

City of Needles, California

Employee Report

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☒ CITY COUNCIL ☒ Regular ☐ Special

Meeting Date: August 8, 2023

Title: City Council Study Session
Review of amendments to the City of Needles Municipal Code and corresponding Land Use Table.

Introduction: The purpose of this staff report is to present the proposed updates to the zoning code for the City of Needles, California. The City's 6th Cycle Housing Element, adopted September 13, 2022, identified constraints on the development of housing within the City for which responsive programs and policies address. In addition, the State has passed legislation pertaining to land use, housing, and permitting procedures which will require implementation by the City. The City of Needles Planning Department with the assistance of MBI and in collaboration with Public Works Department, Building and Safety Department, and the County of San Bernadino Fire Department has performed a focused review of the zoning ordinance to ensure zoning regulations remain in compliance with State law, implement programs identified in the City's 6th Cycle Housing Element, streamline permitting processes, and modernize and development standards.

Background: The City of Needles, located in San Bernardino County is known for its unique desert landscape and recreational opportunities in proximity to the Colorado River. Recently the City has adopted its 6th Cycle Housing Element and the Zoning Code hasn't been updated since 1995 which has prompted the need for a zoning code update.

As such, the City is updating its zoning code and development standards to promote development—both commercial and residential. The R-2 and R-3 zones have been especially revised to encourage development on lots in the neighborhoods north and south of Downtown. The City's downtown core will also feature unique development standards to encourage appropriate in-fill development. Ultimately, the City aims to streamline as many of its processes as possible, and most residential projects will be processed ministerially. Updates have been taken from the Housing Element's policies and programs, which were previously reviewed and approved by the Council on September 30, 2022. A revised land use matrix has also been included for the City's review that incorporates required changes based upon Housing Element programs and updates to State law.

Ordinance Text Updates

Attachment A, *City of Needles Amendment Tracker*, summarizes the proposed revisions to the Zoning Code. The Amendment Tracker is organized by proposed change, the source of the change, key considerations, the applicable code section, and the proposed text changes. Michael Baker International has drafted the referenced amendments based on updates taken from the Housing Element's policies and programs, and applicable recent legislation to State Law. The City is seeking feedback from the council on a number of items, most specifically, the following:

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1. Zoning District Revisions: Revise development standards for the City's existing land use districts and introduce standards for the City's newly-created Downtown Core subsection of the C-2 zone to accommodate the changing development needs and reduce governmental constraints on housing development.
2. Mixed-Use Development: Rezone to the downtown area to encourage mixed use development and taller buildings. The city currently allows for mixed-use development along the river, but not in its downtown core.
3. Metal Buildings: Revise the development standards to allow metal storage containers to be used as building materials for other types of structures (not just accessory buildings) including residential uses.
4. Parking Requirements: Review and update parking standards to reflect current trends in transportation and encourage alternative modes of transit.

Permitted Land Uses

As shown in Attachment B, *Land Use Matrix of Changes*, the project would include the following revisions to the Land Use Table:

1. Add provisions regarding EV Charging. Add another line within the land use matrix to differentiate between fuel stations and EV charging stations.
2. Metal buildings for residential use will require a Special Use Permit (SUP).
3. Remove Agricultural Operations from the R-1 zone (found in Section 14.10).
4. Make as many residential projects ministerial as possible.
5. Remove horse keeping from the R-1 zone and add to the R-2 zone.

Planning Commission Workshop

As shown in Attachment C, *City of Needles Planning Commission Comments*, during the Planning Commission workshop meeting held on August 2, 2023, commissioners engaged in a comprehensive discussion on the proposed zoning code update. The following key comments and observations were noted:

1. Affordable Housing and Housing Services: Several commissioners expressed concern for the inclusion of specific provisions for affordable housing development and services within the city. Concerns were raised about the where qualifying projects for supportive housing, residential care facilities, low barrier navigation centers (LBNC's), and emergency shelters are permitted, particularly in the R1 zones and the potential impact on existing neighborhoods they could have. Other concerns around density bonuses were raised, however this particular issue is governed by State Law. h [Govt Code § 65915 \(2021\)](#).
2. Parking Requirements: Staff recommends reducing parking requirements for residential uses within a half mile of a public transit stop. Parking standards generated substantial discussion, with commissioners concerned about the reduction being too progressive. Updates to the code reflect common planning best practices for parking reduction and follow ADU law that balance parking provisions and promote alternative modes of transit. The state law mandates that local ordinances cannot require more than one parking space per ADU or per bedroom within the ADU. Furthermore, if the ADU is located within half a mile of public transit, local jurisdictions must not impose parking requirements. The same approach can be used for other residential uses within proximity to transit to promote other modes of transportation.

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3. Home Occupancy: Commissioner comments on home occupancy permits underscored the need for clear regulations to manage the coexistence of residential and business activities. The discussion highlighted the importance re-wording the direct sales language, reviewing the percentage of the dwelling unit to be consistent with IRS deductions, the ability to have employees on site at the residence, commercial vehicle usage, and the removal of planning director approval for tutoring services.
4. Metal Buildings: Commissioners expressed interest in revising the regulations related to metal buildings within the proposed zoning code update. Commissioners believe that metal residential structures should go before the Planning Commission for approval to address aesthetic preferences, warranting the need for Special Use Permits. The Commission also called for the prohibition of metal storage containers as permitted building material.
5. Driveway Surfaces: Commissioners suggested considering gravel as an approved material for driveway paving. The commission highlighted gravel's potential benefits in terms of affordability and compatibility with rural aesthetics, while also acknowledging the importance of establishing guidelines to ensure proper installation and maintenance.

Fiscal Impact: The proposed zoning code update for the City of Needles, CA, will have various fiscal implications, both short-term and long-term. It is essential to consider the financial aspects of these changes to ensure that the city can effectively manage the implementation and maintenance of the updated regulations.

1. Increased Revenue Generation: The introduction of new mixed-use zoning districts is expected to attract more businesses and investors to the city. Objective standards and streamlined permitting offers confidence to prospective developers and encourages development. This could lead to increased sales tax revenue, business license fees, and property tax revenue from new developments, positively impacting the city's finances.
2. Enforcement and Monitoring Costs: The successful implementation of the updated zoning code relies on effective enforcement and regular monitoring of compliance. Additional staff and resources might be necessary for these tasks, impacting the city's operational budget.
3. Long-Term Economic Impact: The zoning code update aims to create a more business-friendly and resident-friendly environment, which can contribute to long-term economic growth. A thriving local economy can boost property values and increase revenue for the city.

Environmental: This project is categorically exempt under the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the State CEQA Guidelines. A project is considered to be exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The reasons for the CEQA exemption are as follows:

1. General Rule of Exemption: The proposed zoning code update is primarily administrative, and its primary purpose is to organize, clarify, and update existing zoning regulations. It does not involve any physical development or alteration of the environment.
2. Consistency with General Plan: The zoning code update is consistent with the goals and

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policies of the City's General Plan. It focuses on sustainable growth, historic preservation, and providing a range of housing options, aligning with the long-term vision for the city's development.

3. Protection of Environment: The zoning code update includes provisions to protect sensitive environmental resources, promote sustainable development practices, and mitigate potential impacts on the environment.
4. Limited to Administrative Changes: The proposed zoning code update does not introduce any major policy shifts or create new land uses. It mainly involves the reorganization and clarification of existing regulations.

Conclusion: The proposed updates to the zoning code for the City of Needles are vital to support the city's growth and ensure that development aligns with the community's vision. The changes aim to foster sustainable development, economic growth, and a diverse range of housing options while preserving the city's unique character and heritage. By implementing these updates, the city can better accommodate the needs of its residents and businesses, providing a vibrant and attractive environment for current and future generations.

Submitted By: Patrick Martinez, Assistant City Manager/Development Services

City Management Review: _____ **Date:** _____

Agenda Item: _____

Attachment A
City of Needles
Amendment Tracker

July 21, 2023
Patrick Martinez
City of Needles
817 Third Street
Needles, CA 92363

SUBJECT: Development Standards Update Amendment Tracker

Mr. Martinez,

Please see the following amendment tracker of development standard updates identified in the City's 6th Cycle Housing Element as well as specific items requested by the City for amendment. These updates have been taken from the Housing Element's policies and programs, as well as the governmental constraints section of the Housing Element. A sample land use matrix has also been included for the City's review that incorporates required changes based upon Housing Element programs and updates to State law.

As part of the development standards update, Michael Baker International has also created an amendment tracker that lists each proposed change, key information and considerations, the City's existing text, and proposed changes to the text.

It is our understanding that Michael Baker will incorporate these changes once an edited and formatted version of the City Code has been prepared and a "wish list" of key provisions the City would like to update has been provided.

1. Overarching Changes

In general, it is Michael Baker's understanding that the City would like to make specific updates its zoning code and development standards to promote development—both commercial and residential. The R-2 and R-3 zones especially should be updated to make more lots usable/functional (*Refer to Section 4: Governmental Constraints*). The City would also like to streamline as many of its processes as possible. Ultimately, most residential projects have been requested to be processed ministerially.

2. City's "Wish List" of Key Changes

Walls/Fences	Undergo a substantial revision of those sections of the code that deal with walls and fencing. Ensure that the zoning code matches the building code and include provisions about fence heights between different uses and fencing in the front yard areas.
Parking	Include more clarification within the zoning code regarding parking standards. Specifically, include more language on <i>where</i> cars are allowed to park on a property, as well as standards for how much of a property can be paved. (<i>Refer to Section 4: Governmental Constraints</i>)
Tract Maps	Create a standardized process for Tract Map entitlement and establish objective findings.

Solar	Revise solar requirements according to State law. The City, as a utility provider, wants to know what local jurisdictions are allowed to regulate when it comes to rooftop solar.
Cell Towers	Revise and include additional standards based on height, design and siting. Potentially include camouflage provisions. Much of the regulations are governed by the Federal government.
HOP	Remove the zoning permit requirement for home occupancy uses.
Metal Containers	Allow metal storage containers to be used as building materials for other types of structures (not just accessory buildings).
Pools	There are known issues with pools in the current code. Make pool provisions clearer.
Procedural Streamlining	Add a section of the code that deals with the procedure of how a development permit is reviewed by project type.

Land Use Matrix Changes

- Add provisions regarding EV Charging. Add another line within the land use matrix to differentiate between fuel stations and EV charging stations.
- Remove Agricultural Operations from the R-1 zone (found in Section 14.10).
- Make as many residential projects ministerial as possible.
- Remove horse keeping from the R-1 zone.

3. Housing Element Programs

A-4	Rezone the downtown area to allow for mixed uses and taller buildings. Permit mixed uses both horizontally and vertically.
A-5	Amend the zoning ordinance to establish minimum densities to ensure that parcels are developed close to their maximum densities (at 75%) to prevent substantial net loss of any residential units and encourage higher density/more affordable building typologies.
A-6	Conduct an inclusionary zoning feasibility study to identify appropriate inclusionary requirements that will not constrain housing production. Develop and amend the zoning ordinance to establish inclusionary housing requirements so that new developments reserve up to 15 percent of the total units for lower- and moderate-income households.
B-2	Amend the zoning ordinance to update density bonuses to meet current state requirements (AB 2345, SB 1763, SB 1227).
B-3	Pursuant to SB 330, review and amend the zoning ordinance and Design Review Board handbooks to ensure development standards, design guidelines, and findings are objective and promote certainty in the planning and approval processes.
B-4	Study and revise development standards in multifamily districts to facilitate the development of properties at their maximum densities. Specifically amend:

- Minimum parking standards
 - Height limits
 - Lot coverage (elderly and disabled housing)
 - ADA unit location requirements (elderly and disabled housing)
- B-5** Amend the zoning ordinance to revise the minimum required unit area for multifamily units. Ensure that provisions for efficiency units are consistent with AB 352 (2017).
- B-6** Amend the zoning ordinance to address multiple changes to state law regarding ADUs (including AB 587, AB 671, AB 68, and SB 13). Monitor state law on an annual basis and revise the zoning ordinance as appropriate.
- B-7** Create and make available to the public a set of preapproved plans for ADUs to facilitate production and ADUs available to lower-income households by reducing costs to applicants.
- B-13** Maintain a mixture of residential land use designations and development regulations that accommodate various building types and styles, including but not limited to small-lot, single-family homes; tiny homes; detached condominiums; townhomes; duplex/triplex/multiplex; courtyard apartments; bungalow courts; live/work units; mixed-use projects; moveable tiny homes; 3D printed homes; and new prefab housing types that meet state and local building code standards. Continue to explore innovative building types and housing options that can be implemented through the City's zoning ordinance by reviewing development designators (such as Permitted, Conditionally Permitted, etc.) and designations and amend as appropriate.
- E-2** Allow housing for the elderly, disabled, and developmentally disabled with reduced and flexible development standards. Amend the zoning ordinance to allow licensed adult care facilities by right. Review CUP standards for residential care facilities to ensure that the standards are objective and focused on protecting the health, safety, and welfare of the residents of these facilities.
- E-3** Review the City zoning code to determine whether updates are needed to comply with the state Employee Housing Act (Health and Safety Code Sections 17021.5 and 17021.6). The act calls for the zoning ordinance to treat employee housing (including farmworker housing) that serves six or fewer persons as a single-family structure and permitted in the same manner as other single-family structures of the same type in the same zone (Section 17021.5). The zoning ordinance must also treat employee housing consisting of no more than 12 units or 36 beds as an agricultural use and permitted in the same manner as other agricultural uses in the same zone (Section 17021.6) in zones where agricultural uses are permitted.
- E-4** Amend the zoning ordinance to modify the parking requirements for emergency shelters to ensure that they are only based on the number of staff. Amend the emergency shelters code to ensure that shelters are not subject to standards that do not apply to other uses in the same zone, including but not limited to a 500-foot residential buffer.
- E-5** Pursuant to SB 48, amend the zoning ordinance to establish provisions for low-barrier navigation centers. Allow centers that meet specific objective requirements by-right in areas zoned for mixed uses.

- E-6** Pursuant to AB 2162 and AB 2988, supportive housing meeting certain criteria must be permitted by-right where residential uses are permitted, including mixed-use and nonresidential zones. Review AB 2162 and amend zoning ordinance to ensure compliance.
- E-7** Update zoning code to expressly permit the development of residential care facilities (6 or fewer residents) in residential zones. Adopt objective standards for residential care homes with 7 or more individuals in residential zones consistent with occupancy standards. Initiate and complete a process in 2023 to amend the Zoning Ordinance to allow group homes for seven or more in all residential zones.

a. Governmental Constraints

NON-CONFORMING LOTS

In the central part of town, which was the original town of Needles, many lots are now of insufficient size to meet the requirements for the building of a residential structure. The City does permit those older homes to be remodeled or refurbished and will encourage new structures to replace the existing structures for residential use in a mixed-use zone, provided the City's parking standards can be met. Since the lots are mostly too small to allow desired parking and garages, until two lots are available side by side (for parcel merging), developers and homebuilders are generally not interested in new construction in this part of town.

PARKING

The City's parking requirements are based on unit type and size. As shown in Table 38, parking requirements are typically two spaces per single-family residential unit. Multifamily residential units have a reduced requirement based on the size of unit, but generally average two spaces per unit after accounting for guest parking. Reductions in the number of parking spaces are enacted for uses that serve tenants with low vehicle-ownership rates, rooming homes, residence clubs, and fraternity and sorority houses.

MIXED-USE DEVELOPMENT

The City allows mixed-use development via the CRR zone in several areas of Needles. As identified in the City of Needles zoning code, the intent of the CRR zone is to provide for a variety of uses along the Colorado River, including apartments, hotels, motels, restaurants, boat clubs, marinas, specialty and gift shops, convenience services, and goods and supplies for boat owners, water skiers, scuba divers, and the visiting public using marina and aquatic recreational facilities. Depending on the nature of the developments, this zone can support a full range of residential and commercial densities as appropriate per the zoning code. This zone allows sufficient diversity of land use types while avoiding the dangers of overcrowding and a haphazard mixing of land uses and providing new employment and housing opportunities for residents. Program A-4 is included to rezone the downtown for mixed-use development.

ACCESSORY DWELLING UNITS

Accessory dwelling units are permitted in all residential zones. An accessory dwelling unit must meet specified development standards consistent with Government Code Section 65852.2. They may be either attached to the primary dwelling or separate from the primary dwelling. A manufactured or modular unit placed on a permanent foundation may also be used as an accessory unit. Accessory dwelling units may be rented

separately unless the primary dwelling is rented, and the sale of an accessory dwelling unit separate from the primary unit is prohibited. The City processed a zoning code amendment to comply with recent changes to Government Code Section 65852.2 in July 2019. The City will amend its zoning ordinance to ensure compliance with state law regarding ADUs and continue to monitor state law and revise the zoning ordinance as necessary; see Program B-7.

HOUSING FOR FARMWORKERS

California law (Government Code Section 65583[c][1][C]) requires the adequate provision of sites to accommodate the housing needs of farmworkers. Housing elements should ensure that local zoning, development standards, and permitting processes comply with Health and Safety Code Sections 17021.5 and 17021.6. Section 17021.5 generally requires employee housing for six or fewer persons to be treated as a single-family structure and residential use. A jurisdiction cannot require any conditional use permit, zoning variance, or other zoning clearance for this type of employee housing that is not required of a family dwelling of the same type in the same zone. Section 17021.6 generally requires employee housing consisting of not more than 36 beds in group quarters or 12 units or less designed for use by a single family or household to be treated as an agricultural use. A jurisdiction cannot require a conditional use permit, zoning variance, or other zoning clearance for this type of employee housing that is not required of any other agricultural activity in the same zone. The City has provided a program that addresses the requirements of the Employee Housing Act (see Program E-3).

EMERGENCY SHELTERS

California Health and Safety Code Section 50801 defines an emergency shelter as “housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or households may be denied emergency shelter because of an inability to pay.”

Legislation (SB 2 [Cedillo, 2007]) requires jurisdictions to allow emergency shelters without a conditional use permit in at least one zone or sufficiently sized site in the city to meet the city’s homeless need. The City of Needles updated its zoning ordinance in July 2019 to allow emergency shelters in the M-1 and M-2 zones. There are 1,552 acres of vacant land available in the two zones. These zones are centrally located with proximity to goods and services. The typical uses in the zones include commercial and industrial uses with no heavy industrial. Program E-4 is included to ensure compliance with Assembly Bill (AB) 139 to set parking requirements on the number of staff rather than the service capacity.

SUPPORTIVE AND TRANSITIONAL HOUSING

Supportive housing is defined by Health and Safety Code Section 50675.14 as housing with linked on-site or off-site services with no limit on the length of stay and that 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 age of 18). Services linked to supportive housing usually focus on retaining housing, living and working in the community, and/or health improvement.

Transitional housing is defined in Health and Safety Code Section 50675.2 as rental housing for stays of at least six months but where the units are recirculated to another program recipient after a set period. It may be designated for a homeless individual or family transitioning to permanent housing. This housing can take many

structural forms, such as group housing and multifamily units, and may include supportive services to allow individuals to gain necessary life skills in support of independent living.

Pursuant to SB 2, transitional and supportive housing types are required to be treated as residential uses and subject only to those restrictions that apply to other residential uses of the same type in the same zone. In addition, pursuant to AB 2162, supportive housing is a use by right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses. To ensure consistency with state law, the City amended its zoning ordinance in July 2019 to allow transitional and supportive housing consistent with SB 2. Program E-6 has been included to address the new AB 2162 requirements.

RESIDENTIAL CARE FACILITIES

Residential care facilities are small private facilities, usually with 20 or fewer residents, with rooms being private or shared. Residents receive personal care and meals and have staff available around the clock. Nursing and medical care usually are not provided on-site. Residential care facilities with 6 or fewer residents are conditionally permitted in the R-1, R-2, CRR, and C-1 zones, and specially permitted in the R-3 zone. Residential care facilities with 7 or more residents are not permitted in any zone. This may represent a constraint on the development of residential care facilities.

City of Needles Amendment Tracker

Proposed Change / Source / Key Considerations / Code Section	Proposed Text
<div>Rezone the downtown area to allow for mixed uses and taller buildings. Permit mixed uses both horizontally and vertically.</div> <div>Source: Housing Element Program A-4</div> <div>A Land Use district for downtown (Downtown Core) is being established with the Land Use Element update as a subsection of the C-2 zone. MBI to create specific development standards for this district. Need to determine residential use types.</div> <div>Code Section: Section 99</div>	<div>Add section regarding the Downtown Core:</div> <div>The Downtown Core is intended to be a mix of medium-density, high-density, and mixed-use residential and commercial uses, with building and site designs that are pedestrian oriented and reflect and celebrate the historic downtown along and around Broadway.</div> <div>Development Standards:</div> <div>Height limit: 45 feet</div> <div>Floor Area Ratio: 2.0</div> <div>Density Range: 18 - 30 dwelling units/acre</div> <div>Setbacks:</div> <div>1. Primary Street Setback<ul style="list-style-type: none">Ground Floor 0 ft. min. / 5 ft. max</div> <div>2. Side Street Setback<ul style="list-style-type: none">Ground Floor 0 ft. min. / 5 ft. max</div> <div>3. Rear Setback<ul style="list-style-type: none">With Alley 5 ft. min.Without Alley 15 ft. min</div> <div>Building Height<ul style="list-style-type: none">1. Top of plate height above adjacent sidewalk (max.) 45 ft.2. Top of parapet height above top of plate (max.) 4 ft.3. Pitched roof height above top of plate (max.) allowed4. Ground story floor to floor height (min.) 15 ft. min.</div> <div>Off-street parking spaces shall be provided for each land per the below standards. See Section 111 for additional parking requirements.</div> <div>a. Residential<ul style="list-style-type: none">Studio/Efficiency Units: 0.5 space/unitUnits up to s999 sf: 1.0 space/unitUnits between 1,000 – 1,499 sf: 1.5 spaces/unitUnits 1,500 sf and greater: 2.0 spaces/unitGuest: 0.25/unit</div> <div>b. Lodging: 0.75 space/room</div> <div>c. Live/Work<ul style="list-style-type: none">Units up to 1,499 sf: 1.0 space/unitUnits 1,500 sf and greater: See Commercial</div> <div>d. Commercial (Retail/Office/Restaurant)<ul style="list-style-type: none">Ground floor commercial: 1/300 f gross ground floor building areaUpper Floor commercial: 1/350 sf gross upper floor building area</div> <div>e. Standalone Restaurant*: 1/150 sf gross restaurant area</div> <div>* A single restaurant, café, or similar business in a single building on a single parcel with on-site parking dedicated to the single restaurant use.</div> <div>f. Civic: 1/350 sf gross building area</div> <div>Vehicular Access.</div> <div>a. Parking shall be accessed from an alley.</div>

	<p>b. Where an alley is not present, parking/service areas may be accessed from primary street. Driveways shall be located as close to side property line as possible.</p> <p>c. Parking/service areas for corner lots shall be accessed from side street.</p> <p>Common On-Site Open Space.</p> <p>One (1) or more of the On-Site Open Space Types listed below shall be provided on each lot that accommodates residential uses. The required On-Site Open Space shall be generally rectangular in form, per the below listed minimum size requirements, and must be accommodated behind the Primary Street setback line.</p> <p>Open Space Type:</p> <div><div>Courtyard, minimum of 10% of total lot area, minimum of 20 ft. x 20 ft.</div><div>Roof Deck, minimum of 10% of total lot area, minimum of 20 ft. x 20 ft.</div></div> <p>Private On-Site Open Space.</p> <p>Private open space in the form of a yard, balcony, or roof deck shall be provided for each residential unit.</p> <div><div>Min. area: 40 square feet.</div><div>Min. width: 5 feet. Setbacks:</div><div>Front, residential use: 10 feet</div><div>Front, nonresidential use: 0 feet</div><div>Side, residential use: 5 feet</div><div>Side, nonresidential use: 0 feet</div><div>Rear, residential use: 10 feet</div><div>Rear, nonresidential use: 0 feet</div><div>Density: Up to 2.0 FAR, up to 30 units per acre.</div></div>										
<p>Amend the zoning ordinance to establish minimum densities to ensure that parcels are developed close to their maximum densities (at 75%) to prevent substantial net loss of any residential units and encourage higher density/more affordable building typologies.</p> <p>Source: Housing Element Program A-5</p> <p>Revise R-3 zone to ensure multiple units are developed per lot. Describe each residential zone in detail within Section 99 of the Municipal Code.</p> <p>Section 97 / 99</p>	<p>Before any density bonuses are applied, the number of dwelling units permitted in a residential development shall not exceed <u>or be developed at less than</u> the following amounts:</p> <table><tr><th>ZONE</th><th>DENSITY <u>RANGE</u></th></tr><tr><td>R-1</td><td>1.0 - 7.0</td></tr><tr><td>R-2</td><td>8.0 - 17.0</td></tr><tr><td>R-3</td><td>18.0 - 30.0</td></tr><tr><td>CRR</td><td>1.0 - 30.0</td></tr></table> <p><u>Residential development shall equal at least the lowest value for each zone’s density range, exclusive of properties encumbered by or proposed for deeded or dedicated easements, unless the property owner can demonstrate to the Development Services Director that physical or environmental constraints on the property make development to the minimum density infeasible.</u></p>	ZONE	DENSITY <u>RANGE</u>	R-1	1.0 - 7.0	R-2	8.0 - 17.0	R-3	18.0 - 30.0	CRR	1.0 - 30.0
ZONE	DENSITY <u>RANGE</u>										
R-1	1.0 - 7.0										
R-2	8.0 - 17.0										
R-3	18.0 - 30.0										
CRR	1.0 - 30.0										
<p>Amend the zoning ordinance to update density bonuses to meet current state requirements (AB 2345, SB 1763, SB 1227).</p> <p>Source: Housing Element Program B-2</p> <p>Revise the existing density bonus provisions to match state law.</p> <p>Section 97</p>	<p>https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=65915&lawCode=GOV</p> <p>65915.</p> <p>(a) (1) When an applicant seeks a density bonus for a housing development within, or for the donation of land for housing within the City shall comply with this section.</p> <p>(2) The City shall not condition the submission, review, or approval of an application pursuant to this chapter on the preparation of an additional report or study that is not otherwise required by state law, including this section. This subdivision does not prohibit the City from requiring an applicant to provide reasonable documentation to establish eligibility for a requested density bonus, incentives or concessions, as described in subdivision (d), waivers or reductions of development standards, as described in subdivision (e), and parking ratios, as described in subdivision (p).</p> <p>(3) In order to provide for the expeditious processing of a density bonus application, the City shall do all of the following:</p> <p>(A) Adopt procedures and timelines for processing a density bonus application.</p> <p>(B) Provide a list of all documents and information required to be submitted with the density bonus application in order for the density bonus application to be deemed complete. This list shall be consistent with this chapter.</p> <p>(C) Notify the applicant for a density bonus whether the application is complete in a manner consistent with the timelines specified in Section 65943.</p> <p>(D) (i) If the City notifies the applicant that the application is deemed complete pursuant to subparagraph (C), provide the applicant with a determination as to the following matters:</p> <p>(I) The amount of density bonus, calculated pursuant to subdivision (f), for which the applicant is eligible.</p> <p>(II) If the applicant requests a parking ratio pursuant to subdivision (p), the parking ratio for which the applicant is eligible.</p> <p>(III) If the applicant requests incentives or concessions pursuant to subdivision (d) or waivers or reductions of development standards pursuant to subdivision (e), whether the applicant has provided adequate information for the City to make a determination as to those incentives, concessions, or waivers or reductions of development standards.</p>										

	<p>(ii) Any determination required by this subparagraph shall be based on the development project at the time the application is deemed complete. The City shall adjust the amount of density bonus and parking ratios awarded pursuant to this section based on any changes to the project during the course of development.</p> <p>(b) (1) The City shall grant one density bonus, the amount of which shall be as specified in subdivision (f), and, if requested by the applicant and consistent with the applicable requirements of this section, incentives or concessions, as described in subdivision (d), waivers or reductions of development standards, as described in subdivision (e), and parking ratios, as described in subdivision (p), if an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this section, that will contain at least any one of the following:</p> <p>(A) Ten percent of the total units of a housing development, including a shared housing building development, for rental or sale to lower income households, as defined in Section 50079.5 of the Health and Safety Code.</p> <p>(B) Five percent of the total units of a housing development, including a shared housing building development, for rental or sale to very low income households, as defined in Section 50105 of the Health and Safety Code.</p> <p>(C) A senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil Code, or a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code. For purposes of this subparagraph, “development” includes a shared housing building development.</p> <p>(D) Ten percent of the total dwelling units of a housing development are sold to persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase.</p> <p>(E) Ten percent of the total units of a housing development for transitional foster youth, as defined in Section 66025.9 of the Education Code, disabled veterans, as defined in Section 18541, or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.). The units described in this subparagraph 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.</p> <p>(F) (i) Twenty percent of the total units for lower income students in a student housing development that meets the following requirements:</p> <p>(I) All units in the student housing development will be used exclusively for undergraduate, graduate, or professional students enrolled full time at an institution of higher education accredited by the Western Association of Schools and Colleges or the Accrediting Commission for Community and Junior Colleges. In order to be eligible under this subclause, the developer shall, as a condition of 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. An operating agreement or master lease entered into pursuant to this subclause is not violated or breached if, in any subsequent year, there are not sufficient students enrolled in an institution of higher education to fill all units in the student housing development.</p> <p>(II) The applicable 20-percent units will be used for lower income students.</p> <p>(III) 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.</p> <p>(IV) The development will provide priority for the applicable affordable units for lower income students experiencing homelessness. A homeless service provider, as defined in paragraph (3) of subdivision (e) of Section 103577 of the Health and Safety Code, or institution of higher education that has knowledge of a person’s homeless status may verify a person’s status as homeless for purposes of this subclause.</p> <p>(ii) For purposes of calculating a density bonus granted pursuant to this subparagraph, the term “unit” as used in this section means one rental bed and its pro rata share of associated common area facilities. The units described in this subparagraph shall be subject to a recorded affordability restriction of 55 years.</p> <p>(G) One hundred percent of all units in the development, including total units and density bonus units, but exclusive of a manager’s unit or units, are for lower income households, as defined by Section 50079.5 of the Health and Safety Code, 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, as defined in Section 50053 of the Health and Safety Code. For purposes of this subparagraph, “development” includes a shared housing building development.</p> <p>(2) For purposes of calculating the amount of the density bonus pursuant to subdivision (f), an applicant who requests a density bonus pursuant to this subdivision shall elect whether the bonus shall be awarded on the basis of subparagraph (A), (B), (C), (D), (E), (F), or (G) of paragraph (1).</p> <p>(c) (1) (A) 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 a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.</p> <p>(B) (i) Except as otherwise provided in clause (ii), rents for the lower income density bonus units shall be set at an affordable rent, as defined in Section 50053 of the Health and Safety Code.</p> <p>(ii) For housing developments meeting the criteria of subparagraph (G) of paragraph (1) of subdivision (b), rents for all units in the development, including both base density and density bonus units, shall be as follows:</p> <p>(I) The rent for at least 20 percent of the units in the development shall be set at an affordable rent, as defined in Section 50053 of the Health and Safety Code.</p> <p>(II) The rent for the remaining units in the development shall be set at an amount consistent with the maximum rent levels for lower income households, as those rents and incomes are determined by the California Tax Credit Allocation Committee.</p> <p>(2) (A) An applicant shall agree to ensure, and The City shall ensure, that a for-sale unit that qualified the applicant for the award of the density bonus meets either of the following conditions:</p> <p>(i) The unit is initially occupied by a person or family of very low, low, or moderate income, as required, and it is offered at an affordable housing cost, as that cost is defined in Section 50052.5 of the Health and Safety Code and is subject to an equity sharing agreement.</p> <p>(ii) The unit is purchased by a qualified nonprofit housing corporation pursuant to a recorded contract that satisfies all of the requirements specified in paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code and that includes all of the following:</p> <p>(I) A repurchase option that requires a subsequent purchaser of the property that desires to resell or convey the property to offer the qualified nonprofit corporation the right to repurchase the property prior to selling or conveying that property to any other purchaser.</p> <p>(II) An equity sharing agreement.</p>
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	<p>(III) Affordability restrictions on the sale and conveyance of the property that ensure that the property will be preserved for lower income housing for at least 45 years for owner-occupied housing units and will be sold or resold only to persons or families of very low, low, or moderate income, as defined in Section 50052.5 of the Health and Safety Code.</p> <p>(B) For purposes of this paragraph, a “qualified nonprofit housing corporation” is a nonprofit housing corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.</p> <p>(C) The City shall enforce an equity sharing agreement required pursuant to clause (i) or (ii) of subparagraph (A), unless it is in conflict with the requirements of another public funding source or law or may defer to the recapture provisions of the public funding source. The following apply to the equity sharing agreement:</p> <p>(i) Upon resale, the seller of the unit shall retain the value of any improvements, the downpayment, and the seller’s proportionate share of appreciation.</p> <p>(ii) Except as provided in clause (v), the City shall recapture any initial subsidy, as defined in clause (iii), and its proportionate share of appreciation, as defined in clause (iv), which amount shall be used within five years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code that promote home ownership.</p> <p>(iii) For purposes of this subdivision, the City’s initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any downpayment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.</p> <p>(iv) For purposes of this subdivision, the City’s proportionate share of appreciation shall be equal to the ratio of the City’s initial subsidy to the fair market value of the home at the time of initial sale.</p> <p>(v) If the unit is purchased or developed by a qualified nonprofit housing corporation pursuant to clause (ii) of subparagraph (A) the City may enter into a contract with the qualified nonprofit housing corporation under which the qualified nonprofit housing corporation would recapture any initial subsidy and its proportionate share of appreciation if the qualified nonprofit housing corporation is required to use 100 percent of the proceeds to promote homeownership for lower income households as defined by Health and Safety Code Section 50079.5 within the jurisdiction of the City.</p> <p>(3) (A) 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:</p> <p>(i) The proposed housing development, inclusive of the units replaced pursuant to this paragraph, contains affordable units at the percentages set forth in subdivision (b).</p> <p>(ii) Each unit in the development, exclusive of a manager’s unit or units, is affordable to, and occupied by, either a lower or very low income household.</p> <p>(B) For the purposes of this paragraph, “replace” shall mean either of the following:</p> <p>(i) If any dwelling units described in subparagraph (A) are occupied on the date of application, the proposed housing development shall provide at least the same number of units of equivalent size to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those households in occupancy. If the income category of the household in occupancy is not known, it shall be rebuttably presumed that lower income renter households occupied these units in the same proportion of lower income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development’s Comprehensive Housing Affordability Strategy database. For unoccupied dwelling units described in subparagraph (A) in a development with occupied units, the proposed housing development shall provide units of equivalent size to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as the last household in occupancy. If the income category of the last household in occupancy is not known, it shall be rebuttably presumed that lower income renter households occupied these units in the same proportion of lower income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development’s Comprehensive Housing Affordability Strategy database. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to paragraph (2).</p> <p>(ii) If all dwelling units described in subparagraph (A) have been vacated or demolished within the five-year period preceding the application, the proposed housing development shall provide at least the same number of units of equivalent size as existed at the highpoint of those units in the five-year period preceding the application to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those persons and families in occupancy at that time, if known. If the incomes of the persons and families in occupancy at the highpoint is not known, it shall be rebuttably presumed that low-income and very low income renter households occupied these units in the same proportion of low-income and very low income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development’s Comprehensive Housing Affordability Strategy database. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to paragraph (2).</p> <p>(C) Notwithstanding subparagraph (B), for any dwelling unit described in subparagraph (A) that is or was, within the five-year period preceding the application, subject to a form of rent or price control through the City’s valid exercise of its police power and that is or was occupied by persons or families above lower income, the City may do either of the following:</p> <p>(i) Require that the replacement units 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. If the proposed development is for-sale units, the units replaced shall be subject to paragraph (2).</p> <p>(ii) Require that the units be replaced in compliance with the jurisdiction’s rent or price control ordinance, provided that each unit described in subparagraph (A) is replaced. Unless otherwise required by the jurisdiction’s rent or price control ordinance, these units shall not be subject to a recorded affordability restriction.</p> <p>(D) For purposes of this paragraph, “equivalent size” means that the replacement units contain at least the same total number of bedrooms as the units being replaced.</p> <p>(E) Subparagraph (A) does not apply to an applicant seeking a density bonus for a proposed housing development if the applicant’s application was submitted to, or processed by, The City before January 1, 2015.</p> <p>(d) (1) An applicant for a density bonus pursuant to subdivision (b) 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:</p> <p>(A) The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k), 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 subdivision (c).</p>
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	<p>(B) The concession or incentive would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.</p> <p>(C) The concession or incentive would be contrary to state or federal law.</p> <p>(2) The applicant shall receive the following number of incentives or concessions:</p> <p>(A) One incentive or concession for projects 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 development in which the units are for sale.</p> <p>(B) Two incentives or concessions for projects 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 development in which the units are for sale.</p> <p>(C) Three incentives or concessions for projects 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 development in which the units are for sale.</p> <p>(D) Four incentives or concessions for a project meeting the criteria of subparagraph (G) of paragraph (1) of subdivision (b). If the project is located within one-half mile of a major transit stop or is located in a very low vehicle travel area in a designated county, the applicant shall also receive a height increase of up to three additional stories, or 33 feet.</p> <p>(E) One incentive or concession for projects that include at least 20 percent of the total units for lower income students in a student housing development.</p> <p>(3) The applicant may initiate judicial proceedings if the City refuses to grant a requested density bonus, incentive, or concession. If a court finds that the refusal to grant a requested density bonus, incentive, or concession is in violation of this section, the court shall award the plaintiff reasonable attorney’s fees and costs of suit. This subdivision shall not be interpreted to require the City to grant an incentive or concession that has a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. This subdivision shall not be interpreted to require the City to grant an incentive or concession that would have an adverse impact on any real property that is listed in the California Register of Historical Resources. The City shall establish procedures for carrying out this section that shall include legislative body approval of the means of compliance with this section.</p> <p>(4) The City shall bear the burden of proof for the denial of a requested concession or incentive.</p> <p>(e) (1) In no case may The City apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted by this section. Subject to paragraph (3), 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 development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted under this section, and may request a meeting with the City. If a court finds that the refusal to grant a waiver or reduction of development standards is in violation of this section, the court shall award the plaintiff reasonable attorney’s fees and costs of suit. This subdivision shall not be interpreted to require the City to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. This subdivision shall not be interpreted to require the City to waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources, or to grant any waiver or reduction that would be contrary to state or federal law.</p> <p>(2) A proposal for the waiver or reduction of development standards pursuant to this subdivision shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to subdivision (d).</p> <p>(3) A housing development that receives a waiver from any maximum controls on density pursuant to clause (ii) of subparagraph (D) of paragraph (3) of subdivision (f) shall only be eligible for a waiver or reduction of development standards as provided in subparagraph (D) of paragraph (2) of subdivision (d) and clause (ii) of subparagraph (D) of paragraph (3) of subdivision (f), unless The City agrees to additional waivers or reductions of development standards.</p> <p>(f) For the purposes of this chapter, “density bonus” means a density increase over the otherwise maximum allowable gross residential density as of the date of application by the applicant to the City, or, if elected by the applicant, a lesser percentage of density increase, including, but not limited to, no increase in density. The amount of density increase to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in subdivision (b).</p> <p>(1) For housing developments meeting the criteria of subparagraph (A) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:</p> <table><tr><th>Percentage Low-Income Units</th><th>Percentage Density Bonus</th></tr><tr><td>10</td><td>20</td></tr><tr><td>11</td><td>21.5</td></tr><tr><td>12</td><td>23</td></tr><tr><td>13</td><td>24.5</td></tr><tr><td>14</td><td>26</td></tr><tr><td>15</td><td>27.5</td></tr><tr><td>16</td><td>29</td></tr><tr><td>17</td><td>30.5</td></tr><tr><td>18</td><td>32</td></tr><tr><td>19</td><td>33.5</td></tr><tr><td>20</td><td>35</td></tr><tr><td>21</td><td>38.75</td></tr><tr><td>22</td><td>42.5</td></tr><tr><td>23</td><td>46.25</td></tr><tr><td>24</td><td>50</td></tr></table>	Percentage Low-Income Units	Percentage Density Bonus	10	20	11	21.5	12	23	13	24.5	14	26	15	27.5	16	29	17	30.5	18	32	19	33.5	20	35	21	38.75	22	42.5	23	46.25	24	50
Percentage Low-Income Units	Percentage Density Bonus																																
10	20																																
11	21.5																																
12	23																																
13	24.5																																
14	26																																
15	27.5																																
16	29																																
17	30.5																																
18	32																																
19	33.5																																
20	35																																
21	38.75																																
22	42.5																																
23	46.25																																
24	50																																

(2) For housing developments meeting the criteria of subparagraph (B) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Very Low Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35
12	38.75
13	42.5
14	46.25
15	50

(3) (A) For housing developments meeting the criteria of subparagraph (C) of paragraph (1) of subdivision (b), the density bonus shall be 20 percent of the number of senior housing units.

(B) For housing developments meeting the criteria of subparagraph (E) of paragraph (1) of subdivision (b), the density bonus shall be 20 percent of the number of the type of units giving rise to a density bonus under that subparagraph.

(C) For housing developments meeting the criteria of subparagraph (F) of paragraph (1) of subdivision (b), the density bonus shall be 35 percent of the student housing units.

(D) For housing developments meeting the criteria of subparagraph (G) of paragraph (1) of subdivision (b), the following shall apply:

(i) Except as otherwise provided in clauses (ii) and (iii), the density bonus shall be 80 percent of the number of units for lower income households.

(ii) If the housing development is located within one-half mile of a major transit stop, the City shall not impose any maximum controls on density.

(iii) If the housing development is located in a very low vehicle travel area within a designated county, the City shall not impose any maximum controls on density.

(4) For housing developments meeting the criteria of subparagraph (D) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Moderate-Income Units	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35
41	38.75

42	42.5
43	46.25
44	50

(5) All density calculations resulting in fractional units shall be rounded up to the next whole number. The granting of a density bonus shall not require, or be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval.

(g) (1) When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to the City 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:

Percentage Very Low Income	Percentage Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

(2) This increase shall be in addition to any increase in density mandated by subdivision (b), up to a maximum combined mandated density increase of 35 percent if an applicant seeks an increase pursuant to both this subdivision and subdivision (b). All density calculations resulting in fractional units shall be rounded up to the next whole number. Nothing in this subdivision shall be construed to enlarge or diminish the authority of the City to require a developer to donate land as a condition of development. An applicant shall be eligible for the increased density bonus described in this subdivision 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 proposed 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, 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 transferred land, not later than the date of approval of the final subdivision map, parcel map, or residential development application, except that the City may subject the proposed development to subsequent design review to the extent authorized by subdivision (i) of Section 65583.2 if the design is not reviewed by the City before the time of transfer.
- (E) The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with paragraphs (1) and (2) of subdivision (c), 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 local agency. The local agency may require the applicant to identify and transfer the land to the developer.
- (G) The transferred land shall be within the boundary of the proposed development or, if the local agency agrees, within one-quarter mile of the boundary of the proposed development.
- (H) A proposed source of funding for the very low income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application.
- (h) (1) When an applicant proposes to construct a housing development that conforms to the requirements of subdivision (b) and includes a childcare facility that will be located on the premises of, as part of, or adjacent to, the project, The City shall grant either of the following:
- (A) An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the childcare facility.
- (B) An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the childcare facility.
- (2) The City shall require, as a condition of approving the housing development, that the following occur:
- (A) The childcare facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable pursuant to subdivision (c).

	<p>(B) 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 pursuant to subdivision (b).</p> <p>(3) Notwithstanding any requirement of this subdivision, the City shall not be required to provide a density bonus or concession for a childcare facility if it finds, based upon substantial evidence, that the community has adequate childcare facilities.</p> <p>(4) “Childcare facility,” as used in this section, means a child daycare facility other than a family daycare home, including, but not limited to, infant centers, preschools, extended daycare facilities, and schoolage childcare centers.</p> <p>(i) “Housing development,” as used in this section, means a development project for five or more residential units, including mixed-use developments. For the purposes of this section, “housing development” also includes a subdivision or common interest development, as defined in Section 4100 of the Civil Code, approved by The City and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of Section 65863.4, where the result of the rehabilitation would be a net increase in available residential units. For the purpose of calculating a density bonus, the residential units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.</p> <p>(j) (1) The granting of a concession or incentive shall not require or be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, study, or other discretionary approval. For purposes of this subdivision, “study” does not include reasonable documentation to establish eligibility for the concession or incentive or to demonstrate that the incentive or concession meets the definition set forth in subdivision (k). This provision is declaratory of existing law.</p> <p>(2) Except as provided in subdivisions (d) and (e), the granting of a density bonus shall not require or be interpreted to require the waiver of a local ordinance or provisions of a local ordinance unrelated to development standards.</p> <p>(k) For the purposes of this chapter, concession or incentive means any of the following:</p> <p>(1) A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable and actual cost reductions, to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).</p> <p>(2) Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.</p> <p>(3) Other regulatory incentives or concessions proposed by the developer or the City that result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).</p> <p>(l) Subdivision (k) does not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly owned land, by the City, or the waiver of fees or dedication requirements.</p> <p>(m) This section does not supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code). Any density bonus, concessions, incentives, waivers or reductions of development standards, and parking ratios to which the applicant is entitled under this section shall be permitted in a manner that is consistent with this section and Division 20 (commencing with Section 30000) of the Public Resources Code.</p> <p>(n) If permitted by local ordinance, nothing in this section shall be construed to prohibit the City from granting a density bonus greater than what is described in this section for a development that meets the requirements of this section or from granting a proportionately lower density bonus than what is required by this section for developments that do not meet the requirements of this section.</p> <p>(o) For purposes of this section, the following definitions shall apply:</p> <p>(1) “Designated county” includes the Counties of Alameda, Contra Costa, Los Angeles, Marin, Napa, Orange, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, San Mateo, Santa Barbara, Santa Clara, Solano, Sonoma, and Ventura.</p> <p>(2) “Development standard” includes a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, a minimum lot area per unit requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation.</p> <p>(3) “Located within one-half mile of a major transit stop” means that any point on a proposed development, for which an applicant seeks a density bonus, other incentives or concessions, waivers or reductions of development standards, or a vehicular parking ratio pursuant to this section, is within one-half mile of any point on the property on which a major transit stop is located, including any parking lot owned by the transit authority or other local agency operating the major transit stop.</p> <p>(4) “Lower income student” means a student who has a household income and asset level that does not exceed the level for Cal Grant A or Cal Grant B award recipients as set forth in paragraph (1) of subdivision (k) of Section 69432.7 of the Education Code. The eligibility of a student to occupy a unit for lower income students under this section shall be verified by an affidavit, award letter, or letter of eligibility provided by the institution of higher education in which the student is enrolled or by the California Student Aid Commission that the student receives or is eligible for financial aid, including an institutional grant or fee waiver from the college or university, the California Student Aid Commission, or the federal government.</p> <p>(5) “Major transit stop” has the same meaning as defined in subdivision (b) of Section 21155 of the Public Resources Code.</p> <p>(6) “Maximum allowable residential density” or “base density” means the maximum number of units allowed under the zoning ordinance, specific plan, or land use element of the general plan, or, if a range of density is permitted, means the maximum number of units allowed by the specific zoning range, specific plan, or land use element of the general plan applicable to the project. If the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan or specific plan, the greater shall prevail. Density shall be determined using dwelling units per acre. However, if the applicable zoning ordinance, specific plan, or land use element of the general plan does not provide a dwelling-units-per-acre standard for density, then the local agency shall calculate the number of units by:</p> <p>(A) Estimating the realistic development capacity of the site based on the objective development standards applicable to the project, including, but not limited to, floor area ratio, site coverage, maximum building height and number of stories, building setbacks and stepbacks, public and private open space requirements, minimum percentage or square footage of any nonresidential component, and parking requirements,</p>
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	<p>unless not required for the base project. Parking requirements shall include considerations regarding number of spaces, location, design, type, and circulation. A developer may provide a base density study and the local agency shall accept it, provided that it includes all applicable objective development standards.</p> <p>(B) Maintaining the same average unit size and other project details relevant to the base density study, excepting those that may be modified by waiver or concession to accommodate the bonus units, in the proposed project as in the study.</p> <p>(7) (A) (i) “Shared housing building” means a residential or mixed-use structure, with five or more shared housing units and one or more common kitchens and dining areas designed for permanent residence of more than 30 days by its tenants. The kitchens and dining areas within the shared housing building shall be able to adequately accommodate all residents. If a local ordinance further restricts the attributes of a shared housing building beyond the requirements established in this section, the local definition shall apply to the extent that it does not conflict with the requirements of this section.</p> <p>(ii) A “shared housing building” may include other dwelling units that are not shared housing units, provided that those dwelling units do not occupy more than 25 percent of the floor area of the shared housing building. A shared housing building may include 100 percent shared housing units.</p> <p>(B) “Shared housing unit” means one or more habitable rooms, not within another dwelling unit, that includes a bathroom, sink, refrigerator, and microwave, is used for permanent residence, that meets the “minimum room area” specified in Section R304 of the California Residential Code (Part 2.5 of Title 24 of the California Code of Regulations), and complies with the definition of “guestroom” in Section R202 of the California Residential Code. If a local ordinance further restricts the attributes of a shared housing building beyond the requirements established in this section, the local definition shall apply to the extent that it does not conflict with the requirements of this section.</p> <p>(8) (A) “Total units” or “total dwelling units” means a calculation of the number of units that:</p> <p>(i) Excludes a unit added by a density bonus awarded pursuant to this section or any local law granting a greater density bonus.</p> <p>(ii) Includes a unit designated to satisfy an inclusionary zoning requirement of The City.</p> <p>(B) For purposes of calculating a density bonus granted pursuant to this section for a shared housing building, “unit” means one shared housing unit and its pro rata share of associated common area facilities.</p> <p>(9) “Very low vehicle travel area” means an urbanized area, as designated by the United States Census Bureau, where the existing residential development generates vehicle miles traveled per capita that is below 85 percent of either regional vehicle miles traveled per capita or city vehicle miles traveled per capita. For purposes of this paragraph, “area” may include a travel analysis zone, hexagon, or grid. For the purposes of determining “regional vehicle miles traveled per capita” pursuant to this paragraph, a “region” is the entirety of incorporated and unincorporated areas governed by a multicounty or single-county metropolitan planning organization, or the entirety of the incorporated and unincorporated areas of an individual county that is not part of a metropolitan planning organization.</p> <p>(p) (1) Except as provided in paragraphs (2), (3), and (4), upon the request of the developer, The City shall not require a vehicular parking ratio, inclusive of parking for persons with a disability and guests, of a development meeting the criteria of subdivisions (b) and (c), that exceeds the following ratios:</p> <p>(A) Zero to one bedroom: one onsite parking space.</p> <p>(B) Two to three bedrooms: one and one-half onsite parking spaces.</p> <p>(C) Four and more bedrooms: two and one-half parking spaces.</p> <p>(2) (A) Notwithstanding paragraph (1), if a development includes at least 20 percent low-income units for housing developments meeting the criteria of subparagraph (A) of paragraph (1) of subdivision (b) or at least 11 percent very low income units for housing developments meeting the criteria of subparagraph (B) of paragraph (1) of subdivision (b), is located within one-half mile of a major transit stop, and there is unobstructed access to the major transit stop from the development, then, upon the request of the developer, The City shall not impose a vehicular parking ratio, inclusive of parking for persons with a disability and guests, that exceeds 0.5 spaces per unit. Notwithstanding paragraph (1), if a development includes at least 40 percent moderate-income units for housing developments meeting the criteria of subparagraph (D) of paragraph (1) of subdivision (b), is located within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code, and the residents of the development have unobstructed access to the major transit stop from the development then, upon the request of the developer, The City shall not impose a vehicular parking ratio, inclusive of parking for persons with a disability and guests, that exceeds 0.5 spaces per bedroom.</p> <p>(B) For purposes of this subdivision, “unobstructed access to the major transit stop” means a resident is able to access the major transit stop without encountering natural or constructed impediments. For purposes of this subparagraph, “natural or constructed impediments” includes, but is not limited to, freeways, rivers, mountains, and bodies of water, but does not include residential structures, shopping centers, parking lots, or rails used for transit.</p> <p>(3) Notwithstanding paragraph (1), if a development meets the criteria of subparagraph (G) of paragraph (1) of subdivision (b), then, upon the request of the developer, The City shall not impose vehicular parking standards if the development meets any of the following criteria:</p> <p>(A) The development is located within one-half mile of a major transit stop and there is unobstructed access to the major transit stop from the development.</p> <p>(B) The development is a for-rent housing development for individuals who are 55 years of age or older that complies with Sections 51.2 and 51.3 of the Civil Code and the 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.</p> <p>(C) The development is either a special needs housing development, as defined in Section 51312 of the Health and Safety Code, or a supportive housing development, as defined in Section 50675.14 of the Health and Safety Code. A development that is 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.</p> <p>(4) If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subdivision, a development may provide onsite parking through tandem parking or uncovered parking, but not through on street parking.</p> <p>(5) This subdivision shall apply to a development that meets the requirements of subdivisions (b) and (c), but only at the request of the applicant. An applicant may request parking incentives or concessions beyond those provided in this subdivision pursuant to subdivision (d).</p> <p>(6) This subdivision does not preclude The City from reducing or eliminating a parking requirement for development projects of any type in any location.</p> <p>(7) Notwithstanding paragraphs (2) and (3), if a city, county, city and county, or an independent consultant has conducted an areawide or jurisdiction wide parking study in the last seven years, then The City may impose a higher vehicular parking ratio not to exceed the ratio described in paragraph (1), based upon substantial evidence found in the parking study, that includes, but is not limited to, an analysis of parking</p>
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	<p>availability, differing levels of transit access, walkability access to transit services, the potential for shared parking, the effect of parking requirements on the cost of market-rate and subsidized developments, and the lower rates of car ownership for low-income and very low income individuals, including seniors and special needs individuals. The City shall pay the costs of any new study. The City shall make findings, based on a parking study completed in conformity with this paragraph, supporting the need for the higher parking ratio.</p> <p>(8) A request pursuant to this subdivision shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to subdivision (d).</p> <p>(q) Each component of any density calculation, including base density and bonus density, resulting in fractional units shall be separately rounded up to the next whole number. The Legislature finds and declares that this provision is declaratory of existing law.</p> <p>(r) This chapter shall be interpreted liberally in favor of producing the maximum number of total housing units.</p> <p>(s) Notwithstanding any other law, if a city, including a charter city, county, or city and county has adopted an ordinance or a housing program, or both an ordinance and a housing program, that incentivizes the development of affordable housing that allows for density bonuses that exceed the density bonuses required by the version of this section effective through December 31, 2020, that city, county, or city and county is not required to amend or otherwise update its ordinance or corresponding affordable housing incentive program to comply with the amendments made to this section by the act adding this subdivision, and is exempt from complying with the incentive and concession calculation amendments made to this section by the act adding this subdivision as set forth in subdivision (d), particularly subparagraphs (B) and (C) of paragraph (2) of that subdivision, and the amendments made to the density tables under subdivision (f).</p> <p>(t) When an applicant proposes to construct a housing development that conforms to the requirements of subparagraph (A) or (B) of paragraph (1) of subdivision (b) that is a shared housing building, The City shall not require any minimum unit size requirements or minimum bedroom requirements that are in conflict with paragraph (7) of subdivision (o).</p>																																																												
<p>Pursuant to SB 330, review and amend the zoning ordinance and Design Review Board handbooks to ensure development standards, design guidelines, and findings are objective and promote certainty in the planning and approval processes.</p> <p>Source: Housing Element Program B-3</p> <p>Section 99</p>	<p>At present, all development standards appear to be objective. Upon the compilation of all recently adopted ordinances into the development code, MBI will conduct a second review to ensure the City’s development standards remain objective. Standards that are not strictly objective are highlighted below:</p> <p>CUP findings (from application):</p> <ul style="list-style-type: none">• <i>Does the proposal conform to the intent and purpose of the General Plan, zoning regulations and policies for protecting the physical and human environment of the neighborhood and community;</i>• <i>The design of the improvements must be in harmony with the neighborhood and community objectives;</i>• If the proposal is approved, conditions of approval may be imposed with respect to site design, building design, maintenance, improvements or operation of the use. <p>CUP findings (from project resolution):</p> <ul style="list-style-type: none">A. <i>That the requested permit is within its jurisdiction according to the table of permissible uses.</i>B. <i>The Application is Complete</i>C. <i>The development is in general conformity with the Needles General Plan.</i>D. <i>The development is in harmony with the area in which it is located.</i>E. <i>The development will not materially endanger the public health or safety.</i>F. <i>The development will not substantially injure the value of adjoining or abutting properties.</i>																																																												
<p>Study and revise development standards in multifamily districts to facilitate the development of properties at their maximum densities. Specifically amend:</p> <ul style="list-style-type: none">• Minimum parking standards• Height limits• Lot coverage (elderly and disabled housing)• ADA unit location requirements (elderly and disabled housing) <p>Source: Housing Element Program B-4</p> <p>Include more specific language for the R-2 and R-3 zones in terms of parking standards, height limits, and lot coverage. Include language regarding parking standards in Section 99.</p> <p>Section 99</p>	<table><tr><th colspan="6">HEIGHT LIMITS</th></tr><tr><th colspan="3">Type of Building</th><th colspan="3">Maximum Height</th></tr><tr><td colspan="3">Residential Zones R-1 zone</td><td colspan="3">2 stories of 35 feet, whichever is less.</td></tr><tr><td colspan="3">R-2 and R-3 Zones</td><td colspan="3">3 stories or 45 feet, whichever is less.</td></tr><tr><td>Commercial/Industrial/Mixed Zones</td><td>Use</td><td colspan="4">45 feet</td></tr></table> <p>Remove provisions to minimum parking requirements. Maintain and include provisions for ADA spaces and electric charging spaces. Revise ‘residential garages and carports table.’</p> <table><tr><th></th><th>Front Yard</th><th colspan="2">Side Yard</th><th colspan="2">Rear Yard</th></tr><tr><th>Zone</th><th></th><th>Abutting a Street</th><th>Not Abutting a Street</th><th>Abutting a Street</th><th>Not Abutting a Street</th></tr><tr><td>R-1</td><td>20’</td><td>15’</td><td>5’</td><td>20’</td><td>20’</td></tr><tr><td>R-2</td><td>15’</td><td>15’</td><td>5’</td><td>15’</td><td>10’</td></tr><tr><td>R-3</td><td><u>10’</u></td><td><u>10’</u></td><td><u>5’</u></td><td><u>10’</u></td><td><u>5’</u></td></tr></table>	HEIGHT LIMITS						Type of Building			Maximum Height			Residential Zones R-1 zone			2 stories of 35 feet, whichever is less.			R-2 and R-3 Zones			3 stories or 45 feet, whichever is less.			Commercial/Industrial/Mixed Zones	Use	45 feet					Front Yard	Side Yard		Rear Yard		Zone		Abutting a Street	Not Abutting a Street	Abutting a Street	Not Abutting a Street	R-1	20’	15’	5’	20’	20’	R-2	15’	15’	5’	15’	10’	R-3	<u>10’</u>	<u>10’</u>	<u>5’</u>	<u>10’</u>	<u>5’</u>
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Amend the zoning ordinance to revise the minimum required unit area for multifamily units. Ensure that provisions for efficiency units are consistent with AB 352 (2017).

Source: Housing Element Program B-5

Revise development standards to account for tiny homes and studio apartments in the R-3 zone. Include language on tiny homes in Section 99.

AB 352 links:

<https://legiscan.com/CA/text/AB352/id/1651278>

<http://blob.capitoltrack.com/17blobs/c07421b5-424d-4981-9190-f8dd75d65359>

Section 99

Zone	Minimum Gross Floor Area (square feet per dwelling unit)			
	0 Bedroom Unit	1 Bedroom Unit	2 Bedroom Unit	3 Bedroom Unit
R-1 and CRR zones	900	1,000	1,100	1,200
R-2 zone	550 <u>*220*</u>	800 <u>600</u>	950	1,050
R-3 and C-2 zones	550 <u>*220*</u>	650 <u>600</u>	800	950
C-2 zone —Downtown Core/elderly housing in any zone	450 <u>*220*</u>	600*	800	900
* efficiency units. Note: Each additional bedroom beyond 3 requires an additional 100 square foot minimum to the gross floor area.				

Amend the zoning ordinance to address multiple changes to state law regarding ADUs (including AB 587, AB 671, AB 68, and SB 13). Monitor state law on an annual basis and revise the zoning ordinance as appropriate.

Source: Housing Element Program B-6

Section 96

Standards for Accessory Dwelling Units Created Through Construction of or Additions to a Detached Accessory Building or by Construction of or Additions to an existing dwelling

1. Zones. The proposed unit would be located on a lot that contains a proposed or existing dwelling located in one of the following residential zones: R-1, R-2, R-3, CRR, and C-2.
2. On lots zoned for ~~R-1 single family residential use~~, one ADU is allowed per primary dwelling unit. On lots zoned ~~R-2, R-3, CRR, and C-2, for multi-family residential use~~, a maximum of two ADUs are permitted.
3. Rental. The Accessory Dwelling Unit may be rented but may not be rented for a period of less than 30 consecutive days or used as a Vacation Rental.
4. Location on lot. The Accessory Dwelling Unit shall either be attached to the existing dwelling or located within the Living Area of the existing dwelling or shall be detached from the existing dwelling and located on the same lot as the existing dwelling. If detached, the Accessory Dwelling Unit shall be separated from the Primary Unit and any Detached Accessory Building a minimum of three feet.
5. Zoning Development Standards. The proposed unit shall comply with development standards for the underlying zone in which it is located, specifically standards for lot coverage, setback, height, and floor area ratio, except as explicitly set forth herein.
6. Separate Kitchen and Bathroom. The proposed Accessory Dwelling Unit shall contain a separate kitchen and bathroom; both the Primary Unit and the Accessory Dwelling Unit shall comply at a minimum with all requirements of the current residential code; and the Accessory Dwelling Unit shall comply with the building code at the time it was constructed.
7. Size. ~~The increased floor area of an Attached Accessory Dwelling Unit shall not exceed 50 percent of the existing Living Area, with a maximum allowable increase in floor area of 1,200 square feet. The total area of floorspace for a newly constructed Detached Accessory Dwelling Unit shall not exceed 1,200 square feet. There is no limit on the size of an accessory dwelling unit that is attached to or detached from a primary unit, except that attached and detached accessory dwelling units shall not be larger than the primary unit, and detached and attached accessory dwelling units shall comply with setback requirements, the required distance between units, open space requirements and maximum lot coverage/FAR requirements applicable to the parcel on which the unit is located.~~
8. Height. A detached Accessory Dwelling Unit shall not exceed the height of maximum height limit of its respective zone. ~~15 feet in height.~~
9. Passageway. No Passageway shall be required in conjunction with the construction of an Accessory Dwelling Unit.
10. Setback Exceptions. A detached Accessory Dwelling Unit must have a minimum set back of four ~~five~~ feet from side and rear property lines. No setback shall be required for a lawfully constructed garage or other accessory structure in existence prior to execution of this Ordinance that is converted to an Accessory Dwelling Unit, and a setback of no more than four (4) ~~five (5)~~ feet from the side and rear lot lines shall be required for an Accessory Dwelling Unit that is constructed above a garage. In the event an Accessory Dwelling Unit is permitted prior to the primary residence, a minimum front set back of 26 feet shall apply.
11. Parking. The application shall comply with parking provisions of Needles’ Municipal Code Section 111, including parking setback limitations, except as set forth below:
 - a. One parking space per accessory dwelling unit or per bedroom, whichever is less, of the proposed Accessory Dwelling Unit in addition to those required for the Primary Unit(s).
 - b. Required parking for the Accessory Dwelling Unit may be uncovered.
 - c. Off-street parking for an Accessory Dwelling Unit may be in tandem with parking for the Primary Unit or may be allowed in the front setback, unless specific findings are made that such is not feasible based on specific site topographical or fire and life safety conditions. All parking spaces shall be on an Improved Parking Surface that satisfies City Standards.
 - d. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an Accessory Dwelling Unit, the City does not require that those parking spaces be replaced,
 - e. Subsections A through D of this Standard 11 shall not apply to a unit described in subsection 11F below.
 - f. On-site parking is not required for an Accessory Dwelling Unit in any of the following circumstances:
 - The unit is located within one-half mile of Public Transit.
 - The unit is part of the existing Primary Unit or an existing Accessory Building.

	<ul style="list-style-type: none">When on-street parking permits are required but not offered to the occupant of the unit.When there is a car share vehicle located within one block of the unit. <p>12. Feasibility Inspection. Unless the project constitutes new construction, a building inspection shall be performed by the City's Building Dept. at applicant's cost, and a report establishing the feasibility of the project to meet applicable building and residential codes shall be provided to the Director, or his/her designee, of Development Services prior to approval of an Accessory Dwelling Unit permit.</p> <p>13. Adequate sanitary service capacity for the additional increment of effluent resulting from the Accessory Dwelling Unit would be available. If the lot is connected to the public sewer system, the applicant has submitted a letter from the appropriate Sanitary District to that effect. If the lot is not connected to the public sewer system, the applicant will need to demonstrate that the individual or alternative sewage disposal system serving the lot has adequate capacity to accommodate the proposed Accessory Dwelling Unit.</p> <p>14. The Accessory Dwelling Unit would comply with all applicable Fire District regulations, subject to provisions and limitations set forth in Government Code Section 65852.2.</p> <p>15. The Accessory Dwelling Unit would comply with all applicable Water District regulations, subject to provisions and limitations set forth in Government Code Section 65852.2</p> <p>f. Standards for Accessory Dwelling Units Created Exclusively through Conversion of Existing Floorspace in a Single-Family Dwelling, Multifamily Structure, or a Detached Accessory Building</p> <p>1. The unit shall be located in one of the following residential zones: R-1, R-2, R-3, CRR, <u>and C-2</u>.</p> <p>2. The unit shall be created within an existing legal structure (a single-family dwelling or a Detached Accessory Building appurtenant to a single-family dwelling) and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure.</p> <p>3. The unit shall provide independent exterior access from the Primary Unit.</p> <p>4. The unit has sufficient setbacks to meet fire safety requirements.</p> <p>5. There shall be no more than one Accessory Dwelling Unit per primary dwelling on a single-family lot. On a multifamily lot, up to 25 percent of existing units may have an Accessory Dwelling Unit.</p> <p>6. Rental. The unit may be rented but may not be rented for a period less than 30 consecutive days or used as a Vacation Rental.</p> <p>7. Feasibility Inspection. A building inspection shall be performed by the City's Building Division at applicant's cost, and a memo establishing the feasibility of the project to meet applicable building and residential codes shall be provided to the Director, or his/her designee, of Community Development, prior to approval of a permit.</p> <p>g. Standard for Junior Accessory Dwelling Units</p> <p>1. The proposed junior accessory dwelling unit would be located in a residential zone, including the R-1, R2, R-3 and CRR, <u>and C-2</u> zones.</p>
<p>Maintain a mixture of residential land use designations and development regulations that accommodate various building types and styles, including but not limited to small-lot, single-family homes; tiny homes; detached condominiums; townhomes; duplex/triplex/multiplex; courtyard apartments; bungalow courts; live/work units; mixed-use projects; moveable tiny homes; 3D printed homes; and new prefab housing types that meet state and local building code standards. Continue to explore innovative building types and housing options that can be implemented through the City’s zoning ordinance by reviewing development designators (such as Permitted, Conditionally Permitted, etc.) and designations and amend as appropriate.</p> <p>Source: Housing Element Program B-13</p> <ul style="list-style-type: none">Revise each zone that allows residential uses (R-1, R-2, R-3, CRR, C-1 and C-2) to include information on specific housing typologies and housing development standards in a clear and concise manner.Fold parking standards for each zone into Section 99.Revise the existing land use matrix to allow for a wide variety of housing types and clean up the formatting of the existing table. <p>Section 99</p>	<p>Sec. 99.06.09. Courts. In the CRR, R-2 and R-3 zones, where the arrangement of a building or buildings on the same lot creates a court (an open space surrounded on all sides by buildings, but not necessarily completely enclosed), such court shall contain a rectangular open area at least thirty (30) feet by forty (40) <u>twenty (20) by twenty (20)</u> feet in horizontal dimensions. (Ord. No. 427-AC, (part).) This standard shall also apply to multifamily and mixed-use residential development in the C-2 zone. (Ord. 427-AC, 659-AC). (FLAG FOR FIRE – Need building separation requirements)</p>
<p>Allow housing for the elderly, disabled, and developmentally disabled with reduced and flexible development standards. Amend the zoning ordinance to allow licensed adult care facilities by right. Review CUP standards for residential care facilities to ensure that the standards are</p>	<p>Added to table 96.01</p> <p>Add text to Section 112:</p>

<p>objective and focused on protecting the health, safety, and welfare of the residents of these facilities.</p> <p>Source: Housing Element Program E-2</p> <p>Section 96/Section 99/Section 112</p>	<p>Sec. 112.06. Emergency Shelters and Supportive and Transitional Housing, <u>Elderly, Disabled, and Adult Care Facilities</u>.</p> <p>(a) Definitions.</p> <p>Emergency shelter: means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay (as defined by California Health and Safety Code Section 50801(e)).</p> <p>Supportive housing: means housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community (as defined by Government Code Section 65582) Supportive housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.</p> <p>Target population: means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people (as defined by Government Code Section 65582).</p> <p>Transitional housing: means a building or buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculation of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six (6) months from the beginning of the assistance (as defined by Section 50675.2 of the Health and Safety Code). Transitional housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. Transitional housing does not include state licensed residential care facilities.</p>																								
<p>Review the City zoning code to determine whether updates are needed to comply with the state Employee Housing Act (Health and Safety Code Sections 17021.5 and 17021.6). The act calls for the zoning ordinance to treat employee housing (including farmworker housing) that serves six or fewer persons as a single-family structure and permitted in the same manner as other single-family structures of the same type in the same zone (Section 17021.5). The zoning ordinance must also treat employee housing consisting of no more than 12 units or 36 beds as an agricultural use and permitted in the same manner as other agricultural uses in the same zone (Section 17021.6) in zones where agricultural uses are permitted.</p> <p>Source: Housing Element Program E-3</p> <p>Include a Special Needs Housing section within Section 99 of the Needles Municipal Code.</p> <p>Section 112</p>	<p>Add text to Section 112:</p> <p>A. Qualified employee housing providing accommodations for six or fewer employees, pursuant to Health and Safety Code Section 17021.5(b), shall be deemed a single-family dwelling and is allowed in residential zones. Qualified employee housing is subject to all Municipal Codes, regulations and other standards generally applicable to other residential dwellings of the same type in the same zone.</p> <p>B. Qualified employee housing providing accommodations for seven or more employees and consisting of no more than 36 beds in group quarters or 12 units or spaces designed for use by a single family or household, pursuant to Health and Safety Code Section 17021.6(b), shall be deemed an agricultural land use and is allowed in such zones for agricultural use or an equivalent agricultural zone within a City approved Sectional Planning Area plan or Specific Plan. Qualified employee housing is subject to all Municipal Codes, regulations and other standards generally applicable to other agricultural activity in the same zone.</p>																								
<p>Amend the zoning ordinance to modify the parking requirements for emergency shelters to ensure that they are only based on the number of staff. Amend the emergency shelters code to ensure that shelters are not subject to standards that do not apply to other uses in the same zone, including but not limited to a 500-foot residential buffer.</p> <p>Source: Housing Element Program E-4</p> <p>Include Special Needs Housing parking provisions within the parking standards.</p> <p>Section 111/112</p>	<p>Revise Section 112.06 Emergency Shelters and Supportive and Transitional Housing</p> <p>(b)(3) Minimum site design and development Standards. An emergency shelter is subject to all property development standards of the zoning district in which it is located except as modified by the following standards: (a) The maximum number of beds or persons to be served nightly by an emergency shelter shall be thirty-four (34). (b) Off-street parking shall include one (1) vehicle parking space per three (3) beds and one (1) space per employee on the largest shift. A covered and secure area for bicycle parking shall be provided for use by staff and clients, commensurate with demonstrated need, but no less than a minimum of eight (8) bike parking spaces.</p>																								
<p>Pursuant to SB 48, amend the zoning ordinance to establish provisions for low-barrier navigation centers. Allow centers that meet specific objective requirements by-right in areas zoned for mixed uses.</p> <p>Source: Housing Element Program E-5</p> <p>Revise the land use matrix to include low barrier navigation centers, potentially under a subsection for Special Needs Housing.</p> <p>Section 96 / 99 / 112</p>	<p>Added to table 96.01</p> <table><tr><th><u>Uses</u> <u>Descriptions</u></th><th><u>R1</u></th><th><u>R2</u></th><th><u>R3</u></th><th><u>CR</u></th><th><u>C1</u></th><th><u>C2</u></th><th><u>DT</u></th><th><u>C3</u></th><th><u>M1</u></th><th><u>M2</u></th><th><u>P</u></th></tr><tr><td>Low Barrier Navigation Centers</td><td></td><td></td><td></td><td></td><td>Z</td><td>Z</td><td></td><td></td><td>Z</td><td>Z</td><td></td></tr></table> <p>Bill Text: CA SB48 2019-2020 Regular Session Amended LegiScan</p>	<u>Uses</u> <u>Descriptions</u>	<u>R1</u>	<u>R2</u>	<u>R3</u>	<u>CR</u>	<u>C1</u>	<u>C2</u>	<u>DT</u>	<u>C3</u>	<u>M1</u>	<u>M2</u>	<u>P</u>	Low Barrier Navigation Centers					Z	Z			Z	Z	
<u>Uses</u> <u>Descriptions</u>	<u>R1</u>	<u>R2</u>	<u>R3</u>	<u>CR</u>	<u>C1</u>	<u>C2</u>	<u>DT</u>	<u>C3</u>	<u>M1</u>	<u>M2</u>	<u>P</u>														
Low Barrier Navigation Centers					Z	Z			Z	Z															

<p>Pursuant to AB 2162 and AB 2988, supportive housing meeting certain criteria must be permitted by-right where residential uses are permitted, including mixed-use and nonresidential zones. Review AB 2162 and amend zoning ordinance to ensure compliance.</p> <p>Source: Housing Element Program E-6</p> <p>Revise the land use matrix to include supportive housing, potentially under a subsection for Special Needs Housing.</p> <p>Section 96 / 99 / 112</p>	<p>Added to table 96.01</p> <table><tr><th><u>Uses</u></th><th><u>Descriptions</u></th><th><u>R1</u></th><th><u>R2</u></th><th><u>R3</u></th><th><u>CR</u></th><th><u>C1</u></th><th><u>C2</u></th><th><u>DT</u></th><th><u>C3</u></th><th><u>M1</u></th><th><u>M2</u></th><th><u>P</u></th></tr><tr><td>Supportive Housing</td><td></td><td>Z</td><td>Z</td><td>Z</td><td>Z</td><td>Z</td><td>Z</td><td></td><td></td><td>Z</td><td>Z</td><td></td></tr></table>	<u>Uses</u>	<u>Descriptions</u>	<u>R1</u>	<u>R2</u>	<u>R3</u>	<u>CR</u>	<u>C1</u>	<u>C2</u>	<u>DT</u>	<u>C3</u>	<u>M1</u>	<u>M2</u>	<u>P</u>	Supportive Housing		Z	Z	Z	Z	Z	Z			Z	Z																																		
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<p>Update zoning code to expressly permit the development of residential care facilities (6 or fewer residents) in residential zones. Adopt objective standards for residential care homes with 7 or more individuals in residential zones consistent with occupancy standards. Initiate and complete a process in 2023 to amend the Zoning Ordinance to allow group homes for seven or more in all residential zones.</p> <p>Source: Housing Element Program E-7</p> <p>Revise the land use matrix to include provisions for care centers for 6 or fewer residents, and 7 and above, potentially under a subsection for Special Needs Housing.</p> <p>Section 96 / 99 / 112</p>	<p>Added to table 96.01</p> <table><tr><th><u>Uses</u></th><th><u>Descriptions</u></th><th><u>R1</u></th><th><u>R2</u></th><th><u>R3</u></th><th><u>CR</u></th><th><u>C1</u></th><th><u>C2</u></th><th><u>DT</u></th><th><u>C3</u></th><th><u>M1</u></th><th><u>M2</u></th><th><u>P</u></th></tr><tr><td>Residential Care Facilities (6 or fewer residents)</td><td></td><td>Z</td><td>Z</td><td>Z</td><td>Z</td><td>Z</td><td>Z</td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>Residential Care Facilities (7 or more residents)</td><td></td><td>C</td><td>C</td><td>S</td><td>C</td><td>C</td><td>C</td><td></td><td></td><td></td><td></td><td></td></tr></table> <p>Residential Care facilities are regulated by the California Department of Social Services, Community Care Licensing Division (CCLD) and Continuing Care Contracts Branch.</p> <p>Residential Care Facilities are licensed and inspected by the State.</p> <p>(The city might not have any Jurisdiction At a minimum a copy of the Approved State License and Approved Fire Inspection must be submitted to the city for verification when applying for the business license.)</p>	<u>Uses</u>	<u>Descriptions</u>	<u>R1</u>	<u>R2</u>	<u>R3</u>	<u>CR</u>	<u>C1</u>	<u>C2</u>	<u>DT</u>	<u>C3</u>	<u>M1</u>	<u>M2</u>	<u>P</u>	Residential Care Facilities (6 or fewer residents)		Z	Z	Z	Z	Z	Z						Residential Care Facilities (7 or more residents)		C	C	S	C	C	C																									
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<p>In the central part of town, which was the original town of Needles, many lots are now of insufficient size to meet the requirements for the building of a residential structure. The City permits those older homes to be remodeled or refurbished and will encourage new structures to replace the existing structures for residential use in a mixed-use zone, provided the City’s parking standards can be met. Since the lots are mostly too small to allow desired parking and garages, until two lots are available side by side (for parcel merging), developers and homebuilders are generally not interested in new construction in this part of town.</p> <p>Source: Housing Element – Housing Constraints – Governmental Constraints</p> <p>Revise development standards to allow for a variety of housing types that fit within the existing lot sizes. Potentially change the minimum lot sizes for the R-2 and R-3 zones. Alternatively, create a design district for those properties located within the central part of town.</p> <p>Section 98/Section 115</p>	<table><tr><td></td><td>Front Yard</td><td colspan="2">Side Yard</td><td colspan="2">Rear Yard</td></tr><tr><td>Zone</td><td></td><td>Abutting a Street</td><td>Not Abutting a Street</td><td>Abutting a Street</td><td>Not Abutting a Street</td></tr><tr><td>R-1</td><td>20’</td><td>15’</td><td>5’</td><td>20’</td><td>20’</td></tr><tr><td>R-2</td><td>15’</td><td>15’</td><td>5’</td><td>15’</td><td>10’</td></tr><tr><td>R-3</td><td><u>10’</u></td><td><u>10’</u></td><td><u>5’</u></td><td><u>10’</u></td><td><u>5’</u></td></tr></table> <table><tr><th rowspan="2">Zone</th><th colspan="4">Minimum Gross Floor Area (square feet per dwelling unit)</th></tr><tr><th>0 Bedroom Unit</th><th>1 Bedroom Unit</th><th>2 Bedroom Unit</th><th>3 Bedroom Unit</th></tr><tr><td>R-1 and CRR zones</td><td>900</td><td>1,000</td><td>1,100</td><td>1,200</td></tr><tr><td>R-2 zone</td><td>550<u>550*220*</u></td><td>800<u>600</u></td><td>950</td><td>1,050</td></tr><tr><td>R-3 and C-2 zones</td><td>550<u>550*220*</u></td><td>650<u>600</u></td><td>800</td><td>950</td></tr><tr><td>C-2 zone —Downtown Core/elderly housing in any zone</td><td>450<u>450*220*</u></td><td>600*</td><td>800</td><td>900</td></tr></table> <p>* efficiency units</p> <p>Note: Each additional bedroom beyond 3 requires an additional 100 square foot minimum to the gross floor area.</p> <p>Add section on Nonconforming Lots:</p> <p>115.01 Nonconforming lots</p> <p><u>(a) Determination Of Nonconforming Status: A nonconforming lot of record that does not comply with the current access, area, or dimensional requirements of this title for the zoning district in which it is located, shall be considered to be a legal building site if it meets one of the criteria specified by this section. The applicant shall be responsible for providing sufficient evidence to establish the applicability of one or more of the following to the satisfaction of the Development Services Director or their designee.</u></p> <p><u>1. Approved Subdivision: The lot was created through a subdivision approved by the City or the County, before incorporation.</u></p> <p><u>2. Individual Lot Legally Created By Deed: The lot is under one ownership and record, and was legally created by a recorded deed before the effective date of the zoning amendment that made the lot nonconforming or before the City adopted regulations requiring a Parcel Map for minor subdivisions.</u></p>		Front Yard	Side Yard		Rear Yard		Zone		Abutting a Street	Not Abutting a Street	Abutting a Street	Not Abutting a Street	R-1	20’	15’	5’	20’	20’	R-2	15’	15’	5’	15’	10’	R-3	<u>10’</u>	<u>10’</u>	<u>5’</u>	<u>10’</u>	<u>5’</u>	Zone	Minimum Gross Floor Area (square feet per dwelling unit)				0 Bedroom Unit	1 Bedroom Unit	2 Bedroom Unit	3 Bedroom Unit	R-1 and CRR zones	900	1,000	1,100	1,200	R-2 zone	550 <u>550*220*</u>	800 <u>600</u>	950	1,050	R-3 and C-2 zones	550 <u>550*220*</u>	650 <u>600</u>	800	950	C-2 zone —Downtown Core/elderly housing in any zone	450 <u>450*220*</u>	600*	800	900
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	<p><u>3. Variance Or Lot Line Adjustment: The lot was approved through the variance procedure or its current configuration resulted from a lot line adjustment.</u></p> <p><u>4. Partial Government Acquisition: The lot was created in conformity with the provisions of this title, but was made nonconforming when a portion of the lot was acquired by a governmental entity.</u></p> <p>(b) When a nonconforming lot can be used in conformity with all the regulations applicable to the intended use, except that the lot is smaller than the required minimums, then the lot may be used as proposed just as if it were conforming. However, no use (e.g., a two-family residence) that requires a greater lot size than the established minimum lot size for a particular zone is permissible on a nonconforming lot.</p> <p>(c) When the use proposed for a nonconforming lot is one that is conforming in all other respects, but the applicable setback requirements cannot reasonably be complied with, then the entity authorized by this part to issue a permit for the proposed use (the city planner, planning commission, or council) may allow deviations from the applicable setback requirements if it finds that:</p> <p>(1) The property cannot reasonably be developed for the use proposed without such deviations;</p> <p>(2) These deviations are necessitated by the size or shape of the nonconforming lot; and</p> <p>(3) The property can be developed as proposed without any significantly adverse impact on surrounding properties or the public health or safety.</p> <p>(d) For purposes of subsection (c) of this section, compliance with applicable building setback requirements is not reasonably possible if a building that serves the minimal needs of the use proposed for the nonconforming lot cannot practicably be constructed and located on the lot in conformity with such setback requirements. However, mere financial hardship does not constitute grounds for finding that compliance is not reasonably possible.</p> <p>(e) This section applies only to undeveloped nonconforming lots. A lot is undeveloped if it has no substantial structures upon it. A change in use of a developed nonconforming lot may be accomplished.</p> <p>(f) Subject to the following sentence, if, on the date this section becomes effective, an undeveloped nonconforming lot adjoins and has continuous frontage with one or more other undeveloped lots under the same ownership, then neither the owner of the nonconforming lot nor his successors in interest may take advantage of the provisions of this section.</p> <p>(g) This subsection shall not apply to a nonconforming lot if a majority of the developed lots located on either side of the street, where such lot is located and within five hundred (500) feet of such lot, are also nonconforming. The intent of this subsection is to require nonconforming lots under the circumstances specified herein, but not to require such combination when that would be out of character with the way the neighborhood has previously been developed.</p> <p>(h) Further Subdivision Prohibited: Where structures have been erected on a nonconforming lot, the area where the structures are located shall not be later subdivided, nor shall lot lines be altered through lot line adjustment, so as to reduce the building site area or frontage below the requirements of the applicable zoning district or other applicable provisions of this title, or in any way that makes the use of the lot more nonconforming.</p> <p><u>(i) Parking. The City shall not require additional parking stalls for residential uses proposed on nonconforming lots.</u></p>						
<p>The City’s parking requirements are based on unit type and size. As shown in Table 38, parking requirements are typically two spaces per single-family residential unit. Multifamily residential units have a reduced requirement based on the size of unit, but generally average two spaces per unit after accounting for guest parking. Reductions in the number of parking spaces are enacted for uses that serve tenants with low vehicle-ownership rates, rooming homes, residence clubs, and fraternity and sorority houses.</p> <p>Source: Housing Element – Housing Constraints – Governmental Constraints</p> <p>Revise parking standards to account for a variety of lot sizes and urban typologies (e.g. the Downtown Core).</p> <p>Section 111</p>	<p>Sec. 111.04. Parking requirements. It is the intent of this section to require off-street parking and loading spaces on each parcel for all land uses within the city. These spaces should be sufficient in number to accommodate the vehicles of residents, employees, customers and clients. The overall intent of this section is to reduce on-street parking, traffic congestion and to improve pedestrian safety within the city.</p> <p>At the time a business or residential activity is established, or a building is erected or enlarged, or there is a change of use at the subject location, sufficient vehicle off-street parking spaces shall be provided. Accessible off-street parking areas shall be provided and maintained for each land use or activity in accordance with the schedule set out in this part. (Ord. No. 427-AC)</p> <p>Sec. 111.04.01. Parking spaces required--Residential.</p> <table><tr><th>Type of Residential Use</th><th>Off-Street/On-Street Parking Stalls Required</th></tr><tr><td>Single and two-family dwellings</td><td><p><u>Parking is not required for residential uses within one-half mile of public transit.</u></p><p><u>In all other cases: Two (2) stalls per dwelling unit, one (1) of which shall be a covered carport or garage.</u></p><p><u>Residential uses may utilize every 22 feet of useable lot frontage (excluding driveway entrances) as counting toward one (1) stall of required parking.</u></p></td></tr><tr><td>Accessory dwelling units</td><td><p><u>Parking is not required for residential uses within one-half mile of public transit.</u></p><p><u>In all other cases: One (1) new parking space shall be provided for each accessory dwelling unit on a lot. The new parking space(s) shall be located on the same lot where the accessory dwelling unit is located, shall not be on the street, and shall be in addition to all existing parking spaces on the lot.</u></p><p><u>Except in the following circumstances:</u></p><ul style="list-style-type: none"><u>The accessory dwelling unit is located within one-half mile walking distance of public transit, as defined in Government Code Section 65852.2(j), as may be amended.</u><u>The accessory dwelling unit is located within an architecturally and historically significant historic district.</u><u>The accessory dwelling unit is located entirely within the proposed or existing primary residence or an accessory structure.</u><u>When there is a car share vehicle located within one block of the accessory dwelling unit.</u><p><u>Residential uses may utilize every 22 feet of useable lot frontage (excluding driveway entrances) as counting toward one (1) stall of required parking.</u></p></td></tr></table>	Type of Residential Use	Off-Street/On-Street Parking Stalls Required	Single and two-family dwellings	<p><u>Parking is not required for residential uses within one-half mile of public transit.</u></p> <p><u>In all other cases: Two (2) stalls per dwelling unit, one (1) of which shall be a covered carport or garage.</u></p> <p><u>Residential uses may utilize every 22 feet of useable lot frontage (excluding driveway entrances) as counting toward one (1) stall of required parking.</u></p>	Accessory dwelling units	<p><u>Parking is not required for residential uses within one-half mile of public transit.</u></p> <p><u>In all other cases: One (1) new parking space shall be provided for each accessory dwelling unit on a lot. 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Single and two-family dwellings	<p><u>Parking is not required for residential uses within one-half mile of public transit.</u></p> <p><u>In all other cases: Two (2) stalls per dwelling unit, one (1) of which shall be a covered carport or garage.</u></p> <p><u>Residential uses may utilize every 22 feet of useable lot frontage (excluding driveway entrances) as counting toward one (1) stall of required parking.</u></p>						
Accessory dwelling units	<p><u>Parking is not required for residential uses within one-half mile of public transit.</u></p> <p><u>In all other cases: One (1) new parking space shall be provided for each accessory dwelling unit on a lot. The new parking space(s) shall be located on the same lot where the accessory dwelling unit is located, shall not be on the street, and shall be in addition to all existing parking spaces on the lot.</u></p> <p><u>Except in the following circumstances:</u></p> <ul style="list-style-type: none"><u>The accessory dwelling unit is located within one-half mile walking distance of public transit, as defined in Government Code Section 65852.2(j), as may be amended.</u><u>The accessory dwelling unit is located within an architecturally and historically significant historic district.</u><u>The accessory dwelling unit is located entirely within the proposed or existing primary residence or an accessory structure.</u><u>When there is a car share vehicle located within one block of the accessory dwelling unit.</u> <p><u>Residential uses may utilize every 22 feet of useable lot frontage (excluding driveway entrances) as counting toward one (1) stall of required parking.</u></p>						

Multiple Family	<p>Parking is not required for residential uses within one-half mile of public transit. However, this provision shall not reduce, eliminate, or preclude the enforcement of any state or local requirement imposed on a new multifamily residential development that is located within one-half mile of public transit to provide electric vehicle supply equipment installed parking spaces or parking spaces that are accessible to persons with disabilities that would have otherwise applied to the multifamily residential development.</p> <p><u>In all other cases:</u> One and one-half (1 ½) stalls per efficiency-dwelling unit, <u>one and one half (1 ½) stalls per dwelling unit</u>, or two (2) stalls for each unit having three (3) or more bedrooms, plus one (1) stall for every four (4) units for guests. One (1) stall for each unit shall be covered with a garage or carport.</p> <p><u>Residential uses may utilize every 22 feet of useable lot frontage (excluding driveway entrances) as counting toward one (1) stall of required parking.</u></p>
Rooming houses, residence clubs, fraternity and sorority houses	One (1) stall for every bedroom plus an additional four (4) stalls.

*Tandem parking shall be permissible in the Residential Uses
**EV charging station requirements shall be compliant with the most current California Green Building Code, Title 24.

(Ord. No. 427-AC)
Sec. 111.04.02. Parking spaces required--Recreational.

Type of Recreational Use	Off-Street Parking Stalls Required
Theaters and auditoriums with fixed seats	One (1) stall for every four (4) seats, or one (1) stall for each seven (7) feet of bench
Auditoriums and exhibit halls without fixed seats	One (1) stall per one hundred (100) gross square feet
Dance halls	One (1) stall for each five (5) seats or fifty (50) square feet of dance floor, whichever is greater
Bowling centers	Six (6) stalls per alley, plus one (1) stall for each shift employee
Billiard and card rooms	Two (2) stalls per table or one-half (1/2) stall for each seat, whichever is greater
Golf driving and shooting ranges	One and one-half (1 ½) stalls per station
Commercial swimming pools	One (1) stall per one hundred (100) square feet of pool area
Skating rinks and commercial recreation areas	One (1) stall for each one hundred (100) square feet of skating or recreational area plus one (1) stall for each shift employee
Tennis, handball and racket courts	Two (2) stalls per court, plus one (1) stall for each shift employee
Private clubs without overnight accommodations	One (1) stall for every four (4) persons of maximum occupancy of the facility, plus one (1) space for each regular employee

(Ord. No. 427-AC)
Sec. 111.04.03. Parking spaces required—Institutional.

Type of Institutional Use	Off-Street Parking Stalls Required
Hospitals	One (1) stall for each three (3) beds, plus one (1) stall per staff doctor, plus one (1) stall for each three (3) employees.
Convalescent homes, nursing homes and sanitariums	One (1) stall per staff or visiting doctor, plus one (1) stall per two (2) employees, plus one (1) stall for every four (4) beds.
Orphanages	One (1) stall for every three (3) employees plus one (1) stall for every ten (10) beds
Day care and nursery schools	One (1) stall for each employee, plus an additional two (2) stalls, plus one (1) loading/drop off space for every five (5) children
<u>Assembly Uses</u>	One (1) stall for every four (4) seats or seven (7) linear feet of bench
Public, parochial and private elementary schools	One (1) stall for each employee, plus one (1) stall for every four (4) auditorium seats. Plus a bus loading area is required
Public, parochial and private high schools	One (1) stall for each employee, plus one (1) stall for each ten (10) students or one (1) stall for each four (4) auditorium seats, whichever is greater. Plus a bus loading area is required.
Colleges, art, craft, music and dancing schools and business, professional and trade schools	One (1) stall for each employee, plus one (1) space for each four (4) students or one (1) stall for each four (4) auditorium seats, whichever is greater.

(Ord. No. 427-AC)
Sec. 111.04.04. Parking spaces required--Office, medical or financial.

Type of Office, Medical or Financial Uses	Off-Street Parking Requirements
Medical, dental, optometry, or chiropractor offices and clinics	One (1) stall per one hundred fifty (150) square feet of gross floor area, or six (6) stalls per doctor, whichever is less
Research facilities	One (1) stall per employee, plus one (1) stall per five hundred (500) square feet of gross floor area
Banks, lending agencies, financial and governmental institutions, public utility offices (including drive-up facilities)	One (1) stall per three hundred (300) square feet of gross floor area
All other professional offices	One (1) stall per three hundred (300) square feet of gross floor area

(Ord. No. 427-AC)

Sec. 111.04.05. Parking spaces required--Retail/commercial.

Type of Retail/Commercial Use	Off-Street Parking Requirements
General retail sales, repair and services	One (1) stall per two hundred fifty (250) square feet of gross floor area
Uncovered general retail sales, repair and services	One (1) stall per two hundred fifty (250) square feet of gross sales area
Retail sales of large appliances, furniture or other similar bulky merchandise	One (1) stall per four hundred (400) square feet of gross floor area
Restaurants, bars, taverns, lunch rooms, night clubs and cocktail lounges	One (1) stall for every three (3) seats or one hundred (100) square feet of gross floor area devoted to dining, whichever is greater. Plus one (1) stall for each shift employee
Restaurants and other retail establishments with walk-up or drive-up windows and roadside stands	One (1) stall for every three (3) seats or one hundred (100) square feet of gross floor area, whichever is greater. Plus one (1) stall for each shift employee, plus eight (8) stalls for each exterior service window
Barber and beauty shops	One (1) stall per one hundred (100) square feet of gross floor area
Uncovered retail sales area for landscaping nurseries, vehicles and construction materials	One (1) stall for each four thousand (4,000) square feet of gross display area. Plus four (4) additional stalls, or one (1) stall per employee, whichever is greater
Service stations and vehicle repair garages	One (1) stall per four hundred (400) square feet of gross floor area. Plus three (3) additional stalls, or one (1) stall per employee (service bays shall not be counted as part of the required parking)
Hotels and motels	One (1) stall for each guest room, plus four (4) additional stalls , plus one (1) stall for each shift employee
Bus stations, train depots and other transportation depots	One (1) stall for each employee, plus user parking as determined by the city planner

(Ord. No. 427-AC)

Sec. 111.04.06. Parking spaces required--Industrial.

Type of Industrial Use	Off-Street Parking Required
Warehouses under ten thousand (10,000) square feet of gross floor area	One (1) stall per six hundred (600) square feet of gross floor area or ten (10) stalls per parcel, whichever is less
Warehouses over ten thousand (10,000) square feet of gross floor area	One (1) stall per five thousand (5,000) square feet of gross floor area of ten (10) stalls per parcel, whichever is more One (1) stall per six hundred (600) square feet of gross floor area
Wholesale sales (with limited retail)	
All manufacturing plants, research and development facilities, light industrial uses, wholesale service establishments, and laboratories	One (1) stall per three hundred fifty (350) square feet of gross floor area

(Ord. No. 427-AC)

Sec. 111.04.07. General off-street parking requirements.

The parking requirements previously listed are minimum. The planning commission may require additional stalls and off-street parking areas deemed necessary to reduce off-street parking congestion, and improve traffic and pedestrian safety within the city.

Sec. 111.04.08 Calculations of fractions of parking stalls.

If the calculation for required off-street parking results in a fraction of one-half (1/2) or more of a parking stall, then one (1) parking stall shall be provided. No parking stall is required for fractions of less than one-half (1/2) of a stall. (Ord. No. 427-AC)

Sec. 111.04.09. Parking ratios for a combination of entities. Where there is a combination of uses or entities for any-one (1) facility on a parcel, the total required off-street parking shall be the sum of the required parking spaces for each use or entity. The parking provided for one (1) use may not be used to satisfy the parking requirements for another use on the same site, unless all the following conditions are met:

- (a) Structures on the site clearly can be used only during limited time periods.
- (b) The uses occur during completely difference periods of time.
- (c) The city planner determines there will be no conflicts or safety hazards between the proposed uses.
- (d) A conditional use permit is obtained. (Ord. No. 427-AC)

Sec. 111.04.10. Other parking uses. The parking ratio shall be determined by the city planner for uses that are not specifically included or are not closely related to other uses included in the parking space requirement schedule. (Ord. No. 427-AC)

- The Planning Director may require additional information, such as a parking analysis, a queuing analysis, a noise analysis, or other relatable information in order to analyze the proposed parking.

Sec. 111.04.11. Other commercial uses. Proposed commercial buildings without uses specified and confirmed (by lease or other legal agreement) shall provide one (1) parking space for every, two hundred fifty (250) square feet of gross floor area.

Determining Parking Ratio by Employee Shift. The required minimum number of parking spaces for uses having a parking ratio based upon the number of employees, shall be determined by the employment shift with the greatest number of employees. (Ord. No. 427-AC)

- Discretionary Approved projects shall include conditions of approval to prevent project modifications that trigger parking changes such as increasing building square footage, and operational changes such as increasing the number of employees.

Sec. 111.04.12. Combined parking for separate lots. Every use shall provide the required parking on the same parcel except:

- (a) The owners of adjoining properties may provide parking space in common if said parking area is secured by easement or other sufficient legal document, and provided the total number of parking spaces is equal to the required sum for each individual use or entity.
 - Shared easement agreements shall run with the land and shall be reviewed by the City Staff and City Attorney prior to recordation.
 - The easement review and recording fees shall be borne by the applicant.
- (b) Any use located within a parking assessment district formed under the provisions of this Code need not provide the required parking as specified in this part. (Ord. No. 427-AC)

Bicycle Parking requirements to be established as Section 111.05 (see Excel table for other cities samples)

1. Minimum Bicycle Parking Requirements. Long-term bicycle parking shall be provided in secure, weather protected facilities for multi-family building residents who need bicycle parking for several hours or longer. Short-term bicycle parking shall be located in publicly accessible, highly visible locations that serve the main entrance of a multi-family building. Short-term bicycle parking shall be visible to bicyclists on the street and is intended for visitors. Amounts of required long-term and short-term bicycle parking shall be provided as follows:

- a. Long term Requirement. Multi-family buildings with 5 or more units, shall provide one (1) space per unit.
 - i. In-unit allowance standards. For sites with 20 or fewer units, up to 100% of bicycle parking spaces are permitted to be in dwelling units.
 - ii. For sites with more than twenty (20) units, up to 20% of bicycle parking are permitted in dwelling units.
 - iii. Elderly or disabled multi-family uses shall provide 1 bicycle parking space per 10 units.
- b. Long Term Additional Requirements. Multi-family buildings with more than twenty (20) units, shall include:
 - i. Cargo or long tail bicycle parking. A minimum of five (5) percent of bicycle spaces shall be provided for larger bicycles.
 - ii. Electrical bicycle charging. A minimum of five (5) percent of spaces shall have access to electrical outlets.
- c. Short Term Requirement. Multi-family buildings with more than twenty (20) units shall provide a minimum of one (1) space per twenty units.

2. Uniform Standards for All Bicycle Parking. Where long-term and short-term bicycle parking must be provided in lockers or racks, the following standards shall be met:

- a. Bicycle parking area. The area devoted to bicycle parking must be hard surfaced.
- b. Bicycle Racks. Racks must be designed so that the bicycle frame and one wheel can be locked to a rigid portion of the rack with a U-shaped shackle lock when both wheels are left on the bicycle.
- c. Bicycle Parking Space, Maneuvering Area, and Clearance Dimensions. Bicycle parking spaces, aisles and clearances must meet the minimum dimensions of the following:
 - i. Standard Bicycle Parking Spaces Requirements. The standard required bicycle space is two (2) feet in width, six (6) feet in length and three (3) feet four (4) inches in height. There must be at least five (5) feet behind all bicycle parking spaces to allow room for bicycle maneuvering. Where short-term bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way; A wall clearance of two (2) feet six (6) inches must be provided. A minimum of one (1) foot five (5) inches shall be provided between spaces.
 - ii. Vertical Bicycle Parking Spaces Requirements. Vertical bicycle parking secures the parked bicycle perpendicular to the ground is permitted as an alternative to standard spaces. The vertical required bicycle space shall be two (2) feet in width, six (6) feet in height and two (2) feet in depth. There must be at least 5 feet behind all bicycle parking spaces to allow room for bicycle maneuvering. A minimum of one (1) foot five (5) inches shall be provided between spaces.
 - iii. Stacked Bicycle Parking Spaces Requirements. Stacked bicycle parking are racks that are stacked, one tier on top of another are permitted as an alternative to standard spaces. Bicycles shall be horizontal when in the final stored position. The rack must include a mechanically-assisted lifting mechanism to mount the bicycle on the top tier. There must be at least 5 feet behind all bicycle parking spaces to allow room for bicycle maneuvering. A minimum of one (1) foot five (5) inches shall be provided between spaces.
 - iv. Larger Cargo or Long Tail Bicycle Parking Spaces Requirements. These standard space dimensions shall be ten (10) feet in depth by three (3) feet in width by three (3) feet four (4) inches in height. At least 5’ feet behind the pace shall be provided for maneuvering. A minimum of one (1) foot five (5) inches shall be provided between spaces.
- d. Bicycle Lockers. Bicycle lockers that are fully enclosed and secured are permitted. The locker must be anchored to the ground, and an aisle a minimum width of five (5) feet in width behind all bicycle lockers to allow room for bicycle maneuvering shall be provided. The locker space shall have a minimum depth of 6 feet and an access door that is a minimum of 2 feet in width.
 - i. One (1) bicycle locker with one hundred and twenty (120) volt ac power per four (4) units and one (1) bicycle rack parking per every four (4) dwelling units no more than one hundred (100) feet from furthest unit served

3. Standards for Long-Term Bicycle Parking. Long-term bicycle parking must be provided in lockers or racks that meet the following standards:

- a. Security Standards. Long-term bicycle parking must be provided in one or more of the following:
 - i. A restricted access, lockable room or enclosure, designated exclusively for bicycle parking.
 - ii. A bicycle locker.
 - iii. In a residential dwelling unit.

	<p>b. In-unit Parking Standards. Long-term bicycle parking spaces may be provided in a dwelling unit if following conditions are met:</p> <ul style="list-style-type: none"> i. The residential unit shall include a dedicated bicycle parking area that meets the standard bicycle parking spacing dimensions above. ii. For buildings with no elevators, long-term in-unit bicycle parking shall be permitted only for first floor units. ii. Balconies, terraces, or patios are prohibited for in-unit parking. iv. Signage Standard. If bicycle parking is not visible from the public realm, a sign must be permanently posted at the main building or site entrance indicating the location of the bicycle parking. <p>4. Standards for Short-term Bicycle Parking. Short-term bicycle parking must meet the following standards:</p> <ul style="list-style-type: none"> a. Location. Bicycle parking must be on-site, outside the building, at the same grade as the sidewalk or at a location that can be reached by an accessible route. b. Main Entrance Proximity. The bicycle parking must be within 50 feet of the main entrance to the building as measured along the most direct pedestrian access route.
<p>Undergo a substantial revision of those sections of the code that deal with walls and fencing. Ensure that the zoning code matches the building code, and include provisions about fence heights between different uses and fencing in the front yard areas. Look at Redlands and other jurisdictions for inspiration.</p> <p>Source: City’s Wish List (Finalized May 10, 2023)</p> <p>Section 99</p>	<p>Sec. 99.08.02. Fence height. (a) The maximum height of fences <u>between two or more residential uses</u> in residential zones shall be six (6) <u>seven (7)</u> feet, and the maximum height of any fence shall be fifteen (15) feet except where a greater height is required for sight-screening or noise reduction. <u>The maximum height of a fence within the front setback shall be four (4) feet. In all setback areas, fences more than (4) feet in height shall be permitted only when approved under the site plan review procedure and subject to the terms of such approval.</u> ¹</p> <p><u>Other walls and fence regulations include:</u></p> <ul style="list-style-type: none"> a. <u>Walls and fences within the front setback shall not exceed 4 feet in height.</u> b. <u>Walls and fences height shall be measured from the highest grade.</u> c. <u>Prohibited fence materials in the residential and mixed-use zones include: sharp-edge, barbed wire, razor wire, and electrically charged fences.</u>
<p>Include more clarification within the zoning code regarding parking standards. Specifically, include more language on <i>where</i> cars are allowed to park on a property, as well as standards for how much of a property can be paved. <i>(Refer to Section 4: Governmental Constraints)</i></p> <p>Source: City’s Wish List (Finalized May 10, 2023)</p> <p>Section 111</p>	<p>Add to Section 111.01</p> <p>The off street parking facilities required by this title shall be located on the same lot or parcel of land as the use they are intended to serve, except that in cases of practical difficulty, the Development Services Director may approve substitute parking locations for ministerial projects which meet the following conditions:</p> <ul style="list-style-type: none"> A. All or part of the substitute location is within two hundred feet (200') of the principal use for which the parking is being provided; B. The substitute lot is in the same possession as the use it is intended to serve. Such possession may be by deed or long term lease, the terms of which meet the approval of the city. C. The off street parking facilities required by this title shall be located on the same lot or parcel of land as the residential unit they are intended to serve. D. Parking spaces shall not be located in any required front yard, except in legal nonconforming lots where garages or carports may be located in the front yard when approved by the planning commission. E. Not more than three (3) carports or garages on any one lot shall have their entryway facing the street. <p>For discretionary projects, the planning commission may approve substitute parking locations for ministerial projects which meet the above conditions, or recommend approval to the city council for projects requiring council approval.</p> <p>Add to Section 111.03</p> <p>Secondary driveways in residential zones:</p> <ul style="list-style-type: none"> a. Shall be permitted only on R1-Single Family Residential b. Driveways shall only be supported if lead to a garage, carport, or side yard area, and setback requirements are being met. c. No more than two driveway approaches per lot shall be permitted d. Approved driveways shall be constructed of impervious surface, such as concrete, asphalt, and pavers. Loose material such as gravel or decomposed granite, or similar material is prohibited for parking. e. Shall be permitted on corner lots or lots with more than one hundred (100) feet of street frontage <p>The Planning Director with approval by the city engineer may approve a secondary driveway that is less than one hundred (100) feet, but in no case less than eighty-five (85) feet, that is not located on a corner lot and that not substantially reduce on-street parking and meets all of the following:</p> <ul style="list-style-type: none"> • The second driveway must be at least ____ feet from the back of the curb return and at least ____ feet from the first driveway. ßConfer with Public Works/Engineering for appropriate distances • The driveway must be setback at least ____ feet from any driveway on an adjacent property. • The driveway must be setback at least ____ feet from a public utility. • The driveway shall be setback at least ____ feet away from an easement. <p>Construction of a second driveway requires the issuance of an encroachment permit to be reviewed and approved by the Public Works City Engineer.</p> <p>Planning submittal requirements include a zoning application to be reviewed and approved by the Planning Division prior of receiving encroachment permit approvals.</p>

	<ul style="list-style-type: none">• Submittal requirements shall include a drawing or sketch (8 ½ by 11 min- 11/ 17 max) to scale including, the locating and width of existing, proposed, and adjacent property driveways within 15-feet beyond the subject property, location of trees, street signs, light poles, fire hydrants, and any other existing facilities/ structures, property lines, easements.• Submittal shall include dimensions showing the distance between adjacent driveways, property lines, length of the proposed driveway, width of the proposed driveway, proposed material, dimensions showing the existing and proposed landscaped/hardscape areas in the front yard and percentages.
<p>Create a standardized process for the Tract Map process. Look to other cities for inspiration. What are appropriate findings to make when approving/disapproving a Tentative Tract Map?</p> <p>Source: City’s Wish List (Finalized May 10, 2023)</p> <p>Chapter 19</p>	<p>ADD TO SECTION 19-4: DEPARTMENT REVIEW:</p> <p>The tentative map application shall be filed with the department. The application shall be determined by the department to be complete only when the form and contents of the tentative map conform to the requirements of this chapter and when all accompanying data and reports, as required by this chapter, and all fees and/or deposits as required, have been submitted and accepted by the department. The subdivider shall file with the department the number of tentative maps the community development director may deem necessary. The department shall forward copies of the tentative map to the affected public agencies and utilities which may, in turn, forward to the department their findings and recommendations.</p> <p>ADD TO SECTION 19-8: APPROVAL BY PLANNING COMMISSION</p> <p>A. Notice Of Public Hearings: Upon receipt of a complete tentative map application, the department shall prepare a report with recommendations. The department shall set the matter for public hearing before the planning commission. A copy of the department report shall be forwarded to the subdivider at least three (3) days prior to the public hearing. At least ten (10) calendar days before the public hearing, a notice shall be given of the time, date and place of the hearing, including a general explanation of the matter to be considered and a general description of the area affected, and the street address, if any, of the property involved. The notice shall be published at least once in a newspaper of general circulation, published and circulated in the city.</p> <p>In addition to notice by publication, the department shall give notice of the hearing by mail or delivery to the subdivider, the owner of the subject real property, if different from the subdivider, and to all persons, including businesses, corporations, or other public or private entities, shown on the last equalized assessment roll as owning real property within three hundred feet (300') of the property which is the subject to the proposed application. The department shall also give notice of the hearing by mail or delivery to each agency expected to provide water, sewage, streets, roads, schools or other essential facilities or services to the subdivision, whose ability to provide those facilities and services may be significantly affected. A proposed conversion of residential real property to a condominium, community apartment or stock cooperative project shall be noticed in accordance with section 66451.3 of the subdivision map act.</p> <p>In the event that the proposed application has been submitted by a person other than the property owner shown on the last equalized assessment roll, the city shall also give notice by mail or delivery to the owner of the property as shown on the last equalized assessment roll. In addition, notice shall be given by mail or personal delivery to any person who has filed a written request with the city. The request may be submitted at any time during the calendar year and shall apply for the balance of the calendar year. The department may give such other notice that it deems necessary or advisable. Substantial compliance with these provisions for notice shall be sufficient, and a technical failure to comply shall not affect the validity of any action taken according to the procedures in this title.</p> <p>B. Action: The planning commission shall make its recommendation to the city council, or shall approve, conditionally approve or deny the tentative map if the planning commission is the approving body, and the department shall report the decision of the planning commission to the city council and the subdivider within fifty (50) days after the tentative map application has been determined to be complete. If the approving body is the city council, the city council shall approve, conditionally approve, or disapprove the tentative map within thirty (30) days after it receives the recommendation of the planning commission. In reaching a decision upon the tentative map, the approving body shall consider the effect of that decision on the housing needs of the region and balance these needs against the public service needs of its residents and available fiscal and environmental resources.</p> <p>C. Approval: The tentative map may be approved or conditionally approved by the approving body if it finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the general plan, any applicable specific plan, and all applicable provisions of this code. The approving body may require as a condition of its approval that the payment by the subdivider of all development fees required to be paid at the time of the application for, or issuance of, a building permit or other similar permit shall be made at the rate for such fees in effect at the time of such application or issuance.</p> <p>The approving body may modify or delete any of the conditions of approval recommended in the department's report. The approving body may add additional requirements as a condition of its approval.</p> <p>If no action is taken by the approving body within the time limits specified in this section, the tentative map, as filed, shall be deemed to be approved if it complies with all other applicable provisions of the subdivision map act, this title, this code, and the general plan.</p> <p>D. Denial: The tentative map may be denied by the planning commission on any of the grounds provided by the subdivision map act or this code. The planning commission shall deny approval of the tentative map if it makes any of the following findings:</p> <p><u>1. That the proposed map is inconsistent with the general plan or any applicable specific plan, or other applicable provisions of this code;</u></p> <p><u>2. That the site is not physically suitable for the type of development;</u></p> <p><u>3. That the site is not physically suitable for the proposed density of development;</u></p> <p><u>4. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.</u></p> <p><u>Notwithstanding the foregoing, the planning commission may approve such a tentative map if an environmental impact report was prepared with respect to the project and a finding was made pursuant to section 21081(c) of CEQA that specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report;</u></p> <p><u>6. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the planning commission may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to the planning commission to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision; or</u></p>

	<p><u>7. Subject to section 66474.4 of the subdivision map act, that the land is subject to a contract entered into pursuant to the California land conservation act of 1965 (commencing with section 51200 of the Government Code) and that the resulting parcels following a subdivision of the land would be too small to sustain their agricultural use.</u></p>
<p>Revise solar requirements according to State law. The City, as a utility provider, wants to know what local jurisdictions are allowed to regulate when it comes to rooftop solar. Revise and include additional standards based on height, design and siting. Potentially include camouflage provisions. The City understands much of the regulations are governed by the Federal government.</p> <p>Source: City’s Wish List (Finalized May 10, 2023)</p>	<p><i>According to the California Solar Permitting Guidebook, a local jurisdiction in California is allowed to regulate the following aspects of solar installation:</i></p> <ul style="list-style-type: none"><i>Permit fees: The fees must be reasonable and based on the actual cost of providing the service.</i><i>Permit application and plan review: The jurisdiction must provide a simple checklist for eligible systems and a standard plan for expedited review.</i><i>Site inspection: The jurisdiction must inspect the system for safety and code compliance, and may use a third-party inspector if needed.</i><i>Local utility approval: The jurisdiction must coordinate with the local utility to ensure the system meets the interconnection requirements.</i> <p><i>The local jurisdiction is not allowed to regulate the following aspects of solar installation:</i></p> <ul style="list-style-type: none"><i>State code requirements: The jurisdiction must follow the state building, electrical, fire, and energy codes that apply to solar systems.</i><i>Limits on local modifications: The jurisdiction cannot adopt any ordinance that creates more restrictive requirements for solar systems than the state codes, unless there is a clear and compelling public health or safety reason.</i><i>Solar access rights: The jurisdiction cannot enforce any covenant, condition, or restriction that effectively prohibits or restricts the installation or use of a solar energy system, unless it is necessary to protect public health or safety</i> <p>Add SECTION ON SOLAR FACILITIES Required Findings for Approval of a Commercial Solar Energy Facility.</p> <p>(a) In order to approve a commercial solar energy generation facility, the Planning Commission shall determine that the location of the proposed commercial solar energy facility is appropriate in relation to the desirability and future development of communities, neighborhoods, and rural residential uses, and will not lead to loss of the scenic desert qualities that are key to maintaining a vibrant desert tourist economy by making each of the findings of fact in subdivision (c).</p> <p>(b) In making these findings of fact, the Planning Commission shall consider:</p> <p>(1) the characteristics of the commercial solar energy facility development site and its physical and environmental setting, as well as the physical layout and design of the proposed development in relation to nearby communities, neighborhoods, and rural residential uses; and</p> <p>(2) the location of other commercial solar energy generation facilities that have been constructed, approved, or applied for in the vicinity, whether within a city or unincorporated territory, or on state or federal land.</p> <p>(c) The finding of fact shall include the following:</p> <p>(1) The proposed commercial solar energy generation facility is either</p> <p>(A) sufficiently separated from existing communities and existing/developing rural residential areas so as to avoid adverse effects, or</p> <p>(B) of a sufficiently small size, provided with adequate setbacks, designed to be lower profile than otherwise permitted, and sufficiently screened from public view so as to not adversely affect the desirability and future development of communities, neighborhoods, and rural residential use.</p> <p>(2) Proposed fencing, walls, landscaping, and other perimeter features of the proposed commercial solar energy generation facility will minimize the visual impact of the project so as to blend with and be subordinate to the environment and character of the area where the facility is to be located.</p> <p>(3) The siting and design of the proposed commercial solar energy generation facility will be either:</p> <p>(A) unobtrusive and not detract from the natural features, open space and visual qualities of the area as viewed from communities, rural residential uses, and major roadways and highways, or</p> <p>(B) located in such proximity to already disturbed lands, such as electrical substations, surface mining operations, landfills, wastewater treatment facilities, etc., that it will not further detract from the natural features, open space and visual qualities of the area as viewed from communities, rural residential uses, and major roadways and highways. To assist in this determination, photo simulations of the proposed commercial solar energy generation facility as viewed from sensitive receptors (i.e. residences, trails, parks) and public roadways in the area may be required as part of the project’s application package.</p> <p>(4) The siting and design of project site access and maintenance roads have been incorporated in the visual analysis for the project and shall minimize visibility from public view points while providing needed access to the development site.</p> <p>(5) The proposed commercial solar energy generation facility will not adversely affect the feasibility of financing infrastructure development in areas planned for infrastructure development or will be located within an area not planned for future infrastructure development (e.g., areas outside of water agency jurisdiction).</p> <p>(6) The proposed commercial solar energy generation facility will not adversely affect to a significant degree the availability of groundwater supplies.</p> <p>(7) The proposed commercial solar energy generation facility will minimize site grading, excavating, and filling activities by being located on land where the existing grade does not exceed an average of five (5) percent across the developed portion of the project site, and by utilizing construction methods that minimize ground disturbance.</p> <p>(8) The proposed commercial solar energy generation facility will be located in proximity to existing electrical infrastructure, such as transmission lines, utility corridors, and roads, so that:</p> <p>(A) minimal ground disturbance and above ground infrastructure will be required to connect to the existing transmission grid, considering the location of the project site and the location and capacity of the transmission grid,</p> <p>(B) new electrical generation tie lines will be co-located on existing power poles whenever possible, and</p>

	<p>(C) existing rights-of-way and designated utility corridors will be utilized to the extent practicable.</p> <p>(9) The proposed commercial solar energy generation facility will be sited so as to avoid or minimize impacts to the habitat of special status species, including threatened, endangered, or rare species, Critical Habitat Areas as designated by the U.S. Fish and Wildlife Service, important habitat/wildlife linkages or areas of connectivity designated by County, state or federal agencies, and areas of Habitat Conservation Plans or Natural Community Conservation Plans that discourage or preclude development.</p> <p>(10) Adequate provision has been made to maintain and promote native vegetation and avoid the proliferation of invasive weeds during and following construction.</p> <p>(11) The proposed commercial solar energy generation facility will be located so as to avoid or mitigate impacts to significant cultural and historic resources, as well as sacred landscapes.</p> <p>(12) The proposed commercial solar energy generation facility will be designed in a manner that does not impede flood flows, avoids substantial modification of natural water courses, and will not result in erosion or substantially affect area water quality.</p> <p>(13) The proposed commercial solar energy generation facility will not be located within a floodway designated by the Federal Emergency Management Agency (FEMA), has been evaluated for flood hazard impacts, and will not result in increased flood hazards to upstream or downstream properties.</p> <p>(14) All on-site solar panels, switches, inverters, transformers, and substations shall be located at least one foot above the base flood elevation as shown on the Flood Insurance Rate Maps.</p> <p>(15) For development sites proposed on or adjacent to undeveloped alluvial fans, the commercial solar energy generation facility has been designed to avoid potential channel migration zones as demonstrated by a geomorphic assessment of the risk of existing channels migrating into the proposed development footprint, resulting in erosion impacts.</p> <p>(16) For proposed facilities located on prime agricultural soils or land designated by the California Farmland Mapping and Monitoring Program as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, where use of the land for agricultural purposes is feasible, the proposed commercial solar energy generation facility will not substantially affect the agricultural viability of surrounding lands.</p> <p>(17) If the proposed site is subject to a Williamson Act contract, the proposed commercial solar energy generation facility is consistent with the principals of compatibility set forth in California Government Code Section 51238.1.</p> <p>(18) The proposed commercial solar energy generation facility will not preclude access to significant mineral resources.</p> <p>(19) The proposed commercial solar energy generation facility will avoid modification of scenic natural formations.</p> <p>(20) The proposed commercial solar energy generation facility will be designed, constructed, and operated so as to minimize dust generation, including provision of sufficient watering of excavated or graded soil during construction to prevent excessive dust. Watering will occur at a minimum of three (3) times daily on disturbed soil areas with active operations, unless dust is otherwise controlled by rainfall or use of a dust palliative, or other approved dust control measure.</p> <p>(21) All clearing, grading, earth moving, and excavation activities will cease during period of winds greater than 20 miles per hour (averaged over one hour), or when dust plumes of 20 percent or greater opacity impact public roads, occupied structures, or neighboring property, and in conformance with Air Quality Management District (AQMD) regulations.</p> <p>(22) For sites where the boundary of a new commercial solar energy generation facility will be located within one-quarter mile of a primary residential structure, an adequate wind barrier will be provided to reduce potentially blowing dust in the direction of the residence during construction and ongoing operation of the commercial solar energy generation facility.</p> <p>(23) Any unpaved roads and access ways will be treated and maintained with a dust palliative or graveled or treated by another approved dust control method to prevent excessive dust, and paving requirements will be applied pursuant to Chapter 83.09 of the Development Code.</p> <p>(24) On-site vehicle speed will be limited to 15 miles per hour.</p> <p>(25) On terms and in an amount acceptable to the Director, adequate surety is provided for reclamation of commercial solar energy generation facility sites should energy production cease for a continuous period of 180 days and/or if the site is abandoned.</p> <p>Solar Energy Development Standards.</p> <p>(c) Night Lighting. Outdoor lighting within a commercial solar energy generation facility shall comply with the provisions of Chapter 83.07 of this Development Code.</p> <p>(d) Public Safety Services Impact Fees. The developer of an approved commercial solar energy generation facility shall pay a fee on an annual basis according to the following schedule:</p> <p>(e) Special Use Permit. Prior to the start of construction, the developer of an approved commercial solar energy generation facility shall submit for review, and gain approval for, a Conditional Use Permit (CUP). Thereafter, the CUP shall be renewed annually subject to annual inspections and the payment of fees.</p> <p>The annual CUP inspections shall review and confirm continuing compliance with the performance standards included in the findings of fact and the listed conditions of approval, including all mitigation measures. This comprehensive compliance review shall include evaluation of the operation and maintenance of the entire commercial solar energy generation facility. Failure to comply shall cause enforcement actions against the operator and owner of the facility. Such actions may cause a hearing or an action that could result in revocation of the facility’s conditional use permit and imposition of additional sanctions and/or penalties.</p> <p>(f) Project Notices. Notice of an application for approval of a commercial solar energy generation facility shall be provided to all property owners, whether located in a city or in the unincorporated area of the County, within the following parameters:</p> <p>(1) Area to be Notified: Owners of property located within 1,000 feet of the external boundaries of the parcel of the proposed site, or owners of property located up to 20 separate parcels away but not to exceed one quarter mile (1,320 ft.), whichever is greater.</p> <p>(2) Notification Timing. Notification shall be accomplished upon acceptance of a new Conditional Use Permit application or a Revision to an Approved Action application for a commercial solar energy generation facility, with additional notice of public hearings provided as required by law to property owners within the Area to be Notified cited above.</p>
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	<p>Add as Section 99.05 D</p> <p>Solar Roof Systems for commercial infill development shall be camouflage within the design of the building architectural structures such as parapets. Screening materials shall be of the same nature as the building materials and shall be located below the highest vertical architectural element of the building.</p> <p>Whenever the city requirements differ from the most current California Solar Requirements, the State requirements shall prevail.</p>
<p>Revise and include additional cell tower standards based on height, design and siting. Potentially include camouflage provisions. The City understands much of the regulations are governed by the Federal government.</p> <p>Source: City’s Wish List (Finalized May 10, 2023)</p> <p>Section 99</p>	<p>Section 99.05 B</p> <p>(b) Antennae. Notwithstanding the restrictions of subsection (a) of this section, radio, television, <u>cellular, telecommunications monopole, and</u> microwave antennae and similar equipment shall be subject to the following regulations:</p> <p>(1) Ground-mounted antennae which are incidental or accessory uses are permitted to a height of fifty (50) feet, unless permitted higher by a conditional use permit.</p> <p>(2) Roof-mounted antenna <u>and telecommunications facilities</u>, which shall <u>may</u> include dishes to a maximum of twenty-four (24) inches in diameter, may be used but may not be more than twenty-five (25) feet higher than the highest point of the building to which they are attached, excluding chimneys and like projects, unless permitted higher by the issuance of a conditional use permit.</p> <p>***</p> <p>Add as Section 99.05 C</p> <p>All rooftop equipment shall be screened form public view by screening materials of the same nature as the building’s basic materials. Mechanical equipment should be located below the highest vertical element of the building.</p> <p>All rooftop mechanical equipment shall be located at a distance from the edge of the building so as not to be visible from the pedestrian level, from adjacent properties, and from adjacent roadways. If such units must be placed in a visible location for functional reasons, they shall be screened in a manner consistent with the building facade.</p> <p>Landscaping and screening of areas needed for services, such as deliveries, trash collection is required. Other appurtenances such as ground mechanical units, utility boxes, back-flow devices, and similar equipment shall either be screened or blended with surrounding area.</p> <p>Add as Section 99.05 E</p> <p>A. Telecommunications tower on residentially zoned lots. A telecommunication tower is prohibited on a residentially zoned lot unless either of the following applies:</p> <p>1. The residentially zoned lot is developed and used for nonresidential purposes; or</p> <p>2. The residentially zoned lot is owned by a governmental entity.</p> <p>B. New telecommunications towers.</p> <p>1) Level of approval required.</p> <p>a. Director-level—A director-level site plan and design review is required for a new roof-mounted telecommunications facility that is no higher than twenty-five (25) feet higher than the highest point of the building to which it is attached, or a new monopole under fifty (50) feet, or a new monopole that replaces an existing monopole, does not exceed the height of the existing pole where it is located, and is located in the same or proximate location as the monopole being replaced.</p> <p>b. Commission-level. A conditional use permit is required for a new telecommunications tower that is not subject to director-level review.</p> <p>2. Site plan and design review. A new telecommunications tower is subject to site plan and design review approval at the same level as the conditional use permit.</p> <p>3. Standards applicable only to discretionary projects. All wireless telecommunications comply with the following, except that small wireless telecommunications facilities which comply with the most recent version of the City’s wireless design standards, as approved by the City Council by resolution, after recommendation (for or against) by the Planning Commission, need not comply with the following:</p> <p>a. Screening. The applicant shall employ screening, undergrounding and camouflage design techniques to be architecturally compatible with surrounding structures using appropriate techniques to camouflage, disguise, and/or blend into the environment, including landscaping, color, and other techniques to minimize the facility’s visual impact as well as be compatible with the architectural character of the surrounding buildings or structures in terms of color, size, proportion, style, and quality.</p> <p>b. Space. Each facility shall be designed to occupy the least amount of space in the right-of-way that is technically feasible.</p> <p>c. Landscaping. Where appropriate, each facility shall be installed so as to maintain and enhance existing landscaping on the site, including trees, foliage and shrubs. Additional landscaping shall be planted, irrigated and maintained by applicant where such landscaping is deemed necessary by the City to provide screening or to conceal the facility.</p> <p>d. Modification. Consistent with current State and Federal laws and if permissible under the same, at the time of modification of a wireless telecommunications facility, existing equipment shall, to the extent feasible, be replaced with equipment that reduces visual, noise and other impacts, including, but not limited to, undergrounding the equipment and replacing larger, more visually intrusive facilities with smaller, less visually intrusive facilities.</p> <p>e. Security. Permittee shall pay for and provide a performance bond or other form of security approved by the City Attorney’s office, which shall be in effect until the facilities are fully and completely removed and the site reasonably returned to its original condition, to cover permittee’s obligations under these conditions of approval and this Code. The security instrument coverage shall include,</p>

	<p>but not be limited to, removal of the facility. (The amount of the security instrument shall be calculated by the applicant in its submittal documents in an amount rationally related to the obligations covered by the bond and shall be specified in the conditions of approval.) Before issuance of any building permit, permittee must submit said security instrument.</p> <p>f. Noise. If a nearby property owner registers a noise complaint, the City shall forward the same to the permittee. Said compliant shall be reviewed and evaluated by the applicant. The permittee shall have 10 business days to file a written response regarding the complaint which shall include any applicable remedial measures. If the City determines the complaint is valid and the applicant has not taken any steps to minimize the noise, the City may hire a consultant to study, examine and evaluate the noise complaint and the permittee shall pay the fee for the consultant if the site is found in violation of this Section. The matter shall be reviewed by the Director. If the Director determines sound proofing or other sound attenuation measures are required to bring the project into compliance with the Code, the Director may impose conditions on the project to achieve said objective.</p> <p>g. Undergrounding. Accessory equipment shall be placed underground unless City staff determines that there is either no room in the public right-of-way for undergrounding or undergrounding is not feasible. If either exception applies, the accessory equipment may be placed above ground provided it is sufficiently concealed with natural or manmade features. When accessory equipment will be ground-mounted, such accessory equipment shall be enclosed within a structure that does not exceed a height of 5 feet, not exceed a footprint of 15 square feet, and shall be fully screened and/or camouflaged with landscaping and/or architectural treatment. Required electrical meter cabinets shall be screened and/or camouflaged.</p> <p>4. Standards for all facilities. The following requirements apply to all wireless telecommunications facilities.</p> <p>a. Antenna placement. Antenna elements shall be flush mounted, if feasible. All antenna mounts shall be designed so as not to preclude possible future collocation by the same or other operators or carriers.</p> <p>b. Traffic safety. Facilities shall be designed consistent with all applicable safety standards and shall be installed only in a location which does not violate pedestrian or traffic safety standards.</p> <p>c. Blending methods. All facilities shall have subdued colors and non-reflective materials that blend with the materials and colors of the surrounding area and structures.</p> <p>d. Poles. Pole mounted equipment and enclosure, exclusive of antennas, shall not exceed total volume allowed by City’s design standards. Strand mounted equipment and enclosure shall not exceed 2 cubic feet in total volume.</p> <p>e. Wind loads. Each facility shall be properly engineered to withstand wind loads as required by this Code or any duly adopted or incorporated code. An evaluation of high wind load capacity shall include the impact of modification of an existing facility.</p> <p>f. Obstructions. Each component part of a facility shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, incommode the public’s use of the right-of-way, or safety hazards to pedestrians and motorists.</p> <p>g. Public facilities. A facility shall not interfere with access to a fire hydrant, fire station, fire escape, water valve, underground vault, valve housing structure, or any other public health or safety facility.</p> <p>h. Screening. All ground-mounted facility, pole-mounted equipment, or walls, fences, landscaping or other screening methods shall be installed at least 18 inches from the curb and gutter flow line.</p> <p>i. Accessory equipment—Accessory equipment—Location. In locations where homes are only along one side of a street, above-ground accessory equipment shall not be installed directly in front of a residence. Such above-ground accessory equipment shall be installed along the side of street with no homes.</p> <p>j. Signage. No facility shall bear any signs or advertising devices other than certification, warning or other signage required by law or permitted by the City.</p> <p>k. Lighting. No facility may be illuminated unless specifically required by the Federal Aviation Administration or other government agency. Beacon lights are not permitted unless required by the Federal Aviation Administration or other government agency. Any required lighting shall be shielded to eliminate, to the maximum extent possible, impacts on the surrounding neighborhoods.</p> <p>l. Noise. Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 7:00 p.m. and 7:00 a.m.</p> <p>m. Security. Each facility shall be designed to be resistant to, and minimize opportunities for, unauthorized access, climbing, vandalism, graffiti and other conditions that would result in hazardous situations, visual blight or attractive nuisances. For any discretionary permit, the Director may require the provision of warning signs, fencing, anti-climbing devices, or other techniques to prevent unauthorized access and vandalism when, because of their location and/or accessibility, a facility has the potential to become an attractive nuisance. Additionally, no lethal devices or elements shall be installed as a security device.</p> <p>n. Permit expiration. The installation and construction approved by a wireless telecommunications facility permit shall begin within one year after its approval or it will expire without further action by the City.</p> <p>o. Signs. At all times, all required notices and/or signs shall be posted on the site as required by the Federal Communications Commission, California Public Utilities Commission, any applicable licenses or laws, and as approved by the City. The location and dimensions of a sign bearing the emergency contact name and telephone number shall be posted pursuant to the approved plans.</p>
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	<p>p. Permit expiration. A condition setting forth the permit expiration date in accordance with subsection N shall be included in the conditions of approval.</p> <p>r. Permit transfer. The permittee shall not transfer the permit to any person prior to the completion of the construction of the facility covered by the permit, unless and until the transferee of the permit has submitted the security instrument.</p> <p>s. Property rights. The permittee shall not move, alter, temporarily relocate, change, or interfere with any existing structure, improvement or property without the prior consent of the owner of that structure, improvement or property. No structure, improvement or property owned by the City shall be moved to accommodate a wireless telecommunications facility unless the City determines that such movement will not adversely affect the City or any surrounding businesses or residents, and the permittee pays all costs and expenses related to the relocation of the City’s structure, improvement or property. Prior to commencement of any work pursuant to an encroachment permit issued for any facility within the public right-of-way, the permittee shall provide the City with documentation establishing to the City’s satisfaction that the permittee has the legal right to use or interfere with any other structure, improvement or property within the public right-of-way to be affected by applicant’s facilities.</p> <p>t. Liability. The permittee shall assume full liability for damage or injury caused to any property or person by the facility.</p> <p>u. Repair obligations. The permittee shall repair, at its sole cost and expense, any damage, including, but not limited to, subsidence, cracking, erosion, collapse, weakening, or loss of lateral support to City streets, sidewalks, walks, curbs, gutters, trees, parkways, street lights, traffic signals, improvements of any kind or nature, or utility lines and systems, underground utility line and systems, or sewer systems and sewer lines that result from any activities performed in connection with the installation and/or maintenance of a wireless telecommunications facility in the public right-of-way. The permittee shall restore such areas, structures and systems to the condition in which they existed prior to the installation or maintenance that necessitated the repairs. In the event the permittee fails to complete such repair within the number of days stated on a written notice by the City Engineer. Such time period for correction shall be based on the facts and circumstances, danger to the community and severity of the disrepair. Should the permittee not make said correction within the time period allotted the City Engineer shall cause such repair to be completed at permittee’s sole cost and expense.</p> <p>v. Drip line. No facility shall be permitted to be installed in the drip line of any tree in the right-of-way unless the facility is to be collocated on an existing facility in the drip line.</p> <p>w. Insurance. The permittee shall obtain, pay for and maintain, in full force and effect until the facility approved by the permit is removed in its entirety from the public right-of-way, an insurance policy or policies meeting the City of Westminster’s insurance requirements for contractors to perform work with public right-of-way.</p> <p>x. Indemnification. Permittee shall defend, indemnify, protect and hold harmless the City, its elected and appointed Council members, boards, commissions, officers, officials, agents, consultants, employees, and volunteers from and against any and all claims, actions, or proceeding against the City, and its elected and appointed Council members, boards, commissions, officers, officials, agents, consultants, employees, and volunteers to attack, set aside, void or annul, an approval of the City, Planning Commission or City Council concerning this permit and the project. Such indemnification shall include damages of any type, judgments, settlements, penalties, fines, defensive costs or expenses, including, but not limited to, interest, attorneys’ fees and expert witness fees, or liability of any kind related to or arising from such claim, action, or proceeding. The City shall promptly notify the permittee of any claim, action, or proceeding. Nothing contained herein shall prohibit the City from participating in a defense of any claim, action or proceeding. The City shall have the option of coordinating the defense, including, but not limited to, choosing counsel after consulting with permittee and at permittee’s expense.</p> <p>y. Hold harmless. Additionally, to the fullest extent permitted by law, the permittee, and every permittee and person in a shared permit, jointly and severally, shall defend, indemnify, protect and hold the City and its elected and appointed Council members, boards, commissions, officers, officials, agents, consultants, employees and volunteers harmless from and against all claims, suits, demands, actions, losses, liabilities, judgments, settlements, costs (including, but not limited to, attorney’s fees, interest and expert witness fees), or damages claimed by third parties against the City for any injury claim, and for property damage sustained by any person, arising out of, resulting from, or are in any way related to the wireless telecommunications facility, or to any work done by or use of the public right-of-way by the permittee, owner or operator of the wireless telecommunications facility, or their agents, excepting only liability arising out of the sole negligence or willful misconduct of the City and its elected and appointed Council members, boards, commissions, officers, officials, agents, consultants, employees and volunteers.</p> <p>z. Cabinet removal. Should the utility company servicing the facility with electrical service that does not require the use of an above ground meter cabinet, the permittee shall at its sole cost and expense remove the meter cabinet and any related foundation 90 days of such service being offered and reasonably restore the area to its prior condition. An extension may be granted if circumstances arise outside of the control of the permittee.</p> <p>aa. Relocation. The permittee shall modify, remove, or relocate its facility, or portion thereof, without cost or expense to City, if and when made necessary by: (i) any public improvement project, including, but not limited to, the construction, maintenance, or operation of any underground or above ground facilities, including, but not limited to, sewers, storm drains, conduits, gas, water, electric or other utility systems, or pipes owned by City or any other public agency; (ii) any abandonment of any street, sidewalk or other public facility; (iii) any change of grade, alignment or width of any street, sidewalk or other public facility; or (iv) a determination by the Director that the wireless telecommunications facility has become incompatible with public health, safety or welfare or the public’s use of the public right-of-way. Such modification, removal, or relocation of the facility shall be completed within 90 days of notification by City unless exigencies dictate a shorter period for removal or relocation. Modification or relocation of the facility shall require submittal, review and approval of a modified permit pursuant to the Code including applicable notice and hearing procedures. The permittee shall be entitled, on permittee’s election, to either a pro rata refund of fees paid for the original permit or to a new permit, without additional fee, at a location as close to the original location as the standards set forth in the Code allow. In the event the facility is not modified, removed, or relocated within said period of time, City may cause the same to be done at the sole cost and expense of permittee. Further, due to exigent circumstances including those of immediate or imminent threat to the public’s health and safety, the City may modify, remove, or relocate wireless telecommunications facilities without prior notice to permittee provided permittee is notified within a reasonable period thereafter.</p>
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	<p>bb. Conditions. Permittee shall agree in writing that the permittee is aware of, and agrees to abide by, all conditions of approval imposed by the wireless telecommunications facility permit within 30 days of permit issuance. The permit shall be void and of no force or effect unless such written consent is received by the City within said 30-day period.</p> <p>cc. Right-of-way agreement. Prior to the issuance of any encroachment permit, permittee shall be required to enter into a right-of-way agreement with the City in accordance with the City’s past practice.</p> <p>5. Conditions of approval. In addition to compliance with the design and development standards outlined in this Section, all facilities shall be subject to the following conditions of approval (approval may be by operation of law), as well as any modification of these conditions or additional conditions of approval deemed necessary by the Director: As built drawings. The permittee shall submit an as built drawing within 90 days after installation of the facility. As-built drawings shall be in an electronic format acceptable to the City which can be linked to the City’s GIS.</p> <p>a. Contact information. The permittee shall submit and maintain current at all times basic contact and site information on a form to be supplied by the City. The permittee shall notify the City of any changes to the information submitted within 30 days of any change, including change of the name or legal status of the owner or operator. This information shall include, but is not limited to, the following:</p> <p>1 Identity, including the name, address and 24-hour local or toll free contact phone number of the permittee, the owner, the operator, and the agent or person responsible for the maintenance of the facility.</p> <p>2 The legal status of the owner of the wireless telecommunications facility.</p> <p>b. Assignment. The permittee shall notify the City in writing at least 90 days prior to any transfer or assignment of the permit. The written notice required in this Section must include: (i) the transferee’s legal name; (ii) the transferee’s full contact information, including a primary contact person, mailing address, telephone number and email address; and (iii) a statement signed by the transferee that the transferee shall accept all permit terms and conditions. The Director may require the transferor and/or the transferee to submit any materials or documentation necessary to determine that the proposed transfer complies with the existing permit and all its conditions of approval, if any. Such materials or documentation may include, but shall not be limited to: Federal, State and/or local approvals, licenses, certificates or franchise agreements; statements; photographs; site plans and/or as-built drawings; and/or an analysis by a qualified radio frequency engineer demonstrating compliance with all applicable regulations and standards of the Federal Communications Commission. Noncompliance with the permit and all its conditions of approval, if any, or failure to submit the materials required by the Director shall be a cause for the City to revoke the applicable permits.</p> <p>c. The wireless telecommunications facility shall be subject to such conditions, changes or limitations as are from time to time deemed necessary by the Director for the purpose of: (i) protecting the public health, safety, and welfare; (ii) preventing interference with pedestrian and vehicular traffic; and/or (iii) preventing damage to the public right-of-way or any adjacent property. The City may modify the permit to reflect such conditions, changes or limitations by following the same notice and public hearing procedures as are applicable to the underlying permit for similarly located facilities, except the permittee shall be given notice by personal service or by registered or certified mail at the last address provided to the City by the permittee.</p> <p>6. Findings. No discretionary permit shall be granted for a wireless telecommunications facility unless the approving party makes all of the following findings:</p> <p>a. All notices required for the proposed installation have been given.</p> <p>b. The proposed facility would comply with all applicable laws.</p> <p>c. The applicant has provided sufficient evidence supporting the applicant’s claim that it has the right to enter the public right-of-way pursuant to State or Federal law, or the applicant has entered into an agreement with the City permitting the applicant to use the public right-of-way.</p> <p>d. The applicant has demonstrated one of the following: (a) the design and location for the proposed installation will be minimally intrusive on the purposes of this Section 17.400.177; or (b) denial of the proposed facility would “effectively prohibit” the deployment of wireless facilities in violation of Federal law.</p>
<p>Remove the zoning permit requirement for home occupancy uses. Streamline the process.</p> <p>Source: City’s Wish List (Finalized May 10, 2023)</p> <p>Section 112</p>	<p>Sec. 112.01. Home occupations. (a) Purpose. The purpose of this section is to eliminate the detrimental effects of occupational activities in residential areas by setting forth reasonable and necessary limitations on such activities.</p> <p>(b) Uses Permitted. No home occupation shall be conducted which, in order to be successfully operated, would necessitate exceeding the limitations set forth in this section or any other provision of this part.</p> <p>(c) Limitations.</p> <p>(1) Any sales activity shall be conducted only by mail or telephone. <u>There shall be no direct sales of products or merchandise from the home, except for produce (fruit or vegetables) grown on the property.</u></p> <p>(2) The space occupied by home occupations shall be limited to one (1) room in a dwelling unit <u>or no more than ten percent of the total square footage of the dwelling; whichever is less. Use of the garage for the home occupation may be permitted if such use does not obstruct required parking.</u></p> <p>(3) There shall be no interior or exterior remodeling or change in appearance of a dwelling in order to accommodate a home occupation.</p> <p>(4) There shall be no signs, <u>such as public advertising of the business address</u> or other structures except those permitted for a dwelling use in the zone.</p> <p>(5) Materials and equipment used in a home occupation shall be only of a type normally used in connection with household activities or hobbies. <u>The individual responsible for the home occupation shall live in the dwelling.</u></p>

	<p>(6) Employment in a home occupation shall be limited to members of the resident family.</p> <p>(7) There shall be no transportation by commercial vehicle of materials or other items used in or produced by the home occupation.</p> <p>(8) No significant vehicular or pedestrian traffic shall be generated by the home occupation. <u>However, incidental uses such as music lessons, tutoring, and the sale of produce may be permitted if the intensity of such use is approved by the Planning Director.</u></p> <p>(9) A home occupation shall not place any added burden or demand on utility services or community facilities.</p> <p>(10) A home occupation shall not present any external evidence of nonresidential activity such as by appearance, noise, traffic, vibrations, odors, or lighting.</p> <p>(11) No accessory building or space outside of the main building shall be used for the home occupation. No outdoor storage, including the storage or parking of vehicles associated with the use, shall be permitted.</p> <p>(12) Written authorization from the legal property owner approving use of the dwelling for the Home Occupation must be submitted with the application.</p> <p>(d) <u>If the above conditions are maintained, home occupations are permitted in any dwelling through a business license.</u></p> <p>(e) <u>Prohibited Home Occupation Uses include, beauty shops, massage parlors, private clubs, dance studios, repair or construction of motor vehicles and appliances, machine shops, and cabinet shops.</u></p>
<p>Allow metal storage containers to be used as building materials for other types of structures (not just accessory buildings).</p> <p>Source: City’s Wish List (Finalized May 10, 2023)</p> <p>Section 99</p>	<p>Sec. 99.02. Building Materials. Metal building materials, <u>including shipping containers modified for habitation</u>, are permitted outright except when Municipal Code Section 96.01 “Table of Permissible Uses” requires an entitlement to be processed for the use, then may be approved with the entitlement and when compliant with the architecture requirements, except:</p> <p>1) Shipping Containers</p> <p>a. Zoning Permit (see also Section 99.06.05(b)).</p>
<p>Add standards for pools.</p> <p>Source: City’s Wish List (Finalized May 10, 2023)</p> <p>Section 99</p>	<p>NEW SECTION - Swimming pools, spas and other bodies of water.</p> <p>To ensure public safety, construction, installation and maintenance of all private swimming pools, spas and other bodies of water with a depth in excess of 18 inches at any given point shall be subject to the following provisions.</p> <p>Definitions.</p> <p>A. "Swimming pool" or "pool" means any structure intended for swimming or recreational bathing that contains water over 18 inches deep. "Swimming pool" includes in-ground and above-ground structures and includes, but is not limited to, hot tubs, spas, portable spas, and nonportable wading pools.</p> <p>B. "Public swimming pool" means a swimming pool operated for the use of the general public with or without charge, or for the use of the members and guests of a private club. Public swimming pool does not include a swimming pool located on the grounds of a private single-family home or multifamily residence.</p> <p>C. "Enclosure" means a fence, wall, or other barrier that isolates a swimming pool from access to the home.</p> <p>D. "Approved safety pool cover" means a manually or power-operated safety pool cover that meets all of the performance standards of the American Society for Testing and Materials (ASTM), in compliance with standard F1346-91.</p> <p>E. "Exit alarms" means devices that make audible, continuous alarm sounds when any door or window, that permits access from the residence to the pool area that is without any intervening enclosure, is opened or is left ajar. Exit alarms may be battery operated or may be connected to the electrical wiring of the building.</p> <p>Drowning prevention safety features required.</p> <p>A. Whenever a building permit is issued for construction of a new swimming pool or spa, or any building permit is issued for remodeling of an existing pool or spa, at a private, single-family home or multifamily residence, the pool shall be isolated by an enclosure, or the pool shall incorporate removable mesh pool fencing that meets American Society for Testing and Materials (ASTM) Specifications F2286 Standards in conjunction with a gate that is self-closing and self-latching and can accommodate a key lockable device, or the pool shall be equipped with an approved safety pool cover that meets all requirements of the ASTM Specifications F1346.</p> <p>Enclosures.</p> <p>An enclosure shall have all of the following characteristics:</p> <p>A. Any access gates through the enclosure open away from the swimming pool, and are self-closing with self-latching device placed no lower than 60 inches above the ground.</p> <p>B. A minimum height of 60 inches.</p> <p>C. A maximum vertical clearance from the ground to the bottom of the enclosure of two inches.</p> <p>D. Gaps or voids, if any, do not allow passage of a sphere equal to or greater than four inches in diameter.</p> <p>E. An outside surface free of protrusions, cavities, or other physical characteristics that would serve as handholds or footholds that could enable a child below the age of five years to climb over.</p> <p>Exceptions to requirements of this Chapter.</p> <p>The requirements of this Chapter shall not apply to any of the following:</p>

	<p>A. Public swimming pools.</p> <p>B. Hot tubs or spas with locking safety covers that comply with the American Society for Testing Materials-Emergency Performance Specification (ASTM-ES 13-89).</p> <p>Pool and spa requirements.</p> <p>A. Whenever the building permit is issued for the construction of a new swimming pool or spa, the pool or spa shall meet all of the following requirements:</p> <p>1. The suction outlet of the pool or spa for which the permit is issued shall be equipped to provide circulation throughout the pool or spa.</p> <p>2. The swimming pool or spa shall have at least two circulation drains per pump that shall be hydraulically balanced and symmetrically plumbed through one or more "T" fittings, and that are separated by a distance of at least three feet in any dimension between the drains.</p> <p>B. Suction outlets that are less than 12 inches across shall be covered with anti-entrapment grates, as specified in the ASME/ANSI Standard A, 112.19.8, that cannot be removed except with the use of tools. Slots or openings in the grates or similar protective devices shall be of a shape, area, and arrangement that would prevent physical entrapment and would not pose any suction hazard to bathers.</p> <p>C. Any backup safety system that an owner of a new swimming pool or spa may choose to install in addition to the requirements set forth in Subsections A. and B. shall meet the standards as published in the document, "Guidelines for Entrapment Hazards: Making Pools and Spas Safer," Publication Number 363, March 2005, United States Consumer Product Safety Commission.</p> <p>D. Whenever a building permit is issued for the remodel or modification of an existing swimming pool, toddler pool, or spa, the permit shall require that the suction outlet of the existing swimming pool, toddler pool, or spa be upgraded so as to be equipped with an anti-entrapment cover meeting current standards of the American Society for Testing and Materials (ASTM) or the American Society of Mechanical Engineers (ASME).</p>
<p>Procedural Streamlining Add a section of the code that deals with the procedure of how a development permit is reviewed by project type.</p> <p>Source: City’s Wish List (Finalized May 10, 2023)</p> <p>Section 94 - Permits</p>	<p>PROCEDURES</p> <p>INTRODUCTION</p> <p>This Article establishes the procedures to be used in reviewing and taking action on development proposals.</p> <p>ZONING PERMIT</p> <p>Permit Required</p> <p>No person shall engage in or cause a development to occur without obtaining a zoning permit through the procedures set forth in this Code. Zoning Permit applications involve permitted uses or development governed by clear and objective approval criteria or criteria that require the exercise of professional judgment only about technical issues. The Zoning Permit procedure provides for a ministerial review of an application by the Manager and does not include public notice. The following are Zoning Permit applications:</p> <ul style="list-style-type: none">Those identified in this Code as Zoning Permit applications;Those identified in the Table 96.01 as Zoning Permit applications; orThose identified by the Director as Zoning Permit applications, <p>The Director shall not issue any permit for the construction, reconstruction or alteration of a structure or a part thereof without first verifying that a valid zoning permit has been issued. Development authorized by a zoning permit shall occur only as approved.</p> <p>Procedures</p> <p>Pre-Application Conference. A pre-application conference is not required for Zoning Permit applications.</p> <p>Neighborhood Meeting. A neighborhood meeting is not required for Zoning Permit applications.</p> <p>Public Notice. A public notice is not required for Zoning Permit applications.</p> <p>Exclusions from Permit Requirement</p> <p>The following activities are permitted in each district except as limited to particular districts below, but are excluded from the requirement of obtaining a zoning permit. Exclusion from the permit requirement does not exempt the activity from otherwise complying with all applicable standards, conditions and other provisions of this Code. Landscaping outside the floodplain and not involving a structure or parking lot;</p> <p>1. Any change or repair to a building or other structure that does not alter or expand the use thereof, and, does not require a building permit;</p> <p>2. Erection of a tent for a lawful use not exceeding 10 days in any 30-day period;</p> <p>3. An emergency measure necessary for immediate safety of persons or protection of property which are exempt from the requirements of this Code, provided however, that an application for a zoning permit shall be promptly filed if the measure otherwise would require such a permit but for the emergency;</p> <p>4. Propagation or cutting of trees except as specified in Section 407-3 provided the trees are not designated as a significant natural resource area in an urban Community Plan, designated for preservation through the master planning process for a development, designated for preservation in a prior development action or when inside the UGB, located within a floodplain or drainage hazard area;</p> <p>5. Establishment, construction, maintenance, preservation or termination of local public streets substantially in the public right-of-way together with piping and culverting, accessory drainage systems such as catch basins, and necessary accessory structures and easements. Notwithstanding this exemption, said facilities within a floodplain or drainage hazard area shall obtain a zoning permit.</p>

	<p>6. Establishment, construction, maintenance, preservation or termination of the following authorized public facilities in the public right-of-way directly serving development, together with piping and culverting and necessary drainage systems and accessory structures and easements: sewer and water lines, electrical and gas distribution lines, telephone and television cable transmission lines. Notwithstanding this exemption, said facilities within a floodplain or drainage hazard area shall obtain a zoning permit.</p> <p>7. Maintenance, preservation or repair of local public streets or private streets, including culverting and piping, accessory drainage systems and necessary accessory structures, within a floodplain or drainage hazard area. Work shall comply with local, state and federal regulatory requirements.</p> <p>8. The following structures accessory to a residential use:</p> <ul style="list-style-type: none">o Playground equipment and structures;o Stone or brick barbecues;o Clotheslines;o Treehouses, playhouses and storage sheds less than 120 square feet in area;o Arbors and trellises;o Dog houses totaling no more than 50 square feet;o Hutches for rabbits and other small animals totaling no more than 50 square feet;o Houses for wild or domestic birds totaling no more than 50 square feet;o Basketball hoops, tetherball poles and other permanently mounted sports equipment;o Above-ground swimming pools, hot tubs and spas with no permanent plumbing or electrical connections. Such uses shall not be located in a required front or street side yard and shall be set back at least three feet from a side (except a street side yard) or rear property line. <p>9. The following excavations or fills, except excavations or fills for public transportation facilities, provided that no excavation or fill shall occur in the floodplain, drainage hazard area or in an area specifically identified as a significant natural resource in the Community Plan or the Rural/Natural Resource Plan without first obtaining a zoning permit:</p> <ul style="list-style-type: none">o Excavations below finish grade for basements and footings of a building, retaining wall or other structure authorized by a valid development or building permit;o Cemetery graves;o Excavations for wells, tunnels or utilities;o Excavations or fills for public projects conducted by or under contract of the City;o Exploratory excavations affecting or disturbing areas less than 6,000 square feet in size, under the direction of soil engineers or engineering geologists; <p>10. Continued use of a valid nonconforming use or exercise of a vested right, except that any change, alteration, restoration or replacement of a nonconforming use shall require a zoning permit.</p> <p>11. Emergency or routine repairs or maintenance of a lawfully established communication tower or antenna.</p> <p>12. Receive-only satellite dishes as accessory uses to a maximum diameter of ten feet, located in a side or rear yard and no closer than three feet to any property line, with the center of the dish mounted no more than six feet above grade.</p> <p>13. The placement of utility facilities, with the exception of water and sewer facilities, overhead and in the subsurface of public roads and highways along the public right-of-way and when not located within a drainage hazard or floodplain hazard area.</p> <p>14. The placement of utility facility service lines. Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:</p> <ul style="list-style-type: none">o A public right-of-way;o Land immediately adjacent to a public right-of-way, provided the written consent of all adjacent property owners has been obtained; oro The property to be served by the utility. <p>Issuance and Effective Date</p> <p>Zoning Permit Issuance. Written notice of the decision for Zoning Permit applications shall be mailed to the applicant and property owner of record and shall include the following information:</p> <ol style="list-style-type: none">1. A brief summary of proposal and the application which is the subject of the decision;2. A description of the site reasonably sufficient to inform the reader of its location, including site address, if available, parcel number, and site zoning;3. A statement of the facts upon which the Director relied to determine whether the application satisfied or failed to satisfy each applicable approval criterion;4. The decision to approve or deny the application, and, if approved, any conditions of approval necessary to ensure compliance with the applicable criteria. <p>The zoning permit shall be effective upon issuance.</p>
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	<p>Expiration</p> <p>Except as outlined below or as otherwise specifically provided in this Code, a zoning permit shall expire automatically four years from the date of issuance unless one of the following occurs first:</p> <p>A. The zoning permit is revoked as provided or as otherwise invalidated by a body of competent jurisdiction; or</p> <p>B. An application for an extension is filed; or</p> <p>C. The development has commenced.</p> <p>Extension</p> <p>If an extension is desired, the holder of the zoning permit must file an application for an extension prior to expiration of the zoning permit, and repay the zoning permit fee. Unless approved, an extension request does not extend the expiration date. An extension may be granted for a maximum of two years from the original date of expiration. Additional one-year extensions may be authorized where applicable criteria for the decision have not changed.</p> <p>A. The applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible;</p> <p>B. The request for extension is not sought for purposes of avoiding any responsibility imposed by this Code or the permit; and</p> <p>C. There has been no change in circumstances or the law likely to necessitate significant modification of the development approval or conditions of approval.</p> <p>When a Development has Commenced</p> <p>This provision applies to authorized projects that are initiated prior to the expiration of the zoning permit, but not completed before the expiration date. Once development has commenced, the holder of the zoning permit is allowed to complete the development and the zoning permit does not expire.</p> <p>The authorized development has commenced when the holder of the permit has physically altered the land or structure or changed the use thereof. Examples include one or more of the following: preliminary grading for roads, driveways, building sites or installation of utilities; interior remodeling of a structure; required off-site improvements; and is sufficient in terms of money expended to demonstrate a good faith effort to complete the development.</p> <p>Revocation of Zoning permit</p> <p>A zoning permit may be revoked upon a finding of:</p> <p>A. Noncompliance with the standards or conditions set forth in this Code, or any special conditions imposed upon the permit;</p> <p>B. Intentional fraud, misrepresentation or deceit upon the part of the applicant as to an issue material to the issuance of the zoning permit;</p> <p>C. Abandonment or discontinuance as determined by failure to make reasonable progress toward completion of a commenced development for a continuous period of one year. Bona fide good faith efforts to market the development shall not constitute abandonment or discontinuance; or</p> <p>D. A change in this Code, the General Plan or state law which would make the approved development unlawful or not permitted, prior to the development obtaining a vested right or nonconforming use status.</p> <p>Revocation shall be effective immediately upon the City providing written notice thereof to the holder of the permit. Unless provided otherwise by the revoking authority, revocation terminates the authority to continue the use. Continued use without a current valid zoning permit shall be a violation of this Code.</p> <p>The holder of a revoked permit may reapply for a new permit at any time as an entirely new application.</p> <p>Revocation is available in addition to and not in lieu of any other remedy provided by law and is not a condition precedent to any such remedy.</p> <p>Transferability of Zoning permit</p> <p>Unless otherwise provided in the zoning permit, a zoning permit shall be transferable provided the transferor files a statement with the Director signed by the transferee and recorded in the chain of title of the property, indicating that the transferee has been provided a copy of the zoning permit and all conditions of approval, understands the obligation and agrees to fulfill the conditions unless a modification is approved as provided in this Code. The transferor shall be jointly responsible for ensuring compliance until such a statement is filed, at which time the transferor's obligation shall be terminated.</p> <p>PROCEDURE TYPES AND DETERMINATION OF PROPER PROCEDURE</p> <p>All land use actions shall be classified as one of the following unless state law mandates different or additional procedures for particular land use actions or categories of land use actions or specified otherwise by this Code.</p> <p>PROCESSING ACTIONS</p> <p>Initiation and Withdrawal of Action</p> <p>Development actions may be initiated only by:</p> <ul style="list-style-type: none">• Application by all the owners or all the contract purchasers of the subject property, or any person authorized in writing to act as agent of the owners or contract purchasers. For development allowed within a recorded easement, the signature of the other party to the easement is not required.• The Planning Commission;
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	<ul style="list-style-type: none">• The Director; or• Public agencies or private entities that have statutory rights of eminent domain for projects they have the authority to construct. <p>Director Withdrawals</p> <p>Any application, petition for review or motion for reconsideration may be withdrawn by the Director at the request of the applicant or petitioner except when an application is deemed complete. Once accepted as complete, the application may be withdrawn only if the Director determines that:</p> <ul style="list-style-type: none">• Written consent to withdraw an application has been obtained from a majority of the owners or contract purchasers or the majority interest holders in the property, or all signers of the petition for review; and• No existing violation of this Code or the General Plan, which might best be cured by further processing the application, have been identified on the subject property.• Applications for quasi-judicial plan amendments that are not made complete within 180) days shall be withdrawn by the Director on the 181st day after first being submitted. <p>Fees for applications and petitions for review withdrawn at the request of the applicant shall be refunded, less the actual costs incurred by the City.</p> <p>Application</p> <p>Applications for development actions shall be submitted in accordance with the format and upon such forms as may be established by the Director.</p> <p>A complete application is one which contains the information required to address the relevant standards of this Code and the applicable standards and requirements of the General Plan as specified by this Code. It shall consist of the following:</p> <p>A. A completed original application form. No application shall be deemed complete if it is determined that all necessary authorization to file has not been obtained. Failure to provide such authorization shall result in denial of the application;</p> <p>B. The Zoning Permit application should be accompanied by drawings of the project, including a site plan that identifies information pertinent to the project. The Zoning Permit application should be accompanied by drawings of the project, including a dimensioned site plan that identifies information pertinent to the project, as follows:</p> <ul style="list-style-type: none">• Property boundary and dimensions with bearings and distances• Setbacks on all 4 sides of the property• Current location of structures• Dimensions of current structure(s)• Location of proposed structures• Dimensions of proposed structure(s)• Outdoor storage refuse (if applicable)• Property corner monuments identified and shown• Fencing/screening for businesses• Pedestrian access ways for residential projects• Streets/alleys in the vicinity of the proposed project• Parking spaces for business & residential projects• Driveways/easements for residential/commercial/industrial projects• Location of existing/proposed septic systems, leach field, wells, water lines, for project parcel as well as abutting parcels, if applicable <p>Application Submittal and Acceptance</p> <p>Applications shall be submitted to the Director in the number specified on the application form. The Director, however, may waive copies of specific documents, maps or exhibits upon a determination that the difficulty or burden of copying outweighs the usefulness of the copies.</p> <p>No application shall be received by the Department for determination of completeness without the appropriate application fee.</p> <p>If an application is incomplete, the City shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information.</p> <p>On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information and has not submitted the applicable information.</p> <p>The decision of the Director as to completeness of an application, including any required engineering, traffic or other such studies, shall be based on the criteria for completeness, adequacy and methodology set forth in this Code. Rejection by the Director for incompleteness shall be based solely on failure to address the relevant standards or supply required information and shall not be based on differences of opinion as to quality or accuracy. Acceptance indicates only that the application is ready for review.</p> <p>Staff Report</p>
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	<p>No decision on proposed developments that are subject to a Planning Commission or City Council hearing shall be made without a staff report. This report shall be provided to the applicant without charge. All others may obtain a copy upon request and payment of a reasonable fee to cover the cost of reproduction, overhead, and mailing.</p> <p>A staff report shall be available no later than ten calendar days before a public hearing. Staff reports are mailed approximately ten days prior to the public hearings to the applicant and interested parties who request them. Mailing the report does not guarantee sufficient time prior to the public hearing to respond to the conditions of approval. Obtaining a copy of the staff report in person at the City best assures ample time for review and comment at the public hearing.</p> <p>PUBLIC HEARINGS</p> <p>Public hearings on all development actions including appeals, but not including legislative actions, shall be conducted in accordance with this Section.</p> <p>Notice</p> <p>Notice of public hearing shall be provided in accordance with this Code and the Rules of Procedure adopted by the Board.</p> <p>Rules of Procedure</p> <p>Public hearings shall be conducted in accordance with the Rules of Procedure adopted by the applicable Review Authority.</p> <p>At the beginning of the hearing for an application, a statement shall be made to those in attendance that:</p> <p>A. Lists the applicable substantive criteria;</p> <p>B. States that testimony and evidence must be directed toward the criteria described in A. of this subsection or other criteria in the plan or land use regulation which the person believes to apply to the decision; and</p> <p>C. States that failure to raise an issue with sufficient specificity to afford the decision-maker and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.</p> <p>D. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the City to respond to the issue precludes an action for damages in Circuit Court.</p> <p>Parties</p> <p>The following persons, or their authorized representatives, may participate during the comment period or public hearing:</p> <p>A. The applicant or applicant's representative and the owners of the subject property;</p> <p>B. Those persons entitled to notice;</p> <p>C. Any other person who demonstrates to the Review Authority that the person's rights may be adversely affected or aggrieved by the decision; and</p> <p>D. At a public hearing on appeal, any person who made an appearance of record in the prior proceeding.</p> <p>Only parties shall be entitled to appeal a decision. Only the applicant, persons who submitted written comments, persons entitled to notice of pending review shall be deemed parties to a discretionary action.</p> <p>DIRECTOR'S INTERPRETATION</p> <p>Purpose</p> <p>The purpose of the Director's Interpretation is to address uses that are not explicitly provided for in this Code, to provide further interpretation of terms or phrases within this Code, make initial determinations of conformity, and provide guidance and documentation for future application of this Code.</p> <p>Applicability</p> <p>The Director shall have the initial authority and responsibility to interpret all terms, provisions, and requirements of this Code.</p> <p>Determination of Similar Uses</p> <p>When making determination of a similar use, the proposed use subject to the interpretation must be substantially similar to a use currently identified in the applicable district or in other sections of this Code.</p> <p>Expiration</p> <p>A Director's Interpretation shall not expire unless superseded by a subsequent Director's Interpretation or change to this Code.</p>
<p>Land Use Matrix Changes</p> <ul style="list-style-type: none">• Add provisions regarding EV Charging. Add another line within the land use matrix to differentiate between fuel stations and EV charging stations.• Remove Agricultural Operations from the R-1 zone (found in Section 14.10).• Make as many residential projects ministerial as possible.	<p>Refer to attached land use matrix</p>

<div><ul style="list-style-type: none">Remove horse keeping from R-1 zone.</div> <div>Source: City’s Wish List (Finalized May 10, 2023)</div> <div>Table 96.01 Land Use Matrix</div>	
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Attachment B
Land Use Matrix of Changes

Land Use Matrix Updates

EXISTING TABLE	R1	R2	R3	CR	C1	C2	C3	M1	M2	P
1.00 RESIDENTIAL										
1.20.1 Single Family, 1 du / lot	Z	Z	Z	Z						
1.20.2 Single Family, 2 du / lot	Z	Z	Z	Z						
1.30.1 Accessory Dwelling Units	Z	Z	Z	Z		Z				
1.30.2 Junior Accessory Dwelling Units	Z	Z	Z	Z		Z				
1.30.3 Manufactured & Tiny Homes	Z	Z	Z	Z		Z				
1.40 Primary with accessory apartment	S	Z	Z	Z						
1.50 Duplex		Z	Z	Z		Z				
1.60 Multifamily apartments			Z	C		Z				
1.62 Multi-Family Apt-Conversion				C		C				
1.70 Multifamily townhomes			Z	C		Z				
1.75 Multifamily condos			Z	C		Z				
1.80 Mobilehome parks		C	C	S						
1.85 R.V. parks		C	C	S			C			
1.90 Planned residential development		C	C	C		C				
1.95 Mixed-use residential***						C				
2.00 RESIDENTIAL/COMMERCIAL										
2.10 Homes for handicapped	C	C	S	C	C	C				
2.20 Nursing care	C	C	S	C	C	C				
2.30 Adult/child care (residence)	C	S	S	S	C	S				
2.40 Halfway home			C	C	C					
2.50 Boarding house	C	C	C	C	C	C				
2.55 Bed and breakfast	C	S	S	Z	S	S	S			
2.60 Hotels, motels				C	S	Z	Z	C		
2.65 Supportive Housing	Z	Z	Z	Z						
2.70 Transitional Housing	Z	Z	Z	Z						
2.75 Emergency Shelters								Z	Z	

Symbol Meaning

- Z:** Permitted use in the indicated zone with a zoning permit issued by the City Planner.
- S:** Special use permit must be obtained from the Planning Commission.
- C:** Conditional Use Permit must be obtained from the City Council.

PROPOSED TABLE	R1	R2	R3	CR	C1	C2	DT	C3	M1	M2	P
1.00 RESIDENTIAL											
Single-Family (Up to 2 du / lot)	Z	Z	Z	Z							
Single-Family Small Lot		Z	Z	Z							
Accessory and Junior Accessory Dwelling Units	Z	Z	Z	Z		Z					
Duplex, Triplex, Quadplex		Z	Z	Z		Z	Z				
Multifamily Townhomes/Condos			Z	Z		Z	S				
Multifamily Apartments			Z	Z		Z	S				
Mobile Home Parks		S	S	S							
Planned Residential Development		C	C	C			S				
Mixed Use				Z		Z	S				
Manufactured /3D Printed / Prefab Homes	Z	Z	Z	Z							
Tiny Homes		Z	Z	Z							
Single-Room Occupancy Units	Z	Z	Z	Z		Z					
2.00 RESIDENTIAL/COMMERCIAL											
Emergency Shelters									Z	Z	
Transitional Housing		Z	Z	Z		Z	Z				
Supportive Housing		Z	Z	Z		Z	Z				
Low Barrier Navigation Centers		Z	Z	Z		Z	Z				
Residential Care Facilities (6 or fewer residents)	Z	Z	Z	Z		Z	Z				
Residential Care Facilities (7 or more residents)	C	C	C	C		C	C				
Homes for Handicapped	C	C	S	C		C					
Adult/Child Care	C	S	S	S		S					
Boarding Houses	C	C	C	C	C	S					
Bed and breakfast	C	S	S	Z	S	S	S	S			
Hotels, motels				C	S	Z	Z	Z	C		
Short Term Rentals	Z	Z	Z	Z	Z	Z	Z				
Live/Work Units						Z	S	Z			
R.V. Parks		C	C	S				C			
Employee Housing	Z			Z					Z	Z	

Green cells indicate where housing is permitted by State law.
Yellow cells indicate where the City has discretion.

Attachment C
City of Needles Planning
Commission Comments

Needles Planning Commission Workshop

Development Code Update

August 2, 2023

Commissioner comments and concerns:

Emergency Shelters

- Not a use that is permitted in residential areas. Parking standards based on beds was seen as a constraint so parking requirements are now based on employees, per State law.

Low Barrier Navigation Centers

- Commissioners asked what a Low Barrier Navigation Centers (LNBC) was, and asked if these were required by the State, and if they were required to be permitted in the C1 and C2 zones.
- A LBNC is defined as a Housing First, low barrier, temporary, service-enriched shelter focused on helping homeless individuals and families to quickly obtain permanent housing. It's basically an emergency shelter that has more services and are often run by non-governmental organization's or religious institutions.
- Needles is not required to allow them in the R-1 zone.
- State wants them to be permitted evenly to emergency shelters. They cannot only be permitted in M1 and M2 since these zones occupy small portions of the developed city, where the establishment of a LNBD would not be feasible.

Supportive Housing

- We can only remove by right approval from R-1 zone since R-2 is considered multi-family zone and this use type is required to be permitted by-right in multi-family zones according to government code [Govt Code § 65651 \(2022\)](#).
- Additionally, HSC sec 1566.3 reads:
 - i. No conditional use permit, zoning variance, or other zoning clearance shall be required of a residential facility that serves six or fewer persons that is not required of a family dwelling of the same type in the same zone.
 - ii. For the purposes of this section, "family dwelling," includes, but is not limited to, single-family dwellings, units in multifamily dwellings, including units in duplexes and units in apartment dwellings, mobile homes, including mobile homes located in mobile home parks, units in cooperatives, units in condominiums, units in townhouses, and units in planned unit developments.

Density Bonuses

- The Commissioners asked if a density bonus could allow a building taller than 45 feet to be built within the City. However, because the Fire Department does not have an engine that can service a building over 45 feet in height, such a concession would not be supported because it poses a health and safety risk.

Parking Standards

- The proposal behind the removal of residential parking standards from within .5 miles of public transit is inspired by ADU Standards. Such a reduction in parking standards would not

apply to ADA or EV parking space requirements, but could help to promote residential development in the City.

- Commissioners expressed discomfort at removing minimum parking standards for all residential projects within a half mile of public transit.
- Commissioners asked if hotel uses would be considered to be a residential project—they would not.
- Commissioners expressed support in utilizing the curb front of residential projects as counting toward the required parking for a residence.

Home Occupancy permits

- Commissioners asked to revise the direct sales language to include more than fruits and vegetables grown at the residence. Include provisions relating to Cottage Food Operations and micro-kitchens that are allowable state-wide.
- Review the percentage of the dwelling unit that could be utilized as part of a home occupation, so the requirements are consistent with IRS deductions.
- Remove Planning Director approval for tutoring.
- Commissioners expressed the desire to have employees at the residence.
- Commissioners want the ability for commercial vehicles at residence.

Metal buildings

- Commissioners want metal buildings to be approved via a Special Use Permit
- Commissioners expressed desire to eliminate metal storage containers as a building material for residential uses.

Driveway surfaces

- It was suggested to allow pervious surfaces, or any surfaces currently permitted in the code, as driveway material. In addition, eliminate the requirement for paving, rather list it as one of the optional materials.

Attachment D
City of Needles 6th Cycle
Housing Element Programs

HOUSING PROGRAMS AND QUANTIFIED OBJECTIVES

A. Housing Production

Number	Title	Action	Responsible Party	Funding Source	Timeline
A-1	Incentives for Production	Offer incentives aimed at production of new housing in the City of Needles. Such incentives include: <ul style="list-style-type: none"> Assist developers with the costs associated with infrastructure improvements, fees, and costs that encourage housing development 	DSD	Economic Development Fund	Incentives offered on an ongoing basis as funds are available. Evaluate incentive performance annually.
A-2	No Net Loss Monitoring	To ensure that the City monitors its compliance with SB 166 (No Net Loss), the City will develop a procedure to, and will, track: <ul style="list-style-type: none"> Unit count and income/affordability assumed on parcels included in the sites inventory. Actual units constructed and income/affordability when parcels are developed. Net change in capacity and summary of remaining capacity in meeting remaining RHNA. 	DSD	General Fund	Within two years of Housing Element adoption
A-3	Surplus Lands/ Affordable Housing on City-Owned/Successor Agency Sites	Assess City-owned properties for their potential redevelopment or development for residential uses that include housing for extremely low-income households and those with special needs such as seniors and persons with disabilities. Implement the Surplus Lands Act to annually review city-owned parcels and provide affordable housing developers the first right of refusal for designated surplus lands.	DSD	General Fund	Annual review in conjunction with the review of Surplus Lands.
A-4	Downtown Mixed-Use Development	Rezone the downtown area to allow for mixed uses and taller buildings. Permit mixed uses both horizontally and vertically.	DSD	General Fund	Within four years of Housing Element Adoption
A-5	Minimum Density	Amend the Zoning Ordinance to establish minimum densities to ensure that parcels are developed close to their maximum densities (at 75%) to prevent substantial net loss of any residential units and encourage higher density/more affordable building typologies.	DSD	General Fund	Within two years of Housing Element adoption
A-6	Inclusionary Housing Ordinance	Conduct an inclusionary zoning feasibility study to identify appropriate inclusionary requirements that will not constrain housing production. Develop and amend the Zoning Ordinance to establish inclusionary housing requirements so that new developments reserve up to 15 percent of the total units for lower- and moderate-income households.	DSD	General Fund	Within three years of Housing Element adoption

Number	Title	Action	Responsible Party	Funding Source	Timeline
A-7	ADU Tracking and Monitoring	Continuously track the City's progress for ADUs. Track and analyze the affordability of ADUs built in the City. Within the Housing Element period, assess whether additional strategies are necessary to increase ADU production.	DSD	General Fund	Maintain tracker as ADU permits are submitted. Review strategies annually as part the Annual Progress Report process

B. Constraint Removal

Number	Title	Action	Responsible Party	Funding Source	Timeline
B-1	Permit Streamlining	Establish and implement expedited permit processing for affordable housing projects, including projects that qualify for density bonuses (in compliance with SB 35 and SB 330). Advertise the expedited permit process on the City's website and circulate a notice with the Building Industry Association and Chamber of Commerce.	DSD	General Fund	Within two years of Housing Element adoption
B-2	Density Bonus Updates	Amend the Zoning Ordinance to update density bonuses to meet current state requirements (AB 2345, SB 1763, SB 1227).	DSD	General Fund	Within one year of Housing Element adoption
B-3	Objective Standards	Pursuant to SB 330, review and amend the Zoning Ordinance and DRB handbooks for to ensure development standards, design guidelines, and findings are objective, promote certainty in the planning and approval process.	DSD	General Fund	Within one year of Housing Element adoption
B-4	Development Standards Review and Revision	Study and revise development standards in multi-family districts to facilitate the development of properties at their maximum densities. Specifically amend: Minimum Parking Standards Height Limits Lot Coverage (Elderly and Disabled Housing) ADA Unit Location Requirements (Elderly and Disabled Housing)	DSD	General Fund	Within three years of Housing Element Adoption
B-5	Efficiency Units and Minimum Unit Sizes	Amend the Zoning Ordinance to revise the minimum required unit area for multi-family units. Ensure that provisions for efficiency units are consistent with AB 352 (2017).	DSD	General Fund	Within three years of Housing Element Adoption
B-7	ADU Ordinance Update to Meet State Law	Amend the Zoning Ordinance to address multiple changes to state law regarding ADUs (including AB 587, AB 671, AB 68, and SB 13). Monitor state law on an annual basis and revise the Zoning Ordinance as appropriate.	DSD	General Fund	Within one year of Housing Element adoption, and annually thereafter
B-8	Preapproved ADU Plans	Create and make available to the public a set of Preapproved Plans for ADUs to facilitate production and ADUs available to lower-income households by reducing costs to applicants.	DSD	General Fund LEAP Grant	Within three years of Housing Element adoption

Number	Title	Action	Responsible Party	Funding Source	Timeline
B-9	Utility Availability	Continue to expand the reach of water and wastewater services to North Needles	PWD	General Fund, Grant funding	June 30, 2023
B-10	Public Fees, Standards, and Plans Online	Pursuant to AB 1483, the City will compile all development standards, plans, fees, and nexus studies in an easily accessible online location. The City will update its zoning and general plan maps to provide a high quality, parcel-specific reference.	DSD	General Fund	Within three months of Housing Element adoption
B-11	By-Right Projects	Encourage the construction of developments on sites that allow housing without discretionary review to meet the City's RHNA for the different income categories. For vacant sites used in two previous housing element cycles, the City will allow ministerial review for a project that provides 20% lower-income units.	DSD	General Fund	Upon adoption of the Housing Element
B-12	Roadway Widening and Dedication Relief	Identify which substandard streets and alleys contain fire hydrants, utility poles, catch basins and similar impediments, the relocation of which would otherwise cause a development to be economically infeasible, and prepare a code amendment providing relief from dedication requirements under those situations.	DSD	General Fund	Within three years of Housing Element adoption

C. Housing Preservation and Improvement

Number	Title	Action	Responsible Party	Funding Source	Timeline
C-1	Energy and Resource Conservation Program	<p>The City shall work to establish the Owner-of-Home Alternative Energy and Resource Conservation Program. The Program shall:</p> <ul style="list-style-type: none"> Encourage and provide homeowners with an incentive reimbursement for the installation of photovoltaic (PV) solar paneling, solar water heating systems and appliances certified under the Leadership in Energy and Environmental Design (LEED). Provide pamphlet literature of this program and shall be made available for new arrival and existing residents at the City Hall, the City's website, the City of Needles Library and at Community-Held Events. Establish educational training program workshops directed towards teaching homeowners how to install and of the cost-efficient advantages of installing PV solar paneling and heating systems and LEED appliances. 	DSD, PWD	General Fund	Upon adoption of the Housing Element
C-2	California Building Code	<ul style="list-style-type: none"> Adopt the most recent version of the California Building Code 	DSD / Building Department	General Fund	June 30, 2022
C-3	Preservation of At-Risk Housing	<ul style="list-style-type: none"> Implement strategies to reduce the potential conversion to market rate of the 234 assisted affordable housing units in Needles during the current planning period. None of the assisted units are considered at risk. However, 	DSD, Housing Authority	General Fund	Revision of zoning code by June 2022 to require notification by

Number	Title	Action	Responsible Party	Funding Source	Timeline
		<p>the City will implement the following strategies to comply with state law (Assembly Bill 1521):</p> <ul style="list-style-type: none"> • Monitoring project status annually. • Notify property owners annually about compliance with the extended noticing requirement (three year, one-year, and 6 month Notice of Intent) under state law. • Include preservation as an eligible use in Notices of Funding Availability. • If below-market rate units appear to be at risk of conversion, work with qualified operators, HCD, and the property owners to preserve the housing for lower-income households. • Per state law, owners of deed-restricted affordable projects are required to provide notice of restrictions that are expiring after January 1, 2021, to all prospective tenants, existing tenants, and the City within three years, one year, and six months (three separate times) of the scheduled expiration of rental restrictions. Owners shall also refer tenants of at-risk units to educational resources regarding tenant rights and conversion procedures and information regarding Housing Choice Voucher rent subsidies and any other affordable housing opportunities in the City. • If a development is offered for sale, HCD must certify persons or entities that are eligible to purchase the development and to receive notice of the pending sale. Placement on the eligibility list will be based on experience with affordable housing. 			owners consistent with state law; ongoing communication with owners, service providers, and eligible potential purchasers.
C-4	CDBG Allocations	<ul style="list-style-type: none"> • When allocating CDGB funding, consider use of the funds for at-risk units, if and when it becomes necessary. 	DSD	CDBG	Ongoing, annual CDBG allocation
C-5	Displacement Prevention Ordinance	<ul style="list-style-type: none"> • Pursuant to SB 330, ensure that when existing housing is demolished, at least an equivalent number of units at the same affordability are created as replacements. 	DSD	General Fund	Ongoing, as needed
C-6	Enhanced Code Enforcement	<ul style="list-style-type: none"> • The City's Code Enforcement officials will continue to investigate potential code violations, and work with property owners to resolve violations or unsafe conditions. As a part of the enhanced code enforcement program, community representatives will notify them of tenants' rights, and provide assistance in resolving the code violation. 	Code Enforcement	General Fund	Ongoing
C-7	Neighborhood Preservation Program	<ul style="list-style-type: none"> • Focus CDBG funding on deteriorating or dilapidated areas throughout the City to preserve and improve the City's environmental quality. 	DSD	CDBG	Annually
C-8	Preservation and Rehabilitation of Housing Stock	<ul style="list-style-type: none"> • Coordinate with the Housing Authority to develop guidelines for the funding of low interest loans and grant assistance, and to act as a conduit for housing funds to leverage in the creation of new affordable housing. 	DSD, Housing Authority	State and Federal Grants (CDBG), San	Establish the program and initiate outreach by December 2022.

Number	Title	Action	Responsible Party	Funding Source	Timeline
	Comprehensive Program	<ul style="list-style-type: none"> Continue to maintain the Low and Moderate Income Housing Asset Fund (LMIHAF) for the preservation of existing affordable housing through established rehabilitation and landscaping protocol through the adopted Neighborhood Beautification Program. As a component of the Neighborhood Beautification Program, the City will promote the expanded participation of local landlords in rental housing rehabilitation programs. The City will disseminate the City's rehabilitation grant program brochures on the City website, at community meetings, at school sites, at City-sponsored Board meetings, Planning Commission meetings, developer meetings, at off-site meetings promoting economic development within the City, and in the City Hall lobby area. 		Bernardino County, General Fund (LMIHAF),	Enroll 8 landlords in the Housing Rehabilitation Program. Rehabilitate at least 5 homes in the planning period.

D. Housing Assistance

Number	Title	Action	Responsible Party	Funding Source	Timeline
D-1	Housing Choice Vouchers	<ul style="list-style-type: none"> Continue to assist eligible, low-income households in receiving Housing Choice Voucher assistance. Market housing vouchers and inform landlords that discrimination based on source of income (including vouchers) is prohibited. 	DSD	LIHTC CalCHA bonds CHFA HOME	Continuous and ongoing
D-2	Affordable Housing and Services Funds. Funding strategies for affordable housing and supportive services includes	<ul style="list-style-type: none"> Issue Notice of Funding Availability (NOFA) in an equitable manner for affordable housing development, acquisition, rehabilitation, and/or supportive services. <p>Pursue funding sources for affordable housing through LIHTC, CalCHA bonds, CHFA, HOME Investment Partnership Program, etc. for affordable housing.</p>	DSD	LIHTC CalCHA bonds CHFA HOME	Continuous and ongoing
D-3	Landlord - Tenant Mediation	<ul style="list-style-type: none"> Continue to contract with a fair housing specialist to provide fair housing and landlord/tenant mediation services. Distribute information about these services to tenants through a variety of media and online outlets, namely the City website and paper materials at the Civic Center. 	DSD	Fair Housing Specialist General Fund	Continuous and ongoing

E. Special Housing Needs

Number	Title	Action	Responsible Party	Funding Source	Timeline
E-1	Fair Housing Education and Counseling	<ul style="list-style-type: none"> Provide education and literature on fair housing, resolving disputes; providing Health, Safety and Building referrals; distributing landlord/tenant guidebooks printed by the Department of Consumer Affairs; provide Housing Choice Voucher Assistance referrals; providing counseling and resolution of housing discrimination complaints. 	DSD, Fair Housing service provider	General Fund, CDBG	Continuous and ongoing
E-2	Housing for the Elderly and Persons of Disabilities Program	<ul style="list-style-type: none"> Allow housing for the elderly, disabled, and developmentally disabled with reduced and flexible development standards. Amend the Zoning Ordinance to allow licensed adult care facilities by right. Review CUP standards for residential care facilities to ensure that the standards are objective and focused on protecting the health, safety, and welfare of the residents of these facilities. 	DSD	General Fund	Within one year of Housing Element adoption
E-3	Farmworker Housing	<ul style="list-style-type: none"> The City shall review its zoning code to determine whether updates to zoning are needed to comply with the state Employee Housing Act (Health and Safety Code Sections 17021.5 and 17021.6). The Act calls for the zoning ordinance to treat employee housing (including farmworker housing) that serves six or fewer persons as a single-family structure and permitted in the same manner as other single-family structures of the same type in the same zone (Section 17021.5). The zoning ordinance must also treat employee housing consisting of no more than 12 units or 36 beds as an agricultural use and permitted in the same manner as other agricultural uses in the same zone (Section 17021.6) in zones where agricultural uses are permitted. 	DSD	General Fund	Within two years of Housing Element Adoption
E-4	Emergency Shelters	<ul style="list-style-type: none"> Amend the Zoning Ordinance to modify the parking requirements for emergency shelters to ensure that they are only based on the number of staff. Amend the emergency shelters code to ensure that shelters are not subject to standards that do not apply to other uses in the same zone, including but not limited to a 500 foot residential buffer. 	DSD	General Fund	Within one year of Housing Element adoption
E-5	Low Barrier Navigation Centers	<ul style="list-style-type: none"> Pursuant to SB 48, amend the Zoning Ordinance to establish provisions for low-barrier navigation centers (LBNCs). Allow LBNCs that meet specific objective requirements by-right in areas zoned for mixed-uses. 	DSD	General Fund	Within one year of Housing Element adoption
E-6	Transitional and Supportive Housing	<ul style="list-style-type: none"> Pursuant to AB 2162 and AB 2988, supportive housing meeting certain criteria must be permitted by-right where residential uses are permitted, including mixed-use and nonresidential zones. Review AB 2162 and amend Zoning Ordinance to ensure compliance. 	DSD	General Fund	Within one year of Housing Element adoption

Number	Title	Action	Responsible Party	Funding Source	Timeline
E-7	Residential Care	<ul style="list-style-type: none"> Update its code to expressly permit the development of residential care facilities (6 or fewer residents) in residential zones. Adopt objective standards for residential care homes with 7 or more individuals in residential zones. 	DSD	General Fund	Within one year of Housing Element Adoption
E-8	Priority Water and Sewer Service for Affordable Housing Developments	<ul style="list-style-type: none"> Pursuant to Government Code 65589.7, work with public service providers to ensure prioritization of services to housing developments serving lower-income households. 	DSD, PWD, Utilities	General Plan	Within one year of Housing Element adoption

F. Affirmatively Furthering Fair Housing

Number	Title	Action	Responsible Party	Funding Source	Timeline
F-1	Place-Based Community Improvements - Park Renovations	<ul style="list-style-type: none"> Develop programs and strategies to create place-based investments in areas of concentrated segregation and poverty, including investments in infrastructure, services, etc. that contribute to community revitalization. Focus investments and programs in south Needles to facilitate revitalization and healthy living conditions. 	DSD PWD	CDBG General Fund CalOES Grants	Within six years of Housing Element adoption.
F-3	Analysis of Impediments Programs	<ul style="list-style-type: none"> Implement programs identified in the 2020-2024 County Analysis of Impediments. Improve housing mobility by providing homeowner assistance, incentives for affordable housing development, coordinating with local lenders to expand mortgage access. Provide fair housing services to tenants, and continually investigate potential violations of fair housing law. 	DSD Fair Housing Specialist	CDBG General Fund	Continuous and on-going
F-4	Environmental Justice and Expanded Access to Opportunity	<ul style="list-style-type: none"> Adopt and implement a new Environmental Justice Element in the General Plan. Through the Environmental Justice Element, address areas with disproportionate pollution and health impacts and facilitate healthy living conditions for Needles residents. In particular, use the Environmental Justice Element to create targeted investments and improve health in south Needles. 	DSD	General Fund Leap Funds	Within two years of Housing Element adoption.
F-5	Fair Housing Outreach and Enforcement	<ul style="list-style-type: none"> Provide fair housing enforcement, landlord-tenant mediation, and fair housing information to residents and property owners. Advertise the City's fair housing specialist as a resource to resolve disputes and reports of discrimination. Increase outreach in east Needles, an area identified as having disproportionate housing needs. 	DSD Fair Housing Specialist	General Fund	Continuous and on-going
F-6	Transit Improvements Program	<ul style="list-style-type: none"> Provide housing projections and other information so that Needles Area Transit (NAT) continues to provide needed transportation services to Needles. 	DSD PWD	General Fund	Continuous and on-going

G. Public Education

Number	Title	Action	Responsible Party	Funding Source	Timeline
G-1	Housing Information	<ul style="list-style-type: none"> Continue to improve and expand the use of the various media to inform and promote the use of Needles's housing programs to its residents and developers by creating a dedicated webpage on the City's website. 	DSD	General Fund	Establish webpage within one year of Housing Element adoption; On-going and continuous publishing of information in the digital magazine
G-2	ADU Education	<ul style="list-style-type: none"> Develop and implement a comprehensive marketing program to advertise the ability of homeowners to create ADUs. 	DSD	General Fund	Develop marketing plan within one year of Housing Element adoption; implement marketing program within two years of Housing Element adoption
G-3	Source of Income Protection	<ul style="list-style-type: none"> Coordinate with the Housing Authority to conduct outreach to inform landlords and tenants of recent changes to state law that prevent source of income discrimination. Ensure that it is known that HCVs are allowed to establish a renter's financial eligibility. 	DSD Housing Authority	General Fund	Continuous and on-going
G-4	Energy Cost Savings	<ul style="list-style-type: none"> Develop a program to assist residents in identifying areas in their home, or practices, that waste energy. 	Utility Department	General Fund	Develop program by December 2023
G-5	Incentives to Build Housing	<ul style="list-style-type: none"> Disseminate brochures outlining information about available incentives and distribute them to contractors, developers, real estate and contractors boards, and public and private agencies. The City has regular participation at community meetings, as well as meetings with developers, construction vendors, and visitors, and distributes information via flyers, pamphlets, and bound books on programs that have been implemented or are in the process of being developed, properties that have completed the code abatement process and are available for receivership, rehabilitation, etc. City staff also participates in off-site meetings related to economic development activity in the City and provides written information to anyone attending these events. The information is also made available on the City's website, as well as in the lobby of City Hall. 	DSD	General Fund	The City will initiate at least two of the meetings described in the program per year and will update brochures at least twice during the planning period.