City of Needles, California
Staff Report

==========

☒ PLANNING COMMISSION ☒ Regular ☐ Special

Meeting Date: October 4, 2023

Title: Planning Commission Resolution No. 10-04-2023-1 PC
A Resolution of the Planning Commission of the City of Needles Recommending to City Council an Amendment to the Needles Municipal Code (NMC) Sections: sections of the Zoning Ordinance as follows: Section 94 "Permits", Section 96 "Uses", Section 97 "Intensity of Uses", Section 98 "Site Requirements", Section 99 "Development Standards", Section 111 "Vehicular Provisions", Section 112 "Special Requirements for Certain Users", Section 115 "Nonconforming Situations", Needles Municipal Code Chapter 19 "Subdivision of Land"

Introduction: The purpose of this staff report is to recommend the approval of the proposed zoning ordinance update for the City of Needles, California. The proposed changes have been carefully considered to address various aspects of the zoning code and ensure its alignment with the city's goals, modern development needs, and state regulations. The zoning ordinance update comprehensively addresses the existing code to create a more cohesive, effective, and forward-looking regulatory framework.

Background: The City last comprehensively updated its zoning ordinance in 1995. Since that time, the City has updated portions of its zoning ordinance to address specific matters. The City has also updated several of the Elements of its General Plan in the meantime, including the Land Use, Transportation, and Housing Elements.

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 codification and implementation by the City. With the assistance of Michael Baker International, the Planning 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.

As such, the City is updating its zoning code and development standards to promote development—both commercial and residential. Ultimately, the City aims to streamline its permitting processes by processing most residential projects ministerially. Updates have been informed by the 6th Cycle Housing Element's policies and programs, as well as State law. A revised land use matrix that incorporates required changes based upon Housing Element programs and updates to State law is provided and attached.

Ordinance Text Updates

Baker International has drafted the City of Needles Zoning Code amendments based on updates taken from the Housing Element's policies and programs, and applicable recent legislation to State law. City staff are seeking approval from the Planning Commission on the following actions:

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. Walls/Fences: This revision aims to ensure alignment with the building code, include provisions for fence heights between different land uses. The proposed changes enhance clarity and consistency in zoning regulations.
5. Parking Requirements: Review and update parking standards to reflect current trends in transportation. The proposed language encourages parking reductions in the Downtown Core, residential parking reductions near public transit, and establishes standards for secondary driveways.
6. Tract Maps: The update introduces a standardized process for Tract Map entitlement and establishes objective findings. This standardized procedure ensures a transparent, consistent, and predictable review process for tract developments, enhancing the city's planning and development procedures.
7. Solar Facilities: In accordance with State law, the update revises solar requirements while addressing the City's role as a utility provider and offers guidance and transparency.
8. Cell Towers: Proposed revisions include additional standards for cell towers, encompassing height, design, and siting considerations. The update also contemplates camouflage provisions while respecting federal regulations governing cell tower installations.
9. Home Occupation Permits: The update refines the standards and permitting requirements for home occupancy uses and aligns the code with state recommendations.
10. Supportive Housing: Updates to the permissibility of supportive housing types to remain compliant with State Law and supports diverse housing types.
11. Reorganization of Section 94: Provide clear guidance for Applicants and Staff on the permitting procedure for each of the City's main permit types, such as Zoning Permits, Special Use Permits, and Conditional Use Permits.

Based on careful analysis and stakeholder input, Staff recommends approval of the proposed zoning code amendments. This update aims 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.

Permitted Land Uses

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

1. Add provisions regarding EV Charging and differentiate between fuel stations and EV charging stations.
2. Make as many residential projects ministerial as possible to maintain the City's pro-housing designation as appropriate.
3. Add horse keeping to the R-2 zone.

Public Notification: A public hearing notice was published in the Needles Desert Star on September 20, 2023.

Fiscal Impact: The proposed zoning ordinance update will have various fiscal implications, both short-term and long-term. It is essential to consider the financial aspects of these changes to ensure the City can effectively manage the implementation and maintenance of the updated Zoning Ordinance.

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 would 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 ordinance update aims to create a more business-friendly and resident-friendly environment, which may contribute to long-term economic growth. A thriving local economy will 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; whereas *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 ordinance 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 ordinance update is consistent with the goals and 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 ordinance 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 ordinance update does not introduce any major policy shifts or create new land uses. It mainly involves the reorganization and clarification of existing regulations.

Recommendation: **Approve Resolution No. 10-04-2023-1 PC** Recommending to City Council an Amendment to the Needles Municipal Code (NMC) Sections: sections of the Zoning Ordinance as follows: Section 94 "Permits", Section 96 "Uses", Section 97 "Intensity of Uses", Section 98 "Site Requirements", Section 99 "Development Standards", Section 111 "Vehicular Provisions", Section 112 "Special Requirements for Certain Users", Section 115 "Nonconforming Situations", Needles Municipal Code Chapter 19 "Subdivision of Land"

Submitted By: **Patrick Martinez, Assistant City Manager**
Nancy Huff, Director of Development Services

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

Agenda Item: _____

PC RESOLUTION 10-04-2023-1 PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEEDLES RECOMMENDING TO CITY COUNCIL AN AMENDMENT TO THE NEEDLES MUNICIPAL CODE (NMC) SECTIONS: SECTIONS OF THE ZONING ORDINANCE AS FOLLOWS: SECTION 94 "PERMITS", SECTION 96 "USES", SECTION 97 "INTENSITY OF USES", SECTION 98 "SITE REQUIREMENTS", SECTION 99 "DEVELOPMENT STANDARDS", SECTION 111 "VEHICULAR PROVISIONS", SECTION 112 "SPECIAL REQUIREMENTS FOR CERTAIN USERS", SECTION 115 "NONCONFORMING SITUATIONS", NEEDLES MUNICIPAL CODE CHAPTER 19 "SUBDIVISION OF LAND"

WHEREAS, the Planning Commission of the City Needles is empowered to recommend amendments to the Zoning Ordinance. Modifications to the various Sections listed herein to further the purposes of the Zoning Ordinance and facilitate the implementation of State law; and

WHEREAS, on August 4, 2023, at a regularly scheduled Planning Commission meeting, a public workshop was held and the public was afforded an opportunity to comment and consider amendments to Zoning Code Sections 94, 96, 97, 98, 99, 111, 112, and 115, and Chapter 19 of the City's Municipal Code (collectively, the Zoning Ordinance Amendments known here on as "the Project"); and

WHEREAS, on August 8, 2023, at a regularly scheduled City Council meeting, a public workshop was held and the public was afforded an opportunity to comment and consider the Project; and

WHEREAS, the City of Needles ("City") is required by California Government Code Sections 65854 to 65857 to amend the Zoning Ordinance, as defined therein; and

WHEREAS, California Government Code Sections 65854 to 65857, authorizes the Planning Commission to amend the Zoning Ordinance if it is deemed to be in the public interest; and

WHEREAS, the City last completed a comprehensive update to its Zoning Ordinance in 1995; and

WHEREAS, by its very nature, the Zoning Ordinance is subject to update and revision to account for current and future community needs; and

WHEREAS, the Housing Element, Land Use, and Transportation Elements are three of the seven State mandated General Plan chapters or "elements" and are a component of the City's General Plan and have been recently updated in accordance with State Law; and

WHEREAS, changes to various sections of the Zoning Code related to permitted uses and development standards are proposed to implement and ensure consistency with the recently updated Housing, Land Use, and Transportation Elements**;** and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA"), the Zoning Ordinance Amendment is exempt under Section 15061(b)(3) of the State CEQA Guidelines**;** and

WHEREAS, as contained here, the City has endeavored in good faith to set forth the basis for its decisions on the Project; and

WHEREAS, the City has endeavored to take steps and impose all conditions necessary to ensure that impacts to the environment would not be significant; and

WHEREAS, all of the findings and conclusions made of the Planning Commission pursuant to this Resolution is based upon the oral and written testimony; and

WHEREAS, a public hearing notice for the Needles Planning Commission meeting was published in the Needles Desert Star on September 20, 2023; and

WHEREAS, the Needles Planning Commission has sufficiently considered all testimony and evidence presented to them in order to make the following determination.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Needles as follows:

SECTION 1. Recitals. The recitals above are hereby incorporated by reference as a substantive component of this Resolution.

SECTION 2. Compliance with CEQA. As the advisory body to the City Council, the Planning Commission has independently reviewed and considered the project is exempt under the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the State CEQA Guidelines. A project is 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 Planning Commission finds that the categorical exemption has been completed in compliance with CEQA and the State CEQA Guidelines.

SECTION 3. The Planning Commission HEREBY FINDS AND DETERMINES that facts do exist to recommend to the City Council the amendments to the Needles Municipal Code and Needles Zoning Code, attached as "Exhibit "A".

SECTION 4. The Planning Commission HEREBY RECOMMENDS APPROVAL OF RESOLUTION NO. 10-04-2023-1 PC for an amendment to the Needles Municipal Code and Needles Zoning Code, attached as Exhibit "A".

SECTION 5. This action shall become final and effective 30 days after this decision by the City Council as provided by the Needles City Code.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Needles, California, held on the 4th day of October 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Linda Kidd Chairperson	Patrick Martinez
Needles Planning Commission	Assistant City Manager/Development Services

City of Needles

Focused Zoning Ordinance Update

Planning Commission

October 4, 2023

Project Introduction

Project Purpose and Goals

- Zoning District Revisions: Revises development standards for the City's existing land use districts to reduce governmental constraints on housing development.
- Mixed-Use Development: Provides development standards for the Downtown Core to accommodate residential, commercial and mixed uses.
- Metal Buildings: Allows metal storage containers to be used as building materials for other types of structures, including residential uses.
- Walls/Fences: Adds provisions for walls and fences.

Project Purpose and Goals

- Parking Requirements: Reduce parking requirements within the downtown core. Reduce parking requirements for residential uses within 0.5 miles of public transit.
- Tract Maps: Provide guidelines on how to process tentative tract maps.
- Solar Facilities: Revise solar requirements in accordance with State law while addressing the City's role as a utility provider.
- Cell Towers: Includes additional standards for cell towers, encompassing height, design, and siting considerations with respect to Federal regulations.

Project Purpose and Goals

- Home Occupation Permits: Refines the permitting requirements for home occupancy uses.
- Supportive Housing: Updates to the permissibility of supportive housing types to remain compliant with State Law and supports diverse housing types.
- Reorganization of Section 94: Provides clear guidance for Applicants and Staff on the permitting procedure for each of the City's main permit types, such as Zoning Permits, Special Use Permits, and Conditional Use Permits.

Development Standards Update

Section 94 – Permitting Process

- Revised Reasonable Accommodation provisions.
- Added text regarding eligible applications.
- Added language regarding complete applications.
- Simplified language regarding application process for zoning permits, special use permits, and conditional use permits.
- Added language regarding occupancy requirements.

Implementing Housing Element Program: E-2

State Law Requirements

STATE REQUIREMENTS

	R1	R2	R3	CR	C1	C2	DT	C3	M1	M2	P
2.10 Emergency Shelters									Z	Z	
2.20 Transitional Housing		Z	Z	Z	Z	Z			Z	Z	
2.25 Supportive Housing		Z	Z	Z	Z	Z			Z	Z	
2.30 Low Barrier Navigation Centers		Z	Z	Z	Z	Z			Z	Z	
2.40 Residential Care Facilities (6 or fewer residents)	Z	Z	Z	Z	Z	Z					
2.45 Residential Care Facilities (7 or more residents)	C	C	S	C	C	C					

PROPOSED TABLE

	R1	R2	R3	CR	C1	C2	DT	C3	M1	M2	P
2.10 Emergency Shelters					Z	Z			Z	Z	
2.20 Transitional Housing	Z	Z	Z	Z	Z	Z			Z	Z	
2.25 Supportive Housing		Z	Z	Z	Z	Z			Z	Z	
2.30 Low Barrier Navigation Centers		Z	Z	Z	Z	Z			Z	Z	
2.40 Residential Care Facilities (6 or fewer residents)	Z	Z	Z	Z	Z	Z					
2.45 Residential Care Facilities (7 or more residents)	C	C	S	C	C	C					

Table 96.01 – Land Use Matrix

Uses Descriptions	R1	R2	R3	CR	C1	C2	DT	C3	M1	M2
Emergency Shelters					Z	Z			Z	Z
Transitional Housing	Z	**Z**	**Z**	**Z**	**Z**	**Z**			Z	Z
Supportive Housing		**Z**	**Z**	**Z**	**Z**	**Z**			Z	Z
Low-Barrier Navigation Centers		**Z**	**Z**	**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	Z	C				
Adult / Child Care Facilities	C	S	S	S	S	S				

Notes:

1. *Bold indicates a State requirement.*

Horse keeping to be a permitted use in the R-1 and R-2 zones.

Agricultural Uses allowed in the R-1 and CRR zones.

Section 99.02 / 99.06.05 – Metal Buildings

- Revised language on metal building materials to include shipping containers modified for habitation.
- Included provisions for shipping containers (must be modified per California Building Code standards to be used as habitable space).

Implementing Housing Element Program: E-2


BEFORE
livinginacontainer.com


AFTER
2531

Section 99.07.03 – Swimming Pools

- Added definitions regarding swimming pools.
- Added language regarding drowning safety measures
- A 5 foot setback from all property lines, structures, fencing, and walls is required for a pool.

Section 99.09.04 – Wireless Towers

- Add design standards for ground mounted and roof-top mounted facilities and equipment and screen from pedestrian view through building architectural structures such as parapets.
- All facilities shall be subject to the conditions of approval.
- No discretionary permit shall be granted for a wireless telecommunications facility unless the approving new findings are met.

Section 111 - Parking

- Remove parking requirements for residential developments within one-half mile of public transit.
- Remove parking requirements for residential and commercial developments within the Downtown Core.
- Electric vehicle and accessible parking standards remain in place.
- Residential uses may utilize every 22 feet of useable lot frontage (i.e. curb frontage that is not a driveway) as counting as one (1) stall.
- Provisions for secondary driveways (horseshoe driveways) have been added.
- The City shall not require additional parking stalls for residential uses proposed on nonconforming lots.

Section 112.01 - Home Occupancy Requirements

- No on-site sales of products or merchandise from the home, except for produce (fruit or vegetables) grown on the property, or cottage food operations.
- Limited to one room/no more than 25% of the total square footage of the dwelling; whichever is less.
- No signs, such as public advertising of the business address.
- No more than one employee per 150 square feet of business space utilized by the home occupation.
- Commercial vehicle are prohibited for home occupation uses, except for those commercial vehicles intended for residential use.
- If the above conditions are maintained, home occupations are permitted in any dwelling through a business license.

Thank You

Exhibit A - City of Needles Amendment Tracker

666	Proposed Text

Table 96.01 Land Use Matrix

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	

PROPOSED TABLE

		R1	R2	R3	CR	C1	C2	DT	C3	M1	M2	P
1.00 RESIDENTIAL												
1.10	Single-Family (Up to 2 du / lot)	Z	Z	Z	Z							
1.15	Single-Family Small Lot / Tiny Homes		Z	Z	Z							
1.20	Accessory and Junior Accessory Dwelling Units	Z	Z	Z	Z		Z					
1.30	Duplex, Triplex, Quadplex		Z	Z	Z		Z	Z				
1.40	Multifamily Townhomes/Condos			Z	Z		Z	S				
1.45	Multifamily Apartments			Z	Z		Z	S				
1.50	Mobile Home Parks		S	S	S							
1.60	Planned ~~Residential~~ Unit Development		C	C	C			C				
1.70	Mixed Use				Z		Z	S				
1.80	Manufactured /3D Printed / Prefab Homes	Z	Z	Z	Z							
1.90	Single-Room Occupancy Units	Z	Z	Z	Z		Z					
2.00 RESIDENTIAL/COMMERCIAL												
2.10	Emergency Shelters					Z	Z			Z	Z	
2.20	Transitional Housing	Z	Z	Z	Z	Z	Z			Z	Z	
2.25	Supportive Housing	~~Z~~	Z	Z	Z	Z	Z			Z	Z	
2.30	Low Barrier Navigation Centers		Z	Z	Z	Z	Z			Z	Z	
2.40	Residential Care Facilities (6 or fewer residents)	Z	Z	Z	Z	Z	Z					
2.45	Residential Care Facilities (7 or more residents)	C	C	S	C	C	C					
~~2.50~~	~~Homes for Handicapped~~	~~C~~	~~C~~	~~S~~	~~C~~	~~C~~	~~C~~	-	-	-	-	-
2.60	Adult/Child Care	C	S	S	S	S	S					
~~2.70~~	~~Boarding Houses~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~S~~	-	-	-	-	-
2.80	Bed and breakfast	C	S	S	Z	S	S	S	S			
2.85	Hotels, motels				C	S	Z	Z	Z	C		
2.100	Live/Work Units						Z	S	Z			
2.110	R.V. Parks		C	C	S				C			
2.120	Employee Housing	Z			Z					Z	Z	

MISCELLANEOUS CHANGES

	R1	R2	R3	CR	C1	C2	DT	C3	M1	M2	P
9.60 EV Charging				Z	Z	Z	Z	Z	Z	Z	Z
12.30 Private homeowners keeping horses; one-half- acre minimum lot size	Z	Z		S							S

Sec. 94.00. Permits required

(1) Permit Definitions

(a) The use made of property may not be substantially changed, substantial clearing, grading, or excavation may not be commenced, and buildings or other substantial structures may not be constructed, erected, moved, or substantially altered except in accordance with and pursuant to one of the following permits:

(1) A zoning permit issued by the city planner;

(2) A special use permit issued by the planning commission;

(3) A conditional use permit issued by the city council;

(4) Sign permits issued by the city planner.

(b) Zoning permits, special use permits, conditional use permits and sign permits are issued under this part only when a review of the application submitted, including the plans contained therein, indicates that the development will comply with the

provisions of this part if completed as proposed. Such plans and applications as are finally approved are incorporated into any permit issued, and except as otherwise provided in section 94.14, all development shall occur strictly in accordance with such approved plans and applications.

(c) Physical improvements to land to be subdivided may not be commenced except in accordance with a conditional use permit.

(d) A zoning permit, conditional use permit, special use permit, or sign permit shall be issued in the name of the applicant (except that application submitted by an agent shall be issued in the name of the principal), shall identify the property involved and the proposed use, shall incorporate by reference the plans submitted, and shall contain any special conditions or requirements lawfully imposed by the permit-issuing authority. All such permits issued with respect to tracts of land in excess of one (1) acre (except sign permits and zoning permits for single- family and two-family residential uses) shall be recorded in the San Bernardino County registry after execution by the record owner. (Ord. 427-AC)

(2) Site Plan Permit Requirements: A site plan shall be drawn to scale of an adequate size and shall indicate clearly and with full dimensions the following data where applicable:

(a) Exterior boundary lines of the property indicating easements, dimensions and lot size.
(b) All adjacent streets or rights-of-way, including 1 bicycle and/or hiking trails .
(c) Location, elevations, size, height, dimensions, mate rials, colors, and proposed use of all buildings and structures (including walls, fences, signs, lighting and hooding devices) existing and intended to remain on the site.
(d) Setback information for all buildings existing and proposed at the site.
Distances between all structures and between all property lines or easements and structures.
(e) Any nearby buildings which are relevant to this application.
(f) Any existing significant natural features such as rock outcroppings, highly protected trees, creeks, knolls and ridgelines.
(g) Location, number of spaces, and dimensions of off-street parking spaces, loading docks, and maneuvering areas; indicate internal circulation.
(h) Pedestrian, vehicular and service points of ingress and egress; driveway widths, and distances between driveways.
(i) Proposed landscaping; include quantity, location, varieties and container size.
(j) Proposed grading plan (for sites having over five (5) foot grade differential), showing existing and proposed contours, and the direction and path of drainage on, through and off the site; indicate any proposed drainage channels or facilities .
(k) Required and existing street dedications and improvements such as sidewalks, curbing and pavement. Indicate widths, radii of curves, street grades and whether streets are public or private.
(l) Other such data as may be required to by the Planning Commission and City Council or the City Planner to make the required findings for approval of the specific type of application.
(m) Scale shown as "Scale: 1 inch =feet" and North arrow.
(n) Vicinity map indicating nearby cross streets in relation to site (need not be to scale).
(o) Whether the proposed site is in a FEMA flood plain

Sec. 94.01. Eligible Applicants

(a) Applications for zoning, special use, conditional use, or sign permits will be accepted only from persons having the legal authority to take action in accordance with the permit approval. By way of illustration, in general this means that applications should be made by the owners or lessees of property, or their agents, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this part, or the agents of such persons (who may make application in the name of such owners, lessees, or contract vendees).

(b) The city planner may require an applicant to submit evidence of his/her authority to submit the application in accordance with subsection (a) of this section whenever there appears to be a reasonable basis for questioning this authority. (Ord. 427-AC)

Sec. 94.02. Complete Applications

(a) All applications for zoning, special use, conditional use, or sign permits must be complete before the permit issuing authority is required to consider the application.
(b) Subject to subsection (c) of this section, an application is complete when it contains all of the information that is necessary for the permit issuing authority to decide whether or not the development, if completed as proposed, will comply with all of the requirements of this part.
(c) In this part, detailed or technical design requirements and construction specifications relating to various types of improvements (streets, sidewalks, etc.) are set forth in one (1) or more of the appendices to this part. It is not necessary that the application contain the type of detailed construction drawings that would be necessary to determine compliance with these appendices, so long as the plans provide sufficient information in the light of the substantive requirements set forth in this text of this part.
(d) The city planner shall make every effort to develop application forms, instructional sheets, checklists, or other techniques or devices to assist applicants in understanding the application requirements and the form and type of information that must be submitted. In classes of cases where a minimal amount of information is necessary to enable the City Planner to determine compliance with this part, such as applications for zoning permits to construct single-family or two-family houses, or applications for sign permits, the city planner shall develop standard forms that will expedite the submission of the necessary plans and other required information. (Ord. 427-AC)

Sec. 94.04. Staff consultation before formal application

(a) To minimize development planning costs, avoid misunderstanding or misinterpretation, and ensure compliance with the requirements of this part, preapplication consultation between the developer and the planning staff is encouraged or required as provided in this section.

(b) Before submitting an application for a conditional use permit authorizing a development that consists of or contains a major subdivision, the developer shall submit to the City Planner a preliminary site-plan for such subdivision, drawn approximately to scale (one (1) inch equals one hundred (100) feet). The preliminary site plan shall contain:

(1) The name and address of the developer;
(2) The proposed name and location of the subdivision;

(3) The approximate total acreage of the proposed subdivision;
(4) The tentative street and lot arrangement;
(5) Topographic lines; and
(6) Any other information the developer believes necessary to obtain the informal opinion of the planning staff as to the proposed subdivision's compliance with the requirements of this part.

The city planner shall meet with the developer as soon as conveniently possible to review the preliminary site-plan.

(c) Before submitting an application for any other permit, developers are strongly encouraged to consult with the planning staff concerning the application of this part to the proposed development. (Ord. 427-AC)

Sec. 94.05. Staff consultation after application submitted

(a) Upon receipt of a formal application for a zoning, special use, or conditional use permit, the city planner shall review the application and confer with the applicant to ensure that he understands the planning staff's interpretation of the applicable requirements of this part, that they have submitted all of the information that they intend to submit, and that the application represents precisely and completely what the applicant has proposed to do.
(b) If the application is for a special use or conditional use permit, the city planner shall place the application on the agenda of the appropriate body when the application is deemed complete. (Ord. 427-AC

Sec. 94.06. Zoning permits

(a) A completed application form for a zoning permit shall be submitted to the City Planner by filing a copy of the application with the planning department.
(b) The City Planner shall issue the zoning permit unless they finds, after reviewing the application and consulting with the applicant that:
(1) The requested permit is not within his jurisdiction according to the table of permissible uses; or
(2) The application is incomplete; or
(3) If completed as proposed in the application, the development will not comply with one (1) or more requirements of this part. (Ord. 427-AC)

Sec. 94.07. Special Use Permits and Conditional Use Permits

(a) An application for a Special Use Permit shall be submitted to the Planning Department to be placed on a Planning Commission meeting agenda.
(b) An application for a Conditional Use Permit shall be submitted to the Planning Department to be placed on a City Council meeting agenda for final approval.
(c) Subject to subsection (d) of this section, the planning commission or the council, respectively, shall issue the requested permit unless it concludes, based upon the information submitted at the hearing, that:
(1) The requested permit is not within its jurisdiction according to the table of permissible uses; or
(2) The application is incomplete; or
(3) If completed as proposed in the application, the development will not comply with one (1) or more requirements of this part.
(d) Even if the permit-issuing body finds that the application complies with all other provisions of this part, it may still deny the permit if it concludes based upon the information submitted at the hearing, that if completed as proposed, the development, more probably than not:
(1) Will materially endanger the public health or safety; or
(2) Will not be in general conformity with the general plan. (Ord. 427-AC)

Sec. 94.08. Recommendations on conditional use permit applications

(a) Before being presented to the council, an application for a conditional use permit shall be submitted to the planning commission for a public hearing and action.
(b) When presented to the planning commission, the application shall be accompanied by a staff report setting forth the planning department's proposed findings concerning the application's compliance with other requirements of this part, as well as any staff recommendations for additional requirements to be imposed by the council. If the planning department's report proposes a finding or conclusion that the application fails to comply with any other requirement of this part, it shall identify the requirement in question and specifically state supporting reasons for the proposed findings or conclusions.
(c) The planning commission shall consider the application and the attached staff report in a timely fashion.
(d) After planning commission action, the planning staff shall report to the council the planning commission recommendation and the reasons thereof.
(e) In response to the planning commission recommendations, the applicant may modify his application prior to submission to the council, and the planning staff may likewise revise its recommendations. (Ord. 427-AC)

Sec. 94.09. Council action on conditional use permits

In considering whether to approve an application for a conditional use permit, the council shall proceed according to the following format:

(1) The council shall consider whether the application is complete. If no member moves that the application be found incomplete (specifying either the particular type of information lacking or the particular requirement with respect to which the application is incomplete) then this shall be taken as an affirmative finding by the council that the application is complete.
(2) The council shall consider whether the application complies with all of the applicable requirements of this part. If a motion to this effect passes, the council need not make timer findings concerning such requirements.

If such a motion fails or is not made then a motion shall be made that the application be found not in compliance with one or more of the requirements of this part. Such a motion shall specify the particular requirements the application fails to meet. Separate votes may be taken with respect to each requirement not met by the application.

(3) If the council concludes that the application fails to comply with one (1) or more requirements of this part, the application shall be denied.

If the council concludes that all such requirements are met, it shall issue the permit unless it adopts a motion to deny the application for one (1) or more of the reasons set forth in section 94.07(d). Such a motion shall propose specific findings, based upon the evidence submitted, justifying such a conclusion. (Ord. 427-AC)

Sec. 94.10. Planning commission action on special use permits

In considering whether to approve an application for a special use permit, the planning commission shall proceed in the same manner as the council when considering conditional use permit applications.

(1) The planning commission shall consider whether the application is complete. If the planning commission concludes that the application is incomplete and the applicant refuses to provide the necessary information, the application shall be denied. A motion to this effect shall specify either the particular type of information lacking or the particular requirement with respect to which the application is incomplete. A motion to this effect, concurred in by two (2) members of the planning commission, shall constitute the planning commission's finding on this issue. If a motion to this effect is not made and concurred in by at least two (2) members, this shall be taken as an affirmative finding by the commission that the application is complete.

(2) The planning commission shall consider whether the application complies with all of the applicable requirements of this part. If a motion to this effect passes by the necessary majority vote, the planning commission need not make further findings concerning such requirements. If such a motion fails to receive the necessary majority vote or is not made, then a motion shall be made that the application be found not in compliance with one (1) or more requirements of this part. Such a motion shall specify the particular requirements the application fails to meet. A separate vote may be taken with respect to each requirement not met by the application, and a majority vote of the commission (excluding vacant seats) in favor of such a motion shall be sufficient to constitute such motion a finding of the commission.

If the planning commission concludes that the application fails to meet one (1) or more of the requirements of this part, the application shall be denied.

If the planning commission concludes that all such requirements are met, it shall issue the permit unless it adopts a motion to deny the application for one (1) or more of the reasons set forth in section 94.07(d). Such a motion shall propose specific findings, based upon the evidence submitted, justifying such a conclusion. Since such a motion is not in favor of the applicant, it is carried by a simple majority vote. (Ord. 427-AC)

Sec. 94.11. Additional requirements on special use and conditional use permits

(a) Subject to subsection (b) of this section, in granting a special or conditional use permit, the planning commissioner or city council, respectively, may attach to the permit such reasonable requirements in addition to those specified in this part as will ensure that the development in its proposed location:
  (1) Will not endanger the public health or safety;
  (2) Will be in conformity with the general plan.

(b) The permit-issuing body may not attach additional conditions that modify or alter the specific requirements set forth in the ordinance codified in this part unless the development in question presents extraordinary circumstances that justify the variation from the specified requirements.

(c) Without limiting the foregoing, the planning commission may attach to a permit a condition limiting the permit to a specified duration.

(d) All additional conditions or requirements shall be entered on the permit. (Ord.427- AC)

Sec. 94.12. No occupancy, use, or sale of subdivision lots until requirements fulfilled

Issuance of a conditional use, special use, zoning permit, or sign permit authorizes the recipient to commence the activity resulting in a change in use of the land or (subject to obtaining a building permit) to commence work designed to construct, erect, move, or substantially alter buildings or other substantial structures or to make necessary improvements to a subdivision. However, except as provided in section 94.13, the intended use may not be commenced, no building may be occupied, and in the case of subdivisions, no lots may be sold until all of the requirements of this part and all additional requirements imposed pursuant to the issuance of a conditional use or special use permit have been complied with, as required. (Ord. 427-AC)

Sec. 94.13. Completing developments in phases

(a) If a development is constructed in phases or stages in accordance with this section, then, subject to subsection (c) of this section, the provisions of Section 94.12 (No occupancy, use, or sale of lots until requirements fulfilled) shall apply to each phase as if it were the entire development.

(b) As a prerequisite to taking advantage of the provisions of subsection (a) of this section, the developer shall submit plans that clearly show the various phases or stages of the proposed development and the requirements of this part that will be satisfied with respect to each phase or stage.

(c) If a development that is to be built in phases or stages includes improvements that are designed to relate to, benefit, or be used by the entire development (such as a swimming pool or tennis courts in a residential development) then, as part of his application for development approval, the developer shall submit a proposed schedule for completion of such improvements. The schedule shall relate completion of such improvements to completion of one (1) or more phases or stages of the entire development. Once a schedule has been approved and made part of the permit by the permit-issuing authority, no land may be used, no buildings may be occupied, and no subdivision lots may be sold except in accordance with the approved schedule. (Ord. 427-AC)

Sec. 94.14. Expiration of permits

Zoning, special use, conditional use, and sign permits shall expire automatically. if, within twelve (12) months after issuance of such permits:

(1) The use authorized by such permits has not commenced, in circumstances where no substantial construction, erection, alteration, excavation, demolition, or similar work is necessary before commencement of such use, or

(2) Less than ten (10) percent of the total cost of all construction, erection, alteration, excavation, demolition, or similar work on any development authorized by such permits has been completed on the site. With respect to phased development this requirement shall apply only to the first phase.

(b) If after some physical alteration to land or structures begins to take place, such work is discontinued for a period of twelve (12) months, then the permit authorizing such work shall immediately expire. However, expiration of the permit shall not affect the provisions of section 94.15.

(c) The permit-issuing authority may extend for a period up to twelve (12) months the date when a permit would otherwise expire pursuant to subsections (a) or (b) of this section if it concludes that: (1) the permit has not yet expired; (2) the permit recipient has proceeded with due diligence and in good faith; and (3) conditions have not changed so substantially as to warrant a new application. Successive extensions may be granted for periods up to twelve (12) months upon the same findings. All such extensions may be granted without resort to the formal processes and fees required for a new permit.

(d) For purposes of this section, the permit within the jurisdiction of the council or the planning commission is issued when such commission votes to approve the applications and issue the permit. A permit within the jurisdiction of the city planner is issued when the earlier of the following takes place:

(1) A copy of the fully executed permit is delivered to the permit recipient, and delivery is accomplished when the permit is mailed to the permit applicant or sent through electronic delivery; or

(2) The city planner notifies the permit applicant that the application has been approved and that all that remains before a fully executed permit can be delivered is for the applicant to take certain specified actions, such as having the permit executed by the property owner so it can be recorded if required. (Ord. 427-AC)

Sec. 94.15. Effect of permit on successors and assigns

(a) Zoning, special use, conditional use, and sign permits authorize the permittee to make use of land and structures in a particular way. Such permits are transferable. However, so long as the land or structures or any portion thereof covered under a permit continues to be used for the proposes for which the permit was granted, then:

(1) No person (including successors or assigns of the person who obtained the permit) may make use of the land or structures covered under such permit for the purposes authorized in the permit except in accordance with all the terms and requirements of that permit; and

(2) The terms and requirements of the permit apply to and restrict the use of land or structures covered under the permit, not only with respect to all persons having any interest in the property at the time the permit was obtained, but also with respect to persons who subsequently obtain, any interest in all or part of the covered property and wish to use it for or in connection with purposes other than those for which the permit was originally issued, so long as the persons who subsequently obtain an interest in the property had actual or record notice (as provided in subsection (b) of this section) of the existence of the permit at the time they acquired their interest.

(b) Whenever a special use, or conditional use permit is issued to authorize development (other than single-family or two-family residences) on a tract of land, nothing authorized by the permit may be done until the record owner of the property signs a written acknowledgment that the permit has been issued so that the permit. (Ord. 427-AC)

Sec. 94.15. Amendments to and modifications of permit

(a) Insignificant deviations from the permit (including approved plans) issued by the city council, the planning commission or the city planner are permissible and the city planner may authorize such insignificant deviations. A deviation is insignificant if it has no discernible impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.

(b) Minor design modifications or changes in permits (including approved plans) are permissible with the approval of the permit-issuing authority. For purposes of this section, minor design modifications or changes are those that have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.

(c) All other requests for changes in approved plans will be processed as new applications. If such requests are required to be acted upon by the council or planning commission, new conditions may be imposed, but the applicant retains the right to reject such additional conditions by withdrawing his request for an amendment and may then proceed in accordance with the previously issued permit.

(d) The city planner shall determine whether amendments to and modifications of permits fall within the categories set forth above in subsections (a), (b), and (c) of this section.

(e) A developer requesting approval of changes shall submit a written request for such approval to the city planner and that request shall identify the changes. Approval of all changes must be given in writing. (Ord. 427-AC)

Sec. 94.16. Reconsideration of planning commission actions

(a) Whenever: (1) the city council disapproves a conditional use permit application; or

(2) the planning commission disapproves an application for a special use permit or a variance, on any basis other than the failure of the applicant to submit a complete application, such action may not be reconsidered by the respective body at a later time unless the applicant clearly demonstrates that:

(A) Circumstances affecting the property that is the subject of the application have substantially changed, or

(B) New information is available that could not with reasonable diligence have (C) The Applicant has substantially changed the design of the project.

(C) The Applicant has substantially changed the design of the project.

A request to be heard on this basis must be filed with the city planner within the time period for an appeal. However, such a request does not extend the period within which an appeal must be taken. (Ord. 427-AC)

Sec. 94.17. Applications to be processed expeditiously.

Recognizing that inordinate delays in acting upon appeals or applications may impose unnecessary costs on the appellant or applicant, the city shall make every reasonable effort to process appeals and permit applications as expeditiously as possible, consistent with the need to ensure that all development conforms to the requirements of this part. (Ord. 427-AC)

Sec. 94.18. Maintenance of common areas, improvements and facilities

The recipient of any zoning, special use, conditional use, or sign permit, or his successor, shall be responsible for maintaining all common areas, improvements, or facilities required by this part or any permit issued in accordance with its provisions, except those areas, improvements, or facilities with respect to which an offer of dedication to the public has been accepted by the appropriate public authority. As illustrations, and without limiting the generality of the foregoing, this means that private roads and parking areas, water and sewer lines, and recreational facilities must be properly maintained so that they can be used in the manner intended, and required vegetation and trees used for screening, landscaping, or shading must be replaced if they die or are destroyed. (Ord. 427-AC)

Sect. 94.19. Reasonable Accommodation applications.

Reasonable Accommodation: A modification in the application of land use or zoning regulations or in the application of land use, zoning, or building policies, procedures, or practices when necessary to eliminate barriers to housing opportunities, which does not impose undue financial or administrative burdens on the City or require a fundamental or substantial alteration of the City's regulations, policies, procedures or practices.

Reasonable Accommodation for Residential Uses. A request for reasonable accommodation can be made by any individual with a disability, his or her representative, or a developer or provider of housing for an individual with a disability, when the application of a land use or zoning regulation, or land use, zoning, or building policy, practice or procedure acts as a barrier to fair housing.

The purpose of granting an application for Reasonable Accommodation is to provide an individual with health conditions and impairments, the representative, or a developer or provider of housing for an individual with a disability, a modification with respect to the application of land use, or zoning regulations, and in the application of land use, zoning, or building policies, practices or procedures when those regulations, policies and procedures act as a barrier to fair housing. An application for Reasonable Accommodation may be filed with the Planning Department as provided in Article IV Section

(1) Definitions. Article II Section 92 is hereby amended to add the following definitions:

(a) *Fair Housing* Laws: The Federal Fair Housing Act (42 U.S.C. § 3601 et. Seq.), the California Fair Employment and Housing Act (Government Code §12900 et seq.), and the California Disabled Persons Act (Civil Code § 54 et.Seq.). *Individual with a Disability:* A person who has a medical, physical, or mental conditions that limits a major life activity, as those terms are defined in California Government Code section 12926

(2) Submittal requirements for reasonable accommodations. Each application for a Reasonable Accommodation shall be accompanied by the site plan information required by Article IV Section 94 (2) (a) through {o).The application shall be accompanied by the following information:

(a) The name, address, and phone number for the applicant and owner of the property for which the reasonable accommodation request is being made;
(b) The current and proposed use of the property for which the reasonable accommodation request is being made;
(c) If the applicant is someone other than the property owner, a letter of agency or authorization signed by the property owner consenting to the application being made;
(d) The basis for the claim that the individual to be reasonably accommodated is an Individual with a Disability under the Fair Housing Laws;
(e) The land use or zoning regulation, or land use, zoning, or building policy, practice or procedure for which reasonable accommodation is being requested;
(f) The type of accommodation sought;
(g) The reason(s) why the accommodation is necessary for the needs of the people with health conditions or impairment person. Where appropriate, include a summary of any potential means and alternatives considered in evaluating the need for the accommodation;
(h) Copies of memoranda, correspondence, pictures, plans or background information reasonably necessary to reach a decision regarding the need for the accommodation;
(i) Other supportive information deemed necessary by the department to facilitate proper consideration of the request, consistent with fair housing laws.
(j) Completion of a CEQA Checklist if proposed site is on vacant land.

(3) *Findings.* The reviewing authority shall approve the application, with or without conditions, unless it determines on the basis of substantial evidence that one or more of the following findings cannot be made:

a. The accommodation is requested by or on behalf of an individual with a disability protected under the fair housing laws.
b. The housing, which is subject to the requested accommodation, will be used by an individual with a disability protected under fair housing laws.
c. The requested accommodation is necessary to provide an individual with a disability an equal opportunity to use and enjoy a dwelling.
d. The requested accommodation will not impose an undue financial or administrative burden on the City.
e. The requested accommodation would not require a fundamental alteration in the nature of a City program or law, including land use and zoning.

(4) Other Discretionary approvals. If the project requires other discretionary approval (such as a Conditional Use Permit or Variance) independent of the reasonable accommodation request, then the reasonable accommodation application will be decided prior to the other applications. Such decisions shall not to be reconsidered as part of the subsequent approvals but shall be regarded as independent entitlements.

(5) Decisions. The City Planner shall, within 30 days of determining the application complete, approve, approve with conditions, or deny the application based on the findings set forth in Article IV Section 94.19 (2), and may impose such conditions as it deems necessary to ensure the accommodation will comply with the findings required in Article IV Section 94.19 (2) and fair housing laws. As part of consideration of a request for a reasonable accommodation related to construction of new dwelling or dwellings, the City Planner may consult with the Design Review Committee regarding the requested accommodation and any options that may result in a reasonable accommodation. While any request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect

	(6) Appeals. The decision of the City Planner may be appealed in accordance with Article XVIII "Enforcement and Review" Appeals are subject to payment of the fee imposed on appeals in the City's Master Fee Schedule. (7) Nonconforming Status. All improvements constructed under the auspices of this chapter shall be removed upon the vacation of the unit by the person to whom the reasonable accommodation was granted unless the Development Department City Planner, City Planner, Building Official, or other discretionary reviewing authority, as applicable, makes a determination as follows: a. The unit has been preoccupied by a qualified person or such improvements provide benefit for future occupancy by a qualified person; or b. The removal of the improvement is not readily achievable without making significant structural changes that would impact the safety and soundness of the structure, as determined solely by the Building Official, or such costs of removal equal or exceed 25 percent of the market value of the structure. (8) Confidentiality. Medical information provided to the City related to the person for whom a reasonable accommodation is being requested shall be retained in a manner so as to respect to the privacy rights of the applicant to the extent feasible, shall be kept confidential and shall not be made available to the public, pursuant to state and federal law. (9) Urgent, Temporary and Unforeseen Need. Upon receipt of the application required by Article IV Section 94.19 (2), and without the right of appeal provided by Article IV Section 94.19 (6), upon a showing of an urgent, temporary and unforeseen need made by or on behalf of an Individual with a Disability, the Zoning Administrator shall approve as a Temporary Reasonable Accommodation temporary ramps and temporary and easily remediated alterations to a building that are not designed or intended nor allowed to remain for more than 90 days following such approval during a period of temporary disability (90 days maximum) or during a period during which an application for Reasonable Accommodation has been made and has not been acted upon with finality. Any approved Temporary Reasonable Accommodation shall be removed within the period of time established for such removal by the City Planner at the time of approval. (Ord 621-AC)
Sec. 96.03.	Sec. 96.03. Permissible uses and specific exclusions. (a) The presumption established by this part is that all legitimate uses of land are permissible within at least one (1) zoning district in the city's planning jurisdiction. Therefore, because the list of permissible uses set forth in section 96.01 (Table of Permissible Uses) cannot be all inclusive, those uses that are listed shall be interpreted liberally to include other uses that have similar impacts to the listed uses. (b) Notwithstanding subsection (a) of this section, all uses that are not listed in section 96.01 (Table of Permissible Uses), even given the liberal interpretation mandated by subsection (a) of this section, are prohibited. Nor shall section 96.01 (Table of Permissible Uses) be interpreted to allow a use in one (1) zoning district when the use in question is more closely related to another specified use that is permissible in other zoning districts. (c) Without limiting the generality of the foregoing provisions, the following uses are specifically prohibited in all districts: (1) Any use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible or explosive materials in violation of the adopted City ~~Uniform~~ Fire Code; (2) Stockyards, slaughterhouses, rendering plants; (3) Use of a travel trailer as a temporary or permanent residence; ~~(Situations that do not comply with this subsection on the effective date of this part are required to conform within one (1) year.);~~ (4) Use of a motor vehicle parked on a lot as a structure in which, out of which, or from which any goods are sold or stored, any services are performed, or other business is conducted. ~~(Situations that do not comply with this subsection on the effective date of this part are required to conform within one (1) year.);~~
Sec. 96.08.01	**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. Note: the adopted Fire Code setback standards must be met. 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 (4) 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) 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. Note: the adopted Fire Code setback standards must be met.
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.
- 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.

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 City Planner, or his/her designee, of Development Services prior to approval of an Accessory Dwelling Unit permit.
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.
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.
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

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

1. The unit shall be located in one of the following residential zones: R-1, R-2, R-3, CRR, and C-2.
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.
3. The unit shall provide independent exterior access from the Primary Unit.
4. The unit has sufficient setbacks to meet fire safety requirements.
5. There shall be no more than one Accessory Dwelling Unit per primary dwelling on a single family lot. On a multifamily lot, non-livable space may be converted into at least one ADU, and up to 25 percent of the number of existing multifamily dwelling units, if each converted unit complies with the state building standards for dwellings.
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.
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 City Planner, or his/her designee, of Community Development, prior to approval of a permit.

	g. Standard for Junior Accessory Dwelling Units 1. The proposed junior accessory dwelling unit would be located in a residential zone, including the R-1, R2, R-3 ~~and~~ CRR, and C-2 zones.
Sec. 97.00. Residential zone densities with no bonuses.	Before any density bonuses are applied, the number of dwelling units permitted in a residential development shall not exceed or be developed at less than the following amounts: ZONE DENSITY RANGE R-1 1.0 - 7.0 R-2 8.0 - 17.0 R-3 18.0 - 30.0 CRR 1.0 - 30.0 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 City Planner that physical or environmental constraints on the property make development to the minimum density infeasible.
Sec. 97.01. Density Bonus and Related Incentives and Concessions Program.	Sec. 97.01(a). Purpose. The purpose of this Section 97.01 is to satisfy the requirements set forth in the Government Code Section 65915, et seq. (known as the State Density Bonus Law). If any provision of this Division conflicts with state law, or provides more rights than are legally required by state law, the minimum requirements of State law shall control. (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. (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). (3) In order to provide for the expeditious processing of a density bonus application, the City shall do all of the following: (A) Adopt procedures and timelines for processing a density bonus application. (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. (C) Notify the applicant for a density bonus whether the application is complete in a manner consistent with the timelines specified in Section 65943. (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: (I) The amount of density bonus, calculated pursuant to subdivision (f), for which the applicant is eligible. (II) If the applicant requests a parking ratio pursuant to subdivision (p), the parking ratio for which the applicant is eligible. (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. (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. (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: (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.

(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.

(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.

(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.

(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.

(F) (i) Twenty percent of the total units for lower income students in a student housing development that meets the following requirements:

(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.

(II) The applicable 20-percent units will be used for lower income students.

(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.

(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.

(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.

(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.

(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).

(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.

(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.

(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:

(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.

(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.

(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:

(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.

(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:

(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.

(II) An equity sharing agreement.

(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.

(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.

	(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: (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. (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. (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. (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. (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. (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: (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). (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. (B) For the purposes of this paragraph, "replace" shall mean either of the following: (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). (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). (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: (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). (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. (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. (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. (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: (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).

(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.

(C) The concession or incentive would be contrary to state or federal law.

(2) The applicant shall receive the following number of incentives or concessions:

(A) One incentive or concession for 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.

(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.

(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.

(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.

(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.

(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.

(4) The City shall bear the burden of proof for the denial of a requested concession or incentive.

(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.

(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).

(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.

(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).

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

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).

(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).

(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.

(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.

(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.

(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.

(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.

(k) For the purposes of this chapter, concession or incentive means any of the following:

(1) A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable and actual cost reductions, to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

(2) Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.

(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).

(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.

(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.

(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.

(o) For purposes of this section, the following definitions shall apply:

(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.

(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.

(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.

(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.

(5) “Major transit stop” has the same meaning as defined in subdivision (b) of Section 21155 of the Public Resources Code.

(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:

(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, 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.

(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.

(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.

(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.

(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.

(8) (A) “Total units” or “total dwelling units” means a calculation of the number of units that:

(i) Excludes a unit added by a density bonus awarded pursuant to this section or any local law granting a greater density bonus.

(ii) Includes a unit designated to satisfy an inclusionary zoning requirement of The City.

(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.

(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) (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:

(A) Zero to one bedroom: one onsite parking space.

(B) Two to three bedrooms: one and one-half onsite parking spaces.

(C) Four and more bedrooms: two and one-half parking spaces.

(2) (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.

(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.

(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:

(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.

(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.

(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.

(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.

(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).

(6) This subdivision does not preclude The City from reducing or eliminating a parking requirement for development projects of any type in any location.

(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 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.

(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).

(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.

(r) This chapter shall be interpreted liberally in favor of producing the maximum number of total housing units.

(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).

(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).

Sec. 99.01. Building Type.

Sec. 99.00. Buildings. Every building shall be designed or remodeled to accommodate its use in accordance with applicable building codes and other laws. (Ord. 427)

Sec. 99.01. Downtown Core ~~Building Type.~~

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.

Development Standards (to be inserted as a table):

Downtown Core Development Standards		
Floor Area Ratio		2.0
Density Range		18 – 30 units/acre
Setbacks		
Primary Street Setback		Ground floor: 0 feet minimum / 5 feet maximum
Side Street Setback		Ground floor: 0 feet minimum / 5 feet maximum
Rear Setback		With Alley: 5 ft. minimum
		Without Alley: 15 ft. minimum
Height		
1. Top of plate height above adjacent sidewalk (max.) 45 ft.		45 ft.
2. Top of parapet height above top of plate (max.) 4 ft.		4 ft.
3. Pitched roof height above top of plate (max.) allowed		Allowed
4. Ground story floor to floor height (min.) 15 ft. min.		15 ft. min.
Parking		
Residential	Studio/Efficiency Units:	0.5 space/unit
	Units up to s999 sf	1.0 space/unit
	Units between 1,000 – 1,499 sf	1.5 spaces/unit

	Units 1,500 sf and greater:	2.0 spaces/unit
	Guest:	0.25/unit
Lodging		0.75 space/room
Live/Work	Units up to 1,499 sf	1.0 space/unit
	Units 1,500 sf and greater	See Commercial
Commercial	Ground floor commercial:	1/300 sf gross ground floor building area
	Upper Floor commercial:	1/350 sf gross upper floor building area
Standalone Restaurant (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)		1/150 sf gross restaurant area
Civic		1/350 sf gross building area

Sec 99.01.01 Vehicular Access.

a. Parking shall be accessed from an alley.

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.

c. Parking/service areas for corner lots shall be accessed from side street.

d. Residential and commercial uses may utilize delineated parking stalls within the right-of-way adjacent to each respective lot as counting toward the required parking.

e. Residential and commercial uses may utilize every 22 feet of useable lot frontage (excluding driveway entrances) along roadways conforming to the City's standards as counting toward one (1) stall of required parking.

Sec 99.01.02 Common On-Site Open Space.

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.

Open Space Type:

- Courtyard, minimum of 10% of total lot area, minimum of 20 ft. x 20 ft.
- Roof Deck, minimum of 10% of total lot area, minimum of 20 ft. x 20 ft.

Sec 99.01.03 Private On-Site Open Space.

Private open space in the form of a yard, balcony, or roof deck shall be provided for each residential unit.

- Min. area: 40 square feet.
- Min. width: 5 feet. Setbacks:
- Front, residential use: 10 feet
- Front, nonresidential use: 0 feet
- Side, residential use: 5 feet
- Side, nonresidential use: 0 feet
- Rear, residential use: 10 feet
- Rear, nonresidential use: 0 feet

Section 99.02

Section 99.06.05

Sec. 99.02. Building Materials. Metal building materials, including shipping containers modified for habitation, are permitted ~~outright~~ via a zoning permit ~~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:~~

~~1) Shipping Containers~~

~~a. Zoning Permit (see also Section 99.06.05(b)).~~

Sec. 99.06.05(b) Shipping Containers used as accessory buildings Ordinance 568-AC.

(1) Permitted in all zones, provided setbacks are met.

(2) Units to be painted in a color that blends with the existing structures and surrounding area.

(3) Containers may not be placed in a required parking area. Stacking of containers is not permitted.

(4) Containers may not be placed between the primary structure and the immediately adjacent road or access easement (front of property).

(5) Under no circumstances shall a shipping container be used for human or animal habitation, unless modified as such according to the California Building Standards Code and approved with the entitlement and when compliant with the architecture requirements.

(6) Units must be located or screened so as not to be in public view, unless modified to be used as habitable space.

Section 99.03

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*~~220*	~~800~~600	950	1,050
R-3 and C-2 zones	~~550*~~220*	~~650~~600	800	950
C-2 ~~zone~~ Downtown Core/ elderly housing in any zone	~~450*~~220*	600*	800	900

* efficiency units. Note: 0-bedroom units/efficiency units may be occupied by a maximum of 2 persons.
Note: Each additional bedroom beyond 3 requires an additional 100 square foot minimum to the gross floor area.
Note 2: All units must meet Building Code requirements.

Section 99.05

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 Use Zones	45 feet

Section 99.06.05

	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	10’	10’	5’	10’	5’

Section 99.06.09.

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)~~ twenty (20) by twenty (20) 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).

Section 99.07.03	**Sec. 99.07.03 Swimming pools, spas and other bodies of water.** 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. **Definitions.** 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. 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. C. "Enclosure" means a fence, wall, or other barrier that isolates a swimming pool from access to the home. *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.* *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.* ***Drowning prevention safety features required.*** *B. 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.* ***Design Standards*** *Pools must be set back a minimum of 5 feet from all property lines, structures, fencing, and walls.* D. *Pools, spas, and other bodies of water are reviewed and approved by the City's Building Department. All pools, spas, and other bodies of water shall be compliant with the California Building Code.*
Section 99.08.02	*Sec. 99.08.02. Fence height. (a) The maximum height of fences between two or more residential uses in residential zones shall be ~~six (6)~~ seven (7) 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. 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.* [1] *Other walls and fence regulations include:* a. *Walls and fences within the front setback shall not exceed 4 feet in height.* b. *Walls and fences height shall be measured from the highest grade.* *Prohibited fence materials in the residential and mixed-use zones include: sharp-edge, barbed wire, razor wire, and electrically charged fences.*

Section. 99.09.04 ©	(25) On terms and in an amount acceptable to the City Planner, 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. Solar Energy Development Standards. (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. (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: (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. 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. (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: (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. *(A)* 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.

Section 99.05 B Section 99.09.04	**Section 99.05 B** (b) Antennae. Notwithstanding the restrictions of subsection (a) of this section, radio, television, cellular, telecommunications tower, and microwave antennae and similar equipment shall be subject to the following regulations: (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. (2) Roof-mounted antenna and telecommunications facilities, which ~~shall~~ may 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. *** **Add as Section 99.05 C** 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. 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. 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. **Add as Section 99.09.05** A. Telecommunications tower on residentially zoned lots. A telecommunication tower is prohibited on a residentially zoned lot unless either of the following applies: 1. The residentially zoned lot is developed and used for nonresidential purposes; or 2. The residentially zoned lot is owned by a governmental entity. B. New telecommunications towers. 1) Level of approval required. a. City Planner-level—A City Planner-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. b. Commission-level. A conditional use permit is required for a new telecommunications tower that is not subject to City Planner-level review. 1. 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. 2. 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:

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.

b. Space. Each facility shall be designed to occupy the least amount of space in the right-of-way that is technically feasible.

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.

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.

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, 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.

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 City Planner. If the City Planner determines sound proofing or other sound attenuation measures are required to bring the project into compliance with the Code, the City Planner may impose conditions on the project to achieve said objective.

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.

3. Standards for all facilities. The following requirements apply to all wireless telecommunications facilities.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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 City Planner 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.

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.

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. Permit expiration. A condition setting forth the permit expiration date in accordance with subsection N shall be included in the conditions of approval.

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.

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.

t. Liability. The permittee shall assume full liability for damage or injury caused to any property or person by the facility.

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.

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.

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.

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.

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.

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.

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 City Planner 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.

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.

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.

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 City Planner: 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.

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:

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.

2 The legal status of the owner of the wireless telecommunications facility.

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 City Planner 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 City Planner shall be a cause for the City to revoke the applicable permits.

c. The wireless telecommunications facility shall be subject to such conditions, changes or limitations as are from time to time deemed necessary by the City Planner 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.

6. Findings. No discretionary permit shall be granted for a wireless telecommunications facility unless the approving party makes all of the following findings:

a. All notices required for the proposed installation have been given.

<table>
<tr><td></td><td>b. The proposed facility would comply with all applicable laws.
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.

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.</td></tr>
<tr><td>Section 111.01 and 111.03</td><td>Add to Section 111.01

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 City Planner may approve substitute parking locations for ministerial projects which meet the following conditions:

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.

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.

Add to Section 111.03

Secondary driveways in residential zones:

a. Driveways shall only be supported if lead to a garage, carport, or side yard area, and setback requirements are being met.</td></tr>
<tr><td>Section 111.04.</td><td>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.

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)
Sec. 111.04.01. Parking spaces required--Residential.
<table>
<tr><td>Type of Residential Use</td><td>Off-Street/On-Street Parking Stalls Required</td></tr>
<tr><td>Single and two-family dwellings</td><td>Parking is not required for residential uses within one-half mile of public transit.

In all other cases: Two (2) stalls per dwelling unit, one (1) of which shall be a covered carport or garage.

Residential uses may utilize every 22 feet of useable lot frontage (excluding driveway entrances) along local roads conforming to the City’s standards as counting toward one (1) stall of required parking.</td></tr>
<tr><td>Accessory dwelling units</td><td>Parking is not required for residential uses within one-half mile of public transit.

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.
Except in the following circumstances:
• 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.
• The accessory dwelling unit is located within an architecturally and historically significant historic district.
• The accessory dwelling unit is located entirely within the proposed or existing primary residence or an accessory structure.</td></tr>
</table></td></tr>
</table>

	• When there is a car share vehicle located within one block of the accessory dwelling unit. Residential uses may utilize every 22 feet of useable lot frontage (excluding driveway entrances) along local roads conforming to the City's standards as counting toward one (1) stall of required parking.
Multiple Family	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. In all other cases: One ~~and one-half~~ (1 ½) stall~~s~~ per efficiency ~~dwelling~~ unit, one and one half (1 ½) stall~~s~~ per dwelling unit, 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. Residential uses may utilize every 22 feet of useable lot frontage (excluding driveway entrances) along local roads conforming to the City's standards as counting toward one (1) stall of required parking.
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.

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
Assembly Uses	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.

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

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)

- <u>The</u> city planner <u>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.</u>

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)

- <u>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.</u>

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.

- <u>Shared easement agreements shall run with the land and shall be reviewed by the City Staff and City Attorney prior to recordation.</u>
- <u>The easement review and recording fees shall be borne by the applicant.</u>

(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)

Section 112.01.	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. (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. (c) Limitations. (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 cottage food operations, or produce (fruit or vegetables) grown on the property.</u> (2) <u>The individual responsible for the home occupation shall live in the dwelling.</u> (3) The space occupied by home occupations shall be limited to one (1) room in a dwelling unit <u>or no more than twenty-five 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. The number of employees permitted by the home occupation shall be no more than one employee per 150 square feet of business space utilized by the home occupation, including the individual living in the dwelling.</u> (4) There shall be no interior or exterior remodeling or change in appearance of a dwelling in order to accommodate a home occupation.

	(5) There shall be no signs, such as public advertising of the business address or other structures except those permitted for a dwelling use in the zone. (6) ~~Materials and equipment used in a home occupation shall be only of a type normally used in connection with household activities or hobbies.~~ (7) Employment in a home occupation shall be limited to members of the resident family. (8) There shall be no transportation by commercial vehicle of materials or other items used in or produced by the home occupation, except for those commercial vehicles intended for residential use. (9) ~~No significant vehicular or pedestrian traffic shall be generated by the home occupation.~~ (10) A home occupation shall not place any added burden or demand on utility services or community facilities. (11) A home occupation shall not present any external evidence of nonresidential activity such as by appearance, noise, traffic, vibrations, odors, or lighting. (12) 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. (13) Written authorization from the legal property owner approving use of the dwelling for the Home Occupation must be submitted with the application. If the above conditions are maintained, home occupations are permitted in any dwelling through a business license.
Section 112.06.	c. (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.
Section 112.06.	**Add text to Section 112:** Sec. 112.06. Emergency Shelters ~~and~~ Supportive and Transitional Housing, Elderly, Disabled, and Adult Care Facilities. (a) Definitions. 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)). 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. 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). 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. Elderly housing: means housing intended for and only occupied by persons 62 years of age or older. Disabled housing: means a range of housing types that address the diverse needs and preferences of persons with disabilities. Adult Care Facilities: means facilities that provide housing and care for adults, who have physical or mental limitations that restrict their ability to live independently. They offer assistance with personal care, social and recreational activities, and training in self-help skills.
Section 112.07	Section 112.07 Employee Housing 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.

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.

Section 98.00

Section 115.01

Zone	Lot Area (SQ Feet)	Street Frontage (feet)	Easement Frontage (feet)	Lot Width (feet)	Lot Depth (feet)
R-1	7,500	40		60	
R-2	3,000	50		~~100~~ 50	
R-3	1,450	50		~~100~~ 50	
CRR	1,000	50	Or 50	100	
C-1	3,000	50		50	60
C-2	5,000	50		50	50
C-3	6,000	50		75	75
M-1	10,000	100		100	100
M-2	25,000	150		150	150
OS	----	----	----	----	----
P	----	----	----	----	----

115.01 Nonconforming lots

(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 City Planner or their designee.

1. Approved Subdivision: The lot was created through a subdivision approved by the City or the County, before incorporation.

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.

3. Variance Or Lot Line Adjustment: The lot was approved through the variance procedure or its current configuration resulted from a lot line adjustment.

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.

(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.

(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:

(1) The property cannot reasonably be developed for the use proposed without such deviations;

(2) These deviations are necessitated by the size or shape of the nonconforming lot; and

(3) The property can be developed as proposed without any significantly adverse impact on surrounding properties or the public health or safety.

(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.

(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.

(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.

(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.~~

(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.

	(i) Parking. The City shall not require additional parking stalls for residential uses proposed on nonconforming lots.
CUP application and future project resolutions.	CUP findings (from application): • *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;* • ~~*The design of the improvements must be in harmony with the neighborhood and community objectives;*~~ • 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. CUP findings (from project resolution): *A. That the requested permit is within its jurisdiction according to the table of permissible uses.* *B. The Application is Complete* *C. The development is in general conformity with the Needles General Plan.* *D.* ~~*The development is in harmony with the area in which it is located*~~*.* *E. The development will not materially endanger the public health or safety.* ~~*The development will not substantially injure the value of adjoining or abutting properties.*~~
Sec 19-4. Sec 19-8	**ADD TO SECTION 19-4: DEPARTMENT REVIEW:** (d) 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 City Planner 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. (e) Prior to the consideration by the planning commission of a tentative map, and within ten days following its filing, the city manager shall make a report, in writing, to the planning commission as to any recommendations in connection with the tentative map and its bearing on particular functions. **ADD TO SECTION 19-8: APPROVAL BY PLANNING COMMSISSION** 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. 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. 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. 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. 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. 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.

	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. 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: 1. That the proposed map is inconsistent with the general plan or any applicable specific plan, or other applicable provisions of this code; 2. That the site is not physically suitable for the type of development; 3. That the site is not physically suitable for the proposed density of development; 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. 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; 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 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.

Exhibit A - City of Needles Amendment Tracker

666	Proposed Text

Table 96.01 Land Use Matrix

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	

PROPOSED TABLE

		R1	R2	R3	CR	C1	C2	DT	C3	M1	M2	P
1.00 RESIDENTIAL												
1.10	Single-Family (Up to 2 du / lot)	Z	Z	Z	Z							
1.15	Single-Family Small Lot / Tiny Homes		Z	Z	Z							
1.20	Accessory and Junior Accessory Dwelling Units	Z	Z	Z	Z		Z					
1.30	Duplex, Triplex, Quadplex		Z	Z	Z		Z	Z				
1.40	Multifamily Townhomes/Condos			Z	Z		Z	S				
1.45	Multifamily Apartments			Z	Z		Z	S				
1.50	Mobile Home Parks		S	S	S							
1.60	Planned ~~Residential~~ Unit Development		C	C	C			C				
1.70	Mixed Use				Z		Z	S				
1.80	Manufactured /3D Printed / Prefab Homes	Z	Z	Z	Z							
1.90	Single-Room Occupancy Units	Z	Z	Z	Z		Z					
2.00 RESIDENTIAL/COMMERCIAL												
2.10	Emergency Shelters					Z	Z			Z	Z	
2.20	Transitional Housing	Z	Z	Z	Z	Z	Z			Z	Z	
2.25	Supportive Housing	~~Z~~	Z	Z	Z	Z	Z			Z	Z	
2.30	Low Barrier Navigation Centers		Z	Z	Z	Z	Z			Z	Z	
2.40	Residential Care Facilities (6 or fewer residents)	Z	Z	Z	Z	Z	Z					
2.45	Residential Care Facilities (7 or more residents)	C	C	S	C	C	C					
~~2.50~~	~~Homes for Handicapped~~	~~CC~~	~~CC~~	~~SS~~	~~CC~~	~~CC~~	~~CC~~	-	-	-	-	-
2.60	Adult/Child Care	C	S	S	S	S	S					
~~2.70~~	~~Boarding Houses~~	~~CC~~	~~CC~~	~~CC~~	~~CC~~	~~CC~~	~~SS~~	-	-	-	-	-
2.80	Bed and breakfast	C	S	S	Z	S	S	S	S			
2.85	Hotels, motels				C	S	Z	Z	Z	C		
2.100	Live/Work Units						Z	S	Z			
2.110	R.V. Parks		C	C	S				C			
2.120	Employee Housing	Z			Z					Z	Z	

MISCELLANEOUS CHANGES	R1	R2	R3	CR	C1	C2	DT	C3	M1	M2	P
9.60 EV Charging				Z	Z	Z	Z	Z	Z	Z	Z
12.30 Private homeowners keeping horses; one-half- acre minimum lot size	Z	Z		S							S

Sec. 94.00. Permits required

(1) Permit Definitions

(a) The use made of property may not be substantially changed, substantial clearing, grading, or excavation may not be commenced, and buildings or other substantial structures may not be constructed, erected, moved, or substantially altered except in accordance with and pursuant to one of the following permits:

(1) A zoning permit issued by the city planner;

(2) A special use permit issued by the planning commission;

(3) A conditional use permit issued by the city council;

(4) Sign permits issued by the city planner.

(b) Zoning permits, special use permits, conditional use permits and sign permits are issued under this part only when a review of the application submitted, including the plans contained therein, indicates that the development will comply with the

Formatted: Double underline

Formatted: Double underline

Formatted: Double underline

Formatted: Double underline

Formatted: Double underline

Formatted: Double underline

Formatted: Double underline

Formatted: Double underline

provisions of this part if completed as proposed. Such plans and applications as are finally approved are incorporated into any permit issued, and except as otherwise provided in section 94.14, all development shall occur strictly in accordance with such approved plans and applications.

(c) Physical improvements to land to be subdivided may not be commenced except in accordance with a conditional use permit.

(d) A zoning permit, conditional use permit, special use permit, or sign permit shall be issued in the name of the applicant (except that application submitted by an agent shall be issued in the name of the principal), shall identify the property involved and the proposed use, shall incorporate by reference the plans submitted, and shall contain any special conditions or requirements lawfully imposed by the permit-issuing authority. All such permits issued with respect to tracts of land in excess of one (1) acre (except sign permits and zoning permits for single- family and two-family residential uses) shall be recorded in the San Bernardino County registry after execution by the record owner. (Ord. 427-AC)

(2) Site Plan Permit Requirements: A site plan shall be drawn to scale of an adequate size and shall indicate clearly and with full dimensions the following data where applicable:

(a) Exterior boundary lines of the property indicating easements, dimensions and lot size.
(b) All adjacent streets or rights-of-way, including 1 bicycle and/or hiking trails
(c) Location, elevations, size, height, dimensions, mate rials, colors, and proposed use of all buildings and structures (including walls, fences, signs, lighting and hooding devices) existing and intended to remain on the site.
(d) Setback information for all buildings existing and proposed at the site.
Distances between all structures and between all property lines or easements and structures.
(e) Any nearby buildings which are relevant to this application.
(f) Any existing significant natural features such as rock outcroppings, highly protected trees, creeks, knolls and ridgelines.
(g) Location, number of spaces, and dimensions of off-street parking spaces, loading docks, and maneuvering areas; indicate internal circulation.
(h) Pedestrian, vehicular and service points of ingress and egress; driveway widths, and distances between driveways.
(i) Proposed landscaping; include quantity, location, varieties and container size.
(j) Proposed grading plan (for sites having over five (5) foot grade differential), showing existing and proposed contours, and the direction and path of drainage on, through and off the site; indicate any proposed drainage channels or facilities
(k) Required and existing street dedications and improvements such as sidewalks, curbing and pavement. Indicate widths, radii of curves, street grades and whether streets are public or private.
(l) Other such data as may be required to by the Planning Commission and City Council or the City Planner to make the required findings for approval of the specific type of application.
(m) Scale shown as "Scale: 1 inch =feet" and North arrow.
(n) Vicinity map indicating nearby cross streets in relation to site (need not be to scale).
(o) Whether the proposed site is in a FEMA flood plain

Sec. 94.01. Eligible Applicants

(a) Applications for zoning, special use, conditional use, or sign permits will be accepted only from persons having the legal authority to take action in accordance with the permit approval. By way of illustration, in general this means that applications should be made by the owners or lessees of property, or their agents, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this part, or the agents of such persons (who may make application in the name of such owners, lessees, or contract vendees).
(b) The city planner may require an applicant to submit evidence of his/her authority to submit the application in accordance with subsection (a) of this section whenever there appears to be a reasonable basis for questioning this authority. (Ord. 427-AC)

Sec. 94.02. Complete Applications

(a) All applications for zoning, special use, conditional use, or sign permits must be complete before the permit issuing authority is required to consider the application.
(b) Subject to subsection (c) of this section, an application is complete when it contains all of the information that is necessary for the permit issuing authority to decide whether or not the development, if completed as proposed, will comply with all of the requirements of this part.
(c) In this part, detailed or technical design requirements and construction specifications relating to various types of improvements (streets, sidewalks, etc.) are set forth in one (1) or more of the appendices to this part. It is not necessary that the application contain the type of detailed construction drawings that would be necessary to determine compliance with these appendices, so long as the plans provide sufficient information in the light of the substantive requirements set forth in this text of this part.
(d) The city planner shall make every effort to develop application forms, instructional sheets, checklists, or other techniques or devices to assist applicants in understanding the application requirements and the form and type of information that must be submitted. In classes of cases where a minimal amount of information is necessary to enable the City Planner to determine compliance with this part, such as applications for zoning permits to construct single-family or two-family houses, or applications for sign permits, the city planner shall develop standard forms that will expedite the submission of the necessary plans and other required information. (Ord. 427-AC)

Sec. 94.04. Staff consultation before formal application

(a) To minimize development planning costs, avoid misunderstanding or misinterpretation, and ensure compliance with the requirements of this part, preapplication consultation between the developer and the planning staff is encouraged or required as provided in this section.

(b) Before submitting an application for a conditional use permit authorizing a development that consists of or contains a major subdivision, the developer shall submit to the City Planner a preliminary site-plan for such subdivision, drawn approximately to scale (one (1) inch equals one hundred (100) feet). The preliminary site plan shall contain:

(1) The name and address of the developer;
(2) The proposed name and location of the subdivision;

Formatted ... [1]
Formatted: Double underline
Formatted ... [2]
Formatted ... [3]
Formatted ... [4]
Formatted ... [5]
Formatted ... [6]
Formatted ... [7]
Formatted ... [8]
Formatted ... [9]
Formatted ... [10]
Formatted ... [11]
Formatted ... [12]
Formatted ... [13]
Formatted ... [14]
Formatted ... [15]
Formatted ... [16]
Formatted ... [17]
Formatted ... [18]
Formatted ... [19]
Formatted: Double underline
Formatted ... [20]
Formatted ... [21]
Formatted: Double underline
Formatted: Double underline
Formatted ... [22]
Formatted ... [23]
Formatted ... [24]
Formatted: Double underline
Formatted ... [25]
Formatted ... [26]
Formatted: Double underline
Formatted: Double underline

(3) The approximate total acreage of the proposed subdivision;
(4) The tentative street and lot arrangement;
(5) Topographic lines; and
(6) Any other information the developer believes necessary to obtain the informal opinion of the planning staff as to the proposed subdivision's compliance with the requirements of this part.

The city planner shall meet with the developer as soon as conveniently possible to review the preliminary site-plan.

(c) Before submitting an application for any other permit, developers are strongly encouraged to consult with the planning staff concerning the application of this part to the proposed development. (Ord. 427-AC)

Sec. 94.05. Staff consultation after application submitted

(a) Upon receipt of a formal application for a zoning, special use, or conditional use permit, the city planner shall review the application and confer with the applicant to ensure that he understands the planning staff's interpretation of the applicable requirements of this part, that they have submitted all of the information that they intend to submit, and that the application represents precisely and completely what the applicant has proposed to do.
(b) If the application is for a special use or conditional use permit, the city planner shall place the application on the agenda of the appropriate body when the application is deemed complete. (Ord. 427-AC

Sec. 94.06. Zoning permits

(a) A completed application form for a zoning permit shall be submitted to the City Planner by filing a copy of the application with the planning department.
(b) The City Planner shall issue the zoning permit unless they finds, after reviewing the application and consulting with the applicant that:
(1) The requested permit is not within his jurisdiction according to the table of permissible uses; or
(2) The application is incomplete; or
(3) If completed as proposed in the application, the development will not comply with one (1) or more requirements of this part. (Ord. 427-AC)

Sec. 94.07. Special Use Permits and Conditional Use Permits

(a) An application for a Special Use Permit shall be submitted to the Planning Department to be placed on a Planning Commission meeting agenda.
(b) An application for a Conditional Use Permit shall be submitted to the Planning Department to be placed on a City Council meeting agenda for final approval.
(c) Subject to subsection (d) of this section, the planning commission or the council, respectively, shall issue the requested permit unless it concludes, based upon the information submitted at the hearing, that:
(1) The requested permit is not within its jurisdiction according to the table of permissible uses; or
(2) The application is incomplete; or
(3) If completed as proposed in the application, the development will not comply with one (1) or more requirements of this part.
(d) Even if the permit-issuing body finds that the application complies with all other provisions of this part, it may still deny the permit if it concludes based upon the information submitted at the hearing, that if completed as proposed, the development, more probably than not:
(1) Will materially endanger the public health or safety; or
(2) Will not be in general conformity with the general plan. (Ord. 427-AC)

Sec. 94.08. Recommendations on conditional use permit applications

(a) Before being presented to the council, an application for a conditional use permit shall be submitted to the planning commission for a public hearing and action.
(b) When presented to the planning commission, the application shall be accompanied by a staff report setting forth the planning department's proposed findings concerning the application's compliance with other requirements of this part, as well as any staff recommendations for additional requirements to be imposed by the council. If the planning department's report proposes a finding or conclusion that the application fails to comply with any other requirement of this part, it shall identify the requirement in question and specifically state supporting reasons for the proposed findings or conclusions.
(c) The planning commission shall consider the application and the attached staff report in a timely fashion.
(d) After planning commission action, the planning staff shall report to the council the planning commission recommendation and the reasons thereof.
(e) In response to the planning commission recommendations, the applicant may modify his application prior to submission to the council, and the planning staff may likewise revise its recommendations. (Ord. 427-AC)

Sec. 94.09. Council action on conditional use permits

In considering whether to approve an application for a conditional use permit, the council shall proceed according to the following format:

(1) The council shall consider whether the application is complete. If no member moves that the application be found incomplete (specifying either the particular type of information lacking or the particular requirement with respect to which the application is incomplete) then this shall be taken as an affirmative finding by the council that the application is complete.
(2) The council shall consider whether the application complies with all of the applicable requirements of this part. If a motion to this effect passes, the council need not make timer findings concerning such requirements.

If such a motion fails or is not made then a motion shall be made that the application be found not in compliance with one or more of the requirements of this part. Such a motion shall specify the particular requirements the application fails to meet. Separate votes may be taken with respect to each requirement not met by the application.

Formatted ... [27]
Formatted ... [28]
Formatted ... [29]
Formatted ... [30]
Formatted ... [31]
Formatted ... [32]
Formatted ... [33]
Formatted ... [34]
Formatted ... [35]
Formatted ... [36]
Formatted ... [37]
Formatted ... [38]
Formatted ... [39]
Formatted ... [40]
Formatted ... [41]
Formatted ... [42]
Formatted ... [43]
Formatted ... [44]
Formatted ... [45]
Formatted ... [46]
Formatted ... [47]
Formatted ... [48]
Formatted ... [49]
Formatted ... [50]
Formatted ... [51]
Formatted ... [52]
Formatted ... [53]
Formatted ... [54]
Formatted ... [55]
Formatted ... [56]
Formatted ... [57]
Formatted ... [58]
Formatted ... [59]
Formatted ... [60]
Formatted ... [61]
Formatted ... [62]
Formatted ... [63]
Formatted ... [64]
Formatted ... [65]
Formatted ... [66]
Formatted ... [67]
Formatted ... [68]

(3) If the council concludes that the application fails to comply with one (1) or more requirements of this part, the application shall be denied.

If the council concludes that all such requirements are met, it shall issue the permit unless it adopts a motion to deny the application for one (1) or more of the reasons set forth in section 94.07(d). Such a motion shall propose specific findings, based upon the evidence submitted, justifying such a conclusion. (Ord. 427-AC)

Sec. 94.10. Planning commission action on special use permits

In considering whether to approve an application for a special use permit, the planning commission shall proceed in the same manner as the council when considering conditional use permit applications.

(1) The planning commission shall consider whether the application is complete. If the planning commission concludes that the application is incomplete and the applicant refuses to provide the necessary information, the application shall be denied. A motion to this effect shall specify either the particular type of information lacking or the particular requirement with respect to which the application is incomplete. A motion to this effect, concurred in by two (2) members of the planning commission, shall constitute the planning commission's finding on this issue. If a motion to this effect is not made and concurred in by at least two (2) members, this shall be taken as an affirmative finding by the commission that the application is complete.

(2) The planning commission shall consider whether the application complies with all of the applicable requirements of this part. If a motion to this effect passes by the necessary majority vote, the planning commission need not make further findings concerning such requirements. If such a motion fails to receive the necessary majority vote or is not made, then a motion shall be made that the application be found not in compliance with one (1) or more requirements of this part. Such a motion shall specify the particular requirements the application fails to meet. A separate vote may be taken with respect to each requirement not met by the application, and a majority vote of the commission (excluding vacant seats) in favor of such a motion shall be sufficient to constitute such motion a finding of the commission.

If the planning commission concludes that the application fails to meet one (1) or more of the requirements of this part, the application shall be denied.

If the planning commission concludes that all such requirements are met, it shall issue the permit unless it adopts a motion to deny the application for one (1) or more of the reasons set forth in section 94.07(d). Such a motion shall propose specific findings, based upon the evidence submitted, justifying such a conclusion. Since such a motion is not in favor of the applicant, it is carried by a simple majority vote. (Ord. 427-AC)

Sec. 94.11. Additional requirements on special use and conditional use permits

(a) Subject to subsection (b) of this section, in granting a special or conditional use permit, the planning commissioner or city council, respectively, may attach to the permit such reasonable requirements in addition to those specified in this part as will ensure that the development in its proposed location:

(1) Will not endanger the public health or safety;

(2) Will be in conformity with the general plan.

(b) The permit-issuing body may not attach additional conditions that modify or alter the specific requirements set forth in the ordinance codified in this part unless the development in question presents extraordinary circumstances that justify the variation from the specified requirements.

(c) Without limiting the foregoing, the planning commission may attach to a permit a condition limiting the permit to a specified duration.

(d) All additional conditions or requirements shall be entered on the permit. (Ord.427- AC)

Sec. 94.12. No occupancy, use, or sale of subdivision lots until requirements fulfilled

Issuance of a conditional use, special use, zoning permit, or sign permit authorizes the recipient to commence the activity resulting in a change in use of the land or (subject to obtaining a building permit) to commence work designed to construct, erect, move, or substantially alter buildings or other substantial structures or to make necessary improvements to a subdivision. However, except as provided in section 94.13, the intended use may not be commenced, no building may be occupied, and in the case of subdivisions, no lots may be sold until all of the requirements of this part and all additional requirements imposed pursuant to the issuance of a conditional use or special use permit have been complied with, as required. (Ord. 427-AC)

Sec. 94.13. Completing developments in phases

(a) If a development is constructed in phases or stages in accordance with this section, then, subject to subsection (c) of this section, the provisions of Section 94.12 (No occupancy, use, or sale of lots until requirements fulfilled) shall apply to each phase as if it were the entire development.

(b) As a prerequisite to taking advantage of the provisions of subsection (a) of this section, the developer shall submit plans that clearly show the various phases or stages of the proposed development and the requirements of this part that will be satisfied with respect to each phase or stage.

(c) If a development that is to be built in phases or stages includes improvements that are designed to relate to, benefit, or be used by the entire development (such as a swimming pool or tennis courts in a residential development) then, as part of his application for development approval, the developer shall submit a proposed schedule for completion of such improvements. The schedule shall relate completion of such improvements to completion of one (1) or more phases or stages of the entire development. Once a schedule has been approved and made part of the permit by the permit-issuing authority, no land may be used, no buildings may be occupied, and no subdivision lots may be sold except in accordance with the approved schedule. (Ord. 427-AC)

Formatted ... [69]
Formatted ... [70]
Formatted ... [71]
Formatted ... [72]
Formatted ... [73]
Formatted ... [74]
Formatted ... [75]
Formatted ... [76]
Formatted ... [77]
Formatted ... [78]
Formatted ... [79]
Formatted ... [80]
Formatted ... [81]
Formatted ... [82]
Formatted ... [83]
Formatted ... [84]
Formatted ... [85]
Formatted ... [86]
Formatted ... [87]
Formatted ... [88]
Formatted ... [89]
Formatted ... [90]
Formatted ... [91]
Formatted ... [92]
Formatted ... [93]
Formatted ... [94]
Formatted ... [95]
Formatted ... [96]
Formatted ... [97]
Formatted ... [98]
Formatted ... [99]
Formatted ... [100]
Formatted ... [101]
Formatted ... [102]
Formatted ... [103]
Formatted ... [104]
Formatted ... [105]
Formatted ... [106]
Formatted ... [107]

Sec. 94.14. Expiration of permits

Zoning, special use, conditional use, and sign permits shall expire automatically. if, within twelve (12) months after issuance of such permits:

(1) The use authorized by such permits has not commenced, in circumstances where no substantial construction, erection, alteration, excavation, demolition, or similar work is necessary before commencement of such use, or,

(2) Less than ten (10) percent of the total cost of all construction, erection, alteration, excavation, demolition, or similar work on any development authorized by such permits has been completed on the site. With respect to phased development this requirement shall apply only to the first phase.

(b) If after some physical alteration to land or structures begins to take place, such work is discontinued for a period of twelve (12) months, then the permit authorizing such work shall immediately expire. However, expiration of the permit shall not affect the provisions of section 94.15.

(c) The permit-issuing authority may extend for a period up to twelve (12) months the date when a permit would otherwise expire pursuant to subsections (a) or (b) of this section if it concludes that: (1) the permit has not yet expired; (2) the permit recipient has proceeded with due diligence and in good faith; and (3) conditions have not changed so substantially as to warrant a new application. Successive extensions may be granted for periods up to twelve (12) months upon the same findings. All such extensions may be granted without resort to the formal processes and fees required for a new permit.

(d) For purposes of this section, the permit within the jurisdiction of the council or the planning commission is issued when such commission votes to approve the applications and issue the permit. A permit within the jurisdiction of the city planner is issued when the earlier of the following takes place:

(1) A copy of the fully executed permit is delivered to the permit recipient, and delivery is accomplished when the permit is mailed to the permit applicant or sent through electronic delivery; or

(2) The city planner notifies the permit applicant that the application has been approved and that all that remains before a fully executed permit can be delivered is for the applicant to take certain specified actions, such as having the permit executed by the property owner so it can be recorded if required. (Ord. 427-AC)

Sec. 94.15. Effect of permit on successors and assigns

(a) Zoning, special use, conditional use, and sign permits authorize the permittee to make use of land and structures in a particular way. Such permits are transferable. However, so long as the land or structures or any portion thereof covered under a permit continues to be used for the proposes for which the permit was granted, then:

(1) No person (including successors or assigns of the person who obtained the permit) may make use of the land or structures covered under such permit for the purposes authorized in the permit except in accordance with all the terms and requirements of that permit; and

(2) The terms and requirements of the permit apply to and restrict the use of land or structures covered under the permit, not only with respect to all persons having any interest in the property at the time the permit was obtained, but also with respect to persons who subsequently obtain, any interest in all or part of the covered property and wish to use it for or in connection with purposes other than those for which the permit was originally issued, so long as the persons who subsequently obtain an interest in the property had actual or record notice (as provided in subsection (b) of this section) of the existence of the permit at the time they acquired their interest.

(b) Whenever a special use, or conditional use permit is issued to authorize development (other than single-family or two-family residences) on a tract of land, nothing authorized by the permit may be done until the record owner of the property signs a written acknowledgment that the permit has been issued so that the permit. (Ord. 427-AC)

Sec. 94.15. Amendments to and modifications of permit

(a) Insignificant deviations from the permit (including approved plans) issued by the city council, the planning commission or the city planner are permissible and the city planner may authorize such insignificant deviations. A deviation is insignificant if it has no discernible impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.

(b) Minor design modifications or changes in permits (including approved plans) are permissible with the approval of the permit-issuing authority. For purposes of this section, minor design modifications or changes are those that have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.

(c) All other requests for changes in approved plans will be processed as new applications. If such requests are required to be acted upon by the council or planning commission, new conditions may be imposed, but the applicant retains the right to reject such additional conditions by withdrawing his request for an amendment and may then proceed in accordance with the previously issued permit.

(d) The city planner shall determine whether amendments to and modifications of permits fall within the categories set forth above in subsections (a), (b), and (c) of this section.

(e) A developer requesting approval of changes shall submit a written request for such approval to the city planner and that request shall identify the changes. Approval of all changes must be given in writing. (Ord. 427-AC)

Sec. 94.16. Reconsideration of planning commission actions

(a) Whenever: (1) the city council disapproves a conditional use permit application; or

(2) the planning commission disapproves an application for a special use permit or a variance, on any basis other than the failure of the applicant to submit a complete application, such action may not be reconsidered by the respective body at a later time unless the applicant clearly demonstrates that:

(A) Circumstances affecting the property that is the subject of the application have substantially changed, or

(B) New information is available that could not with reasonable diligence have (C) The Applicant has substantially changed the design of the project.

(C) The Applicant has substantially changed the design of the project.

A request to be heard on this basis must be filed with the city planner within the time period for an appeal. However, such a request does not extend the period within which an appeal must be taken. (Ord. 427-AC)

Sec. 94.17. Applications to be processed expeditiously.

Formatted ... [108]
Formatted ... [109]
Formatted ... [110]
Formatted ... [111]
Formatted ... [112]
Formatted ... [113]
Formatted ... [114]
Formatted ... [115]
Formatted ... [116]
Formatted ... [117]
Formatted ... [118]
Formatted ... [119]
Formatted ... [120]
Formatted ... [121]
Formatted ... [122]
Formatted ... [123]
Formatted ... [124]
Formatted ... [125]
Formatted ... [126]
Formatted ... [127]
Formatted ... [128]
Formatted ... [129]
Formatted ... [130]
Formatted ... [131]
Formatted ... [132]
Formatted ... [133]
Formatted ... [134]
Formatted ... [135]
Formatted ... [136]
Formatted ... [137]
Formatted ... [138]
Formatted ... [139]
Formatted ... [140]
Formatted ... [141]
Formatted ... [142]
Formatted ... [143]
Formatted ... [144]
Formatted ... [145]
Formatted ... [146]
Formatted ... [147]
Formatted ... [148]
Formatted ... [149]

Recognizing that inordinate delays in acting upon appeals or applications may impose unnecessary costs on the appellant or applicant, the city shall make every reasonable effort to process appeals and permit applications as expeditiously as possible, consistent with the need to ensure that all development conforms to the requirements of this part. (Ord. 427-AC)

Sec. 94.18. Maintenance of common areas, improvements and facilities

The recipient of any zoning, special use, conditional use, or sign permit, or his successor, shall be responsible for maintaining all common areas, improvements, or facilities required by this part or any permit issued in accordance with its provisions, except those areas, improvements, or facilities with respect to which an offer of dedication to the public has been accepted by the appropriate public authority. As illustrations, and without limiting the generality of the foregoing, this means that private roads and parking areas, water and sewer lines, and recreational facilities must be properly maintained so that they can be used in the manner intended, and required vegetation and trees used for screening, landscaping, or shading must be replaced if they die or are destroyed. (Ord. 427-AC)

Sect. 94.19. Reasonable Accommodation applications.

Reasonable Accommodation: A modification in the application of land use or zoning regulations or in the application of land use, zoning, or building policies, procedures, or practices when necessary to eliminate barriers to housing opportunities, which does not impose undue financial or administrative burdens on the City or require a fundamental or substantial alteration of the City's regulations, policies, procedures or practices.

Reasonable Accommodation for Residential Uses. A request for reasonable accommodation can be made by any individual with a disability, his or her representative, or a developer or provider of housing for an individual with a disability, when the application of a land use or zoning regulation, or land use, zoning, or building policy, practice or procedure acts as a barrier to fair housing.

The purpose of granting an application for Reasonable Accommodation is to provide an individual with health conditions and impairments, the representative, or a developer or provider of housing for an individual with a disability, a modification with respect to the application of land use, or zoning regulations, and in the application of land use, zoning, or building policies, practices or procedures when those regulations, policies and procedures act as a barrier to fair housing. An application for Reasonable Accommodation may be filed with the Planning Department as provided in Article IV Section

(1) Definitions. Article II Section 92 is hereby amended to add the following definitions:

(a) *Fair Housing* Laws: The Federal Fair Housing Act (42 U.S.C. § 3601 et. Seq.), the California Fair Employment and Housing Act (Government Code §12900 et seq.), and the California Disabled Persons Act (Civil Code § 54 et.Seq.). *Individual with a Disability:* A person who has a medical, physical, or mental conditions that limits a major life activity, as those terms are defined in California Government Code section 12926

(2) Submittal requirements for reasonable accommodations. Each application for a Reasonable Accommodation shall be accompanied by the site plan information required by Article IV Section 94 (2) (a) through (o).The application shall be accompanied by the following information:

(a) The name, address, and phone number for the applicant and owner of the property for which the reasonable accommodation request is being made;
(b) The current and proposed use of the property for which the reasonable accommodation request is being made;
(c) If the applicant is someone other than the property owner, a letter of agency or authorization signed by the property owner consenting to the application being made;
(d) The basis for the claim that the individual to be reasonably accommodated is an Individual with a Disability under the Fair Housing Laws;
(e) The land use or zoning regulation, or land use, zoning, or building policy, practice or procedure for which reasonable accommodation is being requested;
(f) The type of accommodation sought;
(g) The reason(s) why the accommodation is necessary for the needs of the people with health conditions or impairment person. Where appropriate, include a summary of any potential means and alternatives considered in evaluating the need for the accommodation;
(h) Copies of memoranda, correspondence, pictures, plans or background information reasonably necessary to reach a decision regarding the need for the accommodation;
(i) Other supportive information deemed necessary by the department to facilitate proper consideration of the request, consistent with fair housing laws.
(j) Completion of a CEQA Checklist if proposed site is on vacant land.

(3) *Findings.* The reviewing authority shall approve the application, with or without conditions, unless it determines on the basis of substantial evidence that one or more of the following findings cannot be made:

a. The accommodation is requested by or on behalf of an individual with a disability protected under the fair housing laws.
b. The housing, which is subject to the requested accommodation, will be used by an individual with a disability protected under fair housing laws.
c. The requested accommodation is necessary to provide an individual with a disability an equal opportunity to use and enjoy a dwelling.
d. The requested accommodation will not impose an undue financial or administrative burden on the City.
e. The requested accommodation would not require a fundamental alteration in the nature of a City program or law, including land use and zoning.

(4) Other Discretionary approvals. If the project requires other discretionary approval (such as a Conditional Use Permit or Variance) independent of the reasonable accommodation request, then the reasonable accommodation application will be decided prior to the other applications. Such decisions shall not to be reconsidered as part of the subsequent approvals but shall be regarded as independent entitlements.

(5) Decisions. The City Planner shall, within 30 days of determining the application complete, approve, approve with conditions, or deny the application based on the findings set forth in Article IV Section 94.19 (2), and may impose such conditions as it deems necessary to ensure the accommodation will comply with the findings required in Article IV Section 94.19 (2) and fair housing laws. As part of consideration of a request for a reasonable accommodation related to construction of new dwelling or dwellings, the City Planner may consult with the Design Review Committee regarding the requested accommodation and any options that may result in a reasonable accommodation. While any request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect

Formatted ... [150]
Formatted: Double underline
Formatted ... [151]
Formatted ... [152]
Formatted ... [153]
Formatted ... [154]
Formatted ... [155]
Formatted
Formatted ... [156]
Formatted ... [157]
Formatted: Double underline
Formatted: Double underline
Formatted ... [158]
Formatted ... [159]
Formatted ... [160]
Formatted ... [161]
Formatted ... [162]
Formatted ... [163]
Formatted ... [164]
Formatted: Double underline
Formatted ... [165]
Formatted
Formatted: Double underline
Formatted ... [166]
Formatted ... [167]
Formatted ... [168]
Formatted ... [169]
Formatted ... [170]
Formatted ... [171]
Formatted: Double underline

	(6) Appeals. The decision of the City Planner may be appealed in accordance with Article XVIII "Enforcement and Review" Appeals are subject to payment of the fee imposed on appeals in the City's Master Fee Schedule. (7) Nonconforming Status. All improvements constructed under the auspices of this chapter shall be removed upon the vacation of the unit by the person to whom the reasonable accommodation was granted unless the Development Department City Planner, City Planner, Building Official, or other discretionary reviewing authority, as applicable, makes a determination as follows: a. The unit has been preoccupied by a qualified person or such improvements provide benefit for future occupancy by a qualified person; or b. The removal of the improvement is not readily achievable without making significant structural changes that would impact the safety and soundness of the structure, as determined solely by the Building Official, or such costs of removal equal or exceed 25 percent of the market value of the structure. (8) Confidentiality. Medical information provided to the City related to the person for whom a reasonable accommodation is being requested shall be retained in a manner so as to respect to the privacy rights of the applicant to the extent feasible, shall be kept confidential and shall not be made available to the public, pursuant to state and federal law. (9) Urgent, Temporary and Unforeseen Need. Upon receipt of the application required by Article IV Section 94.19 (2), and without the right of appeal provided by Article IV Section 94.19 (6), upon a showing of an urgent, temporary and unforeseen need made by or on behalf of an Individual with a Disability, the Zoning Administrator shall approve as a Temporary Reasonable Accommodation temporary ramps and temporary and easily remediated alterations to a building that are not designed or intended nor allowed to remain for more than 90 days following such approval during a period of temporary disability (90 days maximum) or during a period during which an application for Reasonable Accommodation has been made and has not been acted upon with finality. Any approved Temporary Reasonable Accommodation shall be removed within the period of time established for such removal by the City Planner at the time of approval. (Ord 621-AC)
Sec. 96.03.	Sec. 96.03. Permissible uses and specific exclusions. (a) The presumption established by this part is that all legitimate uses of land are permissible within at least one (1) zoning district in the city's planning jurisdiction. Therefore, because the list of permissible uses set forth in section 96.01 (Table of Permissible Uses) cannot be all inclusive, those uses that are listed shall be interpreted liberally to include other uses that have similar impacts to the listed uses. (b) Notwithstanding subsection (a) of this section, all uses that are not listed in section 96.01 (Table of Permissible Uses), even given the liberal interpretation mandated by subsection (a) of this section, are prohibited. Nor shall section 96.01 (Table of Permissible Uses) be interpreted to allow a use in one (1) zoning district when the use in question is more closely related to another specified use that is permissible in other zoning districts. (c) Without limiting the generality of the foregoing provisions, the following uses are specifically prohibited in all districts: (1) Any use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible or explosive materials in violation of the adopted City ~~Uniform~~ Fire Code; (2) Stockyards, slaughterhouses, rendering plants; (3) Use of a travel trailer as a temporary or permanent residence; ~~(Situations that do not comply with this subsection on the effective date of this part are required to conform within one (1) year.);~~ (4) Use of a motor vehicle parked on a lot as a structure in which, out of which, or from which any goods are sold or stored, any services are performed, or other business is conducted. ~~(Situations that do not comply with this subsection on the effective date of this part are required to conform within one (1) year.);~~
Sec. 96.08.01	**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. Note: the adopted Fire Code setback standards must be met. 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

Formatted
Formatted: Double underline
Formatted
Formatted: Double underline
Formatted
Formatted: Double underline
Formatted
Formatted: Double underline
Formatted
Formatted: Double underline
Formatted
Formatted: Double underline
Formatted
Formatted: Double underline
Formatted
Formatted: Double underline
Formatted
Formatted: Double underline
Formatted
Formatted: Double underline
Formatted
Formatted: Double underline
Formatted
Formatted: Double underline
Formatted

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 (4) 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) 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. Note: the adopted Fire Code setback standards must be met.
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.
- 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.

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 City Planner, or his/her designee, of Development Services prior to approval of an Accessory Dwelling Unit permit.
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.
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.
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

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

1. The unit shall be located in one of the following residential zones: R-1, R-2, R-3, CRR, and C-2.
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.
3. The unit shall provide independent exterior access from the Primary Unit.
4. The unit has sufficient setbacks to meet fire safety requirements.
5. There shall be no more than one Accessory Dwelling Unit per primary dwelling on a single family lot. On a multifamily lot, non-livable space may be converted into at least one ADU, and up to 25 percent of the number of existing multifamily dwelling units, if each converted unit complies with the state building standards for dwellings.
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.
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 City Planner, or his/her designee, of Community Development, prior to approval of a permit.

	g. Standard for Junior Accessory Dwelling Units 1. The proposed junior accessory dwelling unit would be located in a residential zone, including the R-1, R2, R-3 ~~and~~ CRR, and C-2 zones.
Sec. 97.00. Residential zone densities with no bonuses.	Before any density bonuses are applied, the number of dwelling units permitted in a residential development shall not exceed or be developed at less than the following amounts: ZONE DENSITY RANGE R-1 1.0 - 7.0 R-2 8.0 - 17.0 R-3 18.0 - 30.0 CRR 1.0 - 30.0 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 City Planner ~~City Planner~~ that physical or environmental constraints on the property make development to the minimum density infeasible.
Sec. 97.01. Density Bonus and Related Incentives and Concessions Program.	Sec. 97.01(a). Purpose. The purpose of this Section 97.01 is to satisfy the requirements set forth in the Government Code Section 65915, et seq. (known as the State Density Bonus Law). If any provision of this Division conflicts with state law, or provides more rights than are legally required by state law, the minimum requirements of State law shall control. (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. (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). (3) In order to provide for the expeditious processing of a density bonus application, the City shall do all of the following: (A) Adopt procedures and timelines for processing a density bonus application. (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. (C) Notify the applicant for a density bonus whether the application is complete in a manner consistent with the timelines specified in Section 65943. (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: (I) The amount of density bonus, calculated pursuant to subdivision (f), for which the applicant is eligible. (II) If the applicant requests a parking ratio pursuant to subdivision (p), the parking ratio for which the applicant is eligible. (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. (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. (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: (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.

	(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. (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. (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. (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. (F) (i) Twenty percent of the total units for lower income students in a student housing development that meets the following requirements: (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. (II) The applicable 20-percent units will be used for lower income students. (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. (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. (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. (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. (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). (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. (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. (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: (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. (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. (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: (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. (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: (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. (II) An equity sharing agreement. (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. (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.

(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:

(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.

(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.

(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.

(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.

(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.

(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:

(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).

(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.

(B) For the purposes of this paragraph, "replace" shall mean either of the following:

(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).

(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).

(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:

(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).

(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.

(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.

(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.

(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:

(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).

(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.

(C) The concession or incentive would be contrary to state or federal law.

(2) The applicant shall receive the following number of incentives or concessions:

(A) One incentive or concession for 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.

(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.

(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.

(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.

(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.

(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.

(4) The City shall bear the burden of proof for the denial of a requested concession or incentive.

(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.

(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).

(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.

(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).

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

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).

(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).

(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.

(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.

(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.

(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.

(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.

(k) For the purposes of this chapter, concession or incentive means any of the following:

(1) A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable and actual cost reductions, to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

(2) Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.

(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).

(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.

(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.

(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.

(o) For purposes of this section, the following definitions shall apply:

(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.

(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.

(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.

(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.

(5) "Major transit stop" has the same meaning as defined in subdivision (b) of Section 21155 of the Public Resources Code.

(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:

(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, 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.

(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.

(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.

(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.

(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.

(8) (A) "Total units" or "total dwelling units" means a calculation of the number of units that:

(i) Excludes a unit added by a density bonus awarded pursuant to this section or any local law granting a greater density bonus.

(ii) Includes a unit designated to satisfy an inclusionary zoning requirement of The City.

(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.

(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) (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:

(A) Zero to one bedroom: one onsite parking space.

(B) Two to three bedrooms: one and one-half onsite parking spaces.

(C) Four and more bedrooms: two and one-half parking spaces.

(2) (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.

(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.

(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:

	(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. (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. (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. (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. (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). (6) This subdivision does not preclude The City from reducing or eliminating a parking requirement for development projects of any type in any location. (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 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. (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). (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. (r) This chapter shall be interpreted liberally in favor of producing the maximum number of total housing units. (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). (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).
Sec. 99.01. Building Type.	Sec. 99.00. Buildings. Every building shall be designed or remodeled to accommodate its use in accordance with applicable building codes and other laws. (Ord. 427) Sec. 99.01. Downtown Core ~~Building Type.~~ 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. Development Standards (to be inserted as a table):

Downtown Core Development Standards		
Floor Area Ratio		2.0
Density Range		18 – 30 units/acre
Setbacks		
Primary Street Setback		Ground floor: 0 feet minimum / 5 feet maximum
Side Street Setback		Ground floor: 0 feet minimum / 5 feet maximum
Rear Setback		With Alley: 5 ft. minimum
		Without Alley: 15 ft. minimum
Height		
1. Top of plate height above adjacent sidewalk (max.) 45 ft.		45 ft.
2. Top of parapet height above top of plate (max.) 4 ft.		4 ft.
3. Pitched roof height above top of plate (max.) allowed		Allowed
4. Ground story floor to floor height (min.) 15 ft. min.		15 ft. min.
Parking		
Residential	Studio/Efficiency Units:	0.5 space/unit
	Units up to s999 sf	1.0 space/unit
	Units between 1,000 – 1,499 sf	1.5 spaces/unit

	Units 1,500 sf and greater:	2.0 spaces/unit
	Guest:	0.25/unit
Lodging		0.75 space/room
Live/Work	Units up to 1,499 sf	1.0 space/unit
	Units 1,500 sf and greater	See Commercial
Commercial	Ground floor commercial:	1/300 sf gross ground floor building area
	Upper Floor commercial:	1/350 sf gross upper floor building area
Standalone Restaurant (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)		1/150 sf gross restaurant area
Civic		1/350 sf gross building area

Sec 99.01.01 Vehicular Access.

a. Parking shall be accessed from an alley.

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.

c. Parking/service areas for corner lots shall be accessed from side street.

d. Residential and commercial uses may utilize delineated parking stalls within the right-of-way adjacent to each respective lot as counting toward the required parking.

e. Residential and commercial uses may utilize every 22 feet of useable lot frontage (excluding driveway entrances) along roadways conforming to the City's standards as counting toward one (1) stall of required parking.

Sec 99.01.02 Common On-Site Open Space.

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.

Open Space Type:

- Courtyard, minimum of 10% of total lot area, minimum of 20 ft. x 20 ft.
- Roof Deck, minimum of 10% of total lot area, minimum of 20 ft. x 20 ft.

Sec 99.01.03 Private On-Site Open Space.

Private open space in the form of a yard, balcony, or roof deck shall be provided for each residential unit.

- Min. area: 40 square feet.
- Min. width: 5 feet. Setbacks:
- Front, residential use: 10 feet
- Front, nonresidential use: 0 feet
- Side, residential use: 5 feet
- Side, nonresidential use: 0 feet
- Rear, residential use: 10 feet
- Rear, nonresidential use: 0 feet

Formatted: Double underline

Formatted: Double underline

Formatted: Double underline

Formatted: Double underline

Section 99.02 Section 99.06.05	Sec. 99.02. Building Materials. Metal building materials, including shipping containers modified for habitation, are permitted ~~outright~~ via a zoning permit ~~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:~~ ~~1) Shipping Containers~~ ~~a. Zoning Permit (see also Section 99.06.05(b)).~~ **Sec. 99.06.05(b) Shipping Containers used as accessory buildings Ordinance 568-AC.**

<table>
<tr><td></td><td>(1) Permitted in all zones, provided setbacks are met.
(2) Units to be painted in a color that blends with the existing structures and surrounding area.
(3) Containers may not be placed in a required parking area. Stacking of containers is not permitted.
(4) Containers may not be placed between the primary structure and the immediately adjacent road or access easement (front of property).
~~(5)~~ Under no circumstances shall a shipping container be used for human or animal habitation, ~~unless modified as such according to the California Building Standards Code and approved with the entitlement and when compliant with the architecture requirements.~~
(5) unless modified as such according to the California Building Standards Code and approved with the entitlement and when compliant with the architecture requirements.
(6) Units must be located or screened so as not to be in public view, unless modified to be used as habitable space.~~unless modified to be used as habitable space.~~</td></tr>
<tr><td>Section 99.03</td><td>
<table>
<tr><td></td><td colspan="4">Minimum Gross Floor Area (square feet per dwelling unit)</td></tr>
<tr><td>Zone</td><td>0 Bedroom Unit*</td><td>1 Bedroom Unit</td><td>2 Bedroom Unit</td><td>3 Bedroom Unit</td></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*~~220*</td><td>~~800~~600</td><td>950</td><td>1,050</td></tr>
<tr><td>R-3 and C-2 zones</td><td>~~550*~~220*</td><td>~~650~~600</td><td>800</td><td>950</td></tr>
<tr><td>C-2 ~~zone~~ Downtown Core/ elderly housing in any zone</td><td>~~450*~~220*</td><td>600*</td><td>800</td><td>900</td></tr>
<tr><td colspan="5">* efficiency units. Note: 0-bedroom units/efficiency units may be occupied by a maximum of 2 persons.
Note: Each additional bedroom beyond 3 requires an additional 100 square foot minimum to the gross floor area.
~~Note 2: All units must meet Building Code requirements.~~ Note 2: All units must meet Building Code requirements.</td></tr>
</table>
</td></tr>
<tr><td>Section 99.05

Section 99.06.05</td><td>
<table>
<tr><td colspan="2">HEIGHT LIMITS</td></tr>
<tr><td>Type of Building</td><td>Maximum Height</td></tr>
<tr><td>~~Residential Zones~~ R-1 zone</td><td>2 stories of 35 feet, whichever is less.</td></tr>
<tr><td>R-2 and R-3 Zones</td><td>3 stories or 45 feet, whichever is less.</td></tr>
<tr><td>Commercial/Industrial/Mixed Use Zones</td><td>45 feet</td></tr>
</table>
<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>10’</td><td>10’</td><td>5’</td><td>10’</td><td>5’</td></tr>
</table>
</td></tr>
<tr><td>Section 99.06.09.</td><td>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)~~ twenty (20) by twenty (20) 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).</td></tr>
</table>

Section 99.07.03	**Sec. 99.07.03 Swimming pools, spas and other bodies of water.** 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. **Definitions.** 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. 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. C. "Enclosure" means a fence, wall, or other barrier that isolates a swimming pool from access to the home. *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.* *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.* ***Drowning prevention safety features required.*** *B. 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.* ***Design Standards*** *Pools must be set back a minimum of 5 feet from all property lines, structures, fencing, and walls.* *D. Pools, spas, and other bodies of water are reviewed and approved by the City's Building Department. All pools, spas, and other bodies of water shall be compliant with the California Building Code.* ~~**Enclosures.**~~ ~~An enclosure shall have all of the following characteristics:~~ ~~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.~~ ~~B. A minimum height of 60 inches.~~ ~~C. A maximum vertical clearance from the ground to the bottom of the enclosure of two inches.~~ ~~D. Gaps or voids, if any, do not allow passage of a sphere equal to or greater than four inches in diameter.~~ ~~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.~~ ~~**Exceptions to requirements of this Chapter.**~~ ~~The requirements of this Chapter shall not apply to any of the following:~~ ~~A. Public swimming pools.~~ ~~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).~~ ~~**Pool and spa requirements.**~~ ~~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:~~ ~~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.~~ ~~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.~~ ~~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.~~ ~~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.~~ ~~C.~~ ~~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).~~

Formatted Table

Formatted: No underline, Not Expanded by / Condensed by

Formatted: Font: Not Italic, No underline, Not Expanded by / Condensed by

Formatted: Indent: Left: 0.07", No bullets or numbering

Section 99.08.02	*Sec. 99.08.02. Fence height. (a) The maximum height of fences between two or more residential uses in residential zones shall be ~~six (6)~~ seven (7) 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. 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.*[1] *Other walls and fence regulations include:* a. *Walls and fences within the front setback shall not exceed 4 feet in height.* b. *Walls and fences height shall be measured from the highest grade.* *Prohibited fence materials in the residential and mixed-use zones include: sharp-edge, barbed wire, razor wire, and electrically charged fences.*
Section. 99.09.04 ©	(25) On terms and in an amount acceptable to the City Planner, 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. Solar Energy Development Standards. (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. (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: (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. 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. (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: (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. ~~(A)~~ 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.***~~Add SECTION ON SOLAR FACILITIES Required Findings for Approval of a Commercial Solar Energy Facility.~~*** *~~(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).~~* *~~(b) In making these findings of fact, the Planning Commission shall consider:~~* *~~(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~~* *~~(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.~~* *~~(c) The finding of fact shall include the following:~~* *~~(1) The proposed commercial solar energy generation facility is either~~* *~~(A) sufficiently separated from existing communities and existing/developing rural residential areas so as to avoid adverse effects, or~~* *~~(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.~~* *~~(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.~~* *~~(3) The siting and design of the proposed commercial solar energy generation facility will be either:~~* *~~(A) (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~~*

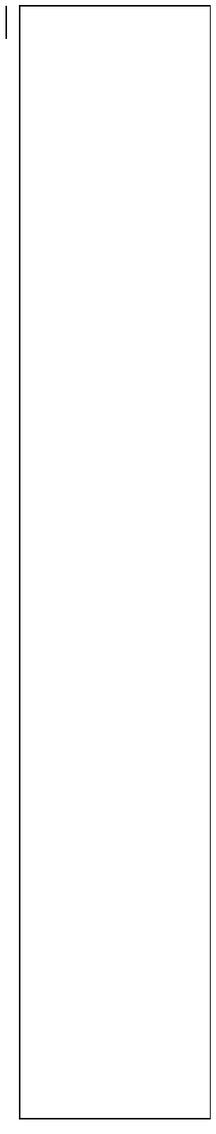
Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Numbered + Level: 1 + Numbering Style: A, B, C, … + Start at: 1 + Alignment: Left + Aligned at: 0.07" + Indent at: 0.32"



Section 99.05 B Section 99.09.04	**Section 99.05 B** (b) Antennae. Notwithstanding the restrictions of subsection (a) of this section, radio, television, cellular, telecommunications~~telecommunications~~ tower, and microwave antennae and similar equipment shall be subject to the following regulations: (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. (2) Roof-mounted antenna and telecommunications facilities, which ~~shall~~ may 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. *** **Add as Section 99.05 C** 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. 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. 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. **Add as Section 99.09.05** A. Telecommunications tower on residentially zoned lots. A telecommunication tower is prohibited on a residentially zoned lot unless either of the following applies: 1. The residentially zoned lot is developed and used for nonresidential purposes; or 2. The residentially zoned lot is owned by a governmental entity. B. New telecommunications towers. 1) Level of approval required. a. City Planner-level—A City Planner-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. b. Commission-level. A conditional use permit is required for a new telecommunications tower that is not subject to City Planner-level review. 1. 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. 2. 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:

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.

b. Space. Each facility shall be designed to occupy the least amount of space in the right-of-way that is technically feasible.

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.

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.

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, 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.

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 City Planner. If the City Planner determines sound proofing or other sound attenuation measures are required to bring the project into compliance with the Code, the City Planner may impose conditions on the project to achieve said objective.

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.

3. Standards for all facilities. The following requirements apply to all wireless telecommunications facilities.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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 City Planner 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.

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.

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. Permit expiration. A condition setting forth the permit expiration date in accordance with subsection N shall be included in the conditions of approval.

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.

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.

t. Liability. The permittee shall assume full liability for damage or injury caused to any property or person by the facility.

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.

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.

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.

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.

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.

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.

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 City Planner 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.

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.

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.

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 City Planner: 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.

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:

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.

2 The legal status of the owner of the wireless telecommunications facility.

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 City Planner 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 City Planner shall be a cause for the City to revoke the applicable permits.

c. The wireless telecommunications facility shall be subject to such conditions, changes or limitations as are from time to time deemed necessary by the City Planner 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.

6. Findings. No discretionary permit shall be granted for a wireless telecommunications facility unless the approving party makes all of the following findings:

a. All notices required for the proposed installation have been given.

	b. The proposed facility would comply with all applicable laws. 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. 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.
Section 111.01 and 111.03	**Add to Section 111.01** 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 City Planner may approve substitute parking locations for ministerial projects which meet the following conditions: 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. 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. **Add to Section 111.03** Secondary driveways in residential zones: a. ~~a.~~ Driveways shall only be supported if lead to a garage, carport, or side yard area, and setback requirements are being met. ~~No more than two driveway approaches per lot shall be permitted~~ ~~Secondary driveways in residential zones:~~ ~~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~~ ~~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:~~ ~~• The second driveway must be at least ____feet from the back of the curb return and at least ____feet from the first driveway. ← Confer 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.~~ ~~Construction of a second driveway requires the issuance of an encroachment permit to be reviewed and approved by the Public Works City Engineer.~~ ~~Planning submittal requirements include a zoning application to be reviewed and approved by the Planning Division prior of receiving encroachment permit approvals.~~ ~~• 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.~~

Formatted: Double underline

Formatted: Double underline

Formatted: Font: 10 pt, Double underline

Formatted: Normal, Right: 0", Line spacing: single, Tab stops: Not at 0.57"

Formatted: Normal, Space Before: 0 pt, After: 0 pt, Add space between paragraphs of the same style, Line spacing: single, No bullets or numbering

Formatted: Normal

Formatted: Normal, Space Before: 0 pt, After: 0 pt, Add space between paragraphs of the same style, Line spacing: single, No bullets or numbering

Formatted: Normal

Formatted: Normal, Space Before: 0 pt, After: 0 pt, Add space between paragraphs of the same style, Line spacing: single, No bullets or numbering

Section 111.04.

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.

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)

Sec. 111.04.01. Parking spaces required--Residential.

Type of Residential Use	Off-Street/On-Street Parking Stalls Required
Single and two-family dwellings	Parking is not required for residential uses within one-half mile of public transit. In all other cases: Two (2) stalls per dwelling unit, one (1) of which shall be a covered carport or garage. Residential uses may utilize every 22 feet of useable lot frontage (excluding driveway entrances) along local roads conforming to the City's standards as counting toward one (1) stall of required parking.
Accessory dwelling units	Parking is not required for residential uses within one-half mile of public transit. 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. Except in the following circumstances: • 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. • The accessory dwelling unit is located within an architecturally and historically significant historic district. • The accessory dwelling unit is located entirely within the proposed or existing primary residence or an accessory structure. • When there is a car share vehicle located within one block of the accessory dwelling unit. Residential uses may utilize every 22 feet of useable lot frontage (excluding driveway entrances) along local roads conforming to the City's standards as counting toward one (1) stall of required parking.
Multiple Family	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. In all other cases: One ~~and one-half~~ (1 ½) stalls per efficiency ~~dwelling~~ unit, one and one half (1 ½) stalls per dwelling unit, 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. Residential uses may utilize every 22 feet of useable lot frontage (excluding driveway entrances) along local roads conforming to the City's standards as counting toward one (1) stall of required parking.
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.

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
Assembly Uses	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.

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

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 city planner 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) ~~(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)

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, … + Start at: 1 + Alignment: Left + Aligned at: 0.32" + Indent at: 0.57"

~~***~~

~~**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.~~ ~~b. In-unit Parking Standards. Long-term bicycle parking spaces may be provided in a dwelling unit if following conditions are met:~~ ~~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.~~ ~~4. Standards for Short-term Bicycle Parking. Short-term bicycle parking must meet the following standards:~~ ~~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.~~
Section 112.01.	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. (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. (c) Limitations. (1) Any sales activity shall be conducted only by mail or telephone. There shall be no direct sales of products or merchandise from the home, except for cottage food operations, or produce (fruit or vegetables) grown on the property. (2) The individual responsible for the home occupation shall live in the dwelling. (3) The space occupied by home occupations shall be limited to one (1) room in a dwelling unit or no more than twenty-five 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. The number of employees permitted by the home occupation shall be no more than one employee per 150 square feet of business space utilized by the home occupation, including the individual living in the dwelling. (4) There shall be no interior or exterior remodeling or change in appearance of a dwelling in order to accommodate a home occupation.

Formatted: Normal, Indent: Left: 0", Line spacing: single

	(5) There shall be no signs, such as public advertising of the business address or other structures except those permitted for a dwelling use in the zone. (6) ~~Materials and equipment used in a home occupation shall be only of a type normally used in connection with household activities or hobbies.~~ (7) Employment in a home occupation shall be limited to members of the resident family. (8) There shall be no transportation by commercial vehicle of materials or other items used in or produced by the home occupation, except for those commercial vehicles intended for residential use. (9) ~~No significant vehicular or pedestrian traffic shall be generated by the home occupation.~~ (10) A home occupation shall not place any added burden or demand on utility services or community facilities. (11) A home occupation shall not present any external evidence of nonresidential activity such as by appearance, noise, traffic, vibrations, odors, or lighting. (12) 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. (13) Written authorization from the legal property owner approving use of the dwelling for the Home Occupation must be submitted with the application. ~~(b) (d)~~ If the above conditions are maintained, home occupations are permitted in any dwelling through a business license. ~~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.~~ ~~(c) Limitations.~~ ~~Any sales activity shall be conducted only by mail or telephone. There shall be no direct sales of products or merchandise from the home, except for produce (fruit or vegetables) grown on the property.~~ ~~The space occupied by home occupations shall be limited to one (1) room in a dwelling unit 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.~~ ~~There shall be no interior or exterior remodeling or change in appearance of a dwelling in order to accommodate a home occupation.~~ ~~There shall be no signs, such as public advertising of the business address or other structures except those permitted for a dwelling use in the zone.~~ ~~Materials and equipment used in a home occupation shall be only of a type normally used in connection with household activities or hobbies. The individual responsible for the home occupation shall live in the dwelling.~~ ~~Employment in a home occupation shall be limited to members of the resident family.~~ ~~There shall be no transportation by commercial vehicle of materials or other items used in or produced by the home occupation.~~ ~~No significant vehicular or pedestrian traffic shall be generated by the home occupation. 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.~~ ~~A home occupation shall not place any added burden or demand on utility services or community facilities.~~ ~~A home occupation shall not present any external evidence of nonresidential activity such as by appearance, noise, traffic, vibrations, odors, or lighting.~~ ~~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.~~ ~~Written authorization from the legal property owner approving use of the dwelling for the Home Occupation must be submitted with the application.~~ ~~If the above conditions are maintained, home occupations are permitted in any dwelling through a business license.~~ ~~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.~~
Section 112.06.	c. (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.

Formatted: Indent: Left: 0.32", No bullets or numbering

Formatted: Indent: Left: 0.32"

Formatted: Indent: Left: 0.32"

Formatted: Indent: Left: -0.25"

<table>
<tr><td>Section 112.06.</td><td>Add text to Section 112:

Sec. 112.06. Emergency Shelters ~~and~~ Supportive and Transitional Housing, Elderly, Disabled, and Adult Care Facilities.

(a) Definitions.

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)).

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.

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).

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.

Elderly housing: means housing intended for and only occupied by persons 62 years of age or older.

Disabled housing: means a range of housing types that address the diverse needs and preferences of persons with disabilities.

Adult Care Facilities: means facilities that provide housing and care for adults, who have physical or mental limitations that restrict their ability to live independently. They offer assistance with personal care, social and recreational activities, and training in self-help skills.</td></tr>
<tr><td>Section 112.07</td><td>Section 112.07 Employee Housing

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.</td></tr>
<tr><td></td><td>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.</td></tr>
<tr><td>Section 98.00

Section 115.01</td><td>
<table>
<tr><th>Zone</th><th>Lot Area (SQ Feet)</th><th>Street Frontage (feet)</th><th>Easement Frontage (feet)</th><th>Lot Width (feet)</th><th>Lot Depth (feet)</th></tr>
<tr><td>R-1</td><td>7,500</td><td>40</td><td></td><td>60</td><td></td></tr>
<tr><td>R-2</td><td>3,000</td><td>50</td><td></td><td>~~100~~ 50</td><td></td></tr>
<tr><td>R-3</td><td>1,450</td><td>50</td><td></td><td>~~100~~ 50</td><td></td></tr>
<tr><td>CRR</td><td>1,000</td><td>50</td><td>Or 50</td><td>100</td><td></td></tr>
<tr><td>C-1</td><td>3,000</td><td>50</td><td></td><td>50</td><td>60</td></tr>
<tr><td>C-2</td><td>5,000</td><td>50</td><td></td><td>50</td><td>50</td></tr>
<tr><td>C-3</td><td>6,000</td><td>50</td><td></td><td>75</td><td>75</td></tr>
<tr><td>M-1</td><td>10,000</td><td>100</td><td></td><td>100</td><td>100</td></tr>
<tr><td>M-2</td><td>25,000</td><td>150</td><td></td><td>150</td><td>150</td></tr>
<tr><td>OS</td><td>----</td><td>----</td><td>----</td><td>----</td><td>----</td></tr>
<tr><td>P</td><td>----</td><td>----</td><td>----</td><td>----</td><td>----</td></tr>
</table>
</td></tr>
</table>

Formatted: Indent: Left: 0.07"

115.01 Nonconforming lots

(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 City Planner or their designee.

1. Approved Subdivision: The lot was created through a subdivision approved by the City or the County, before incorporation.

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.

3. Variance Or Lot Line Adjustment: The lot was approved through the variance procedure or its current configuration resulted from a lot line adjustment.

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.

(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.

(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:

(1) The property cannot reasonably be developed for the use proposed without such deviations;

(2) These deviations are necessitated by the size or shape of the nonconforming lot; and

(3) The property can be developed as proposed without any significantly adverse impact on surrounding properties or the public health or safety.

(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.

(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.

(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.

(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.~~

(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.

(i) Parking. The City shall not require additional parking stalls for residential uses proposed on nonconforming lots.

CUP application and future project resolutions.	~~At present, all development standards appear to be objective. Standards that are not strictly objective are highlighted below:~~ CUP findings (from application): • *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;* • ~~*The design of the improvements must be in harmony with the neighborhood and community objectives;*~~ • 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. CUP findings (from project resolution): *A. That the requested permit is within its jurisdiction according to the table of permissible uses.* *B. The Application is Complete* *C. The development is in general conformity with the Needles General Plan.* *D. ~~The development is in harmony with the area in which it is located~~.* *E. The development will not materially endanger the public health or safety.* ~~*The development will not substantially injure the value of adjoining or abutting properties.*~~
Sec 19-4. Sec 19-8	**ADD TO SECTION 19-4: DEPARTMENT REVIEW:** (d) 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 City Planner 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. (e) Prior to the consideration by the planning commission of a tentative map, and within ten days following its filing, the city manager shall make a report, in writing, to the planning commission as to any recommendations in connection with the tentative map and its bearing on particular functions. **ADD TO SECTION 19-8: APPROVAL BY PLANNING COMMSISSION** 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. 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. 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. 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. 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. 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.

	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. 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: 1. That the proposed map is inconsistent with the general plan or any applicable specific plan, or other applicable provisions of this code; 2. That the site is not physically suitable for the type of development; 3. That the site is not physically suitable for the proposed density of development; 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. 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; 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 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.

Page 2: [1] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 2: [1] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 2: [2] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 2: [2] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 2: [2] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 2: [3] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 2: [3] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 2: [4] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 2: [4] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 2: [5] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 2: [5] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 2: [5] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 2: [5] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 2: [6] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 2: [6] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 2: [7] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 2: [7] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 2: [8] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 2: [8] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 2: [9] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 2: [9] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 2: [10] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 2: [10] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 2: [11] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 2: [11] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 2: [12] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 2: [12] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 2: [13] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 2: [13] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 2: [14] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 2: [14] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 2: [15] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 2: [15] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 2: [16] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 2: [16] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 2: [17] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 2: [17] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 2: [18] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 2: [18] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 2: [19] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 2: [19] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 2: [19] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 2: [20] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 2: [20] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 2: [21] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 2: [21] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 2: [21] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 2: [22] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 2: [22] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 2: [23] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 2: [23] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 2: [23] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 2: [24] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 2: [24] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 2: [24] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 2: [25] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 2: [25] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 2: [26] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 2: [26] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 3: [27] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 3: [28] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 3: [29] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 3: [30] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 3: [31] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 3: [32] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 3: [33] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 3: [34] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 3: [35] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 3: [36] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 3: [37] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 3: [38] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 3: [39] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 3: [40] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 3: [41] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 3: [42] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 3: [43] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 3: [44] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 3: [45] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 3: [46] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 3: [47] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 3: [48] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 3: [49] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 3: [50] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 3: [51] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 3: [52] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 3: [53] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 3: [54] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 3: [55] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 3: [56] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 3: [57] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 3: [58] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 3: [59] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 3: [60] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 3: [61] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 3: [62] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 3: [63] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 3: [64] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 3: [65] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 3: [66] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 3: [67] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 3: [68] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 4: [69] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 4: [70] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 4: [71] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 4: [72] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 4: [73] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 4: [74] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 4: [75] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 4: [76] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 4: [77] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 4: [78] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 4: [79] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 4: [80] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 4: [81] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 4: [82] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 4: [83] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 4: [84] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 4: [85] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 4: [86] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 4: [87] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 4: [88] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 4: [89] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 4: [90] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 4: [91] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 4: [92] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 4: [93] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 4: [94] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 4: [95] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 4: [96] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 4: [97] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 4: [98] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 4: [99] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 4: [100] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 4: [101] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 4: [102] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 4: [103] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 4: [104] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 4: [105] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 4: [106] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 4: [107] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 5: [108] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 5: [109] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 5: [110] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 5: [111] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 5: [112] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 5: [113] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 5: [114] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 5: [115] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 5: [116] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 5: [117] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 5: [118] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 5: [119] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 5: [120] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 5: [121] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 5: [122] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 5: [123] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 5: [124] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 5: [125] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 5: [126] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 5: [127] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 5: [128] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 5: [129] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 5: [130] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 5: [131] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 5: [132] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 5: [133] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 5: [134] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 5: [135] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 5: [136] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 5: [137] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 5: [138] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 5: [139] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 5: [140] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 5: [141] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 5: [142] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 5: [143] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 5: [144] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 5: [145] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 5: [146] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 5: [147] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 5: [148] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 5: [149] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 6: [150] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 6: [150] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 6: [151] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 6: [151] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 6: [151] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 6: [151] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 6: [152] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 6: [152] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 6: [153] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 6: [153] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 6: [153] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 6: [153] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 6: [154] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 6: [154] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 6: [154] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 6: [154] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 6: [155] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 6: [155] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 6: [155] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 6: [155] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 6: [155] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 6: [155] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 6: [156] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 6: [156] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 6: [156] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 6: [157] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 6: [157] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 6: [157] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 6: [158] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 6: [158] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 6: [159] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 6: [159] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 6: [160] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 6: [160] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 6: [161] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 6: [161] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 6: [162] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 6: [162] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 6: [162] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 6: [162] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 6: [163] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 6: [163] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 6: [164] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 6: [164] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 6: [165] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 6: [165] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 6: [166] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 6: [166] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 6: [167] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 6: [167] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 6: [168] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 6: [168] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 6: [169] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 6: [169] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 6: [170] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 6: [170] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 6: [170] Formatted Christie, David 9/11/2023 10:11:00 AM

Formatted

Page 6: [171] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 6: [171] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 6: [171] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 6: [171] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 6: [171] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 6: [171] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 6: [171] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 6: [171] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 6: [171] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 6: [171] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 6: [171] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Page 6: [171] Formatted Christie, David 9/11/2023 10:11:00 AM

Double underline

Contact djones@cityofneedles.com for update

Article IV. Permits
Ord. No. 427-AC, 621-AC

Sec. 94.00. Permits required

(a) The use made of property may not be substantially changed, substantial clearing, grading, or excavation may not be commenced, and buildings or other substantial structures may not be constructed, erected, moved, or substantially altered except in accordance with and pursuant to one of the following permits:
  (1) A zoning permit issued by the city planner;
  (2) A special use permit issued by the planning commission;
  (3) A conditional use permit issued by the city council;
  (4) Sign permits issued by the city planner.

(b) Zoning permits, special use permits, conditional use permits and sign permits are issued under this part only when a review of the application submitted, including the plans contained therein, indicates that the development will comply with the provisions of this part if completed as proposed. Such plans and applications as are finally approved are incorporated into any permit issued, and except as otherwise provided in section 94.14, all development shall occur strictly in accordance with such approved plans and applications.

(c) Physical improvements to land to be subdivided may not be commenced except in accordance with a conditional use permit.

(d) A zoning permit, conditional use permit, special use permit, or sign permit shall be issued in the name of the applicant (except that application submitted by an agent shall be issued in the name of the principal), shall identify the property involved and the proposed use, shall incorporate by reference the plans submitted, and shall contain any special conditions or requirements lawfully imposed by the permit-issuing authority. All such permits issued with respect to tracts of land in excess of one (1) acre (except sign permits and zoning permits for single- family and two-family residential uses) shall be recorded in the San Bernardino County registry after execution by the record owner. (Ord. 427-AC)

(e) Reasonable Accommodation for Residential Uses. A request for reasonable accommodation can be made by any individual with a disability, his or her representative, or a developer or provider of housing for an individual with a disability, when the application of a land use or zoning regulation, or land use, zoning, or building policy, practice or procedure acts as a barrier to fair housing.

'

(1) Definitions. Article II Section 92 is hereby amended to add the following definitions:
Fair Housing Laws: The Federal Fair Housing Act (42 U.S.C. § 3601 et. Seq.), the California Fair Employment and Housing Act (Government Code §12900 et seq.), and the California Disabled Persons Act (Civil Code § 54 et.Seq.).
Individual with a Disability: A person.who has a medical, physical, or mental conditions that limits a major life activity, as those terms are defined in California Government Code section 12926

Reasonable Accommodation: A modification in the application of land use or zoning regulations or in the application of land use, zoning, or building policies, procedures, or practices when necessary to eliminate barriers to housing opportunities; which does not

impose undue financial or administrative burdens on the City or require a fundamental or substantial alteration of the City's regulations, policies, procedures or practices.

(2) Submittal requirements for reasonable accommodations. Each application for a Reasonable Accommodation shall be accompanied by the site plan information required by Article IV Section 94(e) (2) (a) through {n). Site plans shall be drawn to scale of an adequate size and shall indicate clearly and with full dimensions the following data where applicable:
(a) Exterior boundary lines of the property indicating easements, dimensions and lot size.
(b) All adjacent streets or rights-of-way, including 1 bicycle and/or hiking trails .
(c) Location, elevations, size, height, dimensions, mate rials, colors, and proposed use of all buildings and structures (including walls, fences, signs, lighting and hooding devices) existing and intended to remain on the site. (d)Setback information for all buildings existing and proposed at the site.
(e)Distances between all structures and between all property lines or easements and structures.
(f)Any nearby buildings which are relevant to this application.
(g)Any existing significant natural features such as rock outcroppings, highly protected trees, creeks, knolls and ridgelines.
(h) Location, number of spaces, and dimensions of offstreet parking spaces, loading docks, and maneuvering areas; indicate internal circulation.
(h) Pedestrian, vehicular and service points of ingress and egress; driveway widths, and distances between driveways.
(i) Proposed landscaping; include quantity, location,
varieties and container size.
(j) Proposed grading plan (for sites having over five (5) foot grade differential), showing existing and proposed contours, and the direction and path of drainage on, through and off the site; indicate any proposed drainage channels or facilities .
(k) Required and existing street dedications and improvements
such as sidewalks, curbing and pavement. Indicate widths, radii of curves, street grades and whether streets are public or private.
(l)Other such data as may be required to permit the Planning·Commission or the Zoning Administrator, as the case may be, to make the required findings for approval of the specific type of application.
(m) Scale shown as "Scale: 1 inch =feet" and north
a=w.
2
(n) Vicinity map indicating nearby cross streets in relation to site (need not be to scale).
(o) Whether the proposed site is in a FEMA flood plain
(3) Reasonable Accommodation applications. The purpose of granting an application for Reasonable Accommodation is to provide an individual with a disability, his or her representative, or a developer or provider of housing for an individual with a disability, a modification with respect to the application of land use, or zoning regulations, and in the application of land use, zoning, or building policies, practices or procedures when those regulations, policies and procedures act as a barrier to fair housing. An application for Reasonable Accommodation may be filed with the Planning Department as provided in Article IV Section
94(e) (3). The application shall be accompanied by the following information:
(a)The name, address and telephone number of the applicant;
(b) The name, address, and telephone number of the owner of the property for which the reasonable accommodation request is being made;

(c) The current use of the property for which the reasonable accommodation request is being made;
(d) If the applicant is someone other than the property owner, a letter of agency or authorization signed by the property owner consenting to the application being made;
(e) The basis for the claim that the individual to be reasonably accommodated is an Individual with a Disability under the Fair Housing Laws;
(f) The land use or zoning regulation, or land use, zoning, or building policy, practice or procedure for which reasonable accommodation is being requested;
(g) The ty p e of accommodation sought;
(h) The reason(s) why the accommodation is necessary
3
for the needs of the disabled person. Where appropriate, include a summary of any potential means and alternatives considered in evaluating the need for the accommodation;
(i) Copies of memoranda, correspondence, pictures, plans or background information reasonably necessary to reach a decision regarding the need for the accommodation;
(j) Other supportive information deemed necessary by the department to facilitate proper consideration of the request, consistent with fair housing laws.
(k) Completion of a CEQA Checklist if proposed site is vacant land
(1) There is no fee imposed on the filing or processing of the application for Reasonable Accommodation.
(4) Findings. The reviewing authority shall approve the application, with or without conditions, unless it determines on the basis of substantial evidence that one or more of the following findings cannot be made:
(a) The accommodation is requested by or on behalf of an individual with a disability protected under the fair housing laws.
(b) The housing, which is subject to the requested accommodation, will be used by an individual with a disability protected under fair housing laws.
(c) The requested accommodation is necessary to provide an individual with a disability an equal opportunity to use and enjoy a dwelling.
(d) The requested accommodation will not impose an undue financial or administrative burden on the City.
(e)The requested accommodation would not require a fundamental alteration in the nature of a City program or law, including land use and zoning.
(5) Other Discretionary approvals. If the project requires other discretionary approval (such as a Conditional Use Permit or
4
Variance) independent of the reasonable accommodation request, then the reasonable accorronodation application will be decided prior to the other applications. Such decisions shall not to be-reconsidered as part of the subsequent approvals, but shall be regarded as independent entitlements.
(6) Decisions. The Zoning Administrator shall, within 30 days of determining the application complete, approve, approve with conditions, or deny the application based on the findings set forth in Article IV Section 94(e) (4), and may impose such conditions as it deems necessary to ensure the accorrnnodation will comply with the findings required in Article IV Section
94(e) (4) and fair housing laws. As part of consideration of a request for a reasonable accommodation related to construction of new dwelling or dwellings, the Zoning Administrator may consult with the Design Review Corrnnittee regarding the requested accorrnnodation and any options that may result in a reasonable accorrnnodation. While any request for reasonable accommodation is pending, all laws and regulations otherwise

applicable to the property that is the subject of the request shall remain in full force and effect.
(7) Appeals. The decision of the Zoning Administrator may be appealed in accordance with Article XVIII "Enforcement and Review" Appeals are subject to payment of the fee imposed on appeals in the City's Master Fee Schedule.
(8) Nonconfonning Status. All improvements constructed under the auspices of this chapter shall be removed upon the vacation of the unit by the person to whom the reasonable accommodation was granted unless the Development Department Director, Zoning Administrator, Building Official, or other discretionary . reviewing authority, as applicable, makes a determination as follows:
(a)The unit has been reoccupied by a qualified person or such improvements provide benefit for future occupancy by a qualified person; or
(b)The removal of the improvement is not readily achievable without m□king significant structural changes that would impact the safety and soundness of the
structure, as determined solely by the Building Official, or such costs of removal equal or exceed 25 percent of the market value of the structure.
9) Confidentiality. Medical information provided to the City related to the person for whom a reasonable accommodation is being requested shall be retained in a manner so as to respect
5
the privacy rights of the applicant to the extent feasible, shall be kept confidential and shall not be made available to the public, pursuant to state and federal law.
10) Urgent, Temporary and Unforeseen Need. Upon receipt of the application required by Article IV Section 94(e} (3), and without the right of appeal provided by Article IV Section 94(e} (7), upon a showing of an urgent, temporary and unforeseen need made by or on behalf of an Individual with a Disability, the Zoning Administrator shall approve as a Temporary Reasonable Accommodation temporary ramps and temporary and easily remediated alterations to a building that are not designed or intended nor allowed to remain for more than 90 days following such approval during a period of temporary disability (90 days maximum) or during a period during which an application for Reasonable Accommodation has been made and has not been acted upon with, finality. Any approved Temporary Reasonable Accommodation shall be removed within the period of time established for such removal by the Zoning.Administrator at the time of approval.
Ord 621-AC

Sec. 94.01. No occupancy, use, or sale of lots until requirements fulfilled

Issuance of a conditional use, special use, zoning permit, or sign permit authorizes the recipient to commence the activity resulting in a change in use of the land or (subject to obtaining a building permit) to commence work designed to construct, erect, move, or substantially alter buildings or other substantial structures or to make necessary improvements to a subdivision. However, except as provided in section 94.12, the intended use may not be commenced, no building may be occupied, and in the case of subdivisions, no lots may be sold until all of the requirements of this part and all additional requirements imposed pursuant to the issuance of a conditional use or special use permit have been complied with, as required. (Ord. 427-AC)

Sec. 94.02. Who may submit applications

(a) Applications for zoning, special use, conditional use, or sign permits will be accepted only from persons having the legal authority to take action in accordance with the permit approval. By way of illustration, in general this means that applications should be made by the owners or lessees of property, or their agents, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this part, or the agents of such persons (who may make application in the name of such owners, lessees, or contract vendees).

(b) The city planner may require an applicant to submit evidence of his/her authority to submit the application in accordance with subsection (a) of this section whenever there appears to be a reasonable basis for questioning this authority. (Ord. 427-AC)

Sec. 94.03. Application to be complete

(a) All applications for zoning, special use, conditional use, or sign permits must be complete before the permit issuing authority is required to consider the application.

(b) Subject to subsection (c) of this section, an application is complete when it contains all of the information that is necessary for the permit issuing authority to decide whether or not the development, if completed as proposed, will comply with all of the requirements of this part.

(c) In this part, detailed or technical design requirements and construction specifications relating to various types of improvements (streets, sidewalks, etc.) are set forth in one (1) or more of the appendices to this part. It is not necessary that the application contain the type of detailed construction drawings that would be necessary to determine compliance with these appendices, so long as the plans provide sufficient information in the light of the substantive requirements set forth in this text of this part.

(d) The presumption established by this part is that all of the information set forth in zoning appendix A, Specifications for Street Design and Construction, on file at the city clerk's office, is necessary to satisfy the requirements of this section. However, it is recognized that each development is unique, and therefore the permit issuing authority may allow less information or require more information to be submitted to the city council or planning commission, the applicant may rely in the first instance on the recommendations of the city planner as to whether more or less information than that set forth in zoning appendix A should be submitted.

(e) The city planner shall make every effort to develop application forms, instructional sheets, checklists, or other techniques or devices to assist applicants in understanding the application requirements and the form and type of information that must be submitted. In classes of cases where a minimal amount of information is necessary to enable the administrator to determine compliance with this part, such as applications for zoning permits to construct single-family or two-family houses, or applications for sign permits, the city planner shall develop standard forms that will expedite the submission of the necessary plans and other required information. (Ord. 427-AC)

Sec. 94.04. Staff consultation before formal application

(a) To minimize development planning costs, avoid misunderstanding or

misinterpretation, and ensure compliance with the requirements of this part, preapplication consultation between the developer and the planning staff is encouraged or required as provided in this section.

(b) Before submitting an application for a conditional use permit authorizing a development that consists of or contains a major subdivision, the developer shall submit to the administrator a sketch plan of such subdivision, drawn approximately to scale (one (1) inch equals one hundred (100) feet). The sketch plan shall contain:

(1) The name and address of the developer;
(2) The proposed name and location of the subdivision;
(3) The approximate total acreage of the proposed subdivision;
(4) The tentative street and lot arrangement;
(5) Topographic lines; and
(6) Any other information the developer believes necessary to obtain the informal opinion of the planning staff as to the proposed subdivision's compliance with the requirements of this part.

The city planner shall meet with the developer as soon as conveniently possible to review the sketch plan.

(c) Before submitting an application for any other permit, developers are strongly encouraged to consult with the planning staff concerning the application of this part to the proposed development. (Ord. 427-AC)

Sec. 94.05. Staff consultation after application submitted

(a) Upon receipt of a formal application for a zoning, special use, or conditional use permit, the city planner shall review the application and confer with the applicant to ensure that he understands the planning staff's interpretation of the applicable requirements of this part, that he has submitted all of the information that he intends to submit, and that the application represents precisely and completely what he proposed to do.

(b) If the application is for a special use or conditional use permit, the city planner shall place the application on the agenda of the appropriate body when the applicant indicates that the application is as complete as he intends to make it. However if the administrator believes that the application is incomplete, he shall recommend to the appropriate body that the application be denied on that basis. (Ord. 427-AC)

Sec. 94.06. Zoning permits

(a) A completed application form for a zoning permit shall be submitted to the city planner by filing a copy of the application with the planning department.

(b) The city planner shall issue the zoning permit unless he finds, after reviewing the application and consulting with the applicant that:

(1) The requested permit is not within his jurisdiction according to the table of permissible uses; or
(2) The application is incomplete; or
(3) If completed as proposed in the application, the development will not comply with one (1) or more requirements of this part. (Ord. 427-AC)

Sec. 94.07. Special use permits and conditional use permits

(a) An application for a special use permit shall be submitted to the planning commission by filing a copy of the application with the planning department.
(b) An application for a conditional use permit shall be submitted to the planning commission by filing a copy of the application with the planning department.
(c) Subject to subsection (d) of this section, the planning commission or the council, respectively, shall issue the requested permit unless it concludes, based upon the information submitted at the hearing, that:
    (1) The requested permit is not within its jurisdiction according to the table of permissible uses; or
    (2) The application is incomplete; or
    (3) If completed as proposed in the application, the development will not comply with one (1) or more requirements of this part.
(d) Even if the permit-issuing body finds that the application complies with all other provisions of this part, it may still deny the permit if it concludes based upon the information submitted at the hearing, that if completed as proposed, the development, more probably than not:
    (1) Will materially endanger the public health or safety; or
    (2) Will substantially injure the value of adjoining or abutting property; or
    (3) Will not be in harmony with the area in which it is to be located; or
    (4) Will not be in general conformity with the general plan. (Ord. 427-AC)

Sec. 94.08. Recommendations on conditional use permit applications

(a) Before being presented to the council, an application for a conditional use permit shall be submitted to the planning commission for a public hearing and action.
(b) When presented to the planning commission, the application shall be accompanied by a report setting forth the planning staff's proposed findings concerning the application's compliance with other requirements of this part, as well as any staff recommendations for additional requirements to be imposed by the council. If the planning staff report proposes a finding or conclusion that the application fails to comply with any other requirement of this part, it shall identify the requirement in question and specifically state supporting reasons for the proposed findings or conclusions.
(c) The planning commission shall consider the application and the attached staff report in a timely fashion.
(d) After planning commission action, the planning staff shall report to the council the planning commission recommendation and the reasons thereof.
(e) In response to the planning commission recommendations, the applicant may modify his application prior to submission to the council, and the planning staff may likewise revise its recommendations. (Ord. 427-AC)

Sec. 94.09. Council action on conditional use permits

In considering whether to approve an application for a conditional use permit, the council shall proceed according to the following format:

(1) The council shall consider whether the application is complete. If no member moves that the application be found incomplete (specifying

either the particular type of information lacking or the particular requirement with respect to which the application is incomplete) then this shall be taken as an affirmative finding by the council that the application is complete.

(2) The council shall consider whether the application complies with all of the applicable requirements of this part. If a motion to this effect passes, the council need not make timer findings concerning such requirements.

If such a motion fails or is not made then a motion shall be made that the application be found not in compliance with one or more of the requirements of this part. Such a motion shall specify the particular requirements the application fails to meet. Separate votes may be taken with respect to each requirement not met by the application.

(3) If the council concludes that the application fails to comply with one (1) or more requirements of this part, the application shall be denied.

If the council concludes that all such requirements are met, it shall issue the permit unless it adopts a motion to deny the application for one (1) or more of the reasons set forth in section 94.07(d). Such a motion shall propose specific findings, based upon the evidence submitted, justifying such a conclusion. (Ord. 427-AC)

Sec. 94.10. Planning commission action on special use permits

In considering whether to approve an application for a special use permit, the planning commission shall proceed in the same manner as the council when considering conditional use permit applications.

(1) The planning commission shall consider whether the application is complete. If the planning commission concludes that the application is incomplete and the applicant refuses to provide the necessary information, the application shall be denied. A motion to this effect shall specify either the particular type of information lacking or the particular requirement with respect to which the application is incomplete. A motion to this effect, concurred in by two (2) members of the planning commission, shall constitute the planning commission's finding on this issue. If a motion to this effect is not made and concurred in by at least two (2) members, this shall be taken as an affirmative finding by the commission that the application is complete.

(2) The planning commission shall consider whether the application complies with all of the applicable requirements of this part. If a motion to this effect passes by the necessary majority vote, the planning commission need not make further findings concerning such requirements. If such a motion fails to receive the necessary majority vote or is not made, then a motion shall be made that the application be found not in compliance with one (1) or more requirements of this part. Such a motion shall specify the particular requirements the application fails to meet. A separate vote may be taken with respect to each requirement not met by the application, and a majority vote of the commission (excluding vacant seats) in favor of such a motion shall be sufficient to constitute such motion a finding of the commission.

If the planning commission concludes that the application fails to meet one (1) or more of the requirements of this part, the application shall be denied.

(3) If the planning commission concludes that all such requirements are met, it

shall issue the permit unless it adopts a motion to deny the application for one (1) or more of the reasons set forth in section 94.07(d). Such a motion shall propose specific findings, based upon the evidence submitted, justifying such a conclusion. Since such a motion is not in favor of the applicant, it is carried by a simple majority vote. (Ord. 427-AC)

Sec. 94.11. Additional requirements on special use and conditional use permits

(a) Subject to subsection (b) of this section, in granting a special or conditional use permit, the planning commissioner or city council, respectively, may attach to the permit such reasonable requirements in addition to those specified in this part as will ensure that the development in its proposed location:
    (1) Will not endanger the public health or safety;
    (2) Will not injure the value of adjoining or abutting property;
    (3) Will be in harmony with the area in which it is located; and
    (4) Will be in conformity with the general plan.
(b) The permit-issuing body may not attach additional conditions that modify or alter the specific requirements set forth in the ordinance codified in this part unless the development in question presents extraordinary circumstances that justify the variation from the specified requirements.
(c) Without limiting the foregoing, the planning commission may attach to a permit a condition limiting the permit to a specified duration.
(d) All additional conditions or requirements shall be entered on the permit. (Ord.427-AC)

Sec. 94.12. Completing developments in phases

(a) If a development is constructed in phases or stages in accordance with this section, then, subject to subsection (c) of this section, the provisions of Section 94.01 (No occupancy, use, or sale of lots until requirements fulfilled) shall apply to each phase as if it were the entire development.
(b) As a prerequisite to taking advantage of the provisions of subsection (a) of this section, the developer shall submit plans that clearly show the various phases or stages of the proposed development and the requirements of this part that will be satisfied with respect to each phase or stage.
(c) If a development that is to be built in phases or stages includes improvements that are designed to relate to, benefit, or be used by the entire development (such as a swimming pool or tennis courts in a residential development) then, as part of his application for development approval, the developer shall submit a proposed schedule for completion of such improvements. The schedule shall relate completion of such improvements to completion of one (1) or more phases or stages of the entire development. Once a schedule has been approved and made part of the permit by the permit-issuing authority, no land may be used, no buildings may be occupied, and no subdivision lots may be sold except in accordance with the approved schedule. (Ord. 427-AC)

Sec. 94.13. Expiration of permits

(a) Zoning, special use, conditional use, and sign permits shall expire automatically

if, within six (6) months after issuance of such permits:

(1) The use authorized by such permits has not commenced, in circumstances where no substantial construction, erection, alteration, excavation, demolition, or similar work is necessary before commencement of such use, or

(2) Less than ten (10) percent of the total cost of all construction, erection, alteration, excavation, demolition, or similar work on any development authorized by such permits has been completed on the site. With respect to phased development this requirement shall apply only to the first phase.

(b) If after some physical alteration to land or structures begins to take place, such work is discontinued for a period of six (6) months, then the permit authorizing such work shall immediately expire. However, expiration of the permit shall not affect the provisions of section 94.14.

(c) The permit-issuing authority may extend for a period up to six (6) months the date when a permit would otherwise expire pursuant to subsections (a) or (b) of this section if it concludes that: (1) the permit has not yet expired; (2) the permit recipient has proceeded with due diligence and in good faith; and (3) conditions have not changed so substantially as to warrant a new application. Successive extensions may be granted for periods up to six (6) months upon the same findings. All such extensions may be granted without resort to the formal processes and fees required for a new permit.

(d) For purposes of this section, the permit within the jurisdiction of the council or the planning commission is issued when such commission votes to approve the applications and issue the permit. A permit within the jurisdiction of the city planner is issued when the earlier of the following takes place:

(1) A copy of the fully executed permit is delivered to the permit recipient, and delivery is accomplished when the permit is hand-delivered or mailed to the permit applicant; or

(2) The city planner notifies the permit applicant that the application has been approved and that all that remains before a fully executed permit can be delivered is for the applicant to take certain specified actions, such as having the permit executed by the property owner so it can be recorded if required. (Ord. 427-AC)

Sec. 94.14. Effect of permit on successors and assigns

(a) Zoning, special use, conditional use, and sign permits authorize the permittee to make use of land and structures in a particular way. Such permits are transferable. However, so long as the land or structures or any portion thereof covered under a permit continues to be used for the proposes for which the permit was granted, then:

(1) No person (including successors or assigns of the person who obtained the permit) may make use of the land or structures covered under such permit for the purposes authorized in the permit except in accordance with all the terms and requirements of that permit; and

(2) The terms and requirements of the permit apply to and restrict the use of land or structures covered under the permit, not only with respect to all persons having any interest in the property at the time the permit was obtained, but

also with respect to persons who subsequently obtain, any interest in all or part of the covered property and wish to use it for or in connection with purposes other than those for which the permit was originally issued, so long as the persons who subsequently obtain an interest in the property had actual or record notice (as provided in subsection (b) of this section) of the existence of the permit at the time they acquired their interest.

(b) Whenever a special use, or conditional use permit is issued to authorize development (other than single-family or two-family residences) on a tract of land, nothing authorized by the permit may be done until the record owner of the property signs a written acknowledgment that the permit has been issued so that the permit may be recorded in the San Bernardino County registry and indexed under the record owner's name as grantor. (Ord. 427-AC)

Sec. 94.15. Amendments to and modifications of permit

(a) Insignificant deviations from the permit (including approved plans) issued by the city council, the planning commission or the city planner are permissible and the city planner may authorize such insignificant deviations. A deviation is insignificant if it has no discernible impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.

(b) Minor design modifications or changes in permits (including approved plans) are permissible with the approval of the permit-issuing authority. Such permission may be obtained without a formal application, public hearing, or payment of any additional fee. For purposes of this section, minor design modifications or changes are those that have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.

(c) All other requests for changes in approved plans will be processed as new applications. If such requests are required to be acted upon by the council or planning commission, new conditions may be imposed, but the applicant retains the right to reject such additional conditions by withdrawing his request for an amendment and may then proceed in accordance with the previously issued permit.

(d) The city planner shall determine whether amendments to and modifications of permits fall within the categories set forth above in subsections (a), (b), and (c) of this section.

(e) A developer requesting approval of changes shall submit a written request for such approval to the city planner and that request shall identify the changes. Approval of all changes must be given in writing. (Ord. 427-AC)

Sec. 94.16. Reconsideration of planning commission actions

(a) Whenever: (1) the city council disapproves a conditional use permit application; or (2) the planning commission disapproves an application for a special use permit or a variance, on any basis other than the failure of the applicant to submit a complete application, such action may not be reconsidered by the respective body at a later time unless the applicant clearly demonstrates that:

(A) Circumstances affecting the property that is the subject of the application have substantially changed, or

(B) New information is available that could not with reasonable diligence have

been presented at a previous hearing.

A request to be heard on this basis must be filed with the city planner within the time period for an appeal. However, such a request does not extend the period within which an appeal must be taken. (Ord. 427-AC)

Sec. 94.17. Applications to be processed expeditiously

Recognizing that inordinate delays in acting upon appeals or applications may impose unnecessary costs on the appellant or applicant, the city shall make every reasonable effort to process appeals and permit applications as expeditiously as possible, consistent with the need to ensure that all development conforms to the requirements of this part. (Ord. 427-AC)

Sec. 94.18. Maintenance of common areas, improvements and facilities

The recipient of any zoning, special use, conditional use, or sign permit, or his successor, shall be responsible for maintaining all common areas, improvements, or facilities required by this part or any permit issued in accordance with its provisions, except those areas, improvements, or facilities with respect to which an offer of dedication to the public has been accepted by the appropriate public authority. As illustrations, and without limiting the generality of the foregoing, this means that private roads and parking areas, water and sewer lines, and recreational facilities must be properly maintained so that they can be used in the manner intended, and required vegetation and trees used for screening, landscaping, or shading must be replaced if they die or are destroyed. (Ord. 427-AC)

Contact djones@cityofneedles.com for updates

Article VI. Uses.
Ord. No. 427-AC, 564-AC plus additional ordinances Sec 96.01

Sec. 96.00. Uses permitted. Land, buildings and other facilities shall be designed, developed and used only for those activities indicated for the various zones by the following Table of Permissible Uses. The symbols shown in this table have the following meanings:

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.
(Ord. 427-AC)

Sec. 96.01. Table of Permissible Uses – Table is being updated – please contact the City Clerk at djones@cityofneedles.com

Sec. 96.02. City Planner jurisdiction over uses otherwise permissible with a zoning permit. Notwithstanding any other provisions of this article, whenever the Table of Permissible Uses provides that a use in a nonresidential zone or a nonconforming use in a residential zone is permissible with a zoning permit, a special use permit shall nevertheless be required if the city planner finds that the proposed use would have an extraordinary impact on neighboring properties or the general public. In making this determination, the city planner shall consider, among other factors, whether the use is proposed for an undeveloped or previously developed lot, whether the proposed use constitutes a change from one (1) principal use classification to another, whether the use is proposed for a site that poses peculiar traffic or other hazards or difficulties, and whether the proposed use is substantially unique or is likely to have impacts that differ substantially from those presented by other uses that are permissible in the zoning district in question. (Ord. 427-AC)

Sec. 96.03. Permissible uses and specific exclusions. (a) The presumption established by this part is that all legitimate uses of land are permissible within at least one (1) zoning district in the city's planning jurisdiction. Therefore, because the list of permissible uses set forth in section 96.01 (Table of Permissible Uses) cannot be all inclusive, those uses that are listed shall be interpreted liberally to include other uses that have similar impacts to the listed uses.

(b) Notwithstanding subsection (a) of this section, all uses that are not listed in section 96.01 (Table of Permissible Uses), even given the liberal interpretation mandated by subsection (a) of this section, are prohibited. Nor shall section 96.01 (Table of Permissible Uses) be interpreted to allow a use in one (1) zoning district when the use

question is more closely related to another specified use that is permissible in other zoning districts.

(c) Without limiting the generality of the foregoing provisions, the following uses are specifically prohibited in all districts:

(1) Any use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible or explosive materials in violation of the Uniform Fire Code;
(2) Stockyards, slaughterhouses, rendering plants;
(3) Use of a travel trailer as a temporary or permanent residence. (Situations that do not comply with this subsection on the effective date of this part are required to conform within one (1) year.);
(4) Use of a motor vehicle parked on a lot as a structure in which, out of which, or from which any goods are sold or stored, any services are performed, or other business is conducted. (Situations that do not comply with this subsection on the effective date of this part are required to conform within thirty (30) days.) (Ord. 427-AC)

Sec. 96.04. Accessory uses. (a) The Table of Permissible Uses (section 96.01) classifies different principal uses according to their different impacts. Whenever an activity (which may or may not be separately listed as a principal use in this table) is conducted in conjunction with another principal use and the former use (1) constitutes only an incidental or insubstantial part of the total activity that take place on a lot, or (2) is commonly associated with the principal use and integrally related to it, then the former use may be regarded as accessory to the principal use and may be carried on underneath the umbrella of the permit issued for the principal use. For example, a swimming pool/tennis court complex is customarily associated with and integrally related to a residential subdivision or multifamily development and would be regarded as accessory to such principal uses, even though such facilities, if developed apart from a residential development, would require a special use permit.

(b) For purposes of interpreting subsection (a) of this section:

(1) A use may be regarded as incidental or insubstantial if it is incidental or insubstantial in and of itself or in relation to the principal use.
(2) To be “commonly associated” with a principal use it is not necessary an accessory use to be connected with such principal use more times than not, but only that the association of such accessory use with such principal use takes place with sufficient frequency that there is common acceptance of their relatedness.

(c) Without limiting the generality of subsections (a) and (b) of this section, the following activities, so long as they satisfy the general criteria set forth above, are specifically regarded as accessory to residential principal uses:

(1) Offices or studios within an enclosed building and used by an occupant of a residence located on the same lot as such building to carry on administrative or artistic activities of a commercial nature, so long as such activities do not fall within the definition of a home occupation;
(2) Hobbies or recreational activities of a noncommercial nature;
(3) The renting out of one (1) or two (2) rooms within a single-family residence (which one (1) or two (2) rooms do not themselves constitute a separate dwelling unit) to not more than two (2) persons who are not part of the family that resides in the single-family dwelling;
(4) Yard sales or garage sales, so long as such sales are not conducted on the same lot more than three (3) times during any fiscal year.

(d) Without limiting the generality of subsections (a) and (b) of this section, the following activities shall not be regarded as accessory to a residential principal use and are prohibited in residential districts:

(1) Storage outside of substantially enclosed structure of any motor vehicle that is neither licensed nor operational;
(2) Parking outside a substantially enclosed structure of more than four (4) motor vehicles between the front building line of the principal and the street on any lot used for residential purposes. (Ord. 427-AC)

Sec. 96.05. Permissible uses not requiring permits. Notwithstanding any other provisions of this part, no zoning, special use, or conditional use permit is necessary for the following uses:

(1) Streets;

(2) Electric power, telephone, telegraph, cable television, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way;

(3) Neighborhood utility facilities located within a public right-of-way with the permission of the owner (state or city) of the right-of-way. (Ord. 427-AC)

Sec. 96.06 Change in uses. (a) A substantial change in use of property occurs whenever the essential character or nature of the activity conducted on a lot changes. This occurs whenever:

(1) The change involves a change from one (1) principal use category to another.

(2) If the original use is a combination use or planned unit development the relative proportion of space devoted to the individual principal uses that comprise the combination use or planned unit development use changes to such an extent that the parking requirements for the overall use are altered.

(3) If the original use is a combination use or planned unit development use, the mixture of the types of individual principal uses that comprise the combination use of planned unit development use changes.

(4) If the original use is a planned residential development, the relative proportions of different types of dwelling units change.

(5) If there is only one (1) business or enterprise conducted on the lot (regardless of whether that business or enterprise consist of one (1) individual principal use or a combination use), that business or enterprise moves out and a different type of enterprise moves in (even though the new business or enterprise may be classified under the same principal use or combination use category as the previous type of business.)

For example, if there is only one (1) building on a lot and a florist shop that is the sole tenant of that building moves out and is replaced by a clothing store, that constitutes a change in use even those both tenants fall within the same principal use classification. However, if the florist shop were replaced by another florist shop, that would not constitute a change in use since the type of business or enterprise would not have changed. Moreover, if the florist shop moved out of a rented space in a shopping center and was replaced by a clothing store, that would not constitute a change in use since there is more than one (1) business on the lot and the essential character of the activity conducted on that lot (shopping center - combination use) has not changed.

(b) A mere change in the status of property from unoccupied to occupied or vice versa does not constitute a change in use. Whether a change in use occurs shall be determined by comparing the two (2) active uses of the property without regard to any intervening period during which the property may have been unoccupied, unless the property has remained unoccupied for more than one hundred eighty (180) consecutive days or has been abandoned.

(c) A mere change in ownership of a business or enterprise or a change in the name shall not be regarded as a change in use (Ord. 427-AC)

Sec. 96.07. Combination uses. (a) When a combination use comprises two (2) or more principal uses that require different types of permits (zoning, special use, or conditional use), then the permit authorizing the combination use shall be:

(1) A conditional use permit if any of the principal uses combined requires a conditional use permit;

(2) A special use permit if any of the principal uses combined requires a special use permit but none requires a conditional use permit;

(3) A zoning permit in all other cases.

(b) When a combination use consists of a single-family detached residential subdivision that is not architecturally integrated and two-family or multifamily uses, the total density permissible on the entire tract shall be determined by having the developer indicate on the plans the portion of the total lot that will be developed for each purpose and calculating the density for each portion as if it were a separate lot.

(c) When a combination use consists of a single-family detached, architecturally integrated subdivision and two-family or multifamily uses, then the total density permissible on the entire tract shall be determined by dividing the area of the tract by the minimum square footage per dwelling unit. (Ord. 427-AC)

Sec. 96.08 Second Dwelling Units. Over the counter review. Pursuant to City of Needles Development Code, second units that comply with the following criteria may be reviewed and approved ministerially, without review by the Planning Commission:

(1) The parcel will include, or already includes, a single-family dwelling.
(2) The second unit is either attached or detached from the first dwelling unit.
(3) Number of Units. Only one second unit is permitted per primary single-family dwelling on the same lot.
(4) The second dwelling unit provides complete, independent living facilities for one (1) or more persons and includes permanent provisions for living, sleeping, eating, cooking and sanitation.
(5) The second dwelling unit shall comply with all height, setback, lot coverage and other applicable zoning requirements of this part. An additional parking space(s) shall be provided if sufficient space is available.
(6) The second dwelling unit maintains the scale of adjoining residences and blends into the existing setting by use of appropriate building form, height, materials, color and landscaping appropriate to that setting.
(7) Side and rear yard setbacks for second dwelling units shall be the same as the primary residence; detached second units shall be separated from the primary residence by a minimum of 6 feet.
(8) Required parking for the primary single-family dwelling may not be removed for the creation of a second dwelling unit (e.g. garage conversions) or allocated to meet the parking requirement for the second dwelling unit, unless replacement parking is provided in accord with this title.
(9) Emergency Access. A detached second dwelling unit may be permitted only on a lot with access from a roadway/easement that meets the fire apparatus access road requirements of the California Fire Code Section 902.2.2.1 s
(10) Second dwelling units shall not be permitted on a lot or parcel having guest or accessory living quarters. Existing guest or accessory living quarters may be converted into a second dwelling unit provided that all zoning and structural requirements are met.
(11) The second unit may be rented and shall not be sold separately from the main dwelling unit unless the lot on which such units are located is subdivided. The lot upon which the second unit is located shall not be subdivided unless each lot which

would be created by the subdivision will comply with the requirements of this title, the City's Subdivision Ordinance, and the Subdivision Map Act.

(12) Building code requirements which apply to additions to existing single-family residence shall apply. (Ord. 427-AC, 547-AC)

Sec. 96.09. Planned unit development overlay. (a) Property located in an area shown on the zoning map with the symbol PUD shall not be subdivided, developed or used for any purpose unless a conditional use permit is approved and the subdivision, development and use is in accordance with such conditional use permit. Planned unit developments are allowed in the commercial residential resort zone.

(b) The following criteria shall be applied to consideration of a conditional use permit in the PUD overlay zone in addition to any other criteria applicable to the use and development being considered:

(1) The development site shall be at least five (5) acres in net area.

(2) The development shall be of exceptional design quality, providing for imaginative use of the site, an attractive environment for occupants, and enhancing the character of the surrounding area.

(c) Area requirements, density, height, yard and other requirements with the PUD shall be those permitted or required in the zoning district with which the PUD is combined, or those established during the approval process. However, single-family residential lot sizes in a PUD may only be reduced below the minimum standards required by the appropriate zone if usable open space is provided either within the PUD in an amount equal to or greater than the sum of all reductions of the minimum lot size or usable public open space is located adjacent to the PUD. (Ord. 427-AC, 564-AC)

Article VII. Intensity of Uses
Ord 427-AC, 620-AC

Sec. 97.00. Residential zone densities with no bonuses.

Before any density bonuses are applied, the number of dwelling units permitted in a residential development shall not exceed the following amounts:

ZONE	DENSITY
(dwelling units per net acre)	
R-1	1.0-7.0
R-2	8.0-17.0
R-3	18.0-30.0
CRR	1.0-30.0

(Ord. No. 427-AC)

Sec. 97.01. Density Bonus and Related Incentives and Concessions Program.

Sec. 97.01(a). Purpose. The purpose of this Section 97.01 is to satisfy the requirements set forth in the Government Code Section 65915, *et seq*. (known as the State Density Bonus Law). If any provision of this Division conflicts with state law, or provides more rights than are legally required by state law, the minimum requirements of State law shall control.

Sec. 97.01(b). Definitions. The following definitions shall control over any conflicting definitions in other Sections of the Needles Municipal Code. State law definitions, as they may be amended from time to time, control over the definitions in this section.

(1) Affordable Housing Benefits means one or more the of the following:
- a) A Density Bonus pursuant to Section 97.01(h);
- b) An Incentive pursuant to Section 97.01(l);
- c) A Development Standard Waiver or Modification pursuant to Section 97.01(o); and
- d) A Parking Standard Modification pursuant to Section 97.01(p).

(2) Affordable Housing Cost means the definition set forth in Health and Safety Code Section 50052.5. (Gov. Code § 65915(c)(1)).

(3) Affordable Housing Developer means the applicant or permittee of a Qualified Housing Development and its assignees or successors in interest.

(4) Affordable Rent means the definition set forth in Health and Safety Code Section 50053. (Gov. Code § 65915(c)(1)).

(5) Affordable Unit means a residential dwelling unit that is guaranteed by the Affordable Housing Developer to be rented or sold in accordance with the requirements of this section to one of the following:
- a) a Very Low Income Household;
- b) a Low Income Household; or
- c) a Moderate Income Household within a Common Interest Development. (Gov. Code §§ 65915(c)(1)-(c)(2)).

(6) Child Care Facility means a child day care facility other than a family day care home, including but not limited to infant centers, preschools, extended day care facilities, and school age child care centers. (Gov. Code § 65915(h)(4)).

(7) City means the City of Needles.

(8) Common Interest Development means any of the following: a community apartment project, a condominium project, a planned development, and a stock cooperative pursuant to Civil Code Section 1351(c) and pursuant to Civil Code Section 4100. (Gov. Code § 65915(c)(2)). All Common Interest Development units must be offered to the public for purchase. (Gov. Code § 65915(b)(1)(D)).
(9) Condominium Conversion Project - means a residential project in which the applicant proposes to convert apartment units to condominiums pursuant to Government Code Section 65915.5(a).
(10) Density Bonus - Condominium Conversion Projects: means a density increase over the otherwise Maximum Allowable Residential Density as of the date of application to the City for a Qualified Housing Development. (Gov. Code § 65915(f)).
(11) Density Bonus Units - means dwelling units granted which exceed the otherwise Maximum Allowable Residential Density.
(12) Development Standard - means a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an on-site open-space requirement, or a parking ratio, that applies to a residential development pursuant to the Zoning Ordinance, the General Plan or other City condition, law, policy, resolution, or regulation. (Gov. Code § 65915(o)(1)).
(13) Eligible housing development means a development that satisfies all of the following criteria:

(a) The development is a multifamily housing development that contains five or more residential units, exclusive of any other floor area ratio bonus or incentive or concession awarded pursuant to this chapter.

(b) The development is located within one of the following:

(i) An urban infill site that is within a transit priority area.

(ii) One-half mile of a major transit stop.

(c) The site of the development is zoned to allow residential use or mixed-use with a minimum planned density of at least 20 dwelling units per acre and does not include any land zoned for low density residential use or for exclusive nonresidential use.

(d) The applicant and the development satisfy the replacement requirements specified in subdivision (c) of Section 65915.

(e) The development includes at least 20 percent of the units, excluding any additional units allowed under a floor area ratio bonus or other incentives or concessions provided pursuant to this chapter, with an affordable housing cost or affordable rent to, and occupied by, persons with a household income equal to or less than 50 percent of the area median income, as determined pursuant to Section 50093 of the Health and Safety Code, and subject to an affordability restriction for a minimum of 55 years.

(f) The development complies with the height requirements applicable to the underlying zone. A development shall not be eligible to use a floor area ratio bonus or other incentives or concessions provided pursuant to this chapter to relieve the development from a maximum height limitation.

(2) “Transit priority area” has the same meaning as defined in Section 21099 of the Public Resources Code.

(3) “Floor area ratio” means the ratio of gross building area of the eligible housing development, excluding structured parking areas, proposed for the project divided by the net lot area. For purposes of this paragraph, “gross building area” means the sum of all finished areas of all floors of a building included within the outside faces of its exterior walls.

(4) “Floor area ratio bonus” means an allowance for an eligible housing development to utilize a floor area ratio over the otherwise maximum allowable density permitted under the

applicable zoning ordinance and land use elements of the general plan of a city or county, calculated pursuant to paragraph (2) of subdivision (b).

(14) Housing Development - means a development project of five or more residential units and includes a subdivision or Common Interest Development that is approved by the City and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling where the result of the rehabilitation would be a net increase in available residential units. (Gov. Code § 65915(i)).

(15) Household Income Category Definitions

a) Very Low Income Household - means a household whose income does not exceed fifty percent (50%) of the County's median household income as defined in Health and Safety Code Section 50105. (Gov. Code § 65915(b)(1)(B)).

b) Low Income Household - means a household whose income does not exceed eighty percent (80%) of the County's median household income as defined in Health and Safety Code Section 50079.5 (Gov. Code § 65915(b)(1)(A)).

c) Moderate Income Household - means persons or families whose income does not exceed one hundred and twenty percent (120%) of the County's median household income as defined in Health and Safety Code Section 50093. (Gov. Code § 65915(b)(1)(D)).

(16) Incentive - means "incentives and concessions" as that phrase is used in Government Code Section 65915.

(17) "Lower income students" means students who have a household income and asset level that does not exceed the level for Cal Grant A or Cal Grant B award recipients as set forth in paragraph (1) of subdivision (k) of Section 69432.7 of the Education Code.

(1) "Major transit stop" has the same meaning as defined in Section 21155 of the Public Resources Code.

(18) Market-Rate Unit means a dwelling unit that is not an Affordable Unit.

(19) Maximum Allowable Residential Density - means the density allowed under the applicable Zoning Ordinance and the land use element of the general plan, or if a range of density is permitted, means the maximum allowable density for the specific zoning range and land use element of the general plan applicable to the project. Where the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail. (Gov. Code § 65915(o)(2)).

(19) Minimum Affordable Housing Component - means a Housing Development project which includes a minimum of any of the following:

(a) Very Low Income Minimum Affordable Housing Component - Provides at least five percent (5%) of the Total Units for Very Low Income Household residents (Gov. Code § 65915(b)(1)(B)); or

(b) Low Income Minimum Affordable Housing Component - Provides at least ten percent (10%) of the Total Units for Low Income Households (Gov. Code § 65915(b)(1)(A)); or

(c) Moderate Income Minimum Affordable Housing Component - Provides at least ten percent (10%) of the Total Dwelling Units in a Common Interest Development for moderate income households (Gov. Code § 65915(b)(1)(D)).

(20) Other Incentives of Equivalent Financial Value - means the reduction or waiver of requirements which the City might otherwise apply as conditions of condominium conversion approval, but shall not be construed to require the City to provide cash transfer payments or other monetary compensation. (Gov. Code § 65915.5(c)).

(21) Qualified Housing Development - means a Housing Development that meets the requirements of Section 97.01(c) for Density Bonus.

(22) Qualified Land - means land offered for donation in accordance with Section 97.01(k) that meets the criteria set forth in Section 97.01(k).
(23) Senior Citizen Housing Development - means a residential development that is developed, substantially rehabilitated, or substantially renovated for, senior citizens and that has at least thirty-five (35) Senior Citizen Housing Development Units. (Gov. Code § 65915(b)(1)(C)).
(24) Senior Citizen Housing Development Unit - means a residential dwelling unit within a Senior Citizen Housing Development that is available to, and occupied by, a senior citizen as defined in Civil Code Section 51.3.
(25) Specific, Adverse Impact - means a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application for the Housing Development was deemed complete. Inconsistency with the Zoning Ordinance or General Plan land use designation shall not constitute a specific, adverse impact upon the public health or safety. (Gov. Code § 65589.5(d)(2)).
(26) Total Units and Total Dwelling Units - means dwelling units other than Density Bonus Units. (Gov. Code § 65915(b)(3)).
(27) Transit priority area" has the same meaning as defined in Section 21155 of the Public Resources Code.
(27) Zoning Ordinance - means the Needles Zoning Ordinance set forth in Part III "Zoning" of the City of Needles Municipal Code.

Sec. 97.01(c). Eligibility for Density Bonuses and Incentives. Density Bonuses are available to Affordable Housing Developers in accordance with this Division for the following:

(1) Housing Developments which include a Minimum Affordable Housing Component (Section 97.01(h) and Section 97.01(t)(1))

(2) Housing Developments which include a Minimum Affordable Housing Component and a Child Care Facility (Section 97.01(i));

(3) Senior Citizen Housing Developments (Section 97.01(j)); and

(4) Land Donations for Very Low Income Housing (Section 97.01(k)).

(5) Housing Development which include a Student Housing Component. (

For the purpose of calculating a Density Bonus, the residential units must be on contiguous sites that are subject of one development application, but do not have to be based upon individual subdivision maps or parcels.

Sec. 97.01(d). Fees.

(1) An application for Density Bonus Permit shall be accompanied by the fee set by resolution of the City Council.

(2) If an application for a Density Bonus Permit requires an unusual amount or specialized type of study or evaluation by City staff, a consultant or legal counsel, City staff shall estimate the cost thereof and require the applicant to pay an additional fee or make one or more deposits to pay such cost before the study or evaluation is begun. On completion of the study or evaluation, and before the City Council decides the application, City staff shall determine the actual cost of the work and the difference between the actual cost and the amount paid by the applicant, and shall require the applicant to pay any deficiency or shall refund to the applicant any excess.

Sec. 97.01(e). Application Required. When an applicant seeks a density bonus for a Housing Development that meets the criteria set out in Section 97.01(h) (Gov. Code §

65915) the Affordable Housing Developer must comply with all of the following requirements:

(1) The applicant shall file an application for a Density Bonus Permit in accordance with Sections 97.01(e) and 97.01(f) that includes a Minimum Affordable Housing Components, whether or not the project also requires or has been granted a special use permit or other permits or approvals. (Gov. Code § 65915(b)(1)).

(2) State in the application the specific Minimum Affordable Housing Component proposed for the Housing Development. (Gov. Code § 65915(b)(2)).

(3) Enter into an agreement with the City or its designee pursuant to Section 97.01(s) to maintain and enforce the Affordable Housing Component of the Housing Development. (Gov. Code § 65915(c)).

Sec. 97.01(f). Content of Application.

(1) The application for a Density Bonus Permit shall include the following information:

(a) A description of the project, including the number of dwelling units, the number of affordable units and level of affordability, and the location of the affordable units;

(b) A description of the density bonus and the incentives or concessions requested, if any, in accordance with Section 97.01(h) thru Section 97.01(m) (Gov. Code Section 65915(b)(2));

(c) For Parking Standard Modification requests, that the requirements of Gov. Code, Section 65915(p) are met;

(d) The location, design and phasing criteria required by Section 97.01(q), including any proposed Development Standard(s) modifications or waivers pursuant to Section 97.01(o);

(e) Any proposal for the waiver of reduction of development standards which waiver or reduction is required to allow the City to avoid physically precluding the construction of a development meeting the criteria of Gov. Code Section 65915(b) at the densities or with the concessions or incentives permitted by the statute;

(f) The proposed method of ensuring the continued affordability of all low, very low, or moderate rental units, or senior units, or child care facilities, that qualified the applicant for the award of the density bonus for at least 55 years, as required by Gov. Code, Section 65915(c)(1); and

(g) Other relevant information requested by City staff.

(2) For the application for a Density Bonus Permit for the donation of Qualified Land pursuant to Section 97.01(k), the application must show the location of the Qualified Land in addition to including sufficient information to establish that each requirement of that section has been met. (Gov. Code § 65915(g)(2));

(3) The application for a Density Bonus Permit for a Housing Development that conforms to the requirements of section 97.01(i) and/or section 97.01(l). (Gov. Code, Section 65915(b)) and includes a child care facility that will be located on the premises of, as part of, or adjacent to, the project, shall show the location and square footage of the Child Care Facility in addition to including sufficient information as how the applicant proposes to regulate attendance at the child care facility to conform to the requirements of Gov. Code Section 65915(h)(2)(B).

(4) An application for a Density Bonus permit will not be processed until all of the provisions of this Section are complied with as determined by the director and shall be processed concurrently with other required entitlements for which the Affordable Housing Benefit is sought. Prior to the submittal of an application for a Qualified Housing Development, an applicant may submit to the director a preliminary proposal for Affordable Housing Benefits. The director shall, within 90 days of receipt of a written proposal, notify

the applicant of the director's preliminary response and schedule a meeting with the applicant to discuss the proposal and the director's preliminary response. Approval of a Density Bonus permit shall be at the same level as the planning entitlement action for the project with the highest requirement.

Sec. 97.01(g). Effect of Proposal for Waiver or Reduction of Development Standards.

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

Sec. 97.01(h). Density Bonus Allowance for Housing Development with Affordable Housing Component.

If the requirements of Section 97.01(c) are met, then the Affordable Housing Developer is entitled to a Density Bonus pursuant to Government Code Section 65915(f) as follows:

Table 97.01(h). Density Bonus Allowance for Housing Development Projects with Affordable Housing Component.

Household Income Category	Minimum Affordable Units	Minimum Density Bonus	Additional Density Bonus For Each 1% Increase in Affordable Units	Maximum Possible Density Bonus
Affordable Housing Development				
Very Low Income	5%	20%	2.5%	35%
Low Income	10%	20%	1.5%	35%
Moderate Income (Common Interest Developments)	10%	5%	1%	35%

As demonstrated in Table 97.01(h), the amount of Density Bonus to which the applicant is entitled shall vary according to the amount by which the percentage of Affordable Units offered by the applicant exceeds the percentage of the Minimum Affordable Housing Component; the applicant may also elect to accept a lesser percentage of Density Bonus. (Gov. Code § 65915(f)). All density calculations resulting in fractional units shall be rounded up to the next whole number. (Gov. Code § 65915(f)(5)).

Sec. 97.01(i). Density Bonus for Housing Development with Affordable Housing Component and Child Care Facility.

(1) Criteria. For a Density Bonus to be granted pursuant to Section 97.01(i) for including a Minimum Affordable Housing Component with a Child Care Facility in a Housing Development, all of the following must be satisfied:

(a) Compliance with each requirement in Section 97.01(c). (Gov. Code § 65915(h)(1)).

(b) The Housing Development must include a Child Care Facility that will be located on the premises of, as part of, or adjacent to, the Housing Development. (Gov. Code § 65915(h)(1)).

(c) Approval of the Housing Development must be conditioned to ensure that both of the following occur:

1. The Child Care Facility must remain in operation for a period of time that is as long as or longer than the period of time during which the Affordable Units are required to remain affordable pursuant to Section 97.01(s) (Gov. Code § 65915(h)(2)(A)).

2. Of the children who attend the Child Care Facility, the children of Very Low Income Households, Low Income Households, or Moderate Income Households must equal a percentage that is equal to or greater than the percentage of dwelling units that are required under the respective Minimum Affordable Housing Component Income Category for which the Density Bonus is sought (Gov. Code § 65915(h)(2)(B)).

(d) The City has not made a finding based upon substantial evidence that the community has adequate Child Care Facilities. (Gov. Code § 65915(h)(3)).

(2) Density Bonus Allowance. If the requirements of Section 97.01(i)(l) are met, then an applicant for a Housing Development with an Affordable Housing Component and Child Care Facility is entitled to:

(a) A Density Bonus pursuant to Section 97.01(h); and

(b) An additional Density Bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the Child Care Facility. (Gov. Code § 65915(h)(1)(A)).

Sec .97.01(j). Density Bonus for Senior Citizen Housing Development.

An applicant for a Senior Citizen Housing Development or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to Civil Code Sections 798.76 or 799.5 is entitled to a Density Bonus of twenty percent (20%) of the number of Senior Citizen Housing Development Units. (Gov. Code § 65915(b)(1)(C), (f)(3)).

Sec. 97.01(k). Density Bonus for Land Donations.

For a Density Bonus for a Qualified Land donation to be granted pursuant to Section 97.01(k), all of the requirements of state law, as it may be amended from time to time, shall be met. See Gov. Code 65915(g). For qualifying donations, the City shall award a 15% density bonus, but in no event shall the total density bonus from all sources exceed 35%. (Gov. Code § 65915(g)(2)).

Sec. 97.01(l) Density Bonus for Student Housing.

For a density bonus for a student housing project to be granted pursuant to Section 97.01(l), all of the requirements of state law, as it may be amended from time to time, shall be met, as identified below in Gov. Code 65915(F)(i).

(1) Requirements for Student Housing Density Bonus:

(a)All units in the student housing development will be used exclusively for undergraduate, graduate, or professional students enrolled full time at an institution of higher education 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, county, or city or county 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.

(b) The applicable 20-percent units will be used for lower income students. The eligibility of a student shall be verified by an affidavit, award letter, or letter of eligibility

provided by the institution of higher education that the student is enrolled in, as described in subclause (I), 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 shall be sufficient to satisfy this subclause.

(c) The rent provided in the applicable units of the development for lower income students shall be calculated at 30 percent of 65 percent of the area median income for a single-room occupancy unit type.

(d) The 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 (d) 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.

i. 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.

Sec. 97.01(m) Floor Area Ratio Density Bonus.

For a Floor Area Ratio density bonus to be granted pursuant to Section 97.01(m) all of the requirements of State law, as it may be amended from time to time, shall be met, as identified below and in Gov. Code 65917.2.

(1) A city council, including a charter city council or the board of supervisors of a city and county, or county board of supervisors may establish a procedure by ordinance to grant a developer of an eligible housing development, upon the request of the developer, a floor area ratio bonus, calculated as provided in paragraph (a), in lieu of a density bonus awarded on the basis of dwelling units per acre.

(a) In calculating the floor area ratio bonus pursuant to this section, the allowable gross residential floor area in square feet shall be the product of all of the following amounts:

(1) The allowable residential base density in dwelling units per acre.

(2) The site area in square feet, divided by 43,560.

(3) 2,250.

(b) The city council or county board of supervisors shall not impose any parking requirement on an eligible housing development in excess of 0.1 parking spaces per unit that is affordable to persons and families with a household income equal to or less that 120 percent of the area median income and 0.5 parking spaces per unit that is offered at market rate.

(c) A city or county that adopts a floor area ratio bonus ordinance pursuant to this section shall allow an applicant seeking to develop an eligible residential development to calculate impact fees based on square feet, instead of on a per unit basis.

(d) In the case of an eligible housing development that is zoned for mixed-use purposes, any floor area ratio requirement under a zoning ordinance or land use element of the general plan of the city or county applicable to the nonresidential portion of the eligible housing development shall continue to apply notwithstanding the award of a floor area ratio bonus in accordance with this section.

(e) An applicant for a floor area ratio bonus pursuant to this section may also submit to the city, county, or city and county a proposal for specific incentives or concessions pursuant to subdivision (d) of Section 65915.

(f) This section shall not be interpreted to do either of the following:

(1) Supersede or preempt any other section within this chapter.

(2) Prohibit a city, county, or city and county from providing a floor area ratio bonus under terms that are different from those set forth in this section.

Sec. 97.01(l) Affordable Housing Incentives. Government Code subsections 65915(d), (j), (k) and (l) govern the following provisions regarding affordable housing incentives. Subject to Section 97.01(n), all of the following applicable requirements must be satisfied to be granted an Incentive(s) pursuant to Sections 16-97.01(l)(2) and 97.01(m):

(1) The applicant for an Incentive must also be an applicant for a Density Bonus and qualify for a Density Bonus pursuant to Section 97.01(c) (Gov. Code § 65915(d)(1));

(2) A specific written proposal for an Incentive(s) must be submitted with the application for Density Bonus in accordance with Section 97.01(f) (Gov. Code § 65915(b)(1) and (d)(1));

(3) If an Incentive(s) pursuant to Sections 97.01(l) and 97.01(m) is sought, the applicant must establish that each requested Incentive would result in identifiable, financially sufficient, and actual cost reductions for the Qualified Housing Development (Gov. Code § 65915(k)(1) & (3));

(4) If an Incentive(s) pursuant to Section 97.01(l)(2) is sought, the applicant must establish that requirements of that section are met (Gov. Code § 65915(k)(2)); and

(5) If an additional Incentive for a Child Care Facility is sought pursuant to Section 97.01(m)(4), the applicant must establish that requirements of that section are met.

(6) The granting of an Incentive shall not be interpreted, in and of itself, to require a General Plan amendment, Local Coastal Plan amendment, zoning change, or other discretionary approval. (Gov. Code § 65915(j)). An Incentive is applicable only to the project for which it is granted.

Sec. 97.01(m). Number of Incentives Granted.

Subject to Section 97.01(n), the applicant who meets the requirements of Section 97.01(l)(a) shall receive the following number of Incentives described below and as shown in Table 97.01(m).

(1) One Incentive for Qualified Housing Development projects that include at least ten percent (10%) of the Total Units for Low Income Households, at least five percent (5%) for Very Low Income Households, or at least ten percent (10%) for persons and families of Moderate Income Households in a Common Interest Development. (Gov. Code § 65915(d)(2)(A)).

(2) Two Incentives for Qualified Housing Development projects that include at least twenty percent (20%) of the Total Units for Low Income Households, at least ten percent (10%) for Very Low Income Households, or at least twenty percent (20%) for persons and families of Moderate Income Households in a Common Interest Development. (Gov. Code § 65915(d)(2)(B)).

(3) Three Incentives for Qualified Housing Development projects that include at least thirty percent (30%) of the Total Units for Low Income Households, at least fifteen percent (15%) for Very Low Income Households, or at least thirty percent (30%) for persons and families for Moderate Income Households in a Common Interest Development. (Gov. Code § 65915(d)(2)(C)).

(4) Subject to Section 97.01(n)(d), a Qualified Housing Development proposal that includes a Child Care Facility shall be granted an additional incentive that contributes significantly to the economic feasibility of the construction of the Child Care Facility. (Gov. Code § 65915(h)(1)(B)).

Table 97.01(m). Incentive Allowances for Qualified Housing Developments

Income Category	Minimum % of Affordable Units		
Very Low Income	5%	10%	15%
Low Income	10%	20%	30%
Common Interest Development (Moderate Income)	10%	20%	30%
Incentives Allowed	1	2	3

Sec. 97.01 (n). Criteria for Denial of Application for Incentives.
Except as otherwise provided in this Section or by state law, if the requirements of Section 97.01(l)(1) are met, the City shall grant the Incentive(s) that are authorized by Sections 97.01(l)(2) and 97.01(m) unless a written finding, based upon substantial evidence, is made with respect to any of the following, in which case the City may refuse to grant the Incentive(s):

(1) The Incentive is not required in order to provide Affordable Housing Costs or Affordable Rents for the Affordable Units subject to the Qualified Housing Development application. (Gov. Code § 65915(d)(1)(A)).

(2) The Incentive would have a Specific, Adverse Impact, as defined in Government Code Section 65589.5(d)(2), upon the public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the Specific, Adverse Impact without rendering the development unaffordable to low-and moderate-income households. (Gov. Code § 65915(d)(1)(B); Gov. Code § 65915(d)(3)).

(3) The Incentive would be contrary to state or federal law. (Gov. Code § 65915(d)(1)(C)).

(4) The City finds, based upon substantial evidence, that the community has adequate Child Care Facilities, in which case the additional Incentive for a Child Care Facility pursuant to Section 97.01(m)(4) may be denied. (Gov. Code § 65915(h)(3)).

Sec. 97.01(o). Waiver or Modification of Development Standards.
Requirements for Waiver or Modification of Development Standards.

(1) Application. To qualify for a waiver or reduction of one or more Development Standards, the applicant must submit a written application (together with an application for a Qualified Housing Development) that states the specific Development Standard(s) sought to be modified or waived and the basis of the request. (Gov. Code § 65915(e)(1)). An applicant for a waiver or modification of Development Standard(s) pursuant to this section may request a meeting with the director to review the proposal. If requested, the director shall meet with the applicant. (Gov. Code § 65915(e)(1)). An application for the waiver or reduction of Development Standard(s) pursuant to this section shall neither reduce nor increase the number of Incentives to which the applicant is entitled pursuant to Section 16-410L (Gov. Code § 65915(e)(2)).

(2) Findings. All of the following findings must be made for each waiver or reduction requested:

(a) The Development Standard for which a waiver or reduction is requested will have the effect of physically precluding the construction of the proposed Qualified Housing Development at the densities or with the Incentives permitted under this Section. (Gov. Code § 65915(e)(1)).

(b) The requested waiver or reduction of a Development Standard will not have a Specific, Adverse Impact, as defined in Government Code Section 65589.5(d)(2),

upon the health, safety, or physical environment or, is such a Specific, Adverse Impact exists, there is a feasible method to satisfactorily mitigate or avoid the Specific, Adverse Impact. (Gov. Code § 65915(e)(1)).

(c) The requested waiver or reduction of a Development Standard will not have an adverse impact on any real property that is listed in the California Register of Historical Resources. (Gov. Code § 65915(e)(1)).

(d) The requested waiver or reduction of a Development Standard is not contrary to state or federal law. (Gov. Code § 65915(e)(1)).

(3) Granting Application for Waiver or Modification of Development Standards. If the requirements of Sections 97.01(o)(1) and (2) are satisfied, the application for waiver or modification of Development Standard(s) shall be granted. If the requirements of Sections 97.01(o)(1) and (2) are satisfied, the City shall not apply a Development Standard that will have the effect of physically precluding the construction of a Qualified Housing Development at the densities or with the Incentives permitted by this Section. (Gov. Code § 65915(e)(1)).

Sec. 97.01(p). Parking Standard Modifications for Qualified Housing Developments.

(1) Requirements for Parking Standard Modifications. Modification of Parking standard set forth in Article XI "Vehicular Provisions" are available only for Qualified Housing Developments. An application for Parking Standard Modifications stating the specific modification requested must be submitted with the Qualified Housing Development application. (Gov. Code § 65915(p)(3)).

(2) Parking Standard Modifications. If the requirements of Article XI "Vehicular Provisions" are met, the vehicular parking ratio, inclusive of handicapped and guest parking, shall not exceed the following ratios (Gov. Code § 65915(p)(1)):

(a) Zero to one bedroom: one on-site parking space.

(b) Two to three bedrooms: two on-site parking spaces.

(c) Four and more bedrooms: two and one-half on-site parking spaces.

(3) If the total number of parking spaces required for the Qualified Housing Development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this section, "on-site parking" may be provided through tandem parking or uncovered parking, but not through on-street parking. (Gov. Code § 65915(p)(4)).

(4) Except as otherwise provided in this section, all other provisions of Article XI "Vehicular Provisions" applicable to residential development apply.

(5) An applicant may request additional parking Incentives beyond those provided in this section if applied for pursuant to Section 97.01(l). (Gov. Code § 65915(p)(5)).

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

(a) A maximum of 0.5 parking spaces per bedroom shall apply when all the following conditions apply (Gov. Code 65915(p)(2)):

1) The development includes the maximum percentage of low- or very low-income units provided for Section 97.01(h) (Density Bonus Allowance for Housing Development with Affordable Housing Component).

2) The development is located within .5 mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code.

3) There is unobstructed access to the major transit stop from the development. A development shall have unobstructed access to a major transit stop if a

resident is able to access the major transit stop without encountering natural or constructed impediments.

(b) A maximum of 0.5 parking spaces per unit shall apply when all the following conditions apply (Gov. Code § 65915(p)(3)(A)):

1) The development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower-income families, as provided in Section 50052.5 of the Health and Safety Code.

2) The development is located within .5 mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code.

3) There is unobstructed access to the major transit stop from the development. A development shall have unobstructed access to a major transit stop if a resident is able to access the major transit stop without encountering natural or constructed impediments.

(c) A maximum of 0.5 parking spaces per unit shall apply when all the following conditions apply (Gov. Code § 65915(p)(3)(B)):

1) The development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower-income families, as provided in Section 50052.5 of the Health and Safety Code.

2) The development is for individuals who are 62 years of age or older and which complies with Sections 51.2 and 51.3 of the Civil Code.

3) The development shall have either paratransit service or unobstructed access, within .5 mile, to fixed bus route service that operates at least eight times per day.

(d) A maximum of 0.3 parking spaces per unit shall apply when all the following conditions apply (Gov. Code § 65915(p)(3)(C)):

1) The development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower-income families, as provided in Section 50052.5 of the Health and Safety Code.

2) The development is a special needs housing development, as defined in Section 51312 of the Health and Safety Code.

3) The development shall have either paratransit service or unobstructed access, within .5 mile, to fixed bus route service that operates at least eight time per day.

(7) Notwithstanding allowances described above, if the City or an independent consultant has conducted an area-wide 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 above, based on substantial evidence found in the parking study that includes, but is not limited to, an analysis of parking availability, differing levels of transit access, walkability access to transit services, the potential for shared parking, the effect of parking requirements on the cost of market-rate and subsidized developments, and the lower rates of car ownership for low- and very low-income individuals, including seniors and special needs individuals. The City shall pay the costs of any new study. The City shall make findings, based on a parking study completed in conformity with this paragraph, supporting the need for the higher parking ratio. (Gov. Code § 65915(p)(7)).

Sec. 97.01(q). Density Bonus and Affordable Housing Incentive Program.

(1) Project Design and Phasing. Projects seeking an Affordable Housing Benefit pursuant to this Section must comply with the following requirements, unless otherwise specified in writing by the Director:

(a) Location/Dispersal of Units. Affordable Units shall be reasonably dispersed throughout the development where feasible and shall contain on average the same (or greater) number of bedrooms as the Market-rate Units.

(b) Phasing. If a project is to be developed in phases, each phase must contain the same or substantially similar proportion of Affordable Units and Market-rate Units.

(c) Exterior Appearance. The exterior appearance and quality of the Affordable Units must be similar to the Market-rate Units. The exterior materials and improvements of the Affordable Units must be similar to, and architecturally compatible with, the Market-rate Units.

(2) Application Requirements. An application for one or more Affordable Housing Benefits must be submitted as follows:

(a) Each Affordable Housing Benefit requested must be specifically stated in writing on the application form provided by the City.

(b) The application must include the information and documents necessary to establish that the requirements of this Section are satisfied for each Affordable Housing Benefit requested, including:

1) For Density Bonus requests, that the requirements of Section 97.01(c) are met;

2) For Incentive requests, that the requirements of Section 97.01(l) are met;

3) For Development Standard Waiver or Modification requests, that the requirements of Section 97.01(o) are met; and/or

4) For Parking Standard Modification requests, that the requirements of Article XI “Vehicular Provisions” are met.

(c)The application must be submitted concurrently with a complete application for a Qualified Housing Development.

(d) The application must include a site plan that complies with and includes the following:

(1) For Senior Citizen Housing Development projects - the number and location of proposed Total Units and Density Bonus Units.

(2) For the Qualified Housing Development projects other than Senior Citizen Housing Development projects - the number and location of proposed Total Units, Affordable Units, and Density Bonus Units. The Density Bonus Units shall be permitted in geographic areas of the Qualified Housing Development other than the areas where the Affordable Units are located. (Gov. Code § 65915(i)).

(3) The location, design, and phasing criteria required by Section 97.01(q)(1), including any proposed Development Standard(s) modifications or waivers pursuant to Section 97.01(o).

(e) The application for a Qualified Housing Development must state the level of affordability of the Affordable Units and include a proposal for compliance with Section 97.01(s) for ensuring affordability.

(f) If a Density Bonus is requested for a Qualified Land donation pursuant to Section 97.01(k), the application must show the location of the Qualified Land in addition to including sufficient information to establish that each requirement in Section 97.01(k) has been met.

(g) If an additional Density Bonus or Incentive is requested for a Child Care Facility pursuant to Section 97.01(i) and/or Section 97.01(m)(4), the application shall show the location and square footage of the Child Care Facility in addition to including sufficient

information to establish that each requirement in Section 97.01(i) and/or Section 97.01(m)(4) has been met.

(3) An application for an Affordable Housing Benefit under this Section will not be processed until all of the provisions of this section are complied with as determined by the Director and shall be processed concurrently with the application for the Qualified Housing Development project for which the Affordable Housing Benefit is sought.

Prior to the submittal of an application for a Qualified Housing Development, an applicant may submit to the Director a preliminary proposal for Affordable Housing Benefits. The Director shall, within 90 days of receipt of a written proposal, notify the applicant of the Director's preliminary response and schedule a meeting with the applicant to discuss the proposal and the Director's preliminary response.

Sec. 97.01(r). Determination on Density Bonus and Affordable Housing Incentive Program Requests.

The decisionmaker on the underlying Qualified Housing Development application is authorized to approve or deny an application for an Affordable Housing Benefit in accordable with this Section.

(1) Affordable Housing Benefit Determinations. An application for an Affordable Housing Benefit shall be granted if the requirements of this Section are satisfied unless:

(a) The application is for an Incentive for which a finding is made in accordance with Section 97.01(n); or

(b) The underlying application for the Qualified Housing Development is not approved independent of and without consideration of the application for the Affordable Housing Benefit.

(2) Affordable Housing Benefit Compliance Provisions. To ensure compliance with this Section and state law, approval of an application for an Affordable Housing Benefit may be subject to, without limitation:

(a) The imposition of conditions of approval to the Qualified Housing Development, including imposition of fees necessary to monitor and enforce the provisions of this Section;

(b) An affordable housing agreement and, if applicable, an equity sharing agreement pursuant to Section 97.01(s); and

(c) Recorded deed restriction implementing conditions of approval and/or contractual or legally mandated provisions.

(3) Appeals

(a) If the decision to approve or deny an application for an Affordable Housing Benefit is made by the director, any person may appeal the decision. The appeal shall be in writing, state the grounds for appeal, and shall be filed with the City Clerk within 15 calendar days of the date of the mailing of the director's decision, together with the appeal fee adopted by resolution of the City Council. The decision of the hearing officer shall be final.

(b) If the decision to approve or deny an application for an Affordable Housing Benefit is made by the Planning Commission, then an appeal may be filed to the City Council.

(c) Notwithstanding subsections 1 and 2 of this subsection C, if the determination of the underlying application for the Qualified Housing Development is also appealed along with the decision of the Affordable Housing Benefit, then the entire project shall be controlled by the appeal procedures applicable to the underlying application.

Sec. 97.01(s). Affordable Housing Agreement and Equity Sharing Agreement.

(1) General Requirements. No Density Bonus pursuant to Section 97.01(c) shall be granted unless and until the Affordable Housing Developer, or its designee approved in writing by the Director, enters into an affordable housing agreement and, if applicable, an equity sharing agreement, with the City or its designee pursuant to and in compliance with this section. (Gov. Code § 65915(c)). The agreements shall be in the form provided by the City which shall contain terms and conditions mandated by, or necessary to implement, state law and this Article. The Director may designate a qualified administrator or entity to administer the provisions of this section on behalf of the City. The affordable housing agreement shall be recorded prior to, or concurrently with, final map recordation or, where the Qualified Housing Development does not include a map, prior to issuance of a building permit for any structure on the site. The Director is hereby authorized to enter into the agreements authorized by this section on behalf of the City upon approval of the agreements by City Attorney for legal form and sufficiency.

(2) Low or Very Low Income Minimum Affordable Housing Component or Senior Citizen Housing Development.

(a) The Affordable Housing Developer of a Qualified Housing Development based upon the inclusion of Low Income and/or Very Low Income Affordable Units must enter into an agreement with the City to maintain the continued affordability of the Affordable Units for 55 years, or a longer period if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program, as follows (Gov. Code § 65915(c)(1)). The agreement shall establish specific compliance standards and specific remedies available to the City if such compliance standards are not met. The agreement shall among other things, specify the number of lower-income affordable units by number of bedrooms; standards for qualifying household incomes or other qualifying criteria, such as age; standards for maximum rents or sales prices; the person responsible for certifying tenant or owner incomes; procedures by which vacancies will be filled and units sold; required annual report and monitoring fees; restrictions imposed on lower-income affordable units on sale or transfer; and methods of enforcing such restrictions.

(b) Rental units. Rents for the Low Income and Very Low Income Affordable Units that qualified the Housing Development for the Density Bonus pursuant to Section 97.01(c) shall be set and maintained at an Affordable Rent. (Gov. Code § 65915(c)(1)).

(c) For-Sale Units. Owner-occupied Low Income and Very Low Income Affordable Units that qualified the Housing Development for the Density Bonus pursuant to Section 97.01(c) shall be available at an Affordable Housing Cost. (Gov. Code § 65915(c)(1)). For-sale very low, low and moderate units shall not have a term of affordability but shall be subject to an equity sharing agreement that meets the requirements of Gov. Code § 65915(c)(2) unless the equity sharing agreement is in conflict with the requirements of another public funding source or law) (Gov. Code § 65915(c)(2)).

(d) To qualify as a senior unit, at least thirty-five (35) Senior Citizen Housing Development Units are maintained and available for rent or sale to senior citizens as defined in Civil Code Section 51.3.

(3) Moderate Income Minimum Affordable Housing Component.

(a) The Affordable Housing Developer of a Qualified Housing Development based upon the inclusion of Moderate Income Affordable Units in a Common Interest Development must enter into an agreement with the City ensuring that:

(1) The initial occupants of the Moderate Income Affordable Units that are directly related to the receipt of the Density Bonus are persons and families of a Moderate Income Household.

(2) The units are offered at an Affordable Housing Cost. (Gov. Code § 65915(c)(2)).

(b) The Affordable Housing Developer of Qualified Housing Development based upon a Moderate Income Minimum Affordable Component shall enter into an equity sharing agreement for a Common Interest Development with the City. (Gov. Code § 65915 (c)(2)). The City shall enforce the equity sharing agreement unless it is in conflict with the requirements of another public funding source or law. (Gov. Code § 65915(c)(2)). The equity sharing agreement shall include at a minimum the following provisions:

(1) Upon resale, the seller of the unit shall retain the value of improvements, the down payment, and the seller's proportionate share of appreciation. The City shall recapture any initial subsidy, as defined in subparagraph b., and its proportionate share of appreciation, as defined in subparagraph c., which amount shall be used within five (5) years for any of the purposes described in Health and Safety Code Section 33334.2 (e) that promote home ownership. (Gov. Code § 65915(c)(2)(A)).

(2) The City's initial subsidy shall be equal to the fair market value of the unit at the time of initial sale minus the initial sale price to the Moderate Income Household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value. (Gov. Code § 65915(c)(2)(B)).

(3) The City's proportionate share of appreciation shall be equal to the ratio of the City's initial subsidy to the fair market value of the unit at the time of initial sale. (Gov. Code § 65915(c)(2)(C)).

(4) Minimum Affordable Housing Component and Child Care Facility. If an additional Density Bonus or Incentive is granted because a Child Care Facility is included in the Qualified Housing Development, the affordable housing agreement shall also include the Affordable Housing Developer's obligations pursuant to Section 97.01(i)(1)(c) for maintaining a Child Care Facility, if not otherwise addressed through conditions of approval.

Sec. 97-01(t) ? 16-410T. Density Bonus or Incentive for Condominium Conversion Projects.

(1) The City will grant either a density bonus or provide other incentives of equivalent financial value to a Condominium Conversion Project that agrees to pay the reasonably necessary administrative costs incurred by the City pursuant to this section if either:

(a) thirty-three percent (33%) of the Total Units of the proposed condominium project is affordable to persons and families of Moderate Income Households; or

(b) fifteen percent (15%) of the Total units of the proposed condominium project will be affordable to persons and families of Low Income Households; and in addition. (Gov. Code § 65915.5(a)).

(2) Definition of Density Bonus for Condominium Conversion Projects. If the requirements of Section 97.01(t)(1) are met, then the Condominium Conversion Project will be entitled to an increase in units of twenty-five percent (25%) over the number of apartments, to be provided within the existing structure or structures proposed for conversion from apartments to condominiums. (Gov. Code § 65915.5(b)).

(3) Pre-Submittal Preliminary Proposals for Density Bonus or Incentive for Condominium Conversion Projects. Prior to the submittal of a formal request for subdivision map approval or other application for necessary discretionary approvals, an applicant to convert apartments to a condominium project may submit to the director a preliminary proposal for Density Bonus or Other Incentives of Equivalent Financial Value. The director shall, within 90 days of receipt of a written proposal, notify the applicant of the director's preliminary response and schedule a meeting with the applicant to discuss the proposal and the director's preliminary response. (Gov. Code § 65915.5(d)).

(4) Application for Density Bonus or Incentives for Condominium Conversion Projects. An applicant must submit a completed application provided by the City for a Density Bonus or for Other Incentives of Equivalent Financial Value. The application must be submitted concurrently with the application for the Condominium Conversion Project. The application must include the following:

(a) All information and documentation necessary to establish that the requirements of Section 97.01(t)(1) are met;

(b) The proposal for a Density Bonus or the proposal for Other Incentives of Equivalent Financial Value;

(c) Site plans demonstrating the location of the units to be converted, the Affordable Units, the Market-rate Units, and the Density Bonus units in the Condominium Conversion Project; and

(d) Any other information and documentation requested by the City to determine if the requirements of Section 97.01(t)(1) are met.

(5) Both the application for a Density Bonus or Other Incentives of Equivalent Financial Value and the application for the condominium conversion must be complete before the application for a Density Bonus or Other Incentives of Equivalent Financial Value will be considered.

(6) Granting Density Bonus or Incentive for Condominium Conversion Projects

(a) Approval

(1) If the requirements of Section 97.01(t)(1) are met, the decision-making body for the Condominium Conversion Project application is authorized to grant an application for a Density Bonus or Other Incentives of Equivalent Financial Value, subject to Section 97.01(t)(6)(b).

(2) Reasonable conditions may be placed on the granting of a Density Bonus or Other Incentives of Equivalent Financial Value that are found appropriate, including, but not limited to, entering into an affordable housing agreement pursuant to Section 97.01(s) which ensures continued affordability of units to subsequent purchasers who are persons and families of Moderate Income Households or Low Income Households. (Gov. Code § 65915.5(a)).

(b) Ineligibility. An applicant shall be ineligible for a Density Bonus or Other Incentives of Equivalent Financial Value if the apartments proposed for conversion constitute a Qualified Housing Development for which a Density Bonus as defined in Section 97.01(b) or other Incentives were provided. (Gov. Code § 65915.5(f)).

(c) Decision on Condominium Conversion Project. Nothing in this section shall be construed to require the City to approve a proposal to convert apartments to condominiums. (Gov. Code § 65915.5(e)).

Sec. 97.01(u). Enforcement Provisions

NEED TO INSERT

Sec. 97-01 (v) Burden is on applicant

When an applicant seeks a density bonus for a development or for donation of land, the applicant bears the burden of establishing that the Housing Development meets such requirements.

Part 3. Severability. If any provision(s) of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or

application, and to this end, the provisions of the ordinance are declared to be severable. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, even though any one or more sections, subsections, clauses, phrases, parts or portions thereof was declared invalid or unconstitutional.
(Ord. 620-AC)

Contact djones@cityofneedles.com for updates

Article VIII. Site Requirements
Ord. No. 427-AC, 538-AC

Sec. 98.00. Site dimensions. The minimum size and dimensions of lots created in the various zones shall be as shown in the following table:

Zone	Minimum Lot Area (SQ Feet)	Minimum Street Frontage (feet)	Minimum Easement Frontage (feet)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)
R-1	7,500	40		60	
R-2	3,000	50		100	
R-3	1,450	50		100	
CRR	1,000	50	Or 50	100	
C-1	3,000	50		50	60
C-2	5,000	50		50	50
C-3	6,000	50		75	75
M-1	10,000	100		100	100
M-2	25,000	150		150	150
OS	----	----	----	----	----
P	----	----	----	----	----

For corner lots in single-family residential zones, the minimum lot area shall be increased by five hundred (500) square feet and the minimum lot width shall be increased by ten (10) feet over the amounts shown in this table. Lot depth shall not be more than three times the lot width. (Ord. No. 427-AC, 538-AC).

Contact djones@cityofneedles.com for updates

Article IX. Development Standards.

Ord. No. 427-AC, 482-AC, 539-AC, 556-AC, 568-AC, 570-AC, 572-AC, 637-AC

Sec. 99.00. Buildings.

Sec. 99.01. Building Type. Every building shall be designed or remodeled to accommodate its use in accordance with applicable building codes and other laws. (Ord. 427)

Sec. 99.02. Building Materials. Metal building materials 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:

1) Shipping Containers
   a. Zoning Permit (see also Section 99.06.05(b)).

(Ord 637)

Sec. 99.03. Residential building floor area. The minimum gross floor area of each dwelling unit shall be as shown in the following table entitled Minimum Dwelling Unit Floor Area. Up to fifteen (15) percent of minimum required gross floor area may be in private balconies, porches and patios. Attic and basement space where the headroom is less than six and one-half (6 ½) feet, and garages and accessory buildings, shall not be included as part of the required dwelling unit floor area.

MINIMUM DWELLING UNIT FLOOR AREA Minimum Gross Floor Area (square feet per dwelling unit)				
Single - Family Unit	0 Bedroom Unit	1 Bedroom Unit	2 Bedroom Unit	3+ Bedroom Unit
R-1 zone	900	1,000	1,100	1,200
R-2 zone	550*	800	950	1,050
R-3 zone	550*	650	800	950
Elderly Housing	450*	600*	800	900 + 100 per additional bedroom
Infill housing in the RDA	750	750	800	850

*multifamily units
(Ord. No. 427-AC)

Sec. 99.04. Residential garages and carports. For required residential garages and carports, the minimum floor area and vehicular openings shall be as shown in the following table:

RESIDENTIAL GARAGES AND CARPORTS			
	Minimum Gross Floor Area (square feet)	Minimum Clear Width of Vehicular Doors of Openings (feet)	
Single-Family Dwelling		1 Opening	2+ Openings
R-1 zone	300	8	16
R-2 zone	300	8	16

R-3 zone	As required to accommodate parking spaces		

(Ord. No. 427-AC)

Sec. 99.05. Height of structures. (a) The maximum height of any building or structure shall be as shown in the following tables:

HEIGHT LIMITS--RESIDENTIAL ZONES	
Type of Building	Maximum Height
Main Building	2 ½ stories or 35 feet, whichever is less

HEIGHT LIMITS--NONRESIDENTIAL ZONES		
	Maximum Height	
Zones	Within 50 feet of any Residential Zone	More than 50 Feet from any Residential Zone
C2, C2, C3	1 story or 15 feet, whichever is less. No higher than average height of neighboring structures	No height restrictions
M1, M2	20 feet. No higher than average height or neighboring structures	At any point the height shall not be more than 35 feet plus 1 foot for each foot of horizontal distance in excess of 50 feet from the nearest residential zone

(b) Antennae. Notwithstanding the restrictions of subsection (a) of this section, radio, television, microwave antennae and similar equipment shall be subject to the following regulations:

(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.

(2) Roof-mounted antenna, which shall 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.

(3) Any antennae that is primary to the use shall be subject to the height limit established under a conditional use permit. (Ord. 427-AC)

Sec. 99.06. Open space.

Sec. 99.06.01. Open areas. R-2 and R-3 zones, at least thirty (30) percent of the net area of each developed lot shall be open which is landscaped or arranged for outdoor recreation or pedestrian use. (Ord. 427-AC)

Sec. 99.06.02. Common usable open area. For all multi-family residential uses, the open area provided shall include common usable open area of at least two hundred (200) square feet per dwelling unit for the first twenty (20) dwelling units, plus one hundred fifty (150) square feet per dwelling unit for the next twenty (20) dwelling units, plus one hundred (100) square feet per

dwelling unit for each additional dwelling unit. The minimum dimensions of such common usable open area shall be ten (10) feet in each direction and the least horizontal dimension shall be at least one-third (1/3) of the greatest horizontal dimension. (Ord. 427-AC)

Sec. 99.06.03. Private open area. Private open areas may be included in the required open area but not in the required common usable open area. A private open area, when provided, shall have dimensions not less than ten (10) feet in any horizontal direction if at ground level, or be at least five (5) feet by eight (8) feet in horizontal dimension if located on a balcony or deck above ground level. (Ord. 427-AC)

Sec. 99.06.04. Future rights-of-way. This section is applicable only where a portion of a lot is within an area planned as part of a future street, alley or other public right-of-way as determined from an officially adopted plan, and the acquisition of such portion would not reduce the buildable lot width to less than forty (40) feet.

In cases to which this section applies, the portions of any lot within any such future right-of-way area shall not be occupied by structures other than those encroachments allowed in future rights-of-way as provided elsewhere in code. All other required setbacks, yards and open areas shall be provided in addition to the future right-of-way areas, and the future right-of-way lines shall be considered to be lot lines for purposes of measuring such other setbacks, yards and open areas. (Ord. 427-AC)

Sec. 99.06.05. Front, side, rear yards. Each lot shall have front, side and rear yard setbacks not less than the amounts shown in the following tables for primary and accessory buildings:

YARDS REQUIRED-RESIDENTIAL USES
PRIMARY BUILDING

	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	15’	15’	5’	15’	10’

YARDS REQUIRED-RESIDENTIAL USES
ACCESSORY BUILDING

	Front Yard	Side Yard		Rear Yard	
Zone		Abutting a Street	Not Abutting a Street	Abutting a Street	Not Abutting a Street
R-1	20’	5’	5’	20’	5’
R-2	15’	5’	5’	15’	5’
R-3	15’	5’	5’	15’	5’

PRIMARY AND ACCESSORY BUILDING

CRR If there is an established “high water” mark delineated through a state or federal jurisdictional agency, then that “high water” controls for purposes of measuring the beginning point for the front yard or rear yard setback measurement. If no delineation has been made the

setbacks shall be measured beginning from the top of the natural bank. R-1 uses are permitted in the CRR Zone and the R-1 setbacks apply. All other uses in the CRR Zone require a Conditional Use Permit. IF the use if approved (whether residential, commercial or mixed use), the Conditional Use Permit will specify the setbacks in accordance with the use being approved. These tables shall be used as a guideline in the CRR zone when determining setbacks for commercial, high density residential uses or mixed uses, but stricter standards may be applied for reasons of health, safety, welfare, aesthetics or compatibility.

YARDS REQUIRED-NON-RESIDENTIAL USES
PRIMARY BUILDING

	Front Yard	Side Yard or Rear Yard		
Zone		Abutting a Street	Abutting Property in Residential Zone	Abutting Property in Non-residential Zone
C-1	0’	5’	10’	0’
C-2	0’	5’	10’	0’
C-3	0’	5’	10’	0’
M-1	0’	5’	25’	0’
M-2	0’	5’	25’	0’

YARDS REQUIRED NON-RESIDENTIAL USES
ACCESSORY BUILDING

	Front Yard	Side Yard or Rear Yard		
Zone		Abutting a Street	Abutting Property in Residential Zone	Abutting Property in Non-residential Zone
C-1	0’	5’	10’	0’
C-2	0’	5’	10’	0’
C-3	0’	5’	10’	0’
M-1	0’	5’	25’	0’
M-2	0’	5’	25’	0’

PRIMARY AND ACCESSORY BUILDING

CRR If there is an established “high water” mark delineated through a state or federal jurisdictional agency, then that “high water mark” controls for purposes of measuring the beginning point for the front yard or rear yard setback measurement. If no delineation has been made the setbacks shall be measured beginning from the top of the natural bank. R-1 uses are permitted in the CRR Zone and the R-1 setbacks apply. All other uses in the CRR Zone require a Conditional Use Permit. If the use is approved (whether residential, commercial or mixed use), the Conditional Use Permit will specify the setbacks in accordance with the use being approved. These tables shall be used as a guideline in the CRR zone when determining setbacks for commercial, high density residential uses or mixed uses, but stricter standards may be applied for reasons of health, safety, welfare, aesthetics, or compatibility.

Sec. 99.06.05(b) Shipping Containers.

(1) Permitted in all zones, provided setbacks are met.
(2) Units must be located or screened so as not to be in public view.
(3) Units to be painted in a color that blends with the existing structures and surrounding area.

(4) Containers may not be placed in a required parking area. Stacking of containers is not permitted.
(5) Containers may not be placed between the primary structure and the immediately adjacent road or access easement (front of property).
(6) Under no circumstances shall a shipping container be used for human or animal habitation. (Ord. 427-AC, 568-AC)

Sec. 99.06.06. Zero side or rear yard. Where no side or rear yard is required or where a zero (0) side yard is permitted, any building or structure shall be located either at the property line or at least three (3) feet from the property line. (Ord. 427-AC)

Sec. 99.06.07. Zero residential side yard. In the residential zones, where the lots on both sides of a property line are being developed anew (with all existing buildings on both lots being removed), a zero (0) side yard, in lieu of the side yard otherwise required, may be required on one (1) or both sides of said property line, provided:

(1) Any building wall along the property line shall be of a sound-absorbing type in accordance with adopted standards.
(2) An agreement of covenant between the property owners involved and running with the land, in a form acceptable to the city planner, shall be recorded, setting forth acceptance of the physical arrangement, and providing that failure to maintain such wall to the prescribed standard shall obligate each party to conform to the otherwise applicable yard regulations. (Ord. 427-AC)

Sec. 99.06.08. Space between buildings. The minimum distance between buildings located on the same lot shall be as shown in the following table:

Minimum Space Between Buildings being updated

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) feet in horizontal dimensions. (Ord. 427-AC)

Sec. 99.06.10. Pedestrian access to dwellings. On each lot occupied by one or more dwellings, there shall be a clear passageway area at least seven (7) feet wide extending from a street property line to at least one (1) entrance to each dwelling unit or to an entrance to the dwelling structure where unit entrances are from interior hallways. (Ord. 427-AC)

Sec. 99.06.11. Entrances to multifamily dwellings. The primary exterior entrance to each multifamily dwelling unit, or to the dwelling structure where unit entries are from interior hallways, whether such exterior entry is from a balcony, stairway, landing or at ground level, shall have an open area of at least twenty-four (24) square feet abutting the exterior of the entrance. The minimum dimension of such area measured perpendicular to the entrance shall be six (6) feet. (Ord. 427-AC)

Sec. 99.07. Outdoor improvements.

Sec. 99.07.01. Outdoor storage—Refuse. (a) All refuse shall be stored within trash containers which meet city standards. Except when temporarily placed for pickup, all such containers shall be located or screened so as not to be in public view.

(b) For multifamily residential uses of four (4) or more dwelling units, for mobile home parks, for group quarters, and for all nonresidential uses, all trash containers shall be located within trash enclosures which meet city standards. Enclosures shall be located and arranged for ease of pickup and to not interfere with other activities.

(c) For multifamily residential uses of four (4) or more dwelling units and for mobile home parks, the minimum trash storage capacity provided shall be an amount determined on the basis of refuse production rate of one-half (1/2) cubic yard per dwelling unit per week and the frequency of pickup service available. (Ord. 427-AC)

Sec. 99.07.02. Outdoor storage. (a) Outdoor storage shall not be located in any required parking area, loading area or access way; in any front yard, in any area required to be landscaped, or in any area where a six (6) foot high fence is not permitted.

(b) Except as further provided in this section, all outdoor storage shall be screened from public view and, if located within three hundred thirty (330) feet of a freeway or major highway, shall also be screened from view from such freeway or highway. Required screening shall be accomplished by one (1) or more of the following methods:

(1) By buildings or structures located on the same lot as the outdoor storage;
(2) By buildings or structures located on abutting property, where such buildings or structures immediately abut the property line;
(3) By fences at least six (6) feet high. Where access drives or walks enter such fenced outdoor storage areas, they shall have gates with substantially the same height, appearance and screening effectiveness as the required fencing.

(c) Stored materials or other items shall not be stacked higher than sight-screening provided.

(d) The following exceptions from the sight-screening requirements of subsections (b) and (c) of this section are permitted:

(1) Plant nursery stock, when neatly arranged, need not be screened. All stored items other than living plants shall be screened.
(2) New or used vehicles (not in a damaged condition and not scrap or junk) being held in storage for eventual sale by a vehicle sales agency, shall be screened from public view but need not be screened from a freeway or highway located within three hundred (300) feet. (Ord. 427-AC)

Sec. 99.08. Fences, walls, hedges and berms.

Sec. 99.08.01. General requirements. Fences are required under various provisions of this part and other laws, including, but not limited to, the screening and protection of parking areas, storage areas, swimming and therapeutic pools, and utility facilities. Such required fences together with the facilities and activities required to be enclosed shall be located so as not to conflict with open space and yard setback requirements. In the case of utility facilities subject to fencing requirements pursuant to state law which unavoidably conflict with the requirements of this part, the state requirements shall prevail. Approved fence material shall consist of chain link, wood, decorative rock, wrought iron, masonry wall in residential zones. Fences or devices utilizing galvanized, corrugated or interlocking metal sheets shall require a Special Use Permit. (Ord. No. 556-AC.)

Sec. 99.08.02. Fence height. (a) The maximum height of fences in residential zones shall be six (6) 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.

(b) In all nonresidential zones, fences more than six (6) feet in height shall be permitted only when approved under the site plan review procedure and subject to the terms of such approval. (Ord. 427-AC)

Sec. 99.08.03. Required fences in multifamily residential zones. In any multifamily zone (including the CRR zone), in connection with any development other than a residential use of not more than three (3) dwelling units, an ornamental fence shall be provided along any property line of the subject property which abuts a single-family residential zone. Within the front yard area, such fence shall conform to the limitations and requirements for fences in front yards. Elsewhere, such fence shall be a solid fence not less than six (6) feet high and not more than seven (7) feet high. (Ord. 427-AC.)

Sec. 99.08.04. Required fences in commercial and industrial zones. (a) In any commercial or industrial zone, any open use (a use not including a main building) shall be fenced and landscaped along any street frontage in the same manner as required for parking areas.

(b) In any commercial or industrial zone, in connection with any development, an ornamental solid masonry fence shall be provided along any property line of the subject property which abuts any residential zone. Within the front yard such fence shall have the maximum height allowed for fences in the front yard in the abutting residential zone. Elsewhere, such fence shall be not less than six (6) feet high and not more than seven (7) feet high. (Ord. 427-AC.)

Sec. 99.08.05. Double fences. Where a fence is required along a property line and an existing fence is located on the opposite side of the property line, the city planner may suspend the requirement for the fence on the subject property to the extent he finds the adjacent existing fence substantially serves the purposes of the fence requirement. Such suspension shall be subject to a recorded agreement running with the land, satisfactory to the city planner, executed by the owner of the subject property, guaranteeing the construction of the required fence at such time as the fence on the adjacent property is removed or no longer found acceptable by the city planner. (Ord. 427-AC)

Sec. 99.09. Utilities and mechanical equipment.

Sec. 99.09.01. Undergrounding of utilities. In connection with the new construction or relocation of a main building, or a change of use to a nonresidential use, all utility lines within the site boundaries shall be placed underground. Necessary surface-mounted utility equipment is permitted provided it is screened from public view in the same manner as required for mechanical equipment as provided in section 99.09.02. (Ord. 427-AC.)

Sec. 99.09.02. Visual and audio screening of mechanical equipment. (a) All exterior equipment, whether freestanding or attached to a building, including pipes, conduit and ductwork, shall be effectively screened from public view or architecturally integrated into a building structure, with the following exceptions:

(1) Ordinary vents on single-family dwellings;
(2) Window-mounted air conditioning units;

(3) Roof-mounted air conditioning units on single-family units;
(4) Solar panel surfaces (but not supports, piping, etc.);
(5) Outdoor lighting standards and fixtures. (Ord. 427-AC)

Sec. 99.09.03. Antenna and satellite dish standards. (a) Commercial antennae location (including guide wires, supports and antennae elements -- permitted anywhere on lot except in front or side yard area abutting a street and in required side yard setback and rear yard easements.
(b) Antennae shall not be supported by wooden towers.
(c) Satellite dishes, over four (4) feet in diameter, shall be effectively screened from public view or architecturally integrated into a building structure. (Ord. 427-AC)

Sec. 99.09.04. Renewable Energy Projects (REP).

(1) Permitted Uses
   a. Renewable Energy Projects (REP) shall be allowed in accordance with the City Code Section 96.01 “Permissible Use Table”, unless otherwise exempted by state or federal law.
   b. Other hybrid or emerging renewable energy technologies, which in the opinion of the review authority are of a similar and compatible nature to those uses described in this section.

(2) Definitions
   a. “Electronic submittal” means the utilization of one or more of the following:
      (1) E-mail,
      (2) The internet,
      (3) Facsimile

   b. “Small Residential rooftop solar energy system” means the following:

      (1) A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.
      (2) A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City and paragraph (iii) of subdivision (c) of section 714 of the Civil Code, as such section or subdivision may be amended, renumbered, or redesignated from time to time.
      (3) A solar energy system that is installed on a single or duplex family dwelling.
      (4) A solar panel or module array that does not exceed the maximum legal building height as defined by the authority having jurisdiction.

   c. “Applicant” is the Landowner, developer, facility owner, and/or operator with legal control of the project, including heirs, successors and assigns, who have filed an application for development of a Solar Energy Facility under this Ordinance.

   d. “Parcel” means all land within a legally established parcel.

   e. “Practicable” means it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

   f. “Landowner” means the persons or entities possessing legal title to the Parcel(s) upon which a REP is located.

g. “Protected Lands” means, for the purpose of this chapter only, lands containing resources that are protected or regulated by established regulatory standards of local, state, and federal agencies, conservation easements or other contractual instruments in such a way that prohibits or limits development of those lands.

h. “Review Authority” means applicable-city land use decision-making body as determined by local ordinance and appeal procedures.

i. “Solar Energy Project (SEP)” means a Solar Electric System that satisfies the parameters identified in the Ordinance,

j. “Solar Electric System (SES)” means the components and subsystems that, in combination, convert solar energy into electric or thermal energy suitable for use, and may include other appurtenant structures and facilities. The term includes, but is not limited to, photovoltaic power systems, solar thermal systems, and solar hot water systems.

k. “Uses Allowed” means one of the following:

(1) A REP designed primarily for serving on-site needs or use that is related to the Primary Use of the property.
(2) A REP designed and installed to provide on-site energy demand for any legally established use of the property.
(3) A REP that uses over 50% of the Parcel(s) and is devoted to solar electric power generation primarily for use off-site.
(4) A REP that provides up to 125% of on-site electricity (or hot water) demand and generally less than 50% of the building site area, or 15-25% of the Parcel land area.
(5) A REP that is not the Primary Use of the property and uses less than 50% of the Parcel(s).
(6) Other hybrid or emerging renewable energy technologies, which in the opinion of the review authority are of a similar and compatible nature to those uses described in this section.

(3) Permit Requirements

a. Small residential rooftop energy system

(1) Application package includes:
a) Exhibit “A” – Checklist for Expedited Solar Residential Rooftop Project
b) Exhibit “B-1” – Standard Plan-Simplified Central/String Inverter System
c) Exhibit “B-2” – Standard Plan-Simplified Micro inverter and ACM System
d) Exhibit “C” – Structural Criteria for Rooftop Solar Structural Requirements
e) Exhibit “D” – building permit application with interconnection agreement application (Photovoltaic guidelines/Needles Rebate Program)

(2) Application Submittal for permit
Will be accepted by the City via email, internet, or facsimile

(3) Review Process and permit issuance

a) Building Official to review and confirm application is complete and administratively approve the application and issue all required permits or authorizations. Incomplete applications will be returned with written notification from building official identifying application deficiencies.

Such approval does not authorize an applicant to connect the small residential rooftop energy system to the local utility provider's electricity grid. The applicant is responsible for obtaining such approval or permission from the local utility provider.

(4) Inspection

Only one inspection shall be required, which shall be done in a timely manner. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized; however the subsequent inspection need not conform to the requirements of this subsection.

b. All other REP Projects

(1) Permits required

The type of land use permit required for REFs are shown in the Permissible Use Table under Section 24.00

(2) Application Package includes:

(a) Conditional Use Permit Application
(b) CEQA Checklist
(c) Interconnection Agreement Application

(3) Permits

(a) Nothing in this chapter modifies the minimum building standards required to construct a REP, consistent with applicable building and fire codes. The REP components and all accessory equipment shall comply with the most recently adopted Building Code as determined by the Building Official and Fire Code as determined by the Fire Official.

(b) The Permits shall include review by local permitting departments including, but not limited to, the local Fire Authority, for Health and Safety Requirements.

(4) General Requirements

(a) Setbacks.

The following setbacks from the Parcel line to the closest part of the REP shall be established as shown in the Table below. Fencing, roads and landscaping may occur within the setback.

Parcel Line Setback table

Zoning District	Front	Rear	Side
Commercial	30’	30’	30’
Industrial	30’	30’	30’
Residential*	Per Zoning for that District		

* Complies with required front yard setback otherwise does not impair sight distance for access to or from the property or other properties in the vicinity as determined ministerial zoning clearance.

(b) Grading, Access and Parking

(1) Renewable energy projects shall be sited to maintain natural grades and use existing roads for access to the extent practical. Construction of new roads shall be avoided as much as possible. Natural grades shall be restored and re-vegetated for temporary access roads, construction staging areas, of field office sites used during construction. The operator shall maintain an all-weather access road for maintenance and emergency vehicles.

(c) Soil Stabilization, Erosion Control and Ground Water Management

(1) To the extent feasible and compatible with the climate and pre-project landscaping of the property the site shall be restored with native vegetation. The re-vegetation plans shall be reviewed and approved by the City. All areas occupied by the facility that are not utilized for access to operate and maintain the installation shall be covered with gravel or other soil stabilization or other methods approved by the City. Use of chemical soil stabilization will require ongoing maintenance as required by the City.

(2) The renewable energy facility must have a storm water management plan/permit showing existing and proposed grading and drainage demonstrating no net increase in runoff.

(3) Erosion and Sediment Control Plan, if applicable, approved prior to beginning grading or construction. The plan must include best management practices for erosion control during and after construction, and permanent drainage and erosion control measures to prevent damage to local roads or adjacent areas, and to minimize sediment and storm water run-off waterways, agricultural lands and habitat areas.

(4) Prior to issuing a final Building Permit, an as-built grading and drainage plan, prepared by a licensed professional surveyor or other approved qualified professional shall be submitted to the reviewing agency’s engineer for review and approval. The plan shall show that the as-built conditions are substantially the same as those shown on the approved grading and drainage plan.

(5) A maintenance plan shall be submitted for the continuing maintenance of the REP, which may include, but not limited to, planned maintenance of soil stabilization, equipment maintenance, and plans for cleaning of solar panels if required.

(d) Aesthetics

The operator of the renewable energy facility shall maintain the facility including all required landscaping in compliance with the approved design plans, and shall keep the facility free from weeds, dust, trash and debris.

(e) Air Quality

During site preparation, grading and construction, the renewable energy facility operator must implement best management practices to minimize dust and wind erosion, including regularly watering roads and construction staging areas as necessary, and minimizing vehicle idling and number of vehicle trips. Paved roads shall be swept as needed to remove any soil that has been carried onto them form the facility site.

(f) Air Safety

Renewable energy facilities shall be sited and operated to avoid hazards to air navigation. The renewable energy facility shall comply with any conditions imposed by Federal, State, County, and City agencies.

(g) Biological Resources

The protection of high value biological resources is an important consideration. REP projects shall not be located on lands which support listed, candidate or other fully protected species, species of special concern, or species protected under the Native Plant Protection Act; Environmentally Sensitive Habitat Areas without CEQA. Applicant shall be responsible for all costs associated with the preparation of all documents, studies, etc., as well as the costs associated with the preparation of all documentation, studies, etc., as well as the costs associated with the City's use of a third-party reviewer to ensure application completeness. Applicants are encouraged to coordinate with permitting agencies such as Dept. of Fish and Game and U.S. Fish and Wildlife Service during design stages.

(h) Cultural Resources

Renewable energy facilities shall be sited to avoid or mitigate impacts to significant cultural and historic resources, as well as sacred landscapes. Facilities requiring a use permit that result in ground disturbance shall require a cultural resources records search and, if necessary, a cultural resources field survey at the time of facility application. Consultation with Native American tribes shall be conducted as part o the environmental review process.

Grading plans for all renewable energy facilities shall include notes that require the contractor to halt work within the vicinity of any archeological, historical or

cultural resources or artifacts that may be discovered during construction, the operator shall notify the local agency and qualified professional shall be retained at the applicant's expense to evaluate the find and determine any measures to mitigate impacts including avoidance, removal, preservation or recordation in accordance with California law. The operator shall implement any feasible mitigation measures as determined by the local agency. If human remains are discovered, the County Coroner must also be notified and consultation with the Native American Heritage Commission may be required to determine the most likely descendants.

(i) Fire Protection

The renewable energy facility shall be subject to Fire Safety Standards. The operator must implement a Fire Prevention Plan for construction and ongoing operations approved by the County Fire Marshall and local fire protection district. The plan shall include, but not limited to: emergency vehicle access and turnaround at the facility site(s), addressing, vegetation management and fire break maintenance around structures.

(j) Proximity to Transmission Lines and Utility Notification

Upgrades to distribution or transmission facilities shall be identified and addressed as part of the CEQA review process. No building permit for a renewable energy facility shall be issued until evidence has been provided that the proposed interconnection is acceptable to the affected utility.

If new distribution, transmission, or substation facilities are required and the utility is an investor-owned utility, California Public Utilities Commission (CPUC) may need to approve a Permit to construct or a Certificate or Public Convenience and Necessity. Coordination with the CPUC is essential prior to renewable energy facility approval.

(k) Security and Fencing

The site area for a renewable energy facility must be fenced or other appropriate measures to prevent unauthorized access and provide adequate signage. Wildfire friendly fencing shall be used where required. If needed, security lighting shall be operated by motion sensors. Access gates and equipment cabinets must always be locked.

(l) Signs

Temporary signs describing the facility and providing contact information for the contractor and operator shall be placed during construction and must be removed prior to final inspection and operation. Signs for public or employee safety are required. No more than two signs relating the addressed and name of the operator/facility may be placed on-site, subject to design review. Outdoor displays, billboards or advertising signs of any kind either on-or off-site are prohibited.

(m) Off-Site Facilities

When the REP is located on more than one Parcel, there shall be proper easement agreements or other approved methods for the notification of all impacted parties.

(n) Septic System Avoidance – The REP shall not be located over a septic system, leach field area or identified reserve area unless approved by the Department of Environmental Health;

(o) Floodplain Avoidance – If located in a floodplain as designated by FEMA, or an area of known localized flooding, all panels, electrical wiring, automatic transfer switches, inverters, etc. shall be located above the base flood elevation; and shall not otherwise create a fire or other safety hazard as determined by the Building Official.

(p) Visibility

(1) If lighting is required, it shall be activated by motion sensors, fully shielded and downcast type where the light does not spill onto the adjacent Parcel or the night sky;
(2) No display of advertising, except for reasonable identification of the panel, inverter or other equipment manufacturer, and the facility owner;

(q) Decommissioning and Restoration

(1) A Decommissioning Plan shall be required and shall include the following:

An estimate prepared by a registered engineer describing the activities required to decommission the site and return it to its natural condition that existed before the installation along with an estimate to conduct the decommissioning activities.

The Owner/Applicant shall provide sufficient financial assurance to decommission the site. Allowable finance assurances include cash, deposit, Letter of Credit or Performance Bond from an institution satisfactory to the City Manager.

(a) Removal of all aboveground and underground equipment, structures, fencing and foundations to a depth of three feet below grade. Underground equipment, structures and foundations located at least three feet below grade that do not constitute a hazard or interfere with the use of the land do not need to be removed.

(b) If applicable, removal of substations, overhead poles, above ground electricity transmission lines located on-site or within the public right of way if determined not to be usable to any other public or private utility.

(c) Removal of graveled areas and access roads.

(d) Regarding and placement of like-kind topsoil after removal of all structures and equipment.

(e) An Erosion Control Plan

(f) Revegetation of disturbed areas with native seed mixes and plant species suitable to the area.

(g) The timeframe for completion of removal and decommissioning activities.

(h) An engineer's cost estimate for all aspects of the decommissioning plan, including use of prevailing wage rates, and credit for the salvage value of the panels and system materials.

(i) A statement signed by the owner or operator that they take full responsibility for reclaiming the site in accordance with the Decommissioning Plan and Use Permit approval upon cessation of use. See above. We want a financial assurance instrument.

The renewable energy facility operator is required to notify the City immediately upon termination or cessation of use or abandonment of the operation. The operator shall remove components of the facility when it becomes functionally obsolete or is no longer in use. The operator shall begin decommissioning and removal of all equipment, structures, footings/foundations, signs, fencing, and access roads within 90 days from the date the facility ceases operation and shall return the site to an appropriate end-use within the timeframe specified in the Decommissioning Plan.

(r) Financial Assurance

At the time of issuance of the permit for the construction of the facility, the operator shall provide financial assurance in a form and amount acceptable to the local agency to secure the expense of decommissioning and removing all equipment, structures, fencing, and reclaiming the site and associated access or distribution lines in compliance with the approved reclamation plan.

(s) Workforce Development

The operator shall be encouraged to participate in the regional occupational training program, or a similar program approved by the city, providing job training in renewable energy, and restoration and land stewardship, by providing an annual contribution to fund the program and providing access to the facility by teachers and students, for the term of the lease or facility use.

Submittal of a Local Hiring Plan is required prior to applying for abuilding permit for new construction valued at above $TBD. The Plan shall set voluntary targets for local hiring, along with a protocol for sequencing local job recruitment activities prior to advertising outside the-City as determined by the City. The Plan shall also include annual monitoring and reporting requirements during construction.

(t) Abandonment – A REP that ceases to produce electricity on a continuous basis for twenty-four (24) months shall be considered abandoned unless the Applicant or Landowner demonstrates by substantial evidence satisfactory to the City that there is no intent to abandon the facility. Applicants and/or Landowners are required to remove all equipment and facilities and restore the site to original condition upon abandonment.

(1) Facilities deemed by the City to be unsafe, and facilities erected in violation of this section shall also be subject to this Section. The code enforcement officer or any other employee of the City shall have the right to request documentation and/or affidavits from the Applicant regarding the system's usage and shall make a determination as to the date of abandonment or the date on which other violation(s) occurred.

(2) Upon a determination of abandonment or other violation(s), the City shall send a notice hereof to the Applicant and/or Landowner, indicating that the responsible party shall remove the REP and all associated facilities, and remediate the site to its approximate original condition within ninety (90) days of notice by the City, unless the City determines that the facilities must be removed in a shorter period to protect public safety. Alternatively, if the violation(s) can be addressed by means short of removing the REP and restoration of the site, the City may advise the Applicant and/or Landowner of such alternative means of resolving the violation(s).

(3) If the Applicant and/or Landowner do not comply, the City may remove the REP and restore the site and may thereafter (a) draw funds from any bond, security or financial assurance that may have been provided or (b) initiate judicial proceedings or take other steps authorized by law against the responsible parties to recover only those costs associated with the removal of structures deemed a public hazard.

(5) Misc.

Public Benefit Program

A streamlined permitting process utilizing a Special Use Permit in lieu of a Conditional Use Permit shall be used for any REF utility-scale sized project participating in the Public Benefit Program.

Sec. 99.10. Environmental effect.

Sec. 99.10.01. Noise Control. The following noise standards shall be met where applicable:

Residential acoustical design:

(1) For all dwellings and group quarters, the development shall be designed to achieve:

(A) Within each main building, a community noise equivalent level (CNEL) not exceeding forty-five (45) decibels.

(B) In outdoor areas, a community noise equivalent level (CNEL) not exceeding sixty-five (65) decibels, except that where it is not reasonably possible to achieve this objective, the development shall be designed to provide the lowest noise level reasonably possible within private open areas and/or common usable open areas of at least one hundred (100) square feet per unit, with access to such area available to the residents of each unit.

(2) Acoustical design and analysis shall be based upon the projected noise contours as shown in the noise element of the general plan. For all new residential developments, an acoustical analysis shall be submitted to the city as follows:

(A) For any residential development within a sixty (60) decibel CNEL contour, an analysis by a professional architect, engineer or building designer shall demonstrate that the required noise levels will be achieved.

(B) For any residential development within a sixty-five (65) decibel CNEL contour, an analysis by a professional mechanical or acoustical engineer shall demonstrate that the required noise levels will be achieved. Prior to issuing a certificate of occupancy, the building official may require tests by a qualified acoustical technician to confirm that the noise reduction achieved is sufficient to meet the requirements of this section.

(C) Public address systems: Any public address systems, loudspeakers and other sound-producing equipment shall be designed, installed and operated in a manner which is not disturbing to the surround area. (Ord. No. 568-AC)

Sec. 99.10.02. Lighting. All uses and activities shall be operated and maintained so as not to be hazardous, obnoxious or offensive due to illumination, glare, or similar effects detrimental to public health, safety and welfare. (Ord. No 568-AC)

Section 99.11.
Water Efficient Landscaping

Sections:

99.11.01. **Title**. This division shall be known as the “Needles Water Efficient Landscape Ordinance,” and may be so cited.

99.11.02. **Purpose**. The State Legislature has found:

(a) That the waters of the state are of limited supply and are subject to ever increasing demands;

(b) That the continuation of California's economic prosperity is dependent on the availability of adequate supplies of water for future uses;

(c) That it is the policy of the State to promote the conservation and efficient use of water and to prevent the waste of this valuable resource;

(d) That landscapes are essential to the quality of life in California by providing areas for active and passive recreation and as an enhancement to the environment by cleaning air and water, preventing erosion, offering fire protection, and replacing ecosystems lost to development;

(e) That landscape design, installation, maintenance and management can and should be water efficient; and

(f) That section 2 of Article X of the California Constitution specifies that the right to use water is limited to the amount reasonably required for the beneficial use to be served and the right does not and shall not extend to waste or unreasonable method of use.

99.11.03. **Applicability**.

(a) Consistent with the Department of Water Resources' State Model Water Efficient Landscape Ordinance, this Ordinance shall apply to all of the following landscape projects:

1. New development projects with an aggregate landscape area equal to or greater than 500 square feet requiring a building or landscape permit, plan check or design review;

2. Rehabilitated landscape projects with an aggregate landscape area equal to or greater than 2,500 square feet requiring a building permit, plan check, or design review;

3. Existing landscapes shall be limited to Section 99.11.08;

4. Cemeteries. Recognizing the special landscape management needs of cemeteries, new and rehabilitated cemeteries are limited to sections 99.11.06(a)(1)(b); 99.11.07(B) and (C), and existing cemeteries are limited to Section 99.11.08.

(b) Any new project shall utilize the requirements of the Water Efficient Landscape Ordinance.

1. Projects with an aggregate landscape area less than 2,500 square feet may comply with the requirements of either the streamlined landscape method or the water budget landscape method.

2. Projects with an aggregate landscape area in excess of 2,500 square feet shall comply with the water budget landscape method.

3. All projects are required to comply with Section 99.11.07.

(c) For projects using treated or untreated gray water or rainwater captured on site, any lot or parcel within the project that has less than 2500 sq. ft. of landscape and meets the lot or parcel's landscape water requirement (Estimated Total Water Use) entirely with treated or untreated gray water or through stored rainwater captured on site is subject only to section 99.11.05(a)(4).

(d) This ordinance does not apply to:

1. Registered local, state or federal historical sites;

2. Ecological restoration projects that do not require a permanent irrigation system;

3. Mined-land reclamation projects that do not require a permanent irrigation system;

4. Existing plant collections, as part of botanical gardens and arboretum open to the public.

99.11.04. **Definitions**

The terms used in this ordinance have the meaning set forth below:

"Applied water" means the portion of water supplied by the irrigation system to the landscape.

"Automatic irrigation controller" means a timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers are able to self-adjust and schedule irrigation events using either evapotranspiration (weather-based) or soil moisture data.

"Backflow prevention device" means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.

"Certificate of Completion" means the document required under section 99.11.030.080.

"Certified irrigation designer" means a person certified to design irrigation systems by an accredited academic institution, a professional trade organization or other program such as the US Environmental Protection Agency's WaterSense irrigation designer certification program and Irrigation Association's Certified Irrigation Designer program.

"Certified landscape irrigation auditor" means a person certified to perform landscape irrigation audits by an accredited academic institution, a professional trade organization or other program such as the US Environmental Protection Agency's WaterSense

irrigation auditor certification program and Irrigation Association's Certified Landscape Irrigation Auditor program.

"Check valve" or "anti-drain valve" means a valve located under a sprinkler head, or other location in the irrigation system, to hold water in the system to prevent drainage from sprinkler heads when the sprinkler is off.

"Common interest developments" means community apartment projects, condominium projects, planned developments, and stock cooperatives per California Civil Code section 1351.

"Compost" means the safe and stable product of controlled biologic decomposition of organic materials that is beneficial to plant growth.

"Conversion factor (0.62)" means the number that converts acre-inches per acre per year to gallons per square foot per year.

"Distribution uniformity" means the measure of the uniformity of irrigation water over a defined area.

"Drip irrigation" means any non-spray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

"Ecological restoration project" means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

"Effective precipitation" or "usable rainfall" (Eppt) means the portion of total precipitation which becomes available for plant growth.

"Emitter" means a drip irrigation emission device that delivers water slowly from the system to the soil.

"Established landscape" means the point at which plants in the landscape have developed significant root growth into the soil. Typically, most plants are established after one or two years of growth.

"Established period of the plants" means the first year after installing the plant in the landscape or the first two years of irrigation will be terminated after establishment. Typically, most plants are established after one or two years of growth. Native habitat mitigation areas and trees may need three to five years for establishment.

"Estimated Total Water Use" (ETWU) means the total water used for the landscape as described in section 99.11.030.050.

"ET adjustment factor" (ETAF) means a factor of 0.55 for residential areas and 0.45 for non-residential areas, that, when applied to reference evapotranspiration, adjusts for plants factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape. The ETAF for new and existing (non-rehabilitated)

Special Landscape Areas shall not exceed 1.0. The ETAF for non-existing non-rehabilitated landscapes is 0.8.

“Evapotranspiration rate” means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.

“Flow rate” means the rate at which water flows through pipes, valves and emission devices, measured in gallons per minute, gallons per hour, or cubic feet per second.

“Flow sensor” means an inline device installed at the supply point of the irrigation system that produces a repeatable signal proportional to flow rate. Flow sensors must be connected to an automatic irrigation controller, or flow monitor capable of receiving flow signals and operating master valves. This combination flow sensor/controller may also function as a landscape water meter or submeter.

“Friable” means soil condition that is easily crumbled or loosely compacted down to a minimum depth per planting material requirements, whereby the root structure of newly planted material will be allowed to spread unimpeded.

“Fuel Modification Plan Guideline” means guidelines from a local fire authority to assist residents and businesses that are developing land or building structures in a fire hazard severity zone.

“Graywater” means untreated wastewater that has bot been contaminated by any toilet discharge, has not been affected by infectious, contaminated, or unhealthy bodily wastes, and does not present a threat from contamination by unhealthful processing, manufacturing, or operating wastes. “Graywater” includes, but is not limited to, wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, and laundry tubs, but does not include wastewater from kitchen sinks or dishwater. See California Health and Safety Code section 17922.12.

“Hardscapes” means any durable material (pervious and non-pervious).

“Hydrozone” means a portion of the landscaped area having plants with similar water needs and rooting depth. A hydrozone may be irrigated or non-irrigated.

“Infiltration rate” means the rate of water entry into the soil expressed as a depth of water per unit of time (e.g., inches per hour).

“Invasive plant species” means species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources. Invasive species may be regulated by county agricultural agencies as noxious species. Lists of invasive plants are maintained at the California Invasive Plant Inventory and USDA invasive and noxious weeds database.

“Irrigation audit” means an in-depth evaluation of the performance of an irrigation system conducted by a Certified Landscape Irrigation Auditor. An irrigation audit includes, but is not limited to: inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule. The audit must be conducted in a manner consistent

with the Irrigation Association's Landscape Irrigation Auditor Certification program or other U.S. Environmental Protection Agency "Watersense" labeled auditing program.

"Irrigation efficiency" (IE) means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The irrigation efficiencies for purposes of this ordinance are 0.75 for overhead spray devices and 0.81 for drip systems.

"Irrigation survey" means an evaluation of an irrigation system that is less detailed than an irrigation audit. An irrigation survey includes, but is not limited to: inspection, system test, and written recommendations to improve performance of the irrigation system.

"Irrigation water use analysis" means a review of water use data based on meter readings and billing data.

"Landscape architect" means a person who holds a license to practice landscape architecture in the California Business and Professions Code, section 5615.

"Landscape area" (LA) means all the planting areas, turf areas, and water features in a landscape design plan subject to the Maximum Applied Water Allowance calculation. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

"Landscape contractor" means a person licensed by the state of California to construct, maintain, repair, install, or subcontract the development of landscape systems.

"Landscape Documentation Package" means the documents required under section 99.11.030.040.

"Landscape project" means total area of landscape in a project as defined in "landscape area" for the purposes of this ordinance, meeting requirements under section 99.11.010.030.

"Landscape water meter" means an inline device installed at the irrigation supply point that measures the flow of water into the irrigation system and is connected to a totalizer to record water use.

"Lateral line" means the water delivery pipeline that supplies water to the emitters or sprinklers from the valve.

"Local water purveyor" means any entity, including a public agency, city, county, or private water company that provides retail water service.

"Low volume irrigation" means the application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip, drip lines, and bubblers. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

"Main line" means the pressurized pipeline that delivers water from the water source to the valve or outlet.

"Master shut-off valve" is an automatic valve installed at the irrigation supply point which controls water flow into the irrigation system. When this valve is closed water will not be supplied to the irrigation system. A master valve will greatly reduce any water loss due to a leaky station valve.

"Maximum Applied Water Allowance" (MAWA) means the upper limit of annual applied water for the established landscaped area as specified in section 14.127.030.040. It is based upon the area's reference evapotranspiration, the ET Adjustment Factor, and the size of the landscape area. The Estimated Total Water Use shall not exceed the Maximum Applied Water Allowance. Special Landscape Areas, including recreation areas, areas permanently and solely dedicated to edible plants such as orchards and vegetable gardens, and areas irrigated with recycled water are subject to the MAWA with an ETAF not to exceed 1.0 MAWA = (ETo) (0.62) [(ETAF x LA) + ((1-ETAF) x SLA)].

"Median" is an area between opposing lanes of traffic that may be unplanted or planted with trees, shrubs, perennials, and ornamental grasses.
"Microclimate" means the climate of a small, specific area that may contrast with the climate of the overall landscape area due to factors such as wind, sun exposure, plant density, or proximity to reflective surfaces.

"Mined-land reclamation projects" means any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.

"Mulch" means any organic material such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel, and or decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

"New construction" means, for the purposes of this ordinance, a new building with a landscape or other new landscape, such as a park, playground, or greenbelt without an associated building.

"Non-residential landscape" means landscapes in commercial, institutional, industrial and public settings that may have areas designated for recreation or public assembly. It also includes portions of common areas of common interest developments with designated recreational areas.

"Operating pressure" means the pressure at which the parts of an irrigation system are designed by the manufacturer to operate.

"Overhead sprinkler irrigation systems" means systems that deliver water through the air (e.g., spray heads and rotors).

"Overspray" means the irrigation water which is delivered beyond the target area.

"Permit" means an authorizing document issued by local agencies for new construction or rehabilitation landscapes.

"Pervious" means any surface or material that allows the passage of water through the material and into the underlying soil.

"Plant factor" or "plant water use factor" is a factor, when multiplied by ETo, estimates the amount of water needed by plants. For purposes of this ordinance, the plant factor range for very low water use plants is 0 to 0.1, the plant factor range for low water use plants is 00.1 to 0.3, the plant factor range for moderate water use plants is 0.4 to 0.6, and the plant factor range for high water use plants is 0.7 to 1.0. Plant factors cited in this ordinance are derived from the Department of Water Resources 2000 publication "Water Use Classification of Landscape Species." Plant factors may also be obtained from horticultural researches from academic institutions or professional associations as approved by the California Department of Water Resources (DWR).

"Project applicant" means the individual or entity submitting a Landscape Documentation Package required under section 99.11.030.040 to request a permit, plan check, or design review from the City of Needles. A project applicant may be the property owner or his or her designee.

"Rain sensor" or "rain sensing shutoff device" means as component which automatically suspends an irrigation event when it rains.

"Record drawing" or "as-builts" means a set of reproducible drawings which show significant changes in the work made during construction and which are usually based on drawings marked up in the field and other data furnished by the contractor.

"Recreational area" means areas, excluding private single family residential areas designated for active play, recreation or public assembly, in parks, sports fields, picnic grounds, amphitheaters and or golf course tees, fairways, roughs, surrounds and greens.

"Recycled water," "reclaimed water," or "treated sewage effluent water" means treated or recycled wastewater of quality suitable for non-potable uses such as landscape irrigation and water features. This water is not intended for human consumption.

"Reference evapotranspiration" or "ETo" means a standard measurement of environmental parameters which affect the water use of plants. ETo is expressed in inches per day, moth, or year as represented in Table 99.11.030.01, and is an estimate of the evapotranspiration is used as the basis of determining the Maximum Applied Water Allowance so that regional differences in climate can be accommodated.

"Rehabilitation landscape" means any re-landscaping project that requires a permit, plan check, or design review, meets the requirements of section 99.11.010.030, and the modified landscaped area is equal to or greater than 2,500 square feet.

"Residential landscape" means landscape surrounding single or multifamily homes.

"Runoff" means water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape area. For example, runoff may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a slope.
"Soil moisture sensing device" or "soil moisture sensor" means a device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.

"Soil texture" means the classification of soil based on its percentage of sand, silt, and clay.

"Special Landscape Area" (SLA) means an area of the landscape dedicated solely to edible plants, recreation areas, areas irrigated with recycled water, or water features using recycled water.

"Sprinkler head" means a device which delivers water through a nozzle.

"Static water pressure" means the pipeline or municipal water supply pressure when water is not flowing.

"Station" means an area served by one valve or by a set of valves that operation simultaneously.

"Swing joint" means an irrigation component that provides a flexible, leak-free connection between the emission device and lateral pipeline to allow movement in any direction and to prevent equipment damage.

"Submeter" means a meeting device to measure water applied to the landscape that is installed after the primary utility water meter.

"Turf" means a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermuda grass, Kikuyu grass, Seashore Paspalum, St. Augustine grass, Zoysiagrass, and Buffalo grass are warm-season grasses.

"Valve" means a device used to control the flow of water in the irrigation system.

"Water conserving plant species" means a plant species identified as having a very low or low plant factor.

"Water feature" means a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied). The surface area of water features is included in the high-water use hydrozone of the landscape area. Constructed wetlands used for on-site wastewater treatment or stormwater best management practices that are not irrigated and used solely for water treatment or stormwater retention are not water features and, therefore, are not subject to the water budget calculation.

"Watering window" means the time of day irrigation is allowed.

"WUCOLS" means the Water Use Classification of Landscape Species published by the University of California Cooperative Extension and the Department of Water Resources 2014.

99.11.05. Project Requirements – Streamlined Landscaped Method – Project area must be less than 2500 square feet to qualify. Requirements will be minimal and less costly then utilization of the "Water Budget Method", as described in Section 99.11.06 Requirements of the

Streamlined Landscape Method include utilization of plants included in the "Needles Approved Water Efficient Plant list", Exhibit "A", as well as plants identified in the reference book "Landscape Plants for the Arizona Desert – Guide to Growing More than 200 Low-Water-Use Plants", as well as the reference guide "Low Water-Use Plants for California and the Southwest" by Carol Shuler; installation of turf is prohibited. These projects are exempt from the requirement of having a State of California professional authorized to design a landscape or an irrigation system sign-off; as well as lower permit fees.

A. New Construction or Rehabilitation Landscapes

1. Landscape Documentation Package for the streamlined process to include:

(a) Project information, including date, project applicant, project address, total square footage of landscape area, project type (new, rehabilitated, public, private, cemetery, homeowner-installed), water supply type (potable, recycled, well); project contacts (project applicant and property owner, if applicable); statement "I agree to comply with the requirements of the Streamlined Water Efficient Landscape Project requirements."

2. Landscape Design Plan

(a) A landscape design plan meeting the following design criteria shall be submitted as part of the Landscape Documentation Package.

1. Plant Material
   a. Any plant from the Needles Approved Water Efficient Plant list turf is not allowed.
   b. Fire-prone areas – landscape design plan shall address fire-safety and prevention. A defensible space or zone around a building or structure is required per California Public Resources Code section 4291(a) and (b). Avoid fire-prone plant materials and highly flammable mulches.

3. Soil Preparation, Mulch and Amendments

Installation of compost at a rate of a minimum of four cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six inches into the soil. Soils with greater than 6% organic matter i the top 6 inches of soil are exempt from adding compost and tilling.

4. Irrigation Design Plan

This section applies to landscaped areas requiring permanent irrigation, not areas that require temporary irrigation solely for the plant establishment period. An irrigation design plan meeting the following design criteria shall be submitted as part of the Landscape Documentation Package.

(a) System

1. Automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data utilizing non-volatile memory shall be required for irrigation scheduling in all irrigation systems.

2. Pressure regulators shall be installed on the irrigation system to ensure the dynamic pressure of the system is within the manufacturers recommended pressure range.
3. Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve_ shall be installed as close as possible to the point of connection of the water supply.
4. All irrigation emission devices must meet the requirements set in the American National Standards Institute (ANSI) standard, ASABE/ICC 802-2014 “Landscape Irrigation Sprinkler and Emitter Standard.” All sprinkler heads installed in the landscape must document a distribution uniformity low quarter of 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.

2. Certificate of Completion

At the time of final inspection, the permit applicant must provide the owner of the property with a certificate of completion, sample attached, certificate of installation signed by building official, irrigation schedule and a schedule of landscape and irrigation maintenance. (**PENDING Figure 99.11.04(a)-1**)

99.11.06. Project Requirements – Water Budget Landscape Method – projects will follow guidelines of the Governor’s Executive Order EO B-29-15, requiring project plans to be designed/approved by a person authorized by the State of California to design a landscape or an irrigation system. These projects require the calculation for the Maximum Applied Water Allowance (MAWA); the development of a hydrozone table to calculate the Estimated Total Water Use (ETWU) does not exceed the Maximum Applied Water Allowance (MAWA). It requires more attention to the design of the irrigation system assuming a wider range of plant factors will be part of each hydrozone.

A. New Construction or Rehabilitation Landscapes

1. Landscape Documentation Package for the water budge landscape method to include:

(a) Project information, including date, project applicant, project address, total square footage of landscape area, project type (new, rehabilitated, public, private, cemetery, homeowner-installed), water supply type (potable, recycled, well); project contacts (project applicant and property owner, if applicable).

(b) Water Efficient Landscape Worksheet with water budget calculations.

1. A project applicant shall complete the Water Efficient Landscape Worksheet in Figure 99.11.05(b), which contains information on the plant factor (pf), irrigation method, irrigation efficiency and area associated with each hydrozone.

Calculations are then made to show that the evapotranspiration adjustment factor (ETAF) for the landscape project does not exceed a factor of 0.55 for residential areas and 0.45 for non-residential areas, exclusive of Special Landscape Areas. The ETAF for a landscape project is based on the plant factors and irrigation methods selected.

The Maximum Applied Water Allowance is calculated based on the maximum ETAF allowed (0.55 for residential areas and 0.45 for non-residential areas) and expressed as annual gallons required. The Estimated Total Water Use

(ETWU) is calculated based on the plants used and irrigation method selected for the landscape design. ETWU must be below the MAWA.

In calculating the Maximum Applied Water Allowance and Estimated Total Water Use, a project applicant shall use the ETo value of 92.1, found in the Reference Evapotranspiration Table 99.11.04(b)-1. (**PENDING Tables 99.11.06(b)(1) & 99.11.06(b)(2)**)

2. Water budget calculations shall adhere to the following requirements:

   a. The plant factor used shall be from WUCOLS or from horticultural researchers with academic institutions or professional associations as approved by the California Department of Water Resources (DWR). The plant factor ranges from 0 to 0.1 for very low water using plants, 0.1 to 0.3 for low water use plants, from 0.4 to 0.6 for moderate water use plants, and from 0.7 to 1.0 for high water use plants.

   b. All water features shall be included in the high-water use hydrozone, and temporarily irrigated areas shall be included in the low water use hydrozone.

   c. All Special Landscape Areas shall be identified, and the water use calculated as shown in Figure 99.11.06(b)(2).

   d. ETAF for new and existing (non-rehabilitated) Special Landscape Areas shall not exceed 1.0.

(c) Landscape design plan

1. The landscape design plan, at a minimum, shall:

   a. Delineate and label each hydrozone by number, letter, or other method;

   b. Identify each hydrozone as low, moderate, high water, or mixed water use. Temporarily irrigated areas of the landscape shall be included in the low water use hydrozone for the water budget calculation.

   c. Identify recreational areas (for uses other than single family residential, if any);

   d. Identify areas permanently and solely dedicated to edible plants (if any);

   e. Identify areas irrigated with recycled water (if any);

   f. Identify type of mulch and application depth;

   g. Identify soil amendments, type, and quantity;

   h. Identify type and surface area of water features (if any);

   i. Identify hardscapes (pervious and non-pervious, if any);

j. Bear the signatures of a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape. (See sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6,6701, 7027.5 of the California Business and Professions Code, section 832.27 of Title1 6 of the California Code of Regulations, and section 6721 of the California Food and Agriculture Code.)

2. A landscape design plan meeting the following design criteria shall be submitted as part of the Landscape Documentation Package.

a. Plant Material

1. Any plant may be selected for the landscape providing the Estimated Total Water Use in the landscape area does not exceed the Maximum Applied Water Allowance and the selection complies with any other adopted landscaping requirements.

2. Each hydrozone shall have plant materials with similar water use, except for hydrozones with plants of mixed water use, as specified in section 99.11.06(A)(1)(c)(4).

3. Plants shall be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site. Methods to achieve water efficiency shall include one or more of the following:

a. Use the sunset Western Climate Zone System which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate;

b. Recognize the horticultural attributes of plants (i.e., mature plant size, invasive surface roots) to minimize damage to property or infrastructure [e.g., buildings, sidewalks, power lines]; allow for adequate soil volume for healthy root growth; and

c. Consider the solar orientation for plant placement to maximize summer shade and winter solar gain.

4. Turf is not allowed on slopes greater than 25% where the toe of the slope is adjacent to an impermeable hardscape and where 25% means 1 foot of vertical elevation change for every 4 feet of horizontal length (rise divided by run x 100 = slope percent).

5. High water use plants, characterized by a plant factor of 0.7 to 1.0, are prohibited in street medians.

6. A landscape design plan for projects in fire-prone areas shall address fire safety and prevention. A defensible space or zone around a building or structure is required per California Public Resources Code section 4291(a) and (b). Avoid fire-prone plant materials and highly flammable mulches. Refer to the local Fuel Modification Plan guidelines.

7. The use of invasive plant species, such as those listed by the California Invasive Plant Council, is strongly discouraged.

8. The architectural guidelines of a common interest development, which include community apartment projects, condominiums, planned developments, and stock cooperatives, shall not prohibit or include conditions that have the effect of prohibiting the use of low-water se plants as a group.

b. Water Features

1. Recirculating water systems shall be used for water features.

2. Where available, recycled water shall be used as a source for decorative water features.

3. Surface area of a water feature shall be included in the high-water use hydrozone area of the water budget calculation.

4. Pool and spa covers are highly recommended.

c. Soil Preparation, Mulch and Amendments

1. Prior to the planting of any materials, compacted soils shall be transformed to a friable condition. On engineered slopes, only amended planting holes need meet this requirement.

2. Soil amendments shall be incorporated according to recommendations of any soil report prepared and what is appropriate for the plants selected.

3. For landscape installations, compost at a rate of minimum of four cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six inches into the soil. Soils with greater that 6% organic matter in the top 6 inches of soil are exempt from adding compost and tilling.

4. A minimum three-inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife, up to 5% of the landscape area may be left without mulch Designated insect habitat must be included in the landscape design plan as much.

5. Stabilizing mulching products shall be used on slopes that meet current engineering standards.

6. The mulching portion of the seed/mulch slurry in hydro-seeded applications shall meet the mulching requirement.

d. Irrigation design plan.

1. This section applies to landscaped areas requiring permanent irrigation, not areas that require temporary irrigation solely for the plant

establishment period. For the efficient use of water, an irrigation system shall meet all the requirements listed in this section and the manufacturers' recommendations.

a. The irrigation design plan, at a minimum, shall contain:

1. Location and size of separate water meters for landscape;

2. Location, type and size of all components of the irrigation system, including controllers, main and lateral lines, valves , sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators, and backflow prevention devices;

3. Static water pressure at the point of connection to the public water supply;

4. Flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for each station;

5. Recycled water irrigation systems as specified in section 99.11.07(D); and

6. The signature of a licensed landscape architect, certified irrigation designer, licensed landscape contractor, or any other person authorized to design an irrigation system. (See sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the California Business and Professions Code, section 832.27 of Title 16 of the California Code of Regulations, and section 6721 of the California Food and Agricultural Code.)

b. System

1. Landscape water meters, defined as either a dedicated water service meter or private submeter, shall be installed for all non-residential irrigated landscapes of 1,000 sq. ft. but not more than 5,000 sq. ft. (the level at which California Water Code section 535 applies) and residential irrigated landscapes of 5,000 sq. ft. or greater. A landscape water meter may be either:

a) a customer service meter dedicated to landscape use provided by the local water purveyor.

b) a privately owned meter or submeter.

2. Automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data utilizing non-volatile memory shall be required for irrigation scheduling in all irrigation systems.

3. Sensors (rain, freeze, wind, etc.), either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather

conditions shall be required on all irrigation systems, as appropriate for local climatic conditions. Irrigation should be avoided during windy or freezing weather or during rain.

4. Flow sensors that detect high flow conditions created by system damage or malfunction are required for all on non-residential landscapes and residential landscapes of 5000 sq. ft. or larger.

5. Master shut-off valves are required on all projects except landscapes that make use of technologies that allow for the individual control of sprinklers that are individually pressurized in a system equipped with low pressure shut down features.

6. The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas, hardscapes, roadways, or structures.

7. Relevant information from the soil management plan, such as soil type and infiltration rate, shall be utilized when designing irrigation systems.

8. The design of the irrigation system shall conform to the hydrozones of the landscape design plan.

9. The irrigation system must be designed and installed to meet, at a minimum, the irrigation efficiency criteria as described in section 99.11.06(A)(1)(b) regarding the Maximum Applied Water Allowance.

10. All irrigation emission devices must meet the requirements set in the American National Standards Institute (ANSI) standard, American Society of Agricultural and Biological Engineers'/International Code Council's (ASABE/ICC) 802-2014 "Landscape Irrigation Sprinkler and Emitter Standard." All sprinkler heads installed in the landscape must document a distribution uniformity low quarter of 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.

11. It is highly recommended that the project applicant or City of Needles inquire with the local water purveyor about peak water operating demands (on the water supply system) or water restrictions that may impact the effectiveness of the irrigation system.

12. In mulched planting areas, the use of low volume irrigation is required to maximize water infiltration into the root zone.

13. Sprinkler heads and other emission devices shall have matched precipitation rates, unless otherwise directed by the manufacturer's recommendations.

14. Head-to-head coverage is recommended. However, sprinkler spacing shall be designed to achieve the highest possible distribution uniformity using the manufacturer's recommendations.

15. Swing joints or other riser-protection components are required on all risers subject to damage that are adjacent to hardscapes or in high traffic areas of turfgrass.

16. Check valves or anti-drain valves are required on all sprinkler heads where low point drainage could occur.

17. Areas less than ten (10) feet in width in any direction shall be irrigated with subsurface irrigation or other means that produces no runoff or overspray.

18. Overhead irrigation shall not be permitted within 24 inches of any non-permeable surface. Allowable irrigation within the setback from non-permeable surfaces may include drip, drip line, or other low flow non-spray technology. The setback area may be planted or unplanted. The surfacing of the setback may be mulch, gravel, or other porous material. These restrictions may be modified if:

    a. The landscape area is adjacent to permeable surfacing and no runoff occurs; or
    b. The adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping; or
    c. The irrigation designer specifies an alternative design or technology, as part of the Landscape Documentation Package and clearly demonstrates strict adherence to irrigation system design criteria in section 99.11.030.070(A)(1)(f). Prevention of overspray and runoff must be confirmed during the irrigation audit.

19. Slopes greater than 25% shall not be irrigated with an irrigation system with a application rate exceeding 0.75 inches per hour. This restriction may be modified if the landscape designer specifies an alternative design or technology, as part of the Landscape Documentation Package, and clearly demonstrates no runoff or erosion will occur. Prevention of runoff and erosion must be confirmed during the irrigation audit.

c. Hydrozone

1. Each valve shall irrigate a hydrozone with similar site, slope, sun exposure, soil conditions, and plant materials with similar water use.

2. Sprinkler heads and other emission devices shall be selected based on what is appropriate for the plant type within that hydrozone.

3. Where feasible, trees shall be placed on separate valve from shrubs, groundcovers, and turf to facilitate the appropriate irrigation of trees. The mature size and extent of the root zone shall be considered when designing irrigation for the tree.

4. Individual hydrozones that mix plants of moderate and low water use, or moderate and high-water use, may be allowed if:

i. Plant factor calculation is based on the proportions of the respective plant water uses and their plant factor; or

ii. The plant factor of the higher water using plant is used for calculations.

5. Individual hydrozones that mix high and low water use plants shall not be permitted.

6. On the landscape design plan and irrigation design plan, hydrozone areas shall be designated by number, letter, or other designation. On the irrigation design plan, designate the areas irrigated by each valve, and assign a number to each valve. Use the valve number in the Hydrozone Information Table (see Figure 99.11.06(b)(2). This table can also assist with the irrigation audit and programming the controller.

2. Certificate of Completion

A. The certificate of Completion (see Figure 99.11.030-2 for a sample certificate) shall include the following six (6) elements:

1. Project information sheet that contains:
   (a) Date:
   (b) Project name;
   (c) Project applicant name, telephone, and mailing address;
   (d) Project address and location, and
   (e) Property owner name, telephone, and mailing address.

2. Certification by either the signer of the landscape design plan, the signer of the irrigation design plan, or the licensed landscape contractor that the landscape project has been installed per the approved Landscape Documentation Package;

   (a) Where there have been significant changes made in the field during construction, these “as-built” or record drawings shall be included with the certification;

   (b) A diagram of the irrigation plan showing hydrozones shall be kept with the irrigation controller for subsequent management purposes.

3. Irrigation scheduling parameters used to set the controller (see section 99.11.030.090);

4. Landscape and irrigation maintenance schedule (see section 99.11.030.100); and

5. Irrigation audit report (see section 99.11.030.110).

B. The project applicant shall:

1. Submit the signed Certificate of Completion to the City Manger or his/her designee for review;

2. Ensure that copies of the approved Certificate of Completion are submitted to the local water purveyor if other than the City of Needles and property owner or his or her designee.

C. The City Manager or his/her designee shall:

1. Receive the signed Certificate of Completion from the project applicant;

2. Approve or deny the Certificate of Completion. If the Certificate of Completion is denied, the City Manager or his/her designee shall provide information to the project applicant regarding reapplication, appeal, or other assistance. (**PENDING Figure 99.11.030-2 & Water Budget Method**)

99.11.07 Other Project Requirements

A. Irrigation Scheduling.

For the efficient use of water, all irrigation schedules shall be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health. Irrigation schedules shall meet the following criteria:

1. Irrigation scheduling shall be regulated by automatic irrigation controllers.

2. Overhead irrigation shall be scheduled between 8:00 p.m. and 10:00 a.m., unless weather conditions prevent it. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.

3. For implementation of the irrigation schedule, particular attention must be paid to irrigation run times, emission device, flow rate, and current reference evapotranspiration, so that applied water meets the Estimated Total Water Use. Total annual applied water shall be less than or equal to Maximum Applied Water Allowance (MAWA). Actual irrigation schedules shall be regulated by automatic irrigation controllers using current reference evapotranspiration data (e.g., CIMIS) or soil moisture sensor data.

4. Parameters used to set the automatic controller shall be developed and submitted for each of the following:

(a) The plant establishment period;

(b) The established landscape; and

(c) Temporarily irrigated areas.

5. Each irrigation schedule shall consider for each station all of the following that apply:

(a) Irrigation interval (days between irrigation);

(b) Irrigation run times (hours or minutes per irrigation event to avoid runoff);

(c) Number of cycle starts required for each irrigation event to avoid runoff;

(d) Amount of applied water scheduled to be applied on a monthly basis;

(e) Application rate setting;

(f) Root depth setting;

(g) Plant type setting;

(h) Soil type;

(i) Slope factor setting;

(j) Shade factor setting; and

(k) Irrigation uniformity or efficiency setting.

B. Landscape and Irrigation Maintenance Schedule.

1. Landscape shall be maintained to ensure water use efficiency. A regular maintenance schedule shall be submitted with the Certificate of Completion.

2. A regular maintenance schedule shall include, but not be limited to, routine inspection; auditing, adjustment and repair of the irrigation system and its components; aerating and dethatching turf areas; topdressing with compost, replenishing mulch; fertilizing; pruning; weeding in all landscape areas and removing obstructions to emission devices. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.

3. Repair of all irrigation equipment shall be done with the originally installed components or their equivalents or with components with greater efficiency.

4. A project applicant is encouraged to implement established landscape industry sustainable Best Practices for all landscape maintenance activities.

C. Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis.

1. All landscape irrigation audits shall be conducted by a third-party certified landscape irrigation auditor. Landscape audits shall not be conducted by the person who designed the landscape or installed the landscape.

2. In large projects or projects with multiple landscape installations (i.e. production home developments) an auditing rate of 1 in 7 lots or approximately 15% will satisfy this requirement.

3. For new construction and rehabilitated landscape projects installed after December 1, 2015, as described in section 99.11.03:

(a) The project applicant shall submit an irrigation audit report with the Certificate of Completion to the local agency that may include, but is not limited to: inspection, system tune-up, system test with distribution uniformity, reporting overspray or run off that causes overland flow, and preparation of an irrigation schedule, including configuring irrigation controllers with application rate, soil types, plant factors, slope, exposure and any other factors necessary for accurate programming;

(b) The City of Needles shall administer programs that may include, but not be limited to, irrigation water use analysis, irrigation audits, and irrigation surveys for compliance with the Maximum Applied Water Allowance.

D. Irrigation Efficiency.

For the purpose of determining Estimate Total Water Use, average irrigation efficiency is assumed to be 0.75 for overhead spray devices and 0.81 for drip system devices.

E. Recycled Water.

1. The installation of recycled water irrigation systems shall allow for the current and future use of recycled water.

2. All recycled water irrigation systems shall be designed and operated in accordance with all applicable local and State laws.

3. Landscapes using recycled water are considered Special Landscape Areas. The ET Adjustment Factor for new and existing (non-rehabilitated) Special Landscape Areas shall not exceed 1.0.

F. Graywater Systems.

Graywater systems promote the efficient use of water and are encouraged to assist in on-site landscape irrigation. All graywater systems shall conform to the California Plumbing Code (Title 24, Part 5, Chapter 16) an any standards adopted by the City of Needles. Refer to section 99.11.03 for the applicability of this ordinance to landscape areas less than 2,500 square feet with the Estimated Total Water Use met entirely by graywater.

G. Stormwater Management and Rainwater Retention.

1. Stormwater management practices minimize runoff and increase infiltration which recharges groundwater and improves water quality. Implementing stormwater best management practices into the landscape and grading design plans to minimize runoff and to increase on-site rainwater retention and infiltration are encouraged.

2. Project applicants shall refer to the local agency or Regional Water Quality Control Board for information on any applicable stormwater technical requirements.

3. All planted landscape areas are required to have friable soil to maximize water retention and infiltration. Refer to section 99.11.06(A)(2)(c)(2)(c).

4. It is strongly recommended that landscape areas be designed for capture and infiltration capacity that is sufficient to prevent runoff from impervious surfaces (i.e., roof and paved areas) from either: the one inch, 24-hour rain event of (2) the 85 percentile, 24-hour rain event, and/or additional capacity as required by any applicable local, regional, state or federal regulation.

5. It is recommended that storm water projects incorporate any of the following elements to improve on-site storm water and dry weather runoff capture and use:

   (a) Grade impervious surfaces, such as driveways, during construction to drain to vegetated areas.

   (b) Minimize the area of impervious surfaces such as paved areas, roof and concrete driveways.

   (c) Incorporated pervious or porous surfaces (e.g., gravel, permeable pavers or blocks, pervious or porous concrete) that minimize runoff.

   (d) Direct runoff from paved surfaces and roof areas into planting beds or landscaped areas to maximize site water capture and reuse.

   (e) Incorporate rain gardens, cisterns, and other rain harvesting or catchment systems.

   (f) Incorporate infiltration beds, swales, basins and drywells to capture storm water and dry weather runoff and increase percolation into the soil.

   (g) Consider constructed wetlands and ponds that retain water, equalize excess flow, and filter pollutants.

2. Public Education.

1. Publications. Education is a critical component to promote the efficient use of water in landscapes. The use of appropriate principals of design, installation, management and maintenance that save water is encouraged in the community. The City of Needles shall provide information to owners of permitted renovations and new single-family residential homes regarding the design, installation, management, and maintenance of water efficient landscapes based on a water budget.

2. Model Homes. All model homes shall be landscaped and use signs and written information to demonstrate the principles of water efficient landscapes described in this ordinance.

   a. Signs shall be used to identify the model as an example of a water efficient landscape featuring elements such as hydrozones, irrigation equipment, and other that contribute to the overall water efficient theme. Signage shall include information about the site water use; specify who designed and installed the water efficient landscape; and demonstrate low water use approaches to landscaping such as using native plants, graywater systems, and rainwater catchment systems.

   b. Information shall be provided about designing, installing, managing, maintaining water efficient landscapes

H. Environmental Review

The City of Needles must comply with the California Environmental Quality Act (CEQA), as appropriate.

99.11.08 Provisions for Existing Landscapes

A. Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis.

1. This section, 99.11.08, shall apply to all existing landscapes that were installed before December 1, 2015 and are over one acre in size.

   (a) For all landscapes in 99.11.08(A1) that have a water meter, the City of Needles shall administer programs that may include, but not be limited to, irrigation water use analysis, irrigation surveys, and irrigation audits to evaluate water use and provide recommendations as necessary to reduce landscape water use to a level that does not exceed the Maximum Applied Water Allowance for existing landscapes. The Maximum Applied Water Allowance for existing landscapes shall be calculated as: MAWA = (0.8)(ETo)(LA)(0.62).

   (b) For all landscape in 99.11.08(A1) that do not have a meter, the City of Needles shall administer programs that may include, but not be limited to, irrigation surveys and irrigation audits to evaluate water use and provide recommendations as necessary in order to prevent water waste.

2. All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor.

99.11.09 Effective Precipitation.

The City of Needles may consider Effective Precipitation (25% of annual precipitation) in tracking water use and may use the following equation to calculate Maximum Applied Water Allowance: MAWA=(ETo-Eppt) (0.62) [(0.55 x LA) + (0.45 x SLA)] for residential areas, MAWA=(ETo-Eppt)(0.62)[(0.45 x LA) + (0.55 x SLA)] for non-residential areas.

99.11.10 Reporting.

The City Manager of his/her designee shall report to the California Department of Water Resources by December 31, 2015, and by January 31 of each year thereafter pursuant to the requirements of California Code of Regulations Title 23, Division 2, Chapter 2.7, section 495.

Contact djones@cityofneedles.com for updates

Article XI. Vehicular Provisions.
Ord. No. 427-AC

Sections

Sec. 111.01. Street dedication and improvement. No building permit shall be issued until the following requirements are met:

(1) All streets, alleys and other public rights-of-way shown on plans approved by the city council and which abut the subject property shall be dedicated to the planned right-of-way line or a deed of dedication deposited in escrow with an escrow agent acceptable to the city attorney, the delivery of which is conditioned upon the required permit being granted.
(2) All improvements of streets, alleys and other public rights-of-way which abut the subject property and are required in order to conform to improvement standards

approved by the city council shall be installed or a performance bond, in a reasonable amount to be determined b the city engineer, with sureties to be approved by the city attorney, shall be filed with the city clerk, or cash in a like amount shall be deposited with the finance director to be placed in a trust fund. (Ord. No. 427-AC)

Sec. 111.02. Vision clearance. (a) Vision clearance areas shall be provided as follows:

(1) On any corner lot: a triangular area at the street intersection measuring fifteen (15) feet along each street property line (or the projections thereof parallel to the centerlines of the streets) from the point of intersection of said property lines (or the projections thereof);

(2) At the intersection of any alley with a street, or at the intersection of two (2) alleys, or at an angle point where the alignment of an alley changes by sixty (60) degrees or more: a triangular area measuring fifteen (15) feet along each street or alley property line from the point of intersection of said property lines;

(3) At any driveway entrance from or exit to a street: triangular areas on each side of the driveway measuring fifteen (15) feet along the street property line and fifteen (15) feet along the edge of the driveway from the point of intersection of the edge of the driveway with the street property line.

(b) Within a required vision clearance area there shall be no fence, tree, shrub or other obstruction to sight between two (2) feet and seven (7) feet above the established street grade. Where the vision clearance area for an existing driveway falls on adjacent property, no additional construction in the two (2) foot to seven (7) foot height range shall be placed in the vision clearance area except a fence which does not obscure sight through more than ten (10) percent of the area in the vertical plan. Where existing obstructions exist on adjacent property in the two (2) foot to seven (7) foot height range, any new driveway constructed on the subject property shall be located to not have any such obstructions in its vision clearance areas. (Ord. No. 427-AC)

Sec. 111.03. Driveway standards. (a) Every garage, carport, parking area, loading area, drive0in or drive-through service area, or other off-street vehicular waiting or maneuvering area shall be connected to one (1) or more public streets or alleys by one (1) or more driveways meeting the standards set forth in this section.

(b) Driveway Width

(1) In the various zones the width of any driveway shall be within the limits shown in the following table:

DRIVEWAY WIDTHS		
Zone	Minimum Driveway Width	Maximum Driveway Width
R1:		

Entry from street Entry from alley	10 feet 10 feet	20 feet No limit
R-2, R-3: Not more than 3 dwelling units on lot	12 feet	25 feet
C-1, C-2, C-3, CRR, M1: 1-way 2-way	 13 feet 25 feet	 35 feet 35feet

(2) Where the driveway approach width at the street property line required by the city engineer is different from the driveway width required by this section, a variable width transition segment outside the street right-of-way shall be provided to provide a smooth connection.

(c) Driveway Height Clearance. Within the required driveway width there shall be no obstruction from the driveway surface to a height of eight (8) feet. In addition, any portion of a driveway not covered by a building or porte cochere shall be unobstructed to a height of fourteen (14) feet.

(d) Driveway Curvature. The minimum turning radius for any curve in a driveway shall be twenty-five (25) feet measured to the outside edge of the driveway.

(e) Driveway circulation pattern.

(1) In single-family residential zones, any garage or accessory building having vehicular entry facing an alley shall be located at least twenty-nine (29) feet from the opposite side of the alley.

(2) In all zones, any garage or carport with its vehicular entrance facing a street shall be set back at least twenty-five (25) feet from said street property line in order to allow temporary parking in the driveway without obstructing any portion of a public right-of-way. (Ord. No. 427-AC)

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.

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)

Sec. 111.04.01. Parking spaces required--Residential.

Type of Residential Use	Off-Street Parking Stalls Required
Single and two-family dwellings	Two (2) stalls per dwelling unit, one (1) of which shall be a covered carport or garage.
Accessory dwelling units	One (1) stall per unit
Multiple Family	One and one-half (1 ½) stalls per dwelling unit 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.
Rooming houses, residence clubs, fraternity and sorority houses	One (1) stall for every two (2) occupants plus an additional four (4) stalls.

(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 space for every five (5) children
Churches and mortuaries	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
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)

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)

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.
(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)

Sec. 111.04.13. Off-street parking dimension table. All residential parking stalls shall be at least ten (10) feet wide, twenty (20) feet long, with a minimum of twenty-four (24) feet of back-up space. All off-street parking facilities, except residential, shall be designed and installed in accordance with Figure 50-1. (Ord. No. 427-AC)

Sec. 111.04.14. Compact car parking. In commercial or industrial areas, where at least fifteen (15) parking stalls are provided, compact car parking stall may total up to thirty (30) percent of the required off-street parking. (Ord. No. 427-AC)

Sec. 111.04.15. Employee parking. Employee parking stalls shall be designed and located so they are distinct and separate from other parking on the site. Employees shall be prohibited from using off-street parking. (Ord. No. 427-AC)

Figure 50-1. Off-Street Parking Dimension Table

Parking Angle	Stall Width	Stall Depth	One-Way Aisle	Stall to Curb	Curb Length per Stall	One Row Plus Aisle	Two Rows Plus Aisle
	A	B	C	D	E	D + C	2D + C
90°	9'0" 9'6" 10'0"	20'0" 20'0" 20'0"	25'0" 24'0" 24'0"	20'0" 20'0" 20'0"	9'0" 9'6" 10'0"	45'0" 44'0" 44'0"	65'0" 64'0" 64'0"
60°	9'0" 9'6" 10'0"	20'0" 20'0" 20'0"	19'0" 18'0" 17'0"	21'10" 22'1" 22'4"	10'6" 11'0" 11'6"	40'10" 40'1" 39'4"	62'8" 62'2" 61'8"
45°	9'0" 9'6" 10'0"	20'0" 20'0" 20'0"	16'0" 15'0" 14'0"	20'5" 20'10" 21'3"	12'9" 13'5" 14'2"	36'5" 35'10" 35'3"	56'10" 56'8" 56'6"
0°	20'0"	8'0"	12'0"	8'0"	22'0"	20'0"	28'0"

Special Stalls	Stall Width	Stall Depth	One-Way Aisle
	A	B	C
Handicap Stall	14'0"	20'0"	Same as Above
Small Car Stall	8'0"	15'6"	Same as Above

* 5'0" may be shared with adjacent Handicap Stall

Sec. 111.04.16. Handicap parking requirements. (a) Each lot or parking structure where parking is provided for the public as clients, guests, or employees shall provide accessible parking as required by this section. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance.

(b) Number of handicap parking spaces required shall comply with the chart below:

Total Number of Parking Spaces in Lot or Garage	Minimum Required Number of Spaces
1 – 25	1
26 – 50	2
51 – 75	3
76 – 100	4

101 – 150	5
151 – 200	6
201 – 300	7
301 – 400	8
401 – 500	9
501 – 1,000	2% of total
1,001 and over	20 plus 1 for each 100 or fraction thereof over 1,001

(c) Less than Five (5) Spaces. When less than five (5) parking spaces are provided at buildings and facilities subject to these regulations, one shall be fourteen (14) feet wide and lined to provide a nine (9) foot parking area and a five (5) foot loading and unloading area. When more than one (1) space is provided in lieu of providing a fourteen (14) foot wide space for each parking space, two (2) spaces can be provided within a twenty-three (23) foot wide area lined to provide a nine (9) foot parking area on each side of a five (5) foot loading and unloading access aisle in the center. The minimum length of each parking space shall be eighteen (18) feet. One (1) in every eight (8) accessible spaces, but not less than one (1), shall be served by an access aisle ninety-six (96) inches wide minimum and shall be designated as accessible.

(d) Medical Care Outpatient Facilities. At facilities providing medical care and other services for persons with mobility impairments, parking spaces shall comply with the table shown above; except

(1) Outpatient units and facilities: ten (10) percent of the total number of parking spaces provided serving each such outpatient unit or facility;

(2) Units and facilities that specialize in treatment or services for persons with mobility impairments: twenty (20) percent of the total number of parking spaces provided serving each such unit or facility.

(e) Identification and Arrangement of Parking Spaces. In each parking area, a bumper or curb shall be provided. Also, the space shall be so located that persons with disability are not compelled to wheel or walk behind parked cars other than their own.

(f) Each parking space reserved for persons with physical disabilities shall be identified by a reflectorized sign permanently posted immediately adjacent to and visible from each stall or space, consisting of a profile view of a wheelchair with occupant in white on dark blue background. The sign shall not be smaller than seventy (70) square inches in area and, when in the path of travel, shall be posted at a minimum height of eighty (80) inches from the bottom of the sign to the parking space finished grade. Signs may also be centered on the wall at the interior end of the parking space at a minimum height of thirty-six (36) inches from the parking

space finished grade, ground or sidewalk. Van spaces shall have an additional sign “van accessible” mounted below the symbol of accessibility.

(g) An additional sign shall also be posted, in a conspicuous place, at each entrance to off-street parking facilities, or immediately adjacent to and visisble from each stall or space. The sign shall be not less than seventeen (17) inches by twenty-two (22) inches in size with lettering not less than one (1) inch in height, which clearly and conspicuously states the following:

> Unauthorized vehicles parked in designated accessible spaces not displaying distinguishing placards or license plates issued for persons with disabilities may be towed away at owner’s expense. Towed vehicles may be reclaimed at _____ or by telephoning _____.

Sec. 111.04.17. Truck loading and unloading space. All retail and wholesale stores, shopping centers, warehouses, supply houses, buildings devoted to manufacturing trade, hotels, hospitals or other buildings where large amounts of goods are received or shipped, shall provide adequate loading and unloading space. The number and minimum dimensions of loading spaces shall be determined by the city planner.

Sec. 111.04.18. Parking stall identification. All parking stalls shall be delineated by a painted line or separated by a divider at least four (4) inches wide by the full length of each stall.

(a) Each handicap parking stall shall be delineated by blue painted curb and lines, and by outlining a profile view of a wheelchair with occupant in white on blue background. The profile view shall be located so that it is visible when a vehicle is properly parked in the space and shall be thirty-six (36) inches high by thirty-six (36) inches wide.

(b) Each employee parking stall shall be clearly labeled for “employee only.”

(c) Each compact car parking stall shall be clearly labeled for “compact car only.”

(d) Each guest parking stall shall be clearly labeled for “guest parking only.” (Ord. No. 427-AC)

Sec. 111.04.19. Protective wheel stops. All parking stalls abutting sidewalks, planters, buildings and landscaped areas shall be provided with a permanent curb, bumper, wheel stop or similar device. The stopping edge of such protective wheel stop shall be placed two (2) feet from the edge of the sidewalks, planters or landscaped areas and from any buildings. Where the sidewalks or landscaped areas are specifically designed for automobile overhang and have thirty (30) inches additional depth then, such protective wheel stops may not be required, as determined by the city planner. (Ord. No. 427-AC)

Sec. 111.04.20. Parking located off an alley. All off-street parking, except parking for single-family and duplex residential uses, shall be designed so vehicles do not back out of the parking area into a public street. Utilizing a public alley for back up space is acceptable. For parcels in residential districts which abut both a street (designated on the city general plan land use map as either a “thoroughfare” or a “collector”) and an improved public alley, the vehicular ingress and egress shall be from the alley, and not from the street. (Ord. No. 427-AC)

Sec. 111.04.21. Parking in required setback areas. Required off-street parking for any residential use may be located in the required front yard or side yard setback area adjacent to a street. (Ord. No. 427-AC)

Sec. 111.04.22. Parking area surfaces. All parking areas shall be surfaced with portland cement concrete, asphaltic concrete, brick or cobblestones. These surfaces shall be placed upon a base of crushed rock and asphalt millings, built to a thickness meeting the city engineer’s approval. (Ord. No. 427-AC)

Sec. 111.04.23. Visibility from parking lot drives. Each exit and entrance to a parking lot shall be constructed and maintained so that any vehicle entering or leaving the parking lot is clearly visible for a distance of at least ten (10) feet along a walk or footpath intersecting the exit or entrance.

Sec. 111.04.24. Screening and landscaping. (a) Except for those which serve single-family or two-family dwellings, all outdoor off-street parking spaces shall be screened on all sides where they adjoin, face or are across the street from a residential zone or developed residential properties. The design of all screening is subject to approval by the city planner.

(b) Wherever a parking lot is adjacent to a street, a landscaped buffer at least ten (10) feet wide is required. Where the parking lot is adjacent to a side or rear property line or to an alley, a landscaped buffer at least five (5) feet wide is required. The required width of landscaped buffers is exclusive of curbing or allowance for vehicle overhang and is measured from the property line or street or alley right-of-way line.

(c) All landscaped areas shall be completely enclosed by a six (6) inch continuous concrete curb. At any point where a curb around a landscaped area serves as a wheel stop, a vehicle overhang allowance of two (2) feet including the width of the curb shall be added to the landscaped area.

(d) All portions of the parking area not used for automobile maneuvering and parking or for pedestrian walkways shall be landscaped.

(e) All landscaped areas shall be provided with complete irrigation facilities.

(f) At least five (5) percent of the interior of all parking areas shall be landscaped. In order to be included in this calculation, all landscaped areas must be at least five (5) feet wide in any dimension, exclusive of curbing and vehicle overhang allowances. Landscaped areas separating side by side parking spaces shall be a minimum of three (3) feet wide exclusive of curbs.

(g) Ranks of fifteen (15) or more parking spaces shall be interrupted by a landscaped area at least three (3) feet wide exclusive of curbs. This landscaped area shall occur at intervals no greater than ten (10) spaces.

(h) Drought resistant trees and native desert landscaping shall be a major design feature in all parking lots. (Ord. No. 427-AC)

Sec. 111.04.25. Nonconforming parking. Any building or entity whose parking area becomes substandard by the adoption of this part, providing that it was lawful prior thereto, shall be considered a nonconforming use. Such nonconforming use may continue. However, approval of the expansion of an on-site building or use, or change of use, which is served by a nonconforming parking lot, will be subject to the applicant providing the required additional parking stalls and areas or said expansion (building or use), or change of use, as stipulated in this part. (Ord. No. 427-AC)

Sec. 111.04.26. Additional requirements. The planning commission may make additional requirements in connection with off-street parking areas to protect the character of property in the city. Such regulations may include, but not be limited to, adequate screening by a fence or wall, landscaping or provisions for suitable surfacing and lighting. (Ord. No. 427-AC)

Sec. 111.05. Loading areas. (a) Each nonresidential use shall provide off-street loading spaces as shown in the following table:

LOADING SPACE REQUIREMENTS For Each Building				
Category	Gross Building	Number of Loading Spaces Required		
	Floor Area square feet	Type A	Type B	Type C
Hotels and Office Buildings	0 - 5,000 5,000 - 50,000 50,000 - 100,000 More than 100,000	0 1 2 2	 1	
Commercial Zones (C-1, C-2, CRR)	0 - 5,000 5,000 - 20,000 20,000 - 40,000 40,000 - 100,000 More than 100,00	0 1 2 2 2	 1 1	 1

Industrial Zones (M-1, M-2)	0 - 5,000 5,000 - 20,000 20,000 - 40,000 40,000 - 100,000 More than 100,000		0 1 2 2 2	 1 2

Dimensions of Spaces (feet)				
Type	Length	Width	Height	Apron*
A	20	12	14	25
B	40	10	14	46
	40	12	14	43
	40	14	14	39
C	60	10	14	72
	60	12	14	63
	60	14	14	60

*Apron is an extension of the length of the loading space to provide for maneuvering of trucks. The apron may overlap an alley, driveway, parking aisle, or another loading space, but not a street or parking space.

(b) No loading space shall be in a manner that, when occupied, blocks any driveway, parking space or access to a parking space.

(c) Any door in a building where such door abuts a vehicular area and provides an opening of eight (8) feet or larger, shall be considered to be a loading door. No loading door or loading dock shall face a public street. All loading doors, loading docks, and truck maneuvering areas, whether required or not, shall be accessible and functional in accordance with truck maneuvering standards. (Ord. No. 427-AC)

Contact djones@cityofneedles.com for updates.

Article XII. Special Requirements for Certain Uses.
Ord. No. 427-AC, 535-AC and 622-AC

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.

(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.

(c) Limitations.

(1) Any sales activity shall be conducted only by mail or telephone.

(2) The space occupied by home occupations shall be limited to one (1) room in a dwelling unit.

(3) There shall be no interior or exterior remodeling or change in appearance of a dwelling in order to accommodate a home occupation.

(4) There shall be no signs or other structures except those permitted for a dwelling use in the zone.

(5) Materials and equipment used in a home occupation shall be only of a type normally used in connection with household activities or hobbies.

(6) Employment in a home occupation shall be limited to members of the resident family.

(7) There shall be no transportation by commercial vehicle of materials or other items used in or produced by the home occupation.

(8) No significant vehicular or pedestrian traffic shall be generated by the home occupation.

(9) A home occupation shall not place any added burden or demand on utility services or community facilities.

(10) A home occupation shall not present any external evidence of nonresidential activity such as by appearance, noise, traffic, vibrations, odors, or lighting. (Ord. 427-AC, (part).)

Sec. 112.02. Retail dry cleaning. The purposes of this section are to ensure that dry cleaning operations which are located in commercial zones are limited to retail service, do not become industrial operations, and do not become hazardous.

(a) Limitations. The following requirements shall apply to retail cleaning establishments located in any commercial zone:

(1) All cleaning equipment shall utilize a synthetic solvent approved by the National Board of Fire Underwriters, the State Fire Marshall and the San Bernardino County fire wardens office or their designee.

(2) The type and structural qualities of the building where such establishment is located shall be inspected and approved by the city's building official.

(3) There shall be not more than two (2) clothes cleaning units in each such establishment and each such unit shall have a rated capacity of not more than forty (40) pounds. (Ord. No. 427-AC, (part).)

Sec. 112.03. Restaurants serving alcoholic beverages. (a) Purpose. The purpose of this section is to distinguish bona fide restaurants which incidentally serve alcoholic beverages from establishments which are primarily cocktail lounges or bars.

(b) Requirements.

(1) Any restaurant which serves alcoholic beverages and is located in a zone which does not permit cocktail lounges or bars, shall provide such alcoholic beverage service only as an incidental activity to the primary activity of food service.

(2) Each such restaurant shall keep records of food sales separate from records of alcoholic beverage sales and make such records available to city inspection personnel for the purpose of enforcing this section.

(3) At least fifty (50) percent of the indoor and outdoor area provided for the service of customers shall be arranged and equipped with tables and chairs and/or table-height counters for dining use. Any bar or lounge areas for the separate service of alcoholic beverages shall be separated from dining areas by partitions or fixed screens. (Ord. No. 427-AC, (part).)

Sec. 112.04. Game machine arcades. (a) Definitions.

Amusement Device. Any machine, game or device which may be played or operated by the public for amusement or recreation, the use of which is subject to the payment of a fee or is controlled by placing therein coins, slugs, discs, keys or similar devices. This definition includes video games, pinball machines, ski-ball games, shuffleboard games and games and devices of a similar nature. This definition does not include jukeboxes, vending machines and similar devices which do not involve an element of skill or chance.

Game Machine Arcade. An establishment where the predominant activity is the use of amusement devices, or that portion of any other establishment where four (4) or more amusement devices are available to the public.

(b) Purposes.

(1) It is found that game machine arcades create special problems of noise, congestion, interference with nearby activities, and policing.

(2) The purposes of this section are to control the location, size and operation of game machine arcades in order to minimize adverse effects and promote compatibility with surrounding activities to the maximum extent possible.

(c) Location and Use Approval.

(1) A game machine arcade shall not be permitted in a location which would tend to produce a hazard or nuisance to other permitted uses and activities in the vicinity.

(2) A game machine arcade shall be located at least six hundred (600) feet from any school, adult business, or another game machine arcade and at least three hundred (300) feet from any residential zone, cocktail lounge or bar.

(d) Design and Operation. A game machine arcade shall be arranged in such a manner that all amusement devices and public spaces can be viewed from a single supervisory or cashier station. A responsible adult employee of the establishment shall be on duty throughout the hours that such establishment is open (Ord. No. 427-AC)

Sec. 112.05. Conversion of Hotel, Motel or Motor Hotel rooms to Multi-Family Apartment Conversions.

(a) It shall be unlawful for any owner or operator of a Hotel, Motel or Motor Hotel to rent or let or otherwise provide for compensation, any room or rooms therein to any person or persons for 30 or more days unless such Hotel, Motel or Motor Hotel complies with all development and use standards set forth in subsection (c) of this section and a Conditional Use Permit has been previously obtained pursuant to Section 94.00 through 94.18 of the Needles Municipal Code, converting all such rooms to individual Dwelling Units.

(b) Development and Use Standards. Any Hotel, Motel or Motor Hotel applying for a Conditional Use Permit to convert all its rooms to Dwelling Units to allow renting of such Dwelling Units for longer than 30 days shall comply with all the following development and use standards:

i. All rooms in the Hotel, Motel or Motor Hotel must be converted to long term stay (at least thirty (30) days), and all Dwelling Units must meet the standards for Dwelling Units, as stated more fully below.

ii. All Dwelling Units shall be available for inspection by City or County officials upon 24 hours written notice of intent to inspect during reasonable business hours.

iii. Hotel, Motel or Motor Hotel structures may be expanded by increasing the footprint or the addition of a second story, where none exists, for the purposes of creating

Dwelling Units. A Hotel, Motel or Motor Hotel seeking to convert to Dwelling Units pursuant to this Section 112.05, may be expanded by increasing the footprint for the Premises or the addition of a second story, by the granting of a Conditional Use Permit, which shall be based upon a finding by the City that the conditions present on the site are adequate to support the proposed use, protect the surrounding neighborhood meet the intended goals of providing affordable housing, and the development standards established for the zone in which the Premises are located.

iv. It shall be unlawful for any tenant or other individual occupying any Dwelling Unit to fail to keep the Dwelling Unit and such other areas as may be assigned to the tenant for the tenant's exclusive use in a clean and safe condition. Any Dwelling Unit found to be dirty, unhealthy or unsanitary must be cleaned within twenty-four (24) hours, as determined by the City representative, or the tenants and the owner/operator will be subject to citation and/or other legal remedies under the Needles Municipal Code.

v. All Dwelling Units must meet all the requirements of the International Building Code, Fire Code and Health and Safety Code for residential housing Dwelling Units, and all other standard requirements for residential Dwelling Units, except as provided for herein.

vi. Each such Dwelling Unit shall have a living area of no less than 220 square feet for not more than two (2) occupants. An additional 100 square feet is required to be provided for each additional occupant.

vii. Each Dwelling Unit shall have a separate closet for clothing. Such closet shall have a door. Another closet or cabinet space shall be provided for dry food storage and storage of cooking utensils and similar items. These facilities shall meet the requirements of the International Building Code.

viii. Each Dwelling Unit shall be provided with a separate kitchen sink, cooking appliance and refrigeration facilities each having a clear working space of not less than 30 inches in front of said appliance and/or facility. The installation of the sink, cooking appliance and refrigeration facilities shall comply with the International Building Code for such installation within a residential building, including, but not limited to, light, ventilation and fire suppression. Any cooking appliance other than a microwave oven requires special ventilation and construction of walls near the cooking facility as provided for in the Uniform Building Code and the Fire Code.

ix. The Dwelling Unit shall be provided with a bathroom containing a sink, toilet, and bathtub or shower or bathtub/shower combination in a separate room from the kitchen facilities. Such separate bathroom shall be provided with a door.

x. The presence of any abandoned, wrecked, dismantled or inoperative vehicle, or parts thereof, on the Premises containing the Dwelling Units is unlawful for any period in excess of ten (10) days. The owner of the vehicle and/or the owner or operator of the Premises shall be subject to the penalties set forth within this Code.

xi. Occupancy must be limited to adults unless otherwise approved by the terms of the Conditional Use Permit, after a finding that sufficient play areas for children in safe areas are incorporated into the design of the Premises, and that the Premises are and will continue to be operated in a manner that is does not expose children to improper surroundings or unhealthy conditions.

xii. As a condition of approval, requirements may be set forth for improving the aesthetics and/or cleanliness standards of the Dwelling Units and Premises, including, but not limited to requiring landscaping, outside social areas, play areas, painting of exterior in colors that are harmonious with and enhance the surrounding area, painting interiors of rooms, cleaning or replacing carpeting, tile or other fixtures, or any other reasonable improvement determined by the Planning Commission to be consistent with the intent of this Section.

xiii. Prior to approval of any conversion of an existing Hotel, Motel or Motor Hotel to long term residences, all transient occupancy taxes must be current.

xiv. Parking requirements to be consistent with Needles Municipal Code requirements. Parking must be under common ownership with the residential Premises.

xv. The Dwelling Unit shall be used for residential purposes only. No commercial uses may take place within the Dwelling Unit or on the Premises, except the operation of the Dwelling Units and any licensed store, restaurant or lounge approved therewith. No owner or operator may sell any liquor or tobacco or operate any other business on the Premises without being licensed to do so.

xvi. No Dwelling Unit may hold a garage or yard sale on the Premises, or hang laundry or clothing, have a barbecue grill, furniture or other personal items on the outside of the Dwelling Unit. Exceptions to this requirement may be made, and included in the Conditional Use Permit, after a finding that sufficient space exists to provide for outdoor furniture or barbeque grills, consistent with the International Building Code and the Fire Code.

xvii. The tenant shall ensure that the Dwelling Unit is kept in a clean and sanitary condition so as not to encourage rodents or other pests or create any fire hazards or unsightly appearance inside or outside of the Dwelling Unit which tends to be a threat to the health, safety or welfare of the residents of the Premises or decrease the surrounding property values.

xviii. The owner and/or operator of the Premises shall comply with reasonable conditions imposed by the Planning Commission as a requirement of the Conditional Use Permit and/or under the Housing Code, Building code and Health and Safety Codes including, but not limited to, the following:

(1) maintain the Dwelling Unit and the Premises in decent, safe and sanitary condition;

(2) comply with requirements of applicable building codes, and housing codes materially affecting health and safety;

(3) make necessary repairs to the Dwelling Unit;

(4) keep the Premises, facilities and common areas, not otherwise assigned to the tenant for maintenance and upkeep, in a clean and safe condition;

(5) maintain in good and safe working order and condition electrical, plumbing, sanitary, heating, ventilating, and other facilities and appliances, including elevators, supplied or required to be supplied by the owner and/or operator;

(6) provide and maintain appropriate refuse receptables for the deposit of ashes, garbage, rubbish and other waste removed from the Dwelling Unit by the tenant, in a centrally located area on the Premises. The receptacles shall not be visible from the nearby street or adjoining properties and shall be fully enclosed. Refuse shall not be permitted at a height greater than the enclosure in accordance; and

(7) supply running water and reasonable amounts of hot water and reasonable amounts of heat at appropriate times of the year (according to local custom and usage).

xix. The owner, operator, tenant or other occupants of any room or rooms on the Premises or any part thereof, may be held responsible for any violation of the conditions and suffer the penalties and be subject to the remedies as outlined in Article XVIII of the Needles City Zoning Code.

Sec. 112.06. Emergency Shelters and Supportive and Transitional Housing.

(a) Definitions.

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)).

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.

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).

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.

(b) Emergency shelters.

(1) Purpose and Intent. It is the purpose of this section to facilitate and encourage the provision of emergency shelters for homeless persons and households by allowing permanent year-round emergency shelters without a conditional use permit or other discretionary action in the zones identified in the “Table of Permissible Uses” zoning districts, subject only to the same development standards that apply to other permitted uses in the same zones, except for the following requirements unique to emergency shelters, as authorized by Government Code Section 65583(a)(4).

(2) Permit requirements.

(a) Emergency shelter facilities shall comply with all federal and California State licensing requirements.

(b) Emergency shelter facilities shall comply with all applicable Uniform Building Codes, Plumbing Codes and Fire Codes, including maximum occupancy restrictions.

(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.

(c) Exterior lighting shall be provided for security purposes. The lighting shall be stationary, directed away from adjacent properties and public right-of-way, and of an intensity compatible with the neighborhood.

(d) Security shall be provided for residents, visitors and employees during the hours that the emergency shelter is in operation.

(e) On-site management shall be provided. The agency or organization operating the shelter shall comply with the following requirements:

(1) Temporary shelters shall be available to residents for more than six (6) months within a twelve (12) month period. The days of stay need not be consecutive.

(2) Staff and services shall be provided to assist residents to obtain permanent shelter and income.

(3) The provider shall have a written management plan including, as applicable provisions for staff training, neighborhood outreach, security, screening of residents to insure compatibility with services provided at the facility, and for training, counseling and treatment programs for residents.

(f) Appropriately sized and located exterior and interior on-site waiting and intake areas shall be provided.

(g) Laundry facilities or services shall be provided that are adequate for the number of residents.

(h) Emergency shelter facilities shall provide a refuse storage area that is completely enclosed with masonry walls not less than five (5) feet high with a solid-gated opening that is large enough to accommodate standard-sized trash and recycling bins, or other enclosures as approved by the Director of Community Development. The refuse enclosure shall be accessible to refuse collection vehicles.

(i) The facility may provide one or more of the following specific common facilities for the exclusive use of the residents and staff:

(1) Central cooking and dining room(s).

(2) Recreation room.

(3) Counseling center.

(4) Child care facilities.

(5) Other supportive services.

(j) Organized outdoor activities may only be conducted between the hours of 8:00 a.m. and 9:00 p.m. for noise abatement purposes.

(k) An emergency shelter shall not be located within three hundred (300) feet of another emergency shelter, kindergarten through 12th grade curriculum school, child care center, or park as measured from the closest property line.

(l) No individual or household shall be denied emergency shelter because of an inability to pay.

Contact djones@cityofneedles.com for updates

Article XV. Nonconforming Situations
Ord. No. 427-AC

Section

Sec. 115.00. Continuation of nonconforming situations. Unless otherwise specifically provided in this part and subject to the restrictions and qualifications set forth in sections 115.01 through 115.06, nonconforming situations that were otherwise lawful on the effective date of this part may be continued. Ord. 427-AC

Sec. 115.01. Nonconforming lots. (a) 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.

(b) 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:

(1) The property cannot reasonably be developed for the use proposed without such deviations;

(2) These deviations are necessitated by the size or shape of the nonconforming lot; and

(3) The property can be developed as proposed without any significantly adverse impact on surrounding properties or the public health or safety.

(c) For purposes of subsection (b) 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.

(d) 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.

(e) 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.

(f) 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. Ord. 427-AC

Sec. 115.02. Extension or enlargement of nonconforming situations. (a) Except as specifically provided in this section, no person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation. Physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in:

(1) An increase in the total amount of space devoted to a nonconforming use; or

(2) Greater nonconformity with respect to dimensional restrictions such as setback requirement, height limitations or density requirements or other requirements such as parking requirements.

(b) Subject to subsection (d) of this section, a nonconforming use may be extended throughout any portion of a completed building that, when the use was made nonconforming by this part, was manifestly designed or arranged to accommodate such use. However, a nonconforming use may not be extended to additional buildings or to land outside the original building.

(c) Subject to Section 115.06 (authorizing the completion of nonconforming projects in certain circumstances), a nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming, except that a use that involves the removal of natural materials from the lot (e.g., a sand pit) may be expanded to the boundaries of the lot where the use was established at the time it became nonconforming if ten (10) percent or more of the earth products had already been removed on the effective date of this part.

(d) The volume, intensity, or frequency of use of property where a nonconforming situation exists may be increased and the equipment or processes used at a location where a nonconforming situation exists may be changed if these or similar changes amount only

to changes in the degree of activity rather than changes in kind and no violations of other subsections of this section occur.

(e) Notwithstanding subsection (a) of this section, any structure used for single-family residential purposes and maintained as a nonconforming use may be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or replacement does not create new nonconformities with respect to such matters as setback and parking requirements. This subsection is subject to the limitations stated in section 115.05 (abandonment and discontinuance of nonconforming situations).

(f) Notwithstanding subsection (a) of this section, whenever: (1) there exists a lot with one (1) or more structures on it; and (2) a change in lot use that does not involve any enlargement of a structure is proposed for such lot; and (3) the parking and loading requirements that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot that can practicably be used for parking and loading, then the proposed use shall not be regarded as resulting in an impermissible extension or enlargement of a nonconforming situation. However, the applicant shall be required to comply with all applicable parking and loading requirements that can be satisfied without acquiring additional land and shall also be required to obtain satellite parking if: (1) parking requirements cannot be satisfied on the lot with respect to which the permit is required; and (2) such satellite parking is reasonably available.

(g) If such satellite parking is not reasonably available at the time of zoning or special or conditional use permit is granted then the permit recipient shall be required to obtain it when it does become reasonably available. This requirement shall be a continuing condition of the permit. (Ord. 427-AC)

Sec. 115.03. Repair, maintenance and reconstruction. (a) Minor repairs to and routine maintenance of property where nonconforming situations exist are permitted and encouraged. Major renovation, i.e., work estimated to cost more than twenty-five (25) percent of the appraised valuation of the structure to be renovated may be done only in accordance with a zoning permit issued pursuant to this section.

(b) If a structure located on a lot where a nonconforming situation exists is damaged to an extent that the costs of repair or replacement would exceed twenty-five (25) percent of the appraised valuation of the damaged structure, then the damaged structure may be repaired or replaced only in accordance with a zoning permit issued pursuant to this section. This subsection does not apply to structures used for single-family residential purposes, which structures may be reconstructed pursuant to a zoning permit as they may be enlarged or replaced as provided in section 115.02.

(c) For purpose of subsections (a) and (b) of this section:

(1) The “cost” of renovation, repair or replacement shall mean the fair market value of the materials and services necessary to accomplish such renovation, repair, or replacement.

(2) The “cost” of renovation, repair or replacement shall mean the cost of all such intended work, and no person may seek to avoid the intent of subsections (a) or (b) of this section, by doing such work incrementally.

(3) The “appraised valuation” shall mean the appraised valuation for property tax purposes, updated as necessary by the increase in the consumer price index since the date of the last valuation determined by a professionally recognized property appraiser.

(d) The city planner shall issue a permit authorized by this section if he or she finds that, in completing the renovation, repair or replacement work:

(1) No violation of section 115.02 will occur; and

(2) The permittee will comply to the extent reasonably possible with all provisions of this part applicable to the existing use (except that the permittee shall not lose his right to continue nonconforming use).

(e) Compliance with a requirement of this part is not reasonably possible if compliance cannot be achieved without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure that is on a permanent foundation. Mere financial hardship caused by the cost of meeting such requirements as paved parking does not constitute grounds for finding that compliance is not reasonably possible. Ord. 427-AC

Sec. 115.04. Change in use of property where a nonconforming situation exists. (a) A change in the use of property (where a nonconforming situation exists) that is sufficiently substantial to require a new zoning, special use, or conditional use permit may not be made except in accordance with subsections (b) through (d) of this section. However, this requirement shall not apply if only a sign permit is needed.

(b) If the intended change in use is to a principal use that is permissible in the district where the property is located, and all the other requirements of this part is applicable to that use can be complied with, permission to make the change must be obtained in the same manner as permission to make the initial use of a vacant lot. Once conformity with this part is achieved, the property may not revert to its nonconforming status.

(c) If the intended change in use is to a principal use that is permissible in the district where the property is located, but all the requirements of this par applicable to that use cannot reasonably be complied with, then the change is permissible if the entity authorized by this part to issue a permit authorizes the change. This permit may be issued if the permit-issuing authority finds, in addition to any other findings that may be required by this part, that:

(1) The intended change will not result in a violation of section 115.02; and

(2) All the applicable requirements of this part that can be reasonably complied with will be complied with. Compliance with a requirement of this part is not reasonably possible if compliance cannot be achieved without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure that is on a permanent foundation. Mere financial hardship caused by the cost of meeting such requirements as paved parking does not constitute grounds for finding that compliance is not reasonably possible. And in no case may an applicant be given permission pursuant to this subsection to construct a building or add to an existing building if additional nonconformities would thereby be created.

(d) if the intended change in use is to another principal that is also nonconforming, then the change is permissible if the entity authorized by this part to issue a permit for that particular use (council) issues a permit authorizing the change. The permit-issuing authority may issue the permit if it finds, in addition to other findings that may be required by this part, that:

(1) The use requested is one (1) that is permissible in some zoning districts with either a zoning, special use, or conditional use permit; and

(2) All the conditions applicable to the permit authorized in subsection (c) of this section are satisfied; and

(3) The proposed development will have less of an adverse impact on those most affected by it and will be more compatible with the surrounding neighborhood than the use in operation at the time the permit is applied for. (Ord. 427-AC)

Sec. 115.05. Abandonment and discontinuance of nonconforming situation. (a) When a nonconforming use is: (1) discontinued for a consecutive period of one hundred eighty (180) days; or (2) discontinued for any period of time without a present intention to reinstate the nonconforming use, the property involved may therefore be used only for conforming purposes.

(b) If the principal activity on property where a nonconforming situation other than a nonconforming use exists is: (1) discontinued for a consecutive period of one hundred eighty (180) days; or (2) discontinued for any period of time without present intention resuming that activity, then the property may thereafter be used only in conformity with all of the regulations applicable in the preexisting use unless the entity with authority to issue a permit for the intended use issues a permit to allow the property to be used for this purpose without correcting the nonconforming situations. This permit may be issued if the permit-issuing authority finds that eliminating a particular nonconformity is not reasonably possible (i.e., cannot be accomplished without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure that

is on a permanent foundation). The permit shall specify which nonconformities need not be corrected.

(c) For purposes of determining whether a right to continue a nonconforming situation is lost pursuant to this section, all the buildings, activities, and operations maintained on a lot are generally to be considered. For example, the failure to rent one (1) apartment in a nonconforming apartment building for one hundred eighty (180) days shall not result in a loss of the right to rent that apartment or space thereafter so long as the apartment building is continuously maintained. But if a nonconforming use is maintained in conjunction with a conforming use, discontinuance of a nonconforming use for the required period shall terminate the right to maintain it thereafter.

(d) When a structure or operation made nonconforming by this part is vacant or discontinued at the effective date of this part, the one hundred eighty (180) day period for purposes of this section begins to run on the effective date of this part. Ord. 427-AC

Sec. 115.06. Completion of nonconforming projects. (a) All nonconforming projects on which construction was begun at least one hundred eighty (180) days before the effective date of this part, as well as all nonconforming projects that are at least ten (10) percent completed in terms of the total expected cost of the project on the effective date of this part may be completed in accordance with the terms of their permits, so long as these permits were validity issued and remain unrevoked and unexpired. If a development is designed to be completed in stages, this subsection shall apply only to the specific phase under construction.

(b) Except as provided in subsection (a) of this section, all work on any nonconforming project shall cease on the effective date of this part, and all permits previously issued for work on nonconforming projects may begin or may be continued only pursuant to a zoning, special use, conditional use, or sign permit issued in accordance with this section by the individual or board authorized by this part to issue permits for the type of development proposed. The permit-issuing authority shall issue such a permit if it finds that the applicant has, in good faith, made substantial expenditures or incurred substantial binding obligations or otherwise changed his position in some substantial way in reasonable reliance on the land use law as it existed before the effective date of this part and thereby would be unreasonably prejudiced if not allowed to complete his project as proposed. In considering whether these finds may be made, the permit-issuing authority shall be guided by the following, as well as other relevant considerations:

(1) All expenditures made to obtain or pursuant to a validly issued and unrevoked building, zoning, sign or special or conditional use permit shall be considered as evidence of reasonable reliance on the land use law that existed before this part became effective.

(2) Except as provided in subsection (b) (1) of this section, no expenditures made more than one hundred eighty (180) days before the effective date of this part may be considered as evidence of reasonable reliance on the land use law that existed before

this part became effective. An expenditure is made at the time a party incurs a binding obligation to make that expenditure.

(3) To the extent that expenditures are recoverable with a reasonable effort, a party shall not be considered prejudiced by having made those expenditures. For example, a party shall not be considered prejudiced by having made some expenditure to acquire a potential development site if the property obtained is approximately as valuable under the new classification as it was under the old, for the expenditure can be recovered by a resale of the property.

(4) To the extent that a nonconforming project can be made conforming and that expenditures made, or obligations incurred can be effectively utilized in the completion of a conforming project, a party shall not be considered prejudiced by having made such expenditures.

(5) An expenditure shall be considered substantial if it is significant both in dollar amount and in terms of: (A) the total estimated cost of the proposed project; and (B) the ordinary business practices of the developer.

(6) A person shall be considered to have acted in good faith if actual knowledge of a proposed change in the land use law affecting the proposed development site could not be attributed to him.

(7) Even though a person had actual knowledge of a proposed change in the land use law affecting a development site, the permit-issuing authority may still find that he acted in good faith if he did not proceed with his plans in a deliberate attempt to circumvent the effects of the proposed ordinance. The permit-issuing authority may find that the developer did not proceed in an attempt to undermine the proposed ordinance if it determines that; (A) at the time the expenditures were made, either there was considerable doubt about whether any ordinance would ultimately be passed, or it was not clear that the proposed ordinance would prohibit the intended development; and (B) the developer had legitimate business reasons for making expenditures.

(c) When it appears from the developer's plans or otherwise that a project was intended to be or reasonably could be completed in phases, stages, segments, or other discrete units, the developer shall be allowed to complete only those phases or segments with respect to which the developer can make the showing required under subsection (b) of this section. In addition to the matters and subject to the guidelines set forth in subsections (b)(1) through (6) of this section, the permit-issuing authority shall, in determining whether a developer would be unreasonably prejudiced if not allowed to complete phases or segments of a nonconforming project, consider the following in addition to other relevant factors:

(1) Whether any plans prepared or approved regarding uncompleted phases constitute conceptual plans only or construction drawings based upon detailed surveying, architectural, or engineering work;

(2) Whether any improvements, such as streets or utilities, have been installed in phases not yet completed,

(3) Whether utilities and other facilities installed in completed phases have been constructed in such a manner or location or such a scale, in anticipation of connection to or interrelationship with approved but uncompleted phases, that the investment in such utilities or other facilities cannot be recouped if such approved but uncompleted phases are constructed in conformity with existing regulations.

(d) The permit-issuing authority shall not consider any application for the permit authorized by subsection (b) of this section that is submitted more than sixty (60) days after the effective date of this part. The permit-issuing authority may waive this requirement for good cause shown, but in no case may it extend the application deadline beyond one (1) year.

(e) The city planner shall send copies of this section to the persons listed as owners for tax purposes (and developers, if different from the owners) of all properties in regard to which permits have been issued for nonconforming projects or in regard to which a nonconforming project is otherwise known to be in some stage of development. This notice shall be sent by certified mail not less than fifteen (15) days before the effective date of this part.

(f) The permit-issuing authority shall establish expedited procedures for hearing applications for permits under this section. These applications shall be heard, whenever possible, before the effective date of this part, so that construction work is not needlessly interrupted. Ord. 427-AC

CHAPTER 19
SUBDIVISION OF LAND[1]

Article I. In General.

Sections

Article II. Tentative Map

Article III. Final Map

Article IV. Specifications and Requirements

---

1. For state law as to subdivisions generally, see B. & P.C., § 11000 et. seq. For requirement that city adopt subdivision regulations, see B. & P.C., §§ 11525, 11526.

Article V. Parcel Maps.

Article VI. Vesting Tentative Maps.

Article VII. Merger of Parcels

Article I. In General

Sec. 19-1. Applicability of chapter. In addition to any other regulations provided by law, the regulations contained in this chapter shall apply to all subdivisions or parts of subdivisions hereafter made of land within the city, and to the preparation of subdivision maps thereof for approval; and each subdivision, and each part thereof lying within the city shall be made, and each such map thereof shall be prepared and presented for approval, as provided for and required in this chapter. (Ord. No. 251 N.S., § 97.00.)

Sec. 19-2. Separate maps required for separate parcels. No land shall be subdivided on any single map when such land is separated or divided into two or more parcels or portions by any other parcel of land other than a street, railroad right-of-way, or flood control right-of-way, and when such land is so separated each separate parcel or portion thereof, if subdivided, shall be subdivided as a separate parcel and shown on a separate subdivision map. (Ord. No. 251 N.S., § 97.01.)

Sec. 19-3. Modifications and variances. Whenever, in the opinion of the director of public works, or such person as the city council may direct, the land involved in any subdivision

is of such size or shape, or is subject to such title limitation or is affected by such topographical location or conditions, or is to be devoted to such usage, that it is impossible and impractical in the particular case for the subdivider to fully conform to the regulations of this chapter, such officer may recommend such modifications thereof as, in his opinion, are reasonably necessary or expedient. In the case of each such modification such officer shall first find that a special individual reason makes the strict letter of such provision impossible of impractical of observance and that such modification shall transmit to the planning commission, with the map of such subdivision, his report, in writing, setting forth each such modification authorized by such officer and the facts relied upon by him for the authorization of such modification. The planning commission may approve, adopt or amend such recommendations as, in its opinion, seem warranted; and the decision of the planning commission shall prevail. (Ord. No. 251 N.S., § 97.11.)

Article II. Tentative Map

Sec 19-4. Preliminary procedure; preparation; reports and procedure generally. (a) After noting the tentative map requirements of a subdivision, it is desirable that the subdivider should confer jointly with the city manager and the planning commission before preparing the tentative map.

(b) Each tentative map shall have a tract number to be assigned by the county surveyor.

(c) The tentative map shall be prepared in accordance with the Subdivision Map Act[2] and the provisions of this chapter, and shall be filed with the secretary of the planning commission. Such filing shall be prior to the completion of the final surveys of streets and lots and before grading or construction work within the proposed subdivision, that might be affected by changes in the tentative map. For each tentative map filed, a fee of three hundred seventy-five dollars shall charged.

(d) Prior to the consideration by the planning commission of a tentative map, and within ten days following its filing, the city manager shall make a report, in writing, to the planning commission as to any recommendations in connection with the tentative map and its bearing on particular functions.

A copy of the city manager's report and a copy of the action of the planning commission regarding the tentative map shall be permanently affixed to the official copy of such map. Within ten days of the final action of the planning commission regarding the tentative map, the map shall be sent to the city clerk for presentation to the city council.

The city council shall report its action thereon to the subdivider and the city planning commission not later than ten days following the first meeting of the city council subsequent to the date on which the report of the planning commission was received. (Ord. 297 N.S., § 4; Ord. No. 223-AC (part); Ord. No. 361-AC.)

Sec. 19-5. Size; scale; information to be shown. (a) The size of the tentative map of a subdivision is optional; the scale shall not be less than one hundred feet to the inch.

(b) Such tentative map shall show and contain the following matters:

---

2. See B. & P.C., § 11000 et. seq.

(1) Name and address of record owner, subdivider and engineer.
(2) The locations, names and existing widths of all adjacent and proposed subdivision.
(3) The width and approximate grades of all streets within such proposed subdivison.
(4) Approximate radius of all curves.
(5) Deleted by Ordinance No. 75-AC.
(6) Approximate locations of all areas subject to inundation or storm water overflow, and the locations, widths and directions of flow of all watercourses.
(7) Proposed public areas, if any.
(8) Use of property proposed.
(9) Proposed school area, if any.
(10) Approximate contours where topography controls the layout.
(11) Date and north point.
(12) A blank space of not less than eight and one-half by eleven inches for certificates and approvals.

(c) In addition to the information required by subsection (b) of this section for the tentative map, the following information should be required:
(1) Tract number obtained from the county surveyor.
(2) Scale
(3) Boundary lines
(4) Location and width of areas and easements
(5) Location of trees to be planted by the subdivider. (Ord. No. 251 N.S., § 97.12; Ord. No. 297 N.S., § 3; Ord. No. 75-AC.)

Sec. 19-6. Accompanying information required. The tentative map of a subdivision shall show thereon or be accompanied by six copies of reports and written statements from the subdivider, giving essential information regarding the following matters:
(a) Source of water supply
(b) Type of street improvements, alleys and utilities which the subdivider proposes to install.
(c) Proposed method of sewage disposal and proposed size of lines.
(d) Proposed storm water, sewer or other means of drainage (grade and size).
(e) Protective covenants to be recorded.
(f) Deleted by Ordinance No. 75-AC. (Ord. No. 297 N.S., § 3; Ord. No. 75-AC.)

Sec. 19-7. Distribution of copies. Not less than seven copies of each tentative map of a subdivision shall be filed with the secretary of the planning commission. Immediately upon receipt of the required copies of the tentative map, the secretary of the planning commission shall forward copies to each of the following with a request that each report recommendations to the planning commission.
(a) City Manager
(b) Planning commission
(c) City council
(d) Division of state highways, state department of public works.

(e) County planning commission
(f) County flood control district
(g) County surveyor. (Ord. No. 297 N.S., § 3.)

Sec. 19-8. Approval by planning commission. The planning commission shall approve or disapprove a tentative map of a subdivision within thirty days after the filing thereof. Such action shall be endorsed upon the face of the tentative map, all as provided in the Subdivision Map Act.[3] (Ord. No. 251 N.S., § 97.13.)

Sec. 19-9. Filing procedure generally; filing fee. (a) After receipt of the report of the city council approving or conditionally approving the tentative map of a subdivision, the subdivider may, within one year from the date of such approval, proceed to prepare and file a final map as provided in this article. If such final map is not submitted within one year from the date of the approval of the tentative map, such map shall be considered abandoned.

(b) For the purposes of filing a final map, the subdivider shall submit to the city manager an original final map tracing and three dark line prints thereof. One copy of such dark line print shall be filed permanently with the city manager. One copy shall be transmitted to the city manager for checking and report to the city planning commission. One copy shall be returned to the subdivider after showing thereon corrections, if any, or a statement by the city manager that the map is correct. When the map is found to be correct, the final map tracing shall be certified by the city manager and the city clerk and returned to the subdivider for recording.

(c) After the final map has been recorded in the county recorder's office, one cloth print and one paper print of such map shall be furnished to the city manager.

(d) When requested, traverse sheets and work sheets showing the closure of the exterior boundaries and of each irregular block and lot shall be approved.

(e) At the time of the submission to the secretary of the planning commission of a final map for examination and certification, the subdivider shall pay to the city a fee in the sum of two hundred dollars plus the estimated costs incurred by the city engineer in checking the final map. If overpayment is made to the city, the subdivider shall be refunded such overpayment. If underpayment is made, the subdivider shall be billed the difference, which said bill shall be due and payable within thirty days upon receipt of such bill. (Ord. No. 251 N.S., § 97.15; Ord. No. 297 N.S., § 10; Ord. No. 152-AC (part); Ord. No. 223-AC (part); Ord. No. 361-AC.)

Sec. 19-10. Size; form. (a) The final map of a subdivision shall be clearly and legibly delineated upon tracing cloth of good quality. All lines, letters, figures, certificates, acknowledgements and signatures shall be made in black, waterproof India ink; except, that affidavits and certificates may be legibly stamped or printed upon the map with black opaque ink.

(b) The size of each sheet shall be eighteen by twenty-six inches.

(c) A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch.

---

3. See B. & P.C., § 11000 et seq.

(d) The scale of the map shall be large enough to show all details clearly, and enough sheets shall be used to accomplish this end.

(e) Each sheet shall be numbered, the relation of one sheet to another clearly shown and the number of sheets used shall be set forth on each sheet.

(f) The tract number, scale and north point shall be shown on each sheet of the final map. (Ord. No. 297 N.S., § 7.)

Sec. 19-11. Title sheet. (a) Below the title on a final map of a subdivision shall be a subtitle consisting of a general description of all the property being subdivided, by reference to subdivisions or to sectional surveying.

(b) Reference to tracts any subdivisions shall be spelled out and worded identically with the original records, with complete reference to the proper book and page of the record.

(c) The title sheet shall show, in addition, the basis of bearings.

(d) Maps filed for the purpose of reverting subdivided land to acreage shall be conspicuously marked under the title "The-Purpose of This Map is a Revision to Acreage." (Ord. No. 297 N.S., § 8.)

Sec. 19-12. Information to be shown--Generally.

In addition to the information required on the final map by other provisions of this chapter, and the Subdivision Map Act,[4] the following information should be required:

(a) Title, number of tract, date, north point and scale.

(b) Description of land included.

(c) Location and names, without abbreviations, of all the following:

(1) Proposed streets and alleys.

(2) Proposed public areas and easements.

(3) Adjoining streets.

(d) Each lot shall be numbered, each block may be lettered or numbered and each lot shall be shown entirely on one sheet.

(e) Any final map presented to the city for acceptance of easements and recordation shall be accompanied by an additional copy on which is delineated all existing and proposed structures and utilities within the subdivision.

(f) At the time the subdivider presents the final map to the city council there shall be presented certificates executed respectively by the various public utility companies authorized to serve in the area of the subdivision, certifying that satisfactory provisions have been made with each of the public utility companies as to location of their facilities; and that easements where required by such companies have been executed and delivered to the certifying companies for recording. Easements for public utility companies shall be designated on the final map as "Easements for Public Utilities".

(g) Any other reasonable or pertinent information required by the city council. (Ord. No. 297 N.S., § 5.)

---

4. See. B. & P.C., § 11000 et seq.

Sec. 19-13 Same--Street names.

Each street shown on the final map of a subdivision which is to be dedicated and which is a continuation, or in line of prolongation, of any existing dedicated streets shall be given the same name as such existing street. The proposed name of each other street shown on such map shall be submitted to the city clerk for his approval; no name may be approved which is a duplicate of or so nearly the same as to cause confusion with the name of any existing street located in the city or in the nearby vicinity thereof. (Ord. No. 251 N.S., § 97.18.)

Sec. 19-14. Same--Rights of way.

There shall be shown upon the final map of a subdivision the center line of each street, the total width thereof, the width of that portion to be dedicated, and in the case of any existing streets, the width of each street on each side of the center of the line thereof. The width of each railroad right of way, flood control or drainage channel, and of each other easement appearing thereon shall be shown on such final map. (Ord. No. 251 N.S., § 97.19.)

Sec. 19-15. Same--Easements.

(a) Upon the final map of a subdivision shall be shown the center line or side lines of each easements to which the lots in such subdivision are subject. In the event that such easement is not definitely located of record, a statement showing the existence of such easement shall be placed on the title sheet of such map.

(b) Each statement for any storm drain, sewer or for light and air shall be designated on the final map by fine dotted lines.

(c) Distances and bearings on the side lines of lots which are cut by any easement shall be arrowed or so shown that the final map will indicate clearly the actual length of each lot line.

(d) The width of each easement or the lengths and bearings of the lines thereof and sufficient ties thereto to definitely locate such easements with respect to the subdivision shall be shown on such final map.

(e) Each such easement shall be clearly labeled and identified and, if already of record, its record reference shall be shown thereon; if not of record a statement of such easement shall be placed on the title sheet of such final map.

(f) If any easement is being dedicated by such final map it shall be properly set out in the owner's certificate and dedication on such map.

(g) All notes or figures pertaining to each such easement shall be smaller and lighter than those relating to the subdivision itself. (Ord. No. 251 N.S., § 97.20 to 97.26.)

Sec. 19-16. Same--City boundary line.

Upon the final map of a subdivision shall be shown each city boundary line crossing or adjoining such subdivision and such line shall be clearly designated and tied in. (Ord. No. 251 N.S., § 97.27.)

Sec. 19-17. Required surveying data and procedure.

(a) Each final map of a subdivision shall have indicated thereon the following:

(1) Radius, tangent arc and central angle of curves.

(2) Suitable primary survey control points as follows:

a. Section corners.

b. Monuments (existing outside of the subdivision).

(3) Location of all permanent monuments within the subdivision.

(4) Ties to and identification of adjacent subdivisions.

(5) Ties to any city or county boundary lines involved.

(6) Required certificates.

(b) The following surveying data for lots shall be shown on the final map:

(1) Sufficient data shall be shown to determine readily the bearing and length of each line.

(2) Dimensions shall be the net dimensions.

(3) No ditto marks shall be used.

(4) Lots containing one acre or more shall show net acreage to the nearest hundredth.

(5) Lots requiring both a septic system and well shall be a minimum of one gross acre.

(c) The final map shall show the center lines of all streets; length, tangents, radii and central angles or radial bearings of all curves; the total width of each street; the width of the portion being dedicated, the width of existing dedication and the width of each side of the center line; and the width of rights-of-way of railroads, flood control or drainage channels and any other easements existing or being dedicated by the map. A traverse of the boundaries of the subdivision and all lots and block shall close.

(d) In making the survey for the subdivision, the surveyor shall set sufficient permanent monuments so that the survey or any part thereof may be readily retracted. Such monuments shall generally be placed at angle points on the exterior boundary lines of the tract, and at intersections of center lines of streets and at the beginning of curves and at the end of curves on center lines. Such monuments may be placed on offset lines. Stakes set at lot corner will not be considered permanent. The character, type and positions of all monuments shall be noted on the map.

(e) For each center line intersection monument set, the engineer or surveyor under whose supervision the survey has been made shall furnish to the city manager a set of notes showing clearly the ties between such monument and a sufficient number (normally four) of durable, distinctive reference points or monuments. Such reference points or monuments may be leads and tacks in sidewalks, or two-inch iron pipe set back of the curb line and below the surface of the ground or such substitute therefor as appears to be not more likely to be disturbed.

Such set of notes shall be of such quality, form and completeness and shall be on paper of such quality and size as may be necessary to the standardized office records of the city manager’s office.

(f) Whenever the city manager has established the center line of a street or alley, such data shall be considered in making the survey and in preparing the final map, and all monuments found shall be indicated and proper reference made to field books or maps of public record, relating to the monument. If the points have been reset by ties, that fact shall be stated.

(g) The final map shall show city boundaries crossing or adjoining the subdivision clearly designated and tied in. (Ord. No. 297 N.S., §§ 6, 9.)

Sec. 19-18. Approval of city manager. After receiving copies of the final map of a subdivision, the city manager shall examine or have examined the map as to sufficiency of affidavits and acknowledgments, correctness of surveying data, mathematical data and computations and such other matters as required, checking to insure compliance with the provisions of the Subdivision Map Act and of this chapter. If the final map is found to be in correct form and the matters shown thereon are sufficient, the city manager shall endorse his approval thereon and transmit it to the city council. (Ord. No. 297 N.S., § 11.)

Sec. 19-19. Dedication and improvements required generally.

(a) All streets, highways and parcels of land shown on the final map of a subdivision and intended for any public use shall be offered for dedication for public use.

(b) Streets or portions of streets may be offered for future dedication where the immediate opening and improvement is not required but where it is necessary to insure that the city can later accept dedication when such streets are needed for the further development of the area or adjacent areas.

(c) The subdivider shall improve, or agree to improve, all land dedicated for streets, highways, public ways and easements as a condition precedent to acceptance and approval of the final map when the areas of abutting lots are an acre or less, and such improvements may be required if the areas abutting lots exceed one acre each. Such improvements shall include such grading, surfacing, or paving, curbs, gutters, culverts, bridges, storm drains, water mains and service connections to the property line with cut-off valves, sanitary sewers and such other structures or improvements as may be required by law or deemed by the city council to be necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs. The subdivider shall designate on the final map the location of all sidewalks and provide that the installation of sidewalks is a required condition of the development of the lot or construction thereon.

(d) All improvements shall be installed to grades approved by the city manager.

(e) Plans, profiles and specifications of proposed improvements shall be furnished to the city manager proper to the time of submitting the final map to him, and be approved by the city manager before the maps shall be filed with the city council. Such plans and profiles shall show full details of the proposed improvements which shall be according to the standards of the city.

(f) If such improvements work is not completed satisfactorily before the final map is approved, the owner of the subdivision shall, immediately upon approval and before the certifications of the final map by the city council, enter as contractor into an agreement with the city council whereby in consideration of the acceptance by the city council of the street and easements offered for dedication, the contractor agrees to complete the work within the time specified in the agreement.

(g) To assure the city that improvements will be completed and lien holders paid the security shall be in compliance with Section 19-19.1.

---

5. See B. & P.C., § 11000 et seq.

(h) The minimum improvements which the subdivider will be required to make or enter into an agreement to make the subdivision prior to the acceptance and approval of the final map by the city council shall be as follows:

(1) Adequate distributions lines for domestic water supply to each lot.

(2) Sewage collecting system where main lines of adequate system are available.

(3) Adequate drainage of the subdivision streets, highways, and alleys.

(4) Adequate grading and surfacing or paving or streets, highways, ways and alleys.

(5) Curbs, gutters, cross gutters, and sidewalks, where required.

(6) Monuments.

(7) Fire hydrants at a location designated by the city manager. Water pipes serving fire hydrants shall not be less than six inches and shall be approved by the fire chief.

(8) Street name signs, two at each intersection.

(9) Necessary barricades ands safety devices.

(10) Deleted by Ordinance No. 75-AC.

All such improvements shall conform to the standard and specifications established by resolution of the city council. (Ord. No. 297 N.S., §§ 12, 13; Ord. No. 4-AC; Ord. No. 75-AC; Ord. No. 403-AC (part).)

Sec. 19-19.1. Improvement security. (a) Improvement security for final maps shall be one or a combination of the following, subject to city council approval:

(1) Bond or bonds by one or more duly authorized corporate sureties;

(2) A deposit, either with the city or a responsible escrow agent or trust company, at the option of the city, of money or negotiable bonds of the kind approved for security deposits of public moneys;

(3) An improvement of credit from an agency of the state, federal or local government when an agency of the state, federal or local government provides at least twenty of the financing for the portion of the act or agreement requiring security, or from one or more financial institutions subject to regulation by the state or federal government and pledging that the funds necessary to carry out the act or agreement are on deposit and guaranteed for payment, or a letter of credit issued by such a financial institution;

(4) A lien upon the property to be divided, created by contract between the owner and the city;

(5) Security interests in real property or negotiable instruments secured by real property which are acceptable to the city.

(b) Any contract or security interest in real property entered into as security for performance pursuant to paragraph (4) or paragraph (5) shall be recorded with the county recorder of the county in which the subject real property is located. From the time of recordation of the written contract or document creating a security interest, a lien shall attach to the real property particularly described therein and shall have the priority of a judgment lien in an amount necessary to complete the agreed to improvements. The recorded contract of security document shall be indexed in the grantor index to the names

of all record owners of the real property as specified on the map and in the grantee index to the local agency approving the map.

The local agency may at any time release all or any portion of the property subject to any lien or security interest created by this subdivision or subordinate the lien or security interest to other liens or encumbrances if it determines that security for performance is sufficiently secured by a lien on other property or that the release or subordination of the lien will not jeopardize the completion of agreed upon improvements.

(c) Security to guarantee the performance of any act or agreement shall be in the following amounts:

(1) An amount determined by the city, not less than fifty percent nor more than one hundred percent of the total estimated cost of the improvement or of the act to be performed, conditioned upon the faithful performance of the act or agreement; and

(2) An additional amount determined by the city, not less than fifty percent nor more than one hundred percent of the total estimated cost of the improvement or the performance of the required act, securing payment to the contractor, to the subcontractors, and to persons furnishing labor, materials, or equipment to them for the improvement or the performance of the required act.

(d) Security is not subject to attachment. Any money, negotiable bond, instrument of credit or other security furnished by the subdivider under subsection (c) above shall be a trust fund to guarantee performance and shall not be subject to enforcement of a money judgment by any creditors of the depositor until the obligation secured thereby is performed to the satisfaction of the city.

(e) The security furnished by the subdivider shall be released in whole or in part in the following manner:

(1) Security given for faithful performance of any act or agreement shall be released upon the performance of the act or final completion and acceptance of the required work, or the city may provide for the partial release of the security upon the partial performance of the act or the acceptance of the work as it progresses.

(2) Security securing the payment to the contractor, his or her subcontractors and the person furnishing labor, materials or equipment shall, after the passage of time within which claims of lien are required to be recorded pursuant to Section 3114, et seq. of the California Civil Code and after acceptance of the work, be reduced to an amount equal to the total claim by all claimants for whom claims of lien have been recorded and notice thereof given in writing to the city council, and if not such claims have been recorded, the security shall be released in full.

Such releases shall not apply to any required guarantee or warranty period required by subsection (f)(3) below for the guarantee or warranty nor to the amount of the security deemed necessary by the city council for such guarantee and warranty period nor to costs and reasonable expenses and fees, including reasonable attorney's fees.

The city council may authorize any of its public officers or employees to authorize release or reduction of the security in accordance with conditions hereinabove set forth and in acceptance with such rules as it may prescribe.

(f) Any liability upon the security given for the faithful performance of any act or agreement shall be limited to:

(1) The performance of the work covered by the agreement between the subdivider and the city or the performance of the required act;

(2) the performance of any changes or alterations in such work; provided, that all such changes do not exceed ten percent of the original estimated cost of the improvement;

(3) The guarantee and warranty of the work, for a period of one year following completion and acceptance thereof, against any deflective work or labor done or defective materials furnished, in the performance of the agreement with the city or the performance of the act.

(4) Costs and reasonable expenses and fees including reasonable attorney's fees. (Ord. No. 403-AC (part).)

Article IV. Specifications and Requirements.

Sec. 19-20. Requirements generally. All sidewalks, curbs, gutters, pavements, sanitary sewer lines, water mains, culverts, street name signs, fire hydrants, street lights and drainage structures in a subdivision shall be installed at the cost of the subdivider, and shall conform to grades and specifications established by the city manager and approved by the city council.

All street names shall be approved by the planning commission and the city council. (Ord. No. 297 N.S., § 2-b.)

Sec. 19-21. Required improvements. Every subdivider shall agree to improve all land deeded to streets and easements. Such improving shall include such grading, surfacing or paving, sidewalks, curbs, gutters, shade trees, water mains, culverts, bridges, drains, sewers, permanent subdivision monuments and such other structures or improvements as the city council may deem to be necessary for the public use and safety, all in accordance with the provisions of this chapter.

Sec. 19-19.2. Reimbursement for offsite supplemental improvements.

(a) Purpose.

This ordinance implements Government Code sections 66485 through 66489 providing for offsite supplemental improvements and providing for reimbursement for those improvements.

(b) Supplemental Improvements.

The City may require that improvements installed for the benefit of a project or development contain supplemental size, capacity, number, or length for the benefit of property not within the development or project, and that those improvements be dedicated to the public. Supplemental length may include minimum sized offsite electrical lines, sewer or water.

(c) Area of Benefit.

The Project Developer shall be required to provide an engineered study that will establish an area of benefit to identify properties benefited by offsite improvements.

(d) Reimbursement Agreements.

In the event the City requires the Project Developer to install supplemental improvements, the City will enter into an agreement with the Project Developer to

reimburse the Project Developer from the amounts collected in a supplemental improvement account for that portion of the cost of those improvements, including an amount attributable to interest, in excess of the construction required for the project/development.

(e) Methods of Reimbursement.

In order to pay the costs as required by the reimbursement agreement, the City may :

(1) Collect from other persons, to the extent permitted by law, including public agencies, using such improvements for the benefit of real property not within a particular project or development, a reasonable charge for the use of such improvements.

(2) Contribute to the Project Developer that part of the cost of the improvements that is attributable to the benefit of real property outside the subdivision and levy a charge upon the real property benefited together with interest thereon, if any, paid to the Project Developer.

(3) Establish and maintain local benefit districts for the levy and collection of such charge or costs from the property benefited.

(4) From the amounts collected from the property benefited by the improvements pursuant to this chapter the City may allocate a 5% administrative fee payable to the City to reimburse it for the cost to administer the reimbursement.

(f) Reimbursement for Drainage and Sanitary Sewer Facilities

For supplemental facilities within a local drainage or sanitary sewer area the City may adopt the plan and map as provided for in section 66483 of the Government Code and impose a reasonable charge on property within the area which, in the opinion of the City Council, is benefited by such drainage or sanitary sewer facilities. The charge collected must be paid to the City for payment to the Project Developer constructing such drainage or sanitary sewer facilities, if the City enters into a reimbursement agreement with the Project Developer.

(g) Reimbursement for Roads, Bridges and other Roadway and Intersection Improvements.

The City may establish an area of benefit pursuant to section 66484 of the Government Code and may impose a reasonable charge on property within the area which in the opinion of the City Council, is benefited by the construction of the road or bridge or other roadway or intersection improvement. The charge collected shall be paid to the local agency for payment to the Project Developer constructing the road, bridge, or other roadway or intersection improvements. Any local agency having jurisdiction over any property which, the opinion of the City Council, is benefited by the construction of the road, bridge, or other roadway or intersection improvements may enter into a reimbursement agreement with the Project Developer.

In rustic types of development, paved streets, cubs, gutters, sidewalks and sanitary sewers shall not be required by the city council.

Street lighting shall be required, unless specifically waived by the planning commission and city council. Installation of street lights shall be in accordance with plans and specifications of a specific street lighting program which shall be established by the planning commission.

It shall be the duty of the planning commission to make its recommendations to the city council as to the type and the extent of improvements to be required in addition

to the minimum requirements of this chapter. All improvements shall conform to the standards and specifications established by resolution of the city council. (Ord. No. 297 N.S., § 2-a; Ord. No. 3-AC.)

Sec. 19-22. Streets. (a) Streets in a subdivision shall be arranged to conform with the master plan or major street plan duly adopted by the planning commission, as in force at the time of the filing of the final subdivision map with the planning commission. All streets, as far as if practical, shall be in alignment with existing streets on either side of such subdivision, and in general conformity with the most advantageous development of the area.

(b) The minimum width for streets shall be forty feet, and the minimum width for alleys shall be twenty feet.

(c) Any street intersecting any other street shall do so at any angle at as nearly a right angle as is practical.

(d) ???? (There is no section d listed in this section)

(e) No street shall have a grade of more than six percent, except for short stretches where the topography makes it impractical to keep within such grade, and in no event shall such grade exceed ten percent, except where evidence, which is satisfactory to the planning commission, is given that a lower grade is not possible.

(f) Deleted

(g) Lots on street intersections and in all other points likely to be dangerous, in the opinion of the planning commission, shall have a radius of not less than fifteen feet at the street corners. (Ord. No. 251 N.S., §§ 97.03 to 97.10; Ord. No. 111-AC; Ord. No. 126-AC, § 1.)

Sec. 19-23. Lots. (a) Lot area in a subdivision shall be such as will conform to the standards of development as defined by the zoning regulations of the city.

(b) ~~Lots having no frontage on a public street may be cause for disapproval of the subdivision~~.

(c) The width of lots shall be such as will conform to standards of development as defined by the zoning regulations of the city or other official plans, provided, that the minimum width of interior lots shall be fifty feet, corner lots shall be a minimum width of seventy-five feet and odd shaped lots shall be subject to individual determination by the planning commission.

(d) The side lines of lots shall be approximately at right angles to the street line on straight streets or to the tangent on curved streets.

(e) Double frontage lots having legal ingress and egress rights on parallel streets should be avoided. All lots shall be suitable for the purpose for which there are intended to be sold.

(f) The planning commission may require that not more than ten percent of the acreage be dedicated for public use, not including the streets.

(g) Each lot in any subdivision hereafter authorized shall consist of not less than five thousand square feet in area, and shall be a minimum width of fifty feet and a minimum depth of one hundred feet.

(h) Deleted.

(i) Deleted.

(j) Irregular shaped lots in any subdivision shall be approved by the planning commission. For such approval the minimum area and average width shall conform to the requirements set forth in this section.

(k) All lots shall have a minimum street/easement frontage as follows:

Zone	Minimum Street Frontage (feet)		Minimum Easement Frontage (feet)
R-1	40		
R-2	50		
R-3	50		
CRR	50	or	50
C-1	50		
C-2	50		
C-3	50		
M-1	100		
M-2	150		
OS	-		
P	-		

(l) Lots fronting on easements shall require a minimum 26’ paved, 4’ utility.

(m) Lots fronting on a cul-de-sac shall have a minimum street frontage of forty feet.

Sec. 19-24. Water supply. Water in a subdivision shall be provided from common source and water mains shall be constructed to serve each lot within the subdivided area and shall be of such sizes and design as designated by the city manager and approved by the city council. (Ord. No. 297 N.S., § 2-c.)

Sec. 19-25. Utility easements. Where alleys are not required in a subdivision, utility easements twenty feet in width may be required generally through the interior of the block and in approximately the location that would be occupied by an alley. If the easement parallels the boundary of a subdivision, the utility easement shall be ten feet in width.

Overhead utilities should be located, where possible, through the interior of the block along the immediate edge of either alleys or easements, as the case may be.

Utility easements shall be located where possible through the interior of the block, but may be required along side lot lines, where necessary, to provide for street lighting. (Ord. No. 297 N.S., § 2-d; Ord. No. 418 N.S.)

Sec. 19-26. Dedication of easements, etc., for natural watercourses. In the event that a subdivision is traversed by any major watercourse, channel, stream or creek, the subdivider shall dedicate a right-of-way for storm drainage purposes, the side lines thereof conforming substantially to the high water lines of major flow of such watercourse, channel, stream or creek; or, at the option of such subdivider, he may provide by dedication other easements and construction, or either sufficient to dispose of such surface and storm waters, including the satisfactory disposal thereof in the adjoining

property. Right-of-way for streets may be required by the planning commission in connection with such dedications or easements, and vice versa. In the case of any reversion to acreage map or any map prepared solely for the purpose of defining existing boundary lines, not right-of-way or easement mentioned in this section shall be required. (Ord. No. 251 N.S., § 97.28.)

Sec. 19-27. Parking areas. Special areas for off-street parking of motor vehicles offered for dedication or to be otherwise reserved for public use in connection with proposed business, industrial, unlimited multiple residential, or institutional property in a subdivision shall be subject to determination by the city as to size, location, shape and adequacy, and shall conform to the city's zoning regulations. (Ord. No. 297 N.S., § 2-e.)

Sec. 19-28. Requirements generally. In the case of a subdivision of four lots or less, or any subdivisions as defined by section 66426 (a), (b), (c) or (d) of the Government Code, the subdivider shall submit a parcel map to the planning commission for approval as to area, improvements and lot design, flood and water drainage control, and as to all other applicable requirements of this article. Said parcel map shall comply with all requirements of the Subdivision Map Act, Government Code sections 66410, et seq. Except as provided herein, said maps shall be processed by the planning commission and city council in the same manner as that required for subdivision maps.

Sec. 19-29. Fees. Upon submission of the parcel map to the planning commission as provided in section 19-28, the subdivider shall pay a filing fee of two hundred and fifty dollars plus the estimated costs incurred by the city engineer in checking the parcel map for accuracy and compliance with the Subdivision Map Act. If overpayment is made to the city, the subdivider shall be refunded such overpayment. If underpayment is made, the subdivider shall be payable within thirty days upon receipt of such bill. (Ord. No. 76-AC; Ord. No. 152-AC (part); Ord. NO. 223-AC (part); Ord. No. 361-AC.)

Sec. 19-30. Dedication of streets. In connection with any parcel map submitted for approval under this section, the planning commission and city council may require dedications or an offer of dedication by separate instrument for street opening or widening or easements. If dedications or offers of dedications are required, such dedications shall be completed prior to the filing of the parcel map. An offer of dedication shall be in such terms as to be binding on the owners' heirs, devisees, assigns, or successors in interest and shall continue until the city council accepts or rejects such offer. (Ord. No. 76-AC.)

Sec. 19-31. Recordation of parcel map. Whenever a parcel map is submitted and approved in accordance with this section and upon compliance by the subdivider of all conditions made applicable thereto upon its approval, said map showing each new parcel or parcels should be transmitted as provided by section 66464 of the Government Code to the county recorder. This map shall be filed prior to the sale, lease or financing of such parcels. Conveyances may be made of the parcels shown on such map by number or other such documents. (Ord. No. 76-AC.)

Sec. 19-32. Improvements required. In the case of division of land as defined in section 19-28 above, the planning commission and the city council may require the improvement of such public or private streets, highways, ways or easements as may be necessary for local traffic, drainage and sanitary needs. In addition, in the case of a division of land into four lots or less, any or all of which contain one acre or less, the planning commission and city council shall require cubs and paving along all public street frontage of the property so divided and sanitary sewer facilities and connections shall be made to each lot created along with such additional offsite and onsite improvements for the parcels being created as may be deemed necessary for the public health, safety and welfare or may be necessary or convenient for implementation of the general plan of the city or applicable community plans.

Article VI. Vesting Tentative Maps.

Sec. 19-33. Citation and statutory authority. The ordinance set out in this artcle is enacted pursuant to the authority granted by chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the Government Code of the State of California (hereinafter referred to as the Vesting Tentative Map Statute), and may be cited as the vesting tentative map ordinance. (Ord. No. 254-AC, § 1-1.)

Sec. 19-34. Purpose. (a) It is the purpose of this article to establish procedures necessary for the implementation of the Vesting Tentative Map Statute, and to supplement the provisions of the Subdivision Map Act and the subdivision ordinance. Except as otherwise set forth in the provisions of this article, the provisions of the subdivision ordinance shall apply to the vesting tentative map ordinance.

(b) To accomplish this purpose, the regulations outlined in this article are determined to be necessary for the preservation of this public health, safety and general welfare, and for the promotion of orderly growth and development. (Ord. No. 254-AC, § 1-2.)

Sec. 19-35. Consistency with general plan required. No land shall be subdivided and developed pursuant to a vesting tentative map for any purpose which is inconsistent with the general plan and any applicable specific plan, or not permitted by the zoning ordinance, or their applicable provisions of the municipal code. (Ord. No. 254-AC, § 1-3.)

Sec. 19-36. Definitions. (a) “Vesting tentative map” means a tentative map for a residential subdivision, as defined in the Needles subdivision ordinance, that shall have printed conspicuously on its face the words “Vesting Tentative Map” at the time it is filed in accordance with Section 19-38, and is thereafter processed in accordance with the provisions hereof.

(b) All other definitions set forth in the Needles subdivision ordinance are applicable. (Ord. No. 254-AC, § 1-4.)

Sec. 19-37. Applicability. (a) This article shall apply only to residential developments. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by

the Needles subdivision ordinance, requires the filing of a tentative map or tentative parcel map for a residential development, a vesting tentative map may instead be filed, in accordance with the provisions hereof.

(b) If a subdivider does not seek the rights conferred by the Vesting Tentative Map Statute, the filing of a vesting tentative map shall not be prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction. (Ord. No. 254-AC, § 1-5.)

Sec. 19-38. Filing and processing. A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports, an shall be processed in the same manner as set forth in the city subdivision ordinance for a tentative map, except as hereinafter provided.

(1) At the time a vesting tentative map is filed it shall have printed conspicuously on its face the words “Vesting Tentative Map.”

(2) At the time a vesting tentative map is filed a subdivider shall also supply the following information:

For example:

- Height, size and location of buildings;
- Sewer, water, storm drain and road details;
- Information on the uses to which the buildings will be put;
- Detailed grading plans;
- Geological studies;
- Flood-control information;
- Architectural plans;
- Any other studies your city has normally deferred to the building permit stage.

(Ord. No. 254-AC, § 2-1.)

Sec. 19-39. Fees. Upon filing a vesting tentative map, the subdivider shall pay the fees required by the city for the filing and processing of a vesting tentative map. (Ord. No. 254-AC, § 2-2.)

Sec. 19-40. Approval expiration. The expiration of the approval or conditional approval of a vesting tentative map shall be the same as a tentative map, twenty-four months. (Ord. No. 254-AC, § 2-3.)

Sec. 19-41. Vesting on approval of vesting tentative map.

(a) The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards described in Government Code Section 66747.2.

However, if Section 66474.2 of the Government Code is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards in effect at the time the vesting tentative map is approved or conditionally approved.

(b) Notwithstanding subdivision (a) of this section, a permit, approval, extension or entitlement may be made conditional or denied if any of the following are determined:

(1) A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.

(2) The condition or denial is required, in order to comply with the state or federal law.

(c) The rights referred to herein shall expire if a map is not approved prior to the expiration of the vesting tentative map is not approved prior to the expiration of the vesting tentative map as provided in Section 19-40. If the final map is approved, these rights shall last for the following periods of time:

(1) An initial time period of twenty-four months. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.

(2) The initial time period set forth in subsection (c)(1) shall be automatically extended by any tie used for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds thirty days, from the date a complete application is filed.

(3) A subdivider may apply for a one-year extension at any time before the initial time period set forth in subsection (c)(1) expires. If the extension is denied, the subdivider may appeal that denial to the city council within fifteen days.

(4) If the subdivider submits a complete application for a building permit during the periods of time specified in subsection (c)(1) -- (3), the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit. (Ord. No. 254-AC, § 19-41.)

Sec. 19-42. Development inconsistent with zoning--Conditional approval. (a) Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the zoning ordinance in existence at that time, that inconsistency shall be noted on the map. The city may deny such a vesting tentative map or approve it conditioned on the subdivider, or his or her designee, obtaining the necessary change in the zoning ordinance to eliminate the inconsistency. If the change in the zoning ordinance is obtained, the approved or conditionally approved vesting tentative map shall, notwithstanding subsection (a) of Section 19-41, confer the vested right to proceed with the development in substantial compliance with the change in the zoning ordinance and the map, as approved.

(b) The rights conferred by this section shall be for the time periods set forth in subsection (c) of Section 19-41. (Ord. No. 254-AC, § 3-2.)

Sec. 19-43. Applications inconsistent with current policies. Notwithstanding any provision of this article, a property owner or his or her designee may seek approvals or permits for development which depart from the ordinances, policies and standards described in Sections 19-41(a) and 19-42, and local agencies may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law. (Ord. No. 254-AC, § 3-3.)

Article VII. Merger of Parcels.

Sec. 19-45. Purpose. The purpose of this section is to provide for a merger of parcels upon application of the property owner without the necessity of processing a parcel map. The specific limitations upon the city-initiated merger are contained herein, and within Government Code section 66451.11. (Ord. No. 341-AC, § 1.)

Sec. 19-46. Application by owner. (a) Upon application by the owner thereof, in a form approved by the city engineer, contiguous parcels under the same ownership may be merged without filing a map for the revision of acreage. The form and content of such application and the information, data, fees, and other details required for the processing of same, shall be as set by city council resolution.

(b) The city engineer shall have the authority to approve such mergers, and no final map shall be required provided the merger does not involve:

(1) Streets or other easements to be vacated;

(2) Release of previously posted agreements or securities for improvements;

(3) Release of previously paid fees or deposits made pursuant to the division of the properties to be merged;

(4) More than four parcels.

(c) Upon approval of such a merger, the city engineer shall cause to be prepared an appropriate instrument describing the parcels to be merged, which shall be executed by the owner involved and the city engineer, and which shall thereafter be recorded with the county recorder. (Ord. No. 341-AC, § 1.)

Sec. 19-47. Initiated by city. (a) Two or more contiguous parcels or units of land which have been created under the provisions of the Subdivision Map Act or any prior law regulating the division of land or by county or city ordinance enacted pursuant thereto, or which were not subject to such provisions at the time of their creation, may be deemed merged by the city if all the following conditions apply:

(1) Any one of the contiguous parcels or units does not comply or conform to standards for minimum parcel size, thereby precluding its use or development under city zoning, development, or subdivision codes or ordinances in effect;

(2) At least one of the contiguous parcels or units is not developed with a building for which a permit has been issued by the city;

(3) The contiguous parcels or units of land to be deemed merged are under the same ownership.

(b) Whenever the city considers that contiguous parcels or units of land have merged as provided above, the planning director shall direct the preparation of an appropriate instrument, or notice of merger shall thereafter be filed for record with the office of the county recorder provided that at least thirty days prior to the recording of the notice the owner of the parcels or units to be affected by the merger are advised of the intention to record the notice, and the procedures of Government Code section 66451.11 et seq. have been followed.

(c) Any such notification shall be in writing, sent by United States mail to the address of the owner as specified on the latest tax roll, and shall contain the date, time and place of public hearing at which the owner may present evidence to the city planning commission as to why notice should not be recorded. The decision of the planning commission may be appealed to the city council. The decision of the planning commission

becomes final if not appealed within ten days of the date of hearing. (Ord. No. 341-AC, § 1.)