an establishment which is licensed by the California Department of Alcoholic Beverage Control (ABC) under a Type 2 duplicate license to sell wine products that the licensee produces for on-site and off-site consumption, including sales of sealed wine bottles for off-site consumption. Only wine produced by the master licensee may be sold and/or consumed at the location. Minors are allowed on the premises (per ABC Type 2 license regulations).

Yard. "Yard" means an open space, other than a court, on a lot or parcel of land, unoccupied and unobstructed from the ground upward, except as otherwise provided in this title.

Yard, front. "Front yard" means an open space extending the full width of the lot measured between the building closest to the front lot line, which open space is between a building and the front lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this title.

Yard, front, least depth:

1. "Front yard least depth" means the shortest distance, measured horizontally between any part of a building other than parts herein excepted, and the front lot line.
2. Such depth shall be measured from the front lot line; provided, however, that if the proposed location of the right-of-way line of such street as adopted by the city differs from that of the existing street, then the required front yard least depth shall be measured from the right-of-way line of such street as adopted; or said building shall comply with the official setback lines as adopted by the city.

Yard, rear. "Rear yard" means an open space between a building and the rear lot line, unoccupied and unobstructed from the ground upward and extending across the full width of the lot, except as specified elsewhere in this title.

Yard, rear, least depth. "Rear yard least depth" means the shortest distance, measured horizontally, between any part of a principal building other than parts hereinafter excepted, and the rear lot line.

Yard, side. "Side yard" means an open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward, except as specified elsewhere in this title. A side yard on the street side of a corner lot shall be known as an exterior side yard.

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Yard, side, least width:

1. "Side yard least width" means the shortest distance, measured horizontally, between any part of a building other than parts herein excepted, and the nearest side lot line.
2. Such width shall be measured from the nearest side lot line and, in case the nearest side lot line is a side street lot line, from the right-of-way line of the existing street; provided, however, that if the proposed location of the right-of-way line of such street as adopted by the city differs from that of the existing street, then the required side yard least width shall be measured from the right-of-way of such street as adopted; or said building shall comply with any applicable official setback lines.

Zone. "Zone" means a portion of the territory of the city within which certain uniform regulations and requirements or various combinations apply under the provisions of this title.

Zoning map. "Zoning map" means the designated official map or maps which show the location and boundaries of the districts established by this title and which are referred to as the "zoning map" and incorporated as a part of this title. The zoning map, together with everything shown thereon and all amendments thereto, are as much a part of this title as if fully set forth and described in context.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012; Ord. No. 2012-2377, § 3, 10-30-2012; Ord. No. 2017-2440, § 3, 10-17-2017; Ord. No. 2017-2444, § 5, 12-19-2017; Ord. No. 2018-2448, § 4, 7-17-2018; Ord. No. 2018-2451, § 4, 11-20-2018; Ord. No. 2019-2455, § 8, 1-22-2019)