



**CITY OF EUREKA**  
**DEVELOPMENT SERVICES DEPARTMENT**  
Rob Dumouchel, Interim Director

531 K Street, Third Floor  
Eureka, California 95501-1146  
(707) 441-4160 • [planning@ci.eureka.ca.gov](mailto:planning@ci.eureka.ca.gov)  
[www.ci.eureka.ca.gov](http://www.ci.eureka.ca.gov)

**NOTICE OF PUBLIC HEARING**

**EUREKA PLANNING COMMISSION**

**NOTICE IS HEREBY GIVEN** that the Eureka Planning Commission will hold a public hearing on **Monday, June 8, 2020**, at 5:30 p.m., or as soon thereafter as the matter can be heard. Pursuant to Executive Order N-29-20, by Governor Gavin Newsom, this meeting will be conducted telephonically through Zoom. Please be advised that pursuant to the Executive Order and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, City Hall will not be open for the meeting.

**Project Title:** June 2020 Zoning Code Update

**Project Applicant:** City of Eureka      **Case No:** TA-19-0002 (mod 1)

**Project Location:** Inland Portion of the City of Eureka      **APN:** Various

**Project Zoning and Land Use:** Varies

**Project Description:** In May, 2019, the City Council adopted an ordinance repealing and replacing Eureka Municipal Code Chapter 155, the City's inland zoning code. The new code became effective on June 20, 2019, and Staff anticipated occasional clean-up amendments would be needed to correct errors discovered as Staff began to use the code day-to-day, and to clarify and revise the newly adopted language. The proposed June 2020 Zoning Code Update is the first clean-up amendment.

The public is invited to participate in the following manner:

1. You can view the Planning Commission meetings live on the City of Eureka's website at [www.ci.eureka.ca.gov](http://www.ci.eureka.ca.gov) or on Cable Channel 10. To view from the website, select Agendas, Meeting and Videos on the home page.
2. If you wish to speak and be heard during the hearing or oral communications, please submit your name, phone number and name of the item you would like to comment on by e-mail to [planning@ci.eureka.ca.gov](mailto:planning@ci.eureka.ca.gov) or leave a message at 707-441-4160 on or before Monday, June 8, 2020 at 12:00 noon. A Development Services staff member will call you during the public hearing for the item.
3. If you don't want to participate during the meeting but want to submit comment on a project or for oral communications, please submit your comment via email to [planning@ci.eureka.ca.gov](mailto:planning@ci.eureka.ca.gov) or you may leave a message at 707-441-4160 prior to Monday, June 8, 2020 at 12:00 noon to ensure that the Commission receives your comment before the meeting. All comments received by email or mail will be part of the public record for consideration but may not be read aloud during the meeting.

If you challenge the nature of the proposed action in court, you may be limited to raising only those issues that you or someone else raised at the public hearing or written correspondence received during or prior to the public hearing. Accommodations for handicapped access to City meetings must be requested of the City Clerk, 441-4175, five working days in advance of the meeting. The project file is available for review at the Development Services Department. If you have questions regarding the project or this notice, please contact Kristen M. Goetz, Principal Planner, [planning@ci.eureka.ca.gov](mailto:planning@ci.eureka.ca.gov) or (707) 441-4160.

<b>Subject:</b>	June 2020 Zoning Code Update TA-19-0002 (mod 1)
<b>Location:</b>	Inland portion of the City of Eureka
<b>APNs:</b>	Various
<b>Applicant:</b>	City of Eureka
<b>Property Owner:</b>	Various
<b>Purpose/Use:</b>	Update inland zoning code
<b>Application Date:</b>	NA
<b>General Plan:</b>	Varies
<b>Zoning:</b>	Varies
<b>CEQA:</b>	Exempt under §15061 "Common Sense Exemption"
<b>Staff Contact:</b>	Kristen M. Goetz, Principal Planner
<b>Recommendation:</b>	Hold a Public Hearing; and Adopt a Resolution recommending Council approve
<b>Motion:</b>	<i>"I move the Planning Commission adopt a Resolution making the findings required to approve a Text Amendment, and I further move we forward a recommendation to the City Council to adopt the proposed June 2020 Zoning Code Update."</i>

Figure 1: Location Map – City of Eureka

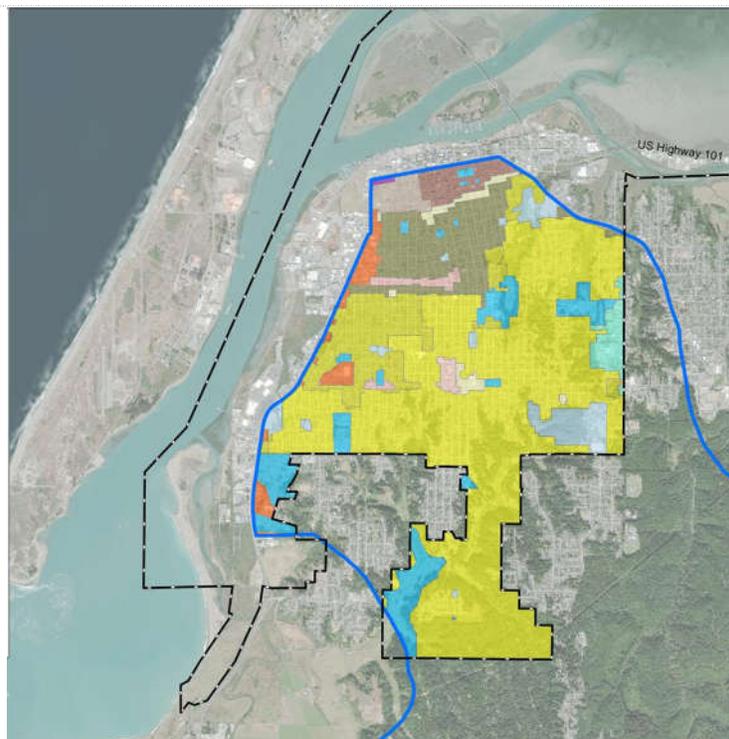
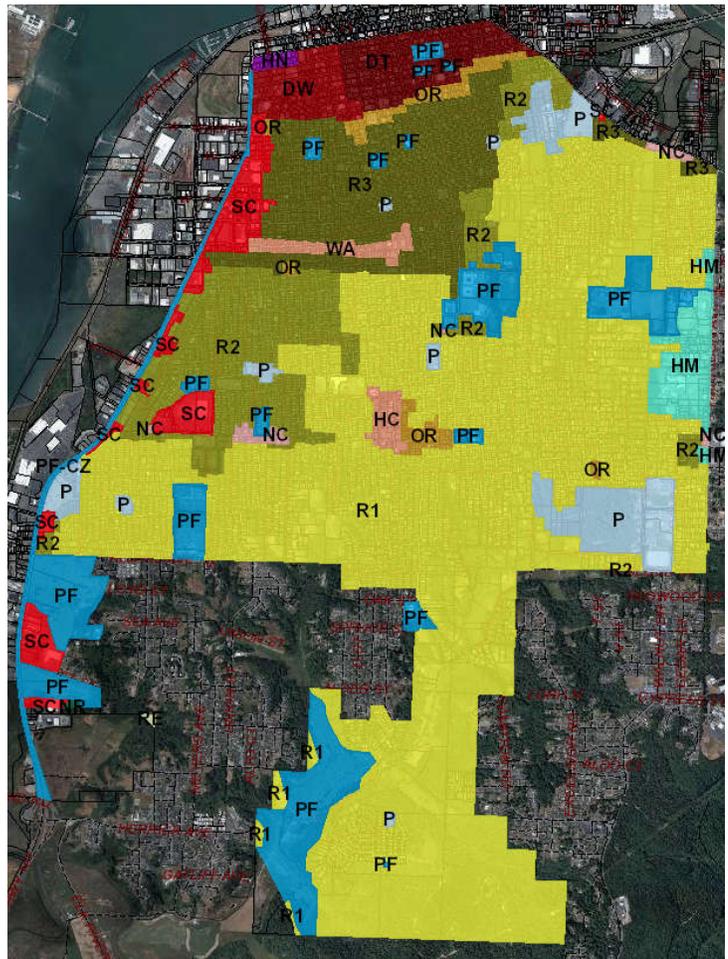


Figure 2: Site Map – Inland Portion of City



## **PROJECT SUMMARY**

In May, 2019, the City Council adopted an ordinance repealing and replacing Eureka Municipal Code Chapter 155, the City's inland zoning code. The new code became effective on June 20, 2019, and Staff anticipated occasional clean-up amendments would be needed to correct errors discovered as Staff began to use the code day-to-day, and to clarify and revise the newly adopted language. The proposed June 2020 Zoning Code Update is the first clean-up amendment.

## **ANALYSIS**

To recommend Council approve a Text Amendment, the Planning Commission must make all of the following findings:

- a. The proposed amendment is consistent with the General Plan and any applicable specific plan or area plan.
- b. The proposed amendment is internally consistent with other provisions of the Zoning Code.

c. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare

### **1. Plan and Code Consistency**

#### **General Plan**

California Government Code §65860 and Eureka Municipal Code § 155.104.050 both require the Zoning Code be consistent with the General Plan. Consistency is achieved through the regulations in the Zoning Code, which implement the goals and policies of the General Plan. Chapter 155 of the current Zoning Code was found consistent with the 2040 General Plan upon adoption by the City Council in May, 2019. The proposed June 2020 Zoning Code Update does not modify the intent, purpose or applicability of Chapter 155. Therefore, the proposed amendment remains consistent with the 2040 General Plan.

#### **Specific or Area Plan**

The main goal of the City of Eureka's March 2015 Economic Development Strategic Plan is to improve the quality of life for Eureka's residents, businesses and employees, and visitors through positive actions to attract, retain, and expand businesses within the city. A zoning code that is consistent, both internally and with the General Plan, and is amended from time to time to ensure the language is not

vague, contradictory, confusing, or out of date, supports both new and existing development and businesses. Because the June 2020 Zoning Code Update proposes amendments to ensure the zoning code is understandable and user-friendly, by both Staff and the public, the proposed Update is consistent with the Economic Development Strategic Plan.

There are no other Specific or Area Plans that apply to the inland portion of the City.

## **Zoning Code**

The proposed amendments include rectifying inconsistencies and errors, correcting grammar, and clarifying language that is currently unclear, contrary, or confusing. The amendments are intended to, and do, maintain and insure internal consistency throughout the zoning code itself. Consequently, the proposed amendments can be found internally consistent with the zoning code.

## **2. Public Interest, Health, Safety, Convenience, and Welfare**

The Text Amendment does not modify the intent, purpose, or applicability of the regulations. The proposed amendment includes rectifying inconsistencies and errors, correcting grammar, and clarifying vague, contradictory or confusing language.

Adopting the Text Amendment will not frustrate the purpose and objectives of the zoning regulations to protect the public interest, health, safety, peace, comfort, convenience, prosperity, or general welfare.

## **ENVIRONMENTAL ASSESSMENT**

In 2018, the City of Eureka prepared the City of Eureka 2040 General Plan Update Program EIR (State Clearinghouse #2016102025) in its capacity as lead agency and in compliance with CEQA. The EIR consisted of the Notice of Preparation, the Draft EIR including technical appendices, the Responses to Comments, Final Corrections and Additions, and the Project Findings and Statement of Overriding Considerations. The City of Eureka 2040 General Plan EIR was certified by the City Council on October 15, 2018, at the same time the General Plan was adopted.

In order to adopt the 2019 Zoning Code Update and pursuant to Public Resources Code Section 21166 and Section 15162 of the CEQA Guidelines, an Environmental Impact Report Addendum was prepared and accepted by Council in May, 2019. Staff has subsequently reviewed the amendment proposed, and has determined the June 2020 Zoning Code Update does not meet any of the conditions required by CEQA to prepare a subsequent EIR or even another addendum. The amendment proposed by the June 2020 Zoning Code Update generally consists of spelling, grammar, and reference corrections. The addition of the new Density Bonus section is required by State law, and essentially memorializes the State's regulations and provides direction on how the City will process applications for Density Bonuses going forward. The proposed June 2020 Zoning Code Update does not modify the intent, purpose or applicability of Chapter 155. Further, pursuant to the CEQA Guidelines, section 15061, there is a 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. Because the Text Amendment does not modify the intent, purpose or applicability of Chapter 155, adoption of the amendment will have no significant effect on the environment.

## **PUBLIC HEARING NOTICE**

Public notification consisted of publication of a display advertisement in the Times Standard newspaper on Friday, May 29, 2020, and posting of the notice on the City's website and bulletin boards.

**CONCLUSION**

Based on the discussion above, the proposed June 2020 Zoning Code Update is consistent with the General Plan and the Economic Development Plan and is internally consistent with other provisions of the zoning code. One of the purposes of the zoning code is to. The proposed June 2020 Zoning Code Update is not detrimental to, and will protect the public interest, health, safety, convenience, or welfare.

**DOCUMENTS ATTACHED**

- Attachment 1: Planning Commission Resolution 2020-\_\_\_\_ ..... Document page 5
- Attachment 2: Summary of Changes ..... Document page 7
- Attachment 3: Proposed Amendment to Chapter 155 (strikeout)..... Document page 18
- Attachment 4: Proposed Amendment to Chapter 155 (clean)..... Document page 300

## RESOLUTION NO. 2020-

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EUREKA MAKING FINDINGS REQUIRED FOR A TEXT AMENDMENT AND RECOMMENDING THE CITY COUNCIL APPROVE THE JUNE 2020 ZONING CODE UPDATE

WHEREAS, the City Council of the City of Eureka repealed and replaced Eureka Municipal Code Chapter 155, the Zoning Code, and found the Zoning Code consistent with the 2040 Eureka General Plan by adopting City of Eureka Ordinance No. 885-C.S. on May 20, 2019; and

WHEREAS, Staff anticipated occasional clean-up amendments would be needed to correct errors discovered as Staff began to use the code day-to-day, and to clarify and revise the newly adopted language; and

WHEREAS, the June 2020 Zoning Code Update is proposed as the first clean-up amendment; and

WHEREAS, the Planning Commission of the City of Eureka did hold a duly noticed public hearing at City Hall in the City of Eureka on June 8, 2020 at 5:30 p.m. via Zoom from the Council Chamber, to consider the June 2020 Zoning Code Update; and

WHEREAS, the Planning Commission of the City of Eureka has reviewed the proposed June 2020 Zoning Code Update amendment in accordance with Eureka Municipal Code Chapter 155, and after due consideration of all testimony, evidence, and reports offered at the public hearing, does hereby find and determine the following facts:

1. The June 2020 Zoning Code Update proposes an amendment to ensure the zoning code is understandable and user-friendly, by both Staff and the public.
2. The proposed June 2020 Zoning Code Update does not modify the intent, purpose or applicability of Chapter 155 and the amendment as proposed is consistent with the 2040 General Plan.
3. A zoning code that is consistent, both internally and with the General Plan, implements the goals of the March, 2015 Economic Development Strategic Plan, and is amended from time to time to ensure the language is not vague, contradictory, confusing, or out of date, supports both new and existing development, services, and businesses.
4. Adopting the Text Amendment will not frustrate the purpose and objectives of the zoning regulations to protect the public interest, health, safety, peace, comfort, convenience, prosperity, or general welfare.
5. The City of Eureka 2040 General Plan Update Program EIR (State Clearinghouse #2016102025) was certified by the City Council on October 15, 2018, at the same time the 2040 General Plan was adopted.
6. Pursuant to Public Resources Code Section 21166 and Section 15162 of the CEQA Guidelines, an Environmental Impact Report Addendum was prepared and accepted by Council in May, 2019 for adoption of the Zoning Code Update.

7. The proposed June 2020 Zoning Code Update does not modify the intent, purpose or applicability of Chapter 155 and does not meet any of the conditions required by CEQA to prepare a subsequent EIR or another addendum.
8. Pursuant to CEQA Guidelines Section 15061, there is a general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Because the Text Amendment does not modify the intent, purpose or applicability of Chapter 155, adoption of the amendment will have no significant effect on the environment.

WHEREAS, in the opinion of the Planning Commission of the City of Eureka, the proposed June 2020 Zoning Code Update should be approved.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Eureka does hereby recommend the City Council approve the proposed June 2020 Zoning Code Update.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Eureka in the County of Humboldt, State of California, on the 8<sup>th</sup> day of June, 2020 by the following vote:

AYES:           COMMISSIONER  
NOES:           COMMISSIONER  
ABSENT:        COMMISSIONER  
ABSTAIN:       COMMISSIONER

---

Jeff Ragan, Chair, Planning Commission

*Attest:*

---

Kristen M. Goetz, Executive Secretary

**Summary of Proposed June 2020 Zoning Code Update**

<b>Doc Page</b>	<b>Section</b>	<b>Section Title</b>	<b>Proposed Change</b>	<b>Reason</b>
108-4	155.108.050.C.2., 2.a. and 2.b.	Types of Uses	Change "second" use to "secondary" use.	Since it's primary use, and not first use, it should be secondary use.
108-4	155.108.050.C.2.a.	Types of Uses	Correct reference	Section referral incorrect
112-2	155.112.040.B.	Lot Line Designation	Delete "interior"	Original wording appears to exclude exterior side lot lines from Director's authority.
112-3	155.112.050.A.	Floor Area	Various for clarity and accuracy	<ul style="list-style-type: none"> <li>♦Not all areas are enclosed (i.e., carports and parking structures).</li> <li>♦Cantilevered, by definition means the object is not supported from the ground.</li> <li>♦Architectural projections would not be on the interior.</li> <li>♦State law prohibits ADUs from being included in floor area calculations.</li> </ul>
112-6	155.112.060.C.	Site Coverage Exclusions	Clarity and consistency	Projecting windows could be bay, bow, oriel, etc.
204-3	155.204.020 Table 204-1	Residential Land Uses	<ul style="list-style-type: none"> <li>♦Change "Residential Lodging" to "Vacation Rental"</li> <li>♦Base permitting requirements on whether the proprietor is on-site instead of number of rooms/units.</li> </ul>	<ul style="list-style-type: none"> <li>♦There appears to have been some confusion by the public about what a "Residential Lodging" use entails. While the term residential lodging might be descriptive of the use, Staff believes vacation rental is more descriptive and clear.</li> <li>♦Neighborhoods are less likely to be impacted by the number of rooms rented, but more likely by whether a proprietor is on the site to control the rental/use.</li> <li>♦See also 155.304.130</li> </ul>
204-3	155.204.020 Table 204-1 Note 4	Residential Land Uses	Change "second" use to "secondary" use.	To match 155.108.050
204-4	155.204.030 Table 204-2	RE and R1 Development Standards	Add setbacks and limitations for ADUs	Incorporation of State laws for ADUs
204-5	155.204.030 Table 204-2 Notes	RE and R1 Development Standards	Re-number for ADU additions	Incorporation of State laws for ADUs
204-6	155.204.030 Table 204-3	R2 and R3 Development Standards	Add setbacks and limitations for ADUs	Incorporation of State laws for ADUs

**Summary of Proposed June 2020 Zoning Code Update**

<b>Doc Page</b>	<b>Section</b>	<b>Section Title</b>	<b>Proposed Change</b>	<b>Reason</b>
204-6	155.204.030 Table 204-3 Notes	R2 and R3 Development Standards	Re-number for ADU additions	Incorporation of State laws for ADUs
204-9	155.204.030.F	Exterior Side Setbacks for Garages	Change "or" to "of"	Correct typo
204-9	155.204.030 Figure 204-5	Minimum Rear Setback Elevations	Revise figure	Correct spelling of "adjoining" to "adjoining"
208-6	155.208.020 Table 208-1 Notes	Allowed Land Uses in the Mixed-Use Zoning Districts	Allow ADUs in mixed use zones	Incorporation of State laws for ADUs
208-6	155.208.020 Table 208-1 Notes	Allowed Land Uses in the Mixed-Use Zoning Districts	Change "second" use to "secondary" use.	To match 155.108.050
208-8	155.208.020.C.1.	Secondary Use Only	Change "second" use to "secondary" use.	To match 155.108.050
208-9	155.208.030 Table 208-2	Development Standards – Mixed- Use Zoning Districts	Add setbacks and limitations for ADUs	Incorporation of State laws for ADUs
208-10	155.208.030 Table 208-2 Notes	Development Standards – Mixed- Use Zoning Districts	Re-number for ADU additions	Incorporation of State laws for ADUs
208-13	155.208.030 Table 208-3	Setbacks Adjacent to Residentially-zoned Lot	Add setbacks and limitations for ADUs	Incorporation of State laws for ADUs
208-13	155.208.030 Figure 208-3	Setbacks Adjacent to Residential Zoning Districts (Elevations)	Add setbacks for ADUs	Incorporation of State laws for ADUs
208-15	155.208.040.D.2	Ground Floor Residential Use Limitations	Moved before Figure	Layout; regulations are not separated by figure
304-1	155.304.020.B.1.	Maximum Size	Clarify accessory use floor area may be up to 49% of the primary use floor area	Current language can be interpreted to require floor area of entire building to be smaller than floor area of primary use.

Summary of Proposed June 2020 Zoning Code Update

Doc Page	Section	Section Title	Proposed Change	Reason
304-2	155.304.020.F.2.	Non-residential Accessory Uses	Correct reference	Section referral incorrect
304-5	155.304.030.F.3.	Application Review/Conditions of Approval	Correct reference	Section referral incorrect
304-6	155.304.050.C.3.	Length of Stay	Change "six months" to "one year"	Benefits houseless persons to allow longer residency.
304-11	155.304.130	Residential Lodging	<ul style="list-style-type: none"> <li>♦Change "Residential Lodging" to "Vacation Rental"</li> <li>♦Base permitting requirements on whether the proprietor is on-site instead of number of rooms/units.</li> </ul>	<ul style="list-style-type: none"> <li>♦There appears to have been some confusion by the public about what a "Residential Lodging" use entails. While the term residential lodging might be descriptive of the use, Staff believes vacation rental is more descriptive and clear.</li> <li>♦Neighborhoods are less likely to be impacted by the number of rooms rented, but more likely by whether a proprietor is on the site to control the rental/use.</li> <li>♦See also 155.204.020 Table 204-1</li> </ul>
304-15	155.304.140	Tree Removal	<ul style="list-style-type: none"> <li>♦Clarify purpose of tree removal/protection section</li> <li>♦Allow removal for development</li> <li>♦Allow removal of hazardous trees</li> <li>♦Identify the types of trees to be protected</li> <li>♦Add procedures/requirements for approving tree permit</li> </ul>	<ul style="list-style-type: none"> <li>♦Instead of regulating a list of commercial trees, regulate and protect the types of trees that add to the character and history of the City</li> <li>♦Encourage development by not requiring tree permits</li> <li>♦Protect the public health and safety by allowing hazardous tree removal</li> </ul>
308-2	155.308.020	Projections Allowed By-Right	Add "flag pole"	Clarify flag poles can be allowed to project.

Summary of Proposed June 2020 Zoning Code Update

Doc Page	Section	Section Title	Proposed Change	Reason
308-4	155.308.030.B.2.	Site Features	<ul style="list-style-type: none"> <li>♦Add emergency generators</li> <li>♦Clarify setbacks for features that generate noise</li> </ul>	<ul style="list-style-type: none"> <li>♦Determine that emergency generators can be allowed</li> <li>♦Add section clarifying features that may produce noise may not be located within the setback area.</li> </ul>
308-6	155.308.040.F.	One-Way Streets	Change to affirmative and clarify	Clarify when vision clearance area applies to one-way streets, and authority to determine.
308-6	155.308.050.B., C.	Outdoor Lighting	<ul style="list-style-type: none"> <li>♦Reorganize language.</li> <li>♦Clarify single-family residences are exempt</li> <li>♦Clarify restrictions for lighting direction and types</li> <li>♦Allow motion sensor lights to exceed height limitation</li> </ul>	<ul style="list-style-type: none"> <li>♦Exceptions are listed in Applicability section, instead of exception section</li> <li>♦Administrative adjustments are listed in Exceptions; created own section</li> <li>♦It's unclear without referencing the Non-conforming section whether single family residences are exempt.</li> <li>♦For security purposes, motion sensor lighting should be allowed to be placed as needed without limitation on height.</li> </ul>
308-8	155.308.070.E.	Solid Waste/Recyclable Material Storage	Reorganize language	Exceptions are listed in Applicability section, instead of exception section
312-2	155.312.030.A.	Exterior Materials	Clarify the types of materials allowed/prohibited	The term "high quality" is too subjective, and the section does not say who determines what constitutes "high quality". Instead, be more specific about the types of materials that are allowed and prohibited.
312-2	155.312.030.B.	Plywood and Vinyl - When allowed	Delete paragraph	The Design Standards section only applies to additions and new construction; most would not look here to find standards for making repairs.
312-2	155.312.030.C.	Board and Batten	Clarify language	Board and batten must be separate pieces and not "siding" panels.
312-4	155.312.040, .050	Various	Add cedilla to the "c" in façade	Consistency with the remainder of the code.
312-5	155.312.050.A.	Options for Architectural Features	Remove "building"	Correct grammar
All	155.316	Accessory Dwelling Units	Revise ADU regulations	Incorporation of State laws for ADUs
320-1	155.320.030	Measurement of Height	Add "highest"	Most fences/walls have 2 finished grades, one on either side; clarify which side to use for measurement

Summary of Proposed June 2020 Zoning Code Update

Doc Page	Section	Section Title	Proposed Change	Reason
320-2	155.320.030 Figure 320-1	Measurement of Height	Revise figure	Show highest finished grade
320-2	155.320.030 Figure 320-2	Measurement of Height	Revise figure	Original figure showed incorrect method of measurement.
320-5	155.320.030 Table 320-1	Allowed Fence Height	Allow 7 foot fences	Match building code which allows 7 ft fence without building permit
320-5	155.320.030 Table 320-1 Notes	Allowed Fence Height	Clarify the types of materials allowed for fences	The term "high quality" is too subjective, and the section does not say who determines what constitutes "high quality". Instead, be more specific about the types of materials that are allowed.
320-5	155.320.030.A.	Exterior Side Setback Exception	Delete paragraph	Fence already allowed by Table 320-1 so language is unnecessary.
320-6	155.320.030 Figure 320-3	Allowed Fence Height – Residential Zoning Districts	Revise figure	Clarify which fence heights are allowed where; increase fence height to 7 ft.
320-7	155.320.050 Table 320-2	Prohibited Fence Material	Clarify type of wire fence and where allowed	Make language match language in Table 320-1 Note 2
324-3	155.324.030 Table 324-1	Required Vehicle Parking Spaces	Change "Residential Lodging" to "Vacation Rental"	There appears to have been some confusion by the public about what a "Residential Lodging" use entails. While the term residential lodging might be descriptive of the use, Staff believes vacation rental is more descriptive and clear.
324-4	155.324.030.D.4.	Fractional Spaces	Delete paragraph	Previous staff indicated this was a typo and should have said "round up"; however, because it no longer an exception to the Rules of Measurement in 155.112, the language is not needed.
324-4	155.324.030.F.	Sites with Multiple Uses	Correct reference	Section referral incorrect
324-5	155.324.040.A.1.	Reductions and Alternatives to Automobile Parking	Correct reference	Section referral incorrect
324-15	155.324.060.F.4.	Landscaped Parking Space	Add "or curbs"	Clarify that overhang into a landscaped area with curbs should be allowed and count towards the required perimeter landscape area, not just wheel stops.
324-17	155.324.060.K.3.b.	Materials	Clarify type of fencing required	<ul style="list-style-type: none"> <li>♦A solid fence or wall of any type material, not just masonry, will achieve the same goal.</li> <li>♦Allow vegetation on fence/wall.</li> </ul>

**Summary of Proposed June 2020 Zoning Code Update**

<b>Doc Page</b>	<b>Section</b>	<b>Section Title</b>	<b>Proposed Change</b>	<b>Reason</b>
324-19	155.324.070.E.1.	Bicycle Parking	Provide standard	Developers have repeatedly asked what the minimum height is for interior bike parking; regulated by the Building Code.
324-21	155.324.080.D.1.a	Adjacent to Streets	Clarify landscape planting requirements	Original language required all plants to be at least 36" when planted and didn't allow for low ground cover
328-2	155.328.030.B.3.	Required Contents	Change "improvements" to "expansions"	A landscape plan does not need to show changes to walls, windows, etc., but does need to show changes in footprints.
328-4	155.328.050.D.	Invasive Plants	Correct spelling	The word "plant" is missing a "t"
336-3	155.336.050.C.	Travelling Sellers	Correct spelling	The word "traveling" only has one "l"
340-2	155.340.030.A.8.	Residential Lodging	Change "Residential Lodging" to "Vacation Rental"	There appears to have been some confusion by the public about what a "Residential Lodging" use entails. While the term residential lodging might be descriptive of the use, Staff believes vacation rental is more descriptive and clear.
340-11	155.340.060.C.7.	Public Notice and Hearing	Correct reference	Section referral incorrect
340-13	155.340.060.D.8.	Public Notice and Hearing	Correct reference	Section referral incorrect
340-13	155.340.060.D.9.	Approval Criteria	Add "more"	Missing word
340-13	155.340.060.D.a.ii.	General Design	Add "s" to "exhibit"	Correct grammar
340-16	155.340.070 Table 340-1	Wall Signs	Change "GI" to "HI"	Use zoning instead of land use designation
340-17	155.340.070 Table 340-2	Window Signs, Non Illuminated	Change "GI" to "HI"	Use zoning instead of land use designation
340-18	155.340.070 Table 340-3	Window Signs, Internally Illuminated	Change "GI" to "HI"	Use zoning instead of land use designation
340-19	155.340.070 Table 340-4	Projecting and Suspended Signs	Change "GI" to "HI"	Use zoning instead of land use designation
340-20	155.340.070 Table 340-5	Awning/Canopy Signs	Change "GI" to "HI"	Use zoning instead of land use designation
340-21	155.340.070 Table 340-6	Roof Signs	Change "GI" to "HI"	Use zoning instead of land use designation

**Summary of Proposed June 2020 Zoning Code Update**

<b>Doc Page</b>	<b>Section</b>	<b>Section Title</b>	<b>Proposed Change</b>	<b>Reason</b>
340-22	155.340.070 Table 340-7	Monument Signs	Correct reference	Section referral incorrect
340-22	155.340.070 Table 340-7	Monument Signs	Change "GI" to "HI"	Use zoning instead of land use designation
340-23	155.340.070 Table 340-8	Pole Signs	Correct reference	Section referral incorrect
340-23	155.340.070 Table 340-8	Pole Signs	Change "GI" to "HI"	Use zoning instead of land use designation
340-23	155.340.070 Table 340-8	Pole Signs - Horizontal Clearance	Correct reference	Section referral incorrect
340-24	155.340.070 Table 340-9	Digital Signs	Change "GI" to "HI"	Use zoning instead of land use designation
340-26	155.340.070.F.1.	Sandwich Board Signs	Correct reference	Section referral incorrect
340-26	155.340.070.F.2.	Sandwich Board Signs	Clarify where allowed	Sandwich board signs are designed to attract foot traffic; foot traffic is not intended or encouraged in the Industrial Zones; other zones can place them on private property; or apply for a Creative Sign Permit.
	Section 155.344	Density Bonus	Add section	Required by State law
404-2	155.404.030 Table 404-1 and Notes	Review and Decision- Making Authority	Clarify authority	Be clear the Director can send any project to the Planning Commission for review and action instead of acting on the application at the Director level.
404-2	155.404.030 Table 404-1 and Notes	Type of Application	Add Density Bonus action	Required by State law
404-3	155.404.040.C.	Delegation of Staff	Add delegation of Executive Secretary	Clarify the Director may delegate Executive Secretary duties for Design Review, Historic Preservation, and Planning Commission to a staff member.
404-4	155.404.050.B.2.	Member Experience	Change "Commissioner" to "Commission"	Members are appointed to the Commission as Commissioners.
404-5	155.404.080.B.	City Council	Correct reference	Section referral incorrect
408-1	155.408.010	Purpose and Applicability	Correct reference	Section referral incorrect
408-4	155.408.080	Notice of Public Hearing	Add "or Major Subdivision"	Chapter 154, Subdivisions, refers to this section for the noticing procedures.

Summary of Proposed June 2020 Zoning Code Update

Doc Page	Section	Section Title	Proposed Change	Reason
408-7	155.408.090	Notice of Pending Action	Revise process	The current procedure requires staff determine a date for a public hearing, include the date in the notice of pending action, and then only hold the public hearing if someone requests a hearing. The public has no way of knowing (without contacting the office) whether a hearing has been requested and will be held. Instead, as is currently done for Lot Line Adjustments and (rarely) Coastal Development Permits, the Director will take action on the project, and then the Notice of Action will be sent, providing a 15-day period in which to request a hearing. If no hearing is requested, then the action becomes final on the 16th day. If a hearing is requested, then a hearing date is determined, and a Notice of Public Hearing is sent. Additionally, the language clarifies that the hearing body when a hearing is requested is the Planning Commission and not the Director. And, based on Table 404-1, the Director may elevate any application to the Planning Commission for a public hearing instead of making a Director-level decision.
412-2	155.412.030.A.	Purpose and Applicability	Delete "or relaxed"	It is a modification of a standard.
412-2	155.412.030.B.	When Allowed	Add Table of Allowed Administrative Adjustments	As can be seen in the table, the provisions to allow an Administrative Adjustment are sprinkled throughout the code. The Table provides a quick reference to they types of adjustments allowed.
412-4	155.412.040.B.2.	When Required	Correct reference	Section referral incorrect
412-7	155.412.060.D.	Minor Infill Incentive Permits	Clarify authority	Be clear the Director can send Minor Infill Incentive Permit to the Planning Commission for review and action instead of acting on the application at the Director level.
412-9	155.412.060 Table 412-1	Allowed Deviations through Infill Incentive Permit	♦Renumber ♦Correct reference	♦Renumber due to addition of Admin Adjustment table ♦Section referral incorrect
412-11	155.412.070.I.1.	Minor Infill Incentive Permits	Revise process	Clarifies the hearing body when a hearing is requested is the Planning Commission and not the Director.
412-11	155.412.070.I.2.	Major Infill Incentive Permits	Correct reference	Section referral incorrect
412-14	155.412.100	Tree Permits	Correct reference	Section referral incorrect
412-15	155.412.110.C.1.	Minor Use Permits	Clarify authority	Be clear the Director can send Minor Use Permit to the Planning Commission for review and action instead of acting on the application at the Director level.

**Summary of Proposed June 2020 Zoning Code Update**

<b>Doc Page</b>	<b>Section</b>	<b>Section Title</b>	<b>Proposed Change</b>	<b>Reason</b>
412-15	155.412.110.E.1.	Minor Use Permits	Revise process	Clarifies the hearing body when a hearing is requested is the Planning Commission and not the Director.
412-15	155.412.110.E.2.	Conditional Use Permits	Correct reference	Section referral incorrect
412-16	155.412.120	Vacation Rental Permits	Add reference and renumber	Refer to Vacation Rental section
412-17	155.412.140.G.1.	Minor Variance	Revise process	Clarifies the hearing body when a hearing is requested is the Planning Commission and not the Director.
412-17	155.412.140.G.2.	Major Variance	Correct reference	Section referral incorrect
416-2	155.416.030.A.3.	Eligibility	Revise process	Allows certain City Staff and Council to appeal decisions instead of requiring City staff to be an aggrieved person.
416-3	155.416.030.G.2.	Other Decisions	♦Add Historic Preservation ♦Revise process	♦Historic Pres missing from list ♦Delete Call for Review
416-3	155.416.040	Calls for Review	Delete process and renumber	The call for review process is basically the same as an appeal process, but the public can also appeal at the same time, it's extremely confusing as to how this would work in practice. Instead, appeal authority is granted to the Director, Chief Building Official, and any two Councilmembers per 155.416.030.
420-2	155.420.030.B.	Other Decisions	Delete language related to calls for review	Delete the call for review reference
424-1	155.424.020	Not Applicable to Accessory Dwelling Units	Exempt ADUs from compliance	Per State law, ADU creation cannot trigger modification/correction to a site.
424-3	155.424.030.B.8.	Screening	Change "uses" to "zoning districts"	155.308.060 requires screening for site adjacent to residential zones, not uses.
424-3	155.424.030.C.	Annual Adjustment	Correct reference	Section referral incorrect
424-4	155.424.030.E.3.	Repairs and Modifications	Correct reference	Section referral incorrect
424-5	155.424.040	Nonconforming Buildings	Correct reference	Section referral incorrect
424-7	155.424.050.C.2.g.	Sign installed before January 1, 2000	Correct reference	Section referral incorrect

Summary of Proposed June 2020 Zoning Code Update

Doc Page	Section	Section Title	Proposed Change	Reason
504-1	155.504.020	Primary and Second Uses	Change "second" use to "secondary" use	Since it's primary use, and not first use, it should be secondary use.
504-1	155.504.030	Land Use Classifications	Add an alphabetical list of land use classifications and incorporate all changes made in Land Use Classifications - Use Type	It can be confusing to look for the use by type (Commercial Sales vs. Commercial Service and Office) to define a use, so adding an alphabetical list of uses
504-13	155.504.040	Land Use Classifications - Use Type	Revise section title	Clarify the list is by use type instead of alphabetical
504-13	155.504.040.A.1.	Accessory Dwelling Unit (ADU)	Revise definition	Incorporation of State laws for ADUs
504-14	155.504.040.A.2.	Bed and Breakfast	Revise reference	Reflect change from Residential Lodging to Vacation Rental
504-14	155.504.040.A.5.	Hostel	Revise reference	Reflect change from Residential Lodging to Vacation Rental
504-14	155.504.040.A.7.	Micro/Shared Housing	Revise reference	Reflect change from Residential Lodging to Vacation Rental
504-15	155.504.040.A.13.	Single-Room Occupancy (SRO)	Correct reference	Definition referral incorrect
504-15	155.504.040.B.3.	Drive-Thru Facility	Change "second" use to "secondary" use	Since it's primary use, and not first use, it should be secondary use.
504-16	155.504.040.B.8.a.	General Retail - Indoor	Change "second" use to "secondary" use	Since it's primary use, and not first use, it should be secondary use.
504-17	155.504.040.B.8.b.	General Retail - Outdoor	Change "second" use to "secondary" use	Since it's primary use, and not first use, it should be secondary use.
504-17	155.504.040.B.9.	Heavy Equipment Sales and Service	Change "second" use to "secondary" use	Since it's primary use, and not first use, it should be secondary use.
504-17	155.504.040.B.12.	Vehicle Sales and Rental (Indoor)	Change "second" use to "secondary" use	Since it's primary use, and not first use, it should be secondary use.
504-18	155.504.040.C.2.	Business Services and Heavy Commercial	Change "second" use to "secondary" use	Since it's primary use, and not first use, it should be secondary use.

Doc Page	Section	Section Title	Proposed Change	Reason
504-18	155.504.040.C.7.	Family Day Care Home	Change "second" use to "secondary" use	Since it's primary use, and not first use, it should be secondary use.
504-20	155.504.040.C.19.	Residential Lodging	Change "Residential Lodging" to "Vacation Rental"	Reflect change from Residential Lodging to Vacation Rental
504-22	155.504.040.D.5.	Outdoor Storage, Non-Retail	Change "second" use to "secondary" use	Since it's primary use, and not first use, it should be secondary use.
Various		Table of Contents	Udpate as appropriate	

# CITY OF EUREKA ZONING CODE

## CHAPTER 155 CONTENTS

### **Article 1 – General Provisions**

- 155.104 – Introductory Provisions
- 155.108 – Interpretation
- 155.112 – Rules of Measurement
- 155.116 – Zoning Districts and Maps

### **Article 2 – Zoning District Standards**

- 155.204 – Residential Zoning Districts
- 155.208 – Mixed-Use Zoning Districts
- 155.212 – Industrial Zoning Districts
- 155.216 – Public Facilities Zoning Districts
- 155.220 – Resource Related Zoning Districts
- 155.224 – Overlay Zones

### **Article 3 – Citywide Standards**

- 155.304 – Supplemental Use Regulations
- 155.308 – General Standards
- 155.312 – Design Standards
- 155.316 – Accessory Dwelling Units
- 155.320 – Fences and Walls
- 155.324 – Parking
- 155.328 – Landscaping
- 155.332 – Residential Subdivision Alternatives
- 155.336 – Temporary Uses and Structures
- 155.340 – Signs
- 155.344 – Density Bonus

### **Article 4 – Permits and Administration**

- 155.404 – Administrative Responsibilities
- 155.408 – Permit Procedures
- 155.412 – Specific Permits and Approvals
- 155.416 – Appeals and Reviews
- 155.420 – Post-Approval Provisions
- 155.424 – Nonconformities
- 155.428 – Enforcement and Penalties
- 155.432 – Zoning Code and General Plan Amendments

### **Article 5 – Glossary**

- 155.504 – Land Use Classifications
- 155.508 – Defined Terms



## Section 155.108 – INTERPRETATION

---

### Subsections:

- 155.108.010 – Purpose
- 155.108.020 – Authority
- 155.108.030 – Official Interpretations
- 155.108.040 – Rules of Interpretation
- 155.108.050 – Land Use Regulations
- 155.108.060 – Zoning Map

### 155.108.010 – Purpose

This section establishes rules and procedures for interpreting the Zoning Code to ensure that it is applied and enforced in a consistent manner.

### 155.108.020 – Authority

- A. **Director.** The Director has the authority to:
  1. Interpret the meaning and applicability of the Zoning Code; and
  2. Issue official interpretations of the Zoning Code as provided in 155.108.030 (Official Interpretations).
- B. **Department Staff.** Department staff may apply the rules for interpreting the Zoning Code established in this section when performing duties described in 155.404.030 (Development Services Department).

### 155.108.030 – Official Interpretations

- A. **Director Interpretations.** When the Director determines that a provision in the Zoning Code requires clarification, the Director may issue an official interpretation. Official interpretations will be in writing and maintained by the Department for public review.
- B. **Referrals to Planning Commission.** The Director may refer any issue of interpretation to the Planning Commission for review and final determination.
- C. **Appeals.** Official interpretations of the Zoning Code may be appealed in accordance with 155.416 (Appeals and Reviews).

### 155.108.040 – Rules of Interpretation

- A. **Meaning and Intent.** All language shall be construed according to the purpose and intent set out in 155.104.040 (Purpose of the Zoning Code).

- B. **Minimum Requirements.** The Zoning Code establishes minimum requirements to protect the public health, safety, and welfare. Where the Zoning Code allows for City discretion, the City may impose more stringent requirements to achieve the purpose and intent of the Zoning Code set out in 155.104.040 (Purpose of the Zoning Code).
- C. **Harmonious Construction.** The City intends that all provisions of the Zoning Code be construed harmoniously. When two or more provisions of the Zoning Code appear to conflict, the City may construe such provisions to give effect to both, if possible, by harmonizing them with each other. In cases of unresolvable conflict, the more restrictive will govern.
- D. **Headings, Tables, and Figures.** In cases where text conflicts with any heading, table, or figure, the text controls.
- E. **Lists and Examples.** Lists of items or examples that use terms such as “including,” “such as,” or similar language are intended to provide examples, not to be exhaustive lists of all possibilities. Unless otherwise specifically indicated, the word “including” always means “including but not limited to.”
- F. **Computation of Time.** References to days are calendar days unless otherwise stated. When business days are referenced, they include only days when Eureka City Hall is open. The end of a time period is computed by excluding the first day and including the last day.
- G. **Rounding of Fractional Numbers.** Unless otherwise stated, a fraction of one-half or more will be rounded to the next highest whole number and a fraction of less than one-half will be rounded to the next lowest whole number.
- H. **References to Other Regulations, Publications, and Documents.** Whenever reference is made to a law or regulation, it will be construed as a reference to the most recent edition of such law or regulation, unless specifically stated.
- I. **Technical and Non-Technical Terms.** Words and phrases will be construed according to the common and approved usage of the language. Technical words and phrases with a particular and appropriate meaning in law will be construed and understood according to such meaning.
- J. **Public Officials and Agencies.** All public officials, bodies, and agencies to which references are made are those of the City of Eureka, unless otherwise indicated.
- K. **Mandatory and Discretionary Terms.** The words “will,” “must,” “shall,” and “is” are always mandatory. The words “should” is encouraged but not required and “may” is permissive.
- L. **Conjunctions.** Unless the context clearly suggests the contrary, conjunctions will be interpreted as follows:
  - 1. “And” means that all connected items apply.
  - 2. “And/or” means that the connected items may apply singularly or in any combination.

3. "Or" means that one or more of the connected items may apply.
  4. "Either...or" means that the connected words or provisions shall apply singularly but not in combination.
- M. **Tenses and Plurals.** Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates otherwise. The singular includes the plural, and the plural includes the singular.
- N. **Terms Not Defined.** The Director has the authority to provide a definition for an undefined term based upon intended meaning of the term. Director determinations will be in writing and maintained by the Department for public review.

### 155.108.050 – Land Use Regulations

- A. **Land Use Regulation Tables.** Land use regulation tables in Article 2 (Zoning District Standards) identify permitted land uses within each zoning district. Notations within these tables have the following meanings:
1. **Permitted Uses.** A "P" means a use is permitted by right in the zoning district after obtaining a Zoning Clearance in accordance with 155.412.130 (Zoning Clearances).
  2. **Conditionally Permitted Uses.** A "C" means a use requires approval of a Conditional Use Permit in accordance with 155.412.110 (Use Permits).
  3. **Minor Permitted Uses.** An "M" means a use requires approval of a Minor Use Permit in accordance with 155.412.110 (Use Permits).
  4. **Uses Not Allowed.** A "-" (dash) means a use is not allowed in the zoning district.
- B. **Unlisted Land Uses.**
1. A land use not listed in a land use regulation table is not permitted if the use is listed as an allowed use in one or more other zoning districts. In such a case, the absence of the use in the land use regulation table means that the use is prohibited in the zoning district.
  2. For a proposed use not listed in any land use regulation table, the Director may determine that the proposed use is equivalent to a permitted or conditionally permitted use if all of the following findings can be made:
    - a. The use is consistent with the goals and policies of the General Plan.
    - b. The use will not be detrimental to the public health, safety, or welfare.
    - c. The use will meet the purpose of the zoning district.
    - d. The use is similar to other uses allowed in the zoning district.
    - e. The density or intensity of the use is similar to other uses in the zoning district.

- f. The use is compatible with permitted and/or conditionally permitted uses in the zoning district.
- 3. When the Director determines that a proposed use is equivalent to a listed use, the proposed use will be treated in the same manner as the listed use with respect to development standards, permits required, and all applicable requirements of the Zoning Code.
- 4. Director determinations will be in writing and maintained by the Department for public review.
- 5. The Director may refer any equivalent use determination to the Planning Commission for review and final decision.
- 6. Equivalent use determinations may be appealed in accordance with 155.416 (Appeals and Reviews).

### C. **Types of Uses.**

#### 1. **Primary Land Uses.**

- a. A primary land use is the main purpose for which a site is developed and occupied, including the activities that are conducted on the site a majority of the hours during which activities occur.
- b. Multiple primary land uses may occupy a single site or building. A land use on a site with multiple uses is considered a separate primary use if it operates independently from the other uses (e.g., different owner, business name, services provided) and could continue operations if the other uses were no longer present on the site.
- c. Each primary land use on a site is subject only to its own permit requirements identified in the land use regulation tables in Article 2 (Zoning District Standards) regardless of the permit requirements that apply to other uses on the site. For example, if one primary land use that requires a Conditional Use Permit (CUP) occupies the same space in a building as another primary land use allowed by-right, the land use allowed by-right is not required to obtain a CUP.
- d. Each primary land use on a site is subject only to the standards and limitations that apply to the individual use. For example, if one primary use is subject to conditions of approval limiting its hours of operations, other primary uses on the site would not be subject to those same limitations unless specifically required as through their conditions of approval for their individual permits.

#### 2. **Secondary Uses.**

- a. A secondary use is a land use specifically identified in 155.504.030 (Land Use Classifications) as allowed only when combined with a permitted primary use. For

example, a drive-through facility is a **secondary** use allowed only when combined with a permitted primary use (e.g., Restaurants, Cafes and Beverage Sales). A **secondary** use by its nature cannot exist without an associated primary use.

- b. A **secondary** use may require different permits from its associated primary use as identified in the land use regulation tables in Article 2 (Zoning District Standards). For example, a restaurant may be permitted by right, but a drive-through facility associated with the restaurant would require a Conditional Use Permit. A **secondary** use may be subject to standards and limitations separate from the requirements that apply to its associated primary use.

### 3. **Accessory Uses.**

- a. An accessory use is a use that is subordinate to and dependent on a primary use on the same lot.
- b. Accessory uses are subject to the requirements in 155.304.020 (Accessory Uses).
- c. An accessory use that complies with 155.304.020 (Accessory Uses) is considered a component of its primary use and may operate by-right without the requirement to obtain additional permits unless specifically required by the Zoning Code.

## 155.108.060 – Zoning Map

### A. **Uncertain Zoning District Boundaries.** Where zoning district boundaries on the Zoning Map are uncertain, the following rules apply:

1. Boundaries shown as approximately following the centerlines of streets, highways, or alleys are construed to follow the centerline.
2. Boundaries shown as approximately following the coastal zone boundary are construed to follow the coastal zone boundary.
3. Boundaries shown as approximately following platted lot lines are construed as following the lot lines. If lot lines shift as a result of updated survey data or lot line adjustment, zoning district boundaries are construed to follow these shifted lot lines.
4. Boundaries shown as approximately following city limits are construed as following city limits.
5. Boundaries shown following railroad lines are construed to be midway between and parallel to the main tracks.
6. If a boundary does not follow a lot line and divides a parcel, the location of the boundary is determined using the scale on the Zoning Map.
7. Where further uncertainty exists, the Planning Commission shall determine the exact boundary location considering the general purpose of the Zoning Code, the purpose of the applicable zoning districts, site conditions of the subject property, and all other

relevant information.

- B. **Split Zoning.** For parcels containing two or more zoning districts (“split zoning”), the regulations for each zoning district will apply within the zoning district boundaries as identified on the Zoning Map.

## Section 155.112 – RULES OF MEASUREMENT

---

### Subsections:

- 155.112.010 – Purpose
- 155.112.020 – Lot Area
- 155.112.030 – Density
- 155.112.040 – Setbacks
- 155.112.050 – Floor Area and Floor Area Ratio
- 155.112.060 – Site Coverage
- 155.112.070 – Height
- 155.112.080 – Distances
- 155.112.090 – Slope

### 155.112.010 – Purpose

This section establishes rules for measurement in the Zoning Code.

### 155.112.020 – Lot Area

- A. Measurement.** Lot area is measured as the total area of a lot, expressed in square feet or acres.
- B. Included in Calculation.** Lot area includes areas subject to easements and/or private streets.

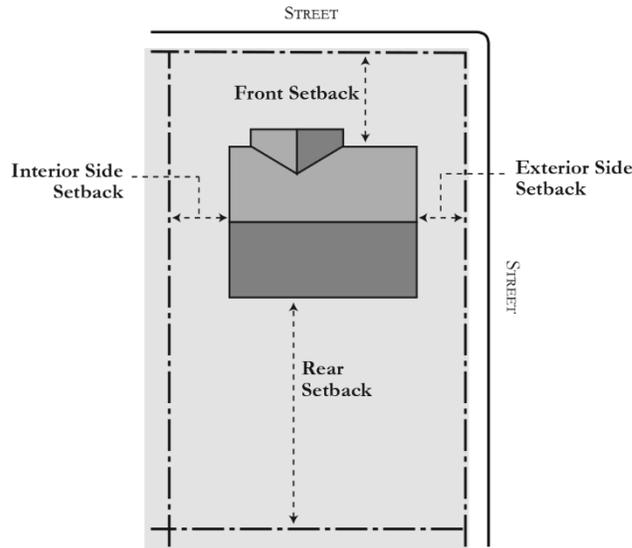
### 155.112.030 – Density

Density is measured as the number of dwelling units divided by the lot area.

### 155.112.040 – Setbacks

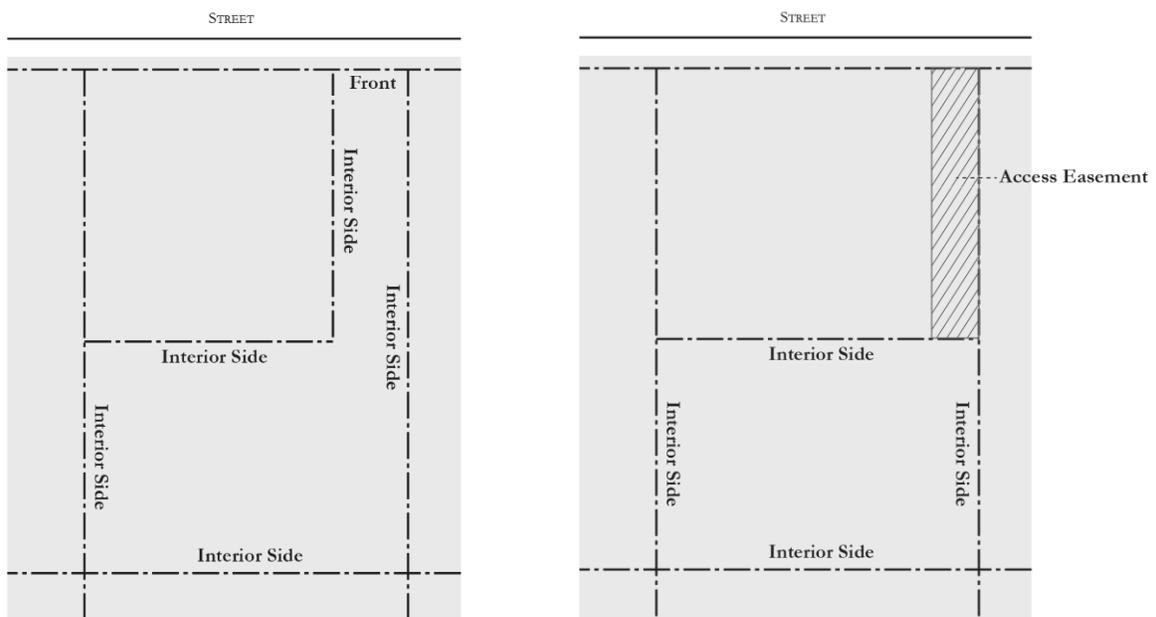
- A. Setback Measurement.** Setbacks are measured as the distance between a lot line and the nearest point of where a structure intersects the ground along a line at a right angle to the lot line. See Figure 112-1

**Figure 112-1: Setback Measurement**



- B. Lot Line Designation.** The Director has the authority to designate the location of front, interior-side, and rear lot lines based on the physical conditions and function of the lot.
- C. Flag Lots.** For flag lots, lot lines are designated as shown in Figure 112-2 unless otherwise designated by the Director based on the existing and/or proposed layout and function of the lot.

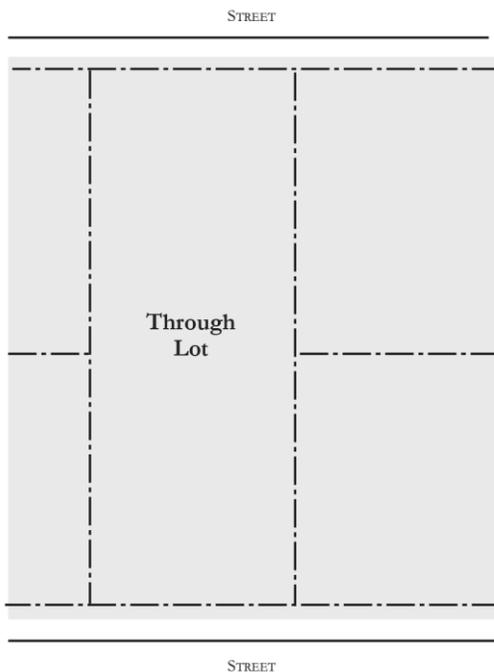
**Figure 112-2: Flag Lot Setback Measurement**



**D. Lots Fronting on Two Parallel Streets.**

1. For lots fronting on two parallel streets (“through lots”), the Director will either:
  - a. Determine that the lot has two fronts; or
  - b. Determine which street frontage constitutes the rear of the lot based on the placement and orientation of existing buildings on the lot and on neighboring properties.
2. An alley is not considered a street when determining whether a lot qualifies as a through lot. See Figure 112-3.

**Figure 112-3: Through Lot**



**155.112.050 – Floor Area and Floor Area Ratio**

**A. Floor Area.**

1. Floor area is measured as the total ~~enclosed~~ area (as defined below) of all floors of a building measured from the exterior face of the outside walls.
2. The floor area calculation includes the following:
  - a. ~~Enclosed~~ Covered areas used for vehicle parking, including garages, carports, and parking structures, but excluding tuck-under parking (ground-floor parking areas that are beneath a building and have three or fewer enclosed walls).
  - b. Elevator shafts and stairwells.

- c. Porches and balconies enclosed on all sides.
- d. Mechanical shafts.
- e. Mezzanines.
- f. Service and mechanical equipment rooms.
- g. Projecting windows, ~~cantilevered upper floors~~, and other ~~exterior~~ architectural ~~features~~~~projections~~ supported from the ground.

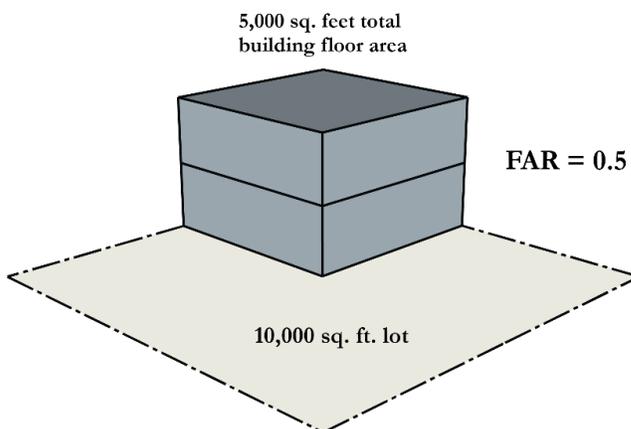
~~g.h.~~ Cantilevered upper floors.

3. The floor area calculation does not include the following:

- a. Non-habitable attic spaces.
- b. Basements.
- c. Non-habitable accessory structures.
- ~~c.d.~~ Accessory Dwelling Units.
- ~~d.e.~~ Exterior steps, patios, decks, terraces, porches, balconies, and porticoes open on one or more sides.
- ~~e.f.~~ Projecting windows, ~~cantilevered upper floors~~, and other exterior architectural projections not supported from the ground.
- ~~f.g.~~ For nonresidential uses, arcades, porticoes, and similar open areas that are located at or near street level and are accessible to the general public but are not designed or used as sales, display, storage, service, or production areas.

**B. Floor Area Ratio.** Floor area ratio (FAR) is calculated by dividing the total floor area on a lot by the lot area. For example, a 10,000 square-foot lot containing a 5,000 square-foot building would have a FAR of 0.5 (5,000 divided by 10,000). See Figure 112-4.

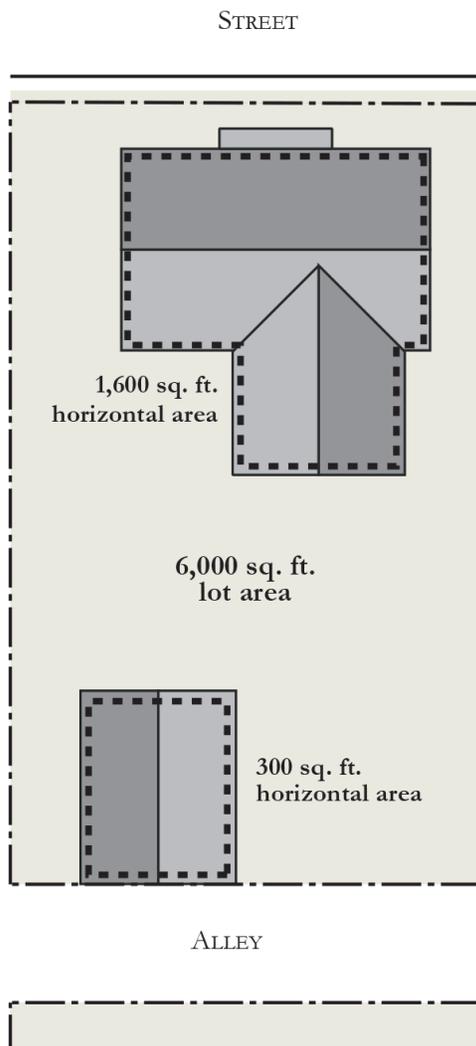
**Figure 112-4: Floor Area Ratio**



**155.112.060 – Site Coverage**

- A. Measurement.** Site coverage is measured as the total horizontal area covered by all buildings and structures on a lot, divided by the lot area. Total horizontal building area is measured from the exterior surface of the exterior walls of all principal and accessory buildings on the lot. See Figure 112-5.
- B. Included in Calculation.** The site coverage calculation includes the following:
1. All primary structures.
  2. All accessory structures (e.g., carports, garages, patio covers, storage sheds, trash dumpster enclosures, etc.)
  3. Bay windows, cantilevered upper floors, and other exterior architectural projections that are supported from the ground.

**Figure 112-5 Site Coverage**



Step 1: Calculate total horizontal area occupied by primary and accessory structures

$$\begin{array}{r} 1,600 \text{ sq. ft.} \\ + 300 \text{ sq. ft.} \\ \hline 1,900 \text{ sq. ft.} \end{array}$$

Step 2: Divide horizontal structure area by lot area

$$1,900 \text{ sq. ft.} / 6,000 \text{ sq. ft.} = 0.32$$

**Site Coverage = 0.32**

- C. Excluded from Calculation.** The site coverage calculation does not include the following:
1. Unenclosed and unroofed decks, uncovered patio slabs, landings, driveways, sidewalks, flatwork, balconies, stairways, and other similar unenclosed/unroofed structures less than 18 inches in height and six feet or less for railings.
  2. Projecting ~~bay~~ windows and, cantilevered upper floors, and other ~~exterior~~ architectural projections that are not supported from the ground.
  3. Eaves and roof overhangs projecting less than three feet from a wall.
  4. Areas covered by a trellis or similar structure where at least 50 percent of the area is open to the sky with uniformly distributed openings.
  5. Swimming pools and hot tubs that are not enclosed in a roofed structure.
  6. Unenclosed building service equipment and mechanical appurtenances, such as exterior water heaters air conditioning units, and chimneys.

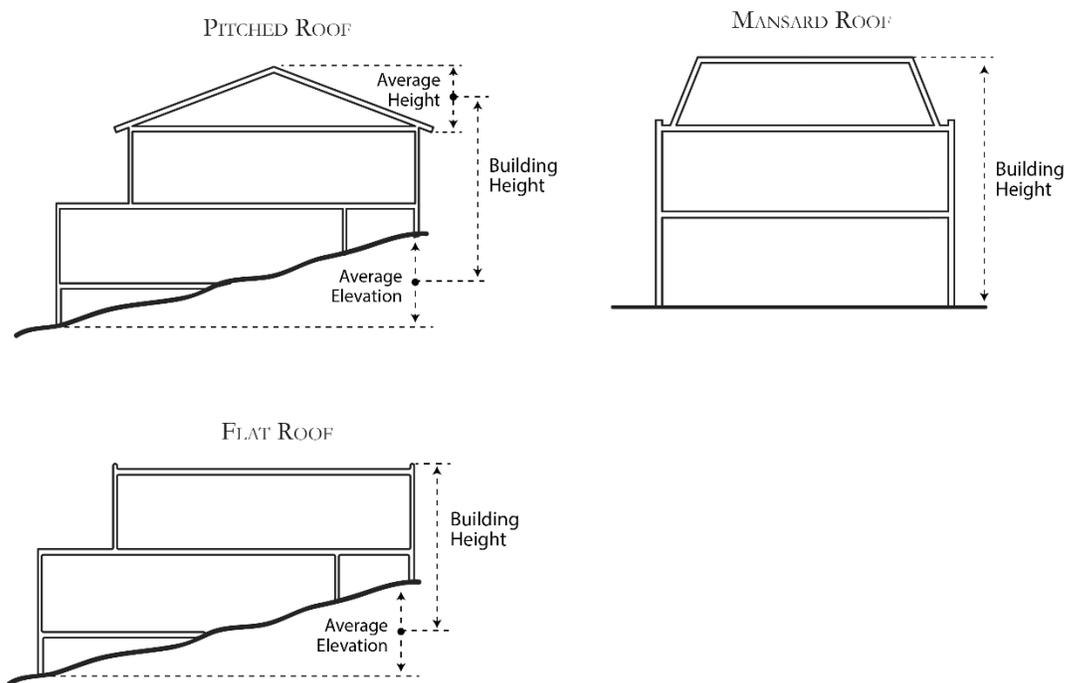
#### 155.112.070 – Height

**A. Building Height.**

1. As shown in Figure 112-6, building height is measured vertically from the average elevation of the finished grade of the ground covered by the structure to the:
  - a. average height between the bottom of the eave and the ridge of a pitched roof;
  - b. the coping of a flat roof; and
  - c. the deck line of a mansard roof.
2. Roofs covering decorative elements, elevator shafts, stair towers, parapets, and other similar non-habitable building features are not included in the calculation of building height. See 155.308.020 (Height Exceptions).

**B. Fence and Wall Height.** See 155.320.030 (Measurement of Fence and Wall Height).

**C. Freestanding Structure Height.** For freestanding structures such as poles and towers, height is measured as the vertical distance from the finished grade at the base of the structure to the highest point of the structure.

**Figure 112-6: Building Height****155.112.080 – Distances**

- A. Measurements Are Shortest Distance.** When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the closest or shortest distance between the two objects.
- B. Distances Are Measured Horizontally.** When measuring distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate line, edge of building, structure, storage area, parking area, or other object. Distances are not measured following the topography or slope of the land.
- C. Measurements Involving a Structure.** Measurements involving a structure are made to the closest support element of the structure. Structures or portions of structures that are entirely underground are not included in measuring required distances.
- D. Measurements Involving a Lot.** When measuring a required distance from a lot, the measurement is made from the portion of the lot that is the closest distance from the point of measurement.
- E. Measuring Radius.** When a specified land use must be located a minimum distance from another land use, the minimum distance is measured in a straight line from all points along the lot line of the subject project, in all directions.

**155.112.090 – Slope**

**A. Formula.** Average ground slope is calculated using the formula:

$$S = \frac{I \times L}{A} (100)$$

where:

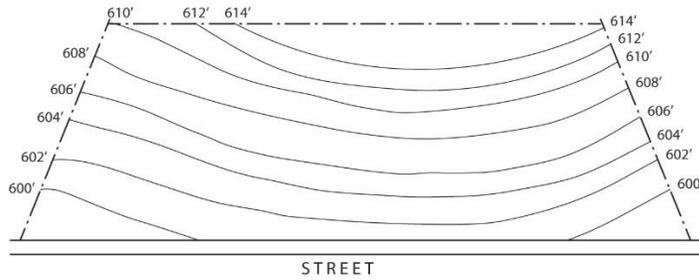
S = Average slope (in percent)

I = Contour interval (in feet)

L = Total length of all contour lines on the parcel (in feet)

A = Lot area (in square feet)

**Figure 112-7: Average Slope Calculation**



$$S = \frac{I \times L}{A} (100) = \frac{2 \times 838}{6,200} (100) = 27\%$$

I = 2 ft.

L = 838 ft.

A = 6,200 sq.ft.

**B. Contour Intervals.** Measurements along contours shall be made at contour intervals not to exceed 10 feet, and a horizontal map scale of one-inch equals 200 feet or larger.

## Section 155.204 – RESIDENTIAL ZONING DISTRICTS

---

### Subsections:

155.204.010 – Purpose of Residential Zoning Districts

155.204.020 – Allowed Land Uses

155.204.030 – Development Standards

### 155.204.010 – Purpose of Residential Zoning Districts

A. **General.** The purposes of the residential zoning districts are to:

1. Maintain stable neighborhoods offering a range of housing choices for residents with varied incomes and lifestyle needs;
2. Provide sufficient land in a range of residential densities to enable citizens from a wide array of economic levels and stages of life to live in Eureka, and to accommodate the existing and future workforce;
3. Accommodate increased development of high-density housing to balance Eureka's housing inventory and enhance affordability;
4. Encourage the construction of new high-density multi-family housing in zoning districts where multi-family housing is allowed;
5. Promote housing in close proximity to parks, schools, and public services;
6. Promote new development that supports a pedestrian-friendly environment and allows residents to easily walk, bike, and take transit to destinations;
7. Ensure that development protects and enhances the positive qualities of existing neighborhoods and strengthens Eureka's unique sense of place;
8. Encourage the development of vacant lots and the redevelopment of underutilized properties;
9. Allow improvements to existing homes consistent with the historic neighborhood character and the need to produce more housing units;
10. Allow for public and quasi-public uses compatible with a residential setting; and
11. Allow limited neighborhood-serving commercial uses to enhance residents' quality-of-life where allowed by the Neighborhood Market (NMO) overlay zone.

B. **Specific.**

1. **Residential Estate (RE).** The RE zoning district provides areas for low-density single-family detached homes, accessory dwelling units, and limited agricultural uses with a rural character compatible with adjacent agriculture, timberland, and open space uses.

2. **Residential Low (R1).** The R1 zoning district contains neighborhoods of single-family homes and accessory dwelling units in a moderately low-density setting, located in proximity to parks, schools, and public services.
3. **Residential Medium (R2).** The R2 zoning district accommodates a variety of medium-density housing types close to commercial (mixed-use) areas.
4. **Residential High (R3).** The R3 zoning district accommodates high-density multi-family housing in an urban setting close to employment centers, mixed-use zoning districts, and/or public transportation.

**C. Coastal Zoning Districts.**

1. The following residential zoning districts are located exclusively in Eureka’s coastal zone:
  - a. Residential Estate - Coastal (RE-CZ).
  - b. Residential Low - Coastal (R1-CZ).
  - c. Residential Medium - Coastal (R2-CZ).
  - d. Residential High - Coastal (R3-CZ).
2. Purpose statements, allowed land uses, and development standards for coastal zoning districts are found in Municipal Code Chapter 156 (Coastal Zoning).

**155.204.020 – Allowed Land Uses**

- A. **General.** Table 204-1 identifies allowed land uses and required permits in the residential zoning districts.
- B. **Additional Permits.** In addition to permits identified in Table 204-1, proposed projects in the residential zoning districts may require additional permits and approvals as described in 155.412 (Specific Permits and Approvals).

**Table 204-1: Allowed Land Uses in Residential Zoning Districts**

Land Use	Zoning District				Additional Standards
	Residential Estate <b>RE</b>	Residential Low <b>R1</b>	Residential Medium <b>R2</b>	Residential High <b>R3</b>	
<i>Residential</i>					
Accessory Dwelling Unit (ADU)	P	P	P	P	155.316
Medical Care Housing	C	C	M	M	
Micro/Shared Housing	-	-	C	C	
Multi-family Dwellings	-	-	P	P	155.304.100
Non-medical Care Housing, Large	-	-	P	P	
Non-medical Care Housing, Small	P	P	P	P	
Single-Family Home, Attached	-	-	P	P	

P = Permitted Use M = Minor Use Permit Required C = Conditional Use Permit Required - = Prohibited  <b>Land Use</b>	<b>Zoning District</b>				<b>Additional Standards</b>
	Residential Estate <b>RE</b>	Residential Low <b>R1</b>	Residential Medium <b>R2</b>	Residential High <b>R3</b>	
(Townhomes)					
Single-Family Home, Detached (existing)	P	P	P	P	
Single-Family Home, Detached (new)	P	P	P [1]	P [1]	
<b>Commercial</b>					
Car Share Facility	-	-	P	P	155.304.040
Day Care Facility	C [2]	C [2]	M [2]	M [2]	
Family Day Care Home, Large [4]	C	C	C	C	155.304.060
Family Day Care Home, Small [4]	P	P	P	P	155.304.060
<del>Residential Lodging</del> <u>Vacation Rental</u>					155.304.130
<del>Single-Room</del> <u>Proprietor On-Site</u>	P	P	P	P	
<del>Multiple-Room</del> <u>No Proprietor On-Site</u>	M	M	M	M	
<del>Full Unit</del>	<del>M</del>	<del>M</del>	<del>M</del>	<del>M</del>	
<b>Agricultural and Natural Resources</b>					
Timber Production and Harvesting	C	C	-	-	
<b>Civic and Recreation</b>					
Civic Institutions	C	C	C	C	
Government Facilities	C	C	C	C	
Non-Commercial Places of Assembly	C	C	C	C	
Parks and Playgrounds	P	P	P	P	
Schools, Public and Private	C	C	C	C	
Instructional Services	-	-	C [3]	C [3]	
<b>Infrastructure and Utilities</b>					
Public Utility	C	C	C	C	
<b>Other Uses and Activities</b>					
Accessory Uses	See 155.304.020				
Animal Keeping	See Municipal Code Chapter 91				
Home Occupations	See 155.304.070				
Neighborhood-Serving Commercial	See 155.224.030				
Temporary Uses	See 155.336				
Tree Removal	See 155.304.140				
Wireless Telecommunication Facilities	C	C	C	C	Municipal Code Chapter 159
<b>Notes:</b>					
[1] Allowed only on lots 3,000 square feet or less.					
[2] Allowed by-right when located in an existing non-residential facility such as a church or community center. Use Permit required for all other day care facilities.					
[3] Allowed only on collector and arterial streets as shown in General Plan Figure M-1. Not allowed on local streets.					
[4] Allowed only as a secondary use when combined with an allowed primary use. See 155.108.050.C (Types of Uses).					

**155.204.030 – Development Standards**

A. **RE and R1 Zoning Districts.** Table 204-2 shows development standards in the RE and R1 zoning districts. Standards apply to both primary and accessory buildings unless otherwise noted.

**Table 204-2: RE and R1 Development Standards**

Standard	Zoning District		Additional Standards
	Residential Estate RE	Residential Low R1	
Minimum Lot Area [1]	10,000 sq. ft.	5,000 sq. ft.	155.308.010
Maximum Floor Area Ratio (FAR)	0.75	1.0	
Density			
Maximum units per acre or lot [2]	4 du/acre	1 du/lot [3]	
Minimum lot area per unit [1] [2]	10,000 sq. ft.	5,000 sq. ft.	
Maximum Site Coverage	35%	60%	
Maximum Building Height	35 ft.	35 ft.	155.308.020
Minimum Front Setbacks <u>[4]</u>			155.204.030.D; 155.308.030
Building Walls	15 ft. <u>[54]</u>	10 ft. <u>[54]</u>	
Porches and Stoops	15 ft. <u>[54]</u>	5 ft. <u>[54]</u>	
Garage Doors and Carport Entrances	20 ft.	20 ft.	
Minimum Exterior Side Setbacks			155.204.030.D&E; 155.308.030
<u>Accessory Dwelling Unit [6]</u>	<u>4 ft. [7]</u>	<u>4 ft. [7]</u>	
Building Walls; Porches and Stoops	15 ft. <u>[54]</u>	5 ft. <u>[54]</u>	
Garages on a corner lot facing a side street and within 30 ft. of the rear lot line <u>[85]</u>	0 ft. or ≥ 20 ft. <u>[96]</u>	0 ft. or ≥ 20 ft. <u>[96]</u>	
All other garages <u>[85]</u>	20 ft.	20 ft.	
Minimum Interior Side Setbacks	<del>15 ft.</del>	<del>5 ft.</del>	155.204.030.E; 155.308.030
<u>Accessory Dwelling Unit [6]</u>	<u>4 ft. [7]</u>	<u>4 ft. [7]</u>	
<u>All other structures</u>	<u>15 ft.</u>	<u>5 ft.</u>	
Minimum Rear Setbacks, <del>Alley Adjacent [7] [8]</del>			155.204.030.G; 155.308.030
<u>Alley Adjacent [10] [11]</u>			
<u>Accessory dwelling unit [6]</u>	<u>0 ft. [7]</u>	<u>0 ft. [7]</u>	
First story	0 ft. or ≥ 10 ft.	0 ft. or ≥ 10 ft.	
Second story and above	0 ft.	0 ft.	
<del>Minimum Rear Setbacks, No Alley [107]</del>			

Standard	Zoning District		Additional Standards
	Residential Estate RE	Residential Low R1	
<u>Accessory dwelling unit [6]</u>	<u>4 ft. [7]</u>	<u>4 ft. [7]</u>	
First story	5 ft.	5 ft.	
Second story and above	10 ft.	10 ft.	
<p><b>Notes:</b></p> <p>[1] Minimum lot area standard applies only to new lots created through the subdivision or lot line adjustment process after June 20, 2019. Lots existing as of June 20, 2019 are not subject to a minimum lot size standard.</p> <p>[2] Excludes accessory dwelling units in conformance with 155.316 (Accessory Dwelling Units).</p> <p>[3] For new subdivisions or conservation subdivisions, maximum 8.5 du/acre.</p> <p>[3][4] <u>Includes accessory dwelling units in conformance with 155.316 (Accessory Dwelling Units).</u></p> <p>[5] Or average of adjacent lots, whichever is less. See 155.204.030.D (<u>Average Front and Exterior Side</u> Setback Alternative).</p> <p>[6] <u>New construction or increase in footprint of an existing structure to create an accessory dwelling unit on the first story.</u></p> <p>[4][7] <u>Provided the setbacks as proposed are sufficient for fire and safety as determined by the Building Official.</u></p> <p>[5][8] Setback also applies to accessory dwelling units above a <u>proposed</u> garage.</p> <p>[9] Garages must be set back either zero feet or 20 feet or more from the lot line. Garages may not be setback any distance between 0 ft. and 20 feet from the lot line. See Figure 204-4. This applies only to garages, not to carports.</p> <p>[6][10] See Figure 204-5 in 155.204.030.G (Rear Setbacks).</p> <p>[7][11] Eaves, gutters, and other building features may project across a lot line into an alley only when allowed by the Building Code and with an easement and/or encroachment permit.</p>			

B. **R2 and R3 Zoning Districts.** Table 204-3 shows development standards in the R2 and R3 zoning districts. Standards apply to both primary and accessory buildings unless otherwise noted.

**Table 204-3: R2 and R3 Development Standards**

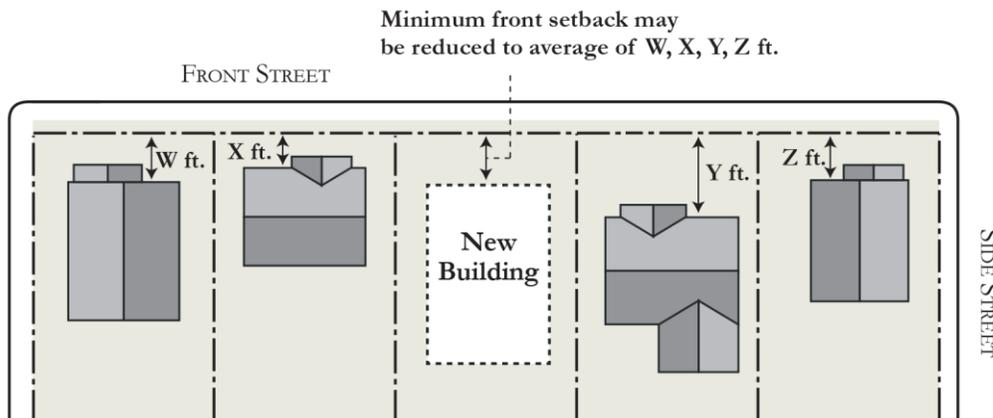
Standard	Zoning District		Additional Standards
	Residential Medium R2	Residential High R3	
Minimum Lot Area [1]	2,000 sq. ft.	2,000 sq. ft.	155.308.010
Density			
Maximum units per acre [2]	22 du/acre	44 du/acre	
Minimum lot area per unit	2,000 sq. ft.	1,000 sq. ft.	
Maximum Floor Area Ratio (FAR)			
Lots less than 4,000 sq. ft.	0.55	0.7	
Lots 4,000 – 4,999 sq. ft.	0.7	0.85	
Lots 5,000 – 5,999 sq. ft.	0.9	1.0	
Lots 6,000 sq. ft. and above	1.0	1.15	
Maximum Site Coverage			
Lots less than 4,000 sq. ft.	50%	60%	
Lots 4,000 – 5,999 sq. ft.	60%	70%	

Standard	Zoning District		Additional Standards
	Residential Medium R2	Residential High R3	
Lots 6,000 sq. ft. and above	70%	80%	
Maximum Building Height			155.308.020
Lots less than 4,000 sq. ft.	24 ft.	24 ft.	
Lots 4,000 – 5,999 sq. ft.	28 ft.	28 ft.	
Lots 6,000 sq. ft. and above	35 ft.	35 ft.	
Minimum Front Setbacks <u>[3]</u>			155.204.030.D; 155.308.030
Building Walls	10 ft. <del>[43]</del>	10 ft. <del>[43]</del>	
Porches and Stoops	5 ft. <del>[43]</del>	5 ft. <del>[43]</del>	
Garage Doors and Carport Entrances	20 ft.	20 ft.	
Minimum Exterior Side Setbacks			155.204.030.D&E; 155.308.030
<u>Accessory Dwelling Unit [5]</u>	<u>4 ft. [6]</u>	<u>4 ft. [6]</u>	
Building Walls; Porches and Stoops	5 ft. <del>[43]</del>	5 ft. <del>[34]</del>	
Garages on a corner lot facing a side street and within 30 ft. of the rear lot line <u>[74]</u>	0 ft. or ≥ 20 ft. <del>[85]</del>	0 ft. or ≥ 20 ft. <del>[85]</del>	155.204.030.E
All other garages <u>[74]</u>	20 ft.	20 ft.	
Minimum Interior Side Setbacks	<del>5 ft.</del>	<del>5 ft.</del>	155.204.030.E; 155.308.030
<u>Accessory Dwelling Unit [5]</u>	<u>4 ft. [6]</u>	<u>4 ft. [6]</u>	
<u>All other structures</u>	<u>5 ft.</u>	<u>5 ft.</u>	
Minimum Rear Setbacks, <del>Alley Adjacent [6] [7]</del>			155.204.030.G; 155.308.030
<u>Alley Adjacent [9] [10]</u>			
<u>Accessory Dwelling Unit [5]</u>	<u>0 ft. [6]</u>	<u>0 ft. [6]</u>	
First story	0 ft. or ≥ 10 ft.	0 ft. or ≥ 10 ft.	
Second story and above	0 ft.	0 ft.	
<del>Minimum Rear Setbacks, No Alley [96]</del>			
<u>Accessory Dwelling Unit [5]</u>	<u>4 ft. [6]</u>	<u>4 ft. [6]</u>	
First story	5 ft.	5 ft.	
Second story and above	10 ft.	10 ft.	
<b>Notes:</b>			
[1] Minimum lot area standard applies only to new lots created through the subdivision or lot line adjustment process after June 20, 2019. Lots existing as of June 20, 2019 are not subject to a minimum lot size standard.			
[2] Excludes accessory dwelling units in conformance with 155.316 (Accessory Dwelling Units).			
<del>[2][3]</del> Includes accessory dwelling units in conformance with 155.316 (Accessory Dwelling Units).			
[4] Or average of adjacent lots, whichever is less. See 155.204.030.D (Average Front and Exterior Side Setback Alternative).			
[5] New construction or increase in footprint of an existing structure to create an accessory dwelling unit on the first story.			
<del>[3][6]</del> Provided the setbacks as proposed are sufficient for fire and safety as determined by the Building Official.			

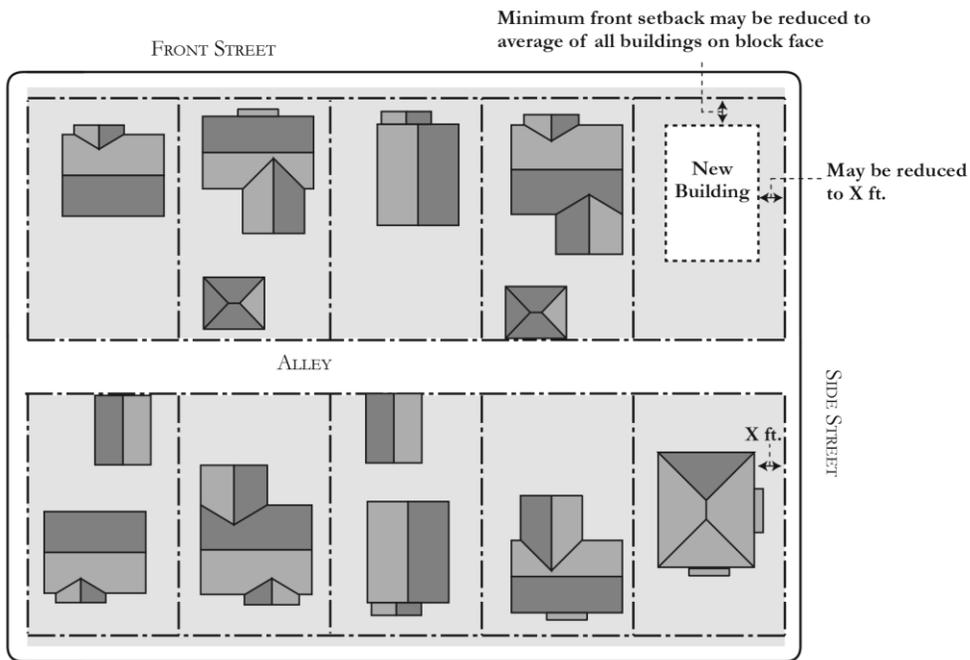
Standard	Zoning District		Additional Standards
	Residential Medium <b>R2</b>	Residential High <b>R3</b>	
<p><del>4</del><del>7</del> Setback also applies to accessory dwelling units above a <u>proposed</u> garage.</p> <p><del>5</del><del>8</del> Garages must be set back either zero feet or 20 feet or more from the lot line. Garages may not be setback any distance between 0 ft. and 20 feet from the lot line. See Figure 204-4. This applies only to garages, not to carports.</p> <p><del>6</del><del>9</del> See Figure 204-5 in 155.204.030.G (Rear Setbacks).</p> <p><del>7</del><del>10</del> Eaves, gutters, and other building features may project across a lot line into an alley only when allowed by the Building Code and with an easement and/or encroachment permit.</p>			

- C. **Lot Area and Dimensions.** See 155.308.010 (Lot Standards).
- D. **Average Setback Alternative.** Minimum required front and exterior side setbacks in Tables 204-2 and 204-3 may be reduced as provided below.
  - 1. **Interior Lots.**
    - a. For interior lots adjacent to two developed lots, the minimum front setback for building walls, porches, and stoops may be reduced to the average existing front setback of buildings of all developed lots on the same block face. See Figure 204-1.
    - b. For lots not on a standard block configuration, the minimum setback may be reduced to the setback equal to the adjacent developed lots. New multi-lot subdivisions must comply with the minimum setbacks in Tables 204-2 and 204-3.
  - 2. **Corner Lots.** For corner lots, the minimum front and exterior side setbacks may be reduced to the average setback of all developed lots on the same block face, including alley-separated lots. See Figure 204-2.

**Figure 204-1: Alternative Front Setback – Interior Lots**



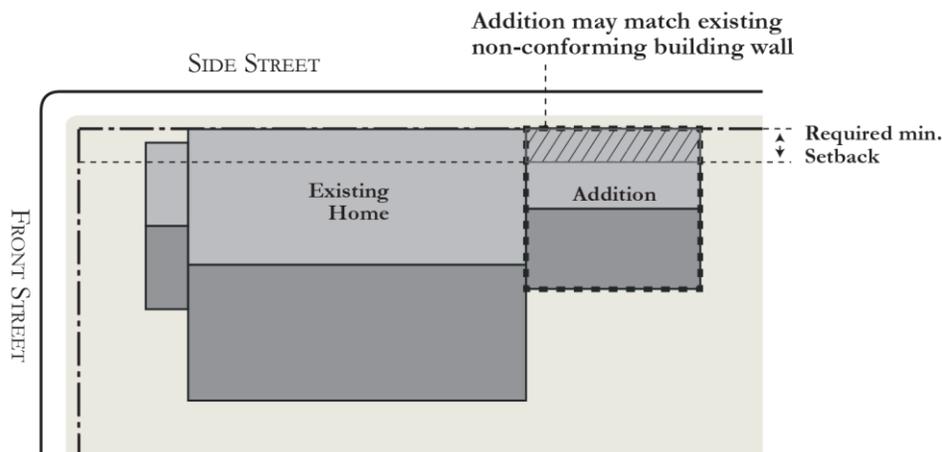
**Figure 204-2: Alternative Front and Exterior Side Setback – Corner Lots**



**E. Established Side Setbacks for Building Additions.**

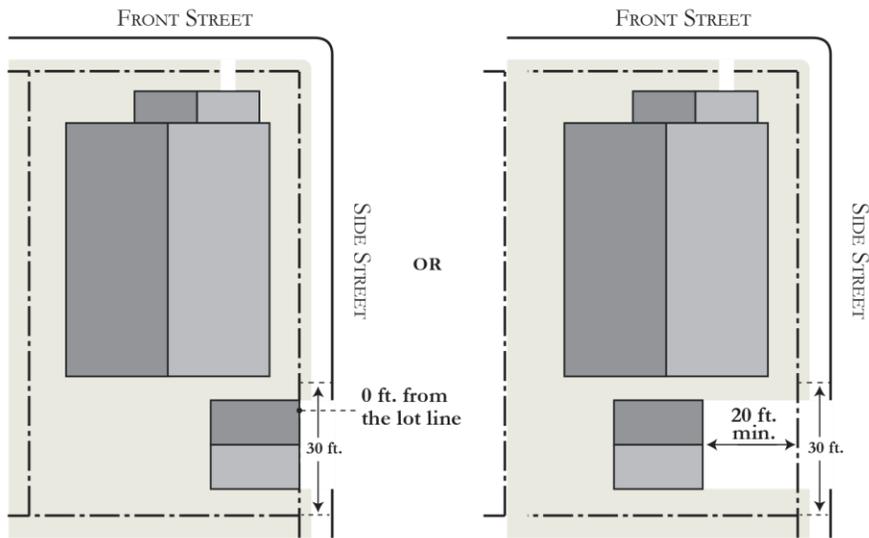
1. A building wall non-conforming to an interior or exterior side setback, if established prior to June 20, 2019, may be extended by-right to accommodate a residential addition of habitable floor area, including accessory dwelling units. See Figure 204-3. This allowance does not apply to garages and other non-habitable buildings or portions of a building.
2. Eaves and other building projections may not extend across a lot line. The Director may require a boundary survey to verify the lot line location.

**Figure 204-3: Established Setbacks for Building Additions**



- F. **Exterior Side Setbacks for Garages.** As stated in Tables 204-2 and 204-3, if a street-facing garage is within 30 feet of the rear lot line, the garage must be setback either zero feet or 20 feet or more from the exterior lot line. See Figure 204-4. This provision applies only to garages, not to carports.

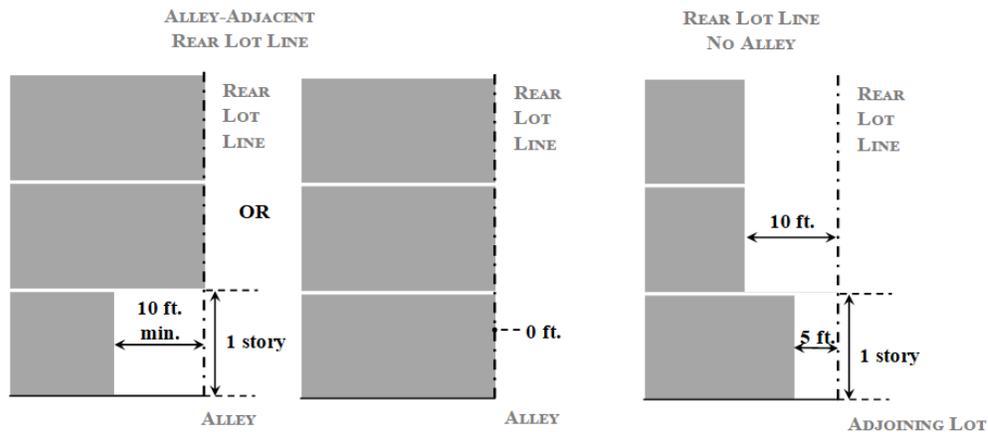
**Figure 204-4: Exterior Street Garage Setbacks**



G. **Rear Setbacks.**

- As stated in Tables 204-2 and 204-3, the first story of a building must be setback either 0 ft. or 10 ft. or more from an alley-adjacent rear lot line. No setback is required for the second story and above. See Figure 204-5.
- For rear lot lines that are not adjacent to any alley, a five-foot setback is required for the first story and a 10-foot setback is required for the second story and above. See Figure 204-5.

**Figure 204-5: Minimum Rear Setback Elevations**



- H. **Setback Projections.** See 155.308.030.A (Building Features) for building projections and site improvement allowed within minimum setbacks.
- I. **Accessory Dwelling Units.** See 155.316 (Accessory Dwelling Units) for development standards that apply to Accessory Dwelling Units (ADUs).
- J. **Accessory Structures and Site Features - Setback Encroachments.** See 155.308.030.B (Site Features) for site features and accessory structures allowed in minimum setback areas.
- K. **Subdivision Alternatives.** See 155.332 (Residential Subdivision Alternatives) for allowed modifications to development standards for small lot subdivisions and conservation subdivisions.
- L. **Design Standards.** See Section 155.312 (Design Standards) for building entry, architectural relief, and garage door width standards that apply to new primary building except single-family homes.
- M. **Parking.** See 155.324 (Parking).
- N. **Landscaping.** See 155.328 (Landscaping).

## Section 155.208 – MIXED-USE ZONING DISTRICTS

---

### Subsections:

155.208.010 – Purpose of Mixed-Use Zoning Districts

155.208.020 – Allowed Land Uses

155.208.030 – Development Standards

155.208.040 – Pedestrian-Focused Frontages

### 155.208.010 – Purpose of Mixed-Use Zoning Districts

#### A. **General.** The purposes of the mixed-use zoning districts are to:

1. Protect, enhance, and build upon Eureka’s unique identity, historic character, and sense of community;
2. Promote a compact development pattern with high-intensity activity centers, infill development, adaptive reuse of existing buildings, and redevelopment of vacant lots and underutilized properties;
3. Encourage a mix of commercial, residential, professional office, and civic land uses;
4. Accommodate a broad range of commercial uses to serve the community and allow properties to quickly respond to evolving market opportunities over time;
5. Promote a diversity of multi-family housing choices in higher density mixed-use settings, especially on upper floors;
6. Provide a pedestrian-friendly environment while accommodating the needs of automobiles where appropriate;
7. Promote transportation alternatives, reduce the reliance on automobiles, and increase opportunities to walk, bike, or take transit to destinations;
8. Foster a diverse and resilient local economy, friendly to new business investment and the creation and retention of quality jobs;
9. Encourage growth in the City’s tax base to support City services and infrastructure; and
10. Provide attractive and well-designed streetscapes, buildings, parking, and public spaces.

#### B. **Specific.**

1. **Downtown (DT).** The DT zoning district maintains, promotes, enhances, and builds upon Eureka’s Downtown as a vibrant center for residents, businesses, the arts, local/regional visitors, and out-of-town tourists. Vertical mixed-use development with a diversity of uses promote daytime and evening activity, including residential,

cultural, lodging, civic, professional office, entertainment, retail, and other customer-serving and employment-intensive uses. Multi-story buildings built to lot lines fully utilize available land and support a high-intensity economic and cultural center for the surrounding region. Existing buildings are fully utilized with uses that serve residents, employees, visitors, and the broader region. A diversity of building types and architectural styles, many with active ground-floor uses, support a vibrant pedestrian environment and active and inviting public spaces.

2. **Downtown West (DW).** The DW zoning district is an extension of the Downtown (DT) zoning district with a broader range of allowed land uses to further encourage investment and development and to provide a transition zone from Broadway to Downtown.
3. **Service Commercial (SC).** The SC zoning district is an intensive commercial district primarily located in or adjacent to highly visible areas, and provides for local, regional, and visitor needs. Development accommodates vehicles in a manner that supports an attractive streetscape and pedestrian-friendly environment. The SC zoning district allows a broad variety and scale of retail, office, restaurants, lodging, entertainment, outdoor sales, large product retail sales, storage, warehousing, wholesale, and limited residential uses.
4. **Henderson Center (HC).** The HC zoning district is a pedestrian-oriented limited-scale neighborhood shopping district primarily serving residents in nearby neighborhoods. Pedestrian-scale buildings with active street-facing storefronts close to the sidewalk create an active and inviting public realm. Single-family residential homes converted to retail and office uses retain their residential character and buffer nearby residences from higher intensity uses.
5. **Neighborhood Commercial (NC).** The NC zoning district provides places for limited-scale convenience retail, restaurants, offices, professional services, and other customer-serving uses to meet the daily needs of nearby residents, workers, and visitors. The form and intensity of development supports an active pedestrian environment and is compatible with neighboring residential properties. Limited residential mixed-use development contributes to neighborhood vitality and safe and attractive streetscapes.
6. **Wabash Avenue (WA).** The WA zoning district provides an area for limited-scale commercial uses to serve the community in the western half of Eureka. Over time, existing properties will be modified and redeveloped to create a more robust neighborhood-oriented and pedestrian-friendly shopping and professional service-related corridor.
7. **Office Residential (OR).** The OR zoning district provides areas for customer-serving and non-customer-serving professional offices, clinics, and related retail and services, as well as residential uses. The OR district allows a mix of single-family and multi-

family housing, offices, converted residential buildings, and lodging where the intent is to generally retain the character, scale, and form of the residential neighborhood. The OR zoning district provides a mix of office and residential uses in an environment with a different character and lower intensity than the other mixed-use commercial districts of the city.

8. **Hospital Medical (HM).** The HM zoning district provides a centralized and consolidated regional hub for hospitals, medical offices and clinics, other health care-related uses, and restricted commercial development that supports these uses.

**C. Coastal Zoning Districts.**

1. The following mixed-use zoning districts are located exclusively in Eureka's coastal zone:
  - a. Old Town - Coastal (OT-CZ)
  - b. Bayfront Commercial - Coastal (BC-CZ)
  - c. Library District - Coastal (LD-CZ)
  - d. Marina District - Coastal (MD-CZ)
  - e. Service Commercial - Coastal (SC-CZ)
  - f. Gateway North - Coastal (GN-CZ)
  - g. Bridge District - Coastal (BD-CZ)
2. Purpose statements, allowed land uses, and development standards for coastal zoning districts are found in Municipal Code Title 156 (Coastal Zoning).

**155.208.020 – Allowed Land Uses**

- A. **General.** Table 208-1 identifies allowed land uses and required permits in the mixed-use zoning districts.

**Table 208-1: Allowed Land Uses in the Mixed-Use Zoning Districts**

P = Permitted Use M = Minor Use Permit Required C = Conditional Use Permit Required - = Prohibited Land Use	Zoning District								Additional Standards
	Downtown Commercial DT	Downtown West DW	Service Commercial SC	Henderson Center HC	Neighborhood Commercial NC	Wabash Avenue WA	Office Residential OR	Hospital Medical HM	
<b>Residential</b>									155.208.040
Accessory Dwelling Unit (ADU)	P [1]	P [1]	P [1]	P [1]	P [1]	P [1]	P [1]	P [1]	155.316
Medical Care Housing	C [2]	C [2]	C	C [2]	C	C	C	C	
Micro/Shared Housing	C [2]	C [2]	C	C [2]	C	C	C	C	
Multi-family Dwellings	P [2]	P [2]	P	P[2]	P	P	P	C	155.304.100
Non-medical Care Housing, Large	P [2]	P [2]	P	C [2]	P	P	P	C	
Non-medical Care Housing, Small	P [2]	P [2]	P	P [2]	P	P	P	P	
Single Family Attached Home (Townhome)	P [3]	P [3]	P	P [3]	P	P	P	C	
Single Family Detached Home, New	-	-	-	-	-	-	-	-	
Single Family Detached Home, Existing [8]	P	P	P	P	P	P	P	P	
<b>Commercial - Sales</b>									
Bars and Nightclubs	P	P	P	M	C	C	-	-	
Drive-Thru Facility, Food-Serving [4]	-	C	P	-	-	-	-	-	
Drive-Thru Facility, Non-Food Serving [4]	C	M	P	C	-	-	-	C	
Fuel and Service Stations	-	M	P	-	-	-	-	-	
General Retail – Indoor, Very Large	-	C	C	-	-	-	-	-	
General Retail – Indoor, Large	C	C	P	-	-	-	-	-	
General Retail – Indoor, Small	P	P	P	P	P	P	C	M [5]	
General Retail-Outdoor [4]	C [6]	C	P	P [6]	C	C	-	-	
Heavy Equipment Sales and Service	-	C	M	-	-	-	-	-	
Mobile Vendors	P	P	P	P	P	P	P	P	155.304.090
Restaurants, Cafes, and Beverage Sales	P	P	P	P	P	P	C	M [5]	
Vehicle Sales and Rental (Indoor)	P	P	P	-	-	-	-	-	

P = Permitted Use M = Minor Use Permit Required C = Conditional Use Permit Required - = Prohibited Land Use	Zoning District								Additional Standards
	Downtown Commercial	Downtown West	Service Commercial	Henderson Center	Neighborhood Commercial	Wabash Avenue	Office Residential	Hospital Medical	
	DT	DW	SC	HC	NC	WA	OR	HM	
<b>Commercial - Service and Office</b>									
Business Services and Heavy Commercial	-	P	P	-	-	-	-	-	
Car Share Facility	P	P	P	P	P	P	P	P	
Check Cashing	C	C	C	-	-	-	-	-	
Commercial Lodging	P	P	P	P	P	P	C	C [5]	
Day Care Facility	P	P	P	P	P	P	P	P	
Family Day Care Home, Large [4]	P	P	P	M	C	C	C	P	155.304.060
Family Day Care Home, Small [4]	P	P	P	P	P	P	P	P	155.304.060
Fitness, Dance, or Health Facility, Large	P	P	P	-	-	-	-	-	
Fitness, Dance, or Health Facility, Small	P	P	P	P	P	P	C	C [5]	
General Services	P	P	P	P	M	M	C	-	
Hospitals	-	-	-	-	-	-	-	P	
Kennel-Animal Boarding	-	C	M	-	-	-	-	-	
Medical Offices and Clinics	P	P	P	P	P	P	P	P	
Offices	P	P	P	P	P	P	P	-	
Outdoor Commercial Recreation	C	M	P	M	M	M	-	-	
Parking Lots and Structures	C	M	M	C	C	C	C	M [5]	
Personal Service	P	P	P	P	P	P	P	C [5]	
Vehicle Repair	C	M	P	-	-	-	-	-	
Vehicle Towing and Impound	-	-	C	-	-	-	-	-	
<b>Industrial and Storage</b>									
Manufacturing, Artisan	P	P	P	P	P	P	C	-	
Manufacturing, Light	-	M	C	-	-	-	-	-	
Outdoor Storage, Non-Retail	-	-	M	-	-	-	-	-	
Warehousing, Wholesale, and Distribution	-	C	C	-	-	-	-	-	

P = Permitted Use M = Minor Use Permit Required C = Conditional Use Permit Required - = Prohibited Land Use	Zoning District								Additional Standards
	Downtown Commercial	Downtown West	Service Commercial	Henderson Center	Neighborhood Commercial	Wabash Avenue	Office Residential	Hospital Medical	
	DT	DW	SC	HC	NC	WA	OR	HM	
<b><i>Civic and Recreation</i></b>									
Civic Institutions	P	P	P	P	P	P	P	-	
Colleges and Trade Schools (upper floor)	P	P	P	P	C	C	C	C [5]	
Colleges and Trade Schools (ground floor)	C	C	C	C	C	C	C	C [5]	
Instructional Services	P	P	P	P	P	P	P	C [5]	
Emergency Shelter	-	-	P	-	-	-	-	-	155.304.050
Government Facilities	P	P	P	P	P	P	P	P	
Non-Commercial Places of Assembly	P	P	P	P	P	P	P	P	
Parks and Playgrounds	P	P	P	P	P	P	P	P	
Recreational Vehicle Parks	-	-	C	-	-	-	-	-	155.304.120
Schools, Public and Private	C	C	-	-	-	-	-	-	
Social Services	C	C	C	-	-	-	-	C	
<b><i>Infrastructure and Utilities</i></b>									
Public Utility	C	C	C	C	C	C	C	C	
Recycling Collection Facility	-		C	-	-	-	-	-	
<b><i>Other Uses</i></b>									
Accessory Uses	See 155.304.020								
Cannabis Uses	See Municipal Code Chapter 158								
Home Occupations	See 155.304.070								
Temporary Uses	See 155.336								
Wireless Telecommunication Facilities	P [7]	P [7]	P [7]	P [7]	P [7]	P [7]	C	P [7]	Municipal Code Chapter 159
<b>Notes:</b>									
[1] An accessory dwelling unit is allowed <del>only in conformance with 155.316 (Accessory Dwelling Unit) on a lot with a single family home existing as of June 20, 2019.</del>									
[2] See 155.208.040 (Pedestrian-focused Frontages) for ground-floor use limitations that apply to residential uses facing a Pedestrian-focused Frontage as shown in Figure 208-4.									
[3] Prohibited when facing a Pedestrian-focused Frontage as shown in Figure 208-4.									
[4] Allowed only as a secondary use when combined with an allowed primary use. See 155.108.050.C (Types of Uses).									
[5] Limited to uses intended to primarily serve employees, patients, and visitors of medical uses in the zoning district as determined by the Minor Use or Conditional Use Permit process.									

P = Permitted Use M = Minor Use Permit Required C = Conditional Use Permit Required - = Prohibited Land Use	Zoning District								Additional Standards
	Downtown Commercial	Downtown West	Service Commercial	Henderson Center	Neighborhood Commercial	Wabash Avenue	Office Residential	Hospital Medical	
	<b>DT</b>	<b>DW</b>	<b>SC</b>	<b>HC</b>	<b>NC</b>	<b>WA</b>	<b>OR</b>	<b>HM</b>	
[6] New general retail - outdoor uses established after June 20, 2019 are prohibited. General retail-outdoor uses established before June 20, 2019 may remain. See 155.208.020.C (General Retail – Outdoor in the Downtown Zoning District). [7] Wireless Telecommunication Facilities located within 100 feet of a residential zoning district require a CUP. [8] Reconstruction of a damaged or destroyed single-family detached home is allowed, provided reconstruction is commenced within two years of the date the building was damaged or destroyed.									

- B. **Additional Permits.** In addition to permits identified in Table 208-1, proposed projects in the mixed-use zoning districts may require additional permits and approvals as described in 155.412 (Specific Permits and Approvals).
- C. **General Retail – Outdoor in the Downtown Zoning District.** The following requirements apply to general retail – outdoor (including outdoor vehicle sales and rental establishments) in the Downtown (DT) zoning district.
1. **Secondary Use Only.** General retail – outdoor is allowed only as a secondary use when combined with a permitted primary use. See 155.108.050.C (Types of Uses).
  2. **New Uses Prohibited.** New general retail – outdoor (including outdoor vehicle sales and rental uses) established after June 20, 2019 are prohibited.
  3. **Existing Uses May Remain.** An existing general retail – outdoor facility (including vehicle sales and rental establishments) is an allowed use subject to the following requirements:
    - a. The general retail – outdoor use (including vehicle sales and rental uses) applies to the entire lot.
    - b. The use may not be enlarged or expanded to a new lot unless the new lot already contain a general retail – outdoor use.
    - c. Existing buildings occupied by the general retail – outdoor use may be repaired, improved, and enlarged. New buildings may be constructed to serve the use.
    - d. Other uses that comply with the DT zoning district standards may be added to a site while the general retail – outdoor use remains in operation.
    - e. Existing general retail – outdoor uses may be replaced by another conforming use at any time.
    - f. If a general retail – outdoor use is discontinued for twelve consecutive months or more, the use may not be reestablished.

#### 155.208.030 – Development Standards

- A. **General.** Table 208-2 identifies development standards in the mixed-use zoning districts.

**Table 208-2: Development Standards – Mixed-Use Zoning Districts**

Standard	Zoning Districts								Additional Standards
	Downtown Commercial DT	Downtown West DW	Service Commercial SC	Henderson Center HC	Neighborhood Commercial NC	Wabash Avenue WA	Office Residential OR	Hospital Medical HM	
Minimum Lot Area	No min.	No min.	No min.	No min.	No min.	No min.	No min.	No min.	
Maximum Density (du/acre) [1]	No max.	No max.	No max.	No max.	No max.	No max.	No max.	No max.	
Maximum Floor Area Ratio (FAR)									
Minimum	1.0	1.0	No min.	No min.	No min.	No min.	No min.	No min.	
Maximum	6.0	6.0	2.5	2.5	3.0	3.0	2.5	2.5	
Building Height									155.308.020
<u>Accessory Dwelling Unit [3]</u>	<u>See [4]</u>	<u>See [4]</u>	<u>See [4]</u>	<u>See [4]</u>	<u>See [4]</u>	<u>See [4]</u>	<u>See [4]</u>	<u>See [4]</u>	<u>155.316</u>
<u>All other structures:</u>									
Minimum (stories)	2 stories	2 stories	No min.	2 stories	2 stories	2 stories	No min.	No min.	
Maximum (feet)	100 ft.	80 ft.	55 ft.	55 ft.	45 ft.	45 ft.	45 ft.	45 ft. [2]	
Front Setbacks									155.308.030
<u>Accessory Dwelling Unit [3]</u>	<u>See [5]</u>	<u>See [5]</u>	<u>See [5]</u>	<u>See [5]</u>	<u>See [5]</u>	<u>See [5]</u>	<u>See [5]</u>	<u>See [5]</u>	<u>155.316</u>
<u>All other structures:</u>									
Minimum	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	10 ft.	
Maximum	10 ft.	10 ft.	No max	15 ft.	15 ft.	15 ft.	15 ft.	No max.	155.208.030.B
Minimum Side Setbacks									155.208.030.C; 155.308.030
<u>Accessory Dwelling Unit [3]</u>	<u>See [5]</u>	<u>See [5]</u>	<u>See [5]</u>	<u>See [5]</u>	<u>See [5]</u>	<u>See [5]</u>	<u>See [5]</u>	<u>See [5]</u>	<u>155.316</u>
<u>All other structures:</u>									

Exterior	0 ft.	10 ft.							
Interior	0 ft.	5 ft.	5 ft.						
Minimum Rear Setbacks									155.208.030.C; 155.308.030
Non-Alley	0 ft.								
Alley	0 ft.								
Maximum Site Coverage	No max.								

Notes:

[1] While there is no maximum residential density in the mixed-use zoning districts, the number of residential units on a lot will be limited by the maximum FAR, maximum building height, required parking, minimum unit size requirements in the building code, and other applicable development standards.

[2] Maximum hospital height: 100 feet.

[3] Only applies to new construction or an increase in footprint of an existing structure for an accessory dwelling unit.

[4] Same as existing single- or multi-family residential structure, but not less than 16 feet as measured according to 155.112.070 (Height).

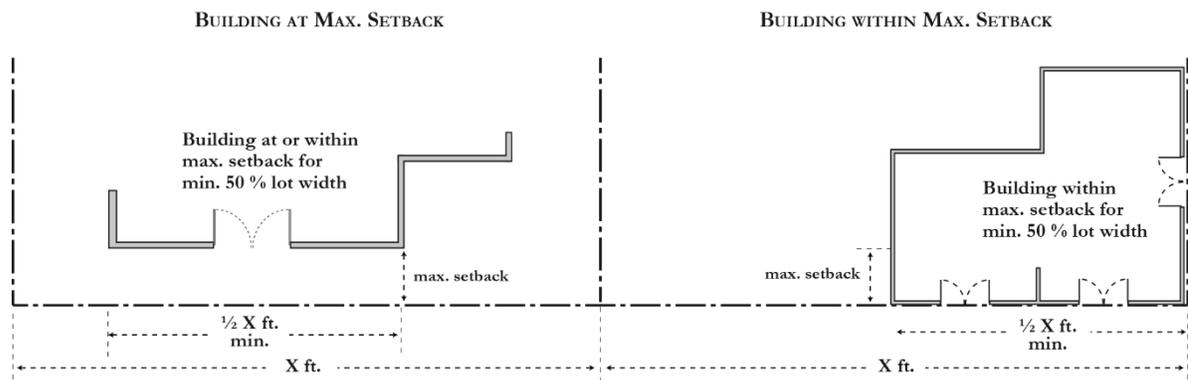
[2] Accessory dwelling units are subject to the same setback as the existing residential structure.

[3] provided the setbacks as proposed are sufficient for fire and safety as determined by the Building Official.

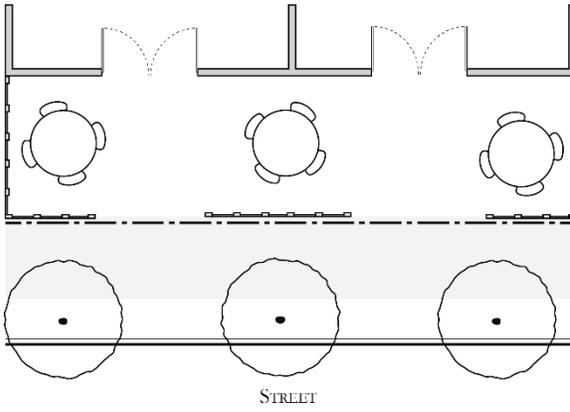
[4][5]

- B. Maximum Front Setbacks.** The following applies to new buildings in zoning districts with a maximum front setback requirement as shown in Table 208-2.
1. Buildings shall be constructed at or within the required maximum front setback for a minimum of 50 percent of the lot’s linear street frontage. See Figure 208-1.
  2. The Director may modify or waive this requirement with an Administrative Adjustment. To approve the Administrative Adjustment, the Director must make the findings in 155.412.030.F (Findings for Approval) and the following additional findings:
    - a. Unique physical conditions on the site require the modified standard to accommodate a development project consistent with the purpose of the applicable zoning district; and
    - b. The project incorporates a front-facing courtyard or privately-owned public space between the front building wall and front lot line to provide a pedestrian-oriented environment. See Figure 208-2.

**Figure 208-1: Maximum Front Setbacks**



**Figure 208-2: Front-facing Courtyard or Privately-owned Public Space**



Maximum front setback requirement may be waived for buildings with front-facing courtyard or privately-owned open space

- C. **Setbacks Adjacent to Residential Zoning Districts.** All new buildings and additions to existing buildings adjoining a lot in a residential zoning district must comply with the setback standards in Table 208-3. See Figure 208-3.

**Table 208-3: Setbacks Adjacent to Residentially-zoned Lot**

Lot Line	Minimum Setback
Interior Side	
<u>Accessory Dwelling Unit</u>	<u>4 ft.</u>
First and second stories	5 ft.
Third story and above	10 ft.
Alley Rear	0 ft.
Non-Alley Rear	
<u>Accessory Dwelling Unit</u>	<u>4 ft.</u>
First story	5 ft.
Second story	10 ft.
Third story and above	15 ft.

**Figure 208-3: Setbacks Adjacent to Residential Zoning Districts (Elevations)**

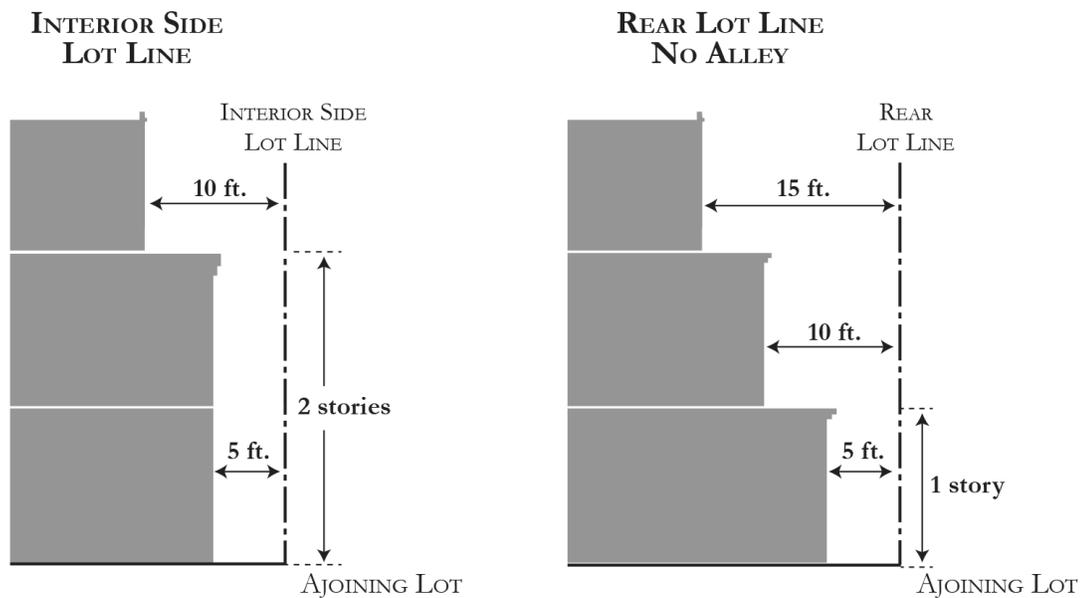
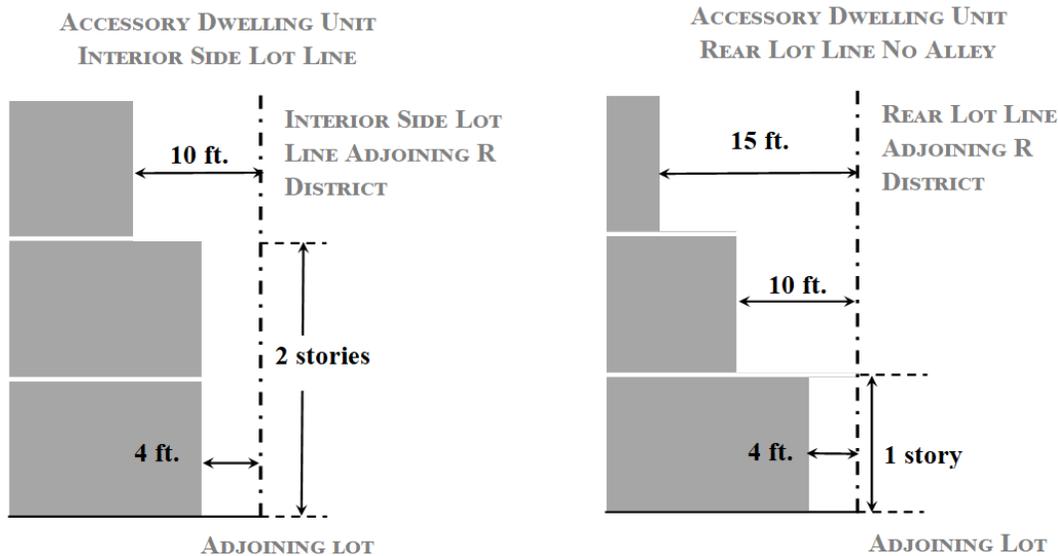


Figure continues on the next page.



- D. **Building Design.** See Section 156.306 (Design Standards) for building design standards that apply to all new primary buildings in the DT, DW, HC, WA, NC, and OR zoning districts.
- E. **Parking.** See 155.324 (Parking).
- F. **Landscaping.** See 155.328 (Landscaping).
- G. **Signs.** See 155.340 (Signs).

#### 155.208.040 – Pedestrian-Focused Frontages

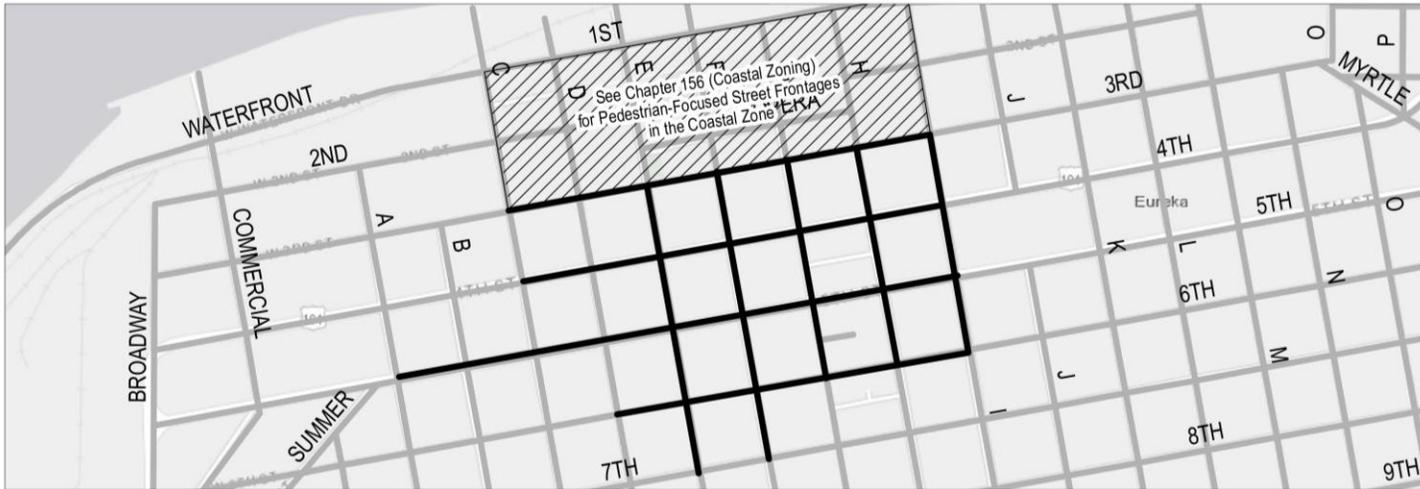
- A. **Purpose and Applicability.** Figure 208-4 shows the location of Pedestrian-focused Frontages outside of the coastal zone. The facades of buildings facing these street frontages are subject to special land use regulations and development standards to maintain and enhance an active and engaging pedestrian environment. These standards do not apply to facades that do not front the street (e.g., multi-story building facades that can be seen over shorter buildings).
- B. **Design Review Required.** Any exterior modification to a building façade that faces a Pedestrian-focused Frontage requires Design Review in accordance with Section 155.412.040 (Design Review).
- C. **Ground Floor Ceiling Height.** A new building with non-residential ground-floor uses facing the street must provide a minimum floor to ceiling height of 12 feet on the ground floor.
- D. **Ground Floor Residential Use Limitations.**
1. New residential development with less than 66 dwelling units per acre must be part of a mixed-use project where the residential use is located above or behind a ground-floor non-residential use facing the street. For example, on a 6,000 square foot lot, a

new residential development with less than nine units cannot have ground-floor street-facing residential units.

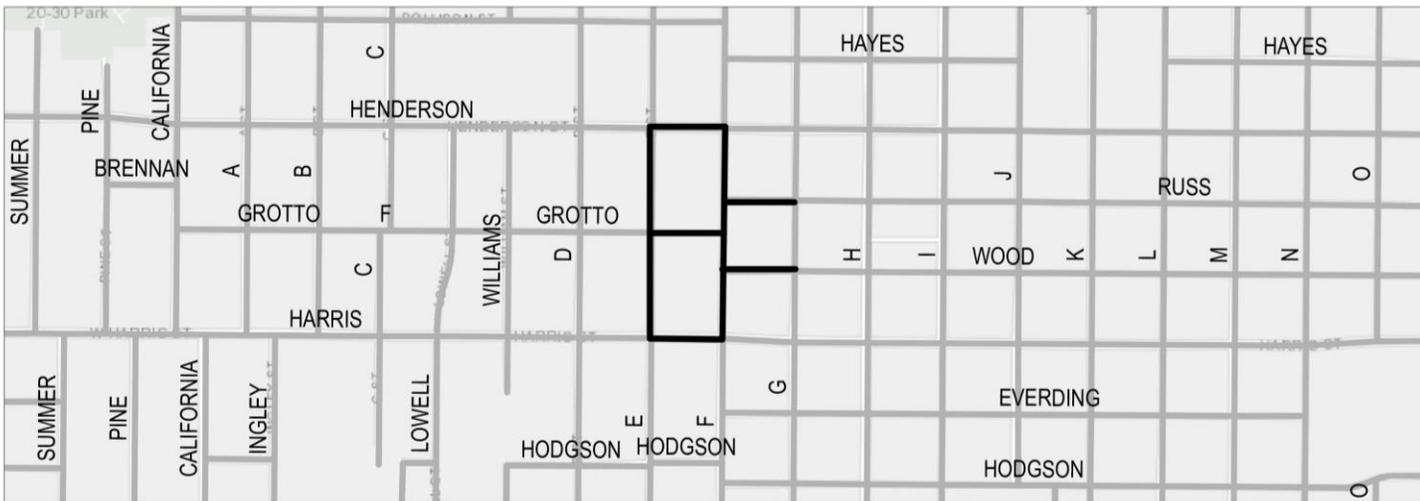
2. For projects with 66 dwelling units per acre or more, ground-floor residential uses facing the street are permitted. For example, on a 6,000 square foot lot, a new residential development with nine or more units may have street-facing residential units.
3. When allowed, ground-floor residential uses facing the street are not subject to the transparency requirement in 155.208.040.E (Ground Floor Storefront Transparency)



Figure 208-4: Pedestrian-Focused Frontages (both sides of each street)



Downtown and Old Town



Henderson Center



— Street frontages where new buildings must comply with minimum ground floor transparency requirements

|

- ~~1. For projects with 66 dwelling units per acre or more, ground floor residential uses facing the street are permitted. For example, on a 6,000 square foot lot, a new residential development with nine or more units may have street facing residential units.~~
- ~~2. When allowed, ground floor residential uses facing the street are not subject to the transparency requirement in 155.208.040.E (Storefront Transparency)~~

- E. Ground Floor Storefront Transparency.** New development with non-residential ground-floor uses facing the street shall comply with the following transparency requirement.
1. The ground-floor street-facing building walls of non-residential uses must provide transparent windows or doors with views into the building for a minimum of 65 percent of the building frontage located between three and seven feet above the sidewalk. See Figure 208-5.
  2. Window and door area must be transparent to allow views into the building, but may be frosted for privacy purposes provided that the windows can be returned to a transparent state.

**Figure 208-5: Storefront Transparency (between three and seven feet above the sidewalk)**



3. The Director may allow exceptions to this transparency requirement with an Administrative Adjustment. To approve the Administrative Adjustment, the Director must make the findings in 155.412.030.F (Findings for Approval) and the following additional findings:
  - a. The proposed use has unique operational characteristics that preclude building openings, such as for a cinema or theater; and
  - b. Street-facing building walls will exhibit architectural relief and detail, and will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.

## ARTICLE 3 – CITYWIDE STANDARDS

### Section 155.304 – Supplemental Use Regulations

- 155.304.010 – Purpose
- 155.304.020 – Accessory Uses
- 155.304.030 – Adult Entertainment
- 155.304.040 – Car Share Facilities
- 155.304.050 – Emergency Shelters
- 155.304.060 – Family Day Care Homes
- 155.304.070 – Home Occupations
- 155.304.080 – Manufactured Housing
- 155.304.090 – Mobile Vendors
- 155.304.100 – Multi-Family Laundry Facilities
- 155.304.110 – Outdoor Storage
- 155.304.120 – Recreational Vehicle Parks
- 155.304.130 – ~~Vacation Rental~~ Residential Lodging
- 155.304.140 – Tree Removal

### Section 155.308 – General Standards

- 155.308.010 – Lot Standards
- 155.308.020 – Height Exceptions
- 155.308.030 – Setback Exceptions
- 155.308.040 – Vision Clearance Area
- 155.308.050 – Outdoor Lighting
- 155.308.060 – Screening for Residential Zoning Districts
- 155.308.070 – Solid Waste/Recyclable Material Storage

### Section 155.312 – Design Standards

- 155.312.010 – Purpose
- 155.312.020 – Applicability
- 155.312.030 – Exterior Materials
- 155.312.040 – Building Entries
- 155.312.050 – Architectural Features
- 155.312.060 – Blank Walls
- 155.312.070 – Garage Doors in Residential Zoning Districts

### Section 155.316 – Accessory Dwelling Units

- 155.316.010 – Purpose
- 155.316.020 – Permits Required
- 155.316.030 – Where Allowed
- 155.316.040 – Number of Accessory Dwelling Units

- 155.316.050 -- Accessory Dwelling Units as ~~Residential~~ Transient Lodging
- 155.316.060 – Site and Design Standards

### **Section 155.320 – Fences and Walls**

- 155.320.010 – Purpose and Applicability
- 155.320.020 – Required Permits and Approvals
- 155.320.030 – Measurement of Fence and Wall Height
- 155.320.040 – Maximum Height
- 155.320.050 – Materials
- 155.320.060 – Nonconforming Fences and Walls

### **Section 155.324 – Parking**

- 155.324.010 – Purpose
- 155.324.020 – Applicability
- 155.324.030 – Number of On-Site Parking Spaces Required
- 155.324.040 – Reductions and Alternatives to Automobile Parking
- 155.324.050 – General Requirements
- 155.324.060 – Parking Design and Development Standards
- 155.324.070 – Bicycle Parking
- 155.324.080 – Parking Lot Landscaping

### **Section 155.328 – Landscaping**

- 155.328.010 – Purpose
- 155.328.020 – Applicability
- 155.328.030 – Landscape Plans
- 155.328.040 – Required Landscape Areas
- 155.328.050 – General Landscape Requirements
- 155.328.060 – Water Efficiency in Landscaping Ordinance (WELO)
- 155.328.070 – Maintenance and Enforcement

### **Section 155.332 – Residential Subdivision Alternatives**

- 155.332.010 – Purpose
- 155.332.020 – Small Lot Subdivisions
- 155.332.030 – Conservation Subdivisions

### **Section 155.336 – Temporary Uses and Structures**

- 155.336.010 – Purpose
- 155.336.020 – Applicability and Permit Requirements
- 155.336.030 – General Standards
- 155.336.040 – Temporary Uses and Structures Allowed By Right
- 155.336.050 – Temporary Uses and Structures Allowed with a Zoning Clearance

## **Section 155.340 – Signs**

- 155.340.010 – Purpose
- 155.340.020 – Applicability
- 155.340.030 – Signs Allowed Without Permits
- 155.340.040 – Prohibited Signs
- 155.340.050 – Rules of Measurement
- 155.340.060 – Sign Permits
- 155.340.070 – Sign Standards
- 155.340.080 – General Requirements
- 155.340.090 – Temporary Signs

## **Section 155.344 – Density Bonus**

- 155.344.010 – Purpose
- 155.344.020 – Definitions
- 155.344.030 – Applicability
- 155.344.040 – Application Requirements
- 155.344.050 – Bonus and Incentive Calculation
- 155.344.060 – Review Authority
- 155.344.070 – Findings for Approval

## **Section 155.340 – Signs**

155.340.010 – Purpose

155.340.020 – Applicability

155.340.030 – Signs Allowed Without Permits

155.340.040 – Prohibited Signs

155.340.050 – Rules of Measurement

155.340.060 – Sign Permits

155.340.070 – Sign Standards

155.340.080 – General Requirements

155.340.090 – Temporary Signs

## Section 155.304 – SUPPLEMENTAL USE REGULATIONS

---

### Subsections:

- 155.304.010 – Purpose
- 155.304.020 – Accessory Uses
- 155.304.030 – Adult Entertainment
- 155.304.040 – Car Share Facilities
- 155.304.050 – Emergency Shelters
- 155.304.060 – Family Day Care Homes
- 155.304.070 – Home Occupations
- 155.304.080 – Manufactured Housing
- 155.304.090 – Mobile Vendors
- 155.304.100 – Multi-Family Laundry Facilities
- 155.304.110 – Outdoor Storage
- 155.304.120 – Recreational Vehicle Parks
- 155.304.130 – Vacation Rental
- 155.304.140 – Tree Removal

↓

### 155.304.010 – Purpose

This section establishes supplemental standards that apply to specific land uses and development in all zoning districts.

### 155.304.020 – Accessory Uses

#### A. Relationship to Primary Use.

1. An accessory use must be related to and serve the purpose of the primary use on the site.
2. An accessory use must be clearly incidental and subordinate to the primary use on the site, which may be demonstrated by factors such as the floor area of the use, economic importance of the use, and the number of customers/visitors generated by the use.
3. If the primary use is destroyed or removed, the accessory use is no longer allowed.

#### B. Maximum Size. The following maximum size standards apply to all accessory uses except accessory dwelling units (ADUs):

1. When an accessory use is located within a building, the total floor area of a building containing an accessory use may not exceed 49 percent of the habitable floor area of the building containing the associated primary use on the site.

2. The Director may allow the floor area of an accessory use to exceed 49 percent with an Administrative Adjustment. To approve the Administrative Adjustment, the Director must make the findings in 155.412.030.F (Findings for Approval) and find that:
    - a. The accessory use complies with 155.304.020.A (Relationship to Primary Use); and
    - b. Unique circumstances associated with the primary use warrant the additional floor area for the accessory use.
- C. Location.** An accessory use must be located on the same site as the primary use.
- D. Timing of Establishment.** An accessory use may not be established before the primary use is established.
- E. Residential Accessory Uses.** Accessory uses customarily associated with a place of residence are permitted in residential zoning districts. Allowed accessory uses include, but are not limited to the following:
1. Home occupations in conformance with 155.304.070 (Home Occupations).
  2. Garage and yard sales in conformance with 155.336.040.B (Garage Sales).
  3. Keeping of domestic pets in conformance with Municipal Code Chapter 91 (Animals).
  4. Vehicle parking serving on-site uses in conformance with 155.324 (Parking).
  5. Gardening, landscaping, and open space management in conformance with Municipal Code Section 94.15 et seq. (Weeds, Rubbish and Debris).
  6. Storage of personal household property inside a permitted structure.
  7. Personal hobbies for non-commercial purposes.
- F. Non-residential Accessory Uses.** Accessory uses customarily associated with the primary use on the site are permitted in non-residential zoning districts. Allowed accessory uses include, but are not limited to the following:
1. Administrative offices for the primary use.
  2. Vehicle parking serving on-site uses in conformance with 155.31624 (Parking).
  3. Wholesale or retail sales to a buyer's custom order of goods produced by the primary use.
  4. Back-of-the-house niche manufacturing of products sold in a retail facility (such as chocolate production in the back of a candy store, craft beer brewing in a restaurant/brewery, or guitar fabrication in the back of a music instrument store).
  5. The storage of goods associated with the primary use in conformance with Subsection 155.304.110 (Outdoor Storage).

6. Tasting rooms associated with a food or beverage production use.
7. Caretaker units in the industrial and public zoning districts.
8. Other similar uses as determined by the Director through a Zoning Clearance.

### **155.304.030 – Adult Entertainment**

**A. Purpose and Applicability.** This subsection establishes standards for the location, approval, and operation of adult entertainment as defined in 155.304.030.B (Definitions).

**B. Definitions.**

**1. Adult Entertainment.**

- a. Adult entertainment means a business which either:
  - (1) Provides live entertainment or performances that involve the display of specified anatomical areas or specified sexual activities; or
  - (2) Displays pornographic films, photographs, or other still or moving images with an emphasis on specified anatomical areas or specified sexual activities.
- b. Adult entertainment includes, but is not limited to, strip clubs, adult movie theaters, adult arcades, adult motels, and places that engage in or allow couch dancing, topless dancing, nude or semi-nude mud wrestling, and similar businesses.

**2. Specified Anatomical Areas.** Specified anatomical areas means any of the following:

- a. Less than completely and opaquely covered human genitals, pubic region, anus or female breasts below a point immediately above the top of the areolae.
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**3. Specified Sexual Activities.** Specified sexual activities means any of the following:

- a. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus or female breasts.
- b. Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy.
- c. Masturbation, actual or simulated.
- d. Human genitals in a state of sexual stimulation, arousal or tumescence.
- e. Excretory functions.

**C. Exceptions.** The following types of businesses are not considered adult entertainment and are exempt from the requirements of this subsection:

1. **Retail Sales.** The sale of adult-oriented merchandise related to specified anatomical

areas or specified sexual activities as defined in 155.304.030.B (Definitions), including adult bookstores, adult video rental stores, adult novelty stores, and art galleries. All such uses must comply with Chapter 7.5 (Obscene Matter) of Title 9 of the California Penal Code and other applicable obscenity and indecent behavior laws (e.g., sexually-explicit merchandise may not be visible from building exterior).

2. **Therapeutic Massage.** Massage conducted by a massage therapist certified by the California Massage Therapy Council.
3. **Medical or Psychological Therapies.** The medical or psychological therapeutic activities of state-licensed doctors, psychologists, psychiatrists, or marital or sexual therapists.
4. **Modeling or Theatrical Performances.** Nude modeling done in connection with an educational program or artistic endeavor. Occasional theatrical performances, either live or in motion picture theaters, in which nudity is incidental to the content of the presentation.
5. **Private Noncommercial Behavior.** This subsection does not regulate the private behavior of adults, which is otherwise permitted by law, where there is no payment, gratuity, exchange of labor or goods, or other consideration of a transaction.

**D. Permit Required.** A Conditional Use Permit is required to:

1. Establish an adult entertainment use as a new business;
2. Convert an existing business to an adult entertainment use; or
3. Add activities that qualify as an adult entertainment use to an existing business.

**E. Location.**

1. **LI and HN Zoning Districts Only.** Adult entertainment is allowed only within the Hinge (HN) and Light Industrial (LI) zoning districts.
2. **Prohibited on Highway 101.** Adult entertainment is not permitted on properties fronting Highway 101 (Broadway, 4<sup>th</sup> Street, or 5<sup>th</sup> Street).
3. **Other Adult Businesses.** An adult entertainment use may not be established or located within 500 feet of any other adult entertainment use.
4. **Sensitive Land Uses.** An adult entertainment use may not be established or located within 500 feet of a sensitive land use. A sensitive land use means any one of the following:
  - a. A residential zoning district or residential use (not including caretaker units).
  - b. A religious institution, on land leased or owned by any church, synagogue, mosque, temple, or any school or meeting hall operated by such institution.
  - c. A public or private elementary, junior high or high school, preschool, or child day

care center.

- d. A public park on which recreation games may be played, including lawn and parking areas, but excluding natural open space areas where no recreational facilities are present.
- e. A public assembly or public use civic building, including libraries, community centers, post offices, but excluding police and fire stations.
- f. Other land uses oriented to youth/minors as determined by the Director (e.g., toy stores, ice cream shops, etc.).

**F. Application Review/Conditions of Approval.**

- 1. Applications to establish adult entertainment shall be reviewed by the City of Eureka Chief of Police. The Chief of Police shall recommend to the Planning Commission conditions of approval necessary to protect the public health, safety, and welfare.
- 2. Conditions of approval may address hours of operation, lighting, management supervision, security, visibility, signage, access by minors, live performances, the configuration of interior spaces, and other development and operational standards as needed.
- 3. To approve an adult entertainment use, the Planning Commission must make all findings in 155.412.110.F (Findings for Approval) and may attach any additional conditions of approval in accordance with 155.408.1210 (Conditions of Approval).

**155.304.040 – Car Share Facilities**

Car share facilities in the R2 and R3 zoning districts are subject to the following:

- A. On-site employees and on-site servicing and repair of vehicles is prohibited.
- B. Electric vehicles (EV) charging stations and covered parking is allowed.

**155.304.050 – Emergency Shelters**

- A. **Purpose and Intent.** This subsection establishes standards for emergency shelters in compliance with Government Code Section 65583(a)(4).
- B. **Permitted Zoning District.** Emergency shelters are allowed in zoning districts as shown in the allowed use tables in Article 2 (Zoning District Standards).
- C. **Standards.**
  - 1. **Buildings and Open Space.** An emergency shelter may be established within one or more buildings or outside of buildings in open space areas.
  - 2. **Number of Residents.** For emergency shelters occupying a building, the Building

Official and/or Fire Marshal will determine the maximum number of residents permitted to occupy an emergency shelter based on Building Code occupant loading requirements.

3. **Length of Stay.** The length of stay at an emergency shelter may not exceed ~~six~~ monthsone year.
4. **Separation.** An emergency shelter may be located no closer than:
  - a. 1,000 feet from a pre-school, nursery school, or schools for students in kindergarten through 12th grade; and
  - b. 50 feet from another emergency shelter.

#### 155.304.060 – Family Day Care Homes

- A. **License.** Family Day Care Home providers must obtain and maintain a license from the State of California Department of Social Services.
- B. **Separation – Large Family Day Care Homes.** A large family day care home in a residential zoning district may not be located within 300 feet of another family day care home (large or small) or a day care facility.

#### 155.304.070 – Home Occupations

- A. **Purpose.** This subsection establishes standards for home occupations and cottage food operations to allow residents to conduct business and employment activities in their home in a manner compatible with a residential setting.
- B. **Permits Required.**
  1. **Home Occupation Permit.** A home occupation that complies with all standards in 155.304.070.E (Standards) is permitted by-right with a Zoning Clearance.
  2. **Minor Use Permit.** A home occupation that does not comply with one or more standards in 155.304.070.E (Standards) may be allowed with a Minor Use Permit.
- C. **Business License.** All persons conducting a home occupation must obtain a City of Eureka Business License.
- D. **Applicant Agreement.** All applicants requesting approval of a home occupation must sign a statement that they have read, understand, and will comply with the City's home occupation requirements.
- E. **Standards.** The following standards apply to all home occupations:
  1. **Accessory Use.** The home occupation must be clearly secondary to the primary use of the property as a residence.

2. **Signs.** See 155.340.030.A.7 (Home Occupation).
  3. **Residential Appearance.** Except for a permitted sign, the existence of the home occupation may not be apparent beyond the boundaries of the site, and no permit to alter the exterior of the structure for the home occupation may be approved.
  4. **Off-site Effects.** A home occupation may not create dust, fumes, odors, smoke, noise, vibration, or electrical interference that is perceptible beyond the property line.
  5. **Hazardous Materials Prohibited.** The storage and use of flammable, combustible, or explosive materials must receive approval from the Chief Building Official. Typically, the only such materials that will be allowed are limited to small quantities of fuel for landscaping equipment, contained mini-torches used for sculpting glass, and other similar modest quantities of materials associated with approved home occupation business types.
  6. **Outdoor Display or Storage.** Window displays, outdoor storage, or display of equipment, materials, or supplies associated with the home occupation are not allowed.
  7. **Employees.** A maximum of two on-site non-resident employees is allowed.
  8. **Client/Customer Visits.** Except when allowed by 155.304.070.E.9 (Special Events), only ten vehicle trips per day of clients or customers to the residence are allowed. Client or customer visits are limited to the hours between 8:00 a.m. and 8:00 p.m.
    - a. For retail, commercial service, and office home occupations, no more than one client or customer may be on-site at any given time.
    - b. For instructional services, tutoring, gyms, and other similar home occupations as determined by the Director, a maximum of 10 students, clients, or customers may be on-site at any given time.
  9. **Special Events.** A home occupation may host up to four special events per year where the client/customer limitations in 155.304.070.E.8 (Client/Customer Visits) do not apply. Special events include music recitals, dance performances, gallery open studios, and other similar events.
  10. **Deliveries.** Deliveries and pick-ups may not involve the use of commercial vehicles greater than 26,000 pounds gross vehicle weight except for FedEx, UPS, or USPS-type home deliveries and pick-up.
  11. **Parked Vehicles.** Commercial vehicles/trailers greater than 19,500 pounds gross vehicle weight used by the home occupation may not be parked on site or on street.
- F. Cottage Food Operations.** Cottage food operations (CFO) as defined in California Health and Safety Code Section 113758 and Government Code Section 51035 are a permitted home occupation subject to the following requirements:

1. The cottage food operation must comply with home occupation standards in 155.304.070.E (Standards).
2. All cottage food operations must be registered or permitted by Humboldt County Department of Environmental Health before commencing business.

#### **155.304.080 – Manufactured Housing**

- A. General.** A manufactured home certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq) may be used for residential purposes subject to the requirements of this subsection.
- B. Development Standards.** A manufactured home must comply with all development standards (e.g., height, setback, lot coverage) that would apply to a conventional single-family home on the same lot.
- C. Design and Construction Standards.** A manufactured home must be compatible in design and appearance with residential structures in the vicinity and meet the following standards:
  1. **Foundation.** A manufactured home must be built on a permanent foundation system approved by the Building Official.
  2. **Roof Material.** Roof material must consist of material customarily used for conventional dwelling units, such as tile, composition shingles, and wood shakes and shingles.
  3. **Siding Material.** Siding material must consist of exterior material customarily used for conventional dwelling units, such as stucco, wood, brick, stone or decorative concrete. Metal siding, if utilized, must be non-reflective and horizontally lapping.
  4. **Skirting.** Skirting must extend to the finished grade. Siding material utilized as skirting must be the same as the material used on the exterior wall surface of the manufactured home.

#### **155.304.090 – Mobile Vendors**

- A. Applicability.**
  1. This subsection applies to the production, sale, and/or distribution of retail products from a vehicle, while operating on private property. These standards also apply to on-site incidental preparation by a mobile vendor immediately before and after retail activity occurs on a site.
  2. This subsection does not apply to hand carts or any retailer traveling from place to place by a non-vehicular type of conveyance, which are subject to the regulations under Municipal Code Chapter 118 (Peddlers and Solicitors).
  3. This subsection does not apply to mobile vendors operating on a street, which are

regulated under Municipal Code Chapter 75 (Mobile Vendors Operating Upon a Street).

**B. Standards.** All mobile vendors must comply with the following standards:

1. **Obstructions.** A mobile vendor may not directly obstruct pedestrian or vehicular traffic, or block a driveway or alleyway.
2. **Schools.** A mobile vendor may not operate within 300 feet of any property on which a K-12 school is located, between the hours of 7:00 a.m. and 5:00 p.m. of any school day. This prohibition does not apply if the school provides the mobile vendor written authorization to park on school property.
3. **Waste.** While in operation, a mobile vendor must maintain a clearly designated waste receptacle in the immediate vicinity of the vehicle.
4. **Operation.** When not engaged in on-site incidental preparations or in operation, all mobile vendors, associated equipment, and waste receptacles must be removed from the site of operation.
5. **Compliance with Other Laws and Regulations.** Mobile vendors must obey all local, state, and federal laws.
6. **Business Improvement Districts.** Mobile vendors that operate, or intend to operate, within a business improvement district must pay associated fees.

**C. City Approvals.**

1. **Council Approval on City Property.** Permission for a mobile vendor to operate on City-owned property, excluding public rights-of-way, requires City Council approval. This requirement does not apply to mobile vendors operating under a special event permit.
2. **Business License.** Mobile vendors must acquire a City business license.
3. **Mobile Vendor Agreement.** Prior to receiving a business license, each mobile vendor must sign a statement that they have read, understand, and will comply with the City's mobile vendor requirements.
4. **Record of Approved Mobile Vendors.** The City will keep a list of approved mobile vendors.

**155.304.100 – Multi-Family Laundry Facilities**

All new construction of a multi-family residential use in any location must provide either private laundry facilities in each dwelling unit or a common laundry facility with at least one clothes washer and dryer for each six dwelling units. Common washers and dryers may be coin operated.

**155.304.110 – Outdoor Storage****A. Applicability.**

1. The outdoor storage requirements in this subsection apply to the storage of goods, materials, machines, equipment, vehicles, or parts outside of a building for more than 72 hours.
2. These requirements apply only to lots occupied by a non-residential primary use or undeveloped lots in a non-residential zoning district.
3. These requirements do not apply to:
  - a. Fleet and service vehicles associated with an allowed land use when parked outdoors in a legally established parking area;
  - b. Vehicle inventory parked outdoors as part of an allowed vehicle sales and rental use; or
  - c. Temporary storage of construction materials reasonably required for construction work on the premises pursuant to a valid Building Permit.

**B. Nonconformities.** Uses nonconforming to this subsection must be brought into conformance when required by 155.424.030 (Nonconforming Site Features).

**C. Where Allowed.** Outdoor storage is allowed only in zoning districts identified in the allowed use tables in Article 2 (Zoning District Standards).

**D. Screening.**

1. Outdoor storage areas must be screened with a minimum 6-foot high solid fence or wall so as not to be visible from any:
  - a. Public street or highway; or
  - b. Residential zoning district or use.
2. Screening fences and walls may not exceed the maximum allowed height identified in Table 320-1 of 155.320 (Fences and Walls) and may not use prohibited fence materials identified in Table 320-2.

**E. Surfacing.**

1. Outdoor storage areas must be surfaced with an all-weather material (such as asphalt, concrete, or comparable surfacing material approved by the Director of Public Works) and graded to provide adequate stormwater drainage.
2. Outdoor storage areas may be surfaced with partially permeable materials if adequate drainage, erosion and dust control are provided. Unpaved outdoor storage areas are not subject to the parking lot landscaping requirements contained in 155.324.080 (Parking Lot Landscaping).

3. Outdoor storage of hazardous materials requires a roof or awning over the materials and either a dead-end sump to contain spills or containment in the form of berms, dikes, or curbs. All hazardous materials regulated by the California Department of Toxic Substances Control must be placed on a surface as deemed appropriate by the permitting agency. In addition, the surface must conform to all applicable federal and State air and water quality standards.

- F. Shipping Containers.** Metal shipping containers (e.g., CONEX boxes) qualify as outdoor storage and are permitted only in the industrial zoning district. Shipping containers are subject to all of the outdoor storage standards provided in this subsection.

#### **155.304.120 – Recreational Vehicle Parks**

- A. General.** All RV parks must conform to Title 25, Chapter 5 of the California Code of Regulations, Division 13 of the California Health and Safety Code, and all other state laws and regulations that apply to RV parks.
- B. Length of Occupancy.** The maximum length of occupancy in an RV park is 180 days in any consecutive 365-day period.

#### **155.304.130 – ~~Residential Lodging~~ Vacation Rental**

- A. Purpose.** This subsection establishes regulations ~~for residential lodging uses~~ to allow for short-term vacation rentals within residential zoning districts. These regulations are intended to:
1. Minimize adverse impacts that could result from ~~transient lodging vacation rental~~ uses in residential neighborhoods;
  2. Ensure that vacation rentals do not significantly impact the supply of permanent housing available to Eureka residents;
  3. Provide opportunities for homeowners to generate supplemental income by renting ~~out individual~~ rooms ~~and or entire~~ residential units to visitors;
  4. Provide visitors with a range of lodging options to support the local tourism economy; and
  5. Ensure the City is able to collect transient occupancy taxes (TOT) and other taxes as required by City ordinances.
- B. Applicability.**
1. This subsection applies to dwelling units, or portions thereof, located in a residential zoning district that are rented to transient patrons for 30 consecutive days or less.
  2. This subsection does not apply to ~~transient~~ lodging uses in a residential unit in a mixed-use or other non-residential zoning district. All ~~transient~~ lodging uses outside of

a residential zoning district are regulated as a commercial lodging use, regardless of whether the ~~transient~~ lodging use occupies or replaces an existing residential or commercial use.

**C. Types of ~~Residential Lodging~~ Vacation Rentals.** This subsection allows for ~~three~~ two types of ~~residential lodging~~ vacation rentals:

1. **~~Proprietor On-Site~~ Single Room.** The rental of ~~one room within an entire~~ dwelling unit, or any portion of a dwelling unit, with the proprietor in residence on the site for the duration of the rental. Includes bed and breakfast establishments where meals are provided.
2. **~~Multiple Room~~ No Proprietor On-Site.** The rental of an entire dwelling unit, or any portion of a dwelling unit, when the proprietor is not a resident on-site during any portion of two or more rooms within a dwelling unit with the proprietor in residence for the duration of the rental. ~~Includes bed and breakfast establishments where meals are provided.~~
3. **~~Full Unit~~.** The rental of an entire dwelling unit, either with or without the proprietor in residence elsewhere on the property for the duration of the rental. ~~Includes rental of accessory dwelling units (ADUs).~~

**D. Rental of Accessory Dwelling Units.**

1. An accessory dwelling unit that received a certificate of occupancy after January 1, 2020 may not be utilized as a vacation rental.

**D.E. Maximum Number Per Year.**

1. The number of ~~full unit~~ vacation rentals with no proprietor on-site permitted/licensed each year may not exceed the annual limit set by the City Council. Alternatively, the total number of ~~full unit~~ vacation rentals with no proprietor on-site permitted/licensed by the City may not exceed the total limit set by City Council.
2. ~~Single room and multiple room~~ Vacation rentals with a proprietor on-site are exempt from the annual limit for new ~~residential lodging~~ vacation rentals.

**E.F. Permits Required.**

1. **Vacation Rental Permit.** A vacation rental permit is a ministerial approval by the Department to confirm that a proposed vacation rental complies with all applicable standards.
- 1.2. **Minor Use Permit.** See Table 204-1 in Section 155.204 (Residential Zoning Districts) for types of ~~residential lodging~~ vacation rentals that require a Minor Use Permit.
- 2.3. **Home Occupation Permit.** ~~Single room and multiple room residential lodging~~ Vacation rental uses operators may require a Home Occupation Permit. See 155.304.070 (Home Occupations).

~~3.4.~~ **Business License.** ~~Residential Lodging Vacation rental~~ operators must acquire and maintain a City business license.

~~4.5.~~ **Residential Lodging Vacation Rental Agreement.** Prior to receiving a business license, each ~~residential lodging vacation rental~~ operator must sign a statement that they have read, understand, and will comply with the City's ~~residential lodging vacation rental~~ requirements.

~~5.~~ **Record of Approved Residential Lodging Operators.** ~~The City will keep a list of approved residential lodging operators.~~

~~F.G.~~ **City Taxes.** All ~~types of residential lodging vacation rental~~ uses are subject to a Transient Occupancy Tax ("TOT") and any other mandated taxes. Each ~~residential lodging vacation rental~~ owner, proprietor, and/or manager must comply with Municipal Code Section 35.070, which addresses the collection, record keeping, reporting and remittances of applicable TOT.

~~G.H.~~ **Standards for all Residential Lodging Vacation Rental Uses.** The following standards apply to ~~all types of residential lodging vacation rental~~ uses.

1. **Inspections.**

- a. All ~~residential lodging vacation rental~~ uses must be inspected to residential standards by the Building Department prior to approval.
- b. If the dwelling unit was previously inspected by the Building Department within one year of the ~~Residential Lodging Vacation Rental~~ application, the Building Official may waive the requirement for a new inspection.

2. **Parking.**

- a. No on-site parking is required to ~~convert-utilize~~ an existing residential use ~~as to~~ a ~~residential lodging vacation rental~~ use.
- b. ~~Except to allow conversion to an Accessory Dwelling Unit as provided by 155.316 (Accessory Dwelling Units), if~~ on-site parking ~~exists~~ at the time the ~~residential lodging vacation rental~~ use ~~was-is~~ established, that parking may not be removed while the ~~residential lodging vacation rental~~ use remains in operation.

~~3.~~ **Events.** ~~Vacation rentals are limited to six events (e.g., wedding receptions, graduation parties) per year. Event attendance may not exceed the total occupant limit for the property as allowed by the Building Code and may not create a noise nuisance in violation of Municipal Code Section 94.02 (Loud Noises Unlawful). Vacation rental operators may further limit the number of events.~~

~~3.4.~~ **Signs.** See 155.340.030.A.8 (~~Residential Lodging Vacation Rental~~).

~~H.~~ **Standards for Multiple Room Rentals.** ~~The following standards apply only to multi-room rentals:~~

- ~~1. **Maximum Rooms.** A multiple room rental may contain no more than seven rooms available to paying guests.~~
- ~~2. **Maximum Guests.** Eureka Municipal Code Chapter 150 (Building Regulations) governs the maximum number of guests per room.~~
- ~~3. **Events.** A property with a multi-room rental is limited to three events (e.g., wedding receptions, graduation parties) per month. Event attendance may not exceed the total occupant limit for the property as required by the Building Code and may not create a noise nuisance in violation of Municipal Code Section 94.02 (Loud Noises Unlawful).~~

~~I. **Standards for Full Unit Rentals.** The following standards apply only to full unit rentals:~~

- ~~1.5. **Maximum Number Per Lot.** The number of residential units and/or full unit vacation rentals on a lot may not exceed the maximum allowed by the density established in Tables 204-2 and 204-3 in 155.204 (Residential Zoning Districts).~~
- ~~2.6. **Maximum Occupants.** The maximum number of occupants allowed in a full unit vacation rental may not exceed two persons per bedroom plus an additional two persons (e.g. a two-bedroom unit may have six occupants). Children aged 12 and under are not counted toward the occupancy total.~~
- ~~3. **Events.** A property with a full unit rental is limited to six events (wedding receptions, graduation parties, etc.) per year. Event attendance may not create a noise nuisance in violation of Municipal Code Section 94.02 (Loud Noises Unlawful).~~

~~4.7. **Emergency Contact.**~~

- ~~a. Each full unit applicant for a vacation rental with no proprietor on-site applicant must designate a local emergency contact person on the application form, including a 24-hour-emergency contact phone number.~~
- ~~b. The emergency contact person may be the property owner, property manager, or designee, and must live within 50 miles of the city limits.~~
- ~~c. The Department will provide the emergency contact information to all neighboring properties within 200 feet of the use and to the Eureka Police Department.~~
- ~~d. The property owner must immediately notify the Department in writing, neighboring properties, and the police dispatch of any changes to the designated emergency contact information.~~

- ~~5.8. **Fire Department Access.** Properties with gated entries must have a Fire Department approved device that allows emergency response vehicles and personnel to enter the property.~~

~~J.I. **Enforcement.** A permit or approval for any residential lodging vacation rental use may be revoked in accordance with 155.428 (Enforcement and Penalties) and as follows:~~

1. The Director may revoke a permit for a residential lodging vacation rental use upon finding one or more of the following:
  - a. The proprietor, property owner, or emergency contact has been negligent in responding to an emergency situation more than two times in a rolling twelve-month period.
  - b. More than two documented law enforcement violations related to the vacation rental have occurred in a rolling twelve-month period.
  - c. The residential lodging vacation rental use has been chronically non-compliant with the requirements of this subsection.
  - d. The residential lodging vacation rental owner has failed to pay required transient occupancy taxes despite warnings from the Finance Department.
  - e. The proprietor or property owner has failed to correct noted Building or Fire Code violations.
2. Documented, significant violations may include copies of citations, written warnings, or other documentation maintained by law enforcement, Fire Department, Finance Department, or Building Department.

#### 155.304.140 – Tree Removal

**A. Purpose.** This subsection establishes permit requirements to remove trees in residential zoning districts. Much of Eureka is forested with stands of redwoods and other trees that are a distinctive part of the City's history and character, and every effort should be made to preserve and protect these trees, while protecting the public's safety and supporting residential development. When trees pose a hazard or are located in areas of planned growth, they may need to be removed. These regulations are intended to:

1. Protect and preserve trees that are important to the character of the City and its neighborhoods.
2. Protect the public's safety by allowing hazardous tree removal.
- 1.3. Allow for tree removal, or tree mass reduction, as necessary to allow for residential developments and supporting solar arrays.

#### **B. By-Right Tree Removals.**

1. The removal of a tree or trees not defined as a protected tree in 155.304.140.F do not require a Tree Permit or Conditional Use Permit.
2. The removal of any protected tree or trees defined in 155.304.140.F from within 15 feet of the footprint of a proposed structure, and within the boundary of the associated access road, provided the trees are identified on the project's site plan, is allowed by-right with a Zoning Clearance.

~~B. requiring a Tree Permit or Conditional Use Permit as described below is allowed by right without Department approval.~~

**C. Hazardous Trees.**

1. **Emergencies.** The removal or relocation of a protected tree or trees that would otherwise require a Tree Permit is exempt from the provisions of this subsection only in case of an emergency, where a member of a law enforcement agency, the Humboldt Bay Fire District, the Public Works Director, or the Director based on a report from an arborist or Registered Professional Forester (RPF), determines that a tree is hazardous and presents an immediate danger of collapse and poses an imminent threat to the public safety, or general welfare.
2. **Reduction of Tree Mass.** When recommended in a report prepared by an arborist or a RPF, a hazardous protected tree may have its mass reduced to protect property values and to address safety concerns and does not require a Tree Permit.

**D. Solar access.** When authorized as part of a Tree Permit and verified in a report prepared by an arborist or a RPF, a protected tree or trees that hinder direct sunlight for solar energy systems may have their mass reduced to provide solar access.

**G.E. Tree Permit Required.**

A Tree Permit is required to relocate, remove, cut down, top, or undertake any other act that causes the destruction of a protected tree identified in 155.304.140.F, except as provided in Division C (Hazardous Trees) and D (Solar Access) of this subsection. Hazardous trees or trees removed for solar access are not counted in the number of trees removed per Division G of this subsection.

**F. Protected Trees.** A protected tree includes any of the following:

1. A tree species listed in 155.304.140.F.2. with a 16-inch diameter, or a circumference of 50 inches, as measured four and one-half feet above the ground.
2. Protected tree species include:
  - a. Douglas fir (*Pseudotsuga menziesii*)
  - b. Redwood (*Sequoia sempervirens*)
  - c. White fir (*Abies concolor*)
  - d. Grand fir (*Abies grandis*)
  - e. Red fir (*Abies magnifica*)
  - f. Western white pine (*Pinus monticola*)
  - g. Sugar pine (*Pinus lambertiana*)
  - h. Bishop pine (*Pinus muricata*)

- i. Ponderosa pine (*Pinus ponderosa*)
- j. Jeffrey pine (*Pinus jeffreyi*)
- k. Sitka spruce (*Picea sitchensis*)
- l. Western hemlock (*Tsuga heterophylla*)
- m. Western red cedar (*Thuja plicata*)
- n. Incense cedar (*Calocedrus decurrens*)
- o. Port Orford cedar (*Chamaecyparis lawsonia*)

1. ~~**When Required.** A Tree Permit is required to remove a commercial tree species with a diameter at breast height (DBH) of three feet or more.~~

2. ~~**Commercial Tree Species Defined.** A commercial tree species includes any of the following species:~~

- a. ~~Douglas fir~~
- b. ~~Redwood~~
- c. ~~White, grand, and red firs~~
- d. ~~Western white pine~~
- e. ~~Sugar pine~~
- f. ~~Bishop pine~~
- g. ~~Ponderosa or Jeffrey pine~~
- h. ~~Sitka spruce~~
- i. ~~Western hemlock~~
- j. ~~Western red cedar~~
- k. ~~Incense cedar~~
- l. ~~Port Orford cedar~~

~~**D.G. Maximum Number Removed.** No more than five protected trees may be removed every ten years with the issuance of a Tree Permit. except as allowed by Division C (Hazardous Trees) and D (Solar Access) of this subsection.~~

~~**H. Conditional Use Permit Required.** The removal of more than five commercial-protected tree species with a DBH of three feet or more within a ten-year period is considered a timber harvest ing-use and requires Planning Commission approval of a Conditional Use Permit. Approval from Cal Fire and other State agencies may be required.~~

~~**I. Review Authority.**~~

1. **Tree Permits.** The Director reviews and takes action on Tree Permit applications.

2. **Conditional Use Permits.** The Planning Commission reviews and takes action on Conditional Use Permit Applications.

J. **Findings for Approval.** To approve a Tree Permit, the review authority must make all the following findings:

1. Approval of the Tree Permit will not be detrimental to the public health, safety or welfare, and approval of the Tree Permit is consistent with the General Plan, Zoning Code, and any applicable specific plan or area plan adopted by the City Council.

2. Measures have been incorporated, if necessary, into the project or permit to mitigate impacts to remaining trees or to replace the trees removed in compliance with this Division.

3. The removal of a healthy tree cannot be avoided by redesign of the site plan prior to construction or trimming, thinning, tree surgery, or other reasonable treatment, as determined by the Director.

4. Adequate provisions for drainage, erosion control, land stability, windscreen, and buffers along any road and between neighbors have been made where these problems are anticipated as a result of the removal.

5. The tree(s) to be removed do not contain active nesting or roosting sites that have been identified through the review process or are otherwise known to the review authority as the nests of a listed bird species or bird species of special concern.

K. **Conditions of Approval.** Approval of a Tree Permit must include Conditions of Approval as necessary to ensure compliance with this Subsection and all other applicable provisions of the zoning code. Conditions of Approval may include, but are not limited to:

1. Requiring removal of invasive or noxious vegetation (e.g. English Ivy) from other trees on the applicant's property.

2. Allowing for the removal of non-native trees adjacent to natural areas if replaced with an appropriate native tree.

3. Requiring tree replacement(s) for any tree(s) removed through a Tree Permit.

4. Weekday hours of operation.

L. **Timing of Removal of Large-Stature Trees.** A tree with a height of 150 feet or more may require evaluation to determine if active nesting or roosting sites for listed bird species, or bird species of special concern are occurring within the subject tree(s) during the projected tree removal dates. If such active nesting or roosting activities are occurring during the projected tree removal dates, the review authority can deny the request or require further environmental review.

**E.M. Other Approvals.** An encroachment permit approved by the Public Works Department, and approval from CalFire or other State agencies may be required to remove any tree, including by-right, protected, hazardous, and/or solar access trees.

*This page is intentionally blank*

## Section 155.308 – GENERAL STANDARDS

---

### Subsections:

- 155.308.010 – Lot Standards
- 155.308.020 – Height Exceptions
- 155.308.030 – Setback Exceptions
- 155.308.040 – Vision Clearance Area
- 155.308.050 – Outdoor Lighting
- 155.308.060 – Screening for Residential Zoning Districts
- 155.308.070 – Solid Waste/Recyclable Material Storage

### 155.308.010 – Lot Standards

#### A. Minimum Lot Area.

1. All newly-created lots must comply with the minimum lot area requirements for the applicable zoning district in Article 2 (Zoning District Standards) unless otherwise allowed by the Zoning Code. Minimum lot area requirements do not apply to existing lots.
2. Minimum lot area requirements do not apply to individual condominiums or townhouse units, but instead apply to the creation of the entire site that is the location of the condominium or townhouse project.
3. A lot line adjustment may not:
  - a. Reduce the area of an existing lot to less than the minimum area for the applicable zoning district; or
  - b. further reduce the lot area for existing lots that do not comply with the minimum lot area for the applicable zoning district.

#### B. Lot Dimensions and Configuration.

1. Lots are not subject to minimum width and depth requirements.
2. To approve a lot line adjustment or subdivision, the Director (or Planning Commission for subdivisions creating five or more lots) must find that the resulting lots, excluding remainder parcels, are “buildable.” A buildable lot means a lot with a building site that can reasonably accommodate a structure in compliance with the minimum setbacks, lot coverage, and other development standards for the applicable zoning district.

**C. Street Frontage and Access.****1. Residential Lots.**

- a. Newly created lots in a residential zoning district must have frontage on and take direct access from a public street, an alley, or recorded access easement.
- b. If vehicle access is not possible due to the location of existing buildings or other physical site features, the lot must be served by a minimum four-foot wide dedicated pedestrian accessway. Such cases must receive approval from the Fire Marshall of Humboldt Bay Fire District.

2. **Commercial or Industrial Lots.** Commercial or industrial lots must either have public-street frontage or appropriate access provided by way of common/reciprocal easement (e.g., a vehicle access easement in a shopping center parking lot).

**155.308.020 – Height Exceptions**

- A. Additional Story – Mixed-Use Zoning Districts.** In all mixed-use zoning districts, up to 20 percent of the building footprint may contain one additional story with habitable space above the maximum permitted building height. In no case may the project exceed the maximum floor area ratio in the applicable zone.
- B. Projections Allowed By-Right.** The following building features may project above the maximum permitted building height in the applicable zoning district. These projections are permitted by-right, with no discretionary permit required.
  1. Non-habitable decorative features such as spires, steeples, belfries, cupolas, and domes.
  2. Parapets, fire escapes, catwalks, and open guard rails required by law.
  3. Skylight, chimneys, and vent stacks.
  4. Photovoltaic panels and wind energy systems.
  5. Rooftop equipment and enclosures.
  6. Elevator shafts and stair towers.
  7. Building-mounted wireless telecommunications facilities as allowed by Chapter 159 (Wireless Telecommunication Facilities).
  8. Amateur radio facilities and receive-only radio and television antennas.
  - 8-9. Flag poles.
  - 9-10. Other similar building features as determined by the Director.

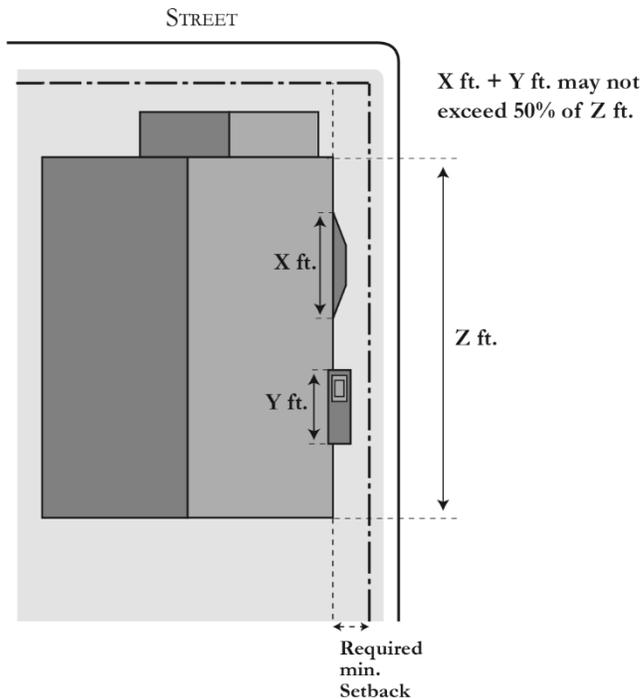
- C. **Maximum Height.** A projection above the maximum permitted building height may not exceed the maximum height necessary to perform its intended function as determined by the Director.

**155.308.030 – Setback Exceptions**

**A. Building Features.**

1. In residential zoning districts, the following building features may project a maximum of three feet into required setbacks, but may not cross property lines without an easement or encroachment permit:
  - a. Cornices, awnings, eaves, and other similar roof projections.
  - b. Bay windows, balconies, sills, louvers, fireplaces, chimneys, and similar wall projections.
  - c. Unenclosed balconies, decks, porches, stairways, fire escapes, and other emergency egress structures (all unenclosed).
  - d. On demand water heaters, utility meters and/or connections, and other equipment normally associated with a structure.
2. In residential zoning districts, the total length of all building wall projections (excluding eaves and other roof projections) in required setback areas may not exceed 50 percent of the length of the wall to which the projection is attached. See Figure 308-1.

**Figure 308-1: Maximum Length of Setback Projection**



3. Projections may not extend across a property line except as allowed by Paragraph (4) of this division.
4. In non-residential zoning districts a building feature may extend across a property line into the public right-of-way with an encroachment permit.

#### **B. Site Features**

1. The following site features and accessory structures may be located within required setbacks:
  - a. At-grade flatwork such as concrete paving and patios.
  - b. Landing places, patios, steps, and decks 18 inches or less above grade.
  - c. Wheelchair ramps and similar features for the disabled.
  - d. Trellis structures and arbors up to 10 feet in height and at least 50 percent transparent.
  - e. Retaining walls, seating, planter boxes and other similar landscaping features up to four feet in height.
  - f. Decorative ornamental features up to six feet in height.
  - g. Children's play equipment, movable dog house, and similar moveable objects.
  - h. Movable sheds, greenhouses, and other similar buildings without a foundation, less than 120 square feet, and without electrical, water, or sewer connections.
  - i. Rain harvest tanks up to eight feet in height.
  - j. Ground-mounted mechanical and utility equipment up to 36 inches in height.
2. The following accessory structures must be set back a minimum of five feet from side and rear property lines, and may not be located within a front or exterior side setback:
  - a. Swimming pools, hot tubs, spas, fire pits, outdoor kitchens, and other similar entertainment features.
  - ~~b. Emergency generators. must be set back a minimum of five feet from side and rear property lines, and may not be located within a front or exterior side setback.~~
- ~~2.3.~~ Fences and walls within required setbacks must comply with maximum height limitations in 155.320 (Fences and Walls).

#### **155.308.040 – Vision Clearance Area**

- A. General.** For the purpose of traffic safety, properties must provide vision clearance areas (also known as sight visibility triangles) at the intersections of streets, driveways, and alleys

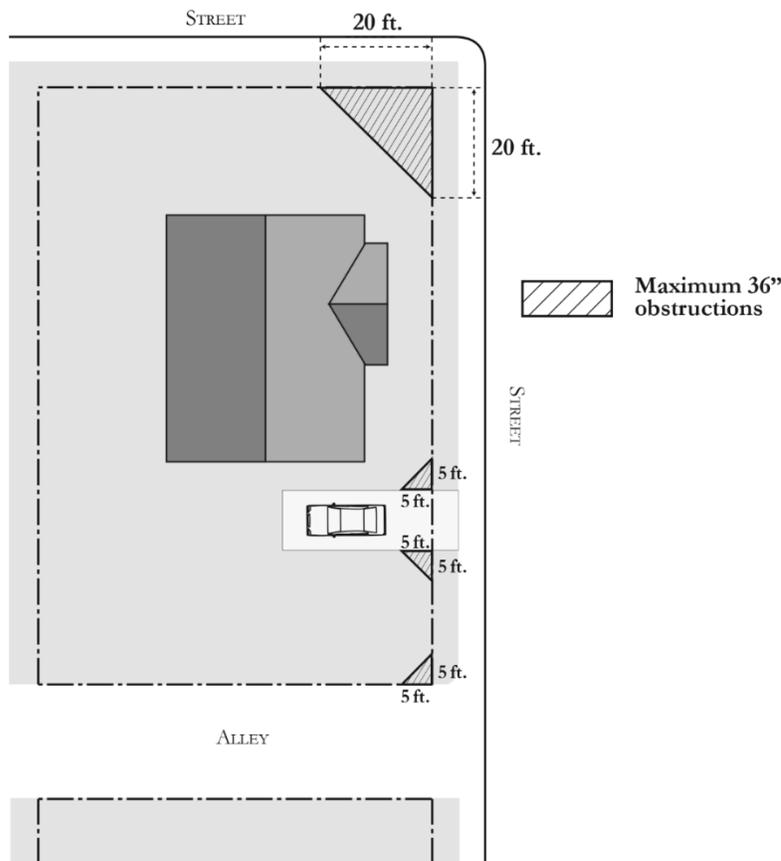
as required by this subsection and Municipal Code Section 71.55 (Height of Obstructions). These requirements apply only to fences, walls, landscaping, trees, signs, and other similar objects. These requirements do not apply to homes, garages, and other buildings that comply with the minimum setback standards of the applicable zoning district.

**B. Nonconformities.** Properties nonconforming to this subsection must be brought into conformance when required by 155.424.030 (Nonconforming Site Features).

**C. Vision Clearance Areas Defined.**

1. **Streets Intersections.** The intersection vision clearance area is the area formed by measuring 20 feet along the two intersecting corner lot lines from the point of intersection, and diagonally connecting the ends of the two lines. See Figure 308-2
2. **Driveways/Alleys.** The driveway/alley vision clearance area is the area formed by measuring five feet along the edge of the driveway/alley and the lot line from the point of intersection, and diagonally connecting the ends of the two lines. See Figure 308-2. Where no sidewalk is present, the lot line will be used.

**Figure 308-2: Vision Clearance Area**



- D. Maintenance of Sight Lines.** No fence, wall, landscaping, vehicle, or object over 36 inches in height may be placed within a vision clearance area, except as allowed by 155.308.040.G (Exceptions).
- E. Pruned Trees.** Trees pruned at least 10 feet above the established grade of the curb so as to provide clear view by motor vehicle drivers are permitted within a vision clearance area.
- F. One-Way Streets.** Vision clearance areas are ~~not~~ required at the intersection of one or more one-way streets where sight visibility triangles are ~~not~~ needed for traffic safety purposes, as determined by the Director.
- G. Exceptions.**
1. The Director, in consultation with the Public Works Director and Chief of Police, may approve an Administrative Adjustment to allow an exception to the vision clearance area requirement.
  2. To approve the Administrative Adjustment, the Director must make the findings in 155.412.030.F (Findings for Approval) and find that compliance with the vision clearance area standard is unnecessary for traffic safety.

#### 155.308.050 – Outdoor Lighting

- A. Purpose.** This subsection establishes standards for outdoor lighting to minimize light pollution, maintain enjoyment of the night sky, and reduce light impacts on adjacent properties.
- B. Applicability.** The standards in this subsection apply to all outdoor lighting in Eureka, ~~except:~~
- B.C. Exceptions.**
1. Lighting installed and maintained by the City, another public agency, or a public utility;
  2. Athletic field lights used within a school campus or public or private park;
  3. Temporary construction and emergency lighting; ~~and~~
  4. Seasonal lighting displays related to cultural or religious celebrations; and
  - 4.5. Low intensity string lights.-
- ~~**C. Exceptions—Administrative Adjustments.**~~
- ~~1. Low intensity string lights do not need to comply with this section.~~
- D.** The Director may approve an Administrative Adjustment to allow deviations from the standards in this subsection. To approve the Administrative Adjustment, the Director must make the findings in 155.412.030.F (Findings for Approval) and find that the modification to the lighting standard is necessary for public safety or security purposes.

- E. Nonconformities.** Properties nonconforming to this subsection must be brought into conformance when required by 155.424.030 (Nonconforming Site Features). This standard does not apply to single-family uses or interior remodels with no exterior changes to the structure.
- F. Fixture Types.** All lighting fixtures must be shielded or recessed so the lighting source is not directed toward other structures, adjoining properties, or ly visible from the public right-of-way or adjoining properties. All fixtures must meet the International Dark Sky Association's (IDA) requirements for reducing waste of ambient light ("dark sky compliant") and the California Green Building Standards Code.
- G. Light Trespass.**
1. Lights must be directed downward and away from adjacent lots to minimize illumination of adjacent properties and the public right-of-way to the maximum extent possible.
  2. Direct or sky-reflected glare from floodlights may not be directed into an adjacent property or the public right-of-way.
  3. No lighting may produce an illumination level greater than one foot-candle on any adjacent residential property.
- H. Prohibited Lighting.** The following types of exterior lighting are prohibited:
1. Bare bulbs without fixtures or hoods;
  2. Mercury vapor lights; and
  3. Searchlights, laser lights, or any other lighting that flashes, blinks, alternates, or moves.
- I. Parking Lot Lighting.** See 155.324.060.I (Lighting).
- J. Residential Zoning Districts.**
1. Light fixtures in any residential zoning district may not exceed a height of 16 feet. Motion sensor lights directed downward and away from adjoining properties and the right-of-way, may exceed the 16-foot height limitation.
  2. Multi-family residential development with more than four units must provide lighting along all on-site vehicular access ways and pedestrian walkways.
  3. Lighting of at least one-foot candle must be provided within all covered and enclosed parking areas serving multi-family uses.

#### 155.308.060 – Screening for Residential Zoning Districts

- A. Screening Requirement.** In the mixed use and industrial zoning districts, a solid wall or fence at least six feet high must be provided on all interior side and rear lot lines that abut a

residential zoning district. Bushes, vines, and other vegetation may be incorporated into the design of required fences.

- B. **Nonconformities.** Properties nonconforming to 155.308.060.A (Screening Requirement) must be brought into conformance when required by 155.424.030 (Nonconforming Site Features).
- C. **Parking Lot Screening.** See also 155.324.060.K (Screening) for parking lot screening standards.

### 155.308.070 – Solid Waste/Recyclable Material Storage

- A. **Purpose.** This subsection establishes standards for newly created solid waste and recyclable material collection and storage areas.
- B. **Applicability.** The standards in this subsection apply to all multi-family residential and non-residential uses.
- B.C. **Exceptions, except for:**
  1. Uses that ~~that~~ do not store solid waste/recyclable materials outdoors; ~~and~~
  2. ~~Uses Structures on sites~~ with an existing ~~or proposed~~ site coverage of 100 percent.
- C.D. **Nonconformities.** Uses nonconforming to the standards in 155.308.070 ~~E.D~~ (Standards) must be brought into conformance when required by 155.424.030 (Nonconforming Site Features).
- D.E. **Standards.**
  1. **Location.** Collection and storage areas may not be street-facing or located in a required parking space or landscape area.
  2. **Screening.** All outdoor collection and storage areas must be screened from view from any parking lot, street, or adjoining residential property by a fence or enclosure, compatible with adjacent architecture, with a minimum height of five feet for carts/cans, and seven feet for dumpsters.

## Section 155.312 – DESIGN STANDARDS

---

### Subsections:

- 155.312.010 – Purpose
- 155.312.020 – Applicability
- 155.312.030 – Exterior Materials
- 155.312.040 – Building Entries
- 155.312.050 – Architectural Features
- 155.312.060 – Blank Walls
- 155.312.070 – Garage Doors in Residential Zoning Districts

### 155.312.010 – Purpose

This section establishes design standards for new development in the residential and mixed-use zoning districts.

### 155.312.020 – Applicability

- A. **When Required.** This section applies to the following new development:
  - 1. **Residential Zoning Districts:** All new primary buildings in the R2 and R3 zoning districts and all new non-residential primary buildings in the R1 zoning district.
  - 2. **Mixed Use Zoning Districts:** All new primary buildings in the DT, DW, HC, WA, NC, and OR zoning districts.
- B. **Exempt Projects.** Projects exempt from this section include the following:
  - 1. Single-family homes, including accessory dwelling units and other structures accessory to a single-family home.
  - 2. Development in the Service Commercial (SC) and Hospital Medical (HM) zoning districts.
  - 3. Public infrastructure and public utility uses in any zoning district.
- C. **Street-Facing.** The standards in this section apply to all exterior street-facing portions of a building.
- D. **Equivalent Degree.**
  - 1. For buildings located on sites with multiple street frontages, such as buildings on corner or double frontage lots, each side of the building facing a street must feature:
    - a. An equivalent quality of materials; and
    - b. An equivalent degree and quality of detailing.

2. For example, on a corner lot, the quality and design detail of windows on the side of the building that faces the side street must be comparable to windows on the front building wall.

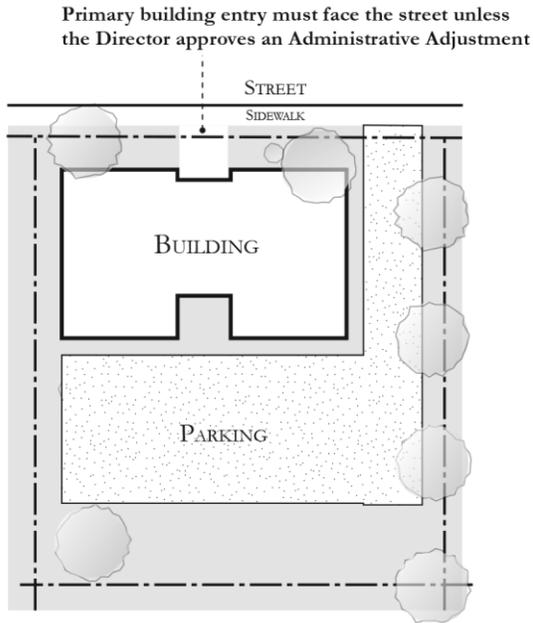
### 155.312.030 – Exterior Materials

- A. ~~High Quality Materials Required~~**Allowed**. All exterior materials used for additions and new construction of any primary building in the multi-family residential and mixed-use zoning districts, and non-residential primary buildings in the R1 zoning district, must allow for long-term durability and appearance. ~~The use of uninterrupted plywood siding (e.g., T1-11 panels, unfaced particle board, OSB) and/or vinyl as exterior siding material is prohibited except when allowed by 155.312.B (Plywood and Vinyl – When Allowed).~~
- B. ~~Plywood and Vinyl – When Allowed~~. Plywood siding and vinyl may be used as exterior siding material for building repairs and remodels where:
  1. ~~Plywood siding or vinyl is the existing exterior siding material; and~~
  2. ~~No more than 50 percent of the existing building exterior material is removed or replaced.~~
- ~~C.B.~~ **Board and Batten**. Vertically-oriented board and batten ~~siding~~ must consist of separate boards and battens ~~pieces~~ that are installed together onto the building wall. Pre-fabricated sheathing ~~or siding~~ that simulates the board and batten appearance is not allowed.
- ~~D.C.~~ **Stucco**. For all multi-family and non-residential buildings, stucco may be used for a maximum of 50 percent of the street-facing building wall. The calculation of the building wall area excludes windows, doors, and other building openings. This standard applies to all forms of exterior plaster, including stucco, concrete plaster, elastomer, and other related materials.

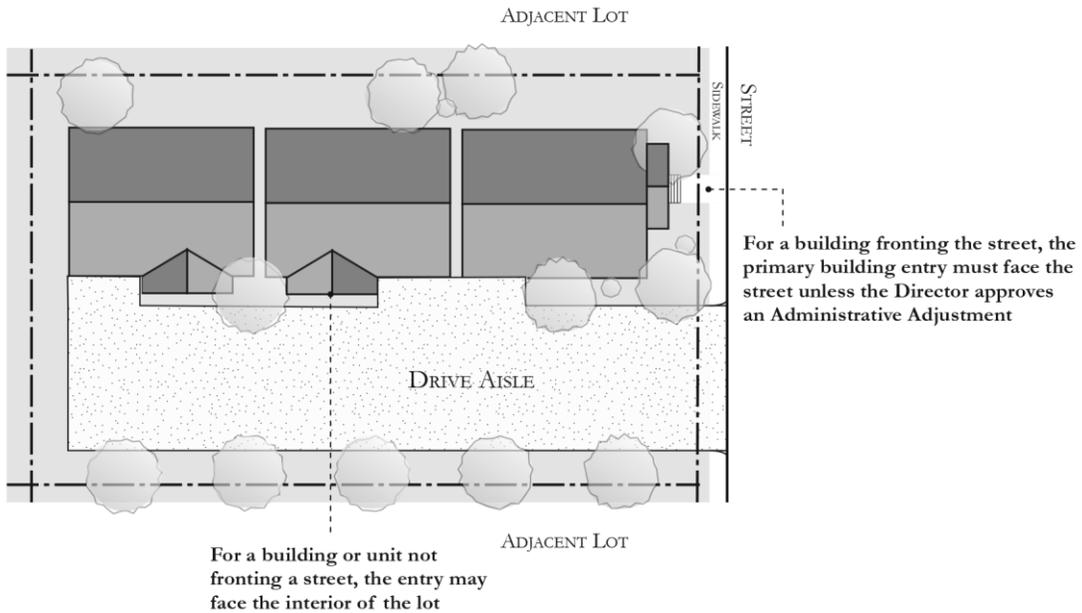
### 155.312.040 – Building Entries

- A. **Buildings with One Primary Entry**. For buildings with one primary entrance that provides interior access to multiple individual dwelling units or non-residential tenant spaces, the primary building entrance must face the street. See Figure 312-1.
- B. **Multiple Independent Entries**. On lots where units/tenant spaces have independent entrances, all ground floor units/tenant spaces with street frontage must have an entrance that faces the street. If any wall of a ground floor units/tenant space faces the street, the units/tenant space must comply with this requirement. For units/tenant spaces that do not front the street, entrances may face the interior of the lot. See Figure 312-2.

**Figure 312-1: Building Entry Orientation – Single Primary Entry**



**Figure 312-2: Building Entry Orientation – Multiple Primary Entries**



**C. Entrance Design.**

1. **Residential Projects.** A street-facing primary entrance to residential buildings must feature a porch, covered entry, or recessed entry clearly visible from the street to give the entrance prominence. Entrances must be connected to the adjacent sidewalk with a pedestrian walkway. Recessed entries must feature design elements that call attention to the entrance such as ridged canopies, contrasting materials, crown molding, decorative trim, or a 45-degree cut away entry. This standard does not apply to secondary or service entrances.
2. **Non-Residential Projects.** Primary entrances to non-residential and mixed-use buildings must be emphasized and clearly recognizable from the street. Methods to achieve this result include:
  - a. Projecting non-fabric awnings or canopies above an entry (covered entry);
  - b. Taller building mass above an entry, such as a tower that protrudes from the rest of the building surface;
  - c. Special corner building treatments, such as a rounded or angled facets on the corner, or an embedded corner tower, above the entry;
  - d. Special architectural elements, such as columns, porticos, overhanging roofs, and ornamental light fixtures;
  - e. Projecting entries or projecting bays in the facade;
  - f. Recessed entries or recessed bays in the facade; and
  - g. Changes in roofline or articulation in the surface of the subject wall.

**D. Exceptions.**

1. Where a building or ground floor unit/tenant space has frontage on two streets (e.g. on a corner), only one of the two sides must have an entrance.
2. The Director may allow an exception to the building entry requirement in this subsection with an Administrative Adjustment.
3. To approve the Administrative Adjustment, the Director must make the findings in 155.412.030.F (Findings for Approval) and find that:
  - a. A street-facing entry is infeasible due to grading requirements;
  - b. The street-facing building wall incorporates architectural features and design details beyond the minimum requirements in 155.312.050 (Architectural Features); and
  - c. The exception allows for a clearly superior project to that which can be achieved while complying with the building entry requirement.

**155.312.050 – Architectural Features**

A. **Options for Architectural Features.** New buildings must incorporate at least two of the following architectural features on the street-facing portions of buildings (e.g. “Roof Form Variation” and “Horizontal Articulation” or “Projecting Bay Windows” and “Masonry Façade”). See 155.312.050.B (Rules for Measurement of Architectural Features) for rules to measure each type of architectural feature.

**1. Roof Form Variation.**

- a. At least 25 percent of the linear frontage of the building’s street-facing **building** roof line incorporates at least one element of variable roof form that is different from the remainder of the street-facing roof form. See Figure 312-3. The following are examples of how to meet this requirement:
  - (i) Recessed or projecting gabled roof elements.
  - (ii) Roof dormers.
  - (iii) Changes in roof heights.
  - (iv) Changes in direction or pitch of roof slopes.
  - (v) Other similar methods.
- b. The rule to measure this architectural feature is provided in 155.312.050.B.1.

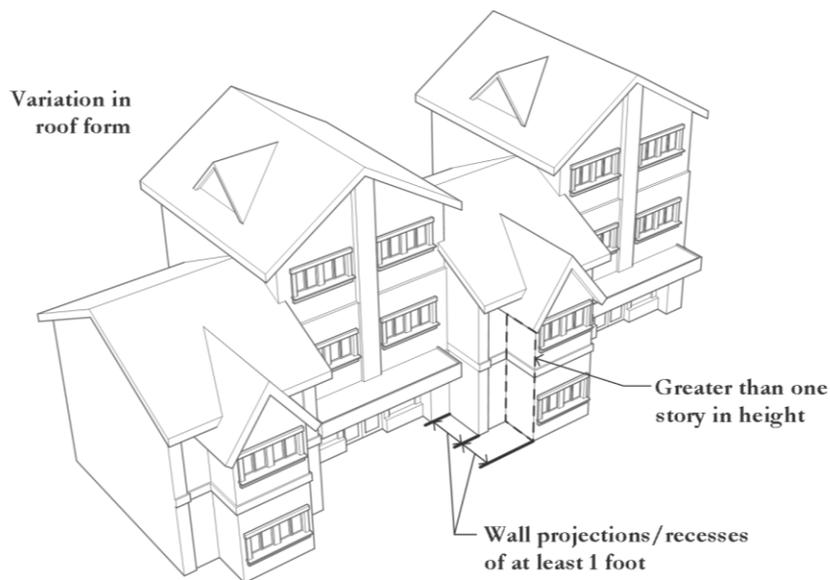
**2. Roof Detail and Ornamentation.**

- a. At least 80 percent of the linear frontage of the building’s street-facing roof line incorporates roof detail and/or ornamentation. The following are examples of how to meet this requirement:
  - (i) Parapet wall that is an average of at least one-foot tall and has a cornice.
  - (ii) Periodic and articulated corbelling or dentils.
  - (iii) An ornamental soffit.
  - (iv) A projecting roof eave with decorative fascia and eave returns.
  - (v) A projecting roof eave with exposed rafters.
  - (vi) An offset gable clearstory.
  - (vii) A half story in which the building features a habitable uppermost story lighted by dormer windows where a sloping roof replaces the upper part of the front wall.
  - (viii) Other similar methods.
- b. The rule to measure this Architectural Feature is provided in 155.312.050.B.1.

### 3. Horizontal Articulation.

- a. At least 25 percent of the linear frontage of the ground floor street-facing building wall has a projection or recess of at least one-foot deep. If located on a building with two or more stories, the articulated elements must be greater than one story in height. See Figure 312-3. Horizontal articulation may also include an articulated corner tower, angled facet, or other special articulated corner treatments.
- b. The rule to measure this Architectural Feature is provided in 155.312.050.B.1.

**Figure 312-3: Roof Form Variation and Horizontal Articulation**



### 4. Cantilevered Upper Story.

- a. For at least 25 percent of the linear frontage of the street-facing building wall, an upper story building wall projects at least two feet from the ground floor building wall.
  - b. Traditional designs must include decorative features such as knee braces. Contemporary, minimalistic designs do not require decorative features.
  - c. The rule to measure this Architectural Feature is provided in 155.312.050.B.1.
5. **Balconies.** At least 20 percent of the linear frontage of the street-facing building wall contains at least one-above-ground balcony. Each balcony must be either:
- (i) A traditional balcony that is at least four feet in depth; or
  - (ii) A Juliet balcony that is served by French doors and that includes metal or glass railings that allow unobstructed visibility.

- b. The rule to measure this Architectural Feature is provided in 155.312.050.B.1.

**6. Projecting Windows.**

- a. At least 25 percent of all windows on the street-facing building wall consist of projecting windows. The furthest extent of each projecting window must project at least one foot from the building wall. This requirement may be satisfied with bay windows, oriel windows, bow windows, canted windows, and other similar designs.
- b. The rule to measure this Architectural Feature is provided in 155.312.050.B.2.

**7. Window Trim.**

- a. At least 75 percent of all windows on the street-facing building wall feature trim that surrounds the entire window and meets one or more of the following criteria:
  - (i) Crown molding projects at least two inches from the building wall.
  - (ii) Trim material visually contrasts with the building wall.
  - (iii) Sill projects at least two inches from the building wall.
- b. Trim material must be constructed of materials such as wood, fiber cement board, brick, stone, stucco, concrete, or cellular PVC. Foam does not meet this requirement.
- c. The rule to measure this Architectural Feature is provided in 155.312.050.B.2.

**8. Recessed Windows.**

- a. At least 75 percent of all windows on the street-facing building wall are recessed at least four inches from the building wall.
- b. The rule to measure this Architectural Feature is provided in 155.312.050.B.2.

**9. Rigid Window Coverings.**

- a. At least 50 percent of all windows on the street-facing building wall have rigid window coverings, such as rigid awnings, shade devices, above-window cornices or crowns, projecting arches, or other window coverings of equivalent quality. Flexible materials such as fabric and vinyl do not satisfy this requirement.
- b. The rule to measure this Architectural Feature is provided in 155.312.050.B.2.

**10. Masonry Façade.**

- a. At least 40 percent of the street-facing building wall surface area is covered in masonry such as brick, stone, terrazzo, ceramic tile, or comparable material. Exposed cinder block does not satisfy this requirement.
- b. The rule to measure this Architectural Feature is provided in 155.312.050.B.3.

**11. Wood Façade.**

- a. At least 40 percent of the street-facing building wall surface area is covered in high-grade wood that is finished with a clear sealer or semi-transparent stain. Wood may not be painted or finished with an opaque stain. Faux wood products made from synthetic materials, including vinyl, cellular PVC, and fiber cement do not satisfy this requirement.
- b. The rule to measure this Architectural Feature is provided in 155.312.050.B.3.

**12. Glass Façade.**

- a. At least 40 percent of the street-facing building wall surface area is covered in glass, including window glass.
- b. The rule to measure this Architectural Feature is provided in 155.312.050.B.3.

**13. Cladding Materials Façade.**

- a. At least 40 percent of the street-facing building wall surface area is covered in, concrete tile, stone, ceramic, high-grade metal, or comparable material.
- b. The rule to measure this Architectural Feature is provided in 155.312.050.B.3.

**14. Living Wall.**

- a. At least 20 percent of the street-facing building wall surface area is covered in a directly integrated living wall or building integrated vegetation. Plans submitted for living walls and building integrated vegetation must include a long-term maintenance plan that includes documentable evidence of on-going maintenance and operation strategies to ensure the long-term viability of the wall. Living walls and building integrated vegetation must include an integrated water delivery system.
- b. The rule to measure this Architectural Feature is provided in 155.312.050.B.3.

**15. Combination of Materials Façade.**

- a. At least 40 percent of the street-facing building wall surface area is covered in a combination of two or more of the following materials: masonry, stone, high-grade wood, glass, metal/ceramic cladding, or living wall. Materials used to satisfy this requirement must comply with requirements in paragraphs 10-14 above (excluding wall area percentage requirements in these paragraphs).
- b. The Combination of Materials Façade option may not be double-counted with any of the other façade materials options (i.e. Masonry Façade, Glass Façade, Cladding Façade, or Living Wall) to satisfy the Architectural Features requirement. For example, a building wall that is 40 percent masonry and 10 percent wood siding can qualify for Combination of Materials Façade, but cannot simultaneously qualify for Masonry Façade. However, a wall that is 20 percent masonry, 20

percent living wall, and 40 percent glass may satisfy two Architectural Features requirements, with the masonry and living wall satisfying the Combination of Materials option and the glass satisfying the Glass Façade option.

- c. The rule to measure this Architectural Feature is provided in 155.312.050.B.3.

**B. Rules for Measurement of Architectural Features.** The architectural features in 155.312.050.A (Options for Architectural Features) are measured as follows:

**1. Percent of Linear Frontage.**

- a. Percent of linear frontage is used to measure Roof Form Variation, Roof Detail and Ornamentation, Horizontal Articulation, Cantilevered Upper Story, and Balconies.
- b. Percent of linear frontage is calculated by measuring the total horizontal length of the frontage of a building's street-facing wall relative to the total horizontal length of the Architectural Feature to be evaluated. For example, a three-story building with a street-facing wall that is 100 feet long has a total horizontal length of 100 feet. If that building has a cantilevered section on the second floor that has a 25-foot horizontal length, then the cantilevered section constitutes 25 percent of the street-facing wall's linear frontage (25 divided by 100). In this case, the building meets the criteria for Cantilevered Upper Story. Alternatively, if a two-story building with a 50-foot total horizontal length had two separate 20-foot long balconies on the second floor, then 80 percent of the street-facing wall's linear frontage contains balconies (40 divided by 50). In this case, the building exceeds the criteria for Balconies.

**2. Percent of All Windows.**

- a. Percent of all windows is used to measure Projecting Windows, Recessed or Protruding Windows, Window Trim, and Rigid Window Coverings.
- b. Percent of all windows is calculated by counting the total number of windows on the building's street-facing wall and then dividing that number into the Architectural Feature to be evaluated. For example, a building wall that contains 100 windows, 75 of which are recessed from the building wall, has 75 percent recessed windows. In this case, the building meets the criteria for Recessed Windows.

**3. Percent of Street-facing Building Wall Surface Area.**

- a. Percent of street-facing building wall surface area is used to measure Masonry Façade, Wood Façade, Living Wall, Glass Façade, Cladding Materials Façade, and Combination of Materials Façade.
- b. Percent of street-facing building wall surface area is the total area of the building's street-facing wall relative to the total surface area of the Architectural Feature to be evaluated. The building wall area measurement includes doors,

windows, and other openings within the wall area. For example, a building wall that is 100 feet long and 30 feet high has a total surface area of 300 square feet (including the wall's windows and doors). If that same wall includes a section of exposed brick that is 50 feet long and 30 feet high, then 50 percent of the total wall surface area has a masonry façade. The 50 percent calculation may include windows and doors inset into brick wall material. In this example, the building meets the criteria for Masonry Façade. A street-facing building wall that is at least 80 percent glass may double-qualify as satisfying two Architectural Features. No other materials (such as masonry, green wall, or cladding) may double-qualify as satisfying two Architectural Features.

#### **155.312.060 – Blank Walls**

- A. **Maximum Blank Wall Area.** The area of a blank building wall fronting a public street may not exceed a square area where the height and width are both 10 ft. See Figure 312-4.
- B. **Breaks in Blank Walls.**
  1. A break in a blank building wall may be provided by any of the following:
    - a. Doors, windows, or other building openings.
    - b. Building projections or recesses, doorway and window trim, or other details that provide architectural articulation and design interest.
    - c. Varying wall planes where the wall plane projects or is recessed at least six inches.
    - d. Non-fabric awnings, canopies or arcades.
    - e. Substantial variations in building material. For example, adding brick or stone veneer to a stucco building or changing from vertically-oriented board and baton style siding to horizontally-oriented lap siding.
    - f. A living wall as defined in 155.312.050.
  2. The following do not qualify as a break in blank wall:
    - a. Variation in exterior building wall color.
    - b. Vegetation or landscaping.
    - c. Mechanical appurtenances such as water heaters, vents, or utility meters.
    - d. Gutters.

**Figure 312-4: Blank Walls**



**155.312.070 – Garage Doors in Residential Zoning Districts**

In residential zoning districts garage doors may occupy no more than 40 percent of a building's street frontage. See Figure 312-5.

**Figure 312-5: Maximum Garage Door Width**



*This page is intentionally blank*

## Section 155.316 – ACCESSORY DWELLING UNITS

---

### Subsections:

[155.316.010 – Purpose](#)

[155.316.020 – Permits Required](#)

[155.316.030 – Where Allowed](#)

[155.316.040 - Number of Accessory Dwelling Units.](#)

[155.316.050 - Accessory Dwelling Units as Transient Lodging.](#)

[155.316.060 – Site and Design Standards](#)

### 155.316.010 – Purpose

This section establishes standards for accessory dwelling units in conformance with Government Code Section 65852.2 [and Junior Accessory Dwelling Units in conformance with Government Code Section 65852.22](#). These standards are intended to allow for accessory dwelling units as an important form of affordable housing, while preserving the character and integrity of Eureka's residential [uses and](#) neighborhoods.

### 155.316.020 – Permits Required

- A. **Zoning Clearance.** Accessory dwelling units consistent with the requirements of this section are allowed by-right with a Zoning Clearance.
- B. **Time Limit to Act.** The City shall complete its review of an accessory dwelling unit application requiring a Zoning Clearance and approve or deny the application within ~~1260~~ days after receiving the application.

### 155.316.030 – Where Allowed

~~An accessory dwelling unit is are permitted on any lot in any zoning district where detached single- or multi-family homes dwellings are a permitted land use. ~~In mixed-use zoning districts, accessory dwelling units are allowed only on lots with a single-family detached dwelling existing as of June 20, 2019.~~~~

### [155.316.040 -- Number of Accessory Dwelling Units.](#)

#### [A. Single Family Dwelling.](#)

- [1. On a lot with an existing or proposed single-family dwelling, the following maximum number of accessory dwelling units are allowed:](#)
  - [a. One attached or detached accessory dwelling unit; and](#)

b. One junior accessory dwelling unit pursuant to Government Code 65852.22.

**B. Multi-family Dwelling.**

1. On a lot with an existing multi-family dwelling, the following maximum number of dwelling units are allowed:

a. Not more than two detached accessory dwelling units; and

b. One or more accessory dwelling units, within a portion of the existing structure that is not used as habitable space. For example, existing garage, storage room, boiler room, passageway, attic, or basement areas that are not used as habitable space may be converted to an accessory dwelling unit.

~~155.316.040~~ **155.316.050 - Accessory Dwelling Units as Transient Lodging** ~~in Existing Space~~

An accessory dwelling unit or junior accessory dwelling unit in a residential or mixed-use zoning district may not be converted to, or utilized as, a short-term, transient, vacation rental or lodging if the accessory dwelling unit or junior accessory dwelling unit was granted a certificate of occupancy after January 1, 2020, created within an existing primary dwelling, garage, or other accessory structure is permitted, regardless of all other standards in this section if the accessory dwelling unit:

~~155.316.050~~ **155.316.060 – Site and Design Standards**

**A. General Standards.**

1. Accessory dwelling units are not included in density calculations, are considered residential uses, and may count as a dwelling unit for purposes of identifying adequate sites for housing.
2. Accessory dwelling units may be rented, but not sold, except as provided by California Government Code 65852.26.
3. Accessory dwelling units must comply with the state building standards for dwellings as determined by the Building Official.
4. The floor area of an accessory dwelling unit (either attached or detached) may not be less than the floor area required for an efficiency dwelling unit.

**B. Height, FAR, and Site Coverage.**

1. Accessory ~~dwelling~~ units are subject to the same height, FAR, and site coverage standards that apply to primary dwellings on the lot in the applicable zoning district.
2. Provided an accessory dwelling unit complies with the height and accessory dwelling unit setback standards for the zoning district in which it is located, FAR and site coverage standards do not apply to the accessory dwelling unit.

**A.**

**~~B. One Primary Residence on Lot.~~**

- ~~1. An accessory dwelling unit is permitted only when one detached single-family home is present on a lot or is constructed concurrently with the accessory dwelling unit.~~
- ~~2. Accessory dwelling units are not permitted on lots with multi-family or mixed-use residential development.~~

**~~C. Number of Accessory Units.~~** No more than one accessory dwelling unit is permitted on a single lot.**~~D.C. Relationship to Dwelling Residential Structures.~~**

1. An accessory dwelling unit may be within, attached to, or detached from ~~the a~~ single- or multi-family ~~residential structuredwelling~~.
2. An accessory dwelling unit ~~or junior accessory dwelling unit~~ must have ~~its own~~ kitchen, ~~and~~ bathroom facilities ~~that are~~ies, and ~~entrance~~, separate from the primary dwelling, except as allowed by Paragraph (3) of this division.
- ~~3. The City will allow~~ ~~A j~~ Junior ~~a~~ Accessory ~~d~~ Dwelling ~~U~~ unit ~~may have an efficiency kitchens~~ as defined in Government Code Section 65852.22 ~~(a) (6) with an efficiency kitchen~~. Bathroom facilities, but not the efficiency kitchen, may be shared with the primary dwelling.

~~3.~~

**~~D. Maximum Unit Size.~~**

- ~~1. Junior Accessory Dwelling Unit.~~ The floor area of a junior accessory dwelling unit may not exceed the maximum allowed by Government Code Section 65852.22.
- ~~2. Accessory Dwelling Unit.~~
  - ~~a. Existing accessory structure 1,050 square feet or less.~~ When an existing accessory structure with a floor area 1,050 square feet or less is converted to an accessory dwelling unit, the floor area may be increased up to a maximum of 1,200 square feet.
  - ~~b. Existing accessory structure greater than 1,050 square feet.~~ The physical dimensions of an existing accessory structure with a floor area greater than 1,050 square feet may be increased by not more than 150 square feet, but only for the purpose of providing ingress or egress.
  - ~~c. New construction.~~ The floor area of a new accessory dwelling unit (~~both either~~ attached ~~or~~and detached) may not exceed 1,200 square feet.

**~~E. Maximum allowed unit size on a specific property may be less than 1,200 square feet due to floor area ratio, setbacks, and other site constraints.~~**

**F.E. Existing Home Designated as Accessory Unit.** If a lot contains an existing single-family home less than 1,200 square feet, the existing home may be designated as an accessory dwelling unit as part of a project to construct a new single-family home on the lot.

**G.F. Lot Line Setbacks.**

- ~~1. Accessory dwelling units must comply with the minimum setbacks that apply to primary dwellings in the applicable zoning district except as provided in Paragraph (2) of this division.~~
1. **Residential Zones.** Accessory dwelling units are subject to setbacks as provided in 155.204 Table 204-2 and Table 204-3.
2. **Mixed Use Zones.** Accessory dwelling units are subject to the setbacks as provided in 155.208 Table 208-2.
- ~~2.3. **Second Floor or Conversion.** No additional setbacks are required for an existing ~~accessory~~ structure that is converted to an accessory dwelling unit, or for an accessory dwelling unit constructed above an existing garage structure.~~
- ~~3. New accessory dwelling units above garages must comply with the same setback requirements as the garage to which it is attached.~~

**H.G. Parking.**

1. On-site parking is not required for accessory dwelling units.
2. When an existing covered parking space is eliminated in conjunction with the creation of an accessory dwelling unit, replacement parking is not required for the eliminated parking space.

**H. Historic Review.**

New construction of an accessory dwelling unit, or exterior alterations or additions to add an accessory dwelling unit to an existing structure on a property listed on the Local Register of Historic Places shall comply with Eureka Municipal Code Chapter 157.

**I. Nonconformities.**

New construction, exterior alterations or additions for an accessory dwelling unit are not subject to the provisions required by 155.424 (Nonconformities).

**I. Accessory Units and Multi-Family Uses.**

- ~~1. In the multifamily zoning districts and commercial zoning districts, an accessory dwelling unit may be added to a lot with one existing detached single family dwelling. The accessory dwelling unit may be attached to or detached from the single family dwelling. Regardless of the configuration, the two resulting units are considered a single family use with an accessory dwelling unit, not a duplex. The two units are not subject to the requirements that apply to multi-family uses.~~
- ~~2. A lot may contain only one accessory dwelling unit. If one or more additional units are added to a lot with an existing single family dwelling and an existing accessory dwelling unit, all units are considered a multi-family use. However, the original single family home and accessory dwelling unit are not required to retroactively comply with multi-family standards (e.g. parking), or development fees. New units added to the existing single family dwelling and accessory dwelling unit must comply with all requirements that ordinarily apply to multi-family uses.~~

## Section 155.320 – FENCES AND WALLS

---

### Subsections:

- 155.320.010 – Purpose and Applicability
- 155.320.020 – Required Permits and Approvals
- 155.320.030 – Measurement of Fence and Wall Height
- 155.320.040 – Maximum Height
- 155.320.050 – Materials
- 155.320.060 – Nonconforming Fences and Walls

### 155.320.010 – Purpose and Applicability

This section establishes standards for fences and walls in all zoning districts.

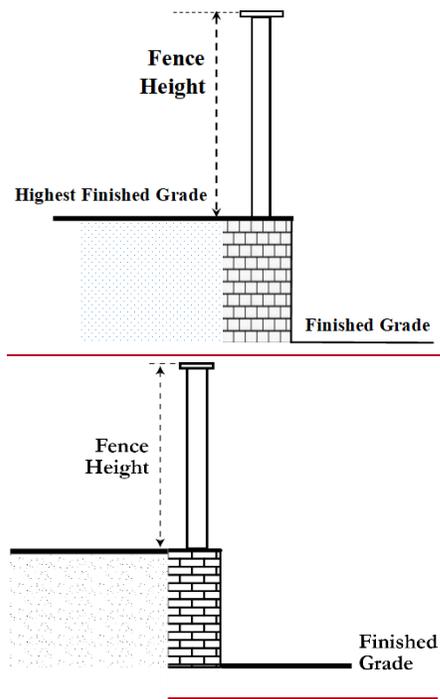
### 155.320.020 – Required Permits and Approvals

- A. **No Department Approval Required.** Fences and walls consistent with this section are permitted by-right without the need to obtain a Zoning Clearance or other Department approval, unless otherwise stated.
- B. **Building Permit.** Fences and walls may require a Building Permit as required by California Building Code.
- C. **Encroachment Permit.** Fences and walls in the public right-of-way require an Encroachment Permit approved by the Public Works Department.

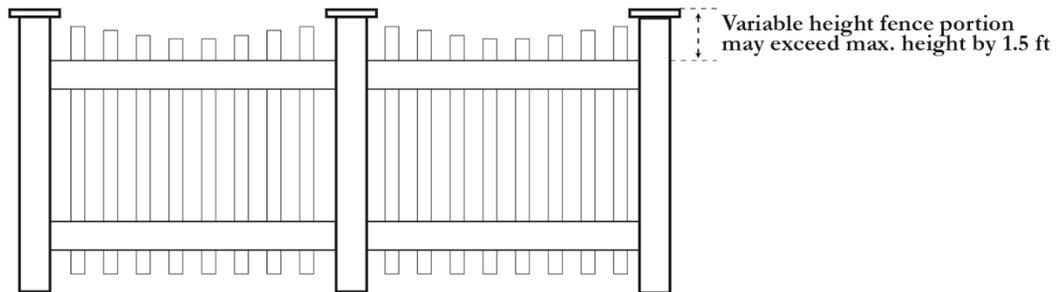
### 155.320.030 – Measurement of Fence and Wall Height

- A. **Measurement of Height.**
  - 1. The height of a fence or wall is measured as the vertical distance from the highest finished grade at the base of the fence or wall to the top edge of the fence or wall. See Figure 320-1.
  - 2. Fence or wall height includes any materials directly attached to the fence or wall.
- B. **Variable Height Fences.** If the height of a fence varies due to features integral to the overall fence design, variable height elements of the fence may exceed the allowed height by a maximum of one-foot six-inches. See Figure 320-2.

**Figure 320-1: Measurement of Fence Height**



**Figure 320-2: Variable Fence Height**



- C. **Fences on Walls.** If a fence is atop a wall, the fence height is measured from the base of the wall or the sidewalk, whichever results in a greater height, except as allowed by 155.320.030.D (Different Finished Grades).
- D. **Different Finished Grades.** If the adjacent finished grade is different on opposite sides of a fence or wall, the height is measured from the side with the highest finished grade to the highest point on the fence or wall.

**155.320.040 – Maximum Height**

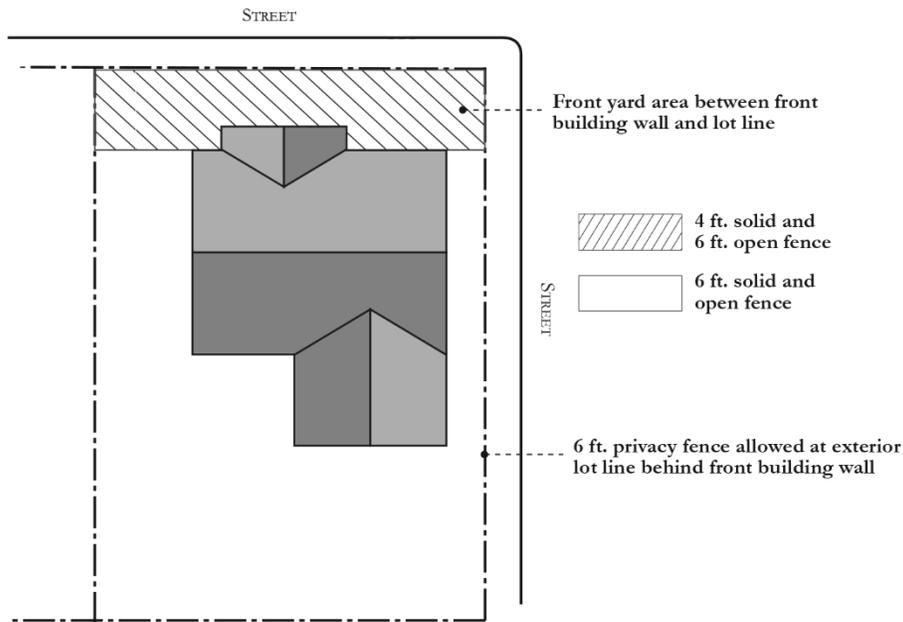
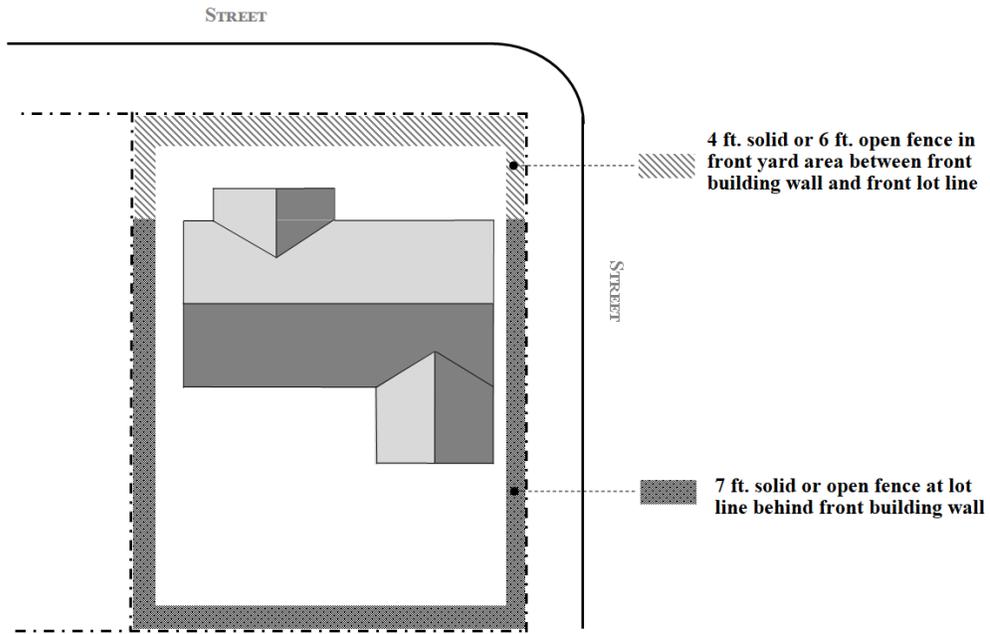
**A. Maximum Height.** Fences and walls may not exceed the maximum height shown in Table 320-1 and Figure 320-3.

|

**Table 320-1: Allowed Fence Height**

	Maximum Height [1]	
	Solid Fence	Open Fence [2]
Residential Zones		
Front yard area between front building wall and front lot line	4 ft [3]	6 ft.
All other areas on lot	<del>7</del> 6 ft.	<del>7</del> 6 ft.
Mixed Use Zones - Any location on lot	8 ft. [4]	8 ft.
Industrial, Public Facilities, and Resource Related Zones - Any location on lot	12 ft.	12 ft.
<p><b>Notes:</b>                      [1] Fences exceeding 7 feet require a Building Permit and engineered plans.                      [2] Open fences must <del>be utilize decorative masonry, ornamental steel or</del> wrought iron, <del>brick, stone, or wood, or other high-quality decorative material</del> and <del>be</del> at least 70 percent open to the passage of light and air. Chain link and other <del>woven</del> wire fence materials are not allowed within minimum required front and street side setbacks in the residential zoning districts and are not allowed between a building and the street in the mixed-use zoning districts.                      [3] See 155.308.040 (Vision Clearance Area) for height limitations at street intersections and when adjacent to driveways and alleys.                      [4] Solid fences are not allowed between a building and the street in the mixed-use zoning districts.</p>		

~~**A. Exterior Side Setback Exception.** Where an existing building wall is located within five feet of an exterior side lot line in a residential zoning district, a six-foot solid fence is allowed on the lot line from the back of the home to the rear lot line. See Figure 320-3.~~



**B. Vision Clearance Area.** Walls and fences shall comply with the vision clearance area requirements in 155.308.040 (Vision Clearance Area).

**155.320.050 – Materials**

Table 320-2 identifies prohibited fence materials.

**Table 320-2: Prohibited Fence Material**

Fence Material	Where Prohibited
Barbed wire	All zoning districts except for industrial and resource-related zoning districts
Razor or concertina wire	All zoning districts, except when protecting critical infrastructure as determined by the Public Works Director
Electrified fence	All zoning districts except for resource-related zoning districts
Chain link and other <u>woven</u> wire fencing	Within minimum required front and street side setbacks in the residential and <u>between a building and the street in</u> mixed-use zoning districts
Nails, broken glass, or other similar hazardous objects on the top of fence or wall	All zoning districts

**155.320.060 – Nonconforming Fences and Walls**

Existing fences and walls that do not comply with this section may remain and may be repaired and modified in accordance with 155.424.030.E (Repairs and Modifications).

## Section 155.324 – PARKING

---

### Sections:

- 155.324.010 – Purpose
- 155.324.020 – Applicability
- 155.324.030 – Number of On-Site Parking Spaces Required
- 155.324.040 – Reductions and Alternatives to Automobile Parking
- 155.324.050 – General Requirements
- 155.324.060 – Parking Design and Development Standards
- 155.324.070 – Bicycle Parking
- 155.324.080 – Parking Lot Landscaping

### **155.324.010 – Purpose**

This section establishes on-site parking requirements to:

- A. Provide on-site parking spaces for existing and new land uses in a manner that promotes infill development, supports a pedestrian-friendly environment, and maintains Eureka’s unique sense of place;
- B. Provide for functional on-site parking areas that are safe for vehicles and pedestrians;
- C. Ensure that parking areas are well-designed and contribute to a high-quality design environment in Eureka;
- D. Maintain a sufficient supply of parking on an area-wide basis, with less concern for the number of parking spaces provided on each individual lot or land use;
- E. Allow for flexibility in on-site parking requirements to support a multi-modal transportation system and sustainable development pattern;
- F. Encourage the construction of new housing and conversion of existing underutilized commercial properties to residential use;
- G. Support and encourage low carbon emission vehicles, bicycle transportation, car-sharing, and other new and innovative transportation options;
- H. Support a vibrant and dynamic local economy with flexible parking requirements;
- I. Ensure that on-site parking areas do not adversely impact land uses on neighboring properties; and
- J. Support a pedestrian-friendly streetscape design, walkable neighborhoods, and active and inviting mixed-use districts.

**155.324.020 – Applicability**

- A. **Parking Required.** On-site parking must be provided as required by this section except when:
1. Exempted by this subsection; or
  2. Reduced by 155.324.040 (Reductions and Alternatives to Automobile Parking).
- B. **Residential Use Exemptions.** The following residential uses are exempt from on-site parking requirements:
1. Accessory dwelling units.
  2. New residential units 500 square feet or less, regardless of the size of the overall structure.
  3. New residential units that are deed restricted to households earning 50 percent or less of the Humboldt County area median income.
  4. New construction or conversion of existing non-residential space to create eight or fewer residential units in the Downtown (DT), Downtown West (DW), and Hinge Industrial (HN) zoning districts. Where nine or more new units are created, parking must be provided only for the units in excess of eight. This parking exemption applies to exempt units in perpetuity regardless of future development on the site.
  5. New construction or conversion of existing non-residential space to create four or fewer residential units in a mixed-use project in the Henderson Center (HC), Neighborhood Commercial (NC), Wabash Avenue (WA), Office Residential (OR), Hospital Medical (HM), and Service Commercial (SC) zoning districts.
  6. Division of an existing residential unit to create one or more additional residential units.
  7. Conversion of existing covered parking to create one or more additional residential units. When a covered parking space is eliminated to create an additional residential unit, replacement parking is not required for the eliminated parking space.
- C. **Non-Residential Use Exemptions.** The following non-residential uses are exempt from on-site parking requirements:
1. New construction of a building less than 1,000 square feet.
  2. New construction on lots less than 4,000 square feet.
  3. Existing non-residential buildings enlarged by less than 1,000 square feet.
  4. All new construction in the Downtown (DT), Downtown West (DW), Henderson Center (HC), and Hinge Industrial (HN) zoning districts and in the Neighborhood Market (NMO) overlay zone.

PARKING

5. All new construction within the Parking Assessment District. See Figure 508-4 in 155.508 (Glossary) for Parking Assessment District boundaries.
  6. In all zoning districts, a change from an existing non-residential use to a different non-residential use within an existing building.
- D. **Enlargements.** Where parking is required for an enlarged building, additional parking is required only to serve the enlarged area. Additional parking is not required to remedy parking deficiencies existing prior to the enlargement.

**155.324.030 – Number of On-Site Parking Spaces Required**

- A. **Vehicle Spaces Required.** On-site parking for motor vehicles must be provided in the quantities specified in Table 324-1, except as otherwise provided in this section.

**Table 324-1: Required Vehicle Parking Spaces**

Land Use	Number of Required Parking Spaces
<b>Residential</b>	
All residential uses except those listed below [1]	1 per unit
Accessory Dwelling Unit	None required
Farmworker Housing	0.25 per bed
Medical Care Housing	0.5 per bedroom
Micro/Shared Housing	0.25 per bedroom
Non-Medical Care Housing	0.25 per bedroom
<b>Commercial and Office</b>	
All commercial uses except those listed below [1]	1 per 500 sq. ft.
Day Care Facility	None
Family Day Care Home	None beyond that required for residential use
Kennel-Animal Boarding	1 per 2,000 sq. ft.
Commercial Lodging	0.75 per room
<del>Residential Lodging</del> Vacation Rental	None beyond that existing for residential use
Hospitals	None
Outdoor Commercial Recreation	For sites less than 1 acre, 1 per 5,000 sq. ft. of outdoor space available to customers; for sites over one acre, 1 per 15,000 sq. ft. of outdoor space available to customers
Parking Lots and Structures	None required
Vehicle Repair, Towing, and Impound	1 space per 1,000 sq. ft. of non-service bay floor area plus 2 spaces per service bay
<b>Industrial and Storage</b>	
All industrial and storage uses except those listed below [1]	1 per 2,000 sq. ft.
Manufacturing, Artisan	1 per 1,000 sq. ft.
Mini-Storage	1 per 4,000 sq. ft.
<b>Civic and Recreation</b>	
All civic and recreation uses except those listed below [1]	1 per 500 sq. ft.
Elementary and Middle School	1.25 per classroom plus 1 per 500 square feet

Land Use	Number of Required Parking Spaces
	of administrative office space
High School	5 per classroom
Colleges and Trade Schools	1 per every 4 fixed seats or 1 per 200 sq. ft. of assembly or classroom area, whichever is less
Emergency Shelter	As determined by the Director based on the demonstrated need for on-site parking
Parks and Playgrounds	None required
Non-Commercial Places of Assembly	1 per 300 sq. ft.
<b>Infrastructure and Utilities</b>	
Airport	As determined by parking demand study approved by the Director
Freight Terminals and Transfer	1 per 2,500 sq. ft.
Public Agency Corporation Yard	1 per 2,500 sq. ft.
Public Utility	None required
Recycling Collection Facility	1 per 750 sq. ft.
Recycling Processing Facility	1 per 1,000 sq. ft.
<u>Notes:</u>	
[1] See 155.504 (Land Use Classifications) for specific land uses included in category.	

- B. **Required Electric Vehicle Spaces.** See 155.324.050.C (Electric Vehicle Charging).
- C. **Required Bicycle Parking Spaces.** See 155.324.070 (Bicycle Parking).
- D. **Calculation of Required Spaces.**
  - 1. **Floor Area.** Where a parking requirement is a ratio of parking spaces to floor area, the floor area is assumed to be gross floor area, unless otherwise stated. The floor area of a use is calculated as described in 155.112.050 (Floor Area and Floor Area Ratio).
  - 2. **Employees.** Where a parking requirement is stated as a ratio of parking spaces to employees, the number of employees is based on the largest shift that occurs in a typical week.
  - 3. **Seats.** Where a parking requirement is stated as a ratio of parking spaces to seats, each 24 inches of bench-type seating is counted as one seat.
  - ~~4. **Fractional Spaces.** In determining the number of required parking, fractions of spaces over one-half will be rounded down to the next whole number.~~
- E. **Unlisted Uses.** The parking requirement for land uses not listed in Table 324-1 is determined by the Director based on the requirement for the most comparable similar use, the particular characteristics of the proposed use, and any other relevant data regarding parking demand.
- F. **Sites with Multiple Uses.** Where more than one land use is conducted on a site, the minimum number of required on-site parking spaces is the sum of the number of parking spaces required for each individual use unless on-site shared parking is allowed in accordance with 155.324.040.C.10± (On-site Shared Parking).

**155.324.040 – Reductions and Alternatives to Automobile Parking**

**A. General.**

1. This subsection identifies allowed reductions and alternatives to on-site automobile parking spaces required by 155.324.030 (Number of On-Site Parking Spaces Required Spaces).
2. These reductions are allowed either by-right or require approval of an Administrative Adjustment. If the reduction is requested as part of a project subject to discretionary approval, the request is considered by the review authority as part of the overall project.

**B. Calculation of Parking Reductions.**

1. Available reductions apply only to non-exempt parking spaces as specified in 155.324.020 (Applicability).
2. Available reductions are additive (i.e., multiple reductions may be combined for a single project). Each allowed reduction is calculated using the number of parking spaces required before any other reduction is applied. For example, parking for a development requiring 20 parking spaces that qualifies for a 10 percent transit proximity reduction (155.324.040.C.1) and a 25 percent low demand reduction (155.324.040.C.12) would be reduced by 35 percent (seven spaces).

**C. Available Reductions.** The following allow for the reduction of required on-site parking spaces:

1. **Transit Proximity.** For projects in proximity to a public transit bus stop where the average interval of time between buses is 90 minutes or less (90-minute headways) during weekday daytime hours, required on-site parking may be reduced as shown in Table 324-2. Public transit bus stops exclude school bus stops.

**Table 324-2: Transit Proximity Parking Reduction**

Proximity to Bus Stop	Allowed Parking Reduction
600 feet	30 percent
900 feet	20 percent
1,200 feet	10 percent

**2. Bus Pass.**

- a. On-site parking is not required for a multi-family rental unit within 900 feet of a public transit stop if the lease agreement includes a complementary bus pass for use by the resident, paid for by the property owner during the entire duration of the rental.

- b. The Department will authorize this reduction only after the property owner or the property owner's authorized representative has submitted to the Department a signed agreement in a form approved by the City Attorney guaranteeing that the complementary bus pass will be provided as required for the parking reductions.
- 3. **Bicycle Facility Proximity.** Required on-site parking may be reduced by up to 30 percent for projects located within 300 feet of an existing designated Class I or Class II bicycle facility as shown in General Plan Figure M-2.
- 4. **Carpool Spaces.** For non-residential uses, two automobile parking spaces may be exchanged for one carpool parking space. The carpool parking space must be designated as such with signage and/or space markings.
- 5. **Electric Vehicle Charging Stations.** Two required parking spaces may be exchanged for one space served by an electric vehicle charging station. To receive reduction, electric vehicle charging stations must be in excess of the minimum number of charging stations required by 155.324.050.C (Electric Vehicle Charging)
- 6. **Loss of On-Street Parking.** If providing new on-site parking requires a new curb cut through an existing sidewalk and thereby eliminates an on-street parking space, the on-site parking is required only if the new on-site parking provides at least two more spaces than the number of lost on-street spaces. For example, if a new parking lot eliminates one on-street parallel parking space, new off-street parking is required only if it contains at least three spaces.
- 7. **Required Disabled and Electric Vehicle Spaces.** Replacement parking spaces are not required if retrofitting a required accessible parking space or installing a required electric vehicle charging station eliminates one or more required parking spaces (e.g., to accommodate accessible loading area).
- 8. **Bicycle and Motorcycle Spaces.**
  - a. Bicycle or motorcycle parking may replace up to two required automobile spaces or 10 percent of the required number of on-site automobile parking spaces, whichever is less.
  - b. Each automobile parking space must be replaced by space for at least 6 bicycles or 4 motorcycles. Bicycle parking spaces must comply with development standards in 155.324.070 (Bicycle Parking).
  - c. Bicycle spaces replacing an automobile space must be in addition to the minimum bicycle parking spaces required by 155.324.070 (Bicycle Parking).
- 9. **In-Lieu Fees.** Parking requirements may be satisfied through the payment of in-lieu fees consistent with any in-lieu parking fee program established by the City Council.
- 10. **On-site Shared Parking.**

- a. Shared parking is the practice of allowing land uses with different peak and off-peak parking demand schedules to share required on-site parking spaces.
- b. Shared parking is allowed with an Administrative Adjustment for uses on a single lot, on adjacent lots, and on lots within 100 feet of one another.
- c. An applicant requesting shared parking must submit a parking demand study justifying the shared parking. The study must be prepared by a qualified transportation planning consultant or consist of materials that provide satisfactory evidence as determined by the Director.
- d. The total number of parking spaces in a shared parking arrangement must be equal to or greater than the number of spaces ordinarily required for any one of the participating uses.
- e. To approve an Administrative Adjustment for shared parking, the Director must make the findings in 155.412.030.F (Findings for Approval).
- f. The Director may require that additional documents, covenants, deed restrictions or other agreements are executed to ensure that:
  - (1) The required parking spaces are maintained for the duration of the uses served; and
  - (2) Uses with similar hours and parking requirements as those uses sharing the parking remain for the life of the building.

**11. Off-site Parking.**

- a. Required parking may be provided off-site on a non-adjoining lot with an Administrative Adjustment if the parking is located no more than 300 feet from the lot serving the use. Required parking may be provided on an adjoining lot by-right.
- b. To approve an Administrative Adjustment for off-site parking at a non-adjoining lot, the Director must make the findings in 155.412.030.F (Findings for Approval) and find that the off-site parking is located and designed in a manner that will conveniently meet the parking needs of the use that it serves.
- c. Prior to establishing the off-site parking, a covenant record (“parking indenture”), approved by the City, must be filed with the County Recorder guaranteeing that off-site parking will be maintained exclusively for the use served for the duration of the use.

**12. Low Demand.**

- a. The number of required parking spaces may be reduced by up to 25 percent with an Administrative Adjustment for uses with unique operating characteristics that result in a lower parking demand than otherwise would be required.

- b. An applicant requesting reduced parking for a low demand use must submit evidence to the satisfaction of the Director that the use requires fewer parking spaces than otherwise required by 155.324.030 (Number of On-site Parking Spaces Required). Acceptable evidence may include parking surveys, sales receipts, and examples of comparable uses in Eureka or similar communities.
- c. To approve the Administrative Adjustment, the Director must make the findings in 155.412.030.F (Findings for Approval) and the following additional findings:
  - (i) Evidence submitted by the applicant demonstrates that the use requires fewer parking spaces required by 155.324.030 (Number of On-Site Parking Spaces Required) for the use; and
  - (ii) The use will provide a sufficient amount of on-site parking to accommodate its expected parking demand.

**13. Low Impact Development.**

- a. Required parking spaces may be reduced by up to 15 percent, not to exceed four spaces, with an Administrative Adjustment in cases where the parking requirement conflicts with the City's storm water system (MS4) permit requirements.
- b. To approve the Administrative Adjustment, the Director must make the findings in 155.412.030.F (Findings for Approval) and find that providing all of the on-site parking while complying with the City's storm water system (MS4) permit requirements is not possible due to physical site constraints.

- 14. Infill Incentive Permit Reductions.** Required parking spaces may also be reduced through an Infill Incentive Permit. See Table 412-1 in 155.412.060 (Infill Incentive Permits)

**155.324.050 – General Requirements**

**A. Availability and Use of Spaces.**

- 1. Required parking spaces for multi-family and non-residential uses must be permanently available and maintained to provide parking for the use they are intended to serve.
- 2. Required parking spaces for single-family homes may not be removed unless specifically allowed by the Zoning Code. Immovable equipment, such as water heaters and washer/dryers, may not be located within a required parking space.
- 3. Required parking spaces must be used exclusively for the temporary parking of vehicles and not for the sale, lease, display, advertising, or storage of vehicles, trailers, boats, campers, mobile homes, merchandise, or equipment, or for any other use not

authorized by the Zoning Code, except as allowed by Paragraph (4) of this division.

4. One vehicle or trailer owned by the lessee, owner, or renter of a property may be displayed within a required parking area for the purpose of sale for a maximum of 30 days.
5. Repair work or servicing of motor vehicles is not allowed in an uncovered on-site parking facility, except for minor work commonly performed on operating vehicles that are associated with a residential use.

**B. Parking Location.**

1. **On-Site Parking.** Required parking must be located on the same lot or site as the use which it serves, or on an adjoining lot, except as allowed by 155.324.040.C.11 (Off-site Parking).
2. **Vehicles Contained on Lot.** Parked vehicles may not encroach onto or over a sidewalk or public right-of-way.

**C. Electric Vehicle Charging.**

1. **Number of Charging Stations.** The number of required parking spaces with an electric vehicle charging station is as follows:
  - a. 25-49 parking spaces: 1 charging station.
  - b. 50-100 parking spaces: 2 charging stations, plus one for each additional 50 parking spaces.
  - c. Two required parking spaces may be exchanged for one space served by an electric vehicle charging station as allowed by 155.324.040.C.5 (Electric Vehicle Charging Stations).
2. **Charging Stations Required.** Electric vehicle charging stations must be provided:
  - a. For new structures or uses required to provide at least 25 parking spaces before any allowed reductions; and
  - b. For lots with 50 or more existing parking spaces, when a project increases the required number of parking spaces by 10 percent or more.
3. **Signage.** Signage must designate spaces with required electric vehicle charging stations as available only for electronic vehicle parking. Signage is required only for electric vehicle changing stations required by this division.

- D. Large Vehicle Parking.** Recreational vehicles, boats, and other large vehicles may not be parked within a required front or exterior side setback in a residential zoning district.

**155.324.060 – Parking Design and Development Standards**

**A. Parking Access.**

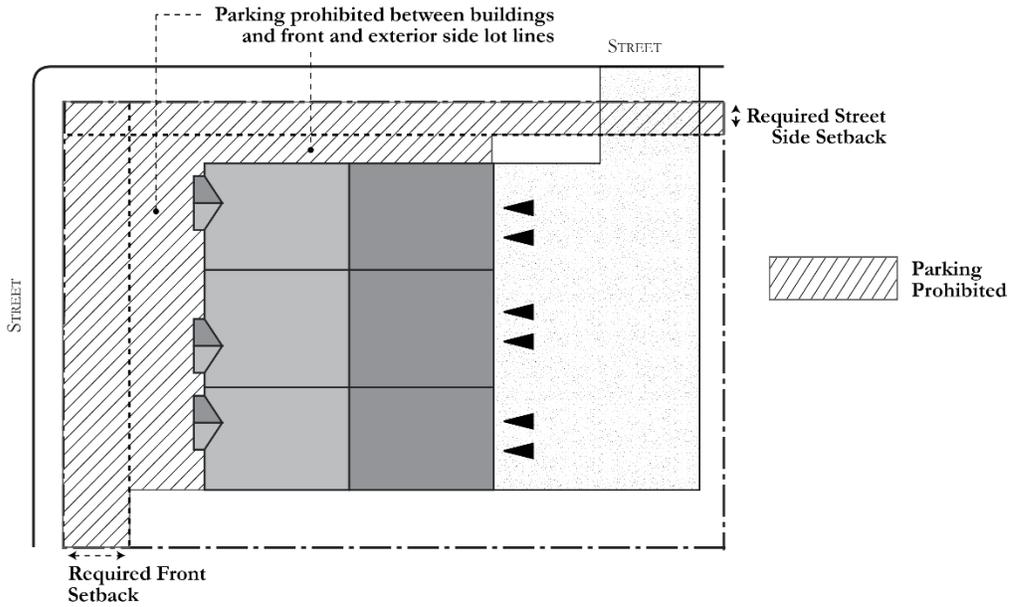
1. **Alley Access.** The following alley access requirements apply to all uses except for detached single-family homes:
  - a. For interior lots served by an alley, access to parking must be from the alley unless the Director approves an Administrative Adjustment to allow parking access from the street.
  - b. To approve an Administrative Adjustment to access parking from a street, the Director must make the findings in 155.412.030.F (Findings for Approval) and find that access from a street is necessary due to traffic, circulation, or safety concerns.
  - c. For corner lots served by an alley, parking may be accessed from a side street without an Administrative Adjustment.
2. **Number of Driveways.**
  - a. For residential uses in residential zoning districts, no more than one driveway may serve lots less than 100 feet wide and no more than two driveways may serve lots 100 feet wide or more. On corner lots, this rule applies separately to each of the two street-facing sides.
  - b. For non-residential uses in residential zoning districts and in all other zoning districts, the maximum number of driveways will be the minimum number necessary to serve the intended use. The Director, in consultation with the Director of Public Works, will determine the permitted number of driveways based on the needs of the intended use and traffic, circulation, and safety concerns.
3. **Driveway Drop Curb Width.** Minimum and maximum allowed driveway drop curb widths shall be as required by the Director of Public Works.
4. **Separation of Driveways.** Separation between driveways will be the minimum distance required by the Director of Public Works.
5. **Shared Driveways.** Parking facilities on adjoining lots may share access points and driveways provided reciprocal access easements are recorded for all properties.
6. **Distance from Street Corner.** New driveways must be located the minimum distance from street corners required by the Director of Public Works.

**B. Parking Placement on Site.**

1. **Applicability.** The parking placement requirements in this division apply only to new development and the parking areas that serve them.

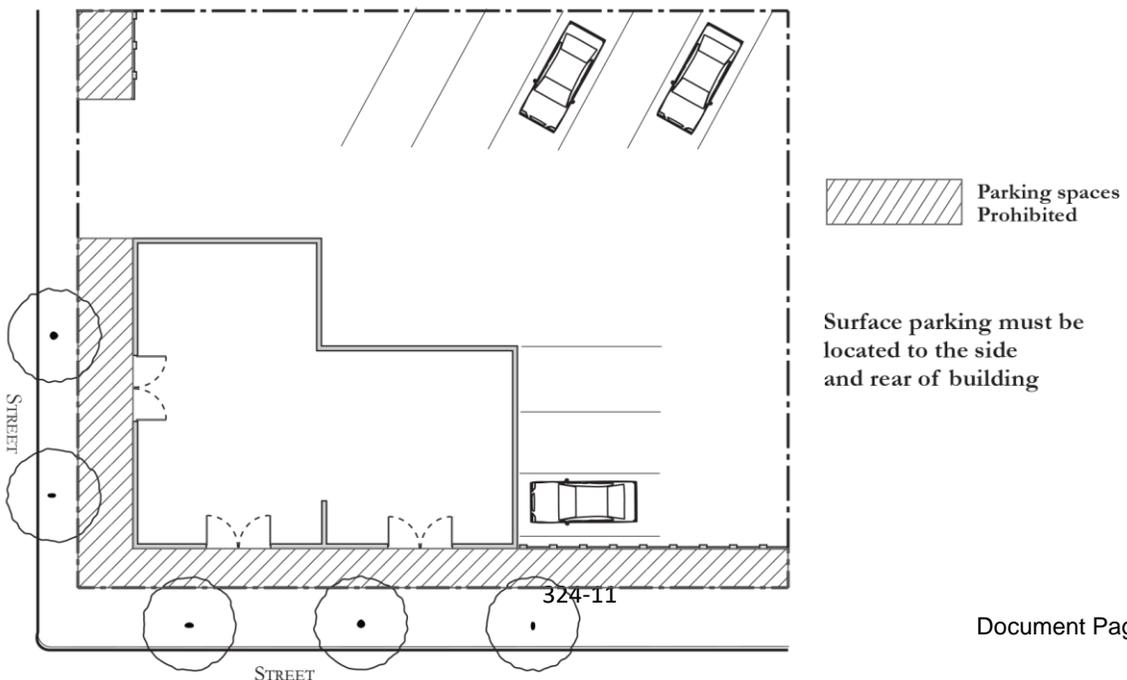
- 2. **Multi-Family Dwellings.** Surface parking spaces for a multi-family dwelling may not be located between a primary building and a front or exterior side property line. See Figure 324-2.

**Figure 324-2: Multi-Family Residential Parking Location**



- 3. **DT, DW, NC, HC, OR Zoning Districts.**
  - a. Surface parking spaces may not be located between a building and a front or exterior side lot line. Parking must be located to the rear or side of buildings. Corner surface parking lots are prohibited. See Figure 324-3.

**Figure 324-3: Mixed Use District Parking**



4. **Modification to Parking Placement Standard.** The Director may approve modifications to the parking placement standards in this section with an Administrative Adjustment. To approve the Administrative Adjustment, the Director must make the findings in 155.412.030.F (Findings for Approval) and find that complying with the parking placement standards is infeasible due to unique physical site conditions such as parcel shape, topography, or traffic-related public safety risks.
- C. **Forward Entrance and Exit.** Parking areas of four or more spaces adjacent to an arterial or collector roadway must provide sufficient maneuvering area to allow vehicles to enter and access the roadway in a forward direction.
- D. **Controlled Access.** Parking areas must be designed to prevent vehicular access to the public right of way at any point other than at designated driveways.
- E. **Parking Space and Lot Dimensions.**
  1. **Single-family Homes.** Parking spaces serving single-family homes must have the following minimum dimensions:
    - a. Uncovered parking space: eight feet six inches in width by 18 feet in length.
    - b. Uncovered parking space parallel to an alley: eight feet six inches in width by 20 feet in length.
    - c. Covered parking space in a garage or carport: 10 feet in width by 18 feet in length.
    - d. The width of a carport space may be reduced to eight feet six inches if one side is open without a solid wall or physical barrier obstructing a car door.
  2. **Parking Lots.** Parking spaces, drive aisles, and other parking lot features must comply with minimum dimensions shown in Figure 324-4.
  3. **Compact Spaces.** Up to 50 percent of the required parking spaces in a parking lot may be compact spaces.

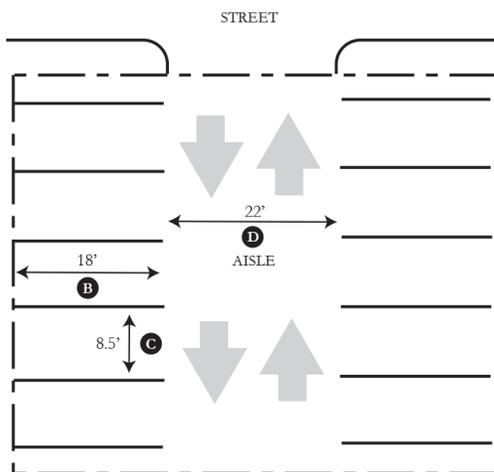
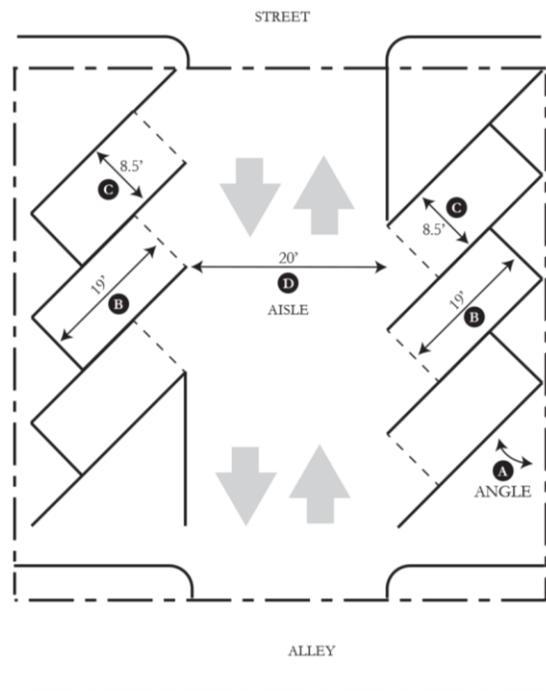
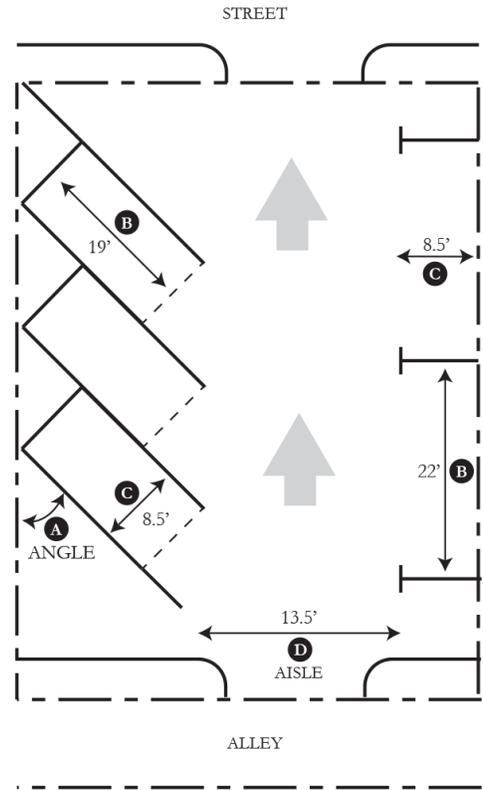
**FIGURE 324-4 PARKING DIMENSIONS**

STANDARD SIZE				
Angle <b>A</b>	Length <b>B</b>	Width <b>C</b>	Aisle <b>D</b>	
			One-Way	Two-Way
0° (parallel)	22 ft.	8.5 ft.	12 ft.	20 ft.
30°	19 ft.	8.5 ft.	11 ft.	20 ft.
45°	19 ft.	8.5 ft.	13.5 ft.	20 ft.
60°	19 ft.	8.5 ft.	18.5 ft.	20 ft.
90° (perpendicular)	18 ft.	8.5 ft.	22 ft. [1]	22 ft.

[1] 20 feet minimum for residential uses

COMPACT				
Angle <b>A</b>	Length <b>B</b>	Width <b>C</b>	Aisle <b>D</b>	
			One-Way	Two-Way
0° (parallel)	18 ft.	7.5 ft.	12 ft.	20 ft.
30°	16 ft.	7.5 ft.	11 ft.	20 ft.
45°	16 ft.	7.5 ft.	13.5 ft.	20 ft.
60°	16 ft.	7.5 ft.	18.5 ft.	20 ft.
90° (perpendicular)	16 ft.	7.5 ft.	22 ft. [2]	22 ft.

<b>A</b> = Angle of parking space
<b>B</b> = Length of parking space
<b>C</b> = Width of parking space
<b>D</b> = Width of drive aisle



**F. Surfacing.****1. Standard Materials.**

- a. Except as allowed by Paragraph (2) of this division, all parking areas and drive aisles must be paved with an asphalt, concrete, or comparable all-weather surfacing material approved by the Director of Public Works. Unpaved areas may not be used for parking or maneuvering.
- b. Ribbon driveways (parallel strips of paved surface for tires separated by an open, unpaved area) are allowed for single-family home driveways.
- c. Permeable paving materials, such as porous concrete/asphalt, open-jointed pavers, and turf grids, are a permitted surface material, subject to approval by the Director of Public Works.
- d. Parking areas must be graded to dispose of all surface water consistent with the City's MS4 Permit storm water requirements to the satisfaction of the Director of Public Works.

**2. Alternative Materials.**

- a. Parking areas and access ways may be surfaced with decomposed granite or other similar all-weather compacted material when serving:
  - (i) All uses in a residential zoning district;
  - (ii) All uses in the Hinge Industrial (HN) and Light Industrial (LI) zoning districts; and
  - (iii) All uses in the Parks (P) and Public Facilities (PF) zoning districts.
- b. Where alternative surface materials are allowed by Paragraph (2)(a) of this division, asphalt, concrete, or comparable all-weather surfacing material must be used for:
  - (i) The first 20 feet of the access way from a public street serving residential uses; and
  - (ii) The first 50 feet of the access way from a public street serving uses in the Hinge Industrial (HN), Light Industrial (LI), Parks (P), and Public Facilities (PF) zoning districts.
- c. Construction methods must be approved by the Director of Public Works.

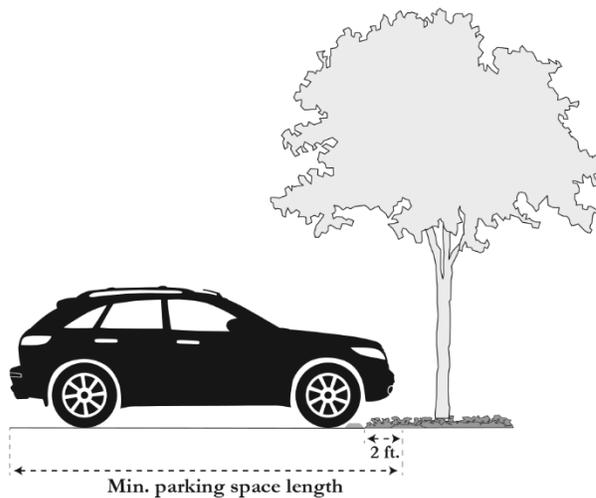
**3. Wheel Stops and Curbs.**

- a. Landscaped areas, walkways, and walls must be protected by either:
  - (i) Parking space wheel stops; or
  - (ii) A curb at least 6 inches wide and 6 inches high designed to allow storm water runoff to pass through.
- b. A paved sidewalk may be used as a wheel stop if the overhang will not reduce the

minimum required walkway width.

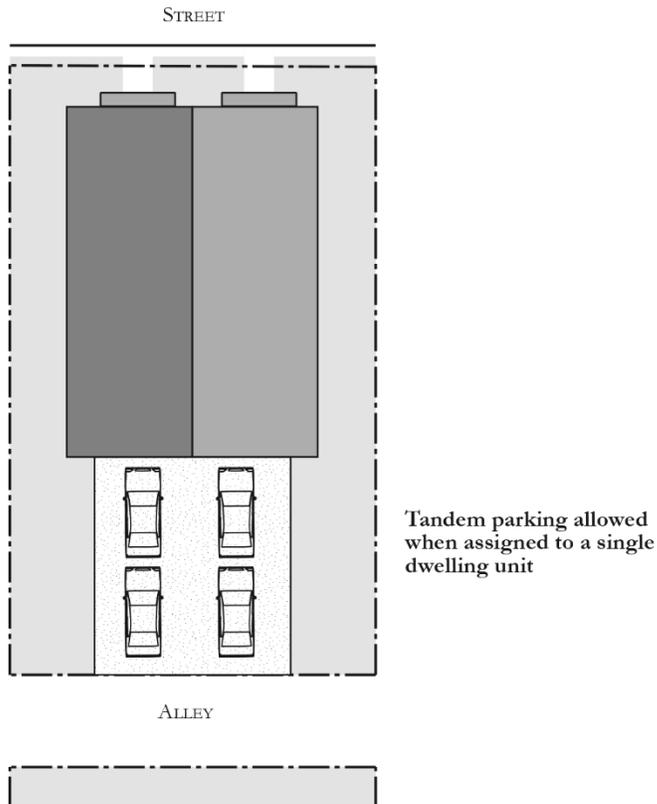
4. **Landscaped Parking Space.** Up to two feet of the front of a parking space as measured from a line parallel to the direction of the bumper of a vehicle using the space may be landscaped with ground cover plants instead of paving where wheel stops or curbs are provided. See Figure 324-5. Parking space landscaping may be included in the required perimeter landscaping area required by 155.324.080.D (Perimeter Parking Lot Landscaping).

**Figure 324-5: Parking Space Landscaping**



**G. Tandem Parking Spaces.**

1. **When Allowed.** Tandem parking spaces are permitted for residential uses and designated employee parking. See Figure 324-6.
2. **Residential Uses.** Parking spaces in a tandem configuration for residential uses must be reserved for and assigned to a single dwelling unit.
3. **Non-Residential Uses.** Tandem parking may be used only for employee parking, in addition to parking spaces required by 155.324.030 (Number of On-site Parking Spaces Required).
4. **Configuration.** Tandem parking spaces may not conflict with required parking spaces or aisles providing access to other parking spaces located within the parking area. For example, a tandem space may not project into the minimum drive aisle width providing vehicle access to other parking spaces in a parking lot.

**Figure 324-6: Tandem Parking Space**

- H. **Parking Lifts.** Required parking may be provided using elevator-like mechanical parking systems (“lifts”) provided the lifts are located within an enclosed structure or otherwise screened from public view.
- I. **Lighting.** Parking area lighting must be provided in compliance with 155.308.050 (Outdoor Lighting) and as follows:
1. A parking area with six or more parking spaces must include outdoor lighting that provides a minimum illumination of 1.0 foot-candles over the entire parking area.
  2. Lighting must be pedestrian-scaled and may not exceed a maximum height of 16 feet.
  3. Outdoor lighting as required above must be provided during nighttime business hours.
  4. Parking structures must provide indoor lighting as required by the California Building Code.
- J. **Pedestrian Access.**
1. Parking lots with more than 30 parking spaces must include a pedestrian walkway outside of drive aisles. Only one walkway is required to serve the entire parking lot;

walkways for each parking row within the lot are not required.

2. The design of the pedestrian walkway must be clearly visible and distinguished from parking and circulation areas through striping, contrasting paving material, or other similar method as approved by the Director. The pedestrian walkway must be a minimum width of six feet.
- K. **Screening.** Parking lots of six spaces or more must comply with the following screening standards. See also 155.308.060 (Screening for Residential Zoning Districts):
1. **Location.** Screening must be provided along the perimeter of parking lots fronting a street and abutting a residential zoning district.
  2. **Height.**
    - a. Screening adjacent to streets must have a minimum height of three feet.
    - b. For parking lots within 10 feet of a residential zoning district or residential use, screening must have a minimum height of six feet.
  3. **Materials.**
    - a. Required screening adjacent to a street may consist of:
      - (i) A low-profile wall constructed of brick, stone, stucco or other durable solid material; or
      - (ii) An open fence combined with landscaping to form an opaque screen. Open fences must be wrought iron or other high-quality decorative material and at least 70 percent open to the passage of light and air. Chain link and other wire fence materials are not allowed.
    - b. Parking lots within 10 feet of a residential zoning district must be screened by a six-foot ~~masonry solid~~ wall or fence. Bushes, vines, and other vegetation may be incorporated into the design of required fence or wall.

#### 155.324.070 – Bicycle Parking

- A. **Applicability.** All new multi-family and commercial construction must provide bicycle parking as required by this subsection and the California Green Building Standards Code.
- B. **Types of Bicycle Parking.**
  1. **Short-Term Bicycle Parking.** Short-term bicycle parking provides shoppers, customers, messengers and other visitors who generally park for two hours or less a convenient and readily accessible place to park bicycles.
  2. **Long-Term Parking.** Long-term bicycle parking provides residents and employees who live or work at a site a secure and weather-protected place to park and store bicycles. Long-term parking may be located in garages or other limited access areas for exclusive use by tenants, residents, and/or employees. Long-term parking may not be

located within an area of a dwelling unit primary intended to serve a different function (e.g., clothes closet or bathroom).

**C. Number of Spaces.**

1. **Minimum Requirement.** Multi-family and commercial uses must provide short-term and long-term bicycle parking as specified in Table 324-3.

**Table 324-3: Required Bicycle Parking Spaces**

Land Use [1]	Required Bicycle Parking Spaces	
	Short-Term Spaces	Long-Term Spaces
Multi-Family Dwellings	1 per 6 units	1 per 3 units
Commercial Uses		
Service Commercial (SC) Zoning District	1 per 2,000 sq. ft.	1 per 20 required automobile spaces for uses 10,000 sq. ft. or greater
All other Zoning Districts	1 per 1,000 sq. ft.	
<p><u>Note:</u> [1] For mixed-use projects, required bicycle parking spaces is the combined total for the residential and commercial components of the project.</p>		

2. **Calculations of Less than One.** When the calculation of required bicycle parking results in less than one space, a minimum of one bicycle parking space must be provided.
3. **Maximum Spaces.** In no case will more than 15 bicycle spaces be required for any single use or development project.
4. **Reductions.** The Director may allow reductions to the number of required bicycle parking spaces with an Administrative Adjustment. To approve the Administrative Adjustment, the Director must make the findings in 155.412.030.F (Findings for Approval) and one or both of the following additional findings:
  - a. Adequate space is not available to provide the bicycle parking.
  - b. Reduced bicycle parking is justified by reasonably anticipated demand.

**D. Short-Term Bicycle Parking Standards.**

1. **Location.** Short-term bicycle parking must be located within 100 feet of the primary entrance of the structure or use it is intended to serve. Parking may be located within required setbacks.
2. **Surfacing.** Parking areas must be paved with asphalt, concrete, or other all-weather surface.
3. **Protection.** When located in a parking area: for the protection of bikes, automobiles, and pedestrians, bicycle spaces must be protected by curbs, fences, planter areas, bumpers, or similar barriers.

**E. Parking Space Dimensions.**

1. Minimum dimensions of two feet by six feet must be provided for each bicycle parking space. Spaces may be configured horizontally or vertically. Minimum ceiling height is prescribed by the California Building Code.
2. An aisle of at least five feet must be provided behind all bicycle parking to allow room for maneuvering.
3. A minimum two feet of clearance must be provided between bicycle parking spaces and adjacent walls, poles, landscaping, pedestrian paths, and other similar features.
4. A minimum four feet of clearance must be provided between bicycle parking spaces and adjacent automobile parking spaces and drive aisles.

**F. Rack Design.** Bicycle racks must be capable of locking both the wheels and the frame of the bicycle, and of supporting bicycles in a secure position, such as an “inverted-U” style rack. Alternative methods to secure bicycles are allowed if they provide a level of security equivalent to conventional bicycle racks.

**G. Long-Term Bicycle Parking Standards.**

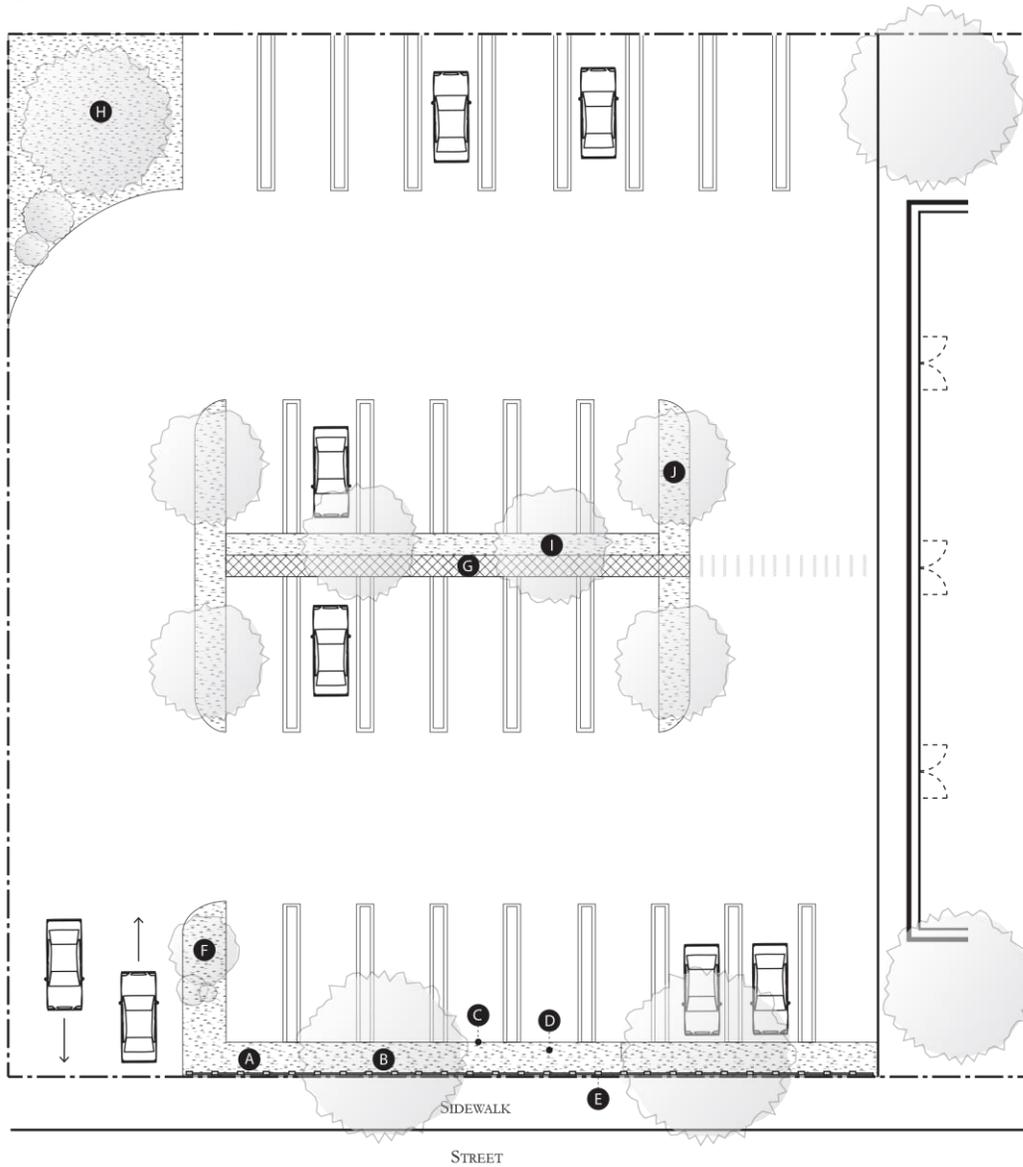
1. **Location.** Long-term bicycle parking:
  - a. Must be located on or within 250 feet of the use that it is intended to serve;
  - b. May be located within a garage;
  - c. May not be located within required front setbacks; and
  - d. Must be permanently available and maintained to provide bicycle parking for the use they serve (e.g., immovable equipment, such as water heaters and washer/dryers, may not be located within a required parking area).
2. **Security.** Long-term bicycle parking spaces must be secured. Spaces are considered secured if one or more of the following apply:
  - a. The spaces are in a locked room or area enclosed by a fence with a locked gate.
  - b. The spaces are within view or within 100 feet of an attendant or security guard.
  - c. The spaces are visible from employee work areas.

**155.324.080 – Parking Lot Landscaping**

**A. Applicability.**

1. **New Parking Lots.** All new parking lots with four or more spaces must comply with this subsection as illustrated in Figure 324-7.

**Figure 324-7: Parking Lot Landscaping**



- A Min. 4 feet wide perimeter landscaping.
- B Min. one tree in perimeter landscaped area for every 30 feet of parking lot street frontage.
- C Landscape area protected by wheel stops or curb. Curbs must allow stormwater to pass through.
- D Up to 2 feet of min. parking space depth may be landscaped per 155.136.060.F.45.
- E Min. 3-foot wall or fence provides screening along street.
- F Concentration of landscaping provided at parking lot entrance.
- G Pedestrian walkway outside of drive aisle. Pedestrians can access building entrance without crossing landscaped areas.
- H Landscaping required in all areas not occupied by parking space, drive aisle, pedestrian way, or trash collection and storage areas.
- I Min. one interior tree per 15 parking space.
- J Landscape island with tree at end of row of parking spaces.

1. **Nonconformities.** An existing parking lot with four or more spaces nonconforming to this subsection must be brought into conformance to the extent possible when required by 155.424.030 (Nonconforming Site Features).
- B. **Landscape Materials.** Except as otherwise specified in this subsection, 50 percent of required landscape area must be covered with groundcover, shrubs, turf, or other types of plants at maturity. The remaining area may be covered by mulch, bark chip, crushed rock, pebbles, stone, and similar non-plant materials.
- C. **Interior Parking Lot landscaping.**
  1. **Amount of Landscaping.**
    - a. All portions of a parking lot not occupied by a parking space, drive aisle, pedestrian way, or trash collection and storage area must be landscaped.
    - b. A minimum of one tree that reaches a mature height of at least 20 feet must be planted within the parking lot at a minimum ratio of one tree for each 15 parking spaces.
    - c. When the calculation of required trees results in less than one tree (i.e., parking lots with fewer than 15 spaces), a minimum of one tree must be provided.
  2. **Location of Landscaping.**
    - a. Where space permits, a landscaped island, at least four feet in all interior dimensions, and containing at least one tree, must be provided at each end of each interior row of automobile parking stalls and between every eight consecutive automobile parking stalls. Horizontal curb surfaces may not be included in the landscaped island area calculation. Trees in landscape islands may count towards the required number of trees under Paragraph (1.b) of this division.
    - b. Parking lots with more than 50 spaces must provide a concentration of landscape elements at primary parking lot entrances, such as trees, shrubs, flowering plants, and enhanced paving.
    - c. Landscaping must be located and designed so that pedestrians are not required to cross landscaped areas to reach building entrances from parked cars. This may be achieved through the orientation of the landscaped fingers and islands, and by providing dedicated pedestrian access through landscaped areas where needed.
- D. **Perimeter Parking Lot Landscaping.**
  1. **Adjacent to Streets.**
    - a. Parking areas adjacent to a street must include a landscaped planting strip between the street and parking area at least four feet wide with at least 50 percent of the plant material attaining a minimum planting height at maturity of

36 inches.

- b. Plantings and screening materials may include a combination of plant materials, earth berms, solid decorative masonry walls, raised planters, or other screening devices that are determined by the Director to meet the intent of this requirement.
  - c. Trees must be provided within the planting strip at a rate of at least one tree for each 30 feet of street frontage with a minimum distance of not more than 60 feet between each tree. Tree species must reach a mature height of at least 20 feet. Planting strip tree requirements are in addition to required interior parking lot trees.
  - d. Landscaping must comply with intersection and driveway vision clearance requirements in 155.308.040 (Vision Clearance Area).
2. **Stormwater Runoff.** When required, parking lot drainage plans will be reviewed by the Director of Public works and must comply with all applicable Low Impact Development (LID) standards.

**E. Alternative Landscape Designs.**

1. The Director may approve an Administrative Adjustment to allow alternative landscape design that deviates from the requirement in this subsection.
2. To approve an Administrative Adjustment for an alternative landscape design, the Director must make the findings in 155.408.030.F (Findings for Approval) and find that adjustments to landscape design requirements are warranted to provide relief for existing site constraints or to achieve a superior aesthetic or environmental design.

*This page is intentionally blank*

## Section 155.328 – LANDSCAPING

---

### Subsections:

- 155.328.010 – Purpose
- 155.328.020 – Applicability
- 155.328.030 – Landscape Plans
- 155.328.040 – Required Landscape Areas
- 155.328.050 – General Landscape Requirements
- 155.328.060 – Water Efficiency in Landscaping Ordinance (WELO)
- 155.328.070 – Maintenance and Enforcement

### 155.328.010 – Purpose

This section establishes landscaping standards to enhance the aesthetic appearance of developed areas in Eureka and to promote the efficient use of water resources.

### 155.328.020 – Applicability

- A. **General.** Except for projects exempted under 155.328.020.B (Exemptions), the requirements in this section apply to projects that:
  - 1. Construct a new building of 500 square feet or more;
  - 2. Add 1,000 square feet or more to an existing building; or
  - 3. Add a multi-family dwelling unit to the site.
- B. **Exemptions.** This section does not apply to:
  - 1. Single-family homes in any zoning district;
  - 2. Buildings in mixed-use zoning districts constructed on a front or exterior side lot line without any setback; and
  - 3. Development in an industrial zoning district.
- C. **Nonconformities.** Properties nonconforming to the standards in 155.328.040 (Required Landscape Areas) and 155.328.050 (General Landscape Requirements) must be brought into conformance when required by 155.424.030 (Nonconforming Site Features).

### 155.328.030 – Landscape Plans

- A. **Landscape Plan Required.**
  - 1. An applicant must submit a landscape plan if the proposed project is:
    - a. Subject to requirements of this section as stated in 155.328.020 (Applicability); and

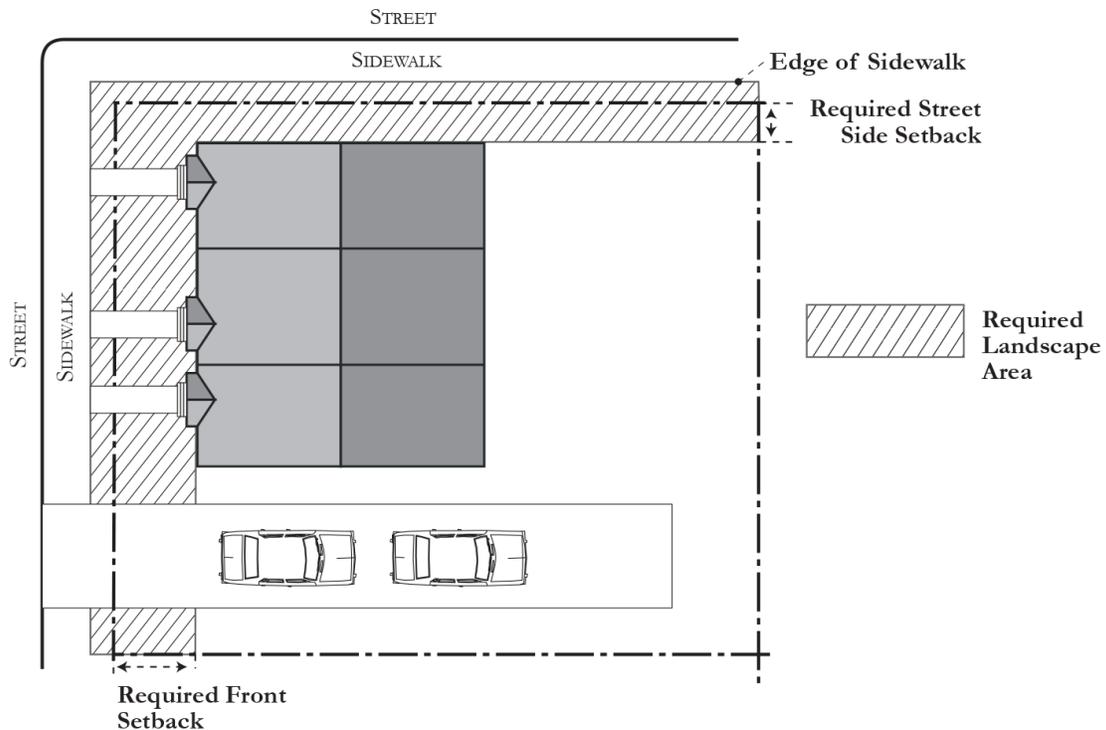
- b. Involves new landscaping or the modification or removal of existing landscaping.
  - 2. Required landscape plans must be submitted as part of the permit application, if any, and subsequent building permit applications.
- B. Required Contents.** Landscape plans must include the following features and information:
- 1. Site boundaries.
  - 2. Existing conditions on the property, including contours and existing structures.
  - 3. New structures and ~~expansions~~improvements proposed as part of the project.
  - 4. Existing landscaping, trees, and vegetation to be retained, specifying plant location, species, and size. Details of existing trees must also include approximate tree diameter measured 48 inches above existing grade and approximate outer limit of tree canopy.
  - 5. New landscaping proposed as part of the development project, specifying plant location, species, number, and size.
  - 6. Irrigation plan specifying the location, type, and size of all components of the irrigation system (if proposed).
  - 7. Proposed grading if any.
  - 8. A landscape maintenance plan describing how the landscaping will be maintained in a healthy and thriving condition, including provisions to replace plant material as needed to maintain compliance with the approved landscape plan.
  - 9. Additional information as determined by the Department to demonstrate compliance with the requirements of this section.
- C. Review and Approval.**
- 1. For projects that do not require a discretionary permit, the Department will review all landscape plans to verify compliance with this section as part of the Zoning Clearance approval.
  - 2. For projects that require a discretionary permit, the review authority responsible for approving the discretionary permit must also approve the landscape plan.
- D. Changes to Approved Landscape Plans.**
- 1. Only the review authority that approved the landscape plan may allow substantial modifications to an approved landscape plan.
  - 2. The Director may approve minor changes to a landscape plan previously approved by the City Council, Planning Commission, or Design Review Committee. Minor changes are defined as modifications to a landscape plan that do not alter the general design character of the landscaped area or alter a feature of the landscaped area specifically

required by the review authority. The Director may also approve changes to a landscape plan required to comply with Building Code or Fire Code requirements.

**155.328.040 – Required Landscape Areas**

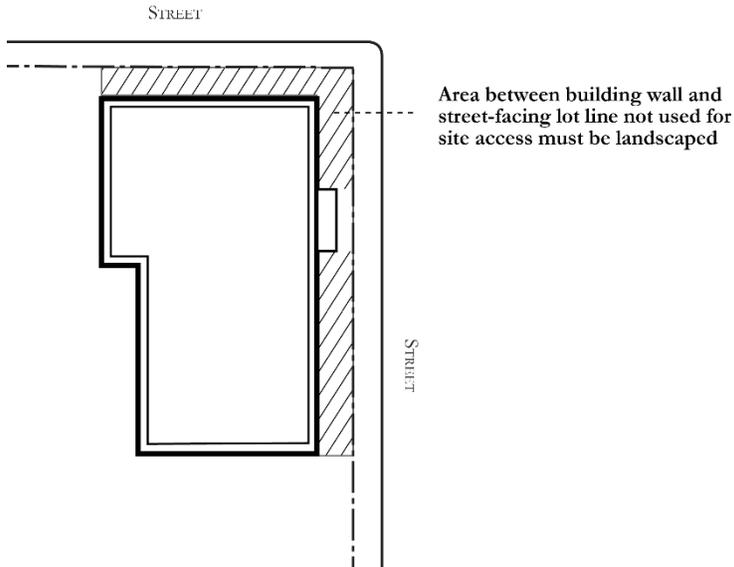
- A. **Parking Lots.** See 155.324.080 (Parking Lot Landscaping) for required landscaping in parking lots.
- B. **Residential Zoning Districts.**
  - 1. The following areas, excluding areas required for access to the property, must be landscaped and maintained:
    - a. All required front and street side setback areas;
    - b. All areas between a building and the lot line;
    - c. Any area between the lot lines and the sidewalk or edge of street curb. See Figure 328-1.
  - 2. Landscaping is not required in setback or yard areas located behind a four-foot or higher solid fence or wall or in areas not visible from the sidewalk or street.
  - 3. Landscaping may consist of any combination of living plants, such as trees, shrubs and grass or related natural features, such as rock, stone, or mulch. Decorative hardscape featuring pervious materials, such as pervious paver stones, gravel, and decomposed granite, is permitted within required landscaping areas.

**FIGURE 328-1: REQUIRED LANDSCAPE AREA IN RESIDENTIAL ZONING DISTRICTS**



- C. **Mixed-Use Zoning Districts.** In mixed-use zoning districts, all areas between a building and a front or exterior side lot line must be landscaped, excluding areas required for access to the property. See Figure 328-2.

**FIGURE 328-2: REQUIRED LANDSCAPE AREA IN MIXED USE DISTRICTS**



- D. **Industrial Zoning Districts.** Parking lots in industrial zoning districts must comply with the landscaping requirements in 155.324.080 (Parking Lot Landscaping). No additional landscaping is required.

#### 155.328.050 – General Landscape Requirements

- A. **Parking Lots.** See 155.324.080 (Parking Lot Landscaping) for landscaping requirements that apply to new parking lots with four or more spaces.
- B. **Vision Clearance Area.** Landscaping must comply with the vision clearance area requirements in 155.308.040 (Vision Clearance Area).
- C. **Public Safety.** Plant species must be selected and located so that at maturity they do not interfere with pedestrian, bicycle, or vehicular circulation and do not conflict with utilities and overhead lights.
- D. **Invasive Plants.** Planting species with a “High” rating in the California Invasive Plant Council’s Cal-IPC inventory of invasive plants is prohibited.
- E. **Trees.**

1. Trees must be a minimum 15-gallon size unless the reviewing authority determines that a smaller size is sufficient for the site.
2. Trees in landscape planters less than 10 feet in width or located closer than five feet from a public sidewalk, street, or permanent structure on an adjacent property must be planted with root barriers or root barrier panels to prevent damage to adjacent structures or pavement.

**F. Groundcover and Shrubs.**

1. A minimum of 50 percent of required landscape area must be covered with groundcover, shrubs, turf, or other types of plants at maturity.
2. Groundcover must be provided throughout the landscaped area and must be spaced to achieve full coverage of the groundcover area within one year.
3. A maximum of 50 percent of the required landscape area may consist of mulch, bark chip, crushed rock, pebbles, stone, or similar non-plant materials.
4. Landscaped areas must be top dressed with bark, chip, mulch, or other similar material to cover exposed bare soil.

**G. Timing of Installation.**

1. Landscaping must be installed prior to receiving a temporary or final certificate of occupancy.
2. The Director may defer the installation of landscaping for a maximum of 180 days after project occupancy/completion in cases of delays caused by inclement weather, unavailability of plant materials, construction scheduling, or other similar issues. The Director may require the applicant to provide adequate security to guarantee the landscaping installation in accordance with 155.420.070 (Performance Guarantees).

**155.328.060 – Water Efficiency in Landscaping Ordinance (WELO)**

- A. General.** In addition to the requirements of this section, all applicable development in Eureka must also comply with the California Model Water Efficient Landscape Ordinance (WELO) as required by California Water Conservation in Landscaping Act (Government Code Section 65591 et seq.).
- B. When Required.** The following landscape projects must comply with the WELO requirements:
1. Total combined landscaped area of 2,500 square feet or more installed by a public agency or commercial developer.
  2. Total combined landscaped area of 5,000 square feet or more in a single-family or multi-family residential project installed under the direction of the homeowner(s).

- C. **Conflicts.** If conflicts occur between the Government Code or WELO and this section, the more restrictive will control.

**155.328.070 – Maintenance and Enforcement**

The following maintenance requirements and enforcement procedures apply to landscaping installed as part of a City-approved landscaping plan:

A. **Maintenance Required.**

1. **Dead and Dying Plants.** All landscaping must be maintained free of physical damage or injury from lack of water, excess chemical fertilizer or other toxic chemical, blight, or disease. Dead or dying plants must be removed and replaced with landscaping of similar size and maturity.
2. **Weed Removal.** Landscaping must be kept free from weeds.
3. **Irrigation Systems.** Irrigation systems must be maintained in a fully functional manner as approved by the City and required by this section. Watering schedules should be adjusted periodically to reflect seasonal variations.

- B. **Violations.** Failure to maintain landscape areas in compliance with this section will be deemed a nuisance subject to the enforcement procedures in 155.428 (Enforcement and Penalties).

*This page is intentionally blank*

## Section 155.336 – TEMPORARY USES AND STRUCTURES

---

### Subsections:

155.336.010 – Purpose

155.336.020 – Applicability and Permit Requirements

155.336.030 – General Standards

155.336.040 – Temporary Uses and Structures Allowed By Right

155.336.050 – Temporary Uses and Structures Allowed with a Zoning Clearance

### 155.336.010 – Purpose

This section establishes standards for temporary uses and structures to allow for appropriate short-term events and activities while limiting impacts on neighboring properties and the general public.

### 155.336.020 – Applicability and Permit Requirements

- A. Applicability.** This section applies to all temporary uses and structures in Eureka.
- B. Permit Requirements.** Specific types of temporary uses and structures are allowed either:
1. By right without Department approval (see 155.336.040); or
  2. With a Zoning Clearance (see 155.336.050).

### 155.336.030 – General Standards

- A. Standards for all Temporary Uses and Structures.** All temporary uses and structures must comply with the following standards:
1. **Encroachment Permit.** Temporary uses and structures may not be located in the public right-of-way without an Encroachment Permit.
  2. **Business License Required.** Any person engaging in commercial activity or conducting a business in any manner as part of a temporary use must obtain a City of Eureka Business License.
  3. **Nuisance.** A temporary use or structure may not constitute a public nuisance as defined in Municipal Code Section 150.163 (Public Nuisance Specified).
  4. **Obstructions.** A temporary use or structure may not obstruct pedestrian or vehicular traffic or block a driveway or alleyway.
  5. **Trash and Litter.** Temporary uses must provide on-site trash receptacles as needed to keep the site free of trash and debris.
  6. **Site Condition After Use.** Upon completion and removal of a temporary use, the

site must be cleaned of debris and litter and returned to its original state.  
Temporary uses and structures may not result in permanent alterations to the site.

7. **Other Applicable Requirements.** Temporary uses and structures must comply with all other applicable standards in the Zoning Code and Municipal Code, including but not limited to:
- a. Lighting standards in 155.308.050 (Outdoor Lighting);
  - b. Sign standards 155.340.090 (Temporary Signs); and
  - c. Noise limitations in Municipal Code Section 94.01 et seq (Noise).

- B. Applicant Agreement.** An applicant requesting approval of a temporary use or structure requiring a Zoning Clearance must agree in writing to comply with all applicable standards as provided in this section.

#### **155.336.040 – Temporary Uses and Structures Allowed By Right**

The following temporary uses and structures are allowed without a Zoning Clearance or any other form of Department approval:

- A. On-site Construction Yards and Equipment.** A construction yard on the same site as an approved construction project, including a trailer or modular unit used for security personnel, storage, office, or other similar temporary use, dumpsters, and other construction equipment. Construction yards, trailers, and equipment must be removed within ten days of completion of the construction project, or the expiration of the Building Permit, whichever occurs first.
- B. Garage Sales.** Garage sales for individual residences limited to three, one- to two-day events per calendar year. One block or neighborhood sale per calendar year is allowed in addition to individual sales.
- C. Portable Moving and Storage Containers.** Moving and storage containers delivered to a home, loaded by residents, and delivered to another location, for a maximum of two weeks on private property. Containers placed in a street must comply with the City of Eureka Traffic Code Chapter 72 (Stopping, Standing and Parking).
- D. Dumpsters.** Dumpsters used to collect and store debris from building demolition and property clean-up activities are allowed on private property for the duration of the Building Permit or 30 days.
- E. Outdoor Fundraising Events.** Outdoor fundraising events on commercial sites when sponsored by a non-profit organization directly engaged in civic or charitable efforts. Outdoor fundraising events are limited to two days each month for each sponsoring organization.
- F. Catering.** Mobile food vendors operating as caterers to private events when food or

beverages are not sold to the general public.

**G. Recreational Vehicles (RVs).**

1. A recreational vehicle (RV), motor home, camper, or other similar vehicle as follows:
  - a. Used for living and sleeping purposes on a site with an active Building Permit for a construction project associated with an existing single-family home. Vehicles may be occupied only by the property owner and the property owner's family. Vehicles must be removed within ten days of completion of the construction project, or the expiration of the Building Permit, whichever occurs first.
  - b. Used for temporary living and sleeping purposes when associated with a single-family home (e.g. visiting relatives) for a maximum of 14 consecutive days and a maximum of 45 days per calendar year.
2. A recreational vehicle (RV), motor home, camper, or other similar vehicle located outside of a legally established recreational vehicle park may not be used for living or sleeping purposes except as allowed in Paragraph (1) of this division.

**155.336.050 – Temporary Uses and Structures Allowed with a Zoning Clearance**

The following temporary uses and structures require a Zoning Clearance.

- A. Seasonal Sales.** Seasonal sales (e.g., Christmas trees, pumpkins) for a maximum of 60 days, no more than four times per year on a single property.
- B. Outdoor Sales Events.** Outdoor sales events conducted by a permanent on-site use for a maximum of 30 days in any 180-day period.
- C. Travelling Sellers.** Temporary outdoor retail sales not associated with a permanent on-site use conducted in a fixed location as follows:
  1. A travelling seller may conduct sales for a maximum of 14 days and no more than four times per year on a single property. After 14 days, a travelling seller must move to a new location 1,000 feet or more from the previous location.
  2. Travelling sellers may locate only on commercial property, and only with approval of the property owner. Sales activities are not permitted in the public right-of-way.
  3. Retail sales from a vehicle are not subject to these limitations. See 155.304.090 (Mobile Vendors).
- D. Metal Shipping Containers.** Metal shipping containers (e.g., CONEX boxes) in residential and mixed-use zoning districts, not to exceed 30 days.
- E. Expansion or Replacement Facilities.** Temporary work space for employees during construction or remodeling of a permanent building. Temporary space may be provided in trailers or transportable buildings that are pre-constructed and arrive at the site ready for

occupancy and are readily removed and installed at other sites. Structures must be removed within ten days of completion of the construction project, or the expiration of the Building Permit, whichever occurs first.

- F. Other Temporary Uses.** Other temporary uses compatible with the applicable zoning district and surrounding land uses as determined by the Director.

*This page is intentionally blank*

## Section 155.340 – SIGNS

---

### Sections:

- 155.340.010 – Purpose
- 155.340.020 – Applicability
- 155.340.030 – Signs Allowed Without Permits
- 155.340.040 – Prohibited Signs
- 155.340.050 – Rules of Measurement
- 155.340.060 – Sign Permits
- 155.340.070 – Sign Standards
- 155.340.080 – General Requirements
- 155.340.090 – Temporary Signs

### 155.340.010 – Purpose

This section establishes standards relating to the permitted type, size, dimensions, placement, number, and design of signs. The intent of these standards is to:

- A. Support economically viable businesses serving city residents, workers, and visitors;
- B. Allow for signage that identifies businesses and other properties in a fair and equitable manner;
- C. Allow persons to exercise their free speech rights protected under the U.S. and California Constitutions;
- D. Promote the use of signs that are aesthetically pleasing, of appropriate scale, and integrated with surrounding buildings and landscape, in order to meet the community's expressed desire for quality development;
- E. Ensure that signs are compatible with their surroundings;
- F. Promote the free flow of traffic and protect pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to cluttered, distracting, or illegible signage;
- G. Emphasize Eureka's small-town historical character by promoting pedestrian-oriented and appropriately-scaled signage in all parts of town other than Broadway;
- H. Acknowledge Broadway's role as a primarily vehicular corridor through Eureka and allow for larger-scale and more vehicle-oriented signs on Broadway while still emphasizing aesthetic quality and scales appropriate for Eureka; and
- I. Allow for a simple and streamlined sign permitting process.

**155.340.020 – Applicability**

Unless specifically exempted, all signs in Eureka must comply with the requirements of this section, including signs for which a City permit or other approval is not required.

**155.340.030 – Signs Allowed Without Permits**

- A. Types of Signs.** The following signs are exempt from the permit requirements of this section and are not counted towards the allowable sign area or number of signs;
1. **Address and Nameplate Signs.** Street, apartment, unit, suite numbers, and nameplates, not greater than four inches in height for residential uses, and not greater than six inches in height for commercial uses.
  2. **Commemorative Plaques.** One commemorative plaque identifying a building name, date of construction, or similar information that is cut into, carved, or made of stone, concrete, metal, or other similar permanent material. Commemorative plaques may not be illuminated.
  3. **Decorations.** Holiday and cultural observance decorations on private property which do not include any commercial advertising.
  4. **Sandwich Board Signs on Private Property.** Non-digital sandwich board signs on private property, not to exceed a vertical or horizontal dimension of four feet.
  5. **Directional Signs.** On-site directional signs located entirely on the property to which they pertain, identifying direction to parking, restrooms, and similar public facilities, each not exceeding five feet in height and five square feet in area for non-residential uses, and two square feet for residential uses.
  6. **Directory Signs.** One directory sign per street frontage as follows:
    - a. Maximum area: one square foot per tenant.
    - b. Maximum height: six feet if freestanding.
    - c. Internal illumination prohibited.
  7. **Home Occupation.** One single, non-illuminated, wall-mounted outdoor sign of not more than two square feet in area.
  8. **Residential Lodging/Vacation Rental.** Each lot containing a ~~multiple-room rental may display one unilluminated sign not to exceed four square feet. All other residential lodging/vacation rental~~ uses may display one single, non-illuminated, wall-mounted outdoor sign of not more than two square feet.
  9. **Flags.** Flags bearing noncommercial messages or graphic symbols.
  10. **Government Signs.** Signs installed or required by a governmental agency, including signs advertising community activities and local nonprofit, civic, or fraternal

organizations.

11. **Informational Signs.** Signs with information for the safety and convenience of the public such as address, hours and days of operation, whether a business is open or closed, no smoking notices, up to three square feet per sign and 10 square feet in total. Excludes internally illuminated window signs.
  12. **Internal Signs.** Signs within a building, or on the premises of a building, that are not visible from the public right-of-way and are intended for interior viewing only.
  13. **Window Signs.** Window signs consistent with Table 340-2 (Window Signs, Non-Illuminated) and Table 340-3 (Window Signs, Internally Illuminated). Signs may not move or appear to move, change intensity, color, or pattern at any time, and may not create a public nuisance or hazard due to glare or halo effect.
  14. **Equipment Signage.** Signs manufactured as a standard, integral part of a mass-produced product accessory to a commercial or public or semipublic use, including but not limited to telephone booths, restrooms, vending machines, automated teller machines, gasoline pumps, drive-thru restaurant menu boards, and other signs of an instructive nature.
  15. **No Trespassing Signs.** "No trespassing" signs, each not more than one square foot in size, placed at each corner and each entrance to a property, and at intervals of not less than 100 feet, or in compliance with the requirements of state or federal law.
  16. **Non-Commercial Bulletin Boards.** One bulletin board on a parcel occupied by a non-commercial place of public assembly, with a maximum area of 12 square feet.
  17. **Real Estate Listings.** Real estate listings posted in the window of a real estate office, with a maximum area of 25 percent of the total window area.
  18. **Restaurant Menu Signs.** Restaurant menu signs attached to a building.
  19. **Service Station Signs.** Service station price signs as required by State law. (See Business & Professions Code Section 13530). Service station signs may include digital displays; however, the digital display may change no more than once a day. Digital displays must comply with brightness limitations in Table 340-9 (Digital Signs).
  20. **Temporary Signs.** Temporary signs consistent with 155.340.090 (Temporary Signs).
- B. Routine Maintenance.** The painting, cleaning, repair, and normal maintenance of a legally-established sign in conformance with 155.340.080.E (Maintenance) is allowed by-right, without a Zoning Clearance or other form of Department approval.
- C. Murals and Decorations.** Murals, decorations, and design elements on the exterior of a building that do not advertise a product, business, or service are not considered signs and are not subject to the requirements of this section. Advertisement includes text displaying the name of a business, text displaying the name of a product, text publicizing a service,

business-specific logos, and product-specific logos. Murals do not require a permit.

#### **155.340.040 – Prohibited Signs**

**A. Prohibited Sign Types.** The following types of signs are prohibited:

1. Banner signs, feather banners, yard signs, and inflatable balloon signs, except when used as a temporary sign consistent with 155.340.090 (Temporary Signs).
2. Beacon signs and searchlights.
3. Human directional and advertising signs.
4. New off-premise signs established after June 20, 2019.
5. Ticker signs.

**B. Prohibited Location or Placement.** Signs with the following location and/or placement characteristics are prohibited:

1. Signs attached to or placed adjacent to any utility pole, parking meter, traffic signpost, traffic signal, or any other traffic control device except when installed by a governmental agency.
2. Signs attached to trees.
3. Signs erected or maintained with horizontal or vertical clearance from overhead utilities less than required by a governmental agency.
4. Signs installed without permission of the property owner or the owner's agent.
5. Signs mounted or attached to a vehicle parked for the purpose of calling attention to or advertising a business establishment. This prohibition does not limit the use of business logos, identification, or advertising on vehicles actively used for business purposes and/or personal transportation.
6. Signs in the public right-of-way or projecting over a public street which have not received an encroachment permit.
7. Signs that obstruct or interfere with a traffic control sign or signal.
8. Signs that obstruct or interfere with the free use of a fire escape, exit, stairway, door, ventilator or window in violation of the California Building or Fire Code.
9. Signs that conflict with 155.308.040 (Vision Clearance Area) or signs that otherwise interfere with visibility at an intersection, public right-of-way, driveway, or other point of ingress/egress. The City may require sign setbacks greater than specified in this section to maintain adequate visibility for motorists and pedestrians.

**C. Prohibited Design Features.** Signs with the following design features and/or physical characteristics are prohibited:

1. Signs containing mirrors and signs that constitute a traffic hazard due to highly reflective or fluorescent materials.
2. Signs that simulate in size, color, lettering, or design a traffic control sign or signal.
3. Signs that blink, except chase lighting (see 155.340.080.H).
4. Signs that flash, strobe, or change intensity.
5. Signs emitting audible sounds, odor, fumes, smoke, flames, or other visible matter.
6. Signs that feature a flag, pennant, whirligig, or any devices that wave, flutter, rotate or display other movement under the influence of wind.

**D. Prohibited Sign Content.**

1. The following sign content is prohibited:
  - a. Obscene or indecent text or graphics.
  - b. Text or graphics that advertise unlawful activity under state or local laws.
  - c. Text or graphics that constitute defamation, incitement to imminent lawless action, or true threats.
  - d. Text or graphics that present a clear and present danger due to their potential confusion with signs that provide public safety information (for example, signs that use the words "Caution," or "Danger," or comparable words, phrases, symbols, or characters in such a manner as to imply a safety hazard that does not exist).
2. The content prohibited by Paragraph (1) above is either not protected by the United States or California Constitutions or is offered limited protection that is outweighed by the substantial governmental interests in protecting the public safety and welfare. It is the intent of the City Council that each subparagraph of Paragraph (1) above be individually severable in the event that a court of competent jurisdiction were to hold one or more of them to be inconsistent with the United States or California Constitutions.

**155.340.050 – Rules of Measurement**

**A. Calculating Sign Area.**

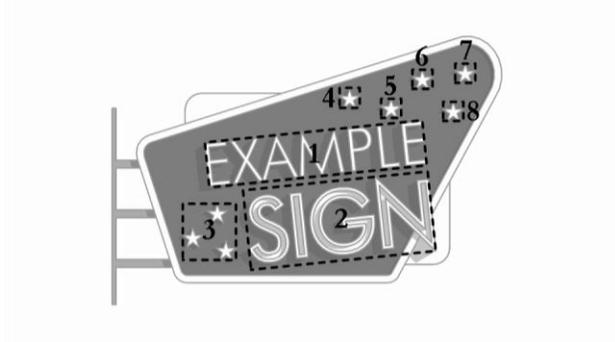
1. **Digitally-Printed Signs.** Sign area for digitally-printed signs is measured as the area within a single rectangle that completely enclose the sign copy and graphics, as well as any frame, material, or color that is an integral part of the display or used to differentiate the sign's contents from the background against which they are placed. See Figure 340-1.
2. **All Other Signs.** For all signs other than digitally-printed signs, sign area is measured as the area within up to eight rectangles that completely enclose the sign copy and

graphics. See Figure 340-2.

**Figure 340-1: Sign Area Measurement – Digitally Printed Signs**

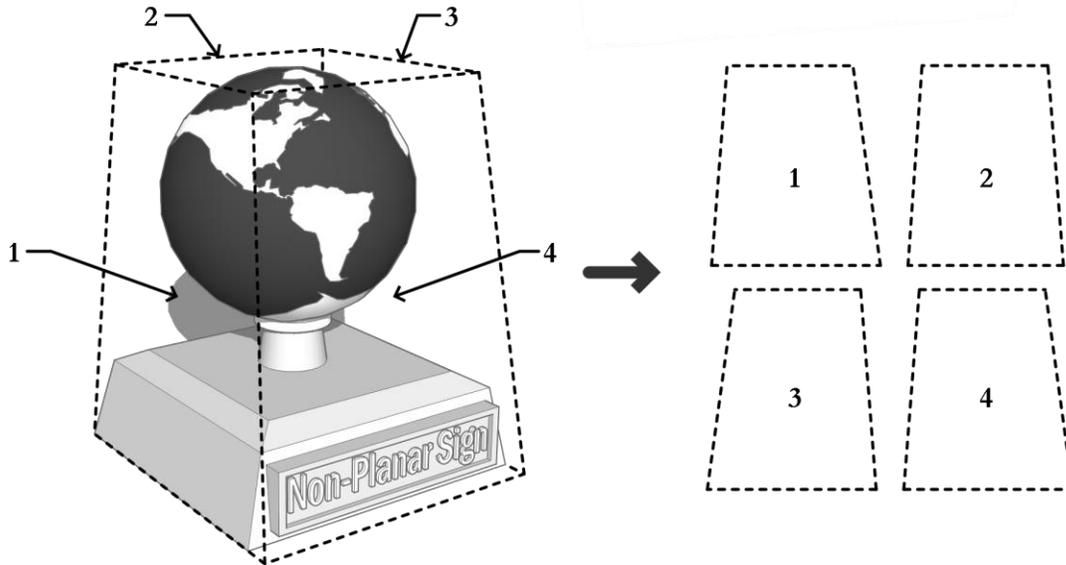


**Figure 340-2: Sign Area Measurement – All Other Sign Types**



3. Supporting framework or bracing that is clearly incidental to the display itself is not calculated as sign area.
4. For projecting and other double-faced (back-to-back) signs with identical faces, only one display face is counted in the sign area measurement if the distance between each sign face does not exceed 36 inches and the two faces are parallel with each other.
5. The area of spherical, free-form, sculptural, or other non-planar signs is measured as 50 percent of the sum of the area enclosed within the four vertical sides of the smallest four-sided polyhedron that will encompass the sign structure. See Figure 340-3.

**Figure 340-3: Non-Planer Sign Area**

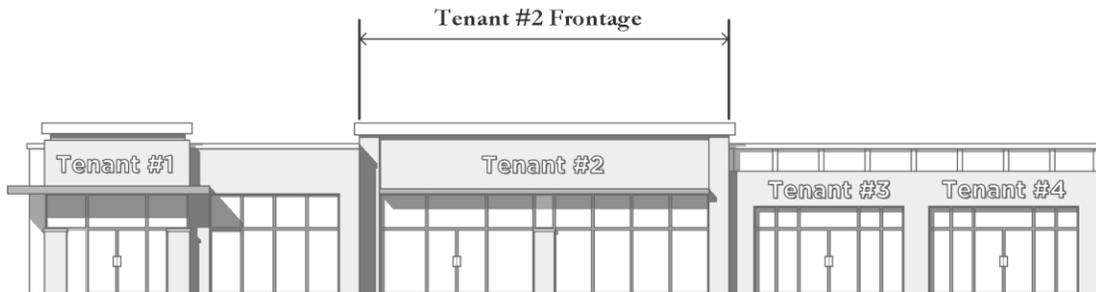


**B. Tenant Frontage.**

**1. General.**

- a. Tenant frontage is the linear measurement of a tenant’s building wall that abuts a street, parking lot that abuts a street, or pedestrian walkway. See Figure 340-4.
- b. Tenant frontage does not include building walls fronting an alley.

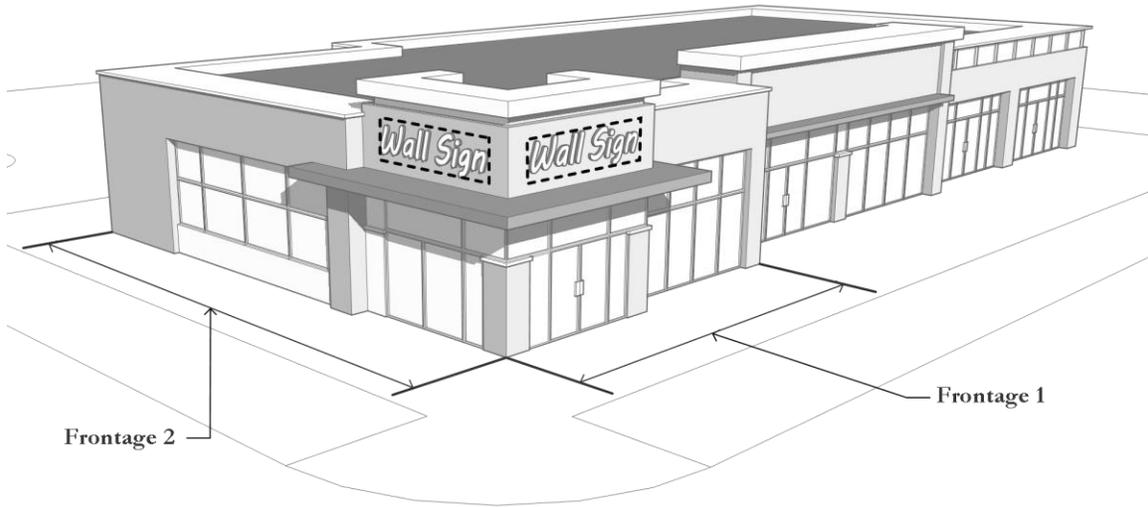
**Figure 340-4: Tenant Frontage**



**2. Corner and Through Lots.**

- a. Where a tenant occupies a building that fronts on two streets (on a corner or through lot), allowed sign standards apply independently for each street frontage unless otherwise indicated in this section. See Figure 340-5.

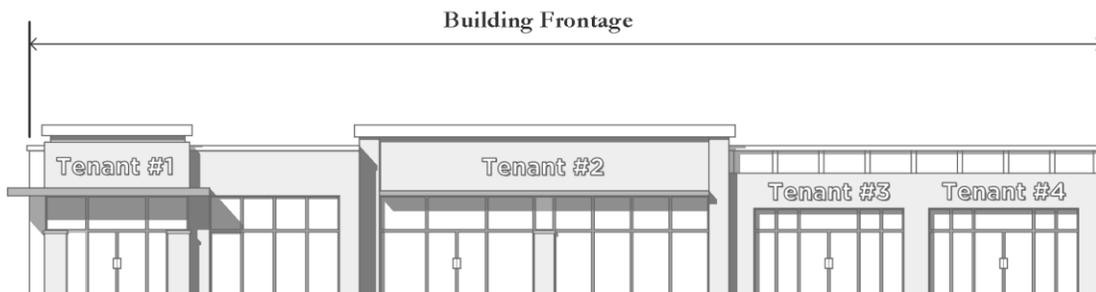
**Figure 340-5: Corner and Through Lots**



- b. For example, a corner tenant in the DT zoning district may install one wall sign on each street frontage. Allowed sign area applies individually to each frontage and may not be transferred between frontages.

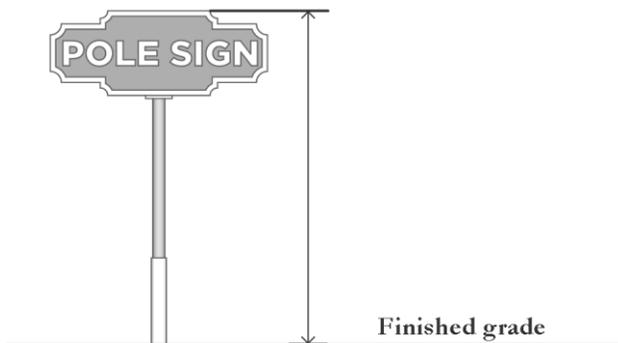
**C. Building Frontage.** Building frontage is measured in the same manner as tenant frontage, except calculated for the entire building, not individual tenants. See Figure 340-6.

**Figure 340-6: Building Frontage**



- D. Detached Sign Height Measurement.** The height of a freestanding, pole, monument or other type of detached sign is measured from the finished grade at the base of the sign to the top of the sign. See Figure 340-7.

**Figure 340-7: Detached Sign Height**



#### 155.340.060 – Sign Permits

- A. Types of Sign Permits.** The Zoning Code establishes three types of Sign Permits: Administrative Sign Permits, Master Sign Permits, and Creative Sign Permits.
1. An Administrative Sign Permit is a ministerial approval by the Department to confirm that a proposed sign complies with all applicable standards.
  2. A Master Sign Permit is a discretionary permit reviewed by the Design Review Committee to allow for comprehensive and coordinated signs on large, complex, non-residential multi-tenant sites and to allow some deviation from sign standards where appropriate.
  3. A Creative Sign Permit is a discretionary permit reviewed by the Design Review Committee to allow unique, high-quality signs that deviate from sign standards in this section.
- B. Administrative Sign Permits.**
1. **When Required.** All new signs require an Administrative Sign Permit except for:
    - a. Signs exempt from permit requirements as identified in 155.340.030 (Signs Allowed Without Permits);
    - b. Signs proposed concurrently as part of a Master Sign Permit application as identified in 155.340.060.C (Master Sign Permit); and
    - c. Signs that comply with the requirements of a Creative Sign Permit as identified in 155.340.060.D (Creative Sign Permit).

**2. Permit Requirements.**

- a. Administrative Sign Permit applications must be submitted using an official Department form accompanied by all fees, information, and materials required by the Department
- b. Department staff will review the proposed sign to verify compliance with applicable standards. If the proposed sign complies with all applicable standards, the Department staff will approve the Administrative Sign Permit. No public notice or hearing is required.

**C. Master Sign Permit.**

1. **Purpose.** The purpose of the Master Sign Permit is to provide a coordinated approach to signage for large sites/buildings and non-residential multi-tenant developments, buildings, or adjacent/adjoining properties/parcels.
2. **When Allowed.** Any site greater than one acre, any site with tenant spaces above the first floor, or any non-residential development, building, or property with three or more tenants, may request approval of a Master Sign Permit.
3. **Review Authority.** The Design Review Committee reviews and takes action on Master Sign Permit applications.
4. **Application Submittal and Review.**
  - a. Master Sign Permit applications must be submitted and reviewed in compliance with 155.408 (Permit Procedures).
  - b. Master Sign Permit applications must be authorized by the property owner/agent
5. **Master Sign Program.** All Master Sign Permit applications must include a proposed Master Sign Program that identifies the placement, size, materials, type, and general design of signs located on a site, including both existing and proposed signs.
6. **Design Standards.**
  - a. A Master Sign Program may allow for variety in the design of individual signs.
  - b. A Master Sign Program may not allow prohibited signs as identified in 155.340.040 (Prohibited Signs) or deviation from digital sign requirements in Table 340-9 (Digital Signs).
  - c. A Master Sign Program may allow transfers of maximum sign areas in 155.340.070 (Sign Standards) between tenants on a site. For example, on a site with ten tenants that each have 20-foot-wide frontages, each tenant would be allowed 20 square feet of pole signs. Through a standard Administrative Sign Permit, the area of each sign cannot be transferred from one tenant to another. However, through Design Review Committee approval of a Master Sign Permit,

the collective total of 200 square feet of sign area for the entire site can be pooled and then re-allocated between tenants so that one tenant could have 101 square feet and the remaining tenants could each have 11 square feet of sign area.

- d. A Master Sign Program may allow deviation from the total number of signs permitted per site in 155.340.070 (Sign Standards). For example, pole signs are limited to one pole sign per site with a standard Administrative Sign Permit. However, through a Master Sign Permit, the example in Paragraph (c) above could have two or more pole signs if specifically allowed by the Master Sign Permit approval.
  - e. Deviation from any other requirement in this section is not allowed.
7. **Public Notice and Hearing.** The Design Review Committee will review and act on a Master Sign Permit application at a noticed public hearing in compliance with 155.408.080 (Notice of Public Hearing) and 155.408.1100 (Public Hearings).
8. **Findings for Approval.** To approve a Master Sign Permit, the Design Review Committee must make all of the following findings:
- a. Allowed signs are consistent with the General Plan, Zoning Code, and any applicable specific plan or area plan adopted by the City Council;
  - b. The Master Sign Program features a unified and coordinated approach to the materials, size, type, placement, and general design of signs proposed for a project or property;
  - c. If deviations from sign standards in 155.340.070 (Sign Standards) are proposed, the deviations are necessary to accommodate the unique signage needs of the site;
  - d. Allowed signs comply with all applicable standards in this section, unless specific deviations are allowed by the Master Sign Program;
  - e. The allowed signs will not adversely impact the public health, safety, or general welfare;
  - f. The allowed sign sizes are proportionate to the building and site where they are located; and
  - g. The number, placement, design, and material of the allowed signs are compatible with the architectural design of buildings on the site.

9. **Limitations.**

- a. As a part of the discretionary approval of a Master Sign Permit, the Design Review Committee may require modifications to the proposed Master Sign Program including limits on allowed sign types, height, area, dimensions, placement, materials, and other sign design features.

10. **Effect of Master Sign Program.**

- a. All tenants and land uses on the site are subject to the requirements of the approved Master Sign Program.
- b. All subsequent signs proposed for a site subject to an approved Master Sign Program must comply with the standards and specifications included in the Master Sign Program.
- c. Subsequent signs consistent with an approved Master Sign Program are allowed with an Administrative Sign Permit.
- d. Signs inconsistent with an approved Master Sign Program require either an amendment to the Master Sign Program or modification of the inconsistent signs.
- e. Approval of a Master Sign Program supersede the regulations of this section. Any aspect of the proposed signs not addressed by the Master Sign Program must be in compliance with this section.

**D. Creative Sign Permits**

1. **Purpose.** A Creative Sign Permit allows for creative signs that deviate from sign standards in this section. Creative Sign Permits are intended to:
  - a. Encourage signs of unique design, and that exhibit a high degree of thoughtfulness, imagination, inventiveness, and spirit; and
  - b. Allow for creative signs that deviate from the standards in this section while minimizing adverse impacts on neighboring properties and the community at large.
2. **When Allowed.** A creative sign is allowed for any type of sign in any location in Eureka, except for digital signs, which are allowed only in locations specified in Table 340-9 (Digital Signs).
3. **Review Authority.** The Design Review Committee reviews and takes action on Creative Sign Permit applications.
4. **Application Submittal and Review.** Creative Sign Permit applications must be submitted and reviewed in compliance with 155.408 (Permit Procedures).
5. **Eligible Adjustments.** A Creative Sign Permit may allow deviation from standards in 155.340.070 (Sign Standards), excluding standards for digital signs (see Table 340-9)

and marquee signs (see 155.340.070 E.3). Deviation from any other requirement in this section is not allowed.

6. **Design Features Requiring a Creative Sign Permit.** The following sign design features are allowed only with a Creative Sign Permit:
  - a. Signs which change color at a frequency of more than one color change per 15 seconds, except for digital signs consistent with Table 340-9 (Digital Signs).
  - b. Chase lighting.
  - c. Neon signs that change color or are animated. Neon signs that do not change color or utilize animation are allowed without a Creative Sign Permit.
7. **Digitally-Printed Signs.** A digitally-printed sign may constitute no more than 40 percent of the total sign area of a sign approved with a Creative Sign Permit.
8. **Public Notice and Hearing.** The Design Review Committee will review and act on a Creative Sign Permit application at a noticed public hearing in compliance with 155.408.080 (Notice of Public Hearing) and 155.408.1100 (Public Hearings).
9. **Approval Criteria.** To approve a Creative Sign Permit, the Design Review Committee must find that the sign meets all of the General Design criteria and incorporates three or more of the Sign Features, Materials, and Contextual Criteria, as provided below.
  - a. **General Design.** The sign meets all of the following general design criteria:
    - (i) The sign constitutes a substantial aesthetic improvement to the site and has a positive visual impact on the surrounding area;
    - (ii) The sign is of unique design, and exhibits a high degree of thoughtfulness, imagination, inventiveness, and spirit;
    - (iii) The sign is of a higher creative, artistic, and/or sculptural nature than the average sign typically found in Eureka; and
    - (iv) The sign provides strong graphic character through the imaginative use of graphics, color, texture, quality materials, scale, and proportion.
  - b. **Sign Features, Materials, and Contextual Criteria.** The sign incorporates three or more of the following:
    - (i) Materials of a higher quality than typically used for signs in Eureka (e.g., stone, sculptural steel, sandblasted wood, gold leaf, hand-painted content with an artistic mural-like component).
    - (ii) Projecting, recessed, or cut-out text (e.g., push-through illuminated acrylic letters, routed letters, routed metal).

- (iii) Creative and unique use of clearly-visible high-quality landscaping with an area greater than the minimum required for the sign or site, whichever is more.
- (iv) Creative and unique use of lighting (e.g., chase, neon lighting, LED faux neon, a well-coordinated combination of at least three different types of site-appropriate illumination).
- (v) Clearly visible three-dimensionality where a notable proportion of the structure or form of the sign includes multiple deviations from a parallel plane (e.g., a sphere, a half-sphere, sculptural elements, a fully three-dimensional beer mug).
- (vi) Sign design successfully emulates the architecture of the building (e.g., a sign with roof-like covering that matches the general design of the roof of the building it serves).
- (vii) Highly irregular multi-dimensional sign shape (e.g., a sign that has at least five or more straight sides, a sign that has a few straight sides and multiple variable rounded sides, a sign with an unusually disproportionate height-to-width ratio).
- (viii) At least 50 percent of the sign area includes custom artistic illustrations.
- (ix) Sign shape includes inventive representation of the use, name, or logo of the structure or business (e.g., a fish-shaped sign for a fishing store).
- (x) Neon and/or LED faux neon signs that emulate movement but do not include chase lighting.
- (xi) Mechanically-animated element(s).
- (xii) Symbols or imagery relating to timber, commercial fishing, coastal land uses, arts/culture, other factors inherent to Eureka's identity, or to Eureka's current or historic character.

10. **Limitations.** As a part of the discretionary approval of a Creative Sign Permit, the Design Review Committee may require modifications to the proposed Creative Sign including limits on allowed sign types, area, dimensions, placement, materials, and other sign design features.

- E. Encroachment Permit.** Any sign which projects into the public right-of-way requires approval of an Encroachment Permit.
- F. City-Installed or Required Signs.** Signs installed or required by the City do not require a permit.

**155.340.070 – Sign Standards****A. Sign Type Standards.**

1. All signs must comply with the sign type standards in Tables 340-1 through 340-9 unless deviations are allowed through a Master Sign Permit (155.340.060.C) or Creative Sign Permit (155.340.060.D).
2. Maximum sign standards in Tables 340-1 through 340-9 apply to individual signs, not all signs combined on a property, unless otherwise noted in the tables.
3. If a proposed sign type is not specifically listed in Tables 340-1 through 340-9, the sign will be regulated in the same manner as the most similar listed sign type as determined by the Director.

**Table 340-1: Wall Signs**

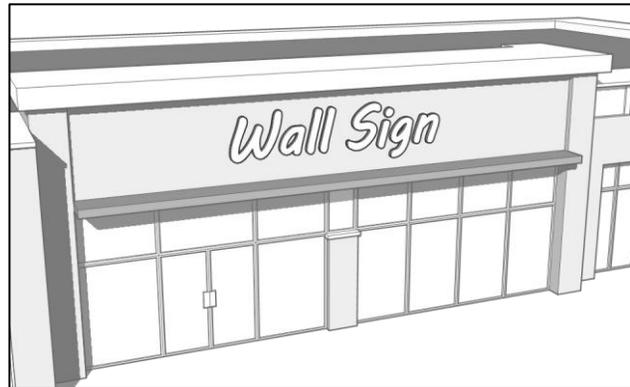
**Definition:** A wall sign is a sign attached to, or painted on, the exterior wall of a structure, with the display surface of the sign approximately parallel to the building wall. Wall signs include signs attached to, but not extending above, a fascia, parapet, or mansard roof.

**Where Allowed:** All zoning districts.

**Figure 340-7: Wall Signs**

**Materials:**

- Unless painted on a wall, wall signs must be constructed of durable, rigid material such as wood, plastic, or metal.
- Permanent wall signs constructed of flexible, non-rigid material (e.g., cloth, flexible vinyl) are not permitted.
- Wall signs may be painted directly on a building wall.



**Illumination:**

- In non-residential zoning districts: Both external and internal illumination is allowed.
- In residential zoning districts: Only external illumination is allowed.

Standards [1]	Zoning District		
	DT, DW, HC, WA, NC, OR, HM, H	SC, LI, <del>HGI</del>	Non-residential uses in all Residential zones
Max. number	2 per tenant frontage		1 per building frontage
Max. area [2]	1.0 sq. ft. per linear foot of tenant frontage to a maximum of 32 sq. ft. per tenant frontage	1.0 sq. ft. per linear foot of tenant frontage (no maximum)	24 sq. ft.
Max. height	Roof line or parapet of building to which sign is attached.		
Max. projection from building wall	6 inches		
<u>Notes:</u>			
[1] Standards apply only to ground-floor tenants and uses. See 155.340.070.B (Multi-Story Buildings).			
[2] Maximum area applies to all wall signs combined on a tenant frontage.			

**Table 340-2: Window Signs, Non-Illuminated**

**Definition:** A sign posted, painted, placed, or affixed in or on a window exposed to public view (including windows on upper floors). Any sign attached to a window, within two feet of a window, or attached to a display located within two feet of a window is considered a window sign.

**Where Allowed:** All zoning districts.

**Window Transparency:** For each individual window, a minimum of 75 percent of the total window area must be transparent and free of signage features. Window area is measured from interior of trim to interior of trim, including mullions, muntins, and other separations of panes of glass.

**Figure 340-8: Window Signs, Non-Illuminated**



Standard [1]	Zoning District		
	DT, DW, HC, WA, NC, OR, HM, H	SC, LI, <b>HGI</b>	Non-residential uses in all Residential zones
Max. number	No max.		
Max. area [2]	25 percent of total tenant frontage window area	50 percent of total tenant frontage window area	25 percent of the total window area of each individual window
Max. height	No max.		
<b>Notes:</b>			
[1] Standards apply only to ground-floor tenants and uses. See 155.340.070.B (Multi-Story Buildings).			
[2] Maximum area applies to all wall signs combined on a tenant frontage.			

**Table 340-3: Window Signs, Internally Illuminated**

**Definition:** A sign placed in a window with individually illuminated letters, numbers, or graphics not exceeding 12 square feet. Includes illuminated “open” signs and signs illuminated with LEDs, neon, or other fluorescing gas.

**Where Allowed:**

- Allowed in all non-residential zoning districts except for the Office Residential (OR) zoning district.
- **Additional Requirements:**
- Animated window signs require a Creative Sign Permit.
- Digital signs are not allowed as a window sign.

**Figure 340-9: Window Signs, Internally Illuminated**



Standard [1]	Zoning District	
	DT, DW, HC, WA, NC, HM, HN	SC, LI, <del>HGI</del>
Max. number	2 per tenant frontage	
Max. area [2]	25 percent of total tenant frontage window area	50 percent of total tenant frontage window area
Max. height	No max.	
<p><u>Note:</u>                      [1] Standards apply only to ground-floor tenants and uses. See 155.340.070.B (Multi-Story Buildings).                      [2] Maximum area applies to all wall signs combined on a tenant frontage.</p>		

**Table 340-4: Projecting and Suspended Signs**

**Definition:** A sign permanently attached to a building or wall such that the sign face or faces are perpendicular to the building or wall. Includes blade signs suspended under a bracket, armature, or other mounting device.

**Where Allowed:**

- Allowed in all non-residential zoning districts.
- Prohibited in all residential zoning districts.

**Vertical and Horizontal Clearance:** See 155.340.080.I (Vertical and Horizontal Clearance)

**Figure 340-8: Projecting and Suspended Signs**



Standard [1]	Zoning District	
	DT, DW, HC, WA, NC, OR, HM, HN	SC, LI, <del>HGI</del>
Max. number	1 per tenant frontage	
Max. area	18 sq. ft. per tenant frontage	24 sq. ft. per tenant frontage
Max. height	Height of building to which it is attached	
Maximum projection from building wall	8 ft.	
<p><u>Notes:</u></p> <p>[1] Standards apply only to ground-floor tenants and uses. See 155.340.070.B (Multi-Story Buildings).</p> <p>[2] The Building Code may require a projection less than eight feet</p>		

**Table 340-5: Awning/Canopy Signs**

**Definition:** An awning sign is incorporated into, attached to, or painted on the face or valance of an awning. A canopy sign is attached to a fixed overhead shelter used as a roof.

**Figure 340-9: Awning Signs**



**Figure 340-10: Canopy Signs**



**Where Allowed:**

- Allowed in all non-residential zoning districts.
- Prohibited in all residential zoning districts.

**Placement:** Awnings and canopies with signs may only be mounted on the wall area below the second floor.

**Vertical and Horizontal Clearance:** See 155.340.080.I (Vertical and Horizontal Clearance)

**Materials:** Awnings must be constructed of durable, long-lasting fabric. Plastic or vinyl material is not permitted.

**Awnings/Canopies Without Sign Copy:** Awnings and canopies without lettering or sign copy are not regulated as signs.

Standard	Zoning District	
	DT, DW, HC, WA, NC, OR, HM, HN	SC, LI, HGI
Max. number	No max.	
Max. area	25 sq. ft. or area of awning or canopy fascia, whichever is less	35 sq. ft. or area of awning or canopy fascia, whichever is less
Max. height (awning signs)	Height of awning area	
Max. height (canopy signs)	Height of canopy fascia; 3 ft. for signs atop canopy	Height of canopy fascia; 4 ft. for signs atop canopy
Max. width	The building wall to which it is attached or the tenant space it identifies	
Maximum projection from building wall	No max.	

Note: Standards apply only to ground-floor tenants and uses. See 155.340.070.B (Multi-Story Buildings).

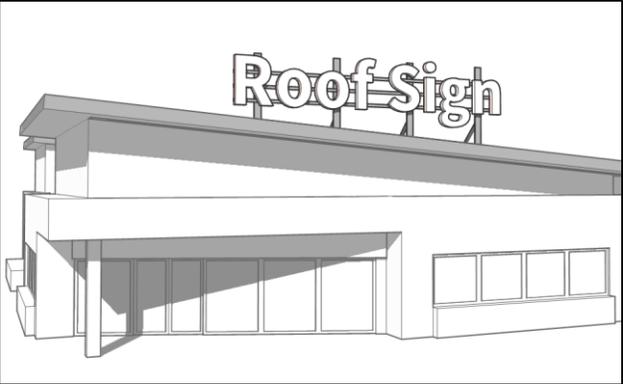
**Table 340-6: Roof Signs**

**Definition:** A sign erected above a roof and/or the parapet of a building. Signs attached to the side of a mansard roof are not considered roof signs. The definition of roof signs does not include signs attached to a building wall or other horizontal building element.

**Where Allowed:**

- Allowed in all non-residential zoning districts except for Office Residential (OR) and Hospital Medical (HM).
- Prohibited in Office Residential (OR), Hospital Medical (HM), and all residential zoning districts.

**Figure 340-11: Roof Signs**



**Design:** Roof signs must consist of individually-formed letters and associated graphics without a solid background. A box sign is not allowed as a roof sign.

**Illumination:** Internal or external illumination allowed. Internally illuminated signs are permitted only when the portion of the sign that appears illuminated is primarily the sign lettering, registered trademark, or logo.

**Digital Signs:** Digital signs are not allowed as a roof sign.

Standards	Zoning District	
	DT, DW, HC, WA, NC, HN	SC, LI, HGI
Max. number	1 roof sign per building	
Max. area	1.0 sq. ft. per linear foot of total building frontage to a maximum of 50 sq. ft.	1.0 sq. ft. per linear foot of total tenant frontage to a maximum of 100 sq. ft.
Max. height	10 ft. above top of building	16 ft. above top of building
<u>Note:</u> Standards apply only to ground-floor tenants and uses. See 155.340.070.B (Multi-Story Buildings).		

**Table 340-7: Monument Signs**

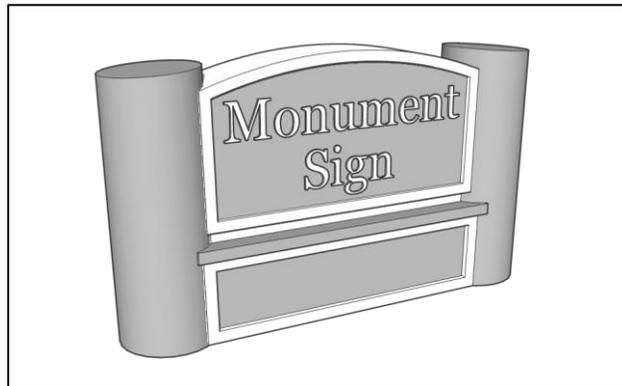
**Definition:** A monument sign is a sign detached from a building and supported on the ground by one or more structural elements that are one-quarter or more of the width of the sign face. Internal supports, poles, or pylons, if any, are enclosed by decorative covers or otherwise not exposed to view. Includes signs where supporting structural elements are architecturally dissimilar to the design of the sign. Excludes “pole signs.”

**Where Allowed:** Allowed in all mixed use and industrial zoning districts.

**Monument and Pole Signs:** A monument sign is not allowed on a site that also contains a pole sign.

**Ground Support and Placement:** See 155.340.11080.JJ (Detached Sign Ground Support and ClearancePlacement).

**Figure 340-12 Monument Signs**



Standard	Zoning District	
	DT, DW, HC, WA, NC, OR, HM, HN	SC, LI, <u>HGI</u>
Max. number	1 per site	1 per site
Max. area	1.0 sq. ft. per linear foot of tenant frontage to a maximum of 32 sq. ft. per tenant; maximum of 64 sq. ft. for multi-tenant signs	1.0 sq. ft. per linear foot of tenant frontage to a maximum of 50 sq. ft. per tenant; maximum of 150 sq. ft. for multi-tenant signs
Max. height	8 ft.	12 ft.
Max. width	No max.	
<u>Note:</u> Standards apply only to ground-floor tenants and uses. See 155.340.070.B (Multi-Story Buildings).		

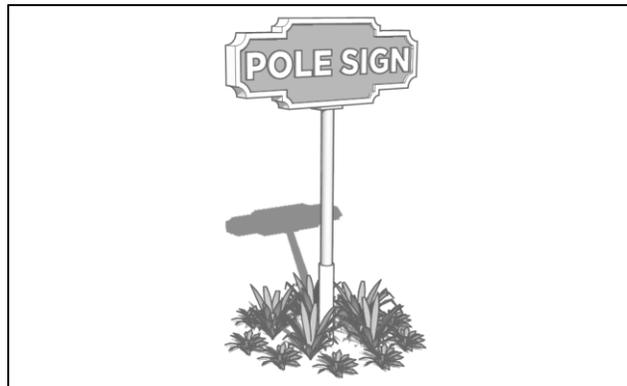
**Table 340-8: Pole Signs**

**Definition:** A sign detached from a building and supported on the ground by one or more structural elements that are less than one-quarter the width of the sign face.

**Where Allowed:**

- New pole signs are allowed in the SC, LI, and GI zoning districts.
- New pole signs are prohibited in all other zoning districts. Pole signs existing as of June 20, 2019 may remain.

**Figure 340-13: Pole Signs**



**Pole and Monument Signs.** A pole sign is not allowed on a tenant frontage that also contains a monument sign.

**Ground Support and Placement:** See 155.340.11080.H (Detached Sign Ground Support and Clearance Placement).

**Landscaping:** Pole signs must be placed in a planter box or other landscaped area, with the area of the landscaping a minimum of 15 square feet or one-half of the surface area of the sign, whichever is greater.

Standard	SC, LI, <del>HGI</del> Zoning Districts
Max. number	1 per site
Max. area	1.0 sq. ft. per linear foot of tenant frontage to a maximum of 50 sq. ft. per tenant; maximum of 150 sq. ft. for multi-tenant signs
Max. height	24 ft.
Horizontal clearance	See 155.340.080.H (Vertical and Horizontal Clearance)
Max. width	No max.
<u>Note:</u> Standards apply only to ground-floor tenants and uses. See 155.340.070.B (Multi-Story Buildings).	

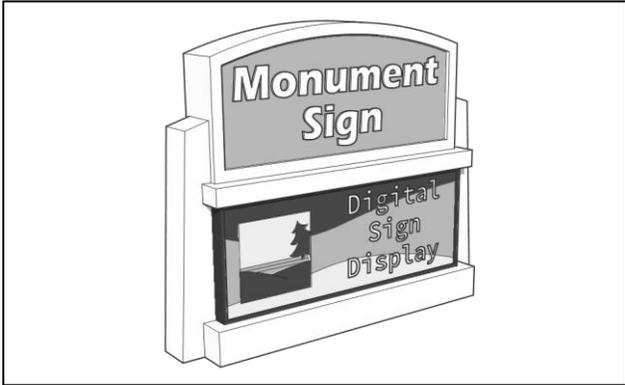
**Table 340-9: Digital Signs**

**Definition:** A sign that displays a visual image using liquid crystal cells or other types of light emitting diodes (LEDs), or their functional equivalent, where the image can be easily changed, typically by remote control or computer programming. Also known as Electronic Message Center (EMC) signs. Excludes fuel price signs and internally illuminated window signs.

**Where Allowed:**

- Allowed only in the Service Commercial (SC), Light Industrial (LI), and General Heavy Industrial (HGI) zoning districts
- In the Service Commercial (SC) zoning district, allowed only on properties fronting Broadway.
- Prohibited in all other zoning districts.

**Figure 340-14: Digital Signs**



**Sign Type:** Digital signs are permitted only when incorporated into a monument sign, wall sign, or pole sign that also includes additional non-digital sign copy.

**Off-Premise Signs Prohibited:** Digital signs may not be used as an off-premise sign, or for any form of off-site advertising.

**Design:**

- A digital sign must be incorporated into the face of a permanent sign that includes text or graphics that are not part of the digital display.
- If a digital sign is located at the top of a sign, the sign must include a substantial cap feature above the digital display, which consists of the same or complementary material, form, and color as used on the sign face or structure.

Standard	SC, LI, GI Zoning Districts
Max. number	1 per site
Max. frequency of message display change	15 sec.
Max. height	Established by the sign type into which the digital sign is incorporated.
Max. percentage of sign area containing digital display	66 percent of total allowable sign area of the sign type into which the digital sign is incorporated to a maximum of 100 sq. ft
Max. width	No max.

**Message Display:**

- Digital signs may contain static messages only. Signs may not display text which flashes, pulsates, moves, or scrolls. Each complete message must fit on one screen.
- Digital signs may not change message more than once every 15 seconds.
- The content of a digital sign must transition by changing instantly (e.g., no fade-out or fade-in).
- Ticker Signs are prohibited.

**Brightness:**

- During daylight hours between sunrise and sunset, luminance is limited to 10,000 nits.
- At all other times, luminance is limited to 500 nits.
- Digital signs may produce no more than 0.3 foot-candle of light when measured from the distance using the following formula:

$$\text{Measurement Distance} = \sqrt{\text{Area of Sign Sq. Ft.} \times 100}$$

- Each sign must have a light sensing device that will automatically adjust the brightness of the display as the natural ambient light conditions change.

- B. Multi-story Buildings.** Standards for signs in Tables 340-1 through 340-9 apply only to ground floor tenants and uses. Signs for tenants and uses located above the ground floor are allowed only with a Master Sign Permit that establishes sign standards for the site. See 155.340.060.C (Master Sign Permits).
- C. Hospital Signs.** Hospitals are exempt from all building-attached sign regulations except for digital sign regulations. Hospitals must comply with detached sign regulations. Non-hospital uses in the HM zoning district must comply with all sign regulations.
- D. Public Facilities and Parks Zoning Districts.** In the Public Facilities (PF) and Parks (P) zoning districts, the Director will determine the allowed sign types and size based on the signage needs of the associated uses.
- E. Marquee Signs.**
1. A marquee sign is allowed with a Creative Sign Permit and must satisfy all of the requirements of that permit. The Design Review Committee will determine the maximum allowed sign area, height, dimensions, and other standards as part of the Design Review approval process.
  2. Marquee signs are limited to theaters, auditoriums, indoor amusement/entertainment facilities, and similar facilities. A maximum of one marquee sign is allowed per use.
  3. Digital display is allowed only for marquee sign copy that advertises films, performances, and other events. Use of digital display to advertise goods and services is not allowed. Digital display may change no more than once a day. Digital display must comply with the brightness limitation in Table 340-9 (Digital Signs).
- F. Sandwich Board Signs.**
1. Sandwich board signs on private property are exempt from the requirements of this section (see 155.340.030.A.4.).
  2. Sandwich board signs within the public right of way must comply with the following standards:
    - a. Signs may only be located in mixed use zones.
    - a.b. Signs must be constructed of durable materials and in such a manner as not to present a hazard to pedestrian movement.
    - b.c. A sign may not exceed 30 inches in width and 48 inches in height.
    - c.d. Signs must be weighted at the base so as to provide a stable and secure sign.
    - d.e. Signs must be placed so as to allow for a minimum of 48 inches pedestrian path of travel clearance between obstacles.
    - e.f. Signs may not conflict with utilities or parking meters, public parking or traffic sight distance at street or alley intersections, and may not block entrances or

exits.

f.g. Signs are limited to one sign per business, and must be placed on the sidewalk that fronts the business.

g.h. Digital signs are not allowed as a sandwich board sign. See Table 340-9 (Digital Signs).

h.i. Signs in the public right-of-way must acquire an encroachment permit.

### **155.340.080 – General Requirements**

#### **A. Message Neutrality.**

1. It is the City's policy to regulate signs in a constitutional manner that does not favor commercial speech over noncommercial speech, and is content neutral as to noncommercial messages which are within the protections of the First Amendment to the U.S. Constitution and the corollary provisions of the California Constitution.
2. Where necessary, the Director will interpret the meaning and applicability of this section in light of this message neutrality policy. Under no circumstances will this message neutrality policy be interpreted to allow off-premise signs. See 155.340.080.K (Off-Premise Signs).

#### **B. Message Substitution.**

1. Subject to the property owner's consent, a message of any type may be substituted, in whole or in part, for the message displayed on any legally established sign without consideration of message content.
2. Message substitutions require a Zoning Clearance.
3. This message substitution provision does not:
  - a. Create a right to increase the total amount of signage beyond that otherwise allowed or existing;
  - b. Affect the requirement that a sign structure or mounting device be properly permitted, when a permit requirement applies;
  - c. Allow a change in the physical structure of a sign or its mounting device;
  - d. Allow the establishment of a prohibited sign as identified in 155.340.040 (Prohibited Signs); or
  - e. Nullify or eliminate any contractual obligation through a development agreement or similar agreement that specifies the allowable content of a sign.

#### **C. Maximum Number of Sign Types.** No more than three different types of signs are allowed on a site without approval of a Master Sign Permit (see 155.340.060.C)

**D. Changes to Sign Face.** Changes to a sign face that do not structurally alter or enlarge a legally-established sign require a Zoning Clearance.

**E. Maintenance.**

1. All signs and supporting hardware, including temporary signs, must be maintained in a state of good repair at all times.
2. Any repair to a sign must be of equal or better quality of materials and design as the original sign.
3. A sign that is not properly maintained or is dilapidated will be deemed a public nuisance, and may be abated in compliance with 155.428 (Enforcement and Penalties) and Municipal Code Section 10.35 et seq. (Administrative Citations). Examples of dilapidated signs include the following:
  - a. Signs with rust covering 25 percent or more of a pole or other support structures.
  - b. Signs with peeling paint visible on 25 percent or more of the sign or support structure.
  - c. Signs and support structures with visible physical damage that significantly alters the sign's appearance.
  - d. Signs with malfunctioning or damaged lighting.
  - e. Illegible sign copy resulting from damage to the sign.
  - f. Signs and supporting elements that no longer contain a sign face or copy. Includes box signs without a slide-in sign copy panel, projecting sign brackets without an attached sign face, and stand-alone poles without an attached sign face.
  - g. Other similar conditions as determined by the Director.

**F. Building Surface Repair.** When an existing sign is replaced, removed, or modified, any newly exposed portions of a building surface on which the sign is or was displayed must be repaired and repainted to restore a uniform appearance to the surface. Compliance with this requirement includes the removal of any excess conduit and supports, and the patching or filling of any exposed holes.

**G. Materials.** Except for interior window signs, all permanent signs must be constructed of wood, metal, plastic, glass, or similar durable and weatherproof material.

**H. Illumination.**

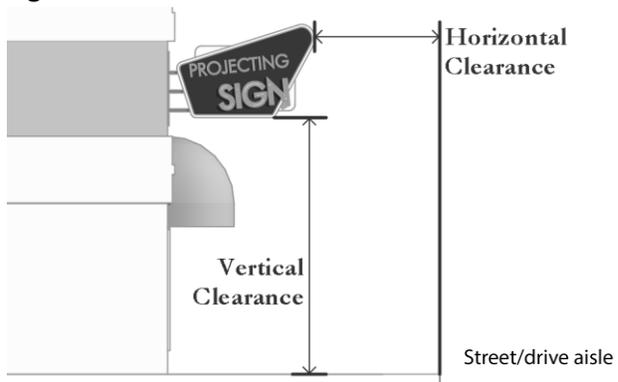
1. Signs in non-residential zoning districts may be internally or externally illuminated except where specifically prohibited.
2. Signs in residential zoning districts may only be externally illuminated.

3. Light sources must be steady, stationary, and static in color, except for neon signs and chase lighting when allowed with a Creative Sign Permit.
4. Lighting may not produce glare that creates a public nuisance or hazard for motorists or pedestrian.
5. The light source for externally illuminated signs must be positioned so that light does not shine directly on adjoining properties.
6. Exposed bulbs, with or without chase lighting, are permitted with a Creative Sign Permit.
7. Design features consisting of neon or other small diameter tubing illuminated by fluorescing gas is allowed as part of any type of sign.

**I. Vertical and Horizontal Clearance.**

1. Signs that project over any public walkway or walk area must have an overhead clearance of at least eight feet and require an Encroachment Permit. See Figure 340-16.
2. Signs must maintain a minimum two-foot horizontal clearance from a driveway or street curb. See Figure 340-15.

**Figure 340-15: Vertical and Horizontal Clearance**



**J. Detached Sign Ground Support and Placement.**

1. **Ground Support.** Detached signs must be supported and permanently placed by embedding, anchoring, or connecting the sign in such a manner as to incorporate it into the landscape or architectural design scheme.
2. **Placement.** A detached sign may not occupy an area designated for parking, loading, walkways, driveways, fire lane, easement, traffic portion of the right-of-way or other areas required to remain unobstructed.

**K. Off-Premise Signs.**

1. **New Off-Premise Signs.** New off-premise signs established on or after June 20, 2019 are prohibited.
2. **Existing Off-Premise Signs.** Legally-established off-premise signs established prior to June 20, 2019 may remain and must comply with all applicable regulations in this section.

**L. Nonconforming Signs.** See 155.424.050 (Nonconforming Signs).**M. Violations and Enforcement.** See 155.428.090 (Signs) for the procedure to remove hazardous and illegal signs.**155.340.090 – Temporary Signs**

Temporary signs are allowed in all zoning districts subject to this subsection.

**A. Temporary Sign Defined.**

1. A temporary sign means a sign intended to be displayed for a limited period of time.
2. The following types of signs are always considered temporary and allowed only as a temporary sign:
  - a. Banner signs.
  - b. Feather banners.
  - c. Yard signs.
  - d. Inflatable balloon signs.
  - e. Post signs on a residential property (e.g., for-sale signs).

**B. Allowed By-Right.** Temporary signs that comply with this subsection are allowed by-right without a Zoning Clearance or other form of Department approval.**C. Prohibited Signs.** Temporary signs must comply with Subsection 155.340.040 (Prohibited Signs).**D. Maximum Area.** Temporary signs may not exceed the maximum sign area shown in Table 340-10.

**Table 340-10: Maximum Temporary Sign Area**

Zoning District	Maximum Area
DT, DW, HC, NC, OR	25 sq. ft. per tenant, business, or land use
SC, HM, HN, LI, GI	
Tenants with less than 50 sq. ft. of tenant frontage	25 sq. ft. per tenant, business, or land use
Tenants with 50 ft. or more of tenant frontage	0.5 sq. ft. per linear foot of building frontage to a maximum of 100 sq. ft.
All Other Zoning Districts	25 sq. ft. per site

**E. Illumination.** Illumination of temporary signs is prohibited.

**F. Duration.**

1. Temporary signs may be displayed for the maximum duration shown in Table 340-11.
2. A sign displayed longer than allowed by Table 340-11 is considered a permanent sign subject to all applicable requirements in this section.

**Table 340-11: Temporary Sign Duration**

Type of Temporary Sign	Maximum Duration
Yard signs	90 days
Post signs	180 days
All other temporary signs	30 days not to exceed 60 calendar days per year

*This page is intentionally blank*

## **Section 155.344 – DENSITY BONUS**

---

### **Subsections:**

155.344.010 – Purpose

155.344.020 – Definitions

155.344.030 – Applicability

155.344.040 – Application Requirements

155.344.050 – Bonus and Incentive Calculation

155.344.060 – Review Authority

155.344.070 – Findings for Approval

### **155.344.010 – Purpose**

The purpose of this section is to allow for density bonuses and additional incentives, consistent with Government Code Section 65915 et. seq. and the General Plan Housing Element, and to promote the production of affordable, specialized, and senior housing.

### **155.344.020 – Definitions**

The definitions found in State Density Bonus Law apply to the terms contained in this subsection.

### **155.344.030 – Applicability**

A. A housing development as defined in State Density Bonus Law is eligible for a density bonus and other regulatory incentives that are provided by State Density Bonus Law when the applicant seeks and agrees to provide low, very-low, senior or moderate-income housing units or units intended to serve transitional foster youth, disabled veterans, homeless persons, and lower income students in the threshold amounts specified in State Density Bonus Law.

### **155.344.040 – Application Requirements**

A. All Applications. All applications for a density bonus, developer incentive, waiver or modification of development standards must include the following reasonable documentation:

#### **1. Density Bonus.**

a. A summary table showing the maximum number of dwelling units permitted by the zoning and general plan excluding any density bonus units, the proposed affordable units by income level, the proposed bonus percentage, the number of

density bonus units proposed, the total number of dwelling units proposed on the site, and the resulting density in units per acre.

- b. A site plan, drawn to scale, showing the number and location of all proposed units, designating the location of proposed affordable units and density bonus units.
- c. The zoning and general plan designations and assessor's parcel number(s) of the housing development site.
- d. A description of all dwelling units existing on the site in the five-year period preceding the date of submittal of the application and identification of any units rented during the five-year period. If dwelling units on the site are currently rented, income and household size of all residents of currently occupied units, if known. If any dwelling units on the site were rented in the five-year period but are not currently rented, the income and household size of residents occupying dwelling units when the site contained the maximum number of dwelling units, if known.
- e. A description of any recorded covenant, ordinance, or law applicable to the site that restricted rents to levels affordable to very-low or lower-income households in the five-year period preceding the date of submittal of the application.

**2. Concession or Incentive.** For each concession or incentive requested:

- a. The existing development standard and the requested development standard or regulatory incentive.
- b. Except where mixed-use zoning is proposed as a concession or incentive, documentation to show any requested incentive will result in identifiable and actual cost reductions to provide for affordable housing costs or rents.
- c. If approval of mixed-use zoning is proposed, documentation that nonresidential land uses will reduce the cost of the housing development, that the nonresidential land uses are compatible with the housing development and the existing or planned development in the area where the proposed housing development will be located, and that mixed-use zoning will provide for affordable housing costs or rents.

**3. Waiver.** For each waiver requested:

- a. The existing development standard and the requested development standard.
- b. Documentation that the development standard for which a waiver is requested will have the effect of physically precluding the construction of a development at the densities or with the concessions or incentives permitted by Government Code Section 65915.

**4. Parking Reduction.**

- a. A table showing parking required by the zoning regulations, parking proposed under § 65915(p), and reasonable documentation that the project is eligible for the requested parking reduction.

**5. Child Care Facility.**

- a. Documentation that all requirements included in Government Code Section 65915 (h) can be met.

**6. Condominium Conversion.**

- a. Documentation that all requirements included in Government Code Section 65915.5 can be met.

**7. Commercial Development Bonus.**

- a. Documentation that all requirements included in Government Code Section 65915.7 can be met.

**8. Land Donation.**

- a. Documentation of the location of the land to be dedicated, proof of site control, and reasonable documentation that each of the requirements included in Government Code Section 65915(g) can be met.

- B. Timeline for Application Processing.** Applications made pursuant to this section will be processed pursuant to Government Code Section 65950 et. seq.

**155.344.050 – Bonus and Incentive Calculation**

- A.** All calculations are rounded up for any fractional numeric value in determining the total number of units to be granted, including base density and bonus density, as well as the resulting number of affordable units needed for a given density bonus project.
- B.** Projects qualifying for a density bonus under one or more income categories, or one or more types of housing (i.e., senior housing or housing intended to serve transitional foster youth, disabled veterans, homeless persons, or lower income students), must identify the categories under which the density bonus would be applied. Density bonuses from more than one category can be combined up to the maximum allowed under State Density Bonus law.
- C.** Density bonus units are not included in determining the number of affordable units required to qualify a project for a density bonus
- D.** The applicant may elect to accept a lesser percentage of density bonus than the housing development is entitled to, or no density bonus, but no reduction will be permitted in the percentages of required affordable units contained in Government Code Section 65915(b),

(c), and (f). Regardless of the number of affordable units, no project will be entitled to a density bonus of more than what is authorized under State Density Bonus Law.

E. The number of incentives an applicant may request is provided by State Density Bonus Law.

#### **155.344.060 – Review Authority**

A. Density Bonus applications for housing developments requiring discretionary review will be reviewed and acted upon by the highest review authority designated by the Zoning Code for any of the applications (e.g., a project requiring a Use Permit and applying for a Density Bonus will have both applications decided by the Planning Commission).

B. The Director reviews and takes action on Density Bonus applications for housing developments requiring only ministerial review (e.g., a Density Bonus application for a housing development requiring only a Building Permit will be decided by the Director).

#### **155.344.070 – Findings for Approval**

A. To approve a Density Bonus application, the review authority must make the following written findings, based upon substantial evidence, as applicable:

##### **1. Density Bonus.**

a. The proposed development provides the affordable units or senior housing required by State Density Bonus Law to be eligible for the density bonus and any incentives, parking reduction, or waivers requested, including the replacement of units rented or formerly rented to low- and very low-income households as required by Government Code Section 65915(c)(3).

b. The proposed density bonus will 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 affordable rents, as defined in Section 50053 of the Health and Safety Code; or

c. The proposed density bonus will not be contrary to state or federal law; and

d. The proposed density bonus will not have a specific adverse impact on public health or safety, or the physical environment, or on any real property that is listed in the California Register of Historic Resources. For the purpose of this subsection, 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.

**2. Incentive.** Any requested incentive will result in identifiable and actual cost reductions to provide for affordable housing costs or rents, except that, if a mixed-use

development is requested, the application must instead meet all of the requirements of Government Code Section 65915(k)(2).

- 3. Waiver.** The development standard for which a waiver is requested will have the effect of physically precluding the construction of a development at the densities or with the concessions or incentives permitted by Government Code Section 65915.
- 4. Parking Reduction.** The housing development is eligible for any requested parking reductions under Government Code Section 65915(p).
- 5. Donation of Land.** If the density bonus is based entirely, or in part, on the donation of land, all of the requirements included in Government Code Section 65915(g) have been met.
- 6. Child Care Facility.** If the density bonus or incentive is based on the inclusion of a child care facility, all of the requirements included in Government Code Section 65915(h) have been met.
- 7. Condominium Conversion.** If the density bonus or incentive is based on the inclusion of affordable units as part of a condominium conversion, all of the requirements included in Government Code Section 65915.5 have been met.
- 8. Commercial Development.**

  - a. The City has approved the partnered housing agreement, and
  - b. The commercial development bonus has been mutually agreed upon by the City and the commercial developer; and
  - c. All of the requirements included in Government Code Section 65915.7 have been met.

*This page is intentionally blank*

## **ARTICLE 4 – Permits and Administration**

### **Section 155.404 – Administrative Responsibilities**

- 155.404.010 – Purpose
- 155.404.020 – Review and Decision-Making Authority
- 155.404.030 – Development Services Department
- 155.404.040 – Development Services Director
- 155.404.050 – Planning Commission
- 155.404.060 – Design Review Committee
- 155.404.070 – Historic Preservation Commission
- 155.404.080 – City Council

### **Section 155.408 – Permit Procedures**

- 155.408.010 – Purpose and Applicability
- 155.408.020 – Application Preparation and Filing
- 155.408.030 – Application Fees
- 155.408.040 – Application Review
- 155.408.050 – Multiple Permit Applications
- 155.408.060 – Environmental Review
- 155.408.070 – Applications Deemed Withdrawn
- 155.408.080 – Notice of Public Hearing
- 155.408.090 – Notice of Action
- 155.408.100 -- Public Hearings
- 155.408.110 – Conditions of Approval

### **Section 155.412 – Specific Permits and Approvals**

- 155.412.010 – Purpose
- 155.412.020 – Review Authority; Appeals
- 155.412.030 – Administrative Adjustments
- 155.412.040 – Design Review
- 155.412.050 – Home Occupation Approvals
- 155.412.060 – Infill Incentive Permits
- 155.412.070 – Minor Modifications
- 155.412.080 – Reasonable Accommodations
- 155.412.090 – Sign Permits
- 155.412.100 – Tree Permits
- 155.412.110 – Use Permits
- 155.412.120 – Vacation Rental Permits
- 155.412.130 – Variances
- 155.412.140 – Zoning Clearances

### **Section 155.416 – Appeals and Reviews**

- 155.416.010 – Purpose
- 155.416.020 – Appeal Subjects and Jurisdiction
- 155.416.030 – Filing and Processing of Appeals
- 155.416.040 – Calls for Review
- 155.416.050 – Judicial Review

### **Section 155.420 – Post-Approval Provisions**

- 155.420.010 – Purpose
- 155.420.020 – Notice of Decision
- 155.420.030 – Effective Date of Decision
- 155.420.040 – Issuance of Permits
- 155.420.050 – Conformance to Approved Plans
- 155.420.060 – Certificates of Occupancy
- 155.420.070 – Performance Guarantees
- 155.420.080 – Changes to an Approved Project
- 155.420.090 – Permit Expiration
- 155.420.100 – Extension of Time
- 155.420.110 – Resubmittals Following Denial or Revocation
- 155.420.120 – Permits to Run with the Land

### **Section 155.424 – Nonconformities**

- 155.424.010 – Purpose
- 155.424.020 – Applicability
- 155.424.030 – Nonconforming Site Features
- 155.424.040 – Nonconforming Buildings
- 155.424.050 – Nonconforming Signs
- 155.424.060 – Nonconforming Uses
- 155.424.070 – Nonconforming Lots
- 155.424.080 – Findings

### **Section 155.428 – Enforcement and Penalties**

- 155.428.010 – Purpose
- 155.428.020 – Violations
- 155.428.030 – Permits and Approvals
- 155.428.040 – Enforcement Authority
- 155.428.050 – Inspections, Access, and Entry
- 155.428.060 – Remedies
- 155.428.070 – Remedies are Cumulative
- 155.428.080 – Permit Revocation
- 155.428.090 – Signs

### **Section 155.432 – Zoning Code and General Plan Amendments**

- 155.432.010 – Purpose
- 155.432.020 – Initiation
- 155.432.030 – General Plan Amendment Petition
- 155.432.040 – Application
- 155.432.050 – Planning Commission Hearing and Action
- 155.432.060 – City Council Hearing and Action
- 155.432.070 – Findings for Approval
- 155.432.080 – Limitations on Resubmittals after Denial

## Section 155.404 – ADMINISTRATIVE RESPONSIBILITIES

---

### Subsections:

- 155.404.010 – Purpose
- 155.404.020 – Review and Decision-Making Authority
- 155.404.030 – Development Services Department
- 155.404.040 – Development Services Director
- 155.404.050 – Planning Commission
- 155.404.060 – Design Review Committee
- 155.404.070 – Historic Preservation Commission
- 155.404.080 – City Council

### 155.404.010 – Purpose

This section describes City roles and responsibilities when administering the Zoning Code.

### 155.404.020 – Review and Decision-Making Authority

- A. **Summary Table.** Table 404-1 summarizes City review and decision-making authority when processing permit applications and other requested approvals.
- B. **Meaning of Notations.** Authority roles shown in Table 404-1 mean the following:
  1. “Recommend” means the authority reviews and makes a recommendation to a higher decision-making body.
  2. “Decision” means the authority may approve, conditionally approve, or deny an application.
  3. “Appeal” means the authority hears an appeal of a decision by a lower review authority.
  4. “-” means the authority has no role in the action.
- C. **Multiple Permit Applications.** For projects that include multiple permits, see 155.408.050 (Multiple Permit Applications).

### 155.404.030 – Development Services Department

- A. **Responsibilities and Powers.** The Department:
  1. Processes permit applications as provided in 155.408 (Permit Procedures);
  2. Assumes responsibilities delegated by the Director; and
  3. Performs other duties as necessary to administer the Zoning Code.

**Table 404-1: Review and Decision-Making Authority**

Type of Action	Zoning Code Section	Role of Authority			
		Director/ Department	Design Review Committee	Planning Commission	City Council
<b>Legislative Actions</b>					
Zoning Code and General Plan Amendment	155.432	Recommend	-	Recommend	Decision
<b>Use Permits</b>					
Conditional Use Permit	155.412.110	Recommend	-	Decision	Appeal
Minor Use Permit	155.412.110	Decision <a href="#">[1]</a>	-	Appeal	Appeal
<b>Flexibility and Relief</b>					
Administrative Adjustment	155.412.030	Decision <a href="#">[1]</a>	-	Appeal	Appeal
Infill Incentive Permit, Major	155.412.060	Recommend	-	Decision	Appeal
Infill Incentive Permit, Minor	155.412.060	Decision <a href="#">[1]</a>	-	Appeal	Appeal
Minor Modification	155.412.070	Decision <a href="#">[1]</a>	-	Appeal	Appeal
Reasonable Accommodation	155.412.080	Decision <a href="#">[1]</a>	-	Appeal	Appeal
Variance, Major	155.412.120	Recommend	-	Decision	Appeal
Variance, Minor	155.412.120	Decision <a href="#">[1]</a>	-	Appeal	Appeal
<b>Sign Permits</b>					
Administrative Sign Permits	155.340.060.B	Decision <a href="#">[24]</a>	Appeal	Appeal	Appeal
Creative Sign Permits	155.340.060.D	Recommend	Decision	Appeal	Appeal
Master Sign Permits	155.340.060.C	Recommend	Decision	Appeal	Appeal
<b>Other Permits and Approvals</b>					
<a href="#">Density Bonus (ministerial)</a>	<a href="#">155.344</a>	<a href="#">Decision [2]</a>		<a href="#">Appeal</a>	<a href="#">Appeal</a>
<a href="#">Density Bonus (discretionary)[3]</a>	<a href="#">155.344</a>	<a href="#">Decision [2]</a>		<a href="#">Decision</a>	<a href="#">Decision</a>
Design Review	155.412.040	Recommend	Decision <a href="#">[42]</a>	Appeal	Appeal
Home Occupation Approval	155.304.070	Decision <a href="#">[24]</a>	-	Appeal	Appeal
Tree Permit	155.304.140	Decision <a href="#">[24]</a>	-	Appeal	Appeal
Zoning Clearance	155.412.130	Decision <a href="#">[24]</a>	-	Appeal	Appeal
<b>Notes:</b>					
<a href="#">[1]</a> The Director may choose to refer the project to the Planning Commission for review and decision.					
<a href="#">[2]</a> The Director may delegate review authority to Department staff on ministerial permits and approvals.					

[32] Density Bonus applications requiring other discretionary review will be acted upon by the highest review authority, with appeal rights to the next highest authority, except that decisions of the City Council are final.

[4] The Historic Preservation Commission conducts Design Review for projects that alter a designated historic resource as provided in Municipal Code Chapter 157. If a project subject to Design Review also requires a permit from the Planning Commission, the Planning Commission conducts Design Review.

### 155.404.040 – Development Services Director

#### A. Responsibilities and Powers. The Director:

1. Serves as the review and decision-making authority as shown in Table 404-1;
2. Makes official interpretations of the Zoning Code in accordance with 155.108.030 (Official Interpretations);
3. Enforces the Zoning Code in accordance with 155.428 (Enforcement and Penalties);
4. Assumes responsibilities described in Municipal Code Section 33.071 (Director of Development Services);
5. Performs other duties as necessary to administer the Zoning Code and as assigned by the City Council; and
6. Serves as the secretary to the Design Review Committee, Historic Preservation Commission, and Planning Commission.

#### B. Duties as Secretary to DRC, HPC, and PC. As secretary to the Design Review Committee (DRC), Historic Preservation Commission (HPC), and Planning Commission (PC), the Director:

1. Prepares staff reports on permit applications and other requested approvals;
2. Presents applications at public hearings;
3. Maintains a record of DRC, HPC, and PC proceedings and decisions;
4. Advises the DRC, HPC, and PC on the meaning and applicability of the Zoning Code; and
5. Provides support and technical assistance to the DRC, HPC, and PC as needed.

#### C. Delegation to Staff. The Director may designate one or more Department staff to perform the duties described in 155.404.040.A (Responsibilities and Powers) and B (Duties as Secretary to DRC, HPC, and PC).

### 155.404.050 – Planning Commission

#### A. Established. The City must maintain a Planning Commission to review and act on proposed development projects and to assist in the development and application of land use policy and regulations in Eureka.

**B. Composition.**

1. **Number of Members.** The Planning Commission consists of five members.
2. **Member Experience.** Persons appointed to the Planning Commission<sup>ef</sup> must have an interest and/or experience in city planning, land development, land use law, architecture, urban design, natural resource protection, real estate, transportation planning, economic development, or other relevant planning-related fields.
3. Planning Commission members must be appointed and vacancies on the Commission filled in accordance with Municipal Code Section 33.001 et seq. (Boards and Commissions Created by Council)

**C. Responsibilities and Powers.** The Planning Commission:

1. Serves as the review and decision-making authority on applications as shown in Table 404-1;
2. Hears appeals on decisions in accordance with 155.416 (Appeals and Reviews);
3. Makes recommendations to the City Council on Zoning Code amendments and other legislative matters;
4. Makes recommendations to the City Council on General Plan amendments and specific plans and other special-purpose land use plans; and
5. Assumes responsibilities described in Municipal Code Section 152.01 (Planning Commission);

**D. Meetings and Procedures.** The Planning Commission operates according to Municipal Code Chapter 33 (Other Departments, Boards and Commissions), Chapter 152 (Planning and Zoning Administration), and any official rules of procedure or bylaws adopted by the Planning Commission.**155.404.060 – Design Review Committee****A. Established.** The Design Review Committee (DRC) is established to review and approve the design of proposed development projects.**B. Composition.**

1. **Number of Members.** The DRC consists of five members.
2. **Member Experience.** Persons appointed to the DRC must have professional experience in the fields of architecture, land development, city planning, real estate, landscape architecture, or other relevant design-related profession.
3. **Appointment.** DRC members must be appointed and vacancies filled according to Municipal Code Section 33.001 et seq. (Boards and Commissions Created by Council).

4. **Architect.** If the DRC membership does not include an architect, the DRC may, by unanimous agreement, invite an architect, who may or may not be a resident of the city, to serve in an advisory capacity.

**C. Responsibilities and Powers.**

1. The DRC Serves as the review and decision-making authority as shown in Table 404-1;
2. The DRC may assume other responsibilities as requested by the Director, Planning Commission, or City Council.

- D. Meetings and Procedures.** The DRC operates according to Municipal Code Chapter 33 (Other Departments, Boards and Commissions) and any official rules of procedures or bylaws adopted by the DRC.

**155.404.070 – Historic Preservation Commission**

The purpose and function of the Historic Preservation Commission (HPC) is stated in Municipal Code Chapter 157 (Historic Preservation). In the administration of the Zoning Code, the HPC conducts Design Review for projects that alter a designated historic resource as provided in Municipal Code Chapter 157.

**155.404.080 – City Council**

The City Council:

- A. Takes action on proposed Zoning Code and General Plan amendments;
- B. Hears appeals on decisions in accordance with 155.4~~2016~~ (Appeals and Reviews); and
- C. Assumes other responsibilities and takes action on other matters related to the Zoning Code according to the Municipal Code and state and federal laws.

*This page is Intentionally blank*

## Section 155.408 – PERMIT PROCEDURES

---

### Subsections:

- [155.408.010 – Purpose and Applicability](#)
- [155.408.020 – Application Preparation and Filing](#)
- [155.408.030 – Application Fees](#)
- [155.408.040 – Application Review](#)
- [155.408.050 – Multiple Permit Applications](#)
- [155.408.060 – Environmental Review](#)
- [155.408.070 – Applications Deemed Withdrawn](#)
- [155.408.080 – Notice of Public Hearing](#)
- [155.408.090 – Notice of Action](#)
- [155.408.100 – Public Hearings](#)
- [155.408.110 – Conditions of Approval](#)

### **155.408.010 – Purpose and Applicability**

This section establishes procedures for the preparation, filing, and processing of permit applications required by the Zoning Code. Procedures and requirements that apply after an application is approved are found in 155.420 (Post-Approval [Provisions](#) [cedures](#)).

### **155.408.020 – Application Preparation and Filing**

#### **A. Pre-Application Conference.**

1. Applicants are encouraged to request a pre-application conference with the Department before completing and filing a permit application.
2. The purpose of this conference is to:
  - a. Review the applicant's project concepts, preliminary project descriptions, and/or rough site plans;
  - b. Inform the applicant of Zoning Code and Department requirements that apply to the proposed project;
  - c. Inform the applicant of requirements from other departments (such as Building, Public Works, Police, and Fire) and other governmental agencies (such as the Coastal Commission) that may apply to the proposed project;
  - d. Inform the applicant of the City's review processes;
  - e. Identify information and materials the City will require with the application, and any necessary technical studies and information relating to the environmental review of the project;

- f. Provide guidance to the applicant of possible project alternatives or modifications; and
  - g. Assign Department staff to serve as the project liaison with whom the applicant should communicate as the application is processed.
3. The pre-application conference and any information provided by City staff must not be construed as a recommendation for approval or denial of an application.
  4. Failure by City staff to identify all permit requirements does not constitute a waiver of those requirements.

**B. Application Contents.**

1. Applications must be made in writing on a form provided by the Department.
2. Applications must be filed along with all fees, information, and materials required by the Department.

**C. Eligibility for Filing.**

1. An application may be filed only by:
  - a. The property owner;
  - b. A property tenant;
  - c. An authorized agent of the property owner or tenant; or
  - d. A person under contract or with an exclusive option to purchase the property.
2. The application must be either:
  - a. Signed by the property owner, the property owner's authorized agent, or a person under contract or with an exclusive option to buy the property; or
  - b. Accompanied by a written letter signed by the property owner or the property owner's authorized agent consenting to the application.

**D. Application Acceptance.**

1. The Department may accept an application for processing only if the submittal contains all fees, information, and materials required by the Department.
2. Accepting an application for processing does not indicate Department support for the proposed project or that the application is complete pursuant to 155.408.040 (Application Review).

**155.408.030 – Application Fees**

- A. **Fee Schedule.** Fees required to process permit applications are identified in the Development Services Department Fee Schedule adopted by the City Council.

**B. Payment Required.**

1. The Department may accept and begin processing an application only after all required fees are paid.
2. Failure to pay any required fees may be a basis for denial or revocation of a permit.

**C. Refunds and Withdrawals.**

1. If an application is withdrawn in writing by the applicant, the Director may authorize a partial refund based upon the pro-rated costs to the date of withdrawal and the status of the application at the time of withdrawal.
2. The Department will not refund fees for denied applications, unless directed to do so by City Council.

**155.408.040 – Application Review**

- A. Initial Review.** The Department must review each application for completeness and accuracy before it is accepted as complete and officially filed.
- B. Basis for Determination.** The Department's completeness determination is based on the Department's list of required application content and any additional written instructions provided to the applicant at a pre-application conference, and/or during the application review period.
- C. Applicant Notification.** Within 30 days of application filing, the Department must inform the applicant in writing that the application is complete and has been accepted for processing, or that the application is incomplete and additional information is required.
- D. Appeal of Determination.** When the Department determines that an application is incomplete, and the applicant believes that the application is complete or that the information requested by the Department is not required, the applicant may appeal the Department's determination in compliance with 155.416 (Appeals and Reviews).
- E. Submittal of Additional Information.**
1. When the Department determines that an application is incomplete, the applicant must submit additional required information in writing.
  2. Resubmitted information is subject to a new 30-day period of review for completeness.
  3. Requested information must be submitted within the timeframe identified in 155.408.070.A (Response Required).
- F. Environmental Information.** After determining that an application is complete pursuant to 155.408.040.C (Applicant Notification), the Department may require the applicant to

submit additional information for the environmental review of the project, in compliance with the California Environmental Quality Act (CEQA).

#### **155.408.050 – Multiple Permit Applications**

- A. Concurrent Filing.** If a project requires more than one permit or approval (e.g., a Zoning Map Amendment and a Conditional Use Permit), the applicant must apply for all permits and approvals concurrently, unless the concurrent filing requirement is waived by the Director. The Department may accept a single application form for all required permits and approvals.
- B. Concurrent Processing and Review.**
1. The Department must process multiple applications for the same project concurrently.
  2. Projects requiring multiple permit applications must be reviewed and acted upon by the highest review authority designated by the Zoning Code for any of the applications (e.g., a project requiring a Zoning Map Amendment and a Conditional Use Permit will have both applications decided by the City Council, instead of the Planning Commission acting on the Conditional Use Permit).

#### **155.408.060 – Environmental Review**

- A. CEQA Review.**
1. After accepting a complete application, the Department must review the project in compliance with the California Environmental Quality Act (CEQA) and any adopted City CEQA guidelines.
  2. The Department will determine the required level of environmental review (e.g., exemption, Negative Declaration) within 30 days of finding the application complete.
- B. Special Studies Required.** The Department may require the applicant to prepare special studies and/or submit additional information to supplement the Department's CEQA compliance review.
- C. Action on CEQA Document.** The review authority that approves an application must take final action on the CEQA document prepared for the proposed project. Final action on the CEQA document must occur prior to or concurrent with action on required permits. Pursuant to CEQA Guidelines Section 15270(b), the City is not required to take final action on a CEQA documents for a denied application.

**155.408.070 – Applications Deemed Withdrawn****A. Response Required.**

1. When an applicant has been informed by letter that an application is incomplete in accordance with 155.408.040 (Application Review), the applicant must pay required supplemental fees and/or provide requested information within 120 days following the date of the letter, or within a different timeframe as determined by the Department and communicated to the applicant in writing.
2. If an applicant does not respond within the required response timeframe, the application expires and is deemed withdrawn without any further action by the Department.

- B. Resubmittal.** After an application expires, future Departmental consideration of the project requires an applicant to submit a new complete application and associated fees.

**155.408.080 – Notice of Public Hearing**

- A. General.** When the Zoning Code or a Major Subdivision requires a noticed public hearing, the Department must provide notice of the hearing in conformance with Government Code Section 65090 et. seq. and as described in this subsection.

- B. Content of Notice.** Notice of public hearing must include all of the following information, as applicable:

1. **Hearing Information.** The date, time, and place of the hearing; the name of the hearing body; and the phone number, email address, and Department location where an interested person can obtain additional information.
2. **Project Information.** The applicant's name, the application file number, a general description of the project, the location of the subject property.
3. **Statement on Environmental Document.** The required level of environmental review for the proposed project (e.g., exemption, Negative Declaration); a statement that the hearing body will consider approval of the project CEQA determination or document, if applicable.
4. **Statement Limiting Issues on Appeal or in Court Actions.** The following statement: "If you challenge any decision made by a review authority through administrative appeal or in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the review authority at, or prior to, the public hearing."

- C. Method of Notice Distribution.** Notice of a public hearing must be given not more than 30 and nor less than 10 days before the hearing date using the methods required by Government Code Section 65091 and as follows:

1. **Mailing.**
  - a. Notice is complete upon mailing and must be mailed or delivered at least ten days before the scheduled hearing to the following recipients:
    - (i) The owners of the subject property or the owner's authorized agent, and the applicant.
    - (ii) The owners of the real property located within a radius of 300 feet from the exterior boundaries of the subject property. The Department may mail or deliver notices to properties within a larger radius of the subject property if deemed necessary by the Director.
    - (iii) Each local agency expected to provide roads, schools, sewerage, streets, water, power, or other essential facilities or services to the subject property, whose ability to provide those facilities and services may be significantly affected.
    - (iv) Any person who has filed a written request for notice of the hearing with the Department or City Clerk.
  - b. If the number of property owners to whom notice would be mailed in compliance this paragraph is more than 1,000, the Department may provide notice by placing a display advertisement of at least one-eighth page in a local newspaper of general circulation at least ten days prior to the hearing.
2. **Posting.** Notice must be posted on the project site and two other public places at least ten days before the hearing, one of which will always be City Hall.
3. **Publication.**
  - a. Notice of a public hearing for a General Plan, Zoning Code Amendment, subdivision, and other projects required to do so by State law must be published in a local newspaper of general circulation at least ten days before the hearing.
  - b. For any other project requiring a public hearing, the Director may determine that enhanced public notice is necessary and/or desirable and require notice publication in a newspaper of general circulation at least ten days before the hearing.
4. **Drive-Thru Facilities.** For projects involving a new or modified drive-thru facility, the Department shall provide notice to local organizations identified by the Department as serving Eureka's blind, aged, and/or disabled community.
5. **Additional Notice.** In addition to the types of notice required above, the Department may require or provide additional notice as determined necessary or desirable by the Department.

- D. Failure to Receive Notice.** The validity of the hearing is not affected by the failure of any resident, property owner, or community member to receive a mailed or other notice.

#### 155.408.090 – Notice of ~~Pending~~ Action

When the Zoning Code requires a notice of ~~a pending~~ action for applications acted on by the Director, public notice must be given ~~in accordance with 155.404.080 (Notice of Public Hearing), except~~ as follows:

**A. Content of Notice.** A notice of action must include all of the following information, as applicable:

1. Project Information. The applicant's name, the application file number, a general description of the project, the location of the subject property.
2. Statement on Environmental Determination. The environmental review for the project (e.g., exemption, Negative Declaration); a statement that the Director has adopted a CEQA determination or document, if applicable.
3. Hearing Request Period. The notice must state that within 15 days of the date of the Director's decision, the applicant or any aggrieved person may submit a written request for a public hearing before the Planning Commission on the application, and must indicate how an error or abuse of discretion was made by the Director, and/or how the decision of the Director is not supported by the evidence in the record.

**B. Method of Notice Distribution.** Notice of action must be mailed to the following recipients not more than one working day after the Director's action, as follows:

1. The owners of the subject property, the owner's authorized agent, and/or the applicant.
2. The owners of the real property located within a radius of 300 feet from the exterior boundaries of the subject property. The Department may mail or deliver notices to properties within a larger radius of the subject property if deemed necessary by the Director.
3. Any person who has filed a written request for notice of the action with the Department or City Clerk.

**~~A. Notice Contents.~~**

- ~~1. The notice must state that the Director is considering the application and will hold a public hearing on the application on a date identified in the notice only upon receiving written request for a hearing by a specified date.~~
- ~~2. In cases of anticipated public interest in or concern with an application, the Director may bypass the notice of pending action and hold a noticed public hearing on the application without first receiving a request for a public hearing.~~

**B.C. Hearing only on Request.**

1. If the Department receives a written request for a public hearing ~~before~~ the end of the 15-day period ~~specified date, a date for the public hearing will be determined, and notice will be provided pursuant to 155.408.080 (Notice of Public Hearing).~~ ~~the Director must hold a public hearing on the date identified in the notice.~~
2. If no request for a public hearing is received by the end of the 15-day period ~~specified date, the action of the Director may act on the application without a public hearing becomes final.~~
2. —

**155.408.100 – Public Hearings**

- A. **General.** Hearings will be conducted in a manner consistent with any procedures adopted or endorsed by the review authority.
- B. **Notice of Public Hearing.** Notice of the public hearing must be provided in accordance with 155.408.080 (Notice of Public Hearing)
- C. **Time and Place of Hearing.** A hearing must be held at the date, time, and place for which notice was given, unless the required quorum of hearing body members is not present or the hearing is continued pursuant to 155.408.100.E (Continued Hearing).
- D. **Public Comment.** All hearings must be open to the public with opportunity to provide comment and/or testimony in accordance with established procedures.
- E. **Continued Hearing.**
  1. A hearing may be continued without further notice, provided that the review authority chair announces the date, time, and place to which the hearing will be continued before the hearing adjournment or recess.
  2. The Director may continue a hearing without further notice when a quorum of the review authority is not present at the public hearing. The Director must announce the date, time, and place to which the hearing will be continued.
- F. **Decision.** After the close of a public hearing, the review authority may:
  1. Approve, approve with conditions, or deny the application; or
  2. Make a recommendation to another review authority if the review authority does not make the final decision on the application.

**155.408.110 – Conditions of Approval**

- A. **Discretionary Permits.**

1. The review authority may attach conditions to a discretionary approval as needed to:
  - a. Achieve consistency with the General Plan, Zoning Code, and any applicable specific plan or area plan adopted by the City Council;
  - b. Mitigate any project impacts; and
  - c. Ensure compliance with any applicable City requirement or regulation.
2. A decision to impose a condition on a discretionary approval may involve the subjective judgement of the review authority to determine how a project may best meet a City policy or regulation.

**B. Ministerial Permits.**

1. The Director may attach conditions to a ministerial approval as needed to bring the project into compliance with an objective standard or requirement.
2. Conditions attached to ministerial permits must also be ministerial and may not involve subjective judgment.

*This page is intentionally blank*

## Section 155.412 – SPECIFIC PERMITS AND APPROVALS

---

### Subsections:

- [155.412.010 – Purpose](#)
- [155.412.020 – Review Authority; Appeals](#)
- [155.412.030 – Administrative Adjustments](#)
- [155.412.040 – Design Review](#)
- [155.412.050 – Home Occupation Approvals](#)
- [155.412.060 – Infill Incentive Permits](#)
- [155.412.070 – Minor Modifications](#)
- [155.412.080 – Reasonable Accommodations](#)
- [155.412.090 – Sign Permits](#)
- [155.412.100 – Tree Permits](#)
- [155.412.110 – Use Permits](#)
- [155.412.120 – Vacation Rental Permits](#)
- [155.412.130 – Variances](#)
- [155.412.140 – Zoning Clearances](#)

### 155.412.010 – Purpose

- A. General.** This section identifies procedures for specific types of permits and approvals required by the Zoning Code.
- B. Modifications to Standards.**
  - 1. The following permits and approvals may be used to allow deviations from Zoning Code standards:
    - a. Administrative Adjustments.
    - b. Infill Incentive Permits.
    - c. Minor Modifications.
    - d. Reasonable Accommodations.
    - e. Variances.
  - 2. The City may change standards that apply to a property through a Zoning Code text or map amendment as provided in 155.432 (Zoning Code and General Plan Amendments).
  - 3. The City may also change standards that apply to a property through a specific plan and/or development agreement as provided in Government Code Sections 65450 et seq. and 65864 et seq., respectively.

**155.412.020 – Review Authority; Appeals**

- A. Projects Requiring Multiple Permits.** Projects requiring multiple permit applications must be reviewed and acted upon by the highest review authority designated by the Zoning Code for any of the applications (e.g., a project requiring a Zoning Map Amendment and a Conditional Use Permit will have both applications decided by the City Council, instead of the Planning Commission acting on the Conditional Use Permit).
- B. Appeals.** All decisions on permits and approvals in this section may be appealed in accordance with 155.416 (Appeals and Reviews).

**155.412.030 – Administrative Adjustments**

- A. Purpose.** An Administrative Adjustment is a discretionary process to determine if a project is eligible for a modified ~~or relaxed~~ standard.
- B. When Allowed.** Standards that may be modified with an Administrative Adjustment are identified in Zoning Code Article 2 (Zoning Districts) and Article 3 (Citywide Standards) and below.

**Table 412-1: Allowed Administrative Adjustments**

<u>Section</u>	<u>Adjustment</u>
<b><u>155.208 Mixed Use Zone Districts</u></b>	
<u>155.208.030 Development Standards</u>	<u>Maximum Front Setbacks</u>
<u>155.208.040 Pedestrian Focused Frontage</u>	<u>Ground Floor Storefront Transparency</u>
<b><u>155.220 Resource Related Zoning Districts</u></b>	
<u>155.220.030 Development Standards</u>	<u>Height Exceptions for Non-Residential Structures</u>
<b><u>155.304 Supplemental Use Regulations</u></b>	
<u>155.304.020 Accessory Uses</u>	<u>Maximum Size</u>
<b><u>155.308 General Standards</u></b>	
<u>155.308.040 Vision Clearance Area</u>	<u>Vision Clearance Area Exception</u>
<u>155.308.050 Outdoor Lighting</u>	<u>Outdoor Lighting Exception</u>
<b><u>155.312 Design Standards</u></b>	
<u>155.312.040 Building Entries</u>	<u>Entrance Design Exception</u>
<b><u>155.324 Parking</u></b>	
<u>155.324.040 Reductions and Alternatives</u>	<u>Allow Shared Parking</u>

<a href="#"><u>to Automobile Parking</u></a>	
<a href="#"><u>155.324.050 General Standards</u></a>	<a href="#"><u>Off-site Non-adjointing Parking</u></a>
<a href="#"><u>155.324.050 General Standards</u></a>	<a href="#"><u>Low Parking Demand Reduction</u></a>
<a href="#"><u>155.324.050 General Standards</u></a>	<a href="#"><u>MS4 Conflict Parking Reduction</u></a>
<a href="#"><u>155.324.060 Parking Design and Development Standards</u></a>	<a href="#"><u>Alley Access to Parking Waiver</u></a>
<a href="#"><u>155.324.060 Parking Design and Development Standards</u></a>	<a href="#"><u>Parking Placement</u></a>
<a href="#"><u>155.324.070 Bicycle Parking</u></a>	<a href="#"><u>Bicycle Parking Reductions</u></a>
<a href="#"><u>155.324.080 Parking Lot Landscaping</u></a>	<a href="#"><u>Alternative Landscape Design</u></a>
<b><a href="#"><u>155.332 – Residential Subdivision Alternatives</u></a></b>	
<a href="#"><u>155.332.020 Small Lot Subdivisions</u></a>	<a href="#"><u>On-site Parking Waiver</u></a>

**B.C. Review Authority.** The Director reviews and takes action on Administrative Adjustment requests.

**C.D. Applications.** An applicant must request an Administrative Adjustment using an official Department form accompanied by all fees, information, and materials required by the Department.

**D.E. Public Notice and Hearing.** None required.

**E.F. Findings for Approval.**

1. To approve an Administrative Adjustment application, the Director must make all of the following findings:
  - a. The adjustment is consistent with the purpose of the zoning district, the General Plan, and any applicable specific plan or area plan adopted by the City Council.
  - b. The adjustment will not deprive neighboring property owner of the reasonable economic use and enjoyment of their property.
  - c. The adjustment will not be materially detrimental to the public health, safety, or welfare.
2. The Director must also make any additional findings required for the specific modification as identified where the original standard appears in Zoning Code Article 2 (Zoning Districts) and/or Article 3 (Citywide Standards).

**155.412.040 – Design Review**

**A. Purpose.** Design Review is a discretionary process to ensure that the street-facing facades of proposed developments exhibit high quality design, complement neighboring properties, and contribute to Eureka’s distinctive identity and unique sense of place.

**B. When Required.**

1. The following types of projects require Design Review:
  - a. Additions adding 30 percent or more floor area to the total existing floor area of a building in the R2 or R3 zoning districts or in a mixed-use zoning district.
  - b. New buildings that are 500 square feet or more in the R2 or R3 zoning districts or in a mixed-use zoning district.
  - c. Any exterior modification to a street-facing building façade located on a Pedestrian-focused Frontage (See Figure 208-4 in 155.208 (Mixed Use Zoning Districts)).
  - d. Wireless Telecommunication Facilities See Municipal Code Chapter 159 (Wireless Telecommunications Facilities)).
2. As used in Paragraph (1) of this division, “commercial land use” means any land use listed in 155.504.0430.B (Commercial – Sales) or 155.504.0430.C (Commercial – Service and Office). An “industrial or storage” land use means any land use listed in 155.504.0430.D (Industrial and Storage).

**C. Exemptions.** The following projects are exempt from Design Review:

1. Single-family homes and accessory dwelling units.
2. Modifications and additions to existing structures where the modification or addition is not facing an adjacent public street.
3. Buildings occupied by the following use categories, as identified in 155.504 (Land Use Classifications):
  - a. Agricultural and natural resource uses.
  - b. Civic and recreation uses.
  - c. Infrastructure and utility uses.
4. Projects or project features to serve a person with disabilities under the Americans with Disabilities Act (ADA).

**D. Signs.** The Design Review Committee serves as the review authority for signs that require a Master Sign Permit or Creative Sign Permit. However, these sign permit applications are not subject to the Design Review process required by this section. To approve a sign permit, the Design Review Committee uses exclusively the review and approval criteria in 155.340

(Signs). The Design Review Committee does not consider the Design Review criteria in 155.412.040.I (Design Review Criteria) when acting on a sign permit.

**E. Review Authority.**

1. The Design Review Committee conducts Design Review for all projects except as follows:
  - a. If the project also requires review by the Historic Preservation Commission (HPC) as provided in Municipal Code Chapter 157 (Historic Preservation), the HPC conducts Design Review.
  - b. If the project also requires a permit from the Planning Commission, the Planning Commission conducts Design Review.
  - c. If the project also requires City Council approval, the City Council conducts Design Review.
2. When the Planning Commission or City Council conducts Design Review, the Department may request informal input from individual Design Review Committee members prior to Planning Commission action on the project. The Design Review Committee does not hold a formal meeting on the proposed project prior to Planning Commission or City Council review.

**F. Application Submittal and Review.** Design Review applications must be submitted and reviewed in compliance with 155.408 (Permit Procedures).

**G. Public Notice and Hearing.** The review authority must review and act on a Design Review application at a noticed public hearing in compliance with 155.408.100 (Public Hearings).

**H. Scope of Design Review.**

1. When acting on a Design Review application, the review authority must consider only those project features directly related to the Design Criteria described in 155.412.040.I (Design Review Criteria).
2. The review authority may not consider exterior building colors or other color choices included as part of a proposed project.
3. When conducting Design Review, the review authority may not require a modification to a project feature that complies with mandatory development standards in the Zoning Code. For example, if a project complies with the minimum setback requirement, the review authority may not require an increased setback as a condition of Design Review approval. Design Review is intended to address only aesthetic considerations not otherwise regulated by the Zoning Code.
4. Design Review may not require project changes to improve the economic viability of a business as perceived by the review authority.

- I. Design Review Criteria.** To approve a Design Review application, the Review Authority must find that the proposed project complies with all of the following Design Review criteria to the extent they apply.
1. **Community Character.** The overall project design enhances Eureka’s unique character and distinctive sense of place. A variety of building types and styles respects Eureka’s architectural heritage and embraces forward-looking creative expression.
  2. **Surrounding Context.** The overall project and associated buildings enhance the design quality of the area where they are located. New buildings may “fit in” with traditional architecture that matches or compliments the surrounding context or “stand out” with a contemporary and contrasting style. All buildings must minimize adverse impacts on neighboring properties when possible.
  3. **Pedestrian Environment.** Buildings incorporate design features that support an active public realm and an inviting pedestrian environment.
  4. **Architectural Style.** Buildings demonstrate a coherent and successfully executed architectural style. Building architecture may be traditional or modern. Buildings are not required to conform to any dominant architectural style or local vernacular. Creative architectural and artistic expression is encouraged.
  5. **Articulation and Visual Interest.** Building facades are distinctive, create visual interest, and relate to the human scale through vertical and horizontal articulation, varied building planes, distinctive building elements, and/or noticeable architectural details. Building elements such as roofs, doors, windows, and porches are part of an integrated design and relate to the human scale. Architectural details such as articulation, trim, eaves, window boxes, and brackets contribute to the visual interest of the building.
  6. **Materials.** Building facades feature high-quality materials that are appropriate to the architectural style, enhance building articulation, and are compatible with surrounding development.
  7. **Safety.** The project promotes public safety and minimizes opportunities for crime through design features such as property access controls (e.g., placement of entrances, fences), increased visibility, and features that promote a sense of ownership of outdoor space.
  8. **Landscaping.** Landscaping features low-water-use plants appropriate for the local climate and does not include any invasive species that would be harmful to native plants and habitat, in compliance with 155.328.050.D (Invasive Plants).
- J. Findings.** To approve a Design Review application, the review authority must make all of the following findings:

1. The proposed project is consistent with the General Plan, any applicable specific plan or area plan, and other design policies and regulations adopted by the City Council.
2. The proposed project complies with all applicable provisions of the Zoning Code and Municipal Code.
3. The proposed development will not be detrimental to public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.
4. The proposed project complies with all applicable Design Review criteria in 155.412.040.I (Design Review Criteria).

**K. Building Permits.**

1. For projects subject to Design Review, the Building Department may not accept a Building Permit application until after Design Review approval.
2. The Building Department may issue a certificate of occupancy or other final Building Permit sign-off only after the Department has physically inspected the project site and verified that the as-built project conforms with Design Review approved plans and conditions of approval.

**155.412.050 – Home Occupation Approvals**

See 155.304.070.B (Permits Required).

**155.412.060 – Infill Incentive Permits**

- A. Purpose.** An Infill Incentive Permit allows deviations from development standards for projects that provide community benefits and/or public amenities. Infill Incentive Permits are discretionary actions intended to encourage high-quality infill development and/or the adaptive reuse of properties suitable for redevelopment.
- B. Where Allowed.** An Infill Incentive Permit is available for projects in the residential, mixed-use, and industrial zoning districts.
- C. Types of Infill Incentive Permits.** The Zoning Code establishes two types of Infill Incentive Permits: Minor Infill Incentive Permits and Major Infill Incentive Permits.
- D. Review Authority.**
  - 1. Minor Infill Incentive Permits.** The Director reviews and takes action on Minor Infill Incentive Permit applications. The Director may refer any application to the Planning Commission for public hearing and decision.
  - 1-2. Major Infill Incentive Permits.** The Planning Commission reviews and takes action on Major Infill Incentive Permit applications.

- E. Required Benefits.** The review authority may approve an Infill Incentive Permit for projects that provide at least two of the following community benefits:
1. **Architectural Features.** The project incorporates four of the architectural features described in 155.312.050 (Architectural Features).
  2. **Vertical Mixed Use.** The project creates two or more new upper-story residential units as a part of a vertical mixed-use development within 900 feet of a public transit bus stop where the average interval of time between buses is 90 minutes or less (90-minute headways) during weekday daytime hours. Mixed-use development must be permitted in the applicable zoning district to qualify as a benefit.
  3. **Historic Preservation.** The project renovates a designated historic resource in compliance with Chapter 157 (Historic Preservation).
  4. **Environmental Remediation.** The project remediates contaminated soil or water.
  5. **Green Building.** The project will be a LEED-certified green building.
  6. **Blight/Nuisance Abatement.** The project eliminates blight, a public nuisance, or a public health or safety hazard.
  7. **Child Care.** The project includes an on-site childcare facility.
  8. **Supportive Housing.** The project provides supportive housing as defined in California Government Code Section 65582.
  9. **Electric Vehicle Charging Stations.** The project provides an electrical vehicle charging station for each parking space that serves a residential unit and/or for at least 25 percent of spaces that serve a non-residential use. For EV-equipped parking spaces beyond the minimum required by 155.324.050.C (Electric Vehicle Charging), EV-equipped parking spaces that serve a residential unit may be used by non-electric vehicles.
  10. **Materials and Building Elements.** The project incorporates exterior materials or building elements of a higher quality than conventional construction. Examples include:
    - a. **Siding:** All exterior walls are sided with wood shake, ornamental metal, tile, brick, stone, or stained wood.
    - b. **Doors and Windows:** All doors and windows are solid wood and/or feature shutters, stained glass, or true divided muntins.
    - c. **Roofing Materials:** All roof surfaces feature wood shingle or shake, standing seam metal, clay or concrete tile, slate shingles, or a green/living roof.
    - d. **Fixtures:** High grade fixtures on all building walls visible from a public street or sidewalk that add significantly to the architectural character of the building such

as light fixtures, door hinges and handles, decorative hanging sign or awning brackets.

11. **Community Amenities.** The project creates or preserves a cultural, recreational, employment, or other amenity that the adds significantly to the quality of life of the neighborhood or the community. The community amenity must be an allowed use in the applicable zoning district to qualify as a benefit.

**F. Incentives.**

1. **Available Incentives.** An Infill Incentive Permit may allow deviations to development standards as shown in Table 412-1.

**Table 412-24: Allowed Deviations through Infill Incentive Permit**

Standards	Allowed Deviation	
	Minor Infill Incentive Permit	Major Infill Incentive Permit
<b>Increase Maximum Building Height</b>		
Residential Zoning Districts	15%	25%
Mixed-Use and Industrial Zoning Districts	20%	35%
<b>Increase Maximum Floor Area Ratio</b>		
Residential Zoning Districts	15%	25%
Mixed-use and Industrial Zoning Districts	20%	35%
<b>Increase Maximum Residential Density [1]</b>		
R1 Zoning District [2]	N/A	1 additional unit
R2 [3]	1 additional unit	33 percent increase
R3 Zoning Districts [3]	2 additional units	33 percent increase
Hinge Zoning District	1 additional unit	33 percent increase
<b>Reduce Minimum Lot Line Setbacks</b>		
Residential Zoning Districts	25%	50%
<b>Increase Maximum Site Coverage</b>		
Residential Zoning Districts	15%	25%
<b>Reduce Minimum On-Site Parking Spaces</b>		
R1, R2, and R3 Zoning Districts	20%	50%
Mixed-use and Industrial Zoning Districts	20%	50%
<b>Notes:</b>		
[1] See 155.412.0650.G (Increased Density Requirements).		

Standards	Allowed Deviation	
	Minor Infill Incentive Permit	Major Infill Incentive Permit
[2] Minimum lot area of 5,000 square feet required for increased density.		
[3] Minimum lot area of 6,000 square feet required for increased density.		

2. **Number of Incentives.** The maximum number of standards which may be modified through an Infill Incentive Permit is as follows:
  - a. Minor Infill Incentive Permits: One deviation to development standards as shown in Table 412-1.
  - b. Major Infill Incentive Permit: Two deviations to development standards as shown in Table 412-1.

**G. Increased Density Requirements.** To be eligible for increased residential density as provided in Table 412-1, a project must meet the following criteria:

1. **Adjacency to High Volume Streets.** The project is on a lot within 250 feet from a street designated as a major arterial, minor arterial, or a major collector in the General Plan Figure M-1 Circulation Diagram.
2. **Factors Supporting Higher Density.** The lot containing the project satisfies one or more of the following requirements:
  - a. Any portion of the lot is within 900 feet of a community park as defined in the General Plan.
  - b. Any portion of the lot is within 600 feet of a bus stop.
  - c. Any portion of the lot is within 600 feet of a school.
  - d. Any portion of the lot is within 900 feet of a mixed-use zoning district or a residential zoning district with a higher allowed density.
  - e. The lot has been unimproved (containing no buildings) for ten years or longer.
  - f. The Neighborhood Market (NMO) overlay zone applies to the lot.
3. **Reduced Unit Size and Affordability.** The project satisfies one or more of the following requirements:
  - a. All of the additional units allowed through the increased density are 500 square feet or less.
  - b. For market-rate projects where the majority of units are not income-restricted, a minimum of one unit or 10 percent of units (whichever is more) are deed

restricted to households earning 50 percent or less of the Humboldt County median income.

- c. For affordable housing projects where all units are income-restricted, a minimum of one unit or 60 percent of units (whichever is more) are deed restricted to households earning 50 percent or less of the Humboldt County median income.

**H. Application Submittal and Review.** Infill Incentive Permit applications must be submitted and reviewed in compliance with 155.408 (Permit Procedures).

**I. Public Notice and Hearing.**

1. **Minor Infill Incentive Permits.** Public notice of the Director's ~~pending decision~~action on a Minor Infill Incentive Permit application will be provided in compliance with 155.408.090 (Notice of ~~Pending~~Action). The ~~Director~~Planning Commission will hold a public hearing only after receiving a written request for a public hearing, ~~or upon determining a public hearing is necessary.~~
2. **Major Infill Incentive Permits.** The Planning Commission must review and act on a Major Infill Incentive Permit application at a noticed public hearing in compliance with 155.408.100 (Public Hearings).

**J. Findings for Approval.** To approve an Infill Incentive Permit, the review authority must make all of the following findings:

1. The proposed project substantially advances General Plan objectives to prioritize development of vacant and underutilized infill properties and/or revitalize existing properties.
2. The community benefits provided by the project are of a sufficient value to justify the deviations to development standards allowed by the permit.
3. The adjustment will not deprive neighboring property owners of the reasonable economic use and enjoyment of their property.
4. The adjustment will not be materially detrimental to the public health, safety, or welfare.

#### **155.412.070 – Minor Modifications**

**A. Purpose.** A Minor Modification allows for small deviations from development standards to accommodate projects that are compatible with and appropriate for the area where they are located.

**B. When Allowed.**

1. **Permitted Modifications.**

- a. The Director may approve a Minor Modification to allow deviation from a physical development standard that applies to the subject property. Examples of physical development standards include lot area, site coverage, building height, setbacks, fence and wall height, floor area ratio (FAR), and on-site parking space dimensions.
  - b. The maximum deviation allowed with a Minor Modification is 10 percent of the standard, except that fence and wall height deviation may be increased by up to 20 percent with a Minor Modification.
2. **Calculating Allowed Deviations.** The maximum deviation allowed with a Minor Modification is calculated as 10 percent of the amount, distance, or area required by the standard. For example, if the maximum permitted height is 30 feet, up to three additional feet (10 percent of 30 feet) may be allowed with a Minor Modification.
  3. **Modifications Not Allowed.** A Minor Modification may not be granted to allow deviation from:
    - a. The General Plan;
    - b. Increased residential density;
    - c. Required parking spaces; and
    - d. Design standards with no quantified standard (e.g., building entries facing the street)
- C. Review Authority.** The Director reviews and takes action on Minor Modification applications.
- D. Applications.** An application is not required for a Minor Modification. Department staff will review the project information submitted for a Building Permit or other required City approvals when acting on the Zoning Clearance or discretionary approval.
- E. Public Notice and Hearing.** None required.
- F. Findings for Approval.** To approve a Minor Modification application, the Director must make all of the following findings:
1. The modification will be compatible with adjacent structures and uses and is consistent with the character of the neighborhood or district where it is located.
  2. The modification is consistent with the purpose of the zoning district, the General Plan, and any applicable specific plan or area plan adopted by the City Council.
  3. The adjustment will not deprive neighboring property owners of the reasonable economic use and/or enjoyment of their property.
  4. The adjustment will not be materially detrimental to the public health, safety, or welfare.

- G. Effect of Decision.** A Director decision on a Minor Modification is based on the merits of an individual application. Approval of a Minor Modification does not establish a precedent for future similar applications.

#### **155.412.080 – Reasonable Accommodations**

- A. Purpose.** This subsection establishes a procedure for requesting reasonable accommodation in land use, zoning, and building regulations to provide persons with disabilities equal access to housing consistent with the Federal Fair Housing Act (42 U.S.C. Section 3601 et seq.) and the California Fair Employment and Housing Act (Government Code Section 12955 et seq.). A reasonable accommodation is typically a ministerial adjustment to physical design standards to accommodate the placement of wheelchair ramps or other exterior modifications to a dwelling in response to the needs of a disabled resident.
- B. When Allowed.**
- 1. Eligible Applicants.** A request for reasonable accommodation may be made by any person with a disability, their representative, or any entity, when the application of the Zoning Code or other land use or building regulation, policy, or practice acts as a barrier to fair housing opportunities.
  - 2. Definition.** A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having this type of impairment, or anyone who has a record of this type of impairment.
  - 3. Eligible Request.** A request for reasonable accommodation may include a request for a modification or exception to the rules, standards, and practices for the siting, development, and use of housing or housing-related facilities that would eliminate regulatory barriers.
- C. Review Authority.** The Director takes action on all reasonable accommodation applications.
- D. Application Requirements.** A request for reasonable accommodation must be submitted in compliance with 155.408 (Permit Procedures).
- E. Application Review.**
- 1.** The Director must make a written determination to either grant, grant with modifications, or deny a request for reasonable accommodation.
  - 2.** If necessary to reach a determination on the request for reasonable accommodation, the Director may request further information from the applicant consistent with fair housing laws.

**F. Criteria for Decision.** To approve a Reasonable Accommodation request, the Director must make all of the following findings:

1. The housing subject to the request will be used by an individual with disabilities protected under fair housing law.
2. The request for reasonable accommodation is necessary to make housing available to an individual with disabilities protected under fair housing law.
3. Potential impacts on surrounding uses are acceptable.
4. Physical attributes of the property and structures reasonably allow for the accommodation.
5. Availability of other reasonable accommodations that may provide an equivalent level of benefit have been assessed.

**G. Conditions of Approval.**

1. In approving a request for reasonable accommodation, the Director may impose conditions of approval to minimize impacts on surrounding uses and ensure consistency with the purpose of the zoning district, the General Plan, and any applicable specific plan or area plan adopted by the City Council.
2. A reasonable accommodation approval may be conditioned to provide for its automatic expiration and/or removal under appropriate circumstance (e.g., the disabled resident vacates the property).

#### **155.412.090 – Sign Permits**

See 155.340.060 (Sign Permits).

#### **155.412.100 – Tree Permits**

See 155.304.140.~~EE~~ (Tree Permit Required).

#### **155.412.110 – Use Permits**

- A. Purpose.** Use Permits are required for land uses that are generally appropriate within a zoning district, but where the potential impacts of the use on a site and its surroundings must be evaluated, and where conditions of approval may be needed. Use Permits are discretionary actions that enable the City to ensure that a proposed use is consistent with the General Plan and will not create negative impacts to adjacent properties or the general public.
- B. Types of Use Permits.** The Zoning Code establishes two types of Use Permits: Minor Use Permits and Conditional Use Permits.

**C. Review Authority.**

1. **Minor Use Permits.** The Director reviews and takes action on Minor Use Permit applications. The Director may refer any application to the Planning Commission for public hearing and decision.
2. **Conditional Use Permits.** The Planning Commission reviews and takes action on Conditional Use Permit applications.

**D. When Required.** Land uses that require a Use Permit are shown in the land use regulation tables for each zoning district found in Article 2 (Zoning Districts).

**E. Public Notice and Hearing.**

1. **Minor Use Permits.** ~~Public n~~Notice of the Director's ~~pending decision~~action on a Minor Use Permit application must be provided in compliance with 155.408.090 (Notice of ~~Pending~~-Action). The ~~Director-Planning Commission~~ will hold a public hearing only after receiving a written request for a public hearing. ~~\_or upon determining that a public hearing is necessary.~~
2. **Conditional Use Permits.** The Planning Commission must review and act on a Conditional Use Permit application at a noticed public hearing in compliance with 155.408.100 (Public Hearings).

**F. Findings for Approval.** To approve a Use Permit, the review authority must make all of the following findings:

1. The proposed use is consistent with the General Plan, Zoning Code, and any applicable specific plan or area plan adopted by the City Council.
2. The site is suitable for the size, design, and operating characteristics of the proposed use.
3. The proposed use will be compatible with existing and planned land uses in the vicinity of the property.
4. The proposed use will not be detrimental to the public health, safety, and welfare.
5. The proposed use is properly located within the city and adequately served by existing or planned services and infrastructure.

**G. Permits to Run with the Land.** See 155.420.120 (Permits to Run with the Land).

**H. Expiration of Use Permits.** See 155.420.090.C (Discontinued Uses).

**155.412.120 – Vacation Rental Permits**

See 155.304.130.F (Permits Required).

**155.412.120155.412.130 – Variances**

- A. Purpose.** A Variance is a discretionary approval that allows for deviation from physical development standards in the Zoning Code. The City may grant a Variance only when the strict application of development standards creates a unique hardship due to unusual circumstances associated with the property.
- B. When Allowed.**
1. **Allowable Variances.** The City may grant a Variance to allow for deviation from any physical development standard that applies to the subject property. Examples of physical development standards include height, setbacks, open space, floor area ratio (FAR), and off-street parking requirements.
  2. **Variances Not Allowed.** A Variance may not be granted to:
    - a. Permit a use other than a use permitted in the zoning district as specified in Part 2 (Zoning District Standards);
    - b. Allow deviation from a requirement of the General Plan (e.g., maximum residential density in zoning district); and
    - c. Allow deviations to Zoning Code standards to reduce construction costs.
- C. Types of Variances.** The Zoning Code establishes two types of variances: Major Variances and Minor Variances.
1. **Minor Variance.** A Minor Variance allows a deviation from a standard by 20 percent or less.
  2. **Major Variances.** A Major Variance allows a deviation from a standard by more than 20 percent.
- D. Calculating Deviations.** A deviation allowed with a Variance is calculated as a percentage of the distance or area required by the standard. For example, if the minimum required setback is 20 feet, the setback may be reduced by four feet to 16 feet (a four-foot reduction is 20 percent of 20 feet). The same setback may be reduced to any distance less than 16 feet with a Major Variance.
- E. Review Authority.**
1. **Minor Variance.** The Director reviews and takes action on Minor Variance applications. The Director may refer any application to the Planning Commission for public hearing and decision.
  2. **Major Variances.** The Planning Commission reviews and takes action on Major Variance applications.
- F. Application Submittal and Review.** Variance applications must be submitted and reviewed in compliance with 155.408 (Permit Requirements).

**G. Public Notice and Hearing.**

1. **Minor Variance.** Public notice of the Director's ~~pending decision~~ action on a Minor Variance Permit application will be provided in compliance with 155.408.090 (Notice of ~~Pending Action~~). The ~~Director~~ Planning Commission ~~will~~ must hold a public hearing only after receiving a written request for a public hearing ~~or upon determining that a public hearing is necessary.~~
2. **Major Variance.** The Planning Commission must review and act on a Major Variance application at a noticed public hearing in compliance with 155.408.100 (Public Hearings).

**H. Findings for Approval.** To approve a Variance, the review authority must make all of the following findings:

1. There are unique circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, that do not generally apply to other properties in the vicinity or in the same zoning district as the subject property.
  2. The strict application of the Zoning Code regulation would deprive the subject property of privileges enjoyed by other property in the vicinity or in the same zoning district as the subject property.
  3. The Variance is necessary to preserve a substantial property right possessed by other properties in the vicinity or in the same zoning district as the subject property.
  4. The Variance will not be materially detrimental to the public health, safety, or welfare, or be injurious to the property or improvements in the vicinity or in the same zoning district as the subject property.
  5. The Variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity or in the same zoning district as the subject property.
- I. Precedent.** The approval of a Variance does not set a precedent for the granting of any future Variance. Each application must be considered only on its individual merits.

**155.412.130 155.412.140 – Zoning Clearances**

- A. Purpose.** A Zoning Clearance is a ministerial process to confirm that a proposed structure or land use complies with the Zoning Code.
- B. When Required.** A Zoning Clearance is required before:
1. An applicant establishes a land use permitted by right in the zoning district;
  2. The City issues a new or modified business license; or

3. The City issues a building permit, grading permit, or other construction-related permit to:
  - a. Establish a new structure or use;
  - b. Move or reconstruct an existing structure;
  - c. Modify an existing structure to accommodate a change in use; or
  - d. Enlarge or expand an existing structure.
- C. Relationship to Discretionary Permits.** When a project requires a discretionary action, a discretionary approval serves as the equivalent of a Zoning Clearance.
- D. Applicant Requests.** A property or business owner may request a Zoning Clearance to provide documentation that an existing structure or use complies with the Zoning Code.
- E. Review Authority.** A Zoning Clearance is approved by Department staff. Controversial and complex projects will be referred to the Director for review and approval.
- F. Applications.** An application is not required for a Zoning Clearance. Department staff will review the project information submitted for a Building Permit or other required City approvals when acting on the Zoning Clearance.
- G. Review and Action.**
  1. Department staff will review the project information to verify compliance with the Zoning Code. If the project complies with all applicable requirements, the Department staff must approve the Zoning Clearance.
  2. Zoning Clearance approval may be in the form of a stamp, signature, or other official notation on approved plans, a letter to the applicant, or other similar certification or form.

*This page is intentionally blank*

## Section 155.416 – APPEALS AND REVIEWS

---

### Subsections:

- 155.416.010 –Purpose
- 155.416.020 – Appeal Subjects and Jurisdiction
- 155.416.030 – Filing and Processing of Appeals
- 155.416.040 – Calls for Review
- 155.416.050 – Judicial Review

### 155.416.010 –Purpose

This section establishes procedures for the appeal and review of decisions made on ministerial and discretionary actions.

### 155.416.020 – Appeal Subjects and Jurisdiction

#### A. Appealable Decisions.

1. Table 404-1 in 155.404 (Administrative Responsibilities) identifies decisions that may be appealed and the body that hears the appeal.
2. In addition to the permits and decisions in Table 404-1, any discretionary decision made by the Director when administering the Zoning Code may be appealed to the Planning Commission, and any discretionary decision by the Planning Commission may be appealed to the City Council.
3. Ministerial actions of the Department, Director, and other City staff when administering the Zoning Code may be appealed to the Planning Commission.

### 155.416.030 – Filing and Processing of Appeals

#### A. Eligibility.

1. Any aggrieved person may submit an appeal of decisions shown in Table 404-1 in 155.404 (Administrative Responsibilities).
2. For decisions made at a public hearing, an appeal may only be filed by a person who:
  - a. Submitted written concerns about specific aspects of the project for consideration by the review authority at the public hearing; or
  - b. Verbally expressed concerns about specific aspects of the project during the public comment period for the public hearing; or
  - c. Submitted written comments to the Department prior to the public hearing expressing concerns about specific aspects of the project.

~~3. City staff may file an appeal only as an aggrieved person separate from their official powers and duties. If a City staff person or a City official files an appeal as an aggrieved person, then that City staff person or City official may not advise the decision-making body for that appeal in their official capacity but may participate as a citizen. The Director, the Chief Building Official, or two City Council members may appeal a decision made at a public hearing within ten days following the date of the decision by filing a written appeal with the Department or City Clerk pursuant to 155.416.030.C.1.a. or b.~~

~~3. City Council members may request City Council review of a decision as provided in 155.416.040 (Calls for Review).~~

- B. **Timing of Appeal.** An appeal must be filed within ten days following the date of the decision, unless a longer appeal period is specified as part of the project approval.
- C. **Form of Appeal.**
1. An appeal must be submitted in writing on a form provided by the City with all required fees. Appeals must be submitted to:
    - a. The Department for appeals of Director and Design Review Committee decisions; and
    - b. The City Clerk for appeals of Planning Commission decisions.
  2. The appeal must state the pertinent facts and the basis for the appeal.
  3. The whole decision or part of the decision may be appealed. If an appellant chooses, an appeal may be taken solely from any finding, action, or condition.
  4. For decisions made at a public hearing, an appeal is limited to:
    - a. Issues raised at or prior to the hearing, either through public comment or in writing; or
    - b. Information that was not known by the review authority when the decision was made.
    - c. Decisions resulting from the review authority's abuse of discretion.
- D. **Effect of Appeal.** Once an appeal is filed, any action on the associated project is suspended until the appeal is processed and a final decision is rendered by the appeal body.
- E. **Report and Scheduling of Hearing.**
1. When an appeal has been filed, the Department will prepare a report on the matter, including all of the application materials in question.

2. The Department must schedule the matter for a public hearing by the appeal body within 60 days of the filing of the appeal.
3. Notice of the hearing will be provided and the hearing must be conducted in compliance with 155.408.100 (Public Hearings).
4. Any interested person may appear and be heard regarding the appeal.
5. All appeals on a single project must be considered together at the same hearing, including any continuation thereof.

**F. Hearing and Decision.**

1. During the appeal hearing, the appeal body may take action on the subject of the appeal or any aspect of the appealed project (de novo review). The appeal body must make its own decision supported by findings.
2. The appeal body's decision may:
  - a. Affirm, modify, or reverse the action that is the subject of the appeal;
  - b. Adopt additional conditions of approval that address the matter appealed;
  - c. Remand the appeal for further review, recommendation, or action to the previous review authority; or
  - d. In the case of appeals heard by the Planning Commission, forward the appeal to the City Council for review and decision.
3. The appeal body's action must be based on findings of fact about the particular case. The findings must identify the reasons for the appeal body's action and verify the compliance of the subject of the appeal with the Zoning Code.
4. A matter being heard on appeal may be continued for good cause (e.g., additional California Environmental Quality Act (CEQA) review is required).
5. If the appeal body is unable to reach a decision on the matter appealed, the appeal is denied and the decision of the previous review authority remains in effect.

**G. Effective Date of Appeal Decision.**

1. **City Council Decision.** A decision of the City Council on an appeal is final and effective on the date the decision is rendered.

~~155.416.040~~ **Other Decisions.** A decision of the Planning Commission, Historic Preservation Commission, or Design Review Committee is final and effective ten days after the decision is made, unless an appeal ~~or call for review~~ has been filed in compliance with this section.

~~155.416.050~~ **Calls for Review**

~~1. **City Council Review.** The City Council may review and take final action on any discretionary decision or ministerial action by the Director, Design Review Committee, Historic Preservation Commission, or Planning Commission.~~

**B. — Initiation.**

1. — A call for review is initiated when the Director, the Chief Building Official, or two City Council members file written requests for review with the City Clerk within ten days following the date of the decision.
2. — The project applicant must be notified within ten days of initiating a call for review.

**C. — Effect of Calls for Review.**

1. — Once a call for review is initiated, any action or appeal on the associated project is suspended until the City Council makes a final decision on the matter.
2. — The filing of a call for review does not extend the time in which an appeal of a decision may be filed; the normal appeal period will continue to run.
3. — Where a call for review only applies to a limited issue, an aggrieved person may still appeal all or another part of a decision.
4. — If a decision is both appealed and called for review, the City Council will act on the appeal simultaneously with the matter called for review.

**D. — Report and Scheduling of Hearing.**

1. — When a call for review has been initiated, the Department will prepare a report on the matter, including the application and all materials used to support the original action.
2. — The Department must schedule the matter for a public hearing before the City Council within 60 days of the call for review.
3. — Notice of the hearing will be provided, and the hearing will be conducted in compliance with 155.408.100 (Public Hearings).
4. — Any interested person may appear and be heard regarding the call for review.

**E. — Hearing and Decision.**

1. — During the public hearing, the City Council may consider any issue involving the matter called for review, in addition to the specific grounds for the call for review. The City Council may:
  - a. — Affirm, affirm in part, or reverse the action that is the subject of the call for review; or
  - b. — Adopt additional conditions of approval that may address issues or concerns.
2. — The City Council's action must be based on findings of fact about the particular case. The findings must identify the reasons for the action on the matter called for review, and verify the compliance of the matter with the Zoning Code.

~~3. Within 60 days of the initial public hearing on the call for review, the City Council must make a decision on the matter, unless it is continued for good cause (e.g., additional CEQA review is required).~~

~~4. If the City Council is unable to reach a decision on the matter under review, the decision of the previous review authority remains in effect.~~

~~F. **Effective Date of Review Decision.** A decision of the City Council is final and becomes effective on the date the decision is made.~~

~~155.416.060~~155.416.040 – **Judicial Review**

No person has standing to seek judicial review of a City decision on a permit or other matter under the Zoning Code unless and until all appeals have been exhausted.

*This page is Intentionally blank*

## Section 155.420 – POST-APPROVAL PROVISIONS

---

### Subsections:

- 155.420.010 – Purpose
- 155.420.020 – Notice of Decision
- 155.420.030 – Effective Date of Decision
- 155.420.040 – Issuance of Permits
- 155.420.050 – Conformance to Approved Plans
- 155.420.060 – Certificates of Occupancy
- 155.420.070 – Performance Guarantees
- 155.420.080 – Changes to an Approved Project
- 155.420.090 – Permit Expiration
- 155.420.100 – Extension of Time
- 155.420.110 – Resubmittals Following Denial or Revocation
- 155.420.120 – Permits to Run with the Land

### 155.420.010 – Purpose

This section establishes permit procedures and requirements that apply after an application is approved.

### 155.420.020 – Notice of Decision

- A. **Notice Given.** Within two business days following the review authority's decision on a permit application, the Department will provide notice of the decision to the applicant and to any person who specifically requested notice of the decision.
- B. **Notice Contents.** Notice of a final decision must contain applicable findings, conditions of approval, reporting and monitoring requirements, and appeal procedures.

### 155.420.030 – Effective Date of Decision

- A. **City Council Decisions.**
  1. A City Council decision on a Zoning Code Amendment is final and becomes effective 30 days after the decision is made.
  2. A City Council decision on permits, appeals, General Plan Amendments adopted by resolution, and other non-legislative matters is final and effective on the date the decision is made, unless otherwise stated in the approving resolution.
- B. **Other Decisions.** The following applies to decisions of the Director, Design Review Committee, and Planning Commission:

1. If an appealable decision is not appealed ~~or called for review~~ in compliance with 155.416 (Appeals and Reviews), the decision is final and effective ten days after the decision is made.
2. For decisions appealed to the Planning Commission, the decision is final and effective ten days after the Planning Commission decision unless an appeal of the decision to the City Council is filed in compliance with 155.416 (Appeals and Reviews).
3. For decisions appealed to ~~or reviewed by~~ the City Council, the decision is final when the City Council makes a final decision on the appeal
4. A non-appealable decision is final and effective on the date the decision is made.

#### **155.420.040 – Issuance of Permits**

Permits may not be issued until the effective date.

#### **155.420.050 – Conformance to Approved Plans**

- A. **Compliance.** All work performed under an approved permit must be in compliance with the approved plans and any conditions of approval and/or mitigation measures.
- B. **Changes.** Changes to an approved project must be submitted and processed in compliance with 155.420.080 (Changes to an Approved Project).

#### **155.420.060 – Certificates of Occupancy**

The Building Department may issue a certificate of occupancy or other final permit sign-off only after the Department verifies that the project conforms to the approved plans and any conditions of approval.

#### **155.420.070 – Performance Guarantees**

- A. **Security Required.** The City may require an applicant to provide adequate security to guarantee the proper completion of approved work or compliance with conditions of approval.
- B. **Form of Security.** The security must be in the form of cash, a certified or cashier's check, or a performance bond executed by the applicant and a corporate surety authorized to do business in California and approved by the Department.
- C. **Amount of Security.** The Department will determine the amount of the security necessary to ensure proper completion of the approved work or compliance with conditions of approval.

- D. **Duration of Security.** The security must remain in effect until all work has been completed and conditions fulfilled to the satisfaction of the Department or until a specified warranty period has elapsed.
- E. **Release of Security.** The Department must release the security upon completion of the approved work or compliance with conditions of approval.
- F. **Failure to Comply.**
  - 1. Upon failure to complete work or comply with conditions, the Department may complete the work or fulfill the conditions and may collect from the applicant or surety all costs incurred, including administrative, engineering, legal, and inspection costs.
  - 2. The Department must refund any unused portion of the security to the funding source.

#### **155.420.080 – Changes to an Approved Project**

This subsection establishes procedures for an applicant to request a change to an approved project.

- A. **Request for a Change.** An applicant must request changes in writing, with appropriate supporting materials and an explanation for the request.
- B. **Major Changes.** A major change to an approved project means any change that does not qualify as a minor change under 155.420.080.C (Minor Changes). Major changes must be approved by the same review authority as the original approval. The same public notice and hearing requirements that applied to the original approval also apply to the requested major change.
- C. **Minor Changes.**
  - 1. The Director may authorize minor changes to an approved project if the changes:
    - a. Are consistent with the Zoning Code;
    - b. Are consistent with the spirit and intent of the original approval;
    - c. Do not involve a feature of the project that was a mitigation measure or a basis for findings in a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report for the project;
    - d. Do not involve a feature of the project that was a basis for conditions of approval for the project;
    - e. Do not involve a feature of the project that was a specific consideration by the review authority in granting the approval; and
    - f. Do not involve any expansion, intensification, or increase in size of the land use or structure beyond the original approval.

2. The Director may approve minor changes without a noticed public hearing.

#### **155.420.090 – Permit Expiration**

- A. **General.** As provided in this subsection, approved permits automatically expire without further action by the City unless:
  1. An extension of time is approved under 155.420.100 (Extension of Time); or
  2. An alternative timeframe is established by the review authority in accordance with 155.420.100 (Extension of Time).
- B. **Time Limits.**
  1. A permit expires two years after approval if it is not exercised. A permit is exercised when:
    - a. A building permit is issued and construction has commenced;
    - b. A certificate of occupancy is issued; or
    - c. The land use is established.
  2. After a permit is exercised, the permit expires if, prior to occupancy, construction stops for three years.
- C. **Discontinued Uses.**
  1. Approved use permits do not expire and remain in effect indefinitely unless the City revokes the permit as provided in 155.428.080 (Permit Revocation).
  2. If a land use authorized by a use permit ceases operations for any period of time, the use permit remains valid and the land use may be re-established without the need for a new use permit. A re-established use must comply with all conditions of approval attached to the original permit.
  3. If a legally established land use without a required use permit ceases operations for any period of time, the land use may be re-established only after obtaining City approval of the required use permit.
- D. **Effect of Expiration.**
  1. An expired permit is void and of no further force and effect. An applicant retains no rights previously granted under an expired permit.
  2. To establish a use or structure allowed by an expired permit, an applicant must apply for and receive City approval of a new permit.

**155.420.100 – Extension of Time****A. General.**

1. An applicant may request an extension of a permit set to expire under 155.420.090 (Permit Expiration) in accordance with this subsection.
2. An applicant may request two types of extensions:
  - a. A one-year extension approved by the Director; and/or
  - b. A two-year extension approved by the original permit review authority.

**B. All Extension Requests.** All extension requests must comply with the following:

1. The applicant must submit to the Department a written extension request no later than ten days before the permit expiration date. The request must be accompanied by all fees, information, and materials required by the Department.
2. Filing a written extension request suspends the permit expiration until the review authority acts on the request. Building, grading, or other construction-related permits associated with the permit may not be issued during the suspension period.
3. The review authority may extend the permit if the applicant has proceeded in good faith and has exercised due diligence in efforts to exercise the permit in a timely manner.
4. The burden of proof is on the applicant to demonstrate that the permit should be extended.
5. If the Director is the review authority for the extension request, the Director may choose to refer the request to the Planning Commission for review and final decision.

**C. One-Year Extension.**

1. The Director may approve a one-year extension to a permit in accordance with 155.420.100.B (All Extension Requests).
2. A noticed public hearing is not required.

**D. Two-Year Extensions.**

1. The review authority that originally approved the permit may approve a two-year extension to a permit in accordance with 155.420.100.B (All Extension Requests).
2. The same public notice and hearing requirement that applied to the original permit also applies to the two-year extension request.
3. The two-year extension may be in addition to a one-year extension previously approved by the Director, for a total permit extension of three years.

**155.420.110 – Resubmittals Following Denial or Revocation**

- A. **Resubmittals Prohibited.** For a period of twelve months following the denial or revocation of a permit, the Department may not accept an application for the same or substantially similar permit for the same site, unless the denial or revocation was made without prejudice, and so stated in the record.
- B. **Determination.** The Director determines whether an application is for a permit that is the same or substantially similar to the previously denied or revoked permit.
- C. **Appeals.** The determination of the Director may be appealed to the Planning Commission in compliance with 155.416 (Appeals and Reviews).

**155.420.120 – Permits to Run with the Land**

Permits issued in compliance with the Zoning Code remain valid upon change of ownership of the site, structure, or land use that is the subject of the approved permit.

*This page is intentionally blank*

## Section 155.424 – NONCONFORMITIES

---

### Subsections:

- 155.424.010 – Purpose
- 155.424.020 – Applicability
- 155.424.030 – Nonconforming Site Features
- 155.424.040 – Nonconforming Buildings
- 155.424.050 – Nonconforming Signs
- 155.424.060 – Nonconforming Uses
- 155.424.070 – Nonconforming Lots
- 155.424.080 – Findings

### 155.424.010 – Purpose

This section establishes regulations for nonconforming site features, buildings, uses, and lots. These regulations are intended to:

- A. Recognize that some nonconforming uses and structures may contribute in a positive manner to Eureka’s unique sense of place and quality of life;
- B. Allow for the continued operation of nonconforming uses that are compatible with neighboring properties;
- C. Allow for the continued use of, and improvement to, some nonconforming structures;
- D. Require nonconforming site features to be brought into conformance with the Zoning Code when reasonable to do so; and
- E. Allow for the development and use of legal nonconforming lots.

### 155.424.020 – Applicability

- A. **Legal Nonconformities Only.** This section applies to legally established site features, buildings, uses, and lots that do not conform to the regulations of the zoning district in which they are located.
- B. **Not Applicable to Violations.**
  - 1. This section does not apply to nonconformities established in violation of the Zoning Code, or the regulation in effect at the time the nonconformity was established.
  - 2. A nonconformity that was illegally established is considered a violation of the Zoning Code subject to 155.428 (Enforcement and Penalties).
- C. **Not Applicable to Accessory Dwelling Units.**

~~2.~~ This section does not apply to applications for new construction, creation, or modification of an accessory dwelling unit.

**G.D. Burden of Proof.**

1. Any person asserting a right to a nonconformity has the burden of proof to demonstrate, to the satisfaction of the Director, that the nonconformity was legally established. The Director is not responsible to prove the absence of a legal nonconformity.
2. The Director's decision on the legal status of a nonconformity may be appealed in accordance with 155.416 (Appeals and Reviews).

**155.424.030 – Nonconforming Site Features**

- A. Applicability.** This subsection applies to existing physical improvements on a developed lot that do not conform to the Zoning Code, excluding buildings and signs. See 155.424.040 (Nonconforming Buildings) for rules that apply to houses, garages, and other primary buildings on a lot, and 155.424.050 (Nonconforming Signs) for rules that apply to signs.
- B. Required Compliance.** If a development project requires a Building Permit where the total construction value is \$50,000 or more, the following nonconforming site features must be brought into compliance with the Zoning Code:
  1. **Landscaping.** Landscaping required by 155.328.040 (Required Landscape Areas) and 155.328.050 (General Landscape Requirements).
  2. **Parking Lot Landscaping.** Parking lot landscaping required by 155.324.080 (Parking Lot Landscaping) to the extent possible given the configuration of existing development and physical site constraints. For example, if the existing parking lot configuration and striping pattern can only accommodate a two-foot perimeter buffer instead of the required four-foot buffer, the two-foot buffer is allowed.
  3. **Parking Lot Striping.** Parking lot striping as required by City specifications.
  4. **Outdoor Lighting.** Outdoor lighting required by 155.308.050 (Outdoor Lighting).
  5. **Outdoor Storage.** Outdoor storage as required by 155.304.110 (Outdoor Storage).
  6. **Vision Clearance Area.** Any site feature that conflicts with 155.308.040 (Vision Clearance Area).
  7. **Waste Storage.** Solid waste/recyclable material storage areas required by 155.308.070 (Solid Waste/Recyclable Material Storage).
  8. **Screening.** Screening for adjacent residential uses-zoning districts required by 155.308.060 (Screening for Residential Zoning Districts).
- C. Annual Adjustment.** The \$50,000 project valuation threshold in 155.424.030.BA (Required Compliance) will be increased for inflation by 3 percent annually, using 2019 as the base year.

**D. Exceptions.**

1. The following nonconforming site features may continue and are not subject to 155.424.030.B (Required Compliance):
  - a. Fences and walls (155.320);
  - b. Number of required on-site parking spaces (155.324.030);
  - c. Bicycle parking (155.324.070);
  - d. Parking design and development standards (155.324.060); and
  - e. Other site features not specifically identified in 155.424.030.B (Required Compliance).
2. Exempt site features may be repaired or replaced provided the project does not increase or exacerbate the nonconforming aspect of the site feature.

**E. Repairs and Modifications.**

1. If a nonconforming site feature identified in 155.424.030.B (Required Compliance) is repaired or modified, the site feature must be brought into compliance with the Zoning Code.
2. A nonconforming site feature identified in 155.424.030.D (Exceptions) may be repaired or modified if the project does not increase or exacerbate the nonconforming aspect of the site feature. For example, a fence that exceeds the maximum height allowed by 155.320 (Fences and Walls) may be repaired or replaced if the fence height is not increased.
3. A project that increases or exacerbates the nonconforming aspect of any nonconforming site feature is subject to the permit requirements for Variances and Minor Modifications in 155.412 (Specific Permits and Approvals). For example, increasing the height of a nonconforming fence that exceeds the maximum height allowed by 155.320 (Fences and Walls) requires a Minor Modification or Variance. See 155.412 (Specific Permits [Requirements and Approvals](#)).

**155.424.040 – Nonconforming Buildings**

**A. Applicability.** This subsection applies to nonconforming houses, garages, and other buildings as defined in 155.508 (Glossary). See 155.424.030 (Nonconforming Site Features) for rules that apply to other types of nonconforming structures.

**B. Permitted Modifications.**

1. A nonconforming building may be repaired, modified, or enlarged if the project does not increase or exacerbate the nonconforming aspect of the building. For example, a remodel of a home that exceeds the height standard but that doesn't increase the

home's height is allowed with a Zoning Clearance; no other Department permits are required.

2. Unless otherwise allowed by this section, a project that increases or exacerbates the nonconforming aspect of a building requires either a Minor Modification or Variance depending on the nature of the modification. For example, a remodel that increases the height of a home exceeding the maximum building height standard requires a Minor Modification or Variance. See 155.412 (Specific Permits [and Approvals Requirements](#)).
- C. Expansions of Use.** An increase in floor area occupied by a permitted use in a nonconforming building is allowed subject to the limitations in 155.424.040.B (Permitted Modifications).
- D. Established Side Setbacks for Building Additions.** See 155.204.030.E (Established [Side Setbacks for Building Additions](#)).
- E. Damage, Destruction, and Demolition**
1. **Reconstruction Defined.** "Reconstructed" means rebuilding a damaged or destroyed building in a manner similar but not identical to the original structure. A reconstructed building generally recreates the original building footprint, mass, and height, but may deviate from design details such as architectural design and the arrangement of doors, windows, and rooflines.
  2. **Involuntary Damage and Destruction.** If a nonconforming building is damaged or destroyed by earthquake, fire, flood, or other calamity, the building may be reconstructed and continued as a legal nonconforming building. Reconstruction of a single-family home is allowed with a Zoning Clearance. Design Review is required for the reconstruction of a multi-family, mixed-use, and commercial buildings.
  3. **Voluntary Demolition.**
    - a. If a nonconforming building is voluntarily demolished, the building may be reconstructed as shown in Table 420-1.

**Table 420-1: Permits Required to Reconstruct Voluntarily Demolished Non-Conforming Buildings**

Linear footage of the interior and exterior building walls demolished or removed	Permit required
Less than 50 percent	By-Right
50 percent or more	MUP
<b>Note:</b> Removal of roof, foundation, or exterior sheathing is not included in demolition calculation. Interior wall coverings (such as sheet rock) are not considered walls.	

- b. For reconstruction requiring a Minor Use Permit, the Director may attach conditions of approval as necessary to protect public health, safety and welfare, including requirements to reduce or eliminate previously existing nonconformities.
- 4. **No New or Increased Nonconformities.** Reconstruction of damaged, destroyed or voluntarily demolished buildings may not increase or exacerbate previously existing nonconformities or create new nonconformities.
- 5. **Design Review and Standards.** Reconstructed non-residential, mixed-use, and multi-family buildings require Design Review and must comply with the design standards in 155.208.040 (Pedestrian-Focused Street Frontages), and 155.312 (Design Standards).
- 6. **Property Line Trespass.** A reconstructed building may not trespass across a property line and may not extend over or be located within the public right-of-way.
- 7. **Timing of Construction.** The construction of the replacement building must begin within two years of the date the structure was damaged or destroyed.
- 8. **Buildings Not Reconstructed.** If a damaged or destroyed nonconforming building is replaced with a new building that does not meet the definition of reconstruction, the new building must comply with all standards of the applicable zoning district or obtain a Variance (155.412.120) or Minor Modification (155.412.070) depending on the nature of the deviations from applicable standards.
- F. **Relocated Buildings.** A nonconforming building that is moved to a new location must conform to all standards of the applicable zoning district.

#### 155.424.050 – Nonconforming Signs

- A. **Continuation.** Except as otherwise required by this subsection, a nonconforming sign may continue its use as a sign if it was legally established in compliance with all applicable regulations in effect at the time the sign was installed. It is the applicant's responsibility to demonstrate that the sign was legally established.
- B. **Allowed Changes.**
  - 1. Changes to sign copy/face and repainting of legal nonconforming signs is permitted as long as there is no alteration to the physical structure or support elements of the sign.
  - 2. A legal-nonconforming sign that sustains less than 50-percent damage to its structure may be repaired to its original pre-damaged condition, provided that such repair is completed within 180 days after the date of the damage.
- C. **Required Compliance.**
  - 1. **Sign Installed on or after January 1, 2000.** A nonconforming sign installed on or after January 1, 2000 must be removed or brought into compliance with this section when:

- a. The sign is damaged or requires maintenance and the cost of repair exceeds 50 percent of the replacement value;
  - b. The sign is relocated to a different lot or building; or
  - c. The Director determines the sign has become a public nuisance or hazard due to inadequate maintenance or dilapidation in accordance with 155.340.080.E (Maintenance).
2. **Sign Installed before January 1, 2000.** A legal nonconforming sign installed before January 1, 2000 must be removed or brought into compliance with this section when:
- a. The sign is associated with a development project requiring a Building Permit where the total construction value is \$50,000 or more (increased for inflation by three percent annually, using 2019 as the base year);
  - b. A new use occupies the tenant space served by the sign;
  - c. The sign is located on a remodeled building façade;
  - d. The building containing the use advertised by the sign is enlarged by 10 percent or more;
  - e. The sign is damaged or requires maintenance and the cost of repair exceeds 50 percent of the replacement value;
  - f. The sign is relocated to a different lot or building; or
  - g. The Director determines the sign has become a public nuisance or hazard due to inadequate maintenance or dilapidation in accordance with 155.340.080.~~ED~~ (Maintenance).

#### 155.424.060 – Nonconforming Uses

- A. Continuation Allowed.** A nonconforming use may continue subject to the requirements of this section.
- B. Intensification of Use.** A Minor Use Permit is required to increase the floor or site area occupied by a nonconforming use and/or intensify the operation of a nonconforming use in any way.
- C. Change in Ownership, Tenancy, or Management.** A change in ownership, tenancy, or management of a nonconforming use does not affect its legal nonconforming status.
- D. Uses Without Required Permits.** A legally established use that is allowed in a zoning district but which lacks a required permit (e.g., Conditional Use Permit) is considered a nonconforming use until the use receives the permit(s) required by the Zoning Code.
- E. Expiration of Legal Non-Conforming Status.** A legally established non-conforming use that ceases to operate for a period of six consecutive months or more is no longer considered

legal non-conforming and the use may not be re-established. A use ceases to operate when a site is vacant or when a use is non-operational for any reason other than a natural disaster or illness/death of an owner/immediate family member.

**155.424.070 – Nonconforming Lots**

- A. Development Permitted.** Legally established lots nonconforming to minimum lot area standards are permitted all development rights of the zoning district in which it is located.
- B. Conformance with Standards.** Development on legal nonconforming lots must comply with all setback, building coverage, parking, and other standards of the applicable zoning district.
- C. Boundary Adjustments.** The boundaries of a lot nonconforming to minimum area standards may not be adjusted to decrease the lot area except when necessary to remedy a situation where a structure or use improperly projects or extends over a lot line.

*This page is intentionally blank*

## ARTICLE 5 – Glossary

### Section 155.504 – Land Use Classifications

155.504.010 – Purpose

155.504.020 – Primary and Secondary Uses

155.504.030 – Land Use Classifications - Alphabetical

155.504.040 – Land Use Classifications – Use Type

### Section 155.508 – Defined Terms

155.508.010 – Purpose

155.508.020 – Definitions

## Section 155.504 – LAND USE CLASSIFICATIONS

---

### Subsections:

[155.504.010 – Purpose](#)

[155.504.020 – Primary and Secondary Uses](#)

[155.504.030 – Land Use Classifications - Alphabetical](#)

[155.504.040 – Land Use Classification - Use Type](#)

### **155.504.010 – Purpose**

Land use classifications describe one or more uses of land having similar characteristics, but do not list every use or activity that may appropriately be within the classification. The Director will determine whether a specific use is within one or more use classifications, based on whether its characteristics are substantially incompatible with those typical of uses named within the classification.

### **155.504.020 – Primary and Secondary Uses**

This section describes land use classifications classified as either a primary use or a secondary use. See 155.108.050.C (Types of Uses) for requirements that apply generally to primary and secondary uses.

### **155.504.030 – Land Use Classifications - Alphabetical**

1. **Accessory Dwelling Unit (ADU).** An attached or detached residential dwelling unit with complete independent living facilities for one or more persons. An ADU includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as an existing or proposed single-family residence or an existing multi-family residence is situated and meets the standards of 155.316 (Accessory Dwelling Units). An accessory dwelling unit also includes:
  - a. An efficiency unit, as defined in Section 17958.1 of Health and Safety Code;
  - b. Junior accessory dwelling unit as defined in Government Code Section 65852.22 and
  - c. A manufactured home, as defined in Section 18007 of the Health and Safety Code.
2. **Accessory Use.** A land use that is incidental and subordinate to a primary land use located on the same lot.
3. **Adult Entertainment.** See 155.304.030 (Adult Entertainment).

4. **Agricultural Processing.** The processing of harvested crops to prepare them for onsite marketing, off-site sale, or processing and packaging elsewhere. Includes alfalfa cubing; corn shelling; grist mills; milling of flour, feed and grain; grain cleaning and grinding; hay baling and cubing; pre-cooling and packaging of fresh or dried fruits or vegetables; tree nut hulling and shelling; farm product warehousing and storage; drying of corn, rice, hay; and sorting, grading and packing fruits and vegetables. Includes the processing of crops grown off-site. Excludes manufacturing of food and products ready for sale to consumers (see “Manufacturing, Artisan” and Manufacturing, Light”).
5. **Agriculture.** The use of the land for commercial farming, crop production, horticulture, floriculture, viticulture, and animal raising and production, including dairies. May include accessory uses for packing, processing, treating, and storing crops grown on site provided such accessory uses are secondary to crop production activities. Excludes the processing and packaging of agricultural products (see “Agricultura Processing”), slaughterhouses and animal product processing uses (see Animal Processing”), cannabis cultivation (see Municipal Code Chapter 158), community gardens (see “Parks and Recreational Facilities”), and the harvesting of plants and animals in an aquatic environment (see “Aquaculture”).
6. **Airport.** Facilities for the takeoff and landing of airplanes, including runways, aircraft storage buildings, public terminal building and parking, air freight terminal, baggage handling facilities, aircraft hangars, and related support activities.
7. **Animal Keeping.** The keeping of animals for personal use as provided in Municipal Code Chapter 91 (Animal Keeping).
8. **Animal Processing.** A facility where the slaughtering and/or processing of animals raised off-site takes place, including rendering plants and meat cutting and packing uses. Excludes manufacturing of consumer foods from animal products (see “Manufacturing, Heavy”).
9. **Aquaculture.** Facilities or areas for the cultivation of marine or freshwater fish, shellfish, or plants under controlled conditions. Includes aquaponics that integrates aquaculture with hydroponics by recycling the waste products from fish to fertilize hydroponically growing plants. Includes cultured oyster beds and similar uses.
10. **Automobile Sales/Repair.** See Vehicle Sales and Services.
11. **Bars and Nightclubs.** Businesses devoted to serving alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of such beverages. Includes cocktail lounges, taverns, dance clubs, and other similar uses. Excludes tasting rooms ancillary to breweries, wineries, and other alcoholic beverage production uses.
12. **Bed and Breakfast.** See Vacation Rental.

13. **Business Services and Heavy Commercial.** Indoor commercial establishments providing goods and services to other businesses and/or engaged in heavy commercial activities that could impact neighboring properties. Includes contractor supply businesses, building contractors, large equipment repair, pipe yards, commercial dry-cleaning/laundry services, security services, custodial services, business-serving printers, taxi and delivery services, private ambulance dispatch services, property maintenance contractors, plumbing supply stores, and other similar businesses. Products and services may be provided to the general public only on a limited, secondary basis. Outdoor display, storage, and sales is a secondary use and is subject to separate regulations and restrictions (see General Retail – Outdoor).
14. **Cannabis Uses.** See Municipal Code Chapter 158 (Medical Cannabis: Cultivation, Processing and Distribution).
15. **Car Dealership.** See Vehicle Sales and Services.
16. **Car Share Facility.** A formal or informal membership organization that owns motor vehicles that are parked on-site or in off-site areas. Members use the motor vehicles under the terms of their membership.
17. **Check Cashing.** A retail business owned or operated by a "check casher" as that term is defined in California Civil Code section 1789.31.
18. **Civic Institution.** Public or non-profit institutions that support and contribute to the cultural development of the community and provide community-serving programs and services on-site. Includes libraries, museums, performing art centers (primarily non-retail), aquariums, zoos, environmental education centers, non-profit art centers and galleries, botanical gardens, and other similar uses. Excludes public and private schools, colleges and trade schools, and other similar educational facilities (See: "Educational Facilities").
19. **Colleges and Trade Schools.** Institutions of higher education providing curricula of a general, religious or professional nature, typically granting recognized degrees or certificates. Includes junior colleges, business and computer schools, management training, vocational education, and technical and trade schools.
20. **Commercial Fishing.** The activity of catching fish and other seafood for commercial profit, mostly from wild fisheries. Includes ancillary fish and seafood processing; fish and seafood storage and distribution; and fish and seafood sales. Excludes cultivation of fish and seafood under controlled conditions (see "Aquaculture").
21. **Commercial Lodging.** A commercial establishment in a non-residential zoning district providing overnight accommodations to guests for 30 consecutive calendar days or less. Commercial lodging establishments may provide additional services, such as conference and meeting rooms, restaurants, bars, or recreation facilities available to guests and the general public. Includes hotels, motels, hostels, and other similar

- commercial establishments. Also includes dwelling units or portions thereof located in a non-residential zoning district rented to guests for 30 consecutive calendar days or less.
- 22. Day Care Facility.** A facility that provides nonmedical care and supervision of children or adults for periods of less than 24 hours. Includes nursery schools, day nurseries, child care centers, infant day care centers, cooperative day care centers, adult day programs, and similar uses. Day care facilities may be operated in conjunction with a school or church facility, or as an independent land use.
- 23. Drive-Thru Facility.** A facility where motorists may purchase products or obtain services without leaving their vehicles. Drive-thru facilities are a secondary use that must be associated with a primary use. Excludes vehicle fueling stations (see “Fuel and Service Stations”).
- 24. Emergency Shelters.** Housing with minimal supportive services for homeless persons that is limited to occupancy of one year or less. No individual or household may be denied emergency shelter because of an inability to pay. Includes drop-in centers that provide food, showers, and laundry facilities, and other services to the homeless.
- 25. Family Day Care Home.** A state-licensed facility that regularly provides care, protection, and supervision for children, in the provider’s own home, for periods less than 24 hours per day, while the children’s parents or guardians are away. Family day care homes are a secondary use that must be associated with a primary use.
- 26. Family Day Care Home, Large.** A home that provides family day care for 9 to 14 children as defined in California Health and Safety Code Section 1597.465.
- 27. Family Day Care Home, Small.** A home that provides family day care for up to eight children as defined in California Health and Safety Code Section 1597.44.
- 28. Farmworker Housing.** Housing for transient labor, such as labor cabins or camps, incidental to a permitted agricultural use.
- 29. Fitness, Dance, or Health Facility.** An indoor fitness center, gymnasium, athletic club, dance studio, yoga studio, or other similar use.
- 30. Fitness, Dance, or Health Facility, Large.** A facility with a floor area of 8,000 square feet or more.
- 31. Fitness, Dance, or Health Facility, Small.** A facility with a floor area of less than 8,000 square feet.
- 32. Food-Serving Drive-Thru Facility.** A drive-thru facility associated with a “restaurants, cafes, and beverage sales” use.
- 33. Food Truck.** See Mobile Vendor.

34. **Freight Terminals and Transfer.** Facilities for transfer and movement of freight, courier, and postal services by truck, rail, or sea.
35. **Fuel and Service Stations.** A retail business supplying fuels, oil, and minor accessories for vehicles. Includes establishments supplying gasoline, hydrogen, and electric vehicle charging as a primary land use. Includes incidental food and beverage sales (maximum 3,500 square feet of convenience market), car wash facilities, and minor automotive repair and service. Excludes towing service (see “Vehicle Towing and Impound”) and body and fender work, painting, and other major automotive repairs (see “Vehicle Repair”). Excludes electric vehicle charging stations installed in parking spaces and/or parking lots.
36. **Gas Station.** See Fuel and Service Station.
37. **General Retail.** Stores and shops selling merchandise to the general public, and which may include related services. Includes antique shops, art galleries, automotive supply stores, book stores, clothing stores, convenience markets, gift shops, furniture stores, drug stores, florists, liquor stores, pet shops, retail bakeries, supermarkets, garden supply stores, lumber yards, and other similar retail-based establishments.
38. **General Retail – Indoor.** A general retail establishment where merchandise is stored and displayed indoors. Includes the temporary outdoor display of merchandise under covered-entryways, such as produce at grocery stores. Also includes temporary sidewalk displays of merchandise (which may require an Encroachment Permit and other permits). Excludes the prominent display/storage of merchandise in an outdoor setting as a part of regular business operations, which is a secondary use subject to separate limitations (see “General Retail – Outdoor”). General Retail – Indoor falls into three categories:
39. **General Retail – Indoor, Large.** A general retail indoor facility that is between 20,000 square feet and 50,000 square feet.
40. **General Retail – Indoor, Small.** A general retail indoor facility that is less than 20,000 square feet in total floor area.
41. **General Retail – Indoor, Very Large.** A general retail indoor facility that is larger than 50,000 square feet in total floor area.
42. **General Retail – Outdoor.** A supplemental outdoor area associated with a primary use (such as General Retail – Indoor) where merchandise is prominently stored and/or displayed for sale outdoors in a designated outdoor area as a regular part of business operations. General Retail – Outdoor is a secondary use that must be combined with another use (such as General Retail – Indoor or Heavy Equipment Sales and Service) and must include a building on-site that hosts the primary use, such as “Business Services and Heavy Commercial” or “General Retail – Indoor.” General Retail – Outdoor includes boat/trailer sales, plant nurseries, garden supplies, lumberyards,

statuary stores, headstone sales, and other similar establishments. Includes the outdoor sales of automobiles and large vehicle sales. Excludes purely indoor car dealerships (see “Vehicle Sales and Rental (Indoor)”) and purely indoor large vehicle sales (see “Heavy Equipment Sales and Services”). A car sales business with both indoor sales rooms and outdoor sales lots requires approval of both uses (“Vehicle Sales and Rental (Indoor)”) and “General Retail – Outdoor”) and is subject to the regulations that apply to both uses. Excludes the temporary outdoor display of merchandise under covered-entryways, such as produce at grocery stores. Excludes the temporary sidewalk displays of merchandise (which may require an Encroachment Permit or other permits).

- 43. General Services.** An indoor commercial establishment that provides services to the general public, involves frequent visits by customers, and which may involve limited product sales related to the service provided. Includes banks, funeral parlors, indoor commercial recreation establishments that do not sell alcohol (e.g., video arcades, indoor mini-golf, indoor batting cages), laundromats, photocopy stores, customer-serving dry cleaners, household item repairs, veterinary clinics, tattoo/piercing parlors, customer-serving printers, animal grooming with no overnight boarding, recording studios, and other similar uses that provide on-site services to customers. Excludes places of employment that do not provide on-site services directly to customers (see “offices”) and facilities that provide medical services (see “Medical Care Services”). Excludes establishments that provide body-care related services (see “Personal Services”) and fitness-related establishments (see “Fitness, Dance, or Health Facility”). For alcohol-serving indoor commercial recreation establishments, see “Bars and Nightclubs” or “Restaurants, Cafes, and Beverage Sales.”
- 44. Government Facilities.** A facility operated by a governmental agency providing services to the general public. Includes governmental offices, public recreational facilities, community centers, public meeting spaces, civic auditoriums, fire stations, police stations, dispatch facilities, vehicle storage, and other similar facilities. Excludes schools (see “Schools, Public and Private”), facilities that primarily provide maintenance and repair services and storage facilities for vehicles and equipment (see “Public Agency Corporation Yard”), parks and playgrounds (see “Parks and Playgrounds”), public utilities (see “Public Utility”), facilities providing group-services to persons in need (see “Social Services”) and homeless shelters (see “Emergency Shelters”).
- 45. Heavy Equipment Sales and Service.** Indoor retail establishments selling or renting industrial, construction, farm, or other heavy equipment for commercial use, including cranes, earth moving equipment, tractors, tractor trailers, combines, and heavy trucks. Outdoor display, storage, and sales is a secondary use subject to separate regulations and restrictions (see “General Retail – Outdoor”).

46. **Home Occupation.** A business within a dwelling unit or residential site, with the business activity being subordinate to the residential use of the property.
47. **Hospice.** See Medical Care Housing.
48. **Hospital.** Facilities providing medical, psychiatric, or surgical services for sick or injured persons primarily on an in-patient basis, and including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors. May include facilities for the takeoff and landing of helicopters.
49. **Hostel.** See Vacation Rental.
50. **Hotel.** See Commercial Lodging.
51. **Instructional Services.** Establishments that offer specialized programs in personal growth and development. Includes music studios/schools, drama schools, dance academies dedicated primarily to instruction, art schools, tutoring schools, and instruction in other cultural and academic pursuits.
52. **Kennel-Animal Boarding.** A commercial facility for the keeping, boarding, training, breeding or maintaining of four or more dogs (four months of age or older), cats, or other household pet not owned by the facility owner or operator. Includes kennels, pet day care, and animal shelters. Excludes household pets for sale in pet shops (see “General Retail”) and veterinary clinics (see “General Services”).
53. **Manufacturing, Artisan.** Artistic, artisan, craft-oriented, and small-scale manufacturing businesses engaged in the on-site assembly of individually fabricated parts or the fabrication of custom/craft goods, and the incidental direct sale to consumers of primarily those goods produced on site. The facilities are compatible with a general retail and mixed-use setting. Goods are predominantly manufactured and fabricated involving the use of hand tools or small-scaled mechanical equipment and kilns that do not generate noise, odors, or vibration detectable beyond the interior walls of the facility. Typical uses include craft food and beverage, ceramic studios, fabrics, inlays, tile work, weaving, leather work, limited woodwork, limited metal or glass work, candle making, custom tailors, custom wedding dress production, custom jewelry, and other similar uses. May include limited tasting-rooms ancillary to the craft production of alcoholic beverage production uses.
54. **Manufacturing, Light.** The manufacture of products in a manner that produces little or no noise, odor, fumes, dust, smoke, dirt, refuse, vibration, glare, and/or air or water pollution detectable beyond the interior walls of the facility and is unlikely to cause significant impacts on surrounding land uses. Products are commonly produced from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products. Does not produce or utilize toxic, hazardous, or explosive materials as an integral part of the

manufacturing process. Includes the manufacture and production of clothing; mass-produced food and beverage products; electronic, optical, and instrumentation products; electronic equipment and appliances; ice. Excludes the processing of harvested crops (see "Agricultural Processing"). May include tasting rooms ancillary to the craft production of alcoholic beverage production uses.

- 55. Manufacturing, Heavy.** A facility accommodating manufacturing processes that involve or produce basic metals, building materials, chemicals, fabricated metals, paper products, machinery, textiles, or transportation equipment, and where the use may cause significant impacts on surrounding land uses. Includes manufacturing of chemical products; concrete, gypsum, and plaster products; paving and roofing materials; plastics and other synthetics, and rubber products; lumber and other wood products; tires; mass-produced food and beverage products, paving and petroleum-based roofing materials; lime products; glass products. Also includes petroleum refining and related industries, oil and gas processing facilities, and ready-mix concrete batch plants. Excludes sales of ready-mix concrete incidental retail establishment (see "General Retail, Outdoor"), artisan and craftsman type operations (see "Manufacturing, Artisan, and recapping and retreading of automobile tires (see "Vehicle Repair)"). May involve the use of toxic, hazardous, or explosive materials. May include limited tasting rooms ancillary to the craft production of alcoholic beverage production uses.
- 56. Medical Care Housing.** A residential facility, licensed as a skilled nursing facility by the State of California, that provides twenty-four-hour medical, convalescent or chronic care to individuals who are unable to care for themselves by reason of advanced age, chronic illness, or infirmity. Excludes facilities providing non-medical social and personal care to residents (see "Non-medical Care Housing").
- 57. Medical Offices and Clinics.** Facilities where medical, mental, dental, vision, or other personal health services are provided on an outpatient basis using specialized equipment. Includes offices for physicians, dentists, physical therapists, optometrists, diagnostic centers, blood banks and plasma centers, and emergency medical clinics offered exclusively on an out-patient basis. Includes mental health services such as marriage/family therapists, counselors, psychologists, psychiatrists, and other similar uses. Also includes alternative medicine facilities such as acupuncture, chiropractors, state-licensed therapeutic massage, nutritional consultation, herbalists, and other similar facilities. May include educational aspects such as medical instruction and/or training as well as house a laboratory, radiology/imaging, pharmacy, rehabilitation and other similar services as accessory uses.
- 58. Micro/Shared Housing.** Shared living quarters without separate kitchen or bathroom facilities for each room or unit, offered for rent to permanent or semi-transient residents for long-term occupancy (30 days or more). Includes rooming and boarding

- houses, single-room occupancy housing, dormitories, convents and monasteries, and other types of organizational housing. Excludes hotels, motels, bed and breakfast inns, and vacation rentals (see “Commercial Lodging” and “Vacation Rental”) and State-licensed facilities providing social and personal care to residents (see “Non-medical Care Housing”).
59. **Mini-Storage.** One or more building in a controlled access and fully enclosed compound that contains separate self-storage spaces of varying size for the storage of customers’ goods and possessions.
60. **Mobile Home Park.** An area of land where two or more mobile home spaces are rented, or held out for rent, to accommodate mobile homes for more than 30 consecutive calendar days.
61. **Mobile Vendor.** Any vehicle from which a product is made, sold, or distributed at retail.
62. **Motel.** See Commercial Lodging.
63. **Multi-family Dwellings.** Two or more residential units located on a single lot. Includes units side-by-side, units stacked vertically, and one or more units occupying the same site as a non-residential uses (mixed-use development). Excludes detached single-family homes with an accessory dwelling unit in compliance with 155.316 (see “Accessory Dwelling Units”).
64. **Neighborhood-Serving Retail and Service.** Retail and service establishments that primarily serve residents and employees within the immediate neighborhood. See 155.224.030 (Neighborhood Market Overlay).
65. **Non-Commercial Places of Assembly.** Facilities that provides space for public or private meetings or gatherings. Includes places of worship, fraternal lodges, meeting space for clubs and other membership organizations, social halls, union halls, non-profit banquet centers, and other similar facilities.
66. **Non-food Serving Drive Thru Facility.** A drive-thru facility associated with another use (such as General Retail Indoor) that is not a “Food-Serving Drive-Thru Facility.”
67. **Non-medical Care Housing.** A state-licensed residential facility that provides non-medical social and personal care for residents. Includes community care facilities as defined in California Health and Safety Code (H&SC) Section 1500 et seq, residential care facilities for the elderly (H&SC Section 1569 et seq.), facilities for the mentally disordered or otherwise handicapped (California Welfare and Institutions Code Section 5000 et seq.), alcoholism or drug abuse recovery or treatment facilities (H&SC Section 11834.02), supportive housing (California Government Code Section 65582), transitional housing (California Government Code Section 65582), and other similar facilities.

68. **Non-medical Care Housing, Large.** A non-medical care facility for 7 or more persons.
69. **Non-medical Care Housing, Small.** A non-medical care facility for 6 or fewer persons.
70. **Nursing Home.** See Medical Care Housing.
71. **Offices.** A place of employment occupied by businesses providing professional services. Includes offices for accountants, architects, insurance agents, attorneys, engineers, real estate agents, travel agents, artist studios, and other similar professions. Excludes businesses that provide regular service to frequent walk-in customers (see “General Services”), medical offices (see “Medical Offices and Clinics”), governmental offices (see “Governmental Facility”), and art galleries that are primarily intended to display saleable art and attract retail sales (see “General Retail – Indoor”). Internal office space that is incidental to a different primary use is not considered an “office” use. For example, a manager’s office at a manufacturing facility and the office of an inventory specialist at a grocery store are not considered separate or stand-alone office uses.
72. **Outdoor Commercial Recreation.** A privately-owned commercial facility providing outdoor recreation, amusement, and entertainment services. Includes commercial batting cages, outdoor swimming pools, go-cart tracks, driving ranges, tennis courts, golf courses, miniature golf, and other similar uses. Excludes municipal parks and non-commercial recreational facilities (see “Parks and Recreational Facilities”).
73. **Outdoor Storage, Non-Retail.** Non-retail storage of commercial goods in open lots as either a primary or secondary use. Excludes storage of merchandise for sale as part of a retail establishment (see “General Retail, Outdoor”).
74. **Parking Lots and Structures.** Surface lots and structures for use of occupants, employees, or patrons on the subject site or offering parking to the public for a fee when such use is the primary use on the lot and not incidental to another on-site activity.
75. **Parks and Playgrounds.** Parks and playgrounds as the primary use on the site that provides open space and/or outdoor recreational opportunities to the public. Includes athletic fields, picnic areas, tennis courts, tot lots, community gardens, cemeteries, and other similar outdoor facilities. Excludes indoor recreation centers (see “Government Facilities”).
76. **Personal Services.** An indoor commercial establishment that typically provides one-on-one body-care related services that involve frequent visits by customers and that are typically scheduled on an appointment-basis. May involve limited product sales related to the service provided. Includes hair salons, nail salons, make-up application studios, skincare treatment salons, non-therapeutic massage, health spas, and other similar non-medical personal service uses. For therapeutic message and other clinical-health-related uses, see “Medical Offices and Clinics.” **Restaurants, Cafes, and**

- Beverage Sales.** A business selling prepared food and/or beverages for on- or off-premise consumption. Includes full service, fast-food and carry-out restaurants, cafes, coffee shops, juice/smoothie bars, retail bakeries, and other similar eating and drinking establishments. Includes outdoor seating/service areas which are permitted by right. Excludes businesses primarily selling alcoholic beverages for on-site consumption (see “Bars and Nightclubs”). Excludes grocery stores and alcohol sales for off-site consumption (see “General Retail – Indoor”).
77. **Public Agency Corporation Yard.** Governmental facilities that primarily provide storage, maintenance and repair of vehicles, equipment, and supplies.
78. **Public Utility.** A permanent structure or facility providing a utility service to the general public. Includes generating plants, electric substations, solid waste collection, solid waste treatment and disposal, water or wastewater treatment plants, and similar facilities. Excludes electrical distribution lines, underground water/sewer lines, and similar utilities.
79. **Recreational Vehicle Parks.** An establishment designed, established, or used for exclusive occupancy by two or more recreational vehicles. Recreational vehicle parks are owned by a single owner or organizations where RV spaces are temporarily rented or leased to a person occupying a recreational vehicle.
80. **Recycling Collection Facility.** An incidental use that serves as a drop-off point for the temporary storage of recyclable materials but where the processing and sorting of such items is not conducted on site.
81. **Recycling Processing Facility.** A facility that receives and processes recyclable materials. Processing means preparation of material for efficient shipment, or to an end-user’s specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing. Includes salvage yards, upcycling, and vehicle salvage and wrecking.
82. **Residential Lodging.** See Vacation Rental.
83. **Resource Protection and Restoration.** Lands and management activities dedicated to the protection and conservation of natural resources, such as aquatic environments, wetland and sensitive riparian habitat, water recharge areas, and rare or endangered plant or animal habitat.
84. **Schools, Public and Private.** Educational institutions providing instruction to minors as required by the California Education Code. Includes public and private elementary, junior high, and high schools.
85. **Single-Family Home.** A residential structure designed for occupancy by one household. A single-family dwelling provides complete, independent living facilities for one or

- more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- 86. Single-Family Home, Attached (Townhome).** Two or more single-family dwelling units connected by common walls along the side property lines, sometimes called a townhouse or row house.
- 87. Single-Family Home, Detached.** A detached building that contains one single-family dwelling. Includes individual mobile homes and manufactured housing units installed on a foundation system pursuant to Section 18551 of the California Health and Safety Code and meeting the standards of 155.304.080 (Manufactured Housing) A detached single family home with an attached ADU remains a single-family home and is not considered a multi-family dwelling.
- 88. Single Room Occupancy (SRO).** See Micro/Shared Housing.
- 89. Social Services.** Establishments providing group outpatient assistance and aid to those persons requiring counseling, services, activities, and/or treatment for psychological problems, addictions, learning disabilities, elderly, and physical disabilities. Includes welfare offices, child/adult protective services, service centers for disabled individuals, counseling centers for individuals with substance abuse disorder, and veteran services. Excludes homeless shelters (see “Emergency Shelters”), transitional and supportive housing (see “Non-medical Care Housing”), establishments providing individual (non-group) services (see “Medical Office”), after-school programs (see “Non-Commercial Places of Assembly”) and adult day care centers (see “Day Care Facility”).
- 90. Supportive Housing.** See Non-Medical Care Housing.
- 91. Timber Production and Harvesting.** The cutting and removal of timber or other solid wood forest products for commercial purposes together with all of the work incidental to the harvest including construction and maintenance of roads, fuel breaks, fire breaks, stream crossings, landings, skid trails, beds for the falling of trees, and fire hazard abatement. Excludes cutting or removal of timber for creating building pads and access to a legal building site when such cutting or removal is approved as a part of the building and/or encroachment permit. Also excludes removal of up to five commercial tree species in residential zoning districts in conformance with 155.304.140 (Tree Removal).
- 92. Transitional Housing.** See Non-Medical Care Housing.
- 93. Tree Removal in Residential Zones.** The cutting and removal of timber or other solid wood forest products for commercial purposes in conformance with 155.304.140 (Tree Removal).
- 94. Vacation Rental.** A dwelling unit or portions thereof located in a residential zoning district that is rented to guests for 30 consecutive calendar days or less. Includes two

types of vacation rental, with the proprietor on-site and without the proprietor on-site as defined in 155.304.130 (Vacation Rental).

- 95. Vehicle Repair.** An establishment for the repair, alteration, restoration, or finishing of any vehicle, including body repair, collision repair, painting, tire and battery sales and installation, motor rebuilding, tire recapping and retreading, and towing. Excludes repair shops that are incidental to a vehicle sales or rental establishment on the same site (see “Vehicle Sales and Rentals”). Excludes the sales of vehicles (see “Vehicle Sales and Rentals (Indoor)” and “General Retail – Outdoor”).
- 96. Vehicle Sales and Rental (Indoor).** The indoor sale or rental of new or used automobiles, motorcycles, light trucks, recreational vehicles, boats, and other similar vehicles. Includes the sale of vehicle parts and vehicle repair, provided that these activities are incidental to the sale of vehicles. Excludes the sale and rental of tractor trailers and construction equipment (see “Heavy Equipment Sales and Service”) and vehicle salvage and wrecking (see “Recycling Processing Facilities”). Outdoor display, storage, and sales is a secondary use subject to separate regulations and restrictions (see “General Retail – Outdoors”).
- 97. Vehicle Towing and Impound.** Establishments primarily engaged in towing light or heavy motor vehicles, both local and long distance, and the on-site storage of towed vehicle. May provide incidental services, such as vehicle storage and emergency road repair services.
- 98. Warehousing, Wholesale, and Distribution.** A use engaged in storage, wholesale and distribution of manufactured products, supplies, and equipment to retailers; to industrial, commercial, institutional, farm, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Includes merchant wholesalers; agents, merchandise or commodity brokers, and commission merchants; assemblers, buyers and associations engaged in the cooperative marketing of farm products.
- 99. Wireless Communication Facility.** See Municipal Code Chapter 159.

### **155.504.030155.504.040 – Land Use Classification - Use Type**

#### **A. Residential Uses.**

- 1. Accessory Dwelling Unit (ADU).** An attached or a detached residential dwelling unit with complete independent living facilities for one or more persons. An ADU includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as ~~the~~an existing or proposed single-family ~~dwelling~~residence or an existing

- ~~multi-family residence is situated~~ and meets the standards of 155.316 (Accessory Dwelling Units). An accessory dwelling unit also includes:
- a. An efficiency unit, as defined in Section 17958.1 of Health and Safety Code;
  - b. Junior accessory dwelling units as defined in Government Code Section 65852.22 and
  - c. A manufactured home, as defined in Section 18007 of the Health and Safety Code.
2. **Bed and Breakfast.** See ~~Residential Lodging~~Vacation Rental.
  3. **Farmworker Housing.** Housing for transient labor, such as labor cabins or camps, incidental to a permitted agricultural use.
  4. **Hospice.** See Medical Care Housing.
  5. **Hostel.** See ~~Residential Lodging~~Vacation Rental.
  6. **Medical Care Housing.** A residential facility, licensed as a skilled nursing facility by the State of California, that provides twenty-four-hour medical, convalescent or chronic care to individuals who are unable to care for themselves by reason of advanced age, chronic illness, or infirmity. Excludes facilities providing non-medical social and personal care to residents (see “Non-medical Care Housing”).
  7. **Micro/Shared Housing.** Shared living quarters without separate kitchen or bathroom facilities for each room or unit, offered for rent to permanent or semi-transient residents for long-term occupancy (30 days or more). Includes rooming and boarding houses, single-room occupancy housing, dormitories, convents and monasteries, and other types of organizational housing. Excludes hotels, motels, bed and breakfast inns, and vacation rentals (see “Commercial Lodging” and “~~Residential Lodging~~Vacation Rental”) and State-licensed facilities providing social and personal care to residents (see “Non-medical Care Housing”).
  8. **Mobile Home Park.** An area of land where two or more mobile home spaces are rented, or held out for rent, to accommodate mobile homes for more than 30 consecutive calendar days.
  9. **Multi-family Dwellings.** Two or more residential units located on a single lot. Includes units side-by-side, units stacked vertically, and one or more units occupying the same site as a non-residential uses (mixed-use development). Excludes detached single-family homes with an accessory dwelling unit in compliance with 155.316 (see “Accessory Dwelling Units”).
  10. **Non-medical Care Housing.** A state-licensed residential facility that provides non-medical social and personal care for residents. Includes community care facilities as defined in California Health and Safety Code (H&SC) Section 1500 et seq, residential care facilities for the elderly (H&SC Section 1569 et seq.), facilities for the mentally

disordered or otherwise handicapped (California Welfare and Institutions Code Section 5000 et seq.), alcoholism or drug abuse recovery or treatment facilities (H&SC Section 11834.02), supportive housing (California Government Code Section 65582), transitional housing (California Government Code Section 65582), and other similar facilities.

- a. **Non-medical Care Housing, Large.** A non-medical care facility for 7 or more persons.
- b. **Non-medical Care Housing, Small.** A non-medical care facility for 6 or fewer persons.

11. **Nursing Home.** See Medical Care Housing.

12. **Single-Family Home.** A residential structure designed for occupancy by one household. A single-family dwelling provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

- a. **Single-Family Attached Home (Townhome).** Two or more single-family dwelling units connected by common walls along the side property lines, sometimes called a townhouse or row house.
- b. **Single-Family Detached Home.** A detached building that contains one single-family dwelling. Includes individual mobile homes and manufactured housing units installed on a foundation system pursuant to Section 18551 of the California Health and Safety Code and meeting the standards of 155.304.080 (Manufactured Housing) A detached single family home with an attached ADU remains a single-family home and is not considered a multi-family dwelling.

13. **Single Room Occupancy (SRO).** See ~~Micro/Shared Non-Medical Care~~ Housing.

14. **Supportive Housing.** See Non-Medical Care Housing.

14-15. **Transitional Housing.** See Non-Medical Care Housing.

## B. Commercial – Sales.

1. **Automobile Sales/Repair.** See Vehicle Sales and Services.
2. **Bars and Nightclubs.** Businesses devoted to serving alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of such beverages. Includes cocktail lounges, taverns, dance clubs, and other similar uses. Excludes tasting rooms ancillary to breweries, wineries, and other alcoholic beverage production uses.
3. **Drive-Thru Facility.** A facility where motorists may purchase products or obtain services without leaving their vehicles. Drive-thru facilities are a secondary use that must be associated with a primary use. Excludes vehicle fueling stations (see “Fuel and Service Stations”).

- a. **Food-Serving Drive-Thru Facility.** A drive-thru facility associated with a “restaurants, cafes, and beverage sales” use.
- b. **Non-food Serving Drive Thru Facility.** A drive-thru facility associated with another use (such as General Retail Indoor) that is not a “Food-Serving Drive-Thru Facility.”
4. **Car Dealership.** See Vehicle Sales and Services.
5. **Food Truck.** See Mobile Vendor.
6. **Fuel and Service Stations.** A retail business supplying fuels, oil, and minor accessories for vehicles. Includes establishments supplying gasoline, hydrogen, and electric vehicle charging as a primary land use. Includes incidental food and beverage sales (maximum 3,500 square feet of convenience market), car wash facilities, and minor automotive repair and service. Excludes towing service (see “Vehicle Towing and Impound”) and body and fender work, painting, and other major automotive repairs (see “Vehicle Repair”). Excludes electric vehicle charging stations installed in parking spaces and/or parking lots.
7. **Gas Station.** See Fuel and Service Station.
8. **General Retail.** Stores and shops selling merchandise to the general public, and which may include related services. Includes antique shops, art galleries, automotive supply stores, book stores, clothing stores, convenience markets, gift shops, furniture stores, drug stores, florists, liquor stores, pet shops, retail bakeries, supermarkets, garden supply stores, lumber yards, and other similar retail-based establishments.
  - a. **General Retail – Indoor.** A general retail establishment where merchandise is stored and displayed indoors. Includes the temporary outdoor display of merchandise under covered-entryways, such as produce at grocery stores. Also includes temporary sidewalk displays of merchandise (which may require an Encroachment Permit and other permits). Excludes the prominent display/storage of merchandise in an outdoor setting as a part of regular business operations, which is a secondary use subject to separate limitations (see “General Retail – Outdoor”). General Retail – Indoor falls into three categories:
    - i. **Very Large General Retail – Indoor.** A general retail indoor facility that is larger than 50,000 square feet in total floor area.
    - ii. **Large General Retail – Indoor.** A general retail indoor facility that is between 20,000 square feet and 50,000 square feet.
    - iii. **Small General Retail – Indoor.** A general retail indoor facility that is less than 20,000 square feet in total floor area.
  - b. **General Retail – Outdoor.** A supplemental outdoor area associated with a primary use (such as General Retail – Indoor) where merchandise is prominently stored

and/or displayed for sale outdoors in a designated outdoor area as a regular part of business operations. General Retail – Outdoor is a secondary use that must be combined with another use (such as General Retail – Indoor or Heavy Equipment Sales and Service) and must include a building on-site that hosts the primary use, such as “Business Services and Heavy Commercial” or “General Retail – Indoor.” General Retail – Outdoor includes boat/trailer sales, plant nurseries, garden supplies, lumberyards, statuary stores, headstone sales, and other similar establishments. Includes the outdoor sales of automobiles and large vehicle sales. Excludes purely indoor car dealerships (see “Vehicle Sales and Rental (Indoor)”) and purely indoor large vehicle sales (see “Heavy Equipment Sales and Services”). A car sales business with both indoor sales rooms and outdoor sales lots requires approval of both uses (“Vehicle Sales and Rental (Indoor)” and “General Retail – Outdoor”) and is subject to the regulations that apply to both uses. Excludes the temporary outdoor display of merchandise under covered-entryways, such as produce at grocery stores. Excludes the temporary sidewalk displays of merchandise (which may require an Encroachment Permit or other permits).

9. **Heavy Equipment Sales and Service.** Indoor retail establishments selling or renting industrial, construction, farm, or other heavy equipment for commercial use, including cranes, earth moving equipment, tractors, tractor trailers, combines, and heavy trucks. Outdoor display, storage, and sales is a secondary use subject to separate regulations and restrictions (see “General Retail – Outdoor”).
10. **Mobile Vendor.** Any vehicle from which a product is made, sold, or distributed at retail.
11. **Restaurants, Cafes, and Beverage Sales.** A business selling prepared food and/or beverages for on- or off-premise consumption. Includes full service, fast-food and carry-out restaurants, cafes, coffee shops, juice/smoothie bars, retail bakeries, and other similar eating and drinking establishments. Includes outdoor seating/service areas which are permitted by right. Excludes businesses primarily selling alcoholic beverages for on-site consumption (see “Bars and Nightclubs”). Excludes grocery stores and alcohol sales for off-site consumption (see “General Retail – Indoor”).
12. **Vehicle Sales and Rental (Indoor).** The indoor sale or rental of new or used automobiles, motorcycles, light trucks, recreational vehicles, boats, and other similar vehicles. Includes the sale of vehicle parts and vehicle repair, provided that these activities are incidental to the sale of vehicles. Excludes the sale and rental of tractor trailers and construction equipment (see “Heavy Equipment Sales and Service”) and vehicle salvage and wrecking (see “Recycling Processing Facilities”). Outdoor display, storage, and sales is a secondary use subject to separate regulations and restrictions (see “General Retail – Outdoors”).

**C. Commercial – Service and Office.**

1. **Adult Entertainment.** See 155.304.030 (Adult Entertainment).

2. **Business Services and Heavy Commercial.** Indoor commercial establishments providing goods and services to other businesses and/or engaged in heavy commercial activities that could impact neighboring properties. Includes contractor supply businesses, building contractors, large equipment repair, pipe yards, commercial dry-cleaning/laundry services, security services, custodial services, business-serving printers, taxi and delivery services, private ambulance dispatch services, property maintenance contractors, plumbing supply stores, and other similar businesses. Products and services may be provided to the general public only on a limited, secondary basis. Outdoor display, storage, and sales is a secondary use and is subject to separate regulations and restrictions (see General Retail – Outdoor).
3. **Car Share Facility.** A formal or informal membership organization that owns motor vehicles that are parked on-site or in off-site areas. Members use the motor vehicles under the terms of their membership.
4. **Check Cashing.** A retail business owned or operated by a "check casher" as that term is defined in California Civil Code section 1789.31.
5. **Commercial Lodging.** A commercial establishment in a non-residential zoning district providing overnight accommodations to guests for 30 consecutive calendar days or less. Commercial lodging establishments may provide additional services, such as conference and meeting rooms, restaurants, bars, or recreation facilities available to guests and the general public. Includes hotels, motels, hostels, and other similar commercial establishments. Also includes dwelling units or portions thereof located in a non-residential zoning district rented to guests for 30 consecutive calendar days or less.
6. **Day Care Facility.** A facility that provides nonmedical care and supervision of children or adults for periods of less than 24 hours. Includes nursery schools, day nurseries, child care centers, infant day care centers, cooperative day care centers, adult day programs, and similar uses. Day care facilities may be operated in conjunction with a school or church facility, or as an independent land use.
7. **Family Day Care Home.** A state-licensed facility that regularly provides care, protection, and supervision for children, in the provider's own home, for periods less than 24 hours per day, while the children's parents or guardians are away. Family day care homes are a secondary use that must be associated with a primary use.
  - a. **Large Family Day Care Home.** A home that provides family day care for 9 to 14 children as defined in California Health and Safety Code Section 1597.465.
  - b. **Small Family Day Care Home.** A home that provides family day care for up to eight children as defined in California Health and Safety Code Section 1597.44.
8. **Fitness, Dance, or Health Facility.** An indoor fitness center, gymnasium, athletic club, dance studio, yoga studio, or other similar use.

- a. **Large Fitness, Dance, or Health Facility.** A facility with a floor area of 8,000 square feet or more.
  - b. **Small Fitness, Dance, or Health Facility.** A facility with a floor area of less than 8,000 square feet.
9. **General Services.** An indoor commercial establishment that provides services to the general public, involves frequent visits by customers, and which may involve limited product sales related to the service provided. Includes banks, funeral parlors, indoor commercial recreation establishments that do not sell alcohol (e.g., video arcades, indoor mini-golf, indoor batting cages), laundromats, photocopy stores, customer-serving dry cleaners, household item repairs, veterinary clinics, tattoo/piercing parlors, customer-serving printers, animal grooming with no overnight boarding, recording studios, and other similar uses that provide on-site services to customers. Excludes places of employment that do not provide on-site services directly to customers (see "offices") and facilities that provide medical services (see "Medical Care Services"). Excludes establishments that provide body-care related services (see "Personal Services") and fitness-related establishments (see "Fitness, Dance, or Health Facility"). For alcohol-serving indoor commercial recreation establishments, see "Bars and Nightclubs" or "Restaurants, Cafes, and Beverage Sales."
10. **Hospital.** Facilities providing medical, psychiatric, or surgical services for sick or injured persons primarily on an in-patient basis, and including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors. May include facilities for the takeoff and landing of helicopters.
11. **Hotel.** See Commercial Lodging.
12. **Kennel-Animal Boarding.** A commercial facility for the keeping, boarding, training, breeding or maintaining of four or more dogs (four months of age or older), cats, or other household pet not owned by the facility owner or operator. Includes kennels, pet day care, and animal shelters. Excludes household pets for sale in pet shops (see "General Retail") and veterinary clinics (see "General Services").
13. **Medical Offices and Clinics.** Facilities where medical, mental, dental, vision, or other personal health services are provided on an outpatient basis using specialized equipment. Includes offices for physicians, dentists, physical therapists, optometrists, diagnostic centers, blood banks and plasma centers, and emergency medical clinics offered exclusively on an out-patient basis. Includes mental health services such as marriage/family therapists, counselors, psychologists, psychiatrists, and other similar uses. Also includes alternative medicine facilities such as acupuncture, chiropractors, state-licensed therapeutic massage, nutritional consultation, herbalists, and other similar facilities. May include educational aspects such as medical instruction and/or

training as well as house a laboratory, radiology/imaging, pharmacy, rehabilitation and other similar services as accessory uses.

14. **Motel.** See Commercial Lodging.
15. **Offices.** A place of employment occupied by businesses providing professional services. Includes offices for accountants, architects, insurance agents, attorneys, engineers, real estate agents, travel agents, artist studios, and other similar professions. Excludes businesses that provide regular service to frequent walk-in customers (see “General Services”), medical offices (see “Medical Offices and Clinics”), governmental offices (see “Governmental Facility”), and art galleries that are primarily intended to display saleable art and attract retail sales (see “General Retail – Indoor”). Internal office space that is incidental to a different primary use is not considered an “office” use. For example, a manager’s office at a manufacturing facility and the office of an inventory specialist at a grocery store are not considered separate or stand-alone office uses.
16. **Outdoor Commercial Recreation.** A privately-owned commercial facility providing outdoor recreation, amusement, and entertainment services. Includes commercial batting cages, outdoor swimming pools, go-cart tracks, driving ranges, tennis courts, golf courses, miniature golf, and other similar uses. Excludes municipal parks and non-commercial recreational facilities (see “Parks and Recreational Facilities”).
17. **Parking Lots and Structures.** Surface lots and structures for use of occupants, employees, or patrons on the subject site or offering parking to the public for a fee when such use is the primary use on the lot and not incidental to another on-site activity.
18. **Personal Services.** An indoor commercial establishment that typically provides one-on-one body-care related services that involve frequent visits by customers and that are typically scheduled on an appointment-basis. May involve limited product sales related to the service provided. Includes hair salons, nail salons, make-up application studios, skincare treatment salons, non-therapeutic massage, health spas, and other similar non-medical personal service uses. For therapeutic message and other clinical-health-related uses, see “Medical Offices and Clinics.”
19. **Residential Lodging Vacation Rental.** A dwelling unit or portions thereof located in a residential zoning district that is rented to guests for 30 consecutive calendar days or less. Includes three types of [residential lodging vacation rental](#) (single-room, multiple-room, and full unit) as defined in 155.304.130 ([Residential Lodging Vacation Rental](#)).
20. **Vehicle Repair.** An establishment for the repair, alteration, restoration, or finishing of any vehicle, including body repair, collision repair, painting, tire and battery sales and installation, motor rebuilding, tire recapping and retreading, and towing. Excludes repair shops that are incidental to a vehicle sales or rental establishment on the same

site (see “Vehicle Sales and Rentals”). Excludes the sales of vehicles (see “Vehicle Sales and Rentals (Indoor)” and “General Retail – Outdoor”).

21. **Vehicle Towing and Impound.** Establishments primarily engaged in towing light or heavy motor vehicles, both local and long distance, and the on-site storage of towed vehicle. May provide incidental services, such as vehicle storage and emergency road repair services.

#### D. Industrial and Storage.

1. **Manufacturing, Artisan.** Artistic, artisan, craft-oriented, and small-scale manufacturing businesses engaged in the on-site assembly of individually fabricated parts or the fabrication of custom/craft goods, and the incidental direct sale to consumers of primarily those goods produced on site. The facilities are compatible with a general retail and mixed-use setting. Goods are predominantly manufactured and fabricated involving the use of hand tools or small-scaled mechanical equipment and kilns that do not generate noise, odors, or vibration detectable beyond the interior walls of the facility. Typical uses include craft food and beverage, ceramic studios, fabrics, inlays, tile work, weaving, leather work, limited woodwork, limited metal or glass work, candle making, custom tailors, custom wedding dress production, custom jewelry, and other similar uses. May include limited tasting-rooms ancillary to the craft production of alcoholic beverage production uses.
2. **Manufacturing, Light.** The manufacture of products in a manner that produces little or no noise, odor, fumes, dust, smoke, dirt, refuse, vibration, glare, and/or air or water pollution detectable beyond the interior walls of the facility and is unlikely to cause significant impacts on surrounding land uses. Products are commonly produced from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products. Does not produce or utilize toxic, hazardous, or explosive materials as an integral part of the manufacturing process. Includes the manufacture and production of clothing; mass-produced food and beverage products; electronic, optical, and instrumentation products; electronic equipment and appliances; ice. Excludes the processing of harvested crops (see “Agricultural Processing”). May include tasting rooms ancillary to the craft production of alcoholic beverage production uses.
3. **Manufacturing, Heavy.** A facility accommodating manufacturing processes that involve or produce basic metals, building materials, chemicals, fabricated metals, paper products, machinery, textiles, or transportation equipment, and where the use may cause significant impacts on surrounding land uses. Includes manufacturing of chemical products; concrete, gypsum, and plaster products; paving and roofing materials; plastics and other synthetics, and rubber products; lumber and other wood products; tires; mass-produced food and beverage products, paving and petroleum-based roofing materials; lime products; glass products. Also includes petroleum refining and related

industries, oil and gas processing facilities, and ready-mix concrete batch plants. Excludes sales of ready-mix concrete incidental retail establishment (see "General Retail, Outdoor"), artisan and craftsman type operations (see "Manufacturing, Artisan, and recapping and retreading of automobile tires (see "Vehicle Repair"). May involve the use of toxic, hazardous, or explosive materials. May include limited tasting rooms ancillary to the craft production of alcoholic beverage production uses.

4. **Mini-Storage.** One or more building in a controlled access and fully enclosed compound that contains separate self-storage spaces of varying size for the storage of customers' goods and possessions.
5. **Outdoor Storage, Non-Retail.** Non-retail storage of commercial goods in open lots as either a primary or secondary use. Excludes storage of merchandise for sale as part of a retail establishment (see "General Retail, Outdoor").
6. **Warehousing, Wholesale, and Distribution.** A use engaged in storage, wholesale and distribution of manufactured products, supplies, and equipment to retailers; to industrial, commercial, institutional, farm, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Includes merchant wholesalers; agents, merchandise or commodity brokers, and commission merchants; assemblers, buyers and associations engaged in the cooperative marketing of farm products.

#### E. Agricultural and Natural Resources.

1. **Agricultural Processing.** The processing of harvested crops to prepare them for onsite marketing, off-site sale, or processing and packaging elsewhere. Includes alfalfa cubing; corn shelling; grist mills; milling of flour, feed and grain; grain cleaning and grinding; hay baling and cubing; pre-cooling and packaging of fresh or dried fruits or vegetables; tree nut hulling and shelling; farm product warehousing and storage; drying of corn, rice, hay; and sorting, grading and packing fruits and vegetables. Includes the processing of crops grown off-site. Excludes manufacturing of food and products ready for sale to consumers (see "Manufacturing, Artisan" and Manufacturing, Light").
2. **Agriculture.** The use of the land for commercial farming, crop production, horticulture, floriculture, viticulture, and animal raising and production, including dairies. May include accessory uses for packing, processing, treating, and storing crops grown on site provided such accessory uses are secondary to crop production activities. Excludes the processing and packaging of agricultural products (see "Agricultura Processing"), slaughterhouses and animal product processing uses (see Animal Processing"), cannabis cultivation (see Municipal Code Chapter 158), community gardens (see "Parks and Recreational Facilities"), and the harvesting of plants and animals in an aquatic environment (see "Aquaculture").

3. **Aquaculture.** Facilities or areas for the cultivation of marine or freshwater fish, shellfish, or plants under controlled conditions. Includes aquaponics that integrates aquaculture with hydroponics by recycling the waste products from fish to fertilize hydroponically growing plants. Includes cultured oyster beds and similar uses.
4. **Animal Processing.** A facility where the slaughtering and/or processing of animals raised off-site takes place, including rendering plants and meat cutting and packing uses. Excludes manufacturing of consumer foods from animal products (see "Manufacturing, Heavy").
5. **Commercial Fishing.** The activity of catching fish and other seafood for commercial profit, mostly from wild fisheries. Includes ancillary fish and seafood processing; fish and seafood storage and distribution; and fish and seafood sales. Excludes cultivation of fish and seafood under controlled conditions (see "Aquaculture").
6. **Resource Protection and Restoration.** Lands and management activities dedicated to the protection and conservation of natural resources, such as aquatic environments, wetland and sensitive riparian habitat, water recharge areas, and rare or endangered plant or animal habitat.
7. **Timber Production and Harvesting.** The cutting and removal of timber or other solid wood forest products for commercial purposes together with all of the work incidental to the harvest including construction and maintenance of roads, fuel breaks, fire breaks, stream crossings, landings, skid trails, beds for the falling of trees, and fire hazard abatement. Excludes cutting or removal of timber for creating building pads and access to a legal building site when such cutting or removal is approved as a part of the building and/or encroachment permit. Also excludes removal of up to five commercial tree species in residential zoning districts in conformance with 155.304.140 (Tree Removal).

**F. Civic and Recreation.**

1. **Civic Institution.** Public or non-profit institutions that support and contribute to the cultural development of the community and provide community-serving programs and services on-site. Includes libraries, museums, performing art centers (primarily non-retail), aquariums, zoos, environmental education centers, non-profit art centers and galleries, botanical gardens, and other similar uses. Excludes public and private schools, colleges and trade schools, and other similar educational facilities (See: "Educational Facilities").
2. **Colleges and Trade Schools.** Institutions of higher education providing curricula of a general, religious or professional nature, typically granting recognized degrees or certificates. Includes junior colleges, business and computer schools, management training, vocational education, and technical and trade schools.
3. **Government Facilities.** A facility operated by a governmental agency providing services to the general public. Includes governmental offices, public recreational facilities,

community centers, public meeting spaces, civic auditoriums, fire stations, police stations, dispatch facilities, vehicle storage, and other similar facilities. Excludes schools (see “Schools, Public and Private”), facilities that primarily provide maintenance and repair services and storage facilities for vehicles and equipment (see “Public Agency Corporation Yard”), parks and playgrounds (see “Parks and Playgrounds”), public utilities (see “Public Utility”), facilities providing group-services to persons in need (see “Social Services”) and homeless shelters (see “Emergency Shelters”).

4. **Emergency Shelters.** Housing with minimal supportive services for homeless persons that is limited to occupancy of one year or less. No individual or household may be denied emergency shelter because of an inability to pay. Includes drop-in centers that provide food, showers, and laundry facilities, and other services to the homeless.
5. **Instructional Services.** Establishments that offer specialized programs in personal growth and development. Includes music studios/schools, drama schools, dance academies dedicated primarily to instruction, art schools, tutoring schools, and instruction in other cultural and academic pursuits.
6. **Non-Commercial Places of Assembly.** Facilities that provides space for public or private meetings or gatherings. Includes places of worship, fraternal lodges, meeting space for clubs and other membership organizations, social halls, union halls, non-profit banquet centers, and other similar facilities.
7. **Parks and Playgrounds.** Parks and playgrounds as the primary use on the site that provides open space and/or outdoor recreational opportunities to the public. Includes athletic fields, picnic areas, tennis courts, tot lots, community gardens, cemeteries, and other similar outdoor facilities. Excludes indoor recreation centers (see “Government Facilities”).
8. **Recreational Vehicle Parks.** An establishment designed, established, or used for exclusive occupancy by two or more recreational vehicles. Recreational vehicle parks are owned by a single owner or organizations where RV spaces are temporarily rented or leased to a person occupying a recreational vehicle.
9. **Schools, Public and Private.** Educational institutions providing instruction to minors as required by the California Education Code. Includes public and private elementary, junior high, and high schools.
10. **Social Services.** Establishments providing group outpatient assistance and aid to those persons requiring counseling, services, activities, and/or treatment for psychological problems, addictions, learning disabilities, elderly, and physical disabilities. Includes welfare offices, child/adult protective services, service centers for disabled individuals, counseling centers for individuals with substance abuse disorder, and veteran services. Excludes homeless shelters (see “Emergency Shelters”), transitional and supportive housing (see “Non-medical Care Housing”), establishments providing individual (non-

group) services (see “Medical Office”), after-school programs (see “Non-Commercial Places of Assembly”) and adult day care centers (see “Day Care Facility”).

#### **G. Infrastructure and Utilities.**

1. **Airport.** Facilities for the takeoff and landing of airplanes, including runways, aircraft storage buildings, public terminal building and parking, air freight terminal, baggage handling facilities, aircraft hangars, and related support activities.
2. **Freight Terminals and Transfer.** Facilities for transfer and movement of freight, courier, and postal services by truck, rail, or sea.
3. **Public Agency Corporation Yard.** Governmental facilities that primarily provide storage, maintenance and repair of vehicles, equipment, and supplies.
4. **Public Utility.** A permanent structure or facility providing a utility service to the general public. Includes generating plants, electric substations, solid waste collection, solid waste treatment and disposal, water or wastewater treatment plants, and similar facilities. Excludes electrical distribution lines, underground water/sewer lines, and similar utilities.
5. **Recycling Collection Facility.** An incidental use that serves as a drop-off point for the temporary storage of recyclable materials but where the processing and sorting of such items is not conducted on site.
6. **Recycling Processing Facility.** A facility that receives and processes recyclable materials. Processing means preparation of material for efficient shipment, or to an end-user’s specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing. Includes salvage yards, upcycling, and vehicle salvage and wrecking.

#### **H. Other Uses.**

1. **Accessory Use.** A land use that is incidental and subordinate to a primary land use located on the same lot.
2. **Animal Keeping.** The keeping of animals for personal use as provided in Municipal Code Chapter 91 (Animal Keeping).
3. **Cannabis Uses.** See Municipal Code Chapter 158 (Medical Cannabis: Cultivation, Processing and Distribution).
4. **Home Occupation.** A business within a dwelling unit or residential site, with the business activity being subordinate to the residential use of the property.
5. **Neighborhood-Serving Retail and Service.** Retail and service establishments that primarily serve residents and employees within the immediate neighborhood. See 155.224.030 (Neighborhood Market Overlay).

6. **Tree Removal in Residential Zones.** The cutting and removal of timber or other solid wood forest products for commercial purposes in conformance with 155.304.140 (Tree Removal).
7. **Wireless Communication Facility.** See Municipal Code Chapter 159.

*This page is intentionally blank*

## Section 155.508 – DEFINED TERMS

---

### Subsections:

155.508.010 – Purpose

155.508.020 – Definitions

### 155.508.010 – Purpose

This section defines terms and phrases used in the Zoning Code that are technical or specialized, or which may not reflect common usage. If any definitions in this section conflict with others in the Municipal Code, these definitions control in the Zoning Code. If a word is not defined in the Zoning Code, the Director determines the appropriate definition.

### 155.508.020 – Definitions

#### A. “A” Terms.

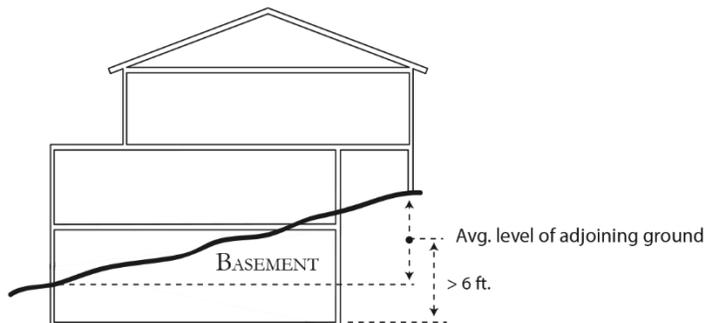
1. **Accessory Building.** A building occupied by an accessory use. Includes detached garages, storage buildings, and sheds.
2. **Accessory Structure.** A structure secondary and subordinate to the primary building on the same lot.
3. **Accessory Use.** A use that is subordinate to and dependent on the primary use on the same lot.
4. **Adaptive Reuse.** The reuse of an existing building or site for a purpose other than the original use.
5. **Addition.** Any development or construction activity that expands the footprint or increases the habitable floor area of a building.
6. **Adjacent Lots.** Lots that share an interior side lot line.
7. **Adult Entertainment.** See 155.304.030.C (Definitions).
8. **Alley.** A public or private roadway, not more than 30 feet wide, providing only secondary means of access to abutting property.
9. **Allowed Land Use.** A land use permitted in a zoning district or overlay zone, either by right or with a Use Permit.
10. **Allowed Use Tables.** Tables in Article 2 (Zoning District Standards) that identify allowed land uses and required permits within each zoning district.
11. **Alteration.** See “Modification.”

12. **Ancillary Use.** A use subordinate to the principal use on the same lot and serving a purpose incidental to the principal use.
13. **Applicant.** Any person, firm, partnership, association, joint venture, corporation, or an entity or combination of entities which seek City permits and approvals.
14. **Attic.** The space within a building between the ceiling beams at the top story and the roof rafters.
15. **Average Ground Slope.** See 155.112.090 (Slope) for rule of measurement.
16. **Awning.** An overhang used as shelter attached to and projecting from an exterior building wall.

B. **“B” Terms.**

1. **Balcony.** A platform that projects from the wall of a building that is surrounded by a railing or balustrade and may or may not require separate understructure for support.
2. **Basement.** A story or space in a building whose floor is more than six feet below the average level of the adjoining ground. See Figure 508-1.

**Figure 508-1: Basement Definition**



3. **Base Zoning District.** The primary zoning district, as distinguished from an overlay zone, that applies to a parcel of land as shown on the Zoning Map.
4. **Beacon.** A beam of light designed to draw attention to a particular location.
5. **Building.** A structure having a solid roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property. Includes “manufactured homes” and “mobile homes.”
6. **Building Height.** See 155.112.070 (Height) for rules of measurement.
7. **By-Right.** Permitted without any form of discretionary approval.

C. **“C” Terms.**

1. **California Environmental Quality Act (CEQA).** California State law (Public Resources Code Section 21000 et seq.) requiring government agencies to consider the

environmental consequences of their actions before taking action on a proposed project.

2. **Caretaker Unit.** A residential dwelling unit for one or more persons employed to provide oversight services on the site where the caretaker unit is located.
3. **Carport.** An accessory structure open on two, three or four sides and attached to, or detached from, a building and established for the loading or unloading of passengers or the storage or parking of an automobile.
4. **Coastal Land Use Plan.** See “Land Use Plan.”
5. **Coastal Zone.** The area of land and water extending from the state’s outer seaward limit of jurisdiction inland to the boundary as shown in Eureka’s Local Coastal Program (LCP) as certified by the California Coastal Commission.
6. **Coastal Zoning Districts.** See “Zoning Districts, Coastal.”
7. **Covered Parking Space.** An area designated for parking within a garage, carport or other enclosed building or structure.
8. **Change of Use.** Conversion from one use classification to a different use classification as identified in 155.504 (Land Use Classifications). The establishment of a different use within the same use classification as the existing use is not a “change of use.” For example, establishing a book store (classified as “General Retail”) in a space previously occupied by a bank (classified as “General Services”) is considered a “change of use.” Replacing the bank with a new laundromat (also classified as “General Services”) is not a “change of use.”
9. **Chase Lighting.** A series of adjacent light bulbs that cycle on and off frequently to give the illusion of movement.
10. **City.** The City of Eureka.
11. **Core Area.** As identified in the General Plan, the traditional business center and cultural hub of Eureka, including Downtown, Old Town, the Library District, and Bayfront Commercial.
12. **Courtyard.** An unroofed area enclosed on two or more sides by building walls.
13. **Covered Entry.** A building entrance covered by a roof, rigid canopy awning, marquee awning, or other similar overhanging feature where the covering is attached to the building wall and is not supported by columns, walls, or other vertical structural elements that extend to the ground. Excludes building entry areas that are enclosed on exterior-facing sides and/or where walls, columns, or vertical structural elements support the roof (see “porch”).

D. **“D” Terms.**

1. **Dark Sky Compliant.** A lighting fixture that meets the International Dark Sky Association's (IDA) requirements for reducing waste of ambient light.
  2. **Deck.** A platform, either freestanding or attached to a building, that is supported by pillars or posts.
  3. **Density.** The number of dwelling units on a lot. See 155.112.030 (Density) for rules of measurement.
  4. **Department.** The City of Eureka Development Services Department.
  5. **Development.** Any human-caused change to land or a structure that requires a permit or approval from the City.
  6. **Development Standard.** A physical or dimensional standard that applies to a development project or land use. Includes lot area, building height, setbacks from lot lines, floor area ratio, residential density, site coverage, and other similar requirements.
  7. **Development Agreement.** An agreement entered into between the City of Eureka and a property owner for the development of a property in accordance with Government Code Section 65864 et. seq.
  8. **Director.** The City of Eureka Director of Development Services.
  9. **Discretionary Action.** An action by the City that requires the exercise of individual/independent judgment or deliberation as a basis to approve or deny a project.
  10. **Driveway.** A permanently surfaced area on a lot designed and required to provide direct access for vehicles between a street and a private garage, carport or other parking space, parking area, or loading area.
  11. **Dwelling Unit.** A building or a portion of a building containing one or more habitable rooms used or designed for occupancy by one family for living and sleeping purposes, including kitchen and bath facilities.
- E. **"E" Terms.**
1. **Existing.** Constructed or established as of June 20, 2019.
- F. **"F" Terms.**
1. **Feather Banner.** A temporary sign in the form of a vertical banner made of flexible materials, (e.g., cloth, paper, or plastic), the longer dimension of which is typically attached to a pole or rod that is driven into the ground or supported by an individual stand.
  2. **Family.** See "household."
  3. **Fence.** A structure made of wood, metal, masonry or other material used as a screen or enclosure for a field, yard, or lot. Excludes shrubs, trees, and other vegetation.

4. **Flags.** Fabric, textile, or material with colors and/or patterns which display a symbol of a nation, state, company, or idea.
  5. **Floor Area.** The enclosed area of all floors of a building. See 155.112.050 (Floor Area and Floor Area Ratio) for rules of measurement.
  6. **Floor Area Ratio.** An intensity measurement calculated by dividing the total floor area on a lot by the lot area.
  7. **Front Street.** The street with the highest annual average daily traffic (AADT) relative to the other streets abutting the site.
  8. **Frontage, Building.** The linear measurement of a building wall that is parallel to a street or that abuts a parking lot or pedestrian walkway.
  9. **Frontage, Site.** The portion of a site that abuts a street.
- G. **“G” Terms.**
1. **Garage.** An enclosed structure or a part of a building designed or used for the storage of automobiles and other motor vehicles.
  2. **General Plan.** The General Plan of the City of Eureka prepared in accordance with Government Code Section 65300 et seq.
  3. **Grade, Finished.** The level of the ground after completion of site preparation, grading, earthwork, or construction associated with a development project.
  4. **Grade, Natural.** The level of the ground prior to the start of any current or proposed site preparation, grading, earthwork, or construction.
  5. **Grading.** Any and all activities involving earthwork, including placement or fill and/or excavation.
  6. **Ground Floor.** The first level of a building, other than a cellar or basement, that is closest to finished grade.
- H. **“H” Terms.**
1. **Habitable Space.** An area within a building that is conditioned (heated or cooled) with a finished floor and a ceiling height averaging at least seven feet six inches. Excludes unfinished attics, cellars, crawl spaces, and other similar utility areas.
  2. **Hearing Body.** A review authority that conducts a public hearing.
  3. **Home Occupation.** A business conducted within a dwelling unit or from a residential site, with the business activity being subordinate to the residential use of the property.
  4. **Household.** One or more persons living together in a single residential unit, with common access to, and common use of, all living areas and all areas and facilities for

the preparation and storage of food and who maintain no more than four separate rental agreements for the single residential unit.

I. **“I” Terms.**

1. **Implementation Plan.** The coastal zoning code, codified in Chapter 156 (Coastal Zoning) of the Eureka Municipal Code, and certified by the Coastal Commission as meeting the requirements of the California Coastal Act of 1976.
2. **Intensity.** The amount or magnitude of development or use on a lot, typically measured as floor area ratio (FAR).

J. **“J” Terms.** None.

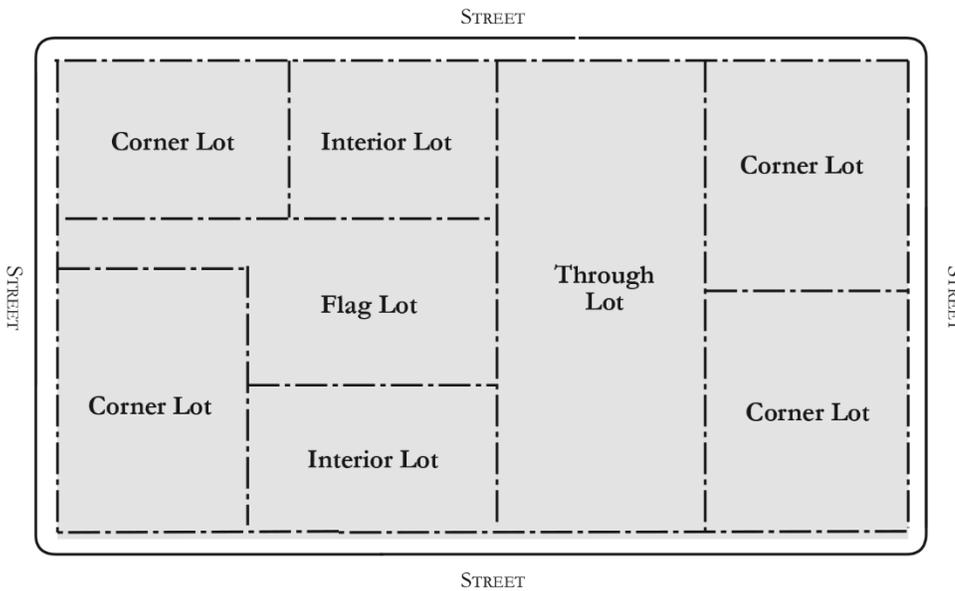
K. **“K” Terms.** None.

L. **“L” Terms.**

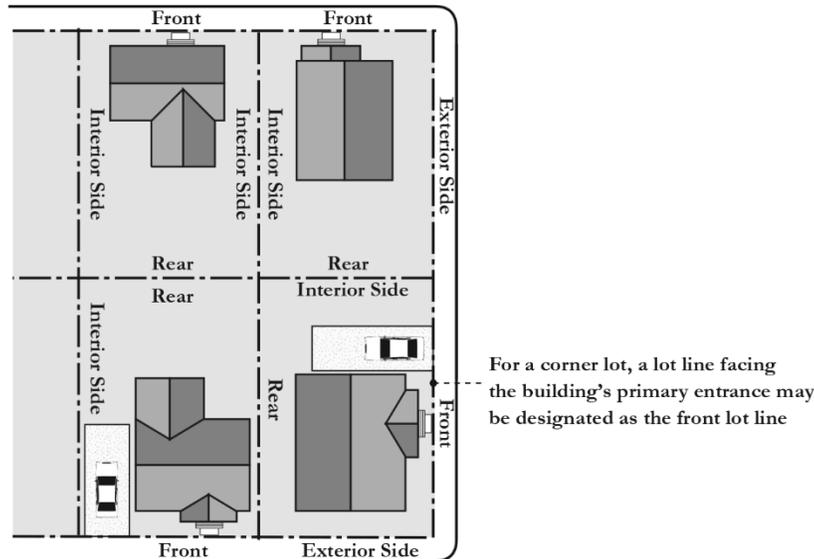
1. **Landscaping.** The planting and maintenance of living plant material, including the installation, use, and maintenance of any irrigation system for the plant material, as well as nonliving landscape material (such as rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials).
2. **Land Use.** An activity conducted on a site or in a structure, or the purpose for which a site or structure is designed, arranged, occupied, or maintained. The meaning of the term “use” is identical to “land use.”
3. **Land Use Plan (Coastal Land Use Plan).** The component of the City of Eureka’s Local Coastal Program (LPC) establishing the vision, goals, and policies for the coastal zone in accordance with the California Coastal Act of 1976.
4. **Land Use Regulation.** A regulation in the Zoning Code that primarily relates to the operation or placement of a use on a site as opposed to the physical form of the structures on the site (see “Development Standards”).
5. **Live/Work Unit.** A building or space within a building that is used jointly for commercial and residential uses.
6. **Local Coastal Program (LCP).** The City of Eureka’s Land Use Plan, Implementation Plan, maps, and other implementing actions certified by the Coastal Commission as meeting the requirements of the California Coastal Act of 1976.
7. **Local Emergency.** An event, situation, or state of emergency that threatens the safety of persons and property in Eureka declared by the City Council in accordance with the California Emergency Services Act (Government Code Section 8550 et seq).
8. **Lot Area.** The total horizontal area within the lines of a lot. See 155.112.020 (Lot Area) for rules of measurement.

9. **Lot.** A parcel, site, tract, or area of land whose boundaries have been established by a legal instrument such as a deed or map recorded with the County of Humboldt, and which is recognized as a separate legal entity for purposes of transfer of title. The meaning of “parcel” is identical to “lot.” See Figure 508-2 for types of lots.
  - a. **Lot, Corner.** A lot abutting two or more streets at their intersection.
  - b. **Lot, Interior.** A lot with only one front lot line.
  - c. **Lot, Flag.** A lot where the main portion of the lot area does not have access to a street other than by means of a corridor less than 20 feet wide.
  - d. **Lot, Through.** A lot which has two or more front lot lines which do not intersect.

**Figure 508-2: Lot Types**



10. **Lot, Legally Established.** A lot established in compliance with the California Subdivision Map Act (Government Code Section 66410 et. seq.).
11. **Lot Line.** The lines bounding a lot. The meaning of “property line” is identical to “lot line.” See Figure 508-3 for types of lot lines.

**Figure 508-3: Lot Lines**

- a. **Lot Line, Exterior Side.** A lot line other than a front lot line on a corner lot abutting a street.
- b. **Lot Line, Front.**
  - (i) For an interior lot, the lot line abutting a street.
  - (ii) For a through lot, both lot lines abutting a street.
  - (iii) For a corner lot, either the shorter lot line facing the street, the lot line facing the primary street as defined in this section, the lot line facing the building's primary entrance, or another lot line as determined by the Director based on the existing and/or proposed layout and function of the lot.
- c. **Lot Line, Interior Side.** A lot line other than a rear line lot shared with another lot.
- d. **Lot Line, Rear.** The lot line opposite and most distant from the front lot line, where such lot line is not also a street-facing lot line, unless determined otherwise by the Director based on the existing and/or proposed layout and function of the lot.

**M. "M" Terms.**

1. **Manufactured Home.** A single-family home built to the National Manufactured Housing Construction and Safety Standards Act of 1974. Includes structures known as manufactured housing or modular homes.
2. **Ministerial Action.** A City action (approval or denial) that involves only the use of fixed standards or objective measurements and does not require the exercise of discretionary or subjective personal judgement.

3. **Mixed-Use.** Two or more different land uses located in one building or on one lot or development site.
  4. **Mixed-Use Zoning Districts.** The zoning districts listed in 155.208 (Mixed-Use Zoning Districts).
  5. **Mobile Home.** A type of "trailer," "trailer coach," or "semi-trailer" as defined in the California Vehicle Code, and has the same meaning as "mobile home," as defined in the California Health and Safety Code. Excludes modular or manufactured dwellings intended for assembly on-site on permanent foundations and not designed for subsequent or repeated relocation. Excludes recreational vehicles as defined in this section.
  6. **Modification.** Any construction or physical change in the internal arrangement of rooms, supporting members of a structure, or external appearance of any structure, not including painting.
  7. **Multi-Family Residential Zoning Districts.** The Residential Medium (R2) and Residential High (R3) zoning districts.
- N. **"N" Terms.**
1. **Natural Grade.** See "Grade, Natural."
  2. **Nonconformity.** A lot, land use, site feature, or structure that does not comply with the Zoning Code but was legally established under previous regulations
    - a. **Nonconforming Lot.** A legally established lot that does not comply with the Zoning Code.
    - b. **Nonconforming Use.** A legally established land use that does not comply with the Zoning Code.
    - c. **Nonconforming Structure.** A legally established structure that does not comply with the Zoning Code.
    - d. **Nonconforming Site Feature.** A legally established site feature that does not comply with the Zoning Code.
- O. **"O" Terms.**
1. **Overlay Zone.** A secondary zoning designation that imposes additional regulations, allowances, limitations, and/or special provisions beyond what is required and allowed by the underlying zoning district
- P. **"P" Terms.**
1. **Parcel.** See "lot."
  2. **Parking Assessment District.** Outside of the coastal zone, the area shown in Figure 508-4.

**Figure 508-4: Parking Assessment District – Inland Area**

3. **Parking Indenture.** A covenant record filed with the County Recorder guaranteeing that off-site parking will be maintained exclusively for a use for the duration of the use.
4. **Parking Lot.** An area on a lot or within a structure used for or designed for temporary parking for more than four motor vehicles and available for public use, whether free, for compensation, or as an accommodation for clients, employees, visitors, or customers.
5. **Parking Space.** Land or space privately owned, covered or uncovered, laid out for, surfaced, and used or designed to be used for temporary parking or storage of standard motor vehicles.
6. **Pedestrian-Focused Frontage.** See 155.208.040 (Pedestrian-Focused ~~Street~~ Frontages) and Figure 208-4.
7. **Permit.** A City approval required by the Zoning Code as listed in Table 404-1 in 155.404 (Administrative Responsibilities).
8. **Planning Commission.** The City of Eureka Planning Commission.
9. **Porch.** A covered projecting platform that extends from the main wall of a building where the covering is supported by columns, walls, or other vertical structural

elements. A porch may be enclosed or unenclosed. Enclosed porches must be at least 60 percent transparent on each exterior-facing side.

10. **Primary Building.** The building or structure that accommodates the primary use of the site.
  11. **Primary Dwelling.** On a lot with an accessory dwelling unit (ADU), the detached single-family home established either before or concurrently with the ADU.
  12. **Primary Use.** The main purpose for which a site is developed and occupied, including the activities that are conducted on the site a majority of the hours during which activities occur.
  13. **Private Agreement.** An easement, covenant, deed restriction or other agreement entered into between private property owners.
  14. **Privately-Owned Public Space.** An outdoor area on private property which may be used by customers and/or the general public.
  15. **Property line.** See "lot line."
  16. **Public Facilities Zoning Districts.** The zoning districts listed in 155.216 (Public Facilities Zoning Districts).
  17. **Public Nuisance.** Any violation of the Municipal Code defined as such by the Eureka Municipal Code or that is, causes, or creates a condition of public nuisance as defined in Civil Code Sections 3479 and 3480.
  18. **Public Utility.** A permanent structure or facility operated by a governmental agency providing a utility service to the general public. Includes facilities for the production, generation, storage, treatment, or transmission of water; facilities for the production, generation, transmission, or distribution of electrical energy; facilities for the collection, treatment and disposal of solid waste and wastewater, and other similar facilities.
- Q. **"Q" Terms.** None.
- R. **"R" Terms.**
1. **Recreational Vehicle (RV).** A vehicular-type unit designed for temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The term "recreational vehicle" includes, but is not limited to:
    - a. Motor homes constructed as an integral part of a self-propelled vehicle.
    - b. Travel trailers built on a chassis and drawn by a motorized vehicle.
    - c. Campers mounted on a truck chassis.
    - d. Camping trailers and similar folding structures mounted on wheels.

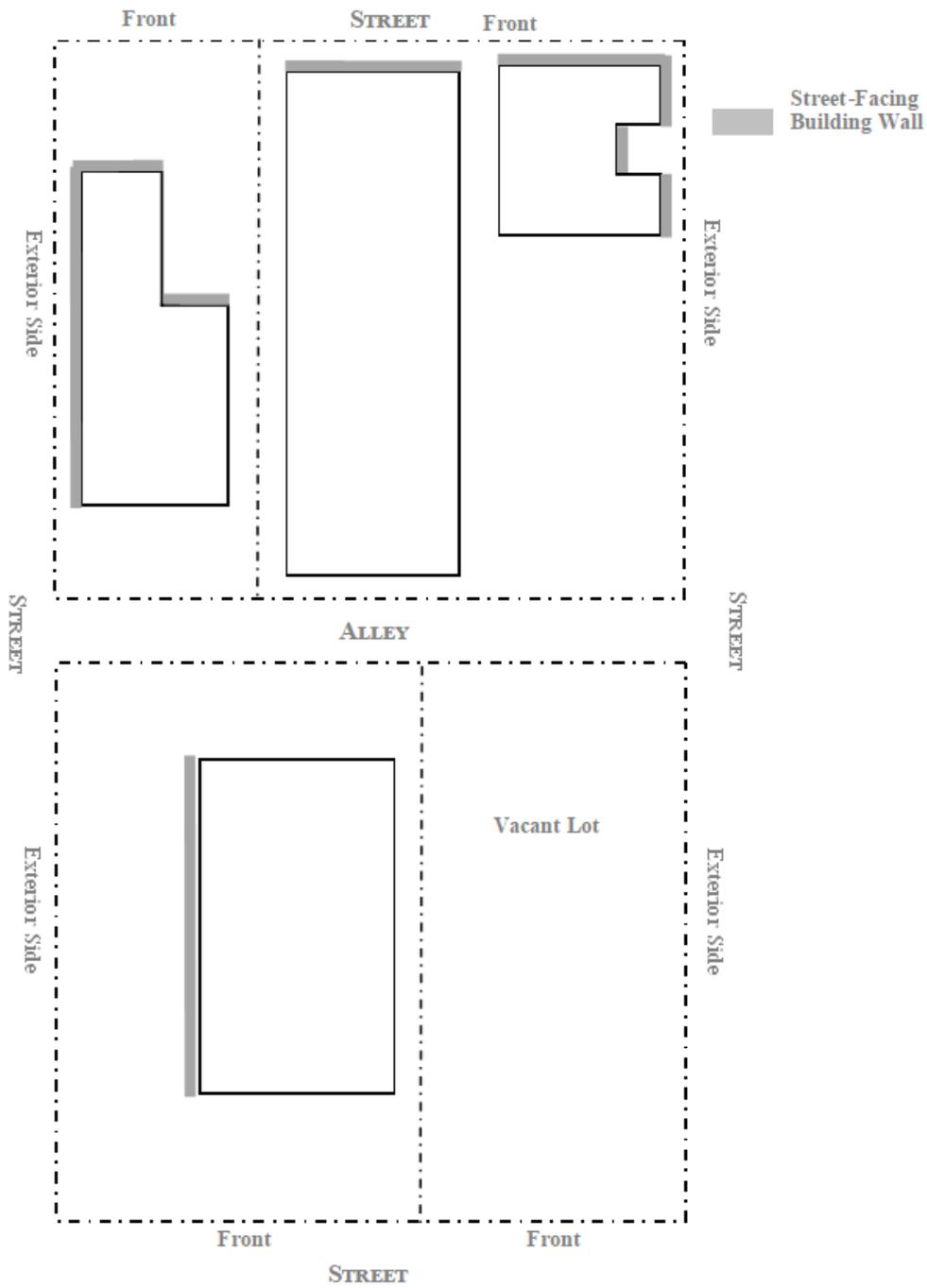
- e. Park trailers built on a single chassis, mounted on wheels, with a gross trailer area not exceeding 400 square feet in the setup mode, and certified by the manufacturer as complying with ANSI A119.5.
  - 2. **Remodel.** A change or alteration in a building that does not increase the building's square footage.
  - 3. **Reconstruction.** See 155.424.040.E (Damage, Destruction, and Demolition).
  - 4. **Residential Zoning Districts.** The zoning districts listed in 155.204 (Residential Zoning Districts).
  - 5. **Resource-Related Zoning Districts.** The zoning districts listed in 155.220 (Resource-Related Zoning Districts).
  - 6. **Review Authority.** The City official or body responsible for approving or denying a permit application or other form of requested approval under the Zoning Code.
- S. **"S" Terms.**
- 1. **Second Use.** A use subject to separate permit requirements and allowed only if combined with a primary use.
  - 2. **Setback.** The required distance of a structure from a lot line or other feature. See 155.112.040 (Setback) for rules of measurement.
  - 3. **Setback Area.** The two-dimensional area on a lot subject to the minimum setback requirement.
  - 4. **Side Street.** The street with a lower annual average daily traffic (AADT) relative to the other streets fronting the site or as defined by the Public Works Director.
  - 5. **Sign.** Any structure, object, or device that uses letters, numbers, graphics, colors or other means of communication to advertise, announce, or communicate information of any kind to the public.
  - 6. **Sign, Animated.** A sign which physically moves, rotates, revolves or has visibly moving or rotating parts of any kind.
  - 7. **Sign, Awning.** A sign incorporated into, attached to, or painted on the face or valance of an awning.
  - 8. **Sign, Banner.** A temporary sign made of flexible vinyl, fabric, or any non-rigid material with no enclosing framework on which a message or image is painted or otherwise affixed.
  - 9. **Sign, Box.** A sign that contains all copy within a single enclosed cabinet that is mounted to a wall or other structure. Box signs, also referred to as can signs, typically use slide-in panels to display messages.

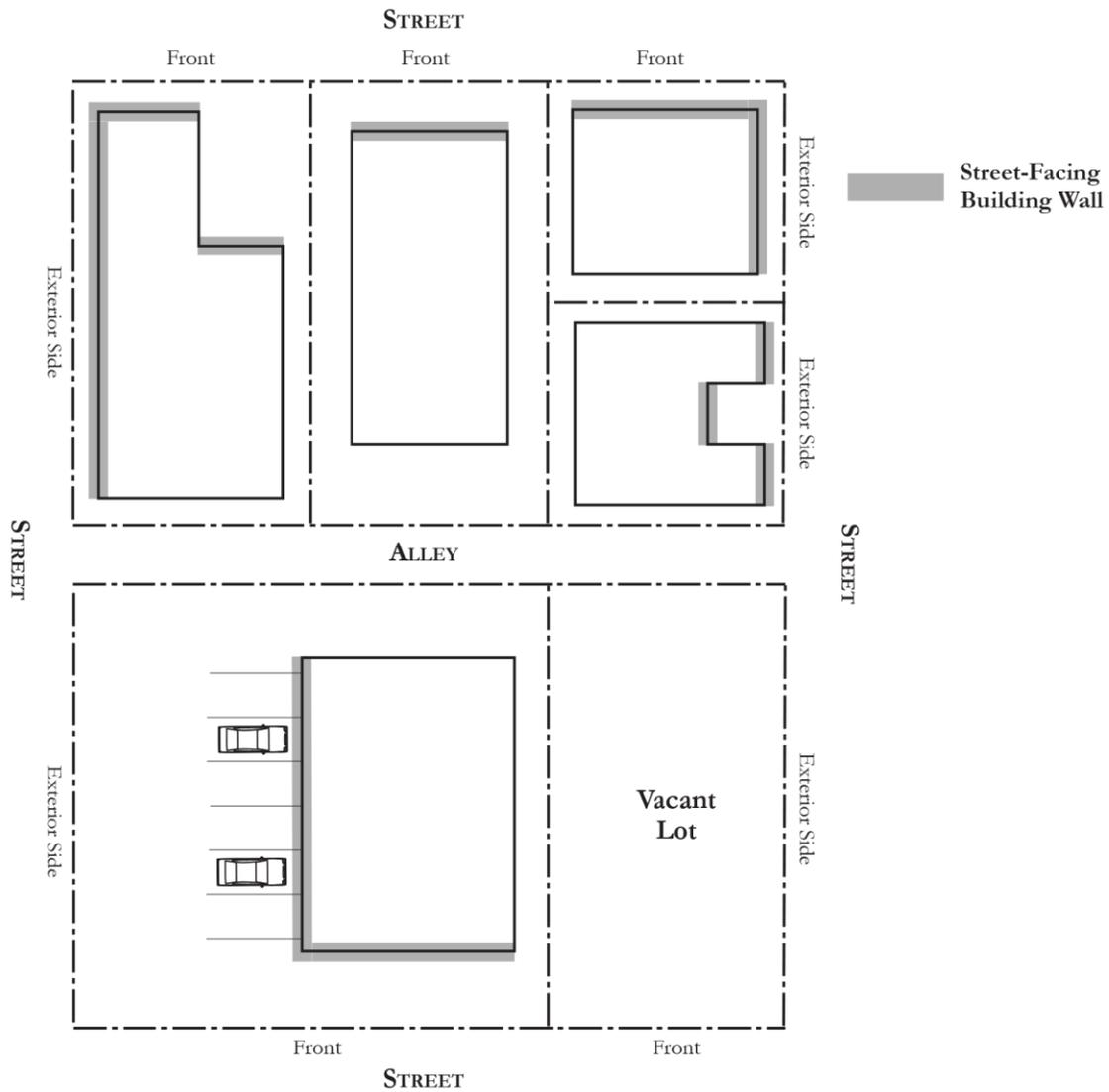
10. **Sign, Canopy.** A sign attached to a fixed overhead shelter used as a roof, which may or may not be attached to a building.
11. **Sign Copy.** The area of a sign occupied by letters, numbers, graphics, or other content intended to communicate information.
12. **Sign, Detached.** Any pole sign, monument sign, or other types of sign not attached to a building.
13. **Signs, Digital.** A sign that displays a visual image using liquid crystal cells or other types of light emitting diodes (LEDs) or their functional equivalent where the image can be easily changed, typically by remote control or computer programming. Also known as Electronic Message Center (EMC) signs. Excludes fuel price signs and internally illuminated window signs.
14. **Sign, Digitally Printed.** Any of the following:
  - a. A sign where the entire sign copy is digitally printed onto wood, aluminum or other material and then trimmed as needed to complete the sign.
  - b. A sign where the entire sign copy is digitally printed onto an adhesive material which is attached to a plastic panel and inserted into a box sign cabinet.
  - c. A sign where a single material is used for the sign copy and sign face (e.g., a panel face sign with an injected molded plastic).
15. **Signs, Directional.** A sign that provides directions to a place, structure, or use, excluding signs installed by a public agency.
16. **Sign, Directory.** A sign which lists and identifies the location of the occupants of a multi-tenant building or site. Excludes "property identification signs."
17. **Sign Face.** The area of a sign where sign copy is placed.
18. **Sign, Inflatable Balloon.** A temporary sign consisting of a flexible envelope of nonporous materials that gains its shape from inserted air or other gas.
19. **Signs, Human Directional and Advertising.** A sign that is held by or attached to a human being in any manner. Includes individuals dressed in costume intended to attract attention as human signs to a business for advertising purposes.
20. **Sign, Internally Illuminated Window.** A sign placed in a window with individually illuminated letter, numbers, or graphic not exceeding 12 square feet. Includes illuminated "open" signs and signs illuminated with LEDs, neon, or other fluorescing gas.
21. **Sign, Marquee.** A sign with changeable copy that advertises an event, performance, seminar, conference, or show.

- a. **Attached Marquee Sign.** A marquee sign displayed on a permanent roof-like structure or canopy made of rigid materials supported by and extending from the facade of a building.
  - b. **Detached Marquee Sign.** A freestanding marquee sign not attached to a building.
22. **Sign, Monument.** A sign detached from a building and supported on the ground by one or more structural elements that are one-quarter or more of the width of the sign face. Internal supports, poles or pylons, if any, are enclosed by decorative covers or otherwise not exposed to view. Includes signs where supporting structural elements are architecturally dissimilar to the design of the sign. Excludes “pole signs.”
23. **Sign, Neon.** A sign that features exposed small diameter tubing illuminated by neon or other fluorescing gas. Excludes signs with LEDs intended to simulate the appearance of neon and “internally illuminated window signs.”
24. **Sign, Off-Premise.** A sign advertising a land use, business, product, or service not located or available on the site where the sign is located.
25. **Sign, Pole.** A sign detached from a building and supported on the ground by one or more structural elements that are less than one-quarter the width of the sign face. Monument signs with supporting poles where the poles are incased to incorporate design features are not considered pole signs.
26. **Sign, Post.** A temporary sign suspended from a horizontal swingpost or bracket that is attached to a vertical post mounted in the ground. Includes on-site real estate sales and rental signs.
27. **Sign, Projecting.** A sign permanently attached to a building or wall such that the sign face or faces are perpendicular to the building or wall. Includes blade signs suspended under a bracket, armature, or other mounting device.
28. **Sign, Roof.** A sign erected upon or directly above a roof and the parapet of a building.
29. **Sign, Sandwich Board.** A portable sign with two opposing flat faces designed to be self-supporting on the ground, typically displayed on a sidewalk or in a parking lot.
30. **Sign, Suspended.** A sign which is suspended under an awning, canopy, fascia or similar structure. Includes signs oriented parallel to the building façade suspended over a recessed entry.
31. **Sign, Ticker.** An electronic reader board sign consisting of one or more lines of scrolling LED text.
32. **Sign, Wall.** A sign attached to or painted on the exterior wall of a structure with the display surface of the sign approximately parallel to the building wall. Includes signs attached to but not extending above a fascia or parapet.

33. **Sign, Window.** A sign posted, painted, placed, or affixed in or on a window exposed to public view. Any sign attached to a window, within two feet of a window, or attached to a display located within two feet of a window is considered a window sign.
34. **Sign, Yard.** A temporary freestanding sign with an “H”-shaped frame inserted into the ground within a street-facing yard. Includes political campaign signs displayed prior to elections.
35. **Site.** A lot with any adjoining lots that are under single ownership or single control, and that are considered a unit for the purpose of development or other use.
36. **Site Coverage.** The total horizontal area of all buildings on a lot divided by the lot area. See 155.112.060 (Site Coverage) for rules of measurement.
37. **Site Features.** Physical improvements and modifications to a site excluding permanent buildings to serve on-site development and uses. Includes at grade flatwork, steps, ramps, retaining walls, planter boxes, decorative ornamental features, ground-mounted mechanical equipment, swimming pools, and other similar improvements.
38. **Specific Plan.** Any specific plan of the City of Eureka adopted in accordance with Government Code Section 65450 et seq.
39. **Story.** The portion of a building between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story is that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.
40. **Street.** A travel way more than 20 feet in width which affords a primary or principal means of access to abutting property. “Streets” includes private roads and highways.
41. **Street-Facing Building Wall.** A building wall that is 1) parallel or substantially parallel to a street; and 2) directly across a front or exterior side lot line. This definition excludes building walls parallel to an interior lot line, a rear lot line, or an alley. See Figure 508-5.

Figure 508-5: Street-Facing Building Walls.





42. **Structure.** Anything constructed or erected that requires attachment to the ground, or attachment to something located on the ground. Excludes objects temporarily attached to the ground, or which are easily moved, including dog houses, picnic tables, patio furniture, and children’s play structures.
43. **Structural Alterations.** Any change in the supporting members of a building, such as bearing walls, columns, beams, girders, floor, ceiling or roof joists and roof rafters, or a change in roof exterior lines which would prolong the life of the supporting members of a building.
44. **Subdivision.** The division of land as defined in Government Code Sections 66410 to 66499 (Subdivision Map Act). Includes condominium and community apartment projects.

T. **“T” Terms.**

1. **Tandem Parking.** An arrangement of parking spaces such that one or more spaces must be driven across in order to access another space or spaces.
2. **Temporary Structure.** A structure that is erected for a limited period of time and that does not permanently alter the character or physical facilities of a property.
3. **Temporary Use.** A short-term activity that occurs for a limited period of time and does not permanently alter the character or physical facilities of a property.
4. **Tenant Space.** A defined area within a building rented or occupied by a business or other non-residential land
5. **Townhome.** Two or more single-family dwelling units connected by common walls along the sides with either shared or unshared foundations.

U. **“U” Terms.**

1. **Uncovered Parking Space.** A parking space in an open area not enclosed in a garage, carport or other structure.
2. **Use.** See “Land Use.”
3. **Use Permit.** Either a Conditional Use Permit or a Minor Use Permit.

V. **“V” Terms.**

1. **Vision Clearance Area.** See 155.308.040 (Vision Clearance Area).

W. **“W” Terms.**

1. **Wall.** A permanent upright linear structure made of wood, stone, concrete, masonry, or other similar material.
2. **Weeds.** Plants that were not included in an approved landscape plan for the property, are not valued where they are growing, are of vigorous growth relative to other plants within a landscape area, and overgrow and choke out other plants within a landscape area.

X. **“X” Terms.** None.Y. **“Y” Terms.** None.Z. **“Z” Terms.**

1. **Zoning Code.** Chapter 155 of the City of Eureka Municipal Code.
2. **Zoning District.** A defined area within the City of Eureka where uniform land use and development standards apply in accordance with the Zoning Code.
3. **Zoning District, Coastal.** A zoning district in the coastal zone regulated under Municipal Code Chapter 156 (Coastal Zoning).

4. **Zoning District, Inland.** A zoning district outside of the coastal zone regulated under the Zoning Code.
5. **Zoning Maps.** The official maps adopted by the City Council identifying the boundaries of the zoning districts within the City of Eureka.
6. **Zoning Map, Coastal.** The official adopted and certified zoning map identifying the location of coastal zoning districts, incorporated by reference into Municipal Code Chapter 156 (Coastal Zoning).
7. **Zoning Map, Inland.** The official adopted zoning map identifying the location of zoning districts outside of the coastal zone, incorporated by reference into the Zoning Code.

# **CITY OF EUREKA ZONING CODE**

## **CHAPTER 155 CONTENTS**

### **Article 1 – General Provisions**

- 155.104 – Introductory Provisions
- 155.108 – Interpretation
- 155.112 – Rules of Measurement
- 155.116 – Zoning Districts and Maps

### **Article 2 – Zoning District Standards**

- 155.204 – Residential Zoning Districts
- 155.208 – Mixed-Use Zoning Districts
- 155.212 – Industrial Zoning Districts
- 155.216 – Public Facilities Zoning Districts
- 155.220 – Resource Related Zoning Districts
- 155.224 – Overlay Zones

### **Article 3 – Citywide Standards**

- 155.304 – Supplemental Use Regulations
- 155.308 – General Standards
- 155.312 – Design Standards
- 155.316 – Accessory Dwelling Units
- 155.320 – Fences and Walls
- 155.324 – Parking
- 155.328 – Landscaping
- 155.332 – Residential Subdivision Alternatives
- 155.336 – Temporary Uses and Structures
- 155.340 – Signs
- 155.344 – Density Bonus

### **Article 4 – Permits and Administration**

- 155.404 – Administrative Responsibilities
- 155.408 – Permit Procedures
- 155.412 – Specific Permits and Approvals
- 155.416 – Appeals and Reviews
- 155.420 – Post-Approval Provisions
- 155.424 – Nonconformities
- 155.428 – Enforcement and Penalties
- 155.432 – Zoning Code and General Plan Amendments

### **Article 5 – Glossary**

- 155.504 – Land Use Classifications
- 155.508 – Defined Terms



## Section 155.108 – INTERPRETATION

---

### Subsections:

- 155.108.010 – Purpose
- 155.108.020 – Authority
- 155.108.030 – Official Interpretations
- 155.108.040 – Rules of Interpretation
- 155.108.050 – Land Use Regulations
- 155.108.060 – Zoning Map

### 155.108.010 – Purpose

This section establishes rules and procedures for interpreting the Zoning Code to ensure that it is applied and enforced in a consistent manner.

### 155.108.020 – Authority

- A. **Director.** The Director has the authority to:
  1. Interpret the meaning and applicability of the Zoning Code; and
  2. Issue official interpretations of the Zoning Code as provided in 155.108.030 (Official Interpretations).
- B. **Department Staff.** Department staff may apply the rules for interpreting the Zoning Code established in this section when performing duties described in 155.404.030 (Development Services Department).

### 155.108.030 – Official Interpretations

- A. **Director Interpretations.** When the Director determines that a provision in the Zoning Code requires clarification, the Director may issue an official interpretation. Official interpretations will be in writing and maintained by the Department for public review.
- B. **Referrals to Planning Commission.** The Director may refer any issue of interpretation to the Planning Commission for review and final determination.
- C. **Appeals.** Official interpretations of the Zoning Code may be appealed in accordance with 155.416 (Appeals and Reviews).

### 155.108.040 – Rules of Interpretation

- A. **Meaning and Intent.** All language shall be construed according to the purpose and intent set out in 155.104.040 (Purpose of the Zoning Code).

- B. **Minimum Requirements.** The Zoning Code establishes minimum requirements to protect the public health, safety, and welfare. Where the Zoning Code allows for City discretion, the City may impose more stringent requirements to achieve the purpose and intent of the Zoning Code set out in 155.104.040 (Purpose of the Zoning Code).
- C. **Harmonious Construction.** The City intends that all provisions of the Zoning Code be construed harmoniously. When two or more provisions of the Zoning Code appear to conflict, the City may construe such provisions to give effect to both, if possible, by harmonizing them with each other. In cases of unresolvable conflict, the more restrictive will govern.
- D. **Headings, Tables, and Figures.** In cases where text conflicts with any heading, table, or figure, the text controls.
- E. **Lists and Examples.** Lists of items or examples that use terms such as “including,” “such as,” or similar language are intended to provide examples, not to be exhaustive lists of all possibilities. Unless otherwise specifically indicated, the word “including” always means “including but not limited to.”
- F. **Computation of Time.** References to days are calendar days unless otherwise stated. When business days are referenced, they include only days when Eureka City Hall is open. The end of a time period is computed by excluding the first day and including the last day.
- G. **Rounding of Fractional Numbers.** Unless otherwise stated, a fraction of one-half or more will be rounded to the next highest whole number and a fraction of less than one-half will be rounded to the next lowest whole number.
- H. **References to Other Regulations, Publications, and Documents.** Whenever reference is made to a law or regulation, it will be construed as a reference to the most recent edition of such law or regulation, unless specifically stated.
- I. **Technical and Non-Technical Terms.** Words and phrases will be construed according to the common and approved usage of the language. Technical words and phrases with a particular and appropriate meaning in law will be construed and understood according to such meaning.
- J. **Public Officials and Agencies.** All public officials, bodies, and agencies to which references are made are those of the City of Eureka, unless otherwise indicated.
- K. **Mandatory and Discretionary Terms.** The words “will,” “must,” “shall,” and “is” are always mandatory. The words “should” is encouraged but not required and “may” is permissive.
- L. **Conjunctions.** Unless the context clearly suggests the contrary, conjunctions will be interpreted as follows:
1. “And” means that all connected items apply.
  2. “And/or” means that the connected items may apply singularly or in any combination.

3. "Or" means that one or more of the connected items may apply.
  4. "Either...or" means that the connected words or provisions shall apply singularly but not in combination.
- M. **Tenses and Plurals.** Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates otherwise. The singular includes the plural, and the plural includes the singular.
- N. **Terms Not Defined.** The Director has the authority to provide a definition for an undefined term based upon intended meaning of the term. Director determinations will be in writing and maintained by the Department for public review.

### 155.108.050 – Land Use Regulations

- A. **Land Use Regulation Tables.** Land use regulation tables in Article 2 (Zoning District Standards) identify permitted land uses within each zoning district. Notations within these tables have the following meanings:
1. **Permitted Uses.** A "P" means a use is permitted by right in the zoning district after obtaining a Zoning Clearance in accordance with 155.412.130 (Zoning Clearances).
  2. **Conditionally Permitted Uses.** A "C" means a use requires approval of a Conditional Use Permit in accordance with 155.412.110 (Use Permits).
  3. **Minor Permitted Uses.** An "M" means a use requires approval of a Minor Use Permit in accordance with 155.412.110 (Use Permits).
  4. **Uses Not Allowed.** A "-" (dash) means a use is not allowed in the zoning district.
- B. **Unlisted Land Uses.**
1. A land use not listed in a land use regulation table is not permitted if the use is listed as an allowed use in one or more other zoning districts. In such a case, the absence of the use in the land use regulation table means that the use is prohibited in the zoning district.
  2. For a proposed use not listed in any land use regulation table, the Director may determine that the proposed use is equivalent to a permitted or conditionally permitted use if all of the following findings can be made:
    - a. The use is consistent with the goals and policies of the General Plan.
    - b. The use will not be detrimental to the public health, safety, or welfare.
    - c. The use will meet the purpose of the zoning district.
    - d. The use is similar to other uses allowed in the zoning district.
    - e. The density or intensity of the use is similar to other uses in the zoning district.

- f. The use is compatible with permitted and/or conditionally permitted uses in the zoning district.
- 3. When the Director determines that a proposed use is equivalent to a listed use, the proposed use will be treated in the same manner as the listed use with respect to development standards, permits required, and all applicable requirements of the Zoning Code.
- 4. Director determinations will be in writing and maintained by the Department for public review.
- 5. The Director may refer any equivalent use determination to the Planning Commission for review and final decision.
- 6. Equivalent use determinations may be appealed in accordance with 155.416 (Appeals and Reviews).

**C. Types of Uses.**

**1. Primary Land Uses.**

- a. A primary land use is the main purpose for which a site is developed and occupied, including the activities that are conducted on the site a majority of the hours during which activities occur.
- b. Multiple primary land uses may occupy a single site or building. A land use on a site with multiple uses is considered a separate primary use if it operates independently from the other uses (e.g., different owner, business name, services provided) and could continue operations if the other uses were no longer present on the site.
- c. Each primary land use on a site is subject only to its own permit requirements identified in the land use regulation tables in Article 2 (Zoning District Standards) regardless of the permit requirements that apply to other uses on the site. For example, if one primary land use that requires a Conditional Use Permit (CUP) occupies the same space in a building as another primary land use allowed by-right, the land use allowed by-right is not required to obtain a CUP.
- d. Each primary land use on a site is subject only to the standards and limitations that apply to the individual use. For example, if one primary use is subject to conditions of approval limiting its hours of operations, other primary uses on the site would not be subject to those same limitations unless specifically required as through their conditions of approval for their individual permits.

**2. Secondary Uses.**

- a. A secondary use is a land use specifically identified in 155.504 (Land Use Classifications) as allowed only when combined with a permitted primary use. For

example, a drive-through facility is a secondary use allowed only when combined with a permitted primary use (e.g., Restaurants, Cafes and Beverage Sales). A secondary use by its nature cannot exist without an associated primary use.

- b. A secondary use may require different permits from its associated primary use as identified in the land use regulation tables in Article 2 (Zoning District Standards). For example, a restaurant may be permitted by right, but a drive-through facility associated with the restaurant would require a Conditional Use Permit. A secondary use may be subject to standards and limitations separate from the requirements that apply to its associated primary use.

### 3. **Accessory Uses.**

- a. An accessory use is a use that is subordinate to and dependent on a primary use on the same lot.
- b. Accessory uses are subject to the requirements in 155.304.020 (Accessory Uses).
- c. An accessory use that complies with 155.304.020 (Accessory Uses) is considered a component of its primary use and may operate by-right without the requirement to obtain additional permits unless specifically required by the Zoning Code.

## **155.108.060 – Zoning Map**

### **A. Uncertain Zoning District Boundaries.** Where zoning district boundaries on the Zoning Map are uncertain, the following rules apply:

1. Boundaries shown as approximately following the centerlines of streets, highways, or alleys are construed to follow the centerline.
2. Boundaries shown as approximately following the coastal zone boundary are construed to follow the coastal zone boundary.
3. Boundaries shown as approximately following platted lot lines are construed as following the lot lines. If lot lines shift as a result of updated survey data or lot line adjustment, zoning district boundaries are construed to follow these shifted lot lines.
4. Boundaries shown as approximately following city limits are construed as following city limits.
5. Boundaries shown following railroad lines are construed to be midway between and parallel to the main tracks.
6. If a boundary does not follow a lot line and divides a parcel, the location of the boundary is determined using the scale on the Zoning Map.
7. Where further uncertainty exists, the Planning Commission shall determine the exact boundary location considering the general purpose of the Zoning Code, the purpose of the applicable zoning districts, site conditions of the subject property, and all other

relevant information.

- B. **Split Zoning.** For parcels containing two or more zoning districts (“split zoning”), the regulations for each zoning district will apply within the zoning district boundaries as identified on the Zoning Map.

## Section 155.112 – RULES OF MEASUREMENT

---

### Subsections:

- 155.112.010 – Purpose
- 155.112.020 – Lot Area
- 155.112.030 – Density
- 155.112.040 – Setbacks
- 155.112.050 – Floor Area and Floor Area Ratio
- 155.112.060 – Site Coverage
- 155.112.070 – Height
- 155.112.080 – Distances
- 155.112.090 – Slope

### 155.112.010 – Purpose

This section establishes rules for measurement in the Zoning Code.

### 155.112.020 – Lot Area

- A. Measurement.** Lot area is measured as the total area of a lot, expressed in square feet or acres.
- B. Included in Calculation.** Lot area includes areas subject to easements and/or private streets.

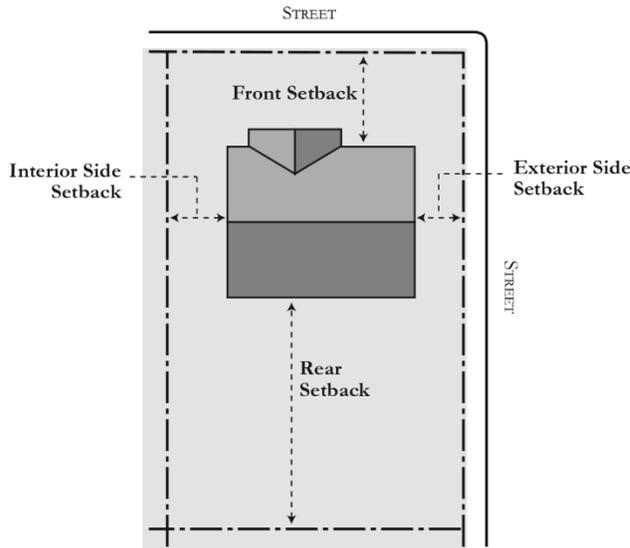
### 155.112.030 – Density

Density is measured as the number of dwelling units divided by the lot area.

### 155.112.040 – Setbacks

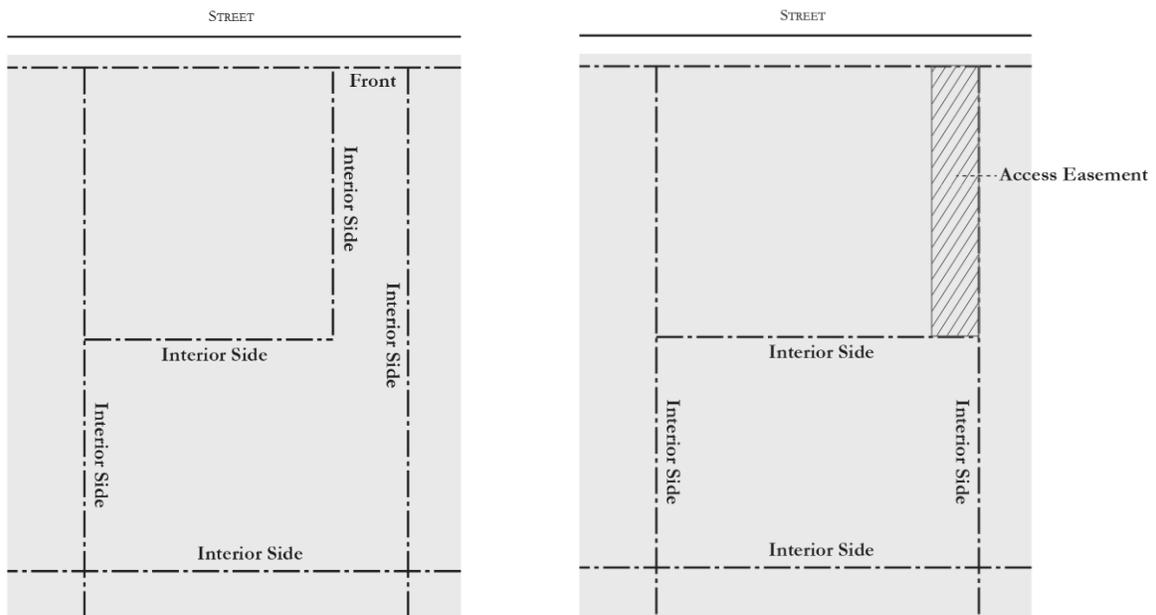
- A. Setback Measurement.** Setbacks are measured as the distance between a lot line and the nearest point of where a structure intersects the ground along a line at a right angle to the lot line. See Figure 112-1

**Figure 112-1: Setback Measurement**



- B. Lot Line Designation.** The Director has the authority to designate the location of front, side, and rear lot lines based on the physical conditions and function of the lot.
- C. Flag Lots.** For flag lots, lot lines are designated as shown in Figure 112-2 unless otherwise designated by the Director based on the existing and/or proposed layout and function of the lot.

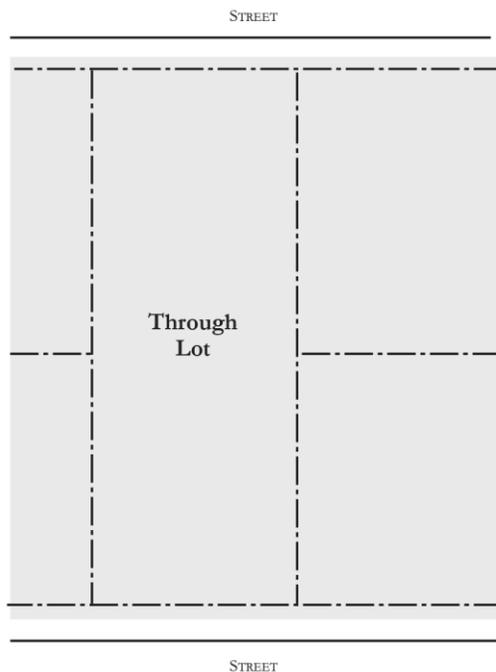
**Figure 112-2: Flag Lot Setback Measurement**



**D. Lots Fronting on Two Parallel Streets.**

1. For lots fronting on two parallel streets (“through lots”), the Director will either:
  - a. Determine that the lot has two fronts; or
  - b. Determine which street frontage constitutes the rear of the lot based on the placement and orientation of existing buildings on the lot and on neighboring properties.
2. An alley is not considered a street when determining whether a lot qualifies as a through lot. See Figure 112-3.

**Figure 112-3: Through Lot**



**155.112.050 – Floor Area and Floor Area Ratio**

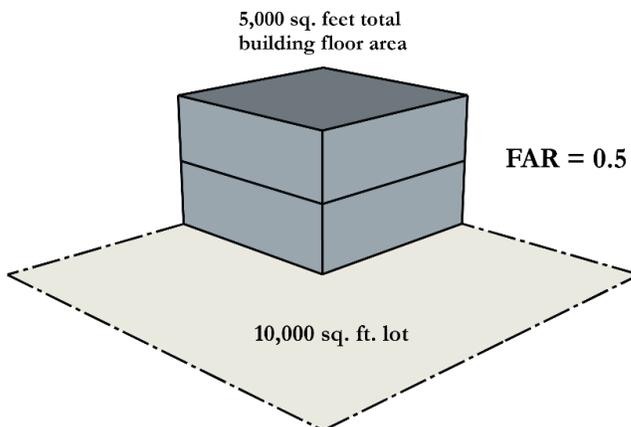
**A. Floor Area.**

1. Floor area is measured as the total area (as defined below) of all floors of a building measured from the exterior face of the outside walls.
2. The floor area calculation includes the following:
  - a. Covered areas used for vehicle parking, including garages, carports, and parking structures, but excluding tuck-under parking (ground-floor parking areas that are beneath a building and have three or fewer enclosed walls).
  - b. Elevator shafts and stairwells.

- c. Porches and balconies enclosed on all sides.
  - d. Mechanical shafts.
  - e. Mezzanines.
  - f. Service and mechanical equipment rooms.
  - g. Projecting windows, floors, and other architectural features supported from the ground.
  - h. Cantilevered upper floors.
3. The floor area calculation does not include the following:
- a. Non-habitable attic spaces.
  - b. Basements.
  - c. Non-habitable accessory structures.
  - d. Accessory Dwelling Units.
  - e. Exterior steps, patios, decks, terraces, porches, balconies, and porticoes open on one or more sides.
  - f. Projecting windows and other exterior architectural projections not supported from the ground.
  - g. For nonresidential uses, arcades, porticoes, and similar open areas that are located at or near street level and are accessible to the general public but are not designed or used as sales, display, storage, service, or production areas.

**B. Floor Area Ratio.** Floor area ratio (FAR) is calculated by dividing the total floor area on a lot by the lot area. For example, a 10,000 square-foot lot containing a 5,000 square-foot building would have a FAR of 0.5 (5,000 divided by 10,000). See Figure 112-4.

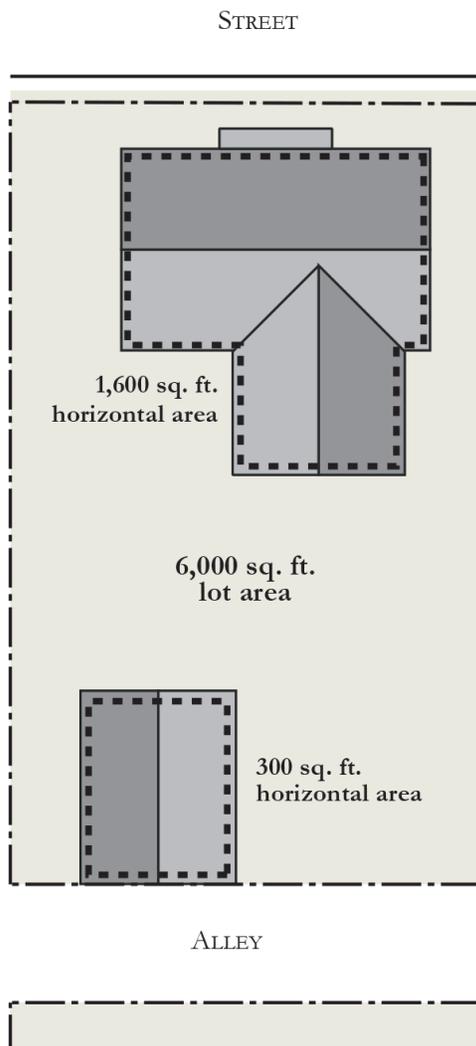
**Figure 112-4: Floor Area Ratio**



**155.112.060 – Site Coverage**

- A. Measurement.** Site coverage is measured as the total horizontal area covered by all buildings and structures on a lot, divided by the lot area. Total horizontal building area is measured from the exterior surface of the exterior walls of all principal and accessory buildings on the lot. See Figure 112-5.
- B. Included in Calculation.** The site coverage calculation includes the following:
1. All primary structures.
  2. All accessory structures (e.g., carports, garages, patio covers, storage sheds, trash dumpster enclosures, etc.)
  3. Bay windows, cantilevered upper floors, and other exterior architectural projections that are supported from the ground.

**Figure 112-5 Site Coverage**



Step 1: Calculate total horizontal area occupied by primary and accessory structures

$$\begin{array}{r} 1,600 \text{ sq. ft.} \\ + 300 \text{ sq. ft.} \\ \hline 1,900 \text{ sq. ft.} \end{array}$$

Step 2: Divide horizontal structure area by lot area

$$1,900 \text{ sq. ft.} / 6,000 \text{ sq. ft.} = 0.32$$

**Site Coverage = 0.32**

- C. Excluded from Calculation.** The site coverage calculation does not include the following:
1. Unenclosed and unroofed decks, uncovered patio slabs, landings, driveways, sidewalks, flatwork, balconies, stairways, and other similar unenclosed/unroofed structures less than 18 inches in height and six feet or less for railings.
  2. Projecting windows and cantilevered upper floors, and other architectural projections that are not supported from the ground.
  3. Eaves and roof overhangs projecting less than three feet from a wall.
  4. Areas covered by a trellis or similar structure where at least 50 percent of the area is open to the sky with uniformly distributed openings.
  5. Swimming pools and hot tubs that are not enclosed in a roofed structure.
  6. Unenclosed building service equipment and mechanical appurtenances, such as exterior water heaters air conditioning units, and chimneys.

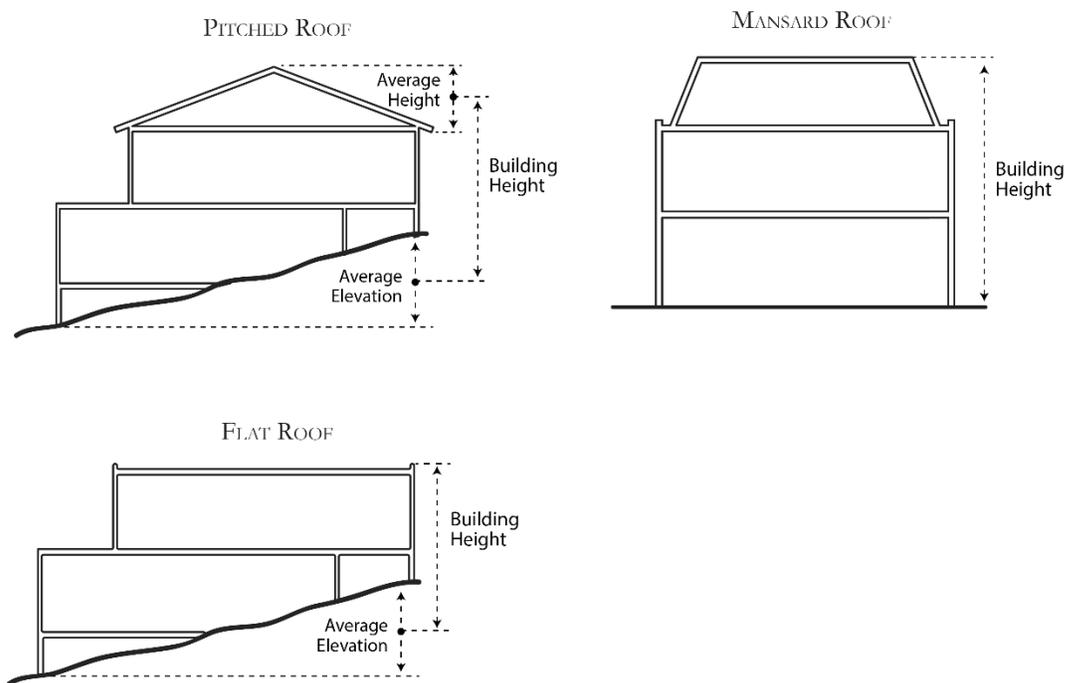
#### **155.112.070 – Height**

**A. Building Height.**

1. As shown in Figure 112-6, building height is measured vertically from the average elevation of the finished grade of the ground covered by the structure to the:
  - a. average height between the bottom of the eave and the ridge of a pitched roof;
  - b. the coping of a flat roof; and
  - c. the deck line of a mansard roof.
2. Roofs covering decorative elements, elevator shafts, stair towers, parapets, and other similar non-habitable building features are not included in the calculation of building height. See 155.308.020 (Height Exceptions).

**B. Fence and Wall Height.** See 155.320.030 (Measurement of Fence and Wall Height).

**C. Freestanding Structure Height.** For freestanding structures such as poles and towers, height is measured as the vertical distance from the finished grade at the base of the structure to the highest point of the structure.

**Figure 112-6: Building Height****155.112.080 – Distances**

- A. Measurements Are Shortest Distance.** When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the closest or shortest distance between the two objects.
- B. Distances Are Measured Horizontally.** When measuring distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate line, edge of building, structure, storage area, parking area, or other object. Distances are not measured following the topography or slope of the land.
- C. Measurements Involving a Structure.** Measurements involving a structure are made to the closest support element of the structure. Structures or portions of structures that are entirely underground are not included in measuring required distances.
- D. Measurements Involving a Lot.** When measuring a required distance from a lot, the measurement is made from the portion of the lot that is the closest distance from the point of measurement.
- E. Measuring Radius.** When a specified land use must be located a minimum distance from another land use, the minimum distance is measured in a straight line from all points along the lot line of the subject project, in all directions.

**155.112.090 – Slope**

**A. Formula.** Average ground slope is calculated using the formula:

$$S = \frac{I \times L}{A} (100)$$

where:

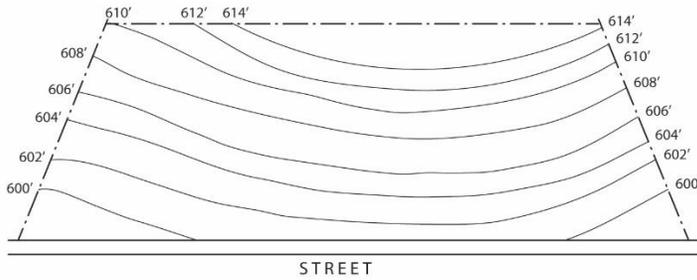
S = Average slope (in percent)

I = Contour interval (in feet)

L = Total length of all contour lines on the parcel (in feet)

A = Lot area (in square feet)

**Figure 112-7: Average Slope Calculation**



$$S = \frac{I \times L}{A} (100) = \frac{2 \times 838}{6,200} (100) = 27\%$$

I = 2 ft.

L = 838 ft.

A = 6,200 sq.ft.

**B. Contour Intervals.** Measurements along contours shall be made at contour intervals not to exceed 10 feet, and a horizontal map scale of one-inch equals 200 feet or larger.

## Section 155.204 – RESIDENTIAL ZONING DISTRICTS

---

### Subsections:

155.204.010 – Purpose of Residential Zoning Districts

155.204.020 – Allowed Land Uses

155.204.030 – Development Standards

### 155.204.010 – Purpose of Residential Zoning Districts

A. **General.** The purposes of the residential zoning districts are to:

1. Maintain stable neighborhoods offering a range of housing choices for residents with varied incomes and lifestyle needs;
2. Provide sufficient land in a range of residential densities to enable citizens from a wide array of economic levels and stages of life to live in Eureka, and to accommodate the existing and future workforce;
3. Accommodate increased development of high-density housing to balance Eureka's housing inventory and enhance affordability;
4. Encourage the construction of new high-density multi-family housing in zoning districts where multi-family housing is allowed;
5. Promote housing in close proximity to parks, schools, and public services;
6. Promote new development that supports a pedestrian-friendly environment and allows residents to easily walk, bike, and take transit to destinations;
7. Ensure that development protects and enhances the positive qualities of existing neighborhoods and strengthens Eureka's unique sense of place;
8. Encourage the development of vacant lots and the redevelopment of underutilized properties;
9. Allow improvements to existing homes consistent with the historic neighborhood character and the need to produce more housing units;
10. Allow for public and quasi-public uses compatible with a residential setting; and
11. Allow limited neighborhood-serving commercial uses to enhance residents' quality-of-life where allowed by the Neighborhood Market (NMO) overlay zone.

B. **Specific.**

1. **Residential Estate (RE).** The RE zoning district provides areas for low-density single-family detached homes, accessory dwelling units, and limited agricultural uses with a rural character compatible with adjacent agriculture, timberland, and open space uses.

2. **Residential Low (R1).** The R1 zoning district contains neighborhoods of single-family homes and accessory dwelling units in a moderately low-density setting, located in proximity to parks, schools, and public services.
3. **Residential Medium (R2).** The R2 zoning district accommodates a variety of medium-density housing types close to commercial (mixed-use) areas.
4. **Residential High (R3).** The R3 zoning district accommodates high-density multi-family housing in an urban setting close to employment centers, mixed-use zoning districts, and/or public transportation.

**C. Coastal Zoning Districts.**

1. The following residential zoning districts are located exclusively in Eureka’s coastal zone:
  - a. Residential Estate - Coastal (RE-CZ).
  - b. Residential Low - Coastal (R1-CZ).
  - c. Residential Medium - Coastal (R2-CZ).
  - d. Residential High - Coastal (R3-CZ).
2. Purpose statements, allowed land uses, and development standards for coastal zoning districts are found in Municipal Code Chapter 156 (Coastal Zoning).

**155.204.020 – Allowed Land Uses**

- A. **General.** Table 204-1 identifies allowed land uses and required permits in the residential zoning districts.
- B. **Additional Permits.** In addition to permits identified in Table 204-1, proposed projects in the residential zoning districts may require additional permits and approvals as described in 155.412 (Specific Permits and Approvals).

**Table 204-1: Allowed Land Uses in Residential Zoning Districts**

Land Use	Zoning District				Additional Standards
	Residential Estate <b>RE</b>	Residential Low <b>R1</b>	Residential Medium <b>R2</b>	Residential High <b>R3</b>	
<i>Residential</i>					
Accessory Dwelling Unit (ADU)	P	P	P	P	155.316
Medical Care Housing	C	C	M	M	
Micro/Shared Housing	-	-	C	C	
Multi-family Dwellings	-	-	P	P	155.304.100
Non-medical Care Housing, Large	-	-	P	P	
Non-medical Care Housing, Small	P	P	P	P	
Single-Family Home, Attached	-	-	P	P	

P = Permitted Use M = Minor Use Permit Required C = Conditional Use Permit Required - = Prohibited  <b>Land Use</b>	<b>Zoning District</b>				<b>Additional Standards</b>
	Residential Estate <b>RE</b>	Residential Low <b>R1</b>	Residential Medium <b>R2</b>	Residential High <b>R3</b>	
(Townhomes)					
Single-Family Home, Detached (existing)	P	P	P	P	
Single-Family Home, Detached (new)	P	P	P [1]	P [1]	
<b>Commercial</b>					
Car Share Facility	-	-	P	P	155.304.040
Day Care Facility	C [2]	C [2]	M [2]	M [2]	
Family Day Care Home, Large [4]	C	C	C	C	155.304.060
Family Day Care Home, Small [4]	P	P	P	P	155.304.060
Vacation Rental					155.304.130
Proprietor On-Site	P	P	P	P	
No Proprietor On-Site	M	M	M	M	
<b>Agricultural and Natural Resources</b>					
Timber Production and Harvesting	C	C	-	-	
<b>Civic and Recreation</b>					
Civic Institutions	C	C	C	C	
Government Facilities	C	C	C	C	
Non-Commercial Places of Assembly	C	C	C	C	
Parks and Playgrounds	P	P	P	P	
Schools, Public and Private	C	C	C	C	
Instructional Services	-	-	C [3]	C [3]	
<b>Infrastructure and Utilities</b>					
Public Utility	C	C	C	C	
<b>Other Uses and Activities</b>					
Accessory Uses	See 155.304.020				
Animal Keeping	See Municipal Code Chapter 91				
Home Occupations	See 155.304.070				
Neighborhood-Serving Commercial	See 155.224.030				
Temporary Uses	See 155.336				
Tree Removal	See 155.304.140				
Wireless Telecommunication Facilities	C	C	C	C	Municipal Code Chapter 159
<b>Notes:</b> [1] Allowed only on lots 3,000 square feet or less. [2] Allowed by-right when located in an existing non-residential facility such as a church or community center. Use Permit required for all other day care facilities. [3] Allowed only on collector and arterial streets as shown in General Plan Figure M-1. Not allowed on local streets. [4] Allowed only as a secondary use when combined with an allowed primary use. See 155.108.050.C (Types of Uses).					

**155.204.030 – Development Standards**

- A. **RE and R1 Zoning Districts.** Table 204-2 shows development standards in the RE and R1 zoning districts. Standards apply to both primary and accessory buildings unless otherwise noted.

**Table 204-2: RE and R1 Development Standards**

Standard	Zoning District		Additional Standards
	Residential Estate RE	Residential Low R1	
Minimum Lot Area [1]	10,000 sq. ft.	5,000 sq. ft.	155.308.010
Maximum Floor Area Ratio (FAR)	0.75	1.0	
Density			
Maximum units per acre or lot [2]	4 du/acre	1 du/lot [3]	
Minimum lot area per unit [1] [2]	10,000 sq. ft.	5,000 sq. ft.	
Maximum Site Coverage	35%	60%	
Maximum Building Height	35 ft.	35 ft.	155.308.020
Minimum Front Setbacks [4]			155.204.030.D; 155.308.030
Building Walls	15 ft. [5]	10 ft. [5]	
Porches and Stoops	15 ft. [5]	5 ft. [5]	
Garage Doors and Carport Entrances	20 ft.	20 ft.	
Minimum Exterior Side Setbacks			155.204.030.D&E; 155.308.030
Accessory Dwelling Unit [6]	4 ft. [7]	4 ft. [7]	
Building Walls; Porches and Stoops	15 ft. [5]	5 ft. [5]	
Garages on a corner lot facing a side street and within 30 ft. of the rear lot line [8]	0 ft. or ≥ 20 ft. [9]	0 ft. or ≥ 20 ft. [9]	
All other garages [8]	20 ft.	20 ft.	
Minimum Interior Side Setbacks			155.204.030.E; 155.308.030
Accessory Dwelling Unit [6]	4 ft. [7]	4 ft. [7]	
All other structures	15 ft.	5 ft.	
Minimum Rear Setbacks			155.204.030.G; 155.308.030
Alley Adjacent [10] [11]			
Accessory dwelling unit [6]	0 ft. [7]	0 ft. [7]	
First story	0 ft. or ≥ 10 ft.	0 ft. or ≥ 10 ft.	
Second story and above	0 ft.	0 ft.	
No Alley [10]			

Standard	Zoning District		Additional Standards
	Residential Estate RE	Residential Low R1	
Accessory dwelling unit [6]	4 ft. [7]	4 ft. [7]	
First story	5 ft.	5 ft.	
Second story and above	10 ft.	10 ft.	
<b>Notes:</b> [1] Minimum lot area standard applies only to new lots created through the subdivision or lot line adjustment process after June 20, 2019. Lots existing as of June 20, 2019 are not subject to a minimum lot size standard. [2] Excludes accessory dwelling units in conformance with 155.316 (Accessory Dwelling Units). [3] For new subdivisions or conservation subdivisions, maximum 8.5 du/acre. [4] Includes accessory dwelling units in conformance with 155.316 (Accessory Dwelling Units). [5] Or average of adjacent lots, whichever is less. See 155.204.030.D (Average Setback Alternative). [6] New construction or increase in footprint of an existing structure to create an accessory dwelling unit on the first story. [7] Provided the setbacks as proposed are sufficient for fire and safety as determined by the Building Official. [8] Setback also applies to accessory dwelling units above a proposed garage. [9] Garages must be set back either zero feet or 20 feet or more from the lot line. Garages may not be setback any distance between 0 ft. and 20 feet from the lot line. See Figure 204-4. This applies only to garages, not to carports. [10] See Figure 204-5 in 155.204.030.G (Rear Setbacks). [11] Eaves, gutters, and other building features may project across a lot line into an alley only when allowed by the Building Code and with an easement and/or encroachment permit.			

- B. **R2 and R3 Zoning Districts.** Table 204-3 shows development standards in the R2 and R3 zoning districts. Standards apply to both primary and accessory buildings unless otherwise noted.

**Table 204-3: R2 and R3 Development Standards**

Standard	Zoning District		Additional Standards
	Residential Medium R2	Residential High R3	
Minimum Lot Area [1]	2,000 sq. ft.	2,000 sq. ft.	155.308.010
Density			
Maximum units per acre [2]	22 du/acre	44 du/acre	
Minimum lot area per unit	2,000 sq. ft.	1,000 sq. ft.	
Maximum Floor Area Ratio (FAR)			
Lots less than 4,000 sq. ft.	0.55	0.7	
Lots 4,000 – 4,999 sq. ft.	0.7	0.85	
Lots 5,000 – 5,999 sq. ft.	0.9	1.0	
Lots 6,000 sq. ft. and above	1.0	1.15	
Maximum Site Coverage			
Lots less than 4,000 sq. ft.	50%	60%	
Lots 4,000 – 5,999 sq. ft.	60%	70%	

Standard	Zoning District		Additional Standards
	Residential Medium R2	Residential High R3	
Lots 6,000 sq. ft. and above	70%	80%	
Maximum Building Height			155.308.020
Lots less than 4,000 sq. ft.	24 ft.	24 ft.	
Lots 4,000 – 5,999 sq. ft.	28 ft.	28 ft.	
Lots 6,000 sq. ft. and above	35 ft.	35 ft.	
Minimum Front Setbacks [3]			155.204.030.D; 155.308.030
Building Walls	10 ft. [4]	10 ft. [4]	
Porches and Stoops	5 ft. [4]	5 ft. [4]	
Garage Doors and Carport Entrances	20 ft.	20 ft.	
Minimum Exterior Side Setbacks			155.204.030.D&E; 155.308.030
Accessory Dwelling Unit [5]	4 ft. [6]	4 ft. [6]	
Building Walls; Porches and Stoops	5 ft. [4]	5 ft. [4]	
Garages on a corner lot facing a side street and within 30 ft. of the rear lot line [7]	0 ft. or ≥ 20 ft. [8]	0 ft. or ≥ 20 ft. [8]	155.204.030.E
All other garages [7]	20 ft.	20 ft.	
Minimum Interior Side Setbacks			155.204.030.E; 155.308.030
Accessory Dwelling Unit [5]	4 ft. [6]	4 ft. [6]	
All other structures	5 ft.	5 ft.	
Minimum Rear Setbacks			155.204.030.G; 155.308.030
Alley Adjacent [9] [10]			
Accessory Dwelling Unit [5]	0 ft. [6]	0 ft. [6]	
First story	0 ft. or ≥ 10 ft.	0 ft. or ≥ 10 ft.	
Second story and above	0 ft.	0 ft.	
No Alley [9]			
Accessory Dwelling Unit [5]	4 ft. [6]	4 ft. [6]	
First story	5 ft.	5 ft.	
Second story and above	10 ft.	10 ft.	
<b>Notes:</b>			
[1] Minimum lot area standard applies only to new lots created through the subdivision or lot line adjustment process after June 20, 2019. Lots existing as of June 20, 2019 are not subject to a minimum lot size standard.			
[2] Excludes accessory dwelling units in conformance with 155.316 (Accessory Dwelling Units).			
[3] Includes accessory dwelling units in conformance with 155.316 (Accessory Dwelling Units).			
[4] Or average of adjacent lots, whichever is less. See 155.204.030.D (Average Setback Alternative).			
[5] New construction or increase in footprint of an existing structure to create an accessory dwelling unit on the first story.			
[6] Provided the setbacks as proposed are sufficient for fire and safety as determined by the Building Official.			

Standard	Zoning District		Additional Standards
	R2	R3	
[7] Setback also applies to accessory dwelling units above a proposed garage.			
[8] Garages must be set back either zero feet or 20 feet or more from the lot line. Garages may not be setback any distance between 0 ft. and 20 feet from the lot line. See Figure 204-4. This applies only to garages, not to carports.			
[9] See Figure 204-5 in 155.204.030.G (Rear Setbacks).			
[10] Eaves, gutters, and other building features may project across a lot line into an alley only when allowed by the Building Code and with an easement and/or encroachment permit.			

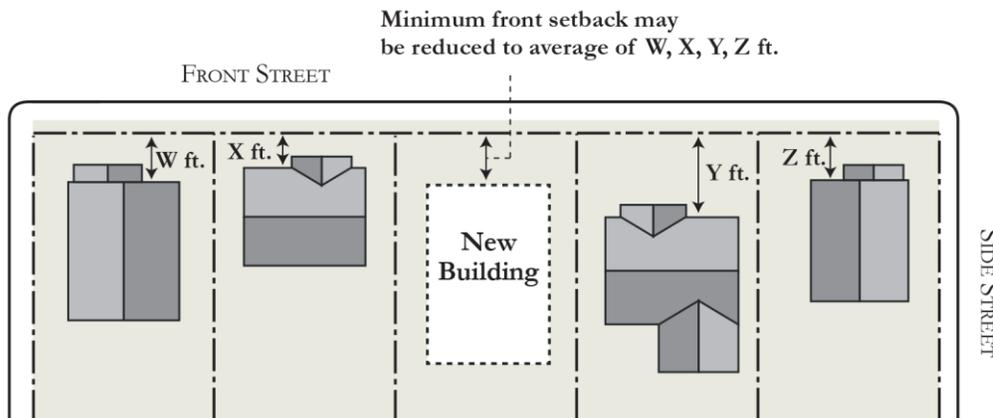
- C. **Lot Area and Dimensions.** See 155.308.010 (Lot Standards).
- D. **Average Setback Alternative.** Minimum required front and exterior side setbacks in Tables 204-2 and 204-3 may be reduced as provided below.

1. **Interior Lots.**

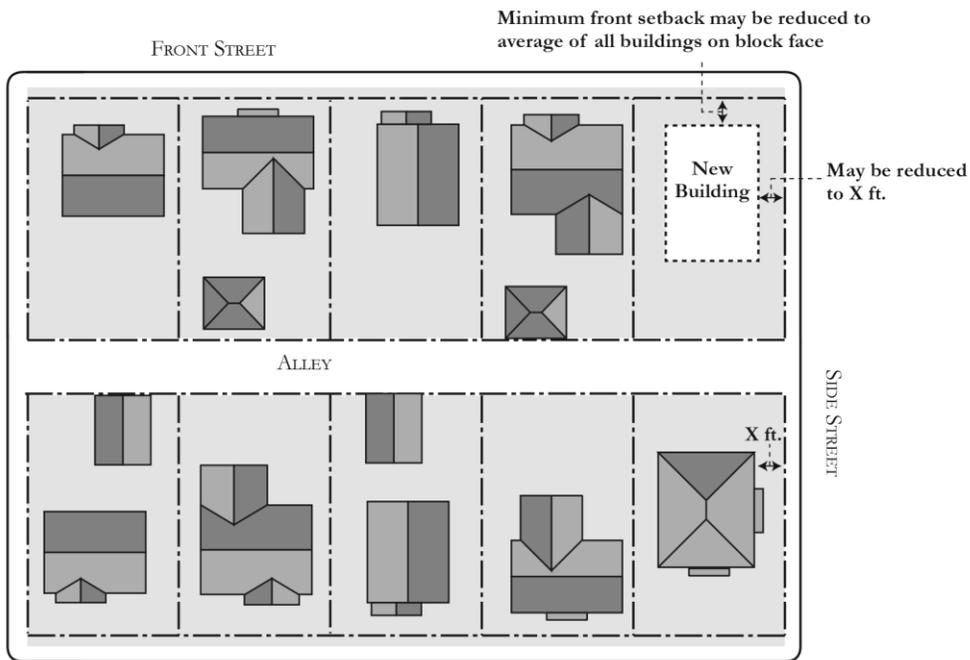
- a. For interior lots adjacent to two developed lots, the minimum front setback for building walls, porches, and stoops may be reduced to the average existing front setback of buildings of all developed lots on the same block face. See Figure 204-1.
- b. For lots not on a standard block configuration, the minimum setback may be reduced to the setback equal to the adjacent developed lots. New multi-lot subdivisions must comply with the minimum setbacks in Tables 204-2 and 204-3.

- 2. **Corner Lots.** For corner lots, the minimum front and exterior side setbacks may be reduced to the average setback of all developed lots on the same block face, including alley-separated lots. See Figure 204-2.

**Figure 204-1: Alternative Front Setback – Interior Lots**



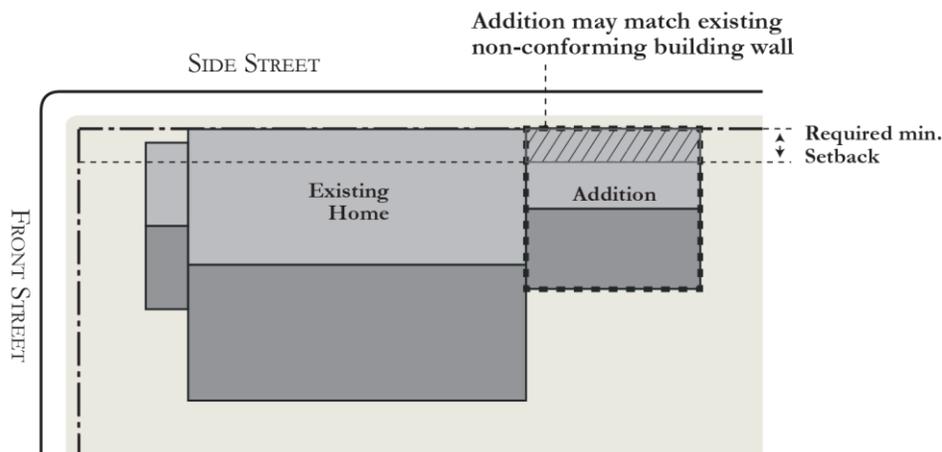
**Figure 204-2: Alternative Front and Exterior Side Setback – Corner Lots**



**E. Established Side Setbacks for Building Additions.**

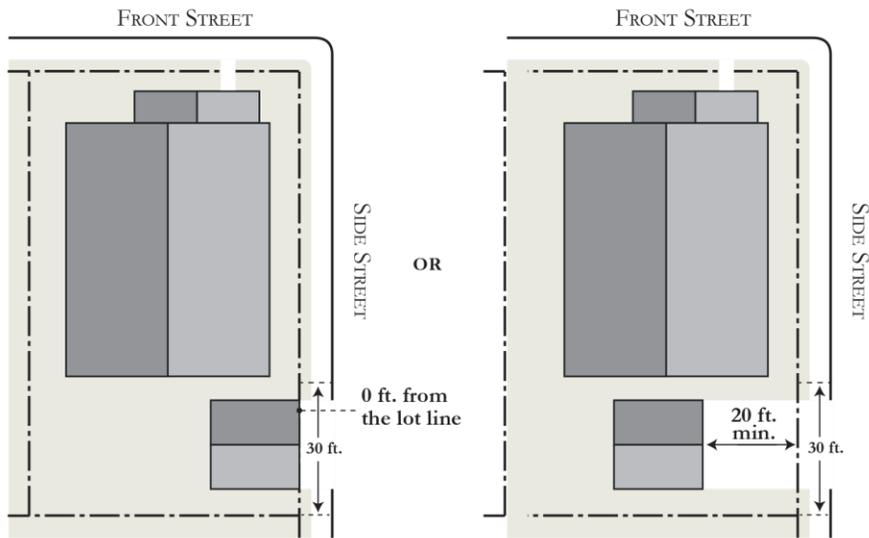
1. A building wall non-conforming to an interior or exterior side setback, if established prior to June 20, 2019, may be extended by-right to accommodate a residential addition of habitable floor area, including accessory dwelling units. See Figure 204-3. This allowance does not apply to garages and other non-habitable buildings or portions of a building.
2. Eaves and other building projections may not extend across a lot line. The Director may require a boundary survey to verify the lot line location.

**Figure 204-3: Established Setbacks for Building Additions**



- F. **Exterior Side Setbacks for Garages.** As stated in Tables 204-2 and 204-3, if a street-facing garage is within 30 feet of the rear lot line, the garage must be setback either zero feet or 20 feet or more from the exterior lot line. See Figure 204-4. This provision applies only to garages, not to carports.

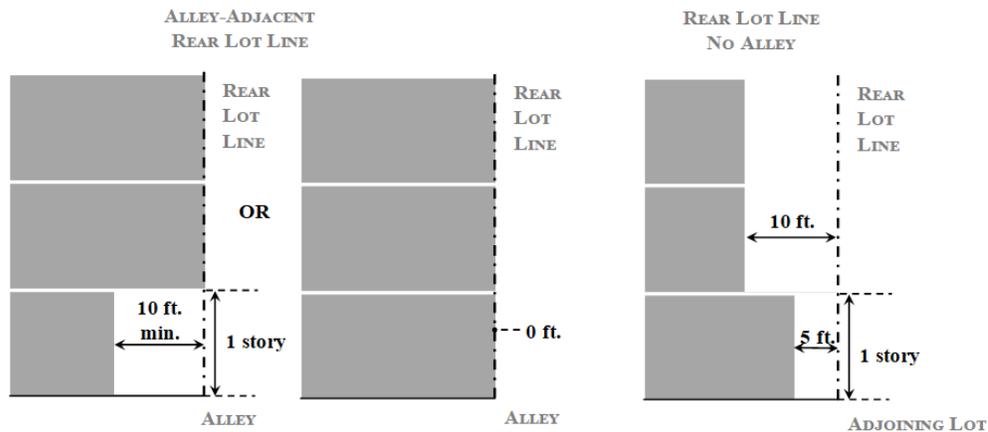
**Figure 204-4: Exterior Street Garage Setbacks**



G. **Rear Setbacks.**

1. As stated in Tables 204-2 and 204-3, the first story of a building must be setback either 0 ft. or 10 ft. or more from an alley-adjacent rear lot line. No setback is required for the second story and above. See Figure 204-5.
2. For rear lot lines that are not adjacent to any alley, a five-foot setback is required for the first story and a 10-foot setback is required for the second story and above. See Figure 204-5.

**Figure 204-5: Minimum Rear Setback Elevations**



- H. **Setback Projections.** See 155.308.030.A (Building Features) for building projections and site improvement allowed within minimum setbacks.
- I. **Accessory Dwelling Units.** See 155.316 (Accessory Dwelling Units) for development standards that apply to Accessory Dwelling Units (ADUs).
- J. **Accessory Structures and Site Features - Setback Encroachments.** See 155.308.030.B (Site Features) for site features and accessory structures allowed in minimum setback areas.
- K. **Subdivision Alternatives.** See 155.332 (Residential Subdivision Alternatives) for allowed modifications to development standards for small lot subdivisions and conservation subdivisions.
- L. **Design Standards.** See Section 155.312 (Design Standards) for building entry, architectural relief, and garage door width standards that apply to new primary building except single-family homes.
- M. **Parking.** See 155.324 (Parking).
- N. **Landscaping.** See 155.328 (Landscaping).

## Section 155.208 – MIXED-USE ZONING DISTRICTS

---

### Subsections:

155.208.010 – Purpose of Mixed-Use Zoning Districts

155.208.020 – Allowed Land Uses

155.208.030 – Development Standards

155.208.040 – Pedestrian-Focused Frontages

### 155.208.010 – Purpose of Mixed-Use Zoning Districts

#### A. **General.** The purposes of the mixed-use zoning districts are to:

1. Protect, enhance, and build upon Eureka’s unique identity, historic character, and sense of community;
2. Promote a compact development pattern with high-intensity activity centers, infill development, adaptive reuse of existing buildings, and redevelopment of vacant lots and underutilized properties;
3. Encourage a mix of commercial, residential, professional office, and civic land uses;
4. Accommodate a broad range of commercial uses to serve the community and allow properties to quickly respond to evolving market opportunities over time;
5. Promote a diversity of multi-family housing choices in higher density mixed-use settings, especially on upper floors;
6. Provide a pedestrian-friendly environment while accommodating the needs of automobiles where appropriate;
7. Promote transportation alternatives, reduce the reliance on automobiles, and increase opportunities to walk, bike, or take transit to destinations;
8. Foster a diverse and resilient local economy, friendly to new business investment and the creation and retention of quality jobs;
9. Encourage growth in the City’s tax base to support City services and infrastructure; and
10. Provide attractive and well-designed streetscapes, buildings, parking, and public spaces.

#### B. **Specific.**

1. **Downtown (DT).** The DT zoning district maintains, promotes, enhances, and builds upon Eureka’s Downtown as a vibrant center for residents, businesses, the arts, local/regional visitors, and out-of-town tourists. Vertical mixed-use development with a diversity of uses promote daytime and evening activity, including residential,

cultural, lodging, civic, professional office, entertainment, retail, and other customer-serving and employment-intensive uses. Multi-story buildings built to lot lines fully utilize available land and support a high-intensity economic and cultural center for the surrounding region. Existing buildings are fully utilized with uses that serve residents, employees, visitors, and the broader region. A diversity of building types and architectural styles, many with active ground-floor uses, support a vibrant pedestrian environment and active and inviting public spaces.

2. **Downtown West (DW).** The DW zoning district is an extension of the Downtown (DT) zoning district with a broader range of allowed land uses to further encourage investment and development and to provide a transition zone from Broadway to Downtown.
3. **Service Commercial (SC).** The SC zoning district is an intensive commercial district primarily located in or adjacent to highly visible areas, and provides for local, regional, and visitor needs. Development accommodates vehicles in a manner that supports an attractive streetscape and pedestrian-friendly environment. The SC zoning district allows a broad variety and scale of retail, office, restaurants, lodging, entertainment, outdoor sales, large product retail sales, storage, warehousing, wholesale, and limited residential uses.
4. **Henderson Center (HC).** The HC zoning district is a pedestrian-oriented limited-scale neighborhood shopping district primarily serving residents in nearby neighborhoods. Pedestrian-scale buildings with active street-facing storefronts close to the sidewalk create an active and inviting public realm. Single-family residential homes converted to retail and office uses retain their residential character and buffer nearby residences from higher intensity uses.
5. **Neighborhood Commercial (NC).** The NC zoning district provides places for limited-scale convenience retail, restaurants, offices, professional services, and other customer-serving uses to meet the daily needs of nearby residents, workers, and visitors. The form and intensity of development supports an active pedestrian environment and is compatible with neighboring residential properties. Limited residential mixed-use development contributes to neighborhood vitality and safe and attractive streetscapes.
6. **Wabash Avenue (WA).** The WA zoning district provides an area for limited-scale commercial uses to serve the community in the western half of Eureka. Over time, existing properties will be modified and redeveloped to create a more robust neighborhood-oriented and pedestrian-friendly shopping and professional service-related corridor.
7. **Office Residential (OR).** The OR zoning district provides areas for customer-serving and non-customer-serving professional offices, clinics, and related retail and services, as well as residential uses. The OR district allows a mix of single-family and multi-

family housing, offices, converted residential buildings, and lodging where the intent is to generally retain the character, scale, and form of the residential neighborhood. The OR zoning district provides a mix of office and residential uses in an environment with a different character and lower intensity than the other mixed-use commercial districts of the city.

8. **Hospital Medical (HM).** The HM zoning district provides a centralized and consolidated regional hub for hospitals, medical offices and clinics, other health care-related uses, and restricted commercial development that supports these uses.

**C. Coastal Zoning Districts.**

1. The following mixed-use zoning districts are located exclusively in Eureka's coastal zone:
  - a. Old Town - Coastal (OT-CZ)
  - b. Bayfront Commercial - Coastal (BC-CZ)
  - c. Library District - Coastal (LD-CZ)
  - d. Marina District - Coastal (MD-CZ)
  - e. Service Commercial - Coastal (SC-CZ)
  - f. Gateway North - Coastal (GN-CZ)
  - g. Bridge District - Coastal (BD-CZ)
2. Purpose statements, allowed land uses, and development standards for coastal zoning districts are found in Municipal Code Title 156 (Coastal Zoning).

**155.208.020 – Allowed Land Uses**

- A. **General.** Table 208-1 identifies allowed land uses and required permits in the mixed-use zoning districts.

**Table 208-1: Allowed Land Uses in the Mixed-Use Zoning Districts**

P = Permitted Use M = Minor Use Permit Required C = Conditional Use Permit Required - = Prohibited Land Use	Zoning District								Additional Standards
	Downtown Commercial DT	Downtown West DW	Service Commercial SC	Henderson Center HC	Neighborhood Commercial NC	Wabash Avenue WA	Office Residential OR	Hospital Medical HM	
<b>Residential</b>									155.208.040
Accessory Dwelling Unit (ADU)	P [1]	P [1]	P [1]	P [1]	P [1]	P [1]	P [1]	P [1]	155.316
Medical Care Housing	C [2]	C [2]	C	C [2]	C	C	C	C	
Micro/Shared Housing	C [2]	C [2]	C	C [2]	C	C	C	C	
Multi-family Dwellings	P [2]	P [2]	P	P[2]	P	P	P	C	155.304.100
Non-medical Care Housing, Large	P [2]	P [2]	P	C [2]	P	P	P	C	
Non-medical Care Housing, Small	P [2]	P [2]	P	P [2]	P	P	P	P	
Single Family Attached Home (Townhome)	P [3]	P [3]	P	P [3]	P	P	P	C	
Single Family Detached Home, New	-	-	-	-	-	-	-	-	
Single Family Detached Home, Existing [8]	P	P	P	P	P	P	P	P	
<b>Commercial - Sales</b>									
Bars and Nightclubs	P	P	P	M	C	C	-	-	
Drive-Thru Facility, Food-Serving [4]	-	C	P	-	-	-	-	-	
Drive-Thru Facility, Non-Food Serving [4]	C	M	P	C	-	-	-	C	
Fuel and Service Stations	-	M	P	-	-	-	-	-	
General Retail – Indoor, Very Large	-	C	C	-	-	-	-	-	
General Retail – Indoor, Large	C	C	P	-	-	-	-	-	
General Retail – Indoor, Small	P	P	P	P	P	P	C	M [5]	
General Retail-Outdoor [4]	C [6]	C	P	P [6]	C	C	-	-	
Heavy Equipment Sales and Service	-	C	M	-	-	-	-	-	
Mobile Vendors	P	P	P	P	P	P	P	P	155.304.090
Restaurants, Cafes, and Beverage Sales	P	P	P	P	P	P	C	M [5]	
Vehicle Sales and Rental (Indoor)	P	P	P	-	-	-	-	-	

P = Permitted Use M = Minor Use Permit Required C = Conditional Use Permit Required - = Prohibited Land Use	Zoning District								Additional Standards
	Downtown Commercial	Downtown West	Service Commercial	Henderson Center	Neighborhood Commercial	Wabash Avenue	Office Residential	Hospital Medical	
	DT	DW	SC	HC	NC	WA	OR	HM	
<b>Commercial - Service and Office</b>									
Business Services and Heavy Commercial	-	P	P	-	-	-	-	-	
Car Share Facility	P	P	P	P	P	P	P	P	
Check Cashing	C	C	C	-	-	-	-	-	
Commercial Lodging	P	P	P	P	P	P	C	C [5]	
Day Care Facility	P	P	P	P	P	P	P	P	
Family Day Care Home, Large [4]	P	P	P	M	C	C	C	P	155.304.060
Family Day Care Home, Small [4]	P	P	P	P	P	P	P	P	155.304.060
Fitness, Dance, or Health Facility, Large	P	P	P	-	-	-	-	-	
Fitness, Dance, or Health Facility, Small	P	P	P	P	P	P	C	C [5]	
General Services	P	P	P	P	M	M	C	-	
Hospitals	-	-	-	-	-	-	-	P	
Kennel-Animal Boarding	-	C	M	-	-	-	-	-	
Medical Offices and Clinics	P	P	P	P	P	P	P	P	
Offices	P	P	P	P	P	P	P	-	
Outdoor Commercial Recreation	C	M	P	M	M	M	-	-	
Parking Lots and Structures	C	M	M	C	C	C	C	M [5]	
Personal Service	P	P	P	P	P	P	P	C [5]	
Vehicle Repair	C	M	P	-	-	-	-	-	
Vehicle Towing and Impound	-	-	C	-	-	-	-	-	
<b>Industrial and Storage</b>									
Manufacturing, Artisan	P	P	P	P	P	P	C	-	
Manufacturing, Light	-	M	C	-	-	-	-	-	
Outdoor Storage, Non-Retail	-	-	M	-	-	-	-	-	
Warehousing, Wholesale, and Distribution	-	C	C	-	-	-	-	-	

P = Permitted Use M = Minor Use Permit Required C = Conditional Use Permit Required - = Prohibited Land Use	Zoning District								Additional Standards
	Downtown Commercial DT	Downtown West DW	Service Commercial SC	Henderson Center HC	Neighborhood Commercial NC	Wabash Avenue WA	Office Residential OR	Hospital Medical HM	
<b><i>Civic and Recreation</i></b>									
Civic Institutions	P	P	P	P	P	P	P	-	
Colleges and Trade Schools (upper floor)	P	P	P	P	C	C	C	C [5]	
Colleges and Trade Schools (ground floor)	C	C	C	C	C	C	C	C [5]	
Instructional Services	P	P	P	P	P	P	P	C [5]	
Emergency Shelter	-	-	P	-	-	-	-	-	155.304.050
Government Facilities	P	P	P	P	P	P	P	P	
Non-Commercial Places of Assembly	P	P	P	P	P	P	P	P	
Parks and Playgrounds	P	P	P	P	P	P	P	P	
Recreational Vehicle Parks	-	-	C	-	-	-	-	-	155.304.120
Schools, Public and Private	C	C	-	-	-	-	-	-	
Social Services	C	C	C	-	-	-	-	C	
<b><i>Infrastructure and Utilities</i></b>									
Public Utility	C	C	C	C	C	C	C	C	
Recycling Collection Facility	-		C	-	-	-	-	-	
<b><i>Other Uses</i></b>									
Accessory Uses	See 155.304.020								
Cannabis Uses	See Municipal Code Chapter 158								
Home Occupations	See 155.304.070								
Temporary Uses	See 155.336								
Wireless Telecommunication Facilities	P [7]	P [7]	P [7]	P [7]	P [7]	P [7]	C	P [7]	Municipal Code Chapter 159
<b>Notes:</b>									
[1] An accessory dwelling unit is allowed in conformance with 155.316 (Accessory Dwelling Unit).									
[2] See 155.208.040 (Pedestrian-focused Frontages) for ground-floor use limitations that apply to residential uses facing a Pedestrian-focused Frontage as shown in Figure 208-4.									
[3] Prohibited when facing a Pedestrian-focused Frontage as shown in Figure 208-4.									
[4] Allowed only as a secondary use when combined with an allowed primary use. See 155.108.050.C (Types of Uses).									
[5] Limited to uses intended to primarily serve employees, patients, and visitors of medical uses in the zoning district as determined by the Minor Use or Conditional Use Permit process.									

P = Permitted Use M = Minor Use Permit Required C = Conditional Use Permit Required - = Prohibited Land Use	Zoning District								Additional Standards
	Downtown Commercial	Downtown West	Service Commercial	Henderson Center	Neighborhood Commercial	Wabash Avenue	Office Residential	Hospital Medical	
	<b>DT</b>	<b>DW</b>	<b>SC</b>	<b>HC</b>	<b>NC</b>	<b>WA</b>	<b>OR</b>	<b>HM</b>	
[6] New general retail - outdoor uses established after June 20, 2019 are prohibited. General retail-outdoor uses established before June 20, 2019 may remain. See 155.208.020.C (General Retail – Outdoor in the Downtown Zoning District). [7] Wireless Telecommunication Facilities located within 100 feet of a residential zoning district require a CUP. [8] Reconstruction of a damaged or destroyed single-family detached home is allowed, provided reconstruction is commenced within two years of the date the building was damaged or destroyed.									

- B. **Additional Permits.** In addition to permits identified in Table 208-1, proposed projects in the mixed-use zoning districts may require additional permits and approvals as described in 155.412 (Specific Permits and Approvals).
- C. **General Retail – Outdoor in the Downtown Zoning District.** The following requirements apply to general retail – outdoor (including outdoor vehicle sales and rental establishments) in the Downtown (DT) zoning district.
1. **Secondary Use Only.** General retail – outdoor is allowed only as a secondary use when combined with a permitted primary use. See 155.108.050.C (Types of Uses).
  2. **New Uses Prohibited.** New general retail – outdoor (including outdoor vehicle sales and rental uses) established after June 20, 2019 are prohibited.
  3. **Existing Uses May Remain.** An existing general retail – outdoor facility (including vehicle sales and rental establishments) is an allowed use subject to the following requirements:
    - a. The general retail – outdoor use (including vehicle sales and rental uses) applies to the entire lot.
    - b. The use may not be enlarged or expanded to a new lot unless the new lot already contain a general retail – outdoor use.
    - c. Existing buildings occupied by the general retail – outdoor use may be repaired, improved, and enlarged. New buildings may be constructed to serve the use.
    - d. Other uses that comply with the DT zoning district standards may be added to a site while the general retail – outdoor use remains in operation.
    - e. Existing general retail – outdoor uses may be replaced by another conforming use at any time.
    - f. If a general retail – outdoor use is discontinued for twelve consecutive months or more, the use may not be reestablished.

#### **155.208.030 – Development Standards**

- A. **General.** Table 208-2 identifies development standards in the mixed-use zoning districts.

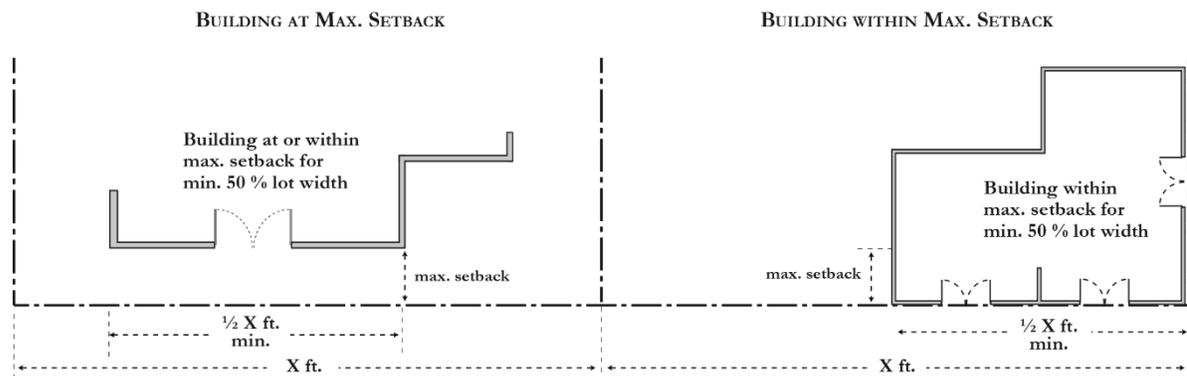
**Table 208-2: Development Standards – Mixed-Use Zoning Districts**

Standard	Zoning Districts								Additional Standards
	Downtown Commercial DT	Downtown West DW	Service Commercial SC	Henderson Center HC	Neighborhood Commercial NC	Wabash Avenue WA	Office Residential OR	Hospital Medical HM	
Minimum Lot Area	No min.	No min.	No min.	No min.	No min.	No min.	No min.	No min.	
Maximum Density (du/acre) [1]	No max.	No max.	No max.	No max.	No max.	No max.	No max.	No max.	
Maximum Floor Area Ratio (FAR)									
Minimum	1.0	1.0	No min.	No min.	No min.	No min.	No min.	No min.	
Maximum	6.0	6.0	2.5	2.5	3.0	3.0	2.5	2.5	
Building Height									155.308.020
Accessory Dwelling Unit [3]	See [4]	See [4]	See [4]	See [4]	See [4]	See [4]	See [4]	See [4]	155.316
All other structures:									
Minimum (stories)	2 stories	2 stories	No min.	2 stories	2 stories	2 stories	No min.	No min.	
Maximum (feet)	100 ft.	80 ft.	55 ft.	55 ft.	45 ft.	45 ft.	45 ft.	45 ft. [2]	
Front Setbacks									155.308.030
Accessory Dwelling Unit [3]	See [5]	See [5]	See [5]	See [5]	See [5]	See [5]	See [5]	See [5]	155.316
All other structures:									
Minimum	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	10 ft.	
Maximum	10 ft.	10 ft.	No max	15 ft.	15 ft.	15 ft.	15 ft.	No max.	155.208.030.B
Minimum Side Setbacks									155.208.030.C; 155.308.030
Accessory Dwelling Unit [3]	See [5]	See [5]	See [5]	See [5]	See [5]	See [5]	See [5]	See [5]	155.316
All other structures:									

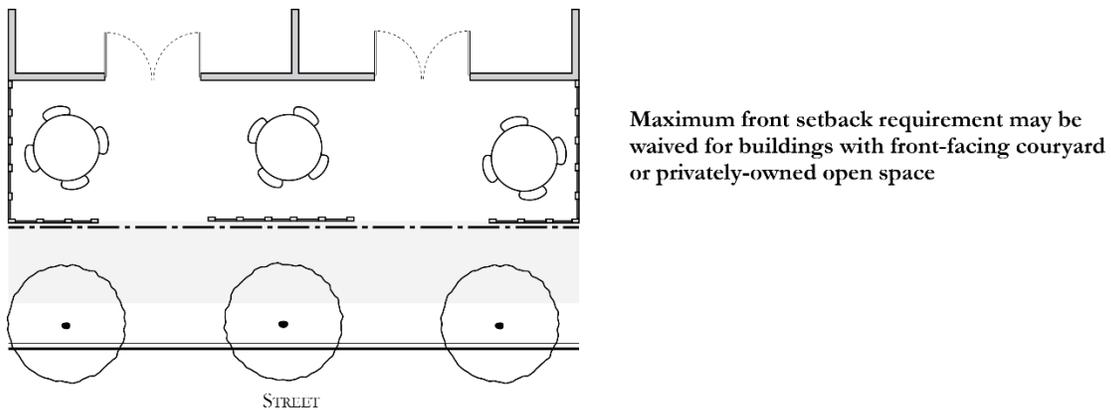
Exterior	0 ft.	10 ft.							
Interior	0 ft.	5 ft.	5 ft.						
Minimum Rear Setbacks									155.208.030.C; 155.308.030
Non-Alley	0 ft.								
Alley	0 ft.								
Maximum Site Coverage	No max.								
<p><u>Notes:</u></p> <p>[1] While there is no maximum residential density in the mixed-use zoning districts, the number of residential units on a lot will be limited by the maximum FAR, maximum building height, required parking, minimum unit size requirements in the building code, and other applicable development standards.</p> <p>[2] Maximum hospital height: 100 feet.</p> <p>[3] Only applies to new construction or an increase in footprint of an existing structure for an accessory dwelling unit.</p> <p>[4] Same as existing single- or multi-family residential structure, but not less than 16 feet as measured according to 155.112.070 (Height).</p> <p>[5] Accessory dwelling units are subject to the same setback as the existing residential structure, provided the setbacks as proposed are sufficient for fire and safety as determined by the Building Official.</p>									

- B. Maximum Front Setbacks.** The following applies to new buildings in zoning districts with a maximum front setback requirement as shown in Table 208-2.
1. Buildings shall be constructed at or within the required maximum front setback for a minimum of 50 percent of the lot’s linear street frontage. See Figure 208-1.
  2. The Director may modify or waive this requirement with an Administrative Adjustment. To approve the Administrative Adjustment, the Director must make the findings in 155.412.030.F (Findings for Approval) and the following additional findings:
    - a. Unique physical conditions on the site require the modified standard to accommodate a development project consistent with the purpose of the applicable zoning district; and
    - b. The project incorporates a front-facing courtyard or privately-owned public space between the front building wall and front lot line to provide a pedestrian-oriented environment. See Figure 208-2.

**Figure 208-1: Maximum Front Setbacks**



**Figure 208-2: Front-facing Courtyard or Privately-owned Public Space**



- C. **Setbacks Adjacent to Residential Zoning Districts.** All new buildings and additions to existing buildings adjoining a lot in a residential zoning district must comply with the setback standards in Table 208-3. See Figure 208-3.

**Table 208-3: Setbacks Adjacent to Residentially-zoned Lot**

Lot Line	Minimum Setback
Interior Side	
Accessory Dwelling Unit	4 ft.
First and second stories	5 ft.
Third story and above	10 ft.
Alley Rear	0 ft.
Non-Alley Rear	
Accessory Dwelling Unit	4 ft.
First story	5 ft.
Second story	10 ft.
Third story and above	15 ft.

**Figure 208-3: Setbacks Adjacent to Residential Zoning Districts (Elevations)**

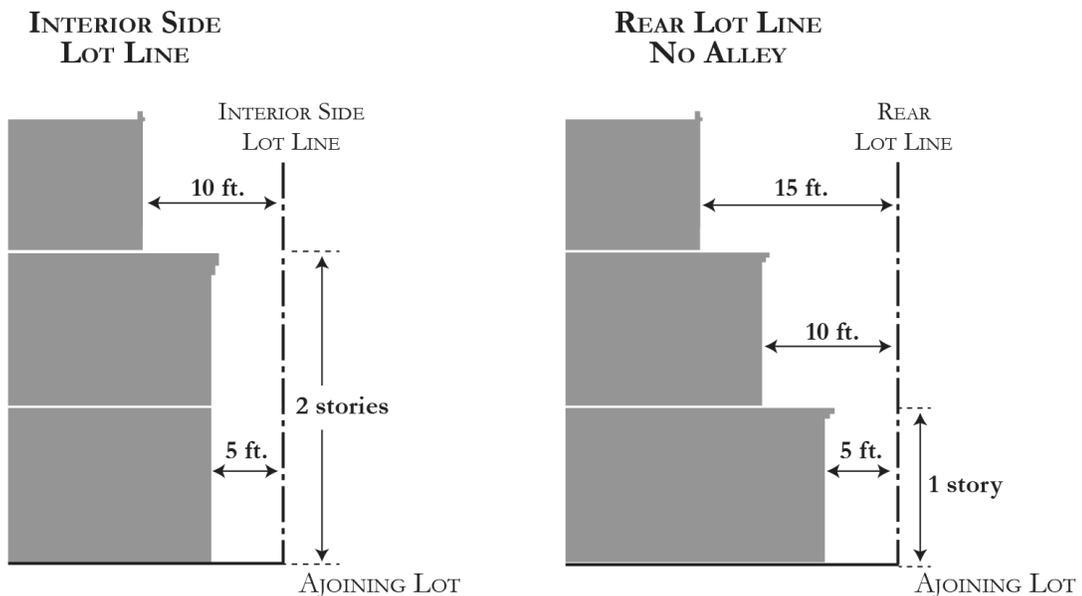
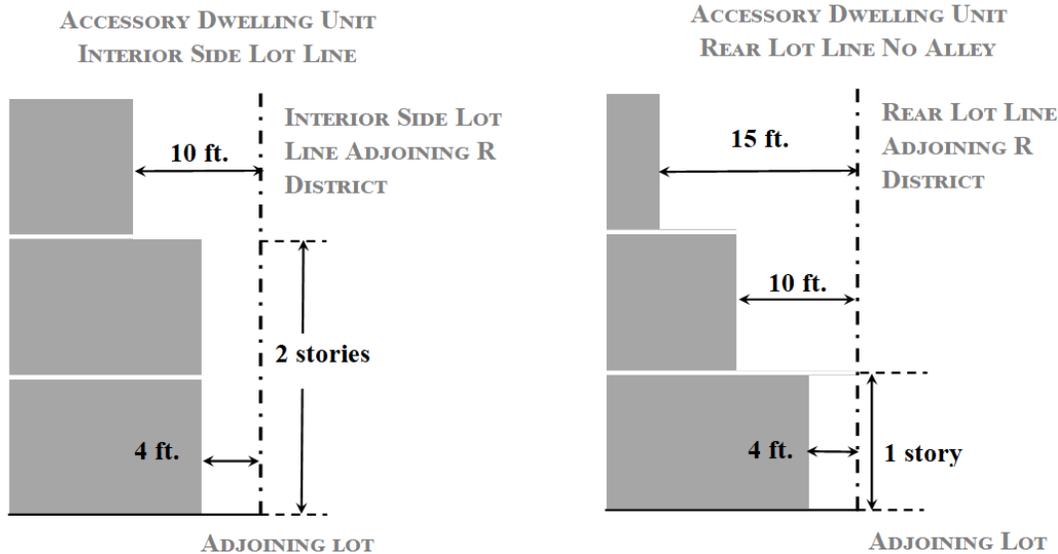


Figure continues on the next page.



- D. **Building Design.** See Section 156.306 (Design Standards) for building design standards that apply to all new primary buildings in the DT, DW, HC, WA, NC, and OR zoning districts.
- E. **Parking.** See 155.324 (Parking).
- F. **Landscaping.** See 155.328 (Landscaping).
- G. **Signs.** See 155.340 (Signs).

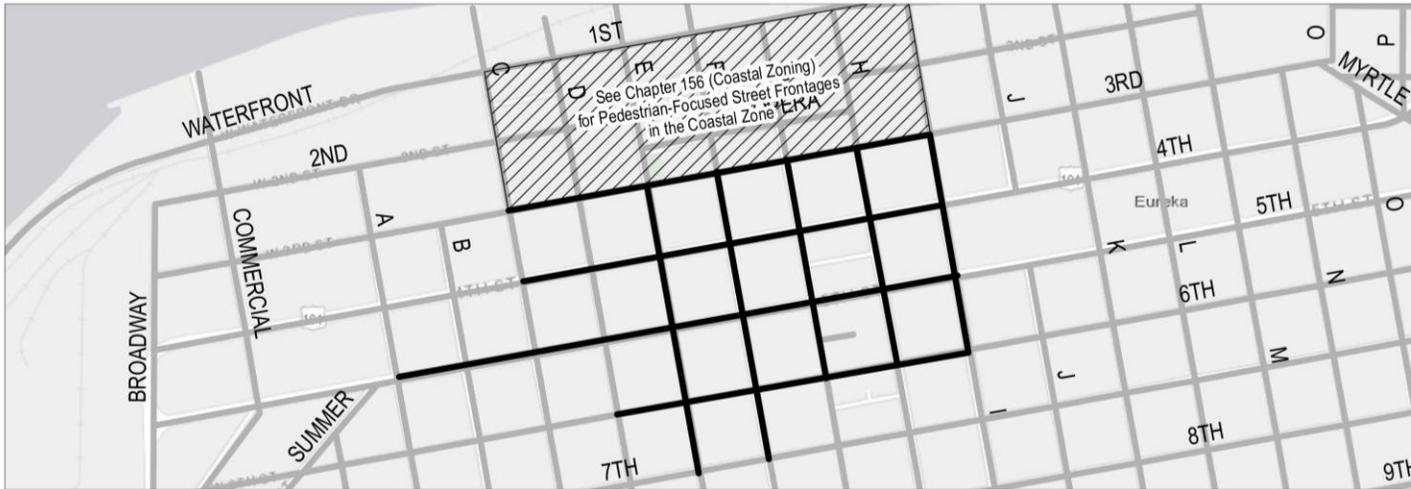
#### 155.208.040 – Pedestrian-Focused Frontages

- A. **Purpose and Applicability.** Figure 208-4 shows the location of Pedestrian-focused Frontages outside of the coastal zone. The facades of buildings facing these street frontages are subject to special land use regulations and development standards to maintain and enhance an active and engaging pedestrian environment. These standards do not apply to facades that do not front the street (e.g., multi-story building facades that can be seen over shorter buildings).
- B. **Design Review Required.** Any exterior modification to a building façade that faces a Pedestrian-focused Frontage requires Design Review in accordance with Section 155.412.040 (Design Review).
- C. **Ground Floor Ceiling Height.** A new building with non-residential ground-floor uses facing the street must provide a minimum floor to ceiling height of 12 feet on the ground floor.
- D. **Ground Floor Residential Use Limitations.**
  - 1. New residential development with less than 66 dwelling units per acre must be part of a mixed-use project where the residential use is located above or behind a ground-floor non-residential use facing the street. For example, on a 6,000 square foot lot, a

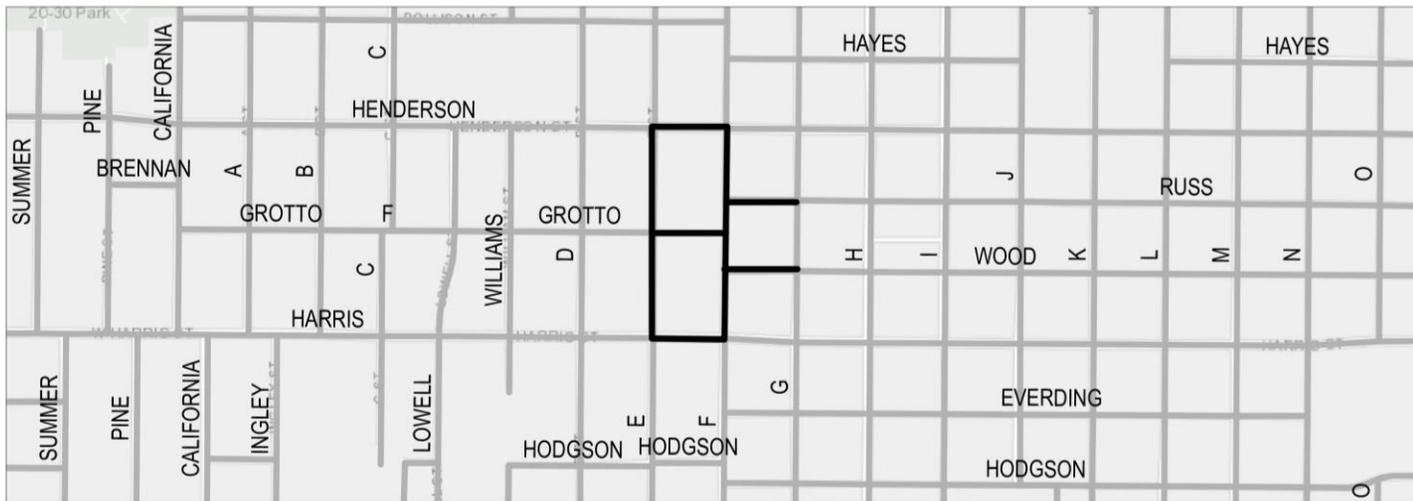
new residential development with less than nine units cannot have ground-floor street-facing residential units.

2. For projects with 66 dwelling units per acre or more, ground-floor residential uses facing the street are permitted. For example, on a 6,000 square foot lot, a new residential development with nine or more units may have street-facing residential units.
3. When allowed, ground-floor residential uses facing the street are not subject to the transparency requirement in 155.208.040.E (Ground Floor Storefront Transparency)

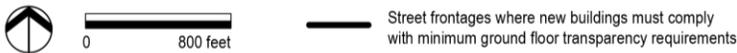
Figure 208-4: Pedestrian-Focused Frontages (both sides of each street)



Downtown and Old Town



Henderson Center



- E. **Ground Floor Storefront Transparency.** New development with non-residential ground-floor uses facing the street shall comply with the following transparency requirement.
1. The ground-floor street-facing building walls of non-residential uses must provide transparent windows or doors with views into the building for a minimum of 65 percent of the building frontage located between three and seven feet above the sidewalk. See Figure 208-5.
  2. Window and door area must be transparent to allow views into the building, but may be frosted for privacy purposes provided that the windows can be returned to a transparent state.

**Figure 208-5: Storefront Transparency (between three and seven feet above the sidewalk)**



3. The Director may allow exceptions to this transparency requirement with an Administrative Adjustment. To approve the Administrative Adjustment, the Director must make the findings in 155.412.030.F (Findings for Approval) and the following additional findings:
  - a. The proposed use has unique operational characteristics that preclude building openings, such as for a cinema or theater; and
  - b. Street-facing building walls will exhibit architectural relief and detail, and will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.

## **ARTICLE 3 – CITYWIDE STANDARDS**

### **Section 155.304 – Supplemental Use Regulations**

- 155.304.010 – Purpose
- 155.304.020 – Accessory Uses
- 155.304.030 – Adult Entertainment
- 155.304.040 – Car Share Facilities
- 155.304.050 – Emergency Shelters
- 155.304.060 – Family Day Care Homes
- 155.304.070 – Home Occupations
- 155.304.080 – Manufactured Housing
- 155.304.090 – Mobile Vendors
- 155.304.100 – Multi-Family Laundry Facilities
- 155.304.110 – Outdoor Storage
- 155.304.120 – Recreational Vehicle Parks
- 155.304.130 – Vacation Rental
- 155.304.140 – Tree Removal

### **Section 155.308 – General Standards**

- 155.308.010 – Lot Standards
- 155.308.020 – Height Exceptions
- 155.308.030 – Setback Exceptions
- 155.308.040 – Vision Clearance Area
- 155.308.050 – Outdoor Lighting
- 155.308.060 – Screening for Residential Zoning Districts
- 155.308.070 – Solid Waste/Recyclable Material Storage

### **Section 155.312 – Design Standards**

- 155.312.010 – Purpose
- 155.312.020 – Applicability
- 155.312.030 – Exterior Materials
- 155.312.040 – Building Entries
- 155.312.050 – Architectural Features
- 155.312.060 – Blank Walls
- 155.312.070 – Garage Doors in Residential Zoning Districts

### **Section 155.316 – Accessory Dwelling Units**

- 155.316.010 – Purpose
- 155.316.020 – Permits Required
- 155.316.030 – Where Allowed
- 155.316.040 – Number of Accessory Dwelling Units

- 155.316.050 -- Accessory Dwelling Units as Transient Lodging
- 155.316.060 – Site and Design Standards

### **Section 155.320 – Fences and Walls**

- 155.320.010 – Purpose and Applicability
- 155.320.020 – Required Permits and Approvals
- 155.320.030 – Measurement of Fence and Wall Height
- 155.320.040 – Maximum Height
- 155.320.050 – Materials
- 155.320.060 – Nonconforming Fences and Walls

### **Section 155.324 – Parking**

- 155.324.010 – Purpose
- 155.324.020 – Applicability
- 155.324.030 – Number of On-Site Parking Spaces Required
- 155.324.040 – Reductions and Alternatives to Automobile Parking
- 155.324.050 – General Requirements
- 155.324.060 – Parking Design and Development Standards
- 155.324.070 – Bicycle Parking
- 155.324.080 – Parking Lot Landscaping

### **Section 155.328 – Landscaping**

- 155.328.010 – Purpose
- 155.328.020 – Applicability
- 155.328.030 – Landscape Plans
- 155.328.040 – Required Landscape Areas
- 155.328.050 – General Landscape Requirements
- 155.328.060 – Water Efficiency in Landscaping Ordinance (WELO)
- 155.328.070 – Maintenance and Enforcement

### **Section 155.332 – Residential Subdivision Alternatives**

- 155.332.010 – Purpose
- 155.332.020 – Small Lot Subdivisions
- 155.332.030 – Conservation Subdivisions

### **Section 155.336 – Temporary Uses and Structures**

- 155.336.010 – Purpose
- 155.336.020 – Applicability and Permit Requirements
- 155.336.030 – General Standards
- 155.336.040 – Temporary Uses and Structures Allowed By Right
- 155.336.050 – Temporary Uses and Structures Allowed with a Zoning Clearance

**Section 155.340 – Signs**

- 155.340.010 – Purpose
- 155.340.020 – Applicability
- 155.340.030 – Signs Allowed Without Permits
- 155.340.040 – Prohibited Signs
- 155.340.050 – Rules of Measurement
- 155.340.060 – Sign Permits
- 155.340.070 – Sign Standards
- 155.340.080 – General Requirements
- 155.340.090 – Temporary Signs

**Section 155.344 – Density Bonus**

- 155.344.010 – Purpose
- 155.344.020 – Definitions
- 155.344.030 – Applicability
- 155.344.040 – Application Requirements
- 155.344.050 – Bonus and Incentive Calculation
- 155.344.060 – Review Authority
- 155.344.070 – Findings for Approval

**Section 155.340 – Signs**

155.340.010 – Purpose

155.340.020 – Applicability

155.340.030 – Signs Allowed Without Permits

155.340.040 – Prohibited Signs

155.340.050 – Rules of Measurement

155.340.060 – Sign Permits

155.340.070 – Sign Standards

155.340.080 – General Requirements

155.340.090 – Temporary Signs

## Section 155.304 – SUPPLEMENTAL USE REGULATIONS

---

### Subsections:

- 155.304.010 – Purpose
- 155.304.020 – Accessory Uses
- 155.304.030 – Adult Entertainment
- 155.304.040 – Car Share Facilities
- 155.304.050 – Emergency Shelters
- 155.304.060 – Family Day Care Homes
- 155.304.070 – Home Occupations
- 155.304.080 – Manufactured Housing
- 155.304.090 – Mobile Vendors
- 155.304.100 – Multi-Family Laundry Facilities
- 155.304.110 – Outdoor Storage
- 155.304.120 – Recreational Vehicle Parks
- 155.304.130 – Vacation Rental
- 155.304.140 – Tree Removal

### 155.304.010 – Purpose

This section establishes supplemental standards that apply to specific land uses and development in all zoning districts.

### 155.304.020 – Accessory Uses

#### A. Relationship to Primary Use.

1. An accessory use must be related to and serve the purpose of the primary use on the site.
2. An accessory use must be clearly incidental and subordinate to the primary use on the site, which may be demonstrated by factors such as the floor area of the use, economic importance of the use, and the number of customers/visitors generated by the use.
3. If the primary use is destroyed or removed, the accessory use is no longer allowed.

#### B. Maximum Size. The following maximum size standards apply to all accessory uses except accessory dwelling units (ADUs):

1. When an accessory use is located within a building, the total floor area of the accessory use may not exceed 49 percent of the habitable floor area of the building containing the associated primary use.
2. The Director may allow the floor area of an accessory use to exceed 49 percent with

an Administrative Adjustment. To approve the Administrative Adjustment, the Director must make the findings in 155.412.030.F (Findings for Approval) and find that:

- a. The accessory use complies with 155.304.020.A (Relationship to Primary Use); and
- b. Unique circumstances associated with the primary use warrant the additional floor area for the accessory use.

- C. Location.** An accessory use must be located on the same site as the primary use.
- D. Timing of Establishment.** An accessory use may not be established before the primary use is established.
- E. Residential Accessory Uses.** Accessory uses customarily associated with a place of residence are permitted in residential zoning districts. Allowed accessory uses include, but are not limited to the following:
1. Home occupations in conformance with 155.304.070 (Home Occupations).
  2. Garage and yard sales in conformance with 155.336.040.B (Garage Sales).
  3. Keeping of domestic pets in conformance with Municipal Code Chapter 91 (Animals).
  4. Vehicle parking serving on-site uses in conformance with 155.324 (Parking).
  5. Gardening, landscaping, and open space management in conformance with Municipal Code Section 94.15 et seq. (Weeds, Rubbish and Debris).
  6. Storage of personal household property inside a permitted structure.
  7. Personal hobbies for non-commercial purposes.
- F. Non-residential Accessory Uses.** Accessory uses customarily associated with the primary use on the site are permitted in non-residential zoning districts. Allowed accessory uses include, but are not limited to the following:
1. Administrative offices for the primary use.
  2. Vehicle parking serving on-site uses in conformance with 155.324 (Parking).
  3. Wholesale or retail sales to a buyer's custom order of goods produced by the primary use.
  4. Back-of-the-house niche manufacturing of products sold in a retail facility (such as chocolate production in the back of a candy store, craft beer brewing in a restaurant/brewery, or guitar fabrication in the back of a music instrument store).
  5. The storage of goods associated with the primary use in conformance with Subsection 155.304.110 (Outdoor Storage).
  6. Tasting rooms associated with a food or beverage production use.

7. Caretaker units in the industrial and public zoning districts.
8. Other similar uses as determined by the Director through a Zoning Clearance.

### **155.304.030 – Adult Entertainment**

**A. Purpose and Applicability.** This subsection establishes standards for the location, approval, and operation of adult entertainment as defined in 155.304.030.B (Definitions).

**B. Definitions.**

**1. Adult Entertainment.**

- a. Adult entertainment means a business which either:
  - (1) Provides live entertainment or performances that involve the display of specified anatomical areas or specified sexual activities; or
  - (2) Displays pornographic films, photographs, or other still or moving images with an emphasis on specified anatomical areas or specified sexual activities.
- b. Adult entertainment includes, but is not limited to, strip clubs, adult movie theaters, adult arcades, adult motels, and places that engage in or allow couch dancing, topless dancing, nude or semi-nude mud wrestling, and similar businesses.

**2. Specified Anatomical Areas.** Specified anatomical areas means any of the following:

- a. Less than completely and opaquely covered human genitals, pubic region, anus or female breasts below a point immediately above the top of the areolae.
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**3. Specified Sexual Activities.** Specified sexual activities means any of the following:

- a. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus or female breasts.
- b. Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy.
- c. Masturbation, actual or simulated.
- d. Human genitals in a state of sexual stimulation, arousal or tumescence.
- e. Excretory functions.

**C. Exceptions.** The following types of businesses are not considered adult entertainment and are exempt from the requirements of this subsection:

1. **Retail Sales.** The sale of adult-oriented merchandise related to specified anatomical areas or specified sexual activities as defined in 155.304.030.B (Definitions), including

adult bookstores, adult video rental stores, adult novelty stores, and art galleries. All such uses must comply with Chapter 7.5 (Obscene Matter) of Title 9 of the California Penal Code and other applicable obscenity and indecent behavior laws (e.g., sexually-explicit merchandise may not be visible from building exterior).

2. **Therapeutic Massage.** Massage conducted by a massage therapist certified by the California Massage Therapy Council.
3. **Medical or Psychological Therapies.** The medical or psychological therapeutic activities of state-licensed doctors, psychologists, psychiatrists, or marital or sexual therapists.
4. **Modeling or Theatrical Performances.** Nude modeling done in connection with an educational program or artistic endeavor. Occasional theatrical performances, either live or in motion picture theaters, in which nudity is incidental to the content of the presentation.
5. **Private Noncommercial Behavior.** This subsection does not regulate the private behavior of adults, which is otherwise permitted by law, where there is no payment, gratuity, exchange of labor or goods, or other consideration of a transaction.

**D. Permit Required.** A Conditional Use Permit is required to:

1. Establish an adult entertainment use as a new business;
2. Convert an existing business to an adult entertainment use; or
3. Add activities that qualify as an adult entertainment use to an existing business.

**E. Location.**

1. **LI and HN Zoning Districts Only.** Adult entertainment is allowed only within the Hinge (HN) and Light Industrial (LI) zoning districts.
2. **Prohibited on Highway 101.** Adult entertainment is not permitted on properties fronting Highway 101 (Broadway, 4<sup>th</sup> Street, or 5<sup>th</sup> Street).
3. **Other Adult Businesses.** An adult entertainment use may not be established or located within 500 feet of any other adult entertainment use.
4. **Sensitive Land Uses.** An adult entertainment use may not be established or located within 500 feet of a sensitive land use. A sensitive land use means any one of the following:
  - a. A residential zoning district or residential use (not including caretaker units).
  - b. A religious institution, on land leased or owned by any church, synagogue, mosque, temple, or any school or meeting hall operated by such institution.
  - c. A public or private elementary, junior high or high school, preschool, or child day care center.

- d. A public park on which recreation games may be played, including lawn and parking areas, but excluding natural open space areas where no recreational facilities are present.
- e. A public assembly or public use civic building, including libraries, community centers, post offices, but excluding police and fire stations.
- f. Other land uses oriented to youth/minors as determined by the Director (e.g., toy stores, ice cream shops, etc.).

**F. Application Review/Conditions of Approval.**

- 1. Applications to establish adult entertainment shall be reviewed by the City of Eureka Chief of Police. The Chief of Police shall recommend to the Planning Commission conditions of approval necessary to protect the public health, safety, and welfare.
- 2. Conditions of approval may address hours of operation, lighting, management supervision, security, visibility, signage, access by minors, live performances, the configuration of interior spaces, and other development and operational standards as needed.
- 3. To approve an adult entertainment use, the Planning Commission must make all findings in 155.412.110.F (Findings for Approval) and may attach any additional conditions of approval in accordance with 155.408.120 (Conditions of Approval).

**155.304.040 – Car Share Facilities**

Car share facilities in the R2 and R3 zoning districts are subject to the following:

- A. On-site employees and on-site servicing and repair of vehicles is prohibited.
- B. Electric vehicles (EV) charging stations and covered parking is allowed.

**155.304.050 – Emergency Shelters**

- A. **Purpose and Intent.** This subsection establishes standards for emergency shelters in compliance with Government Code Section 65583(a)(4).
- B. **Permitted Zoning District.** Emergency shelters are allowed in zoning districts as shown in the allowed use tables in Article 2 (Zoning District Standards).
- C. **Standards.**
  - 1. **Buildings and Open Space.** An emergency shelter may be established within one or more buildings or outside of buildings in open space areas.
  - 2. **Number of Residents.** For emergency shelters occupying a building, the Building Official and/or Fire Marshal will determine the maximum number of residents permitted to occupy an emergency shelter based on Building Code occupant loading

requirements.

3. **Length of Stay.** The length of stay at an emergency shelter may not exceed one year.
4. **Separation.** An emergency shelter may be located no closer than:
  - a. 1,000 feet from a pre-school, nursery school, or schools for students in kindergarten through 12th grade; and
  - b. 50 feet from another emergency shelter.

#### **155.304.060 – Family Day Care Homes**

- A. **License.** Family Day Care Home providers must obtain and maintain a license from the State of California Department of Social Services.
- B. **Separation – Large Family Day Care Homes.** A large family day care home in a residential zoning district may not be located within 300 feet of another family day care home (large or small) or a day care facility.

#### **155.304.070 – Home Occupations**

- A. **Purpose.** This subsection establishes standards for home occupations and cottage food operations to allow residents to conduct business and employment activities in their home in a manner compatible with a residential setting.
- B. **Permits Required.**
  1. **Home Occupation Permit.** A home occupation that complies with all standards in 155.304.070.E (Standards) is permitted by-right with a Zoning Clearance.
  2. **Minor Use Permit.** A home occupation that does not comply with one or more standards in 155.304.070.E (Standards) may be allowed with a Minor Use Permit.
- C. **Business License.** All persons conducting a home occupation must obtain a City of Eureka Business License.
- D. **Applicant Agreement.** All applicants requesting approval of a home occupation must sign a statement that they have read, understand, and will comply with the City's home occupation requirements.
- E. **Standards.** The following standards apply to all home occupations:
  1. **Accessory Use.** The home occupation must be clearly secondary to the primary use of the property as a residence.
  2. **Signs.** See 155.340.030.A.7 (Home Occupation).
  3. **Residential Appearance.** Except for a permitted sign, the existence of the home occupation may not be apparent beyond the boundaries of the site, and no permit to

- alter the exterior of the structure for the home occupation may be approved.
4. **Off-site Effects.** A home occupation may not create dust, fumes, odors, smoke, noise, vibration, or electrical interference that is perceptible beyond the property line.
  5. **Hazardous Materials Prohibited.** The storage and use of flammable, combustible, or explosive materials must receive approval from the Chief Building Official. Typically, the only such materials that will be allowed are limited to small quantities of fuel for landscaping equipment, contained mini-torches used for sculpting glass, and other similar modest quantities of materials associated with approved home occupation business types.
  6. **Outdoor Display or Storage.** Window displays, outdoor storage, or display of equipment, materials, or supplies associated with the home occupation are not allowed.
  7. **Employees.** A maximum of two on-site non-resident employees is allowed.
  8. **Client/Customer Visits.** Except when allowed by 155.304.070.E.9 (Special Events), only ten vehicle trips per day of clients or customers to the residence are allowed. Client or customer visits are limited to the hours between 8:00 a.m. and 8:00 p.m.
    - a. For retail, commercial service, and office home occupations, no more than one client or customer may be on-site at any given time.
    - b. For instructional services, tutoring, gyms, and other similar home occupations as determined by the Director, a maximum of 10 students, clients, or customers may be on-site at any given time.
  9. **Special Events.** A home occupation may host up to four special events per year where the client/customer limitations in 155.304.070.E.8 (Client/Customer Visits) do not apply. Special events include music recitals, dance performances, gallery open studios, and other similar events.
  10. **Deliveries.** Deliveries and pick-ups may not involve the use of commercial vehicles greater than 26,000 pounds gross vehicle weight except for FedEx, UPS, or USPS-type home deliveries and pick-up.
  11. **Parked Vehicles.** Commercial vehicles/trailers greater than 19,500 pounds gross vehicle weight used by the home occupation may not be parked on site or on street.
- F. Cottage Food Operations.** Cottage food operations (CFO) as defined in California Health and Safety Code Section 113758 and Government Code Section 51035 are a permitted home occupation subject to the following requirements:
1. The cottage food operation must comply with home occupation standards in 155.304.070.E (Standards).
  2. All cottage food operations must be registered or permitted by Humboldt County

Department of Environmental Health before commencing business.

#### **155.304.080 – Manufactured Housing**

- A. General.** A manufactured home certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq) may be used for residential purposes subject to the requirements of this subsection.
- B. Development Standards.** A manufactured home must comply with all development standards (e.g., height, setback, lot coverage) that would apply to a conventional single-family home on the same lot.
- C. Design and Construction Standards.** A manufactured home must be compatible in design and appearance with residential structures in the vicinity and meet the following standards:
1. **Foundation.** A manufactured home must be built on a permanent foundation system approved by the Building Official.
  2. **Roof Material.** Roof material must consist of material customarily used for conventional dwelling units, such as tile, composition shingles, and wood shakes and shingles.
  3. **Siding Material.** Siding material must consist of exterior material customarily used for conventional dwelling units, such as stucco, wood, brick, stone or decorative concrete. Metal siding, if utilized, must be non-reflective and horizontally lapping.
  4. **Skirting.** Skirting must extend to the finished grade. Siding material utilized as skirting must be the same as the material used on the exterior wall surface of the manufactured home.

#### **155.304.090 – Mobile Vendors**

- A. Applicability.**
1. This subsection applies to the production, sale, and/or distribution of retail products from a vehicle, while operating on private property. These standards also apply to on-site incidental preparation by a mobile vendor immediately before and after retail activity occurs on a site.
  2. This subsection does not apply to hand carts or any retailer traveling from place to place by a non-vehicular type of conveyance, which are subject to the regulations under Municipal Code Chapter 118 (Peddlers and Solicitors).
  3. This subsection does not apply to mobile vendors operating on a street, which are regulated under Municipal Code Chapter 75 (Mobile Vendors Operating Upon a Street).
- B. Standards.** All mobile vendors must comply with the following standards:

1. **Obstructions.** A mobile vendor may not directly obstruct pedestrian or vehicular traffic, or block a driveway or alleyway.
2. **Schools.** A mobile vendor may not operate within 300 feet of any property on which a K-12 school is located, between the hours of 7:00 a.m. and 5:00 p.m. of any school day. This prohibition does not apply if the school provides the mobile vendor written authorization to park on school property.
3. **Waste.** While in operation, a mobile vendor must maintain a clearly designated waste receptacle in the immediate vicinity of the vehicle.
4. **Operation.** When not engaged in on-site incidental preparations or in operation, all mobile vendors, associated equipment, and waste receptacles must be removed from the site of operation.
5. **Compliance with Other Laws and Regulations.** Mobile vendors must obey all local, state, and federal laws.
6. **Business Improvement Districts.** Mobile vendors that operate, or intend to operate, within a business improvement district must pay associated fees.

**C. City Approvals.**

1. **Council Approval on City Property.** Permission for a mobile vendor to operate on City-owned property, excluding public rights-of-way, requires City Council approval. This requirement does not apply to mobile vendors operating under a special event permit.
2. **Business License.** Mobile vendors must acquire a City business license.
3. **Mobile Vendor Agreement.** Prior to receiving a business license, each mobile vendor must sign a statement that they have read, understand, and will comply with the City's mobile vendor requirements.
4. **Record of Approved Mobile Vendors.** The City will keep a list of approved mobile vendors.

**155.304.100 – Multi-Family Laundry Facilities**

All new construction of a multi-family residential use in any location must provide either private laundry facilities in each dwelling unit or a common laundry facility with at least one clothes washer and dryer for each six dwelling units. Common washers and dryers may be coin operated.

**155.304.110 – Outdoor Storage**

**A. Applicability.**

1. The outdoor storage requirements in this subsection apply to the storage of goods,

materials, machines, equipment, vehicles, or parts outside of a building for more than 72 hours.

2. These requirements apply only to lots occupied by a non-residential primary use or undeveloped lots in a non-residential zoning district.
3. These requirements do not apply to:
  - a. Fleet and service vehicles associated with an allowed land use when parked outdoors in a legally established parking area;
  - b. Vehicle inventory parked outdoors as part of an allowed vehicle sales and rental use; or
  - c. Temporary storage of construction materials reasonably required for construction work on the premises pursuant to a valid Building Permit.

**B. Nonconformities.** Uses nonconforming to this subsection must be brought into conformance when required by 155.424.030 (Nonconforming Site Features).

**C. Where Allowed.** Outdoor storage is allowed only in zoning districts identified in the allowed use tables in Article 2 (Zoning District Standards).

**D. Screening.**

1. Outdoor storage areas must be screened with a minimum 6-foot high solid fence or wall so as not to be visible from any:
  - a. Public street or highway; or
  - b. Residential zoning district or use.
2. Screening fences and walls may not exceed the maximum allowed height identified in Table 320-1 of 155.320 (Fences and Walls) and may not use prohibited fence materials identified in Table 320-2.

**E. Surfacing.**

1. Outdoor storage areas must be surfaced with an all-weather material (such as asphalt, concrete, or comparable surfacing material approved by the Director of Public Works) and graded to provide adequate stormwater drainage.
2. Outdoor storage areas may be surfaced with partially permeable materials if adequate drainage, erosion and dust control are provided. Unpaved outdoor storage areas are not subject to the parking lot landscaping requirements contained in 155.324.080 (Parking Lot Landscaping).
3. Outdoor storage of hazardous materials requires a roof or awning over the materials and either a dead-end sump to contain spills or containment in the form of berms, dikes, or curbs. All hazardous materials regulated by the California Department of Toxic Substances Control must be placed on a surface as deemed appropriate by the

permitting agency. In addition, the surface must conform to all applicable federal and State air and water quality standards.

- F. Shipping Containers.** Metal shipping containers (e.g., CONEX boxes) qualify as outdoor storage and are permitted only in the industrial zoning district. Shipping containers are subject to all of the outdoor storage standards provided in this subsection.

#### **155.304.120 – Recreational Vehicle Parks**

- A. General.** All RV parks must conform to Title 25, Chapter 5 of the California Code of Regulations, Division 13 of the California Health and Safety Code, and all other state laws and regulations that apply to RV parks.
- B. Length of Occupancy.** The maximum length of occupancy in an RV park is 180 days in any consecutive 365-day period.

#### **155.304.130 – Vacation Rental**

- A. Purpose.** This subsection establishes regulations to allow for short-term vacation rentals within residential zoning districts. These regulations are intended to:
1. Minimize adverse impacts that could result from vacation rental uses in residential neighborhoods;
  2. Ensure that vacation rentals do not significantly impact the supply of permanent housing available to Eureka residents;
  3. Provide opportunities for homeowners to generate supplemental income by renting individual rooms or entire residential units to visitors;
  4. Provide visitors with a range of lodging options to support the local tourism economy; and
  5. Ensure the City is able to collect transient occupancy taxes (TOT) and other taxes as required by City ordinances.
- B. Applicability.**
1. This subsection applies to dwelling units, or portions thereof, located in a residential zoning district that are rented to transient patrons for 30 consecutive days or less.
  2. This subsection does not apply to lodging uses in a residential unit in a mixed-use or other non-residential zoning district. All lodging uses outside of a residential zoning district are regulated as a commercial lodging use, regardless of whether the lodging use occupies or replaces an existing residential or commercial use.
- C. Types of Vacation Rentals.** This subsection allows for two types of vacation rentals:
1. **Proprietor On-Site.** The rental of an entire dwelling unit, or any portion of a dwelling

unit, with the proprietor in residence on the site for the duration of the rental. Includes bed and breakfast establishments where meals are provided.

2. **No Proprietor On-Site.** The rental of an entire dwelling unit, or any portion of a dwelling unit, when the proprietor is not a resident on-site during any portion of the duration of the rental.

3.

**D. Rental of Accessory Dwelling Units.**

1. An accessory dwelling unit that received a certificate of occupancy after January 1, 2020 may not be utilized as a vacation rental.

**E. Maximum Number Per Year.**

1. The number of vacation rentals with no proprietor on-site permitted/licensed each year may not exceed the annual limit set by the City Council. Alternatively, the total number of vacation rentals with no proprietor on-site permitted/licensed by the City may not exceed the total limit set by City Council.
2. Vacation rentals with a proprietor on-site are exempt from the annual limit for new vacation rentals.

**F. Permits Required.**

1. **Vacation Rental Permit.** A vacation rental permit is a ministerial approval by the Department to confirm that a proposed vacation rental complies with all applicable standards.
2. **Minor Use Permit.** See Table 204-1 in Section 155.204 (Residential Zoning Districts) for types of vacation rentals that require a Minor Use Permit.
3. **Home Occupation Permit.** Vacation rental operators may require a Home Occupation Permit. See 155.304.070 (Home Occupations).
4. **Business License.** Vacation rental operators must acquire and maintain a City business license.
5. **Vacation Rental Agreement.** Prior to receiving a business license, each vacation rental operator must sign a statement that they have read, understand, and will comply with the City's vacation rental requirements.

- G. City Taxes.** All vacation rental uses are subject to a Transient Occupancy Tax ("TOT") and any other mandated taxes. Each vacation rental owner, proprietor, and/or manager must comply with Municipal Code Section 35.070, which addresses the collection, record keeping, reporting and remittances of applicable TOT.

- H. Standards for all Vacation Rental Uses.** The following standards apply to vacation rental uses.

1. **Inspections.**
  - a. All vacation rental uses must be inspected to residential standards by the Building Department prior to approval.
  - b. If the dwelling unit was previously inspected by the Building Department within one year of the Vacation Rental application, the Building Official may waive the requirement for a new inspection.
2. **Parking.**
  - a. No on-site parking is required to utilize an existing residential use as a vacation rental use.
  - b. Except to allow conversion to an Accessory Dwelling Unit as provided by 155.316 (Accessory Dwelling Units), if on-site parking exists at the time the vacation rental use is established, that parking may not be removed while the vacation rental use remains in operation.
3. **Events.** Vacation rentals are limited to six events (e.g., wedding receptions, graduation parties) per year. Event attendance may not exceed the total occupant limit for the property as allowed by the Building Code and may not create a noise nuisance in violation of Municipal Code Section 94.02 (Loud Noises Unlawful). Vacation rental operators may further limit the number of events.
4. **Signs.** See 155.340.030.A.8 ( Vacation Rental).
5. **Maximum Number Per Lot.** The number of residential units and/or vacation rentals on a lot may not exceed the maximum allowed by the density established in Tables 204-2 and 204-3 in 155.204 (Residential Zoning Districts).
6. **Maximum Occupants.** The maximum number of occupants allowed in a vacation rental may not exceed two persons per bedroom plus an additional two persons (e.g. a two-bedroom unit may have six occupants). Children aged 12 and under are not counted toward the occupancy total.
7. **Emergency Contact.**
  - a. Each applicant for a vacation rental with no proprietor on-site must designate a local emergency contact person on the application form, including a 24-hour-emergency contact phone number.
  - b. The emergency contact person may be the property owner, property manager, or designee, and must live within 50 miles of the city limits.
  - c. The Department will provide the emergency contact information to all neighboring properties within 200 feet of the use and to the Eureka Police Department.

- d. The property owner must immediately notify the Department in writing of any changes to the designated emergency contact information.
- 8. **Fire Department Access.** Properties with gated entries must have a Fire Department approved device that allows emergency response vehicles and personnel to enter the property.
- I. **Enforcement.** A permit or approval for any vacation rental use may be revoked in accordance with 155.428 (Enforcement and Penalties) and as follows:
  - 1. The Director may revoke a permit for a vacation rental use upon finding one or more of the following:
    - a. The proprietor, property owner, or emergency contact has been negligent in responding to an emergency situation more than two times in a rolling twelve-month period.
    - b. More than two documented law enforcement violations related to the vacation rental have occurred in a rolling twelve-month period.
    - c. The vacation rental use has been chronically non-compliant with the requirements of this subsection.
    - d. The vacation rental owner has failed to pay required transient occupancy taxes despite warnings from the Finance Department.
    - e. The proprietor or property owner has failed to correct noted Building or Fire Code violations.
  - 2. Documented, significant violations may include copies of citations, written warnings, or other documentation maintained by law enforcement, Fire Department, Finance Department, or Building Department.

#### 155.304.140 – Tree Removal

- A. **Purpose.** This subsection establishes permit requirements to remove trees in residential zoning districts. Much of Eureka is forested with stands of redwoods and other trees that are a distinctive part of the City's history and character, and every effort should be made to preserve and protect these trees, while protecting the public's safety and supporting residential development. When trees pose a hazard or are located in areas of planned growth, they may need to be removed. These regulations are intended to:
  - 1. Protect and preserve trees that are important to the character of the City and its neighborhoods.
  - 2. Protect the public's safety by allowing hazardous tree removal.
  - 3. Allow for tree removal, or tree mass reduction, as necessary to allow for residential developments and supporting solar arrays.

**B. By-Right Tree Removals.**

1. The removal of a tree or trees not defined as a protected tree in 155.304.140.F do not require a Tree Permit or Conditional Use Permit.
2. The removal of any protected tree or trees defined in 155.304.140.F from within 15 feet of the footprint of a proposed structure, and within the boundary of the associated access road, provided the trees are identified on the project's site plan, is allowed by-right with a Zoning Clearance.

**C. Hazardous Trees.**

1. **Emergencies.** The removal or relocation of a protected tree or trees that would otherwise require a Tree Permit is exempt from the provisions of this subsection only in case of an emergency, where a member of a law enforcement agency, the Humboldt Bay Fire District, the Public Works Director, or the Director based on a report from an arborist or Registered Professional Forester (RPF), determines that a tree is hazardous and presents an immediate danger of collapse and poses an imminent threat to the public safety, or general welfare.
2. **Reduction of Tree Mass.** When recommended in a report prepared by an arborist or a RPF, a hazardous protected tree may have its mass reduced to protect property values and to address safety concerns and does not require a Tree Permit.

**D. Solar access.** When authorized as part of a Tree Permit and verified in a report prepared by an arborist or a RPF, a protected tree or trees that hinder direct sunlight for solar energy systems may have their mass reduced to provide solar access.

**E. Tree Permit Required.**

A Tree Permit is required to relocate, remove, cut down, top, or undertake any other act that causes the destruction of a protected tree identified in 155.304.140.F, except as provided in Division C (Hazardous Trees) and D (Solar Access) of this subsection. Hazardous trees or trees removed for solar access are not counted in the number of trees removed per Division G of this subsection.

**F. Protected Trees.** A protected tree includes any of the following:

1. A tree species listed in 155.304.140.F.2. with a 16-inch diameter, or a circumference of 50 inches, as measured four and one-half feet above the ground.
2. Protected tree species include:
  - a. Douglas fir (*Pseudotsuga menziesii*)
  - b. Redwood (*Sequoia sempervirens*)
  - c. White fir (*Abies concolor*)
  - d. Grand fir (*Abies grandis*)

- e. Red fir (*Abies magnifica*)
- f. Western white pine (*Pinus monticola*)
- g. Sugar pine (*Pinus lambertiana*)
- h. Bishop pine (*Pinus muricata*)
- i. Ponderosa pine (*Pinus ponderosa*)
- j. Jeffrey pine (*Pinus jeffreyi*)
- k. Sitka spruce (*Picea sitchensis*)
- l. Western hemlock (*Tsuga heterophylla*)
- m. Western red cedar (*Thuja plicata*)
- n. Incense cedar (*Calocedrus decurrens*)
- o. Port Orford cedar (*Chamaecyparis lawsonia*)

**G. Maximum Number Removed.** No more than five protected trees may be removed every ten years with the issuance of a Tree Permit except as allowed by Division C (Hazardous Trees) and D (Solar Access) of this subsection.

**H. Conditional Use Permit Required.** The removal of more than five protected tree species within a ten-year period is considered a timber harvest and requires Planning Commission approval of a Conditional Use Permit.

**I. Review Authority.**

1. **Tree Permits.** The Director reviews and takes action on Tree Permit applications.
2. **Conditional Use Permits.** The Planning Commission reviews and takes action on Conditional Use Permit Applications.

**J. Findings for Approval.** To approve a Tree Permit, the review authority must make all the following findings:

1. Approval of the Tree Permit will not be detrimental to the public health, safety or welfare, and approval of the Tree Permit is consistent with the General Plan, Zoning Code, and any applicable specific plan or area plan adopted by the City Council.
2. Measures have been incorporated, if necessary, into the project or permit to mitigate impacts to remaining trees or to replace the trees removed in compliance with this Division.
3. The removal of a healthy tree cannot be avoided by redesign of the site plan prior to construction or trimming, thinning, tree surgery, or other reasonable treatment, as determined by the Director.
4. Adequate provisions for drainage, erosion control, land stability, windscreen, and

buffers along any road and between neighbors have been made where these problems are anticipated as a result of the removal.

5. The tree(s) to be removed do not contain active nesting or roosting sites that have been identified through the review process or are otherwise known to the review authority as the nests of a listed bird species or bird species of special concern.

**K. Conditions of Approval.** Approval of a Tree Permit must include Conditions of Approval as necessary to ensure compliance with this Subsection and all other applicable provisions of the zoning code. Conditions of Approval may include, but are not limited to:

1. Requiring removal of invasive or noxious vegetation (e.g. English Ivy) from other trees on the applicant's property.
2. Allowing for the removal of non-native trees adjacent to natural areas if replaced with an appropriate native tree.
3. Requiring tree replacement(s) for any tree(s) removed through a Tree Permit.
4. Weekday hours of operation.

**L. Timing of Removal of Large-Stature Trees.** A tree with a height of 150 feet or more may require evaluation to determine if active nesting or roosting sites for listed bird species, or bird species of special concern are occurring within the subject tree(s) during the projected tree removal dates. If such active nesting or roosting activities are occurring during the projected tree removal dates, the review authority can deny the request or require further environmental review.

**M. Other Approvals.** An encroachment permit approved by the Public Works Department, and approval from CalFire or other State agencies may be required to remove any tree, including by-right, protected, hazardous, and/or solar access trees.

*This page is intentionally blank*

## Section 155.308 – GENERAL STANDARDS

---

### Subsections:

- 155.308.010 – Lot Standards
- 155.308.020 – Height Exceptions
- 155.308.030 – Setback Exceptions
- 155.308.040 – Vision Clearance Area
- 155.308.050 – Outdoor Lighting
- 155.308.060 – Screening for Residential Zoning Districts
- 155.308.070 – Solid Waste/Recyclable Material Storage

### 155.308.010 – Lot Standards

#### A. Minimum Lot Area.

1. All newly-created lots must comply with the minimum lot area requirements for the applicable zoning district in Article 2 (Zoning District Standards) unless otherwise allowed by the Zoning Code. Minimum lot area requirements do not apply to existing lots.
2. Minimum lot area requirements do not apply to individual condominiums or townhouse units, but instead apply to the creation of the entire site that is the location of the condominium or townhouse project.
3. A lot line adjustment may not:
  - a. Reduce the area of an existing lot to less than the minimum area for the applicable zoning district; or
  - b. further reduce the lot area for existing lots that do not comply with the minimum lot area for the applicable zoning district.

#### B. Lot Dimensions and Configuration.

1. Lots are not subject to minimum width and depth requirements.
2. To approve a lot line adjustment or subdivision, the Director (or Planning Commission for subdivisions creating five or more lots) must find that the resulting lots, excluding remainder parcels, are “buildable.” A buildable lot means a lot with a building site that can reasonably accommodate a structure in compliance with the minimum setbacks, lot coverage, and other development standards for the applicable zoning district.

**C. Street Frontage and Access.****1. Residential Lots.**

- a. Newly created lots in a residential zoning district must have frontage on and take direct access from a public street, an alley, or recorded access easement.
- b. If vehicle access is not possible due to the location of existing buildings or other physical site features, the lot must be served by a minimum four-foot wide dedicated pedestrian accessway. Such cases must receive approval from the Fire Marshall of Humboldt Bay Fire District.

2. **Commercial or Industrial Lots.** Commercial or industrial lots must either have public-street frontage or appropriate access provided by way of common/reciprocal easement (e.g., a vehicle access easement in a shopping center parking lot).

**155.308.020 – Height Exceptions**

- A. Additional Story – Mixed-Use Zoning Districts.** In all mixed-use zoning districts, up to 20 percent of the building footprint may contain one additional story with habitable space above the maximum permitted building height. In no case may the project exceed the maximum floor area ratio in the applicable zone.
- B. Projections Allowed By-Right.** The following building features may project above the maximum permitted building height in the applicable zoning district. These projections are permitted by-right, with no discretionary permit required.
  1. Non-habitable decorative features such as spires, steeples, belfries, cupolas, and domes.
  2. Parapets, fire escapes, catwalks, and open guard rails required by law.
  3. Skylight, chimneys, and vent stacks.
  4. Photovoltaic panels and wind energy systems.
  5. Rooftop equipment and enclosures.
  6. Elevator shafts and stair towers.
  7. Building-mounted wireless telecommunications facilities as allowed by Chapter 159 (Wireless Telecommunication Facilities).
  8. Amateur radio facilities and receive-only radio and television antennas.
  9. Flag poles.
  10. Other similar building features as determined by the Director.

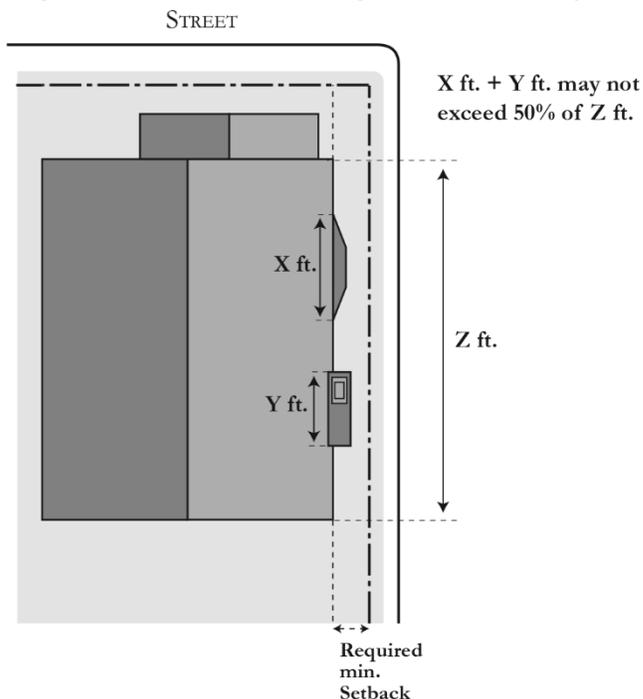
- C. Maximum Height.** A projection above the maximum permitted building height may not exceed the maximum height necessary to perform its intended function as determined by the Director.

### 155.308.030 – Setback Exceptions

#### A. Building Features.

1. In residential zoning districts, the following building features may project a maximum of three feet into required setbacks, but may not cross property lines without an easement or encroachment permit:
  - a. Cornices, awnings, eaves, and other similar roof projections.
  - b. Bay windows, balconies, sills, louvers, fireplaces, chimneys, and similar wall projections.
  - c. Unenclosed balconies, decks, porches, stairways, fire escapes, and other emergency egress structures (all unenclosed).
  - d. On demand water heaters, utility meters and/or connections, and other equipment normally associated with a structure.
2. In residential zoning districts, the total length of all building wall projections (excluding eaves and other roof projections) in required setback areas may not exceed 50 percent of the length of the wall to which the projection is attached. See Figure 308-1.

**Figure 308-1: Maximum Length of Setback Projection**



3. Projections may not extend across a property line except as allowed by Paragraph (4) of this division.
4. In non-residential zoning districts a building feature may extend across a property line into the public right-of-way with an encroachment permit.

**B. Site Features**

1. The following site features and accessory structures may be located within required setbacks:
  - a. At-grade flatwork such as concrete paving and patios.
  - b. Landing places, patios, steps, and decks 18 inches or less above grade.
  - c. Wheelchair ramps and similar features for the disabled.
  - d. Trellis structures and arbors up to 10 feet in height and at least 50 percent transparent.
  - e. Retaining walls, seating, planter boxes and other similar landscaping features up to four feet in height.
  - f. Decorative ornamental features up to six feet in height.
  - g. Children's play equipment, movable dog house, and similar moveable objects.
  - h. Movable sheds, greenhouses, and other similar buildings without a foundation, less than 120 square feet, and without electrical, water, or sewer connections.
  - i. Rain harvest tanks up to eight feet in height.
  - j. Ground-mounted mechanical and utility equipment up to 36 inches in height.
2. The following accessory structures must be set back a minimum of five feet from side and rear property lines, and may not be located within a front or exterior side setback:
  - a. Swimming pools, hot tubs, spas, fire pits, outdoor kitchens, and other similar entertainment features.
  - b. Emergency generators.
3. Fences and walls within required setbacks must comply with maximum height limitations in 155.320 (Fences and Walls).

**155.308.040 – Vision Clearance Area**

- A. General.** For the purpose of traffic safety, properties must provide vision clearance areas (also known as sight visibility triangles) at the intersections of streets, driveways, and alleys as required by this subsection and Municipal Code Section 71.55 (Height of Obstructions). These requirements apply only to fences, walls, landscaping, trees, signs, and other similar

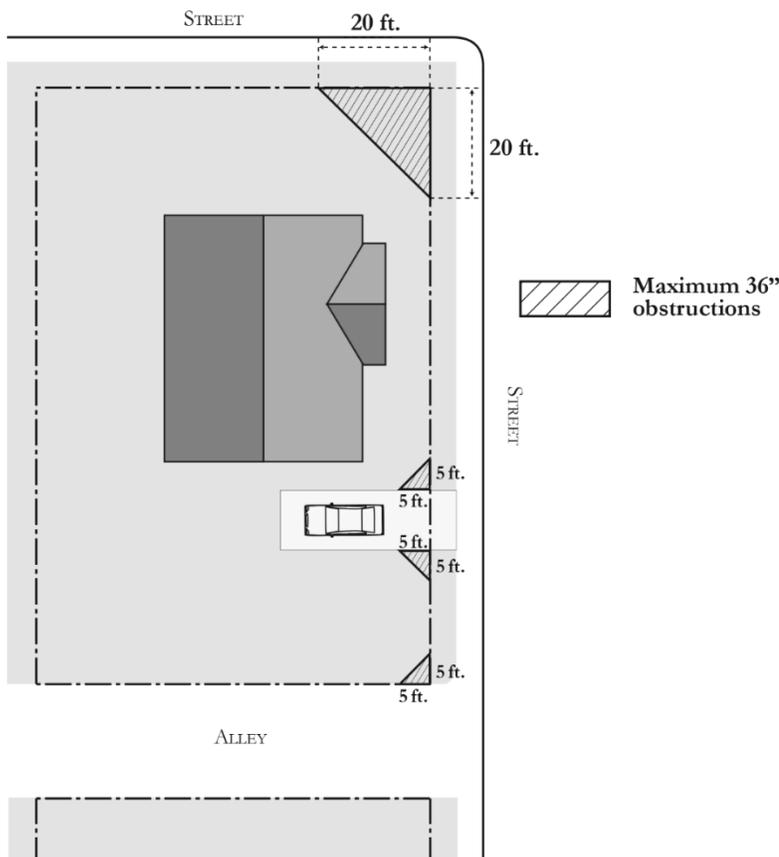
objects. These requirements do not apply to homes, garages, and other buildings that comply with the minimum setback standards of the applicable zoning district.

**B. Nonconformities.** Properties nonconforming to this subsection must be brought into conformance when required by 155.424.030 (Nonconforming Site Features).

**C. Vision Clearance Areas Defined.**

1. **Streets Intersections.** The intersection vision clearance area is the area formed by measuring 20 feet along the two intersecting corner lot lines from the point of intersection, and diagonally connecting the ends of the two lines. See Figure 308-2
2. **Driveways/Alleys.** The driveway/alley vision clearance area is the area formed by measuring five feet along the edge of the driveway/alley and the lot line from the point of intersection, and diagonally connecting the ends of the two lines. See Figure 308-2. Where no sidewalk is present, the lot line will be used.

**Figure 308-2: Vision Clearance Area**



- D. Maintenance of Sight Lines.** No fence, wall, landscaping, vehicle, or object over 36 inches in height may be placed within a vision clearance area, except as allowed by 155.308.040.G (Exceptions).
- E. Pruned Trees.** Trees pruned at least 10 feet above the established grade of the curb so as to provide clear view by motor vehicle drivers are permitted within a vision clearance area.
- F. One-Way Streets.** Vision clearance areas are required at the intersection of one or more one-way streets where sight visibility triangles are needed for traffic safety purposes, as determined by the Director.
- G. Exceptions.**
  - 1. The Director, in consultation with the Public Works Director and Chief of Police, may approve an Administrative Adjustment to allow an exception to the vision clearance area requirement.
  - 2. To approve the Administrative Adjustment, the Director must make the findings in 155.412.030.F (Findings for Approval) and find that compliance with the vision clearance area standard is unnecessary for traffic safety.

#### **155.308.050 – Outdoor Lighting**

- A. Purpose.** This subsection establishes standards for outdoor lighting to minimize light pollution, maintain enjoyment of the night sky, and reduce light impacts on adjacent properties.
- B. Applicability.** The standards in this subsection apply to all outdoor lighting in Eureka.
- C. Exceptions.**
  - 1. Lighting installed and maintained by the City, another public agency, or a public utility;
  - 2. Athletic field lights used within a school campus or public or private park;
  - 3. Temporary construction and emergency lighting;
  - 4. Seasonal lighting displays related to cultural or religious celebrations; and
  - 5. Low intensity string lights.
- D.** The Director may approve an Administrative Adjustment to allow deviations from the standards in this subsection. To approve the Administrative Adjustment, the Director must make the findings in 155.412.030.F (Findings for Approval) and find that the modification to the lighting standard is necessary for public safety or security purposes.
- E. Nonconformities.** Properties nonconforming to this subsection must be brought into conformance when required by 155.424.030 (Nonconforming Site Features). This standard does not apply to single-family uses or interior remodels with no exterior changes to the structure.

- F. Fixture Types.** All lighting fixtures must be shielded or recessed so the lighting source is not directed toward other structures, adjoining properties, or the public right-of-way. All fixtures must meet the International Dark Sky Association's (IDA) requirements for reducing waste of ambient light ("dark sky compliant") and the California Green Building Standards Code.
- G. Light Trespass.**
1. Lights must be directed downward and away from adjacent lots to minimize illumination of adjacent properties and the public right-of-way to the maximum extent possible.
  2. Direct or sky-reflected glare from floodlights may not be directed into an adjacent property or the public right-of-way.
  3. No lighting may produce an illumination level greater than one foot-candle on any adjacent residential property.
- H. Prohibited Lighting.** The following types of exterior lighting are prohibited:
1. Bare bulbs without fixtures or hoods;
  2. Mercury vapor lights; and
  3. Searchlights, laser lights, or any other lighting that flashes, blinks, alternates, or moves.
- I. Parking Lot Lighting.** See 155.324.060.I (Lighting).
- J. Residential Zoning Districts.**
1. Light fixtures in any residential zoning district may not exceed a height of 16 feet. Motion sensor lights directed downward and away from adjoining properties and the right-of-way, may exceed the 16-foot height limitation.
  2. Multi-family residential development with more than four units must provide lighting along all on-site vehicular access ways and pedestrian walkways.
  3. Lighting of at least one-foot candle must be provided within all covered and enclosed parking areas serving multi-family uses.

#### **155.308.060 – Screening for Residential Zoning Districts**

- A. Screening Requirement.** In the mixed use and industrial zoning districts, a solid wall or fence at least six feet high must be provided on all interior side and rear lot lines that abut a residential zoning district. Bushes, vines, and other vegetation may be incorporated into the design of required fences.
- B. Nonconformities.** Properties nonconforming to 155.308.060.A (Screening Requirement) must be brought into conformance when required by 155.424.030 (Nonconforming Site Features).

- C. **Parking Lot Screening.** See also 155.324.060.K (Screening) for parking lot screening standards.

**155.308.070 – Solid Waste/Recyclable Material Storage**

- A. **Purpose.** This subsection establishes standards for newly created solid waste and recyclable material collection and storage areas.
- B. **Applicability.** The standards in this subsection apply to all multi-family residential and non-residential uses.
- C. **Exceptions.**
1. Uses that do not store solid waste/recyclable materials outdoors.
  2. Structures with an existing site coverage of 100 percent.
- D. **Nonconformities.** Uses nonconforming to the standards in 155.308.070.E (Standards) must be brought into conformance when required by 155.424.030 (Nonconforming Site Features).
- E. **Standards.**
1. **Location.** Collection and storage areas may not be street-facing or located in a required parking space or landscape area.
  2. **Screening.** All outdoor collection and storage areas must be screened from view from any parking lot, street, or adjoining residential property by a fence or enclosure, compatible with adjacent architecture, with a minimum height of five feet for carts/cans, and seven feet for dumpsters.

## Section 155.312 – DESIGN STANDARDS

---

### Subsections:

- 155.312.010 – Purpose
- 155.312.020 – Applicability
- 155.312.030 – Exterior Materials
- 155.312.040 – Building Entries
- 155.312.050 – Architectural Features
- 155.312.060 – Blank Walls
- 155.312.070 – Garage Doors in Residential Zoning Districts

### 155.312.010 – Purpose

This section establishes design standards for new development in the residential and mixed-use zoning districts.

### 155.312.020 – Applicability

- A. **When Required.** This section applies to the following new development:
  - 1. **Residential Zoning Districts:** All new primary buildings in the R2 and R3 zoning districts and all new non-residential primary buildings in the R1 zoning district.
  - 2. **Mixed Use Zoning Districts:** All new primary buildings in the DT, DW, HC, WA, NC, and OR zoning districts.
- B. **Exempt Projects.** Projects exempt from this section include the following:
  - 1. Single-family homes, including accessory dwelling units and other structures accessory to a single-family home.
  - 2. Development in the Service Commercial (SC) and Hospital Medical (HM) zoning districts.
  - 3. Public infrastructure and public utility uses in any zoning district.
- C. **Street-Facing.** The standards in this section apply to all exterior street-facing portions of a building.
- D. **Equivalent Degree.**
  - 1. For buildings located on sites with multiple street frontages, such as buildings on corner or double frontage lots, each side of the building facing a street must feature:
    - a. An equivalent quality of materials; and
    - b. An equivalent degree and quality of detailing.

2. For example, on a corner lot, the quality and design detail of windows on the side of the building that faces the side street must be comparable to windows on the front building wall.

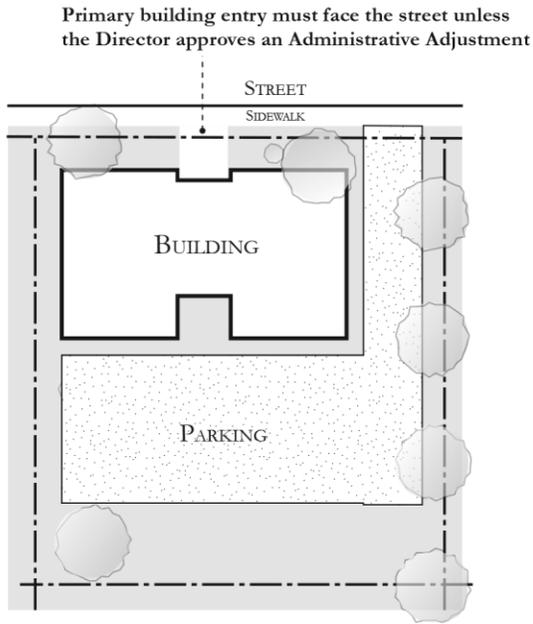
#### 155.312.030 – Exterior Materials

- A. **Materials Allowed.** All exterior materials used for additions and new construction of any primary building in the multi-family residential and mixed-use zoning districts, and non-residential primary buildings in the R1 zoning district, must allow for long-term durability and appearance. The use of uninterrupted plywood siding, unfaced particle board, OSB and/or vinyl as exterior siding material is prohibited.
- B. **Board and Batten.** Vertically-oriented board and batten must consist of separate boards and battens that are installed together onto the building wall. Pre-fabricated sheathing or siding that simulates the board and batten appearance is not allowed.
- C. **Stucco.** For all multi-family and non-residential buildings, stucco may be used for a maximum of 50 percent of the street-facing building wall. The calculation of the building wall area excludes windows, doors, and other building openings. This standard applies to all forms of exterior plaster, including stucco, concrete plaster, elastomer, and other related materials.

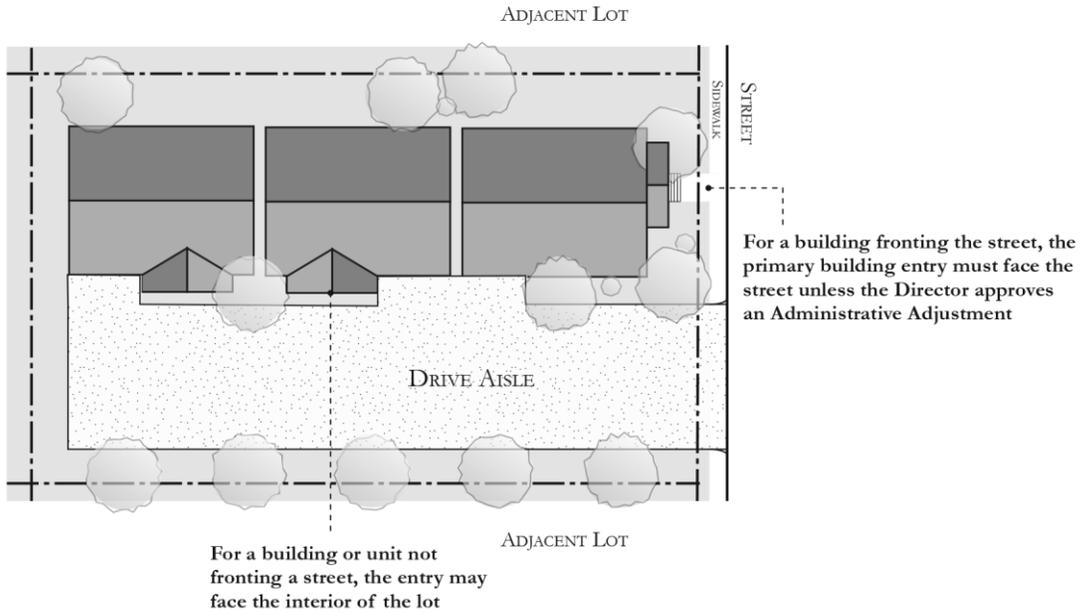
#### 155.312.040 – Building Entries

- A. **Buildings with One Primary Entry.** For buildings with one primary entrance that provides interior access to multiple individual dwelling units or non-residential tenant spaces, the primary building entrance must face the street. See Figure 312-1.
- B. **Multiple Independent Entries.** On lots where units/tenant spaces have independent entrances, all ground floor units/tenant spaces with street frontage must have an entrance that faces the street. If any wall of a ground floor units/tenant space faces the street, the units/tenant space must comply with this requirement. For units/tenant spaces that do not front the street, entrances may face the interior of the lot. See Figure 312-2.

**Figure 312-1: Building Entry Orientation – Single Primary Entry**



**Figure 312-2: Building Entry Orientation – Multiple Primary Entries**



**C. Entrance Design.**

1. **Residential Projects.** A street-facing primary entrance to residential buildings must feature a porch, covered entry, or recessed entry clearly visible from the street to give the entrance prominence. Entrances must be connected to the adjacent sidewalk with a pedestrian walkway. Recessed entries must feature design elements that call attention to the entrance such as ridged canopies, contrasting materials, crown molding, decorative trim, or a 45-degree cut away entry. This standard does not apply to secondary or service entrances.
2. **Non-Residential Projects.** Primary entrances to non-residential and mixed-use buildings must be emphasized and clearly recognizable from the street. Methods to achieve this result include:
  - a. Projecting non-fabric awnings or canopies above an entry (covered entry);
  - b. Taller building mass above an entry, such as a tower that protrudes from the rest of the building surface;
  - c. Special corner building treatments, such as a rounded or angled facets on the corner, or an embedded corner tower, above the entry;
  - d. Special architectural elements, such as columns, porticos, overhanging roofs, and ornamental light fixtures;
  - e. Projecting entries or projecting bays in the façade;
  - f. Recessed entries or recessed bays in the façade; and
  - g. Changes in roofline or articulation in the surface of the subject wall.

**D. Exceptions.**

1. Where a building or ground floor unit/tenant space has frontage on two streets (e.g. on a corner), only one of the two sides must have an entrance.
2. The Director may allow an exception to the building entry requirement in this subsection with an Administrative Adjustment.
3. To approve the Administrative Adjustment, the Director must make the findings in 155.412.030.F (Findings for Approval) and find that:
  - a. A street-facing entry is infeasible due to grading requirements;
  - b. The street-facing building wall incorporates architectural features and design details beyond the minimum requirements in 155.312.050 (Architectural Features); and
  - c. The exception allows for a clearly superior project to that which can be achieved while complying with the building entry requirement.

**155.312.050 – Architectural Features**

A. **Options for Architectural Features.** New buildings must incorporate at least two of the following architectural features on the street-facing portions of buildings (e.g. “Roof Form Variation” and “Horizontal Articulation” or “Projecting Bay Windows” and “Masonry Façade”). See 155.312.050.B (Rules for Measurement of Architectural Features) for rules to measure each type of architectural feature.

**1. Roof Form Variation.**

- a. At least 25 percent of the linear frontage of the building’s street-facing roof line incorporates at least one element of variable roof form that is different from the remainder of the street-facing roof form. See Figure 312-3. The following are examples of how to meet this requirement:
  - (i) Recessed or projecting gabled roof elements.
  - (ii) Roof dormers.
  - (iii) Changes in roof heights.
  - (iv) Changes in direction or pitch of roof slopes.
  - (v) Other similar methods.
- b. The rule to measure this architectural feature is provided in 155.312.050.B.1.

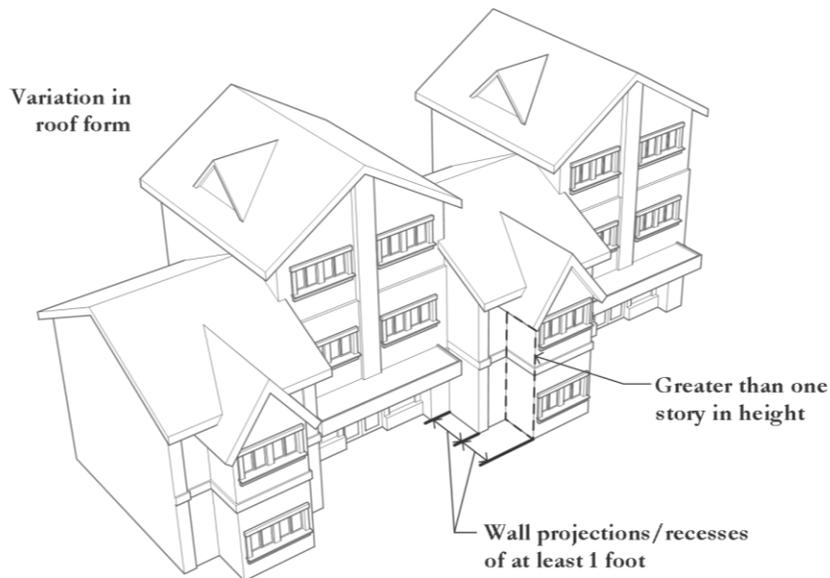
**2. Roof Detail and Ornamentation.**

- a. At least 80 percent of the linear frontage of the building’s street-facing roof line incorporates roof detail and/or ornamentation. The following are examples of how to meet this requirement:
  - (i) Parapet wall that is an average of at least one-foot tall and has a cornice.
  - (ii) Periodic and articulated corbelling or dentils.
  - (iii) An ornamental soffit.
  - (iv) A projecting roof eave with decorative fascia and eave returns.
  - (v) A projecting roof eave with exposed rafters.
  - (vi) An offset gable clearstory.
  - (vii) A half story in which the building features a habitable uppermost story lighted by dormer windows where a sloping roof replaces the upper part of the front wall.
  - (viii) Other similar methods.
- b. The rule to measure this Architectural Feature is provided in 155.312.050.B.1.

### 3. Horizontal Articulation.

- a. At least 25 percent of the linear frontage of the ground floor street-facing building wall has a projection or recess of at least one-foot deep. If located on a building with two or more stories, the articulated elements must be greater than one story in height. See Figure 312-3. Horizontal articulation may also include an articulated corner tower, angled facet, or other special articulated corner treatments.
- b. The rule to measure this Architectural Feature is provided in 155.312.050.B.1.

**Figure 312-3: Roof Form Variation and Horizontal Articulation**



### 4. Cantilevered Upper Story.

- a. For at least 25 percent of the linear frontage of the street-facing building wall, an upper story building wall projects at least two feet from the ground floor building wall.
  - b. Traditional designs must include decorative features such as knee braces. Contemporary, minimalistic designs do not require decorative features.
  - c. The rule to measure this Architectural Feature is provided in 155.312.050.B.1.
5. **Balconies.** At least 20 percent of the linear frontage of the street-facing building wall contains at least one-above-ground balcony. Each balcony must be either:
- (i) A traditional balcony that is at least four feet in depth; or
  - (ii) A Juliet balcony that is served by French doors and that includes metal or glass railings that allow unobstructed visibility.

- b. The rule to measure this Architectural Feature is provided in 155.312.050.B.1.

**6. Projecting Windows.**

- a. At least 25 percent of all windows on the street-facing building wall consist of projecting windows. The furthest extent of each projecting window must project at least one foot from the building wall. This requirement may be satisfied with bay windows, oriel windows, bow windows, canted windows, and other similar designs.
- b. The rule to measure this Architectural Feature is provided in 155.312.050.B.2.

**7. Window Trim.**

- a. At least 75 percent of all windows on the street-facing building wall feature trim that surrounds the entire window and meets one or more of the following criteria:
  - (i) Crown molding projects at least two inches from the building wall.
  - (ii) Trim material visually contrasts with the building wall.
  - (iii) Sill projects at least two inches from the building wall.
- b. Trim material must be constructed of materials such as wood, fiber cement board, brick, stone, stucco, concrete, or cellular PVC. Foam does not meet this requirement.
- c. The rule to measure this Architectural Feature is provided in 155.312.050.B.2.

**8. Recessed Windows.**

- a. At least 75 percent of all windows on the street-facing building wall are recessed at least four inches from the building wall.
- b. The rule to measure this Architectural Feature is provided in 155.312.050.B.2.

**9. Rigid Window Coverings.**

- a. At least 50 percent of all windows on the street-facing building wall have rigid window coverings, such as rigid awnings, shade devices, above-window cornices or crowns, projecting arches, or other window coverings of equivalent quality. Flexible materials such as fabric and vinyl do not satisfy this requirement.
- b. The rule to measure this Architectural Feature is provided in 155.312.050.B.2.

**10. Masonry Façade.**

- a. At least 40 percent of the street-facing building wall surface area is covered in masonry such as brick, stone, terrazzo, ceramic tile, or comparable material. Exposed cinder block does not satisfy this requirement.
- b. The rule to measure this Architectural Feature is provided in 155.312.050.B.3.

**11. Wood Façade.**

- a. At least 40 percent of the street-facing building wall surface area is covered in high-grade wood that is finished with a clear sealer or semi-transparent stain. Wood may not be painted or finished with an opaque stain. Faux wood products made from synthetic materials, including vinyl, cellular PVC, and fiber cement do not satisfy this requirement.
- b. The rule to measure this Architectural Feature is provided in 155.312.050.B.3.

**12. Glass Façade.**

- a. At least 40 percent of the street-facing building wall surface area is covered in glass, including window glass.
- b. The rule to measure this Architectural Feature is provided in 155.312.050.B.3.

**13. Cladding Materials Façade.**

- a. At least 40 percent of the street-facing building wall surface area is covered in, concrete tile, stone, ceramic, high-grade metal, or comparable material.
- b. The rule to measure this Architectural Feature is provided in 155.312.050.B.3.

**14. Living Wall.**

- a. At least 20 percent of the street-facing building wall surface area is covered in a directly integrated living wall or building integrated vegetation. Plans submitted for living walls and building integrated vegetation must include a long-term maintenance plan that includes documentable evidence of on-going maintenance and operation strategies to ensure the long-term viability of the wall. Living walls and building integrated vegetation must include an integrated water delivery system.
- b. The rule to measure this Architectural Feature is provided in 155.312.050.B.3.

**15. Combination of Materials Façade.**

- a. At least 40 percent of the street-facing building wall surface area is covered in a combination of two or more of the following materials: masonry, stone, high-grade wood, glass, metal/ceramic cladding, or living wall. Materials used to satisfy this requirement must comply with requirements in paragraphs 10-14 above (excluding wall area percentage requirements in these paragraphs).
- b. The Combination of Materials Façade option may not be double-counted with any of the other façade materials options (i.e. Masonry Façade, Glass Façade, Cladding Façade, or Living Wall) to satisfy the Architectural Features requirement. For example, a building wall that is 40 percent masonry and 10 percent wood siding can qualify for Combination of Materials Façade, but cannot simultaneously qualify for Masonry Façade. However, a wall that is 20 percent masonry, 20

percent living wall, and 40 percent glass may satisfy two Architectural Features requirements, with the masonry and living wall satisfying the Combination of Materials option and the glass satisfying the Glass Façade option.

- c. The rule to measure this Architectural Feature is provided in 155.312.050.B.3.

**B. Rules for Measurement of Architectural Features.** The architectural features in 155.312.050.A (Options for Architectural Features) are measured as follows:

**1. Percent of Linear Frontage.**

- a. Percent of linear frontage is used to measure Roof Form Variation, Roof Detail and Ornamentation, Horizontal Articulation, Cantilevered Upper Story, and Balconies.
- b. Percent of linear frontage is calculated by measuring the total horizontal length of the frontage of a building's street-facing wall relative to the total horizontal length of the Architectural Feature to be evaluated. For example, a three-story building with a street-facing wall that is 100 feet long has a total horizontal length of 100 feet. If that building has a cantilevered section on the second floor that has a 25-foot horizontal length, then the cantilevered section constitutes 25 percent of the street-facing wall's linear frontage (25 divided by 100). In this case, the building meets the criteria for Cantilevered Upper Story. Alternatively, if a two-story building with a 50-foot total horizontal length had two separate 20-foot long balconies on the second floor, then 80 percent of the street-facing wall's linear frontage contains balconies (40 divided by 50). In this case, the building exceeds the criteria for Balconies.

**2. Percent of All Windows.**

- a. Percent of all windows is used to measure Projecting Windows, Recessed or Protruding Windows, Window Trim, and Rigid Window Coverings.
- b. Percent of all windows is calculated by counting the total number of windows on the building's street-facing wall and then dividing that number into the Architectural Feature to be evaluated. For example, a building wall that contains 100 windows, 75 of which are recessed from the building wall, has 75 percent recessed windows. In this case, the building meets the criteria for Recessed Windows.

**3. Percent of Street-facing Building Wall Surface Area.**

- a. Percent of street-facing building wall surface area is used to measure Masonry Façade, Wood Façade, Living Wall, Glass Façade, Cladding Materials Façade, and Combination of Materials Façade.
- b. Percent of street-facing building wall surface area is the total area of the building's street-facing wall relative to the total surface area of the Architectural Feature to be evaluated. The building wall area measurement includes doors,

windows, and other openings within the wall area. For example, a building wall that is 100 feet long and 30 feet high has a total surface area of 300 square feet (including the wall's windows and doors). If that same wall includes a section of exposed brick that is 50 feet long and 30 feet high, then 50 percent of the total wall surface area has a masonry façade. The 50 percent calculation may include windows and doors inset into brick wall material. In this example, the building meets the criteria for Masonry Façade. A street-facing building wall that is at least 80 percent glass may double-qualify as satisfying two Architectural Features. No other materials (such as masonry, green wall, or cladding) may double-qualify as satisfying two Architectural Features.

#### **155.312.060 – Blank Walls**

- A. **Maximum Blank Wall Area.** The area of a blank building wall fronting a public street may not exceed a square area where the height and width are both 10 ft. See Figure 312-4.
- B. **Breaks in Blank Walls.**
1. A break in a blank building wall may be provided by any of the following:
    - a. Doors, windows, or other building openings.
    - b. Building projections or recesses, doorway and window trim, or other details that provide architectural articulation and design interest.
    - c. Varying wall planes where the wall plane projects or is recessed at least six inches.
    - d. Non-fabric awnings, canopies or arcades.
    - e. Substantial variations in building material. For example, adding brick or stone veneer to a stucco building or changing from vertically-oriented board and baton style siding to horizontally-oriented lap siding.
    - f. A living wall as defined in 155.312.050.
  2. The following do not qualify as a break in blank wall:
    - a. Variation in exterior building wall color.
    - b. Vegetation or landscaping.
    - c. Mechanical appurtenances such as water heaters, vents, or utility meters.
    - d. Gutters.

**Figure 312-4: Blank Walls**



**155.312.070 – Garage Doors in Residential Zoning Districts**

In residential zoning districts garage doors may occupy no more than 40 percent of a building's street frontage. See Figure 312-5.

**Figure 312-5: Maximum Garage Door Width**



*This page is intentionally blank*

## Section 155.316 – ACCESSORY DWELLING UNITS

---

### Subsections:

155.316.010 – Purpose

155.316.020 – Permits Required

155.316.030 – Where Allowed

155.316.040 - Number of Accessory Dwelling Units.

155.316.050 - Accessory Dwelling Units as Transient Lodging.

155.316.060 – Site and Design Standards

### 155.316.010 – Purpose

This section establishes standards for accessory dwelling units in conformance with Government Code Section 65852.2 and Junior Accessory Dwelling Units in conformance with Government Code Section 65852.22. These standards are intended to allow for accessory dwelling units as an important form of affordable housing, while preserving the character and integrity of Eureka's residential uses and neighborhoods.

### 155.316.020 – Permits Required

- A. **Zoning Clearance.** Accessory dwelling units consistent with the requirements of this section are allowed by-right with a Zoning Clearance.
- B. **Time Limit to Act.** The City shall complete its review of an accessory dwelling unit application requiring a Zoning Clearance and approve or deny the application within 60 days after receiving the application.

### 155.316.030 – Where Allowed

An accessory dwelling unit is permitted on any lot where single- or multi-family dwellings are a permitted use.

### 155.316.040 - Number of Accessory Dwelling Units.

#### A. Single Family Dwelling.

1. On a lot with an existing or proposed single-family dwelling, the following maximum number of accessory dwelling units are allowed:
  - a. One attached or detached accessory dwelling unit; and
  - b. One junior accessory dwelling unit pursuant to Government Code 65852.22.

#### B. Multi-family Dwelling.

1. On a lot with an existing multi-family dwelling, the following maximum number of dwelling units are allowed:
  - a. Not more than two detached accessory dwelling units; and
  - b. One or more accessory dwelling units, within a portion of the existing structure that is not used as habitable space. For example, existing garage, storage room, boiler room, passageway, attic, or basement areas that are not used as habitable space may be converted to an accessory dwelling unit.

**155.316.050 - Accessory Dwelling Units as Transient Lodging.**

An accessory dwelling unit or junior accessory dwelling unit in a residential or mixed-use zoning district may not be converted to, or utilized as, a short-term, transient, vacation rental or lodging if the accessory dwelling unit or junior accessory dwelling unit was granted a certificate of occupancy after January 1, 2020.

**155.316.060 – Site and Design Standards**

**A. General Standards.**

1. Accessory dwelling units are not included in density calculations, are considered residential uses, and may count as a dwelling unit for purposes of identifying adequate sites for housing.
2. Accessory dwelling units may be rented, but not sold, except as provided by California Government Code 65852.26.
3. Accessory dwelling units must comply with the state building standards for dwellings as determined by the Building Official.
4. The floor area of an accessory dwelling unit (either attached or detached) may not be less than the floor area required for an efficiency dwelling unit.

**B. Height, FAR, and Site Coverage.**

1. Accessory dwelling units are subject to the same height standards that apply to primary dwellings on the lot in the applicable zoning district.
2. Provided an accessory dwelling unit complies with the height and accessory dwelling unit setback standards for the zoning district in which it is located, FAR and site coverage standards do not apply to the accessory dwelling unit.

**C. Relationship to Residential Structures.**

1. An accessory dwelling unit may be within, attached to, or detached from a single- or multi-family residential structure.

2. An accessory dwelling unit or junior accessory dwelling unit must have kitchen and bathroom facilities that are separate from the primary dwelling, except as allowed by Paragraph (3) of this division.
3. A junior accessory dwelling unit may have an efficiency kitchen as defined in Government Code Section 65852.22 (a) (6). Bathroom facilities, but not the efficiency kitchen, may be shared with the primary dwelling.

**D. Maximum Unit Size.**

1. **Junior Accessory Dwelling Unit.** The floor area of a junior accessory dwelling unit may not exceed the maximum allowed by Government Code Section 65852.22.
2. **Accessory Dwelling Unit.**
  - a. **Existing accessory structure 1,050 square feet or less.** When an existing accessory structure with a floor area 1,050 square feet or less is converted to an accessory dwelling unit, the floor area may be increased up to a maximum of 1,200 square feet.
  - b. **Existing accessory structure greater than 1,050 square feet.** The physical dimensions of an existing accessory structure with a floor area greater than 1,050 square feet may be increased by not more than 150 square feet, but only for the purpose of providing ingress or egress.
  - c. **New construction.** The floor area of a new accessory dwelling unit (either attached or detached) may not exceed 1,200 square feet.

**E. Existing Home Designated as Accessory Unit.** If a lot contains an existing single-family home less than 1,200 square feet, the existing home may be designated as an accessory dwelling unit as part of a project to construct a new single-family home on the lot.

**F. Setbacks.**

1. **Residential Zones.** Accessory dwelling units are subject to setbacks as provided in 155.204 Table 204-2 and Table 204-3.
2. **Mixed Use Zones.** Accessory dwelling units are subject to the setbacks as provided in 155.208 Table 208-2.
3. **Second Floor or Conversion.** No additional setbacks are required for an existing structure that is converted to an accessory dwelling unit, or for an accessory dwelling unit constructed above an existing structure.

**G. Parking.**

1. On-site parking is not required for accessory dwelling units.
2. When an existing covered parking space is eliminated in conjunction with the creation of an accessory dwelling unit, replacement parking is not required for the eliminated parking space.

**H. Historic Review.**

New construction of an accessory dwelling unit, or exterior alterations or additions to add an accessory dwelling unit to an existing structure on a property listed on the Local Register of Historic Places shall comply with Eureka Municipal Code Chapter 157.

**I. Nonconformities.**

New construction, exterior alterations or additions for an accessory dwelling unit are not subject to the provisions required by 155.424 (Nonconformities).

## Section 155.320 – FENCES AND WALLS

---

### Subsections:

- 155.320.010 – Purpose and Applicability
- 155.320.020 – Required Permits and Approvals
- 155.320.030 – Measurement of Fence and Wall Height
- 155.320.040 – Maximum Height
- 155.320.050 – Materials
- 155.320.060 – Nonconforming Fences and Walls

### 155.320.010 – Purpose and Applicability

This section establishes standards for fences and walls in all zoning districts.

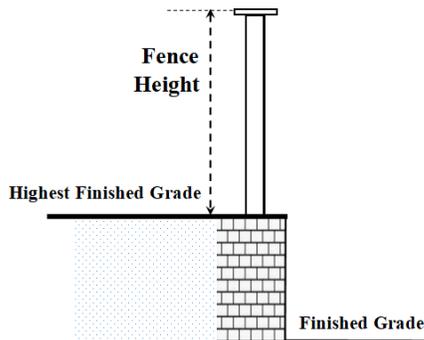
### 155.320.020 – Required Permits and Approvals

- A. **No Department Approval Required.** Fences and walls consistent with this section are permitted by-right without the need to obtain a Zoning Clearance or other Department approval, unless otherwise stated.
- B. **Building Permit.** Fences and walls may require a Building Permit as required by California Building Code.
- C. **Encroachment Permit.** Fences and walls in the public right-of-way require an Encroachment Permit approved by the Public Works Department.

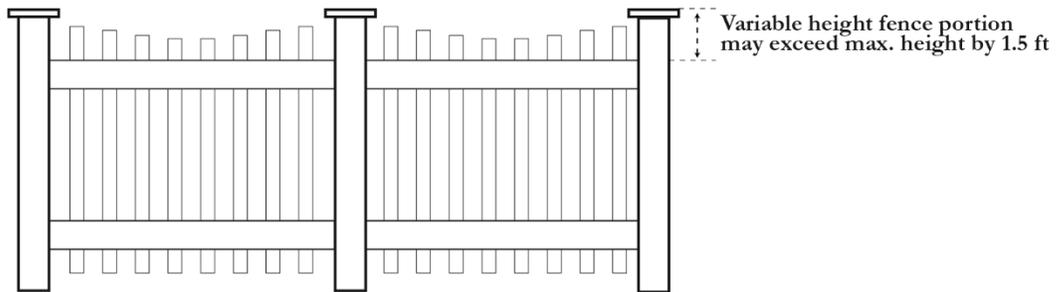
### 155.320.030 – Measurement of Fence and Wall Height

- A. **Measurement of Height.**
  - 1. The height of a fence or wall is measured as the vertical distance from the highest finished grade at the base of the fence or wall to the top edge of the fence or wall. See Figure 320-1.
  - 2. Fence or wall height includes any materials directly attached to the fence or wall.
- B. **Variable Height Fences.** If the height of a fence varies due to features integral to the overall fence design, variable height elements of the fence may exceed the allowed height by a maximum of one-foot six-inches. See Figure 320-2.

**Figure 320-1: Measurement of Fence Height**



**Figure 320-2: Variable Fence Height**



- C. **Fences on Walls.** If a fence is atop a wall, the fence height is measured from the base of the wall or the sidewalk, whichever results in a greater height, except as allowed by 155.320.030.D (Different Finished Grades).
- D. **Different Finished Grades.** If the adjacent finished grade is different on opposite sides of a fence or wall, the height is measured from the side with the highest finished grade to the highest point on the fence or wall.

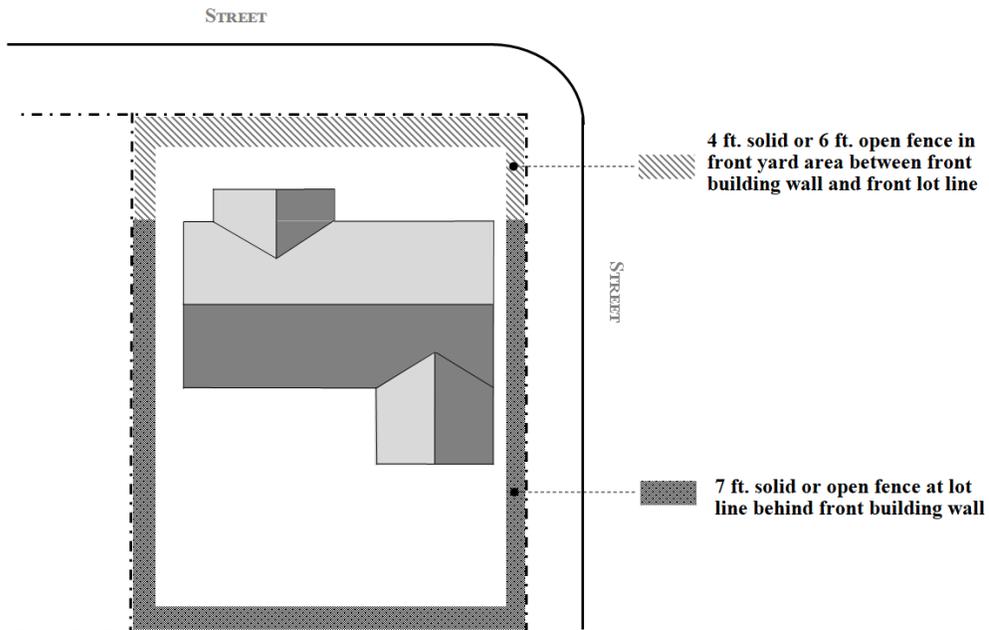
**155.320.040 – Maximum Height**

- A. **Maximum Height.** Fences and walls may not exceed the maximum height shown in Table 320-1 and Figure 320-3.

**Table 320-1: Allowed Fence Height**

	Maximum Height [1]	
	Solid Fence	Open Fence [2]
Residential Zones		
Front yard area between front building wall and front lot line	4 ft [3]	6 ft.
All other areas on lot	7 ft.	7 ft.
Mixed Use Zones - Any location on lot	8 ft. [4]	8 ft.
Industrial, Public Facilities, and Resource Related Zones - Any location on lot	12 ft.	12 ft.
<p><b>Notes:</b>                      [1] Fences exceeding 7 feet require a Building Permit and engineered plans.                      [2] Open fences must utilize decorative masonry, ornamental steel or wrought iron, brick, stone, or wood, and be at least 70 percent open to the passage of light and air. Chain link and other woven wire fence materials are not allowed within minimum required front and street side setbacks in the residential zoning districts and are not allowed between a building and the street in the mixed-use zoning districts.                      [3] See 155.308.040 (Vision Clearance Area) for height limitations at street intersections and when adjacent to driveways and alleys.                      [4] Solid fences are not allowed between a building and the street in the mixed-use zoning districts.</p>		

**Figure 320-3: Allowed Fence Height – Residential Zoning Districts**



**B. Vision Clearance Area.** Walls and fences shall comply with the vision clearance area requirements in 155.308.040 (Vision Clearance Area).

**155.320.050 – Materials**

Table 320-2 identifies prohibited fence materials.

**Table 320-2: Prohibited Fence Material**

Fence Material	Where Prohibited
Barbed wire	All zoning districts except for industrial and resource-related zoning districts
Razor or concertina wire	All zoning districts, except when protecting critical infrastructure as determined by the Public Works Director
Electrified fence	All zoning districts except for resource-related zoning districts
Chain link and other woven wire fencing	Within minimum required front and street side setbacks in the residential and between a building and the street in mixed-use zoning districts
Nails, broken glass, or other similar hazardous objects on the top of fence or wall	All zoning districts

**155.320.060 – Nonconforming Fences and Walls**

Existing fences and walls that do not comply with this section may remain and may be repaired and modified in accordance with 155.424.030.E (Repairs and Modifications).

## Section 155.324 – PARKING

---

### Sections:

- 155.324.010 – Purpose
- 155.324.020 – Applicability
- 155.324.030 – Number of On-Site Parking Spaces Required
- 155.324.040 – Reductions and Alternatives to Automobile Parking
- 155.324.050 – General Requirements
- 155.324.060 – Parking Design and Development Standards
- 155.324.070 – Bicycle Parking
- 155.324.080 – Parking Lot Landscaping

### **155.324.010 – Purpose**

This section establishes on-site parking requirements to:

- A. Provide on-site parking spaces for existing and new land uses in a manner that promotes infill development, supports a pedestrian-friendly environment, and maintains Eureka’s unique sense of place;
- B. Provide for functional on-site parking areas that are safe for vehicles and pedestrians;
- C. Ensure that parking areas are well-designed and contribute to a high-quality design environment in Eureka;
- D. Maintain a sufficient supply of parking on an area-wide basis, with less concern for the number of parking spaces provided on each individual lot or land use;
- E. Allow for flexibility in on-site parking requirements to support a multi-modal transportation system and sustainable development pattern;
- F. Encourage the construction of new housing and conversion of existing underutilized commercial properties to residential use;
- G. Support and encourage low carbon emission vehicles, bicycle transportation, car-sharing, and other new and innovative transportation options;
- H. Support a vibrant and dynamic local economy with flexible parking requirements;
- I. Ensure that on-site parking areas do not adversely impact land uses on neighboring properties; and
- J. Support a pedestrian-friendly streetscape design, walkable neighborhoods, and active and inviting mixed-use districts.

**155.324.020 – Applicability**

- A. **Parking Required.** On-site parking must be provided as required by this section except when:
1. Exempted by this subsection; or
  2. Reduced by 155.324.040 (Reductions and Alternatives to Automobile Parking).
- B. **Residential Use Exemptions.** The following residential uses are exempt from on-site parking requirements:
1. Accessory dwelling units.
  2. New residential units 500 square feet or less, regardless of the size of the overall structure.
  3. New residential units that are deed restricted to households earning 50 percent or less of the Humboldt County area median income.
  4. New construction or conversion of existing non-residential space to create eight or fewer residential units in the Downtown (DT), Downtown West (DW), and Hinge Industrial (HN) zoning districts. Where nine or more new units are created, parking must be provided only for the units in excess of eight. This parking exemption applies to exempt units in perpetuity regardless of future development on the site.
  5. New construction or conversion of existing non-residential space to create four or fewer residential units in a mixed-use project in the Henderson Center (HC), Neighborhood Commercial (NC), Wabash Avenue (WA), Office Residential (OR), Hospital Medical (HM), and Service Commercial (SC) zoning districts.
  6. Division of an existing residential unit to create one or more additional residential units.
  7. Conversion of existing covered parking to create one or more additional residential units. When a covered parking space is eliminated to create an additional residential unit, replacement parking is not required for the eliminated parking space.
- C. **Non-Residential Use Exemptions.** The following non-residential uses are exempt from on-site parking requirements:
1. New construction of a building less than 1,000 square feet.
  2. New construction on lots less than 4,000 square feet.
  3. Existing non-residential buildings enlarged by less than 1,000 square feet.
  4. All new construction in the Downtown (DT), Downtown West (DW), Henderson Center (HC), and Hinge Industrial (HN) zoning districts and in the Neighborhood Market (NMO) overlay zone.

5. All new construction within the Parking Assessment District. See Figure 508-4 in 155.508 (Glossary) for Parking Assessment District boundaries.
  6. In all zoning districts, a change from an existing non-residential use to a different non-residential use within an existing building.
- D. **Enlargements.** Where parking is required for an enlarged building, additional parking is required only to serve the enlarged area. Additional parking is not required to remedy parking deficiencies existing prior to the enlargement.

**155.324.030 – Number of On-Site Parking Spaces Required**

- A. **Vehicle Spaces Required.** On-site parking for motor vehicles must be provided in the quantities specified in Table 324-1, except as otherwise provided in this section.

**Table 324-1: Required Vehicle Parking Spaces**

Land Use	Number of Required Parking Spaces
<b>Residential</b>	
All residential uses except those listed below [1]	1 per unit
Accessory Dwelling Unit	None required
Farmworker Housing	0.25 per bed
Medical Care Housing	0.5 per bedroom
Micro/Shared Housing	0.25 per bedroom
Non-Medical Care Housing	0.25 per bedroom
<b>Commercial and Office</b>	
All commercial uses except those listed below [1]	1 per 500 sq. ft.
Day Care Facility	None
Family Day Care Home	None beyond that required for residential use
Kennel-Animal Boarding	1 per 2,000 sq. ft.
Commercial Lodging	0.75 per room
Vacation Rental	None beyond that existing for residential use
Hospitals	None
Outdoor Commercial Recreation	For sites less than 1 acre, 1 per 5,000 sq. ft. of outdoor space available to customers; for sites over one acre, 1 per 15,000 sq. ft. of outdoor space available to customers
Parking Lots and Structures	None required
Vehicle Repair, Towing, and Impound	1 space per 1,000 sq. ft. of non-service bay floor area plus 2 spaces per service bay
<b>Industrial and Storage</b>	
All industrial and storage uses except those listed below [1]	1 per 2,000 sq. ft.
Manufacturing, Artisan	1 per 1,000 sq. ft.
Mini-Storage	1 per 4,000 sq. ft.
<b>Civic and Recreation</b>	
All civic and recreation uses except those listed below [1]	1 per 500 sq. ft.
Elementary and Middle School	1.25 per classroom plus 1 per 500 square feet

Land Use	Number of Required Parking Spaces
	of administrative office space
High School	5 per classroom
Colleges and Trade Schools	1 per every 4 fixed seats or 1 per 200 sq. ft. of assembly or classroom area, whichever is less
Emergency Shelter	As determined by the Director based on the demonstrated need for on-site parking
Parks and Playgrounds	None required
Non-Commercial Places of Assembly	1 per 300 sq. ft.
<b>Infrastructure and Utilities</b>	
Airport	As determined by parking demand study approved by the Director
Freight Terminals and Transfer	1 per 2,500 sq. ft.
Public Agency Corporation Yard	1 per 2,500 sq. ft.
Public Utility	None required
Recycling Collection Facility	1 per 750 sq. ft.
Recycling Processing Facility	1 per 1,000 sq. ft.
<u>Notes:</u>	
[1] See 155.504 (Land Use Classifications) for specific land uses included in category.	

- B. **Required Electric Vehicle Spaces.** See 155.324.050.C (Electric Vehicle Charging).
- C. **Required Bicycle Parking Spaces.** See 155.324.070 (Bicycle Parking).
- D. **Calculation of Required Spaces.**
1. **Floor Area.** Where a parking requirement is a ratio of parking spaces to floor area, the floor area is assumed to be gross floor area, unless otherwise stated. The floor area of a use is calculated as described in 155.112.050 (Floor Area and Floor Area Ratio).
  2. **Employees.** Where a parking requirement is stated as a ratio of parking spaces to employees, the number of employees is based on the largest shift that occurs in a typical week.
  3. **Seats.** Where a parking requirement is stated as a ratio of parking spaces to seats, each 24 inches of bench-type seating is counted as one seat.
- E. **Unlisted Uses.** The parking requirement for land uses not listed in Table 324-1 is determined by the Director based on the requirement for the most comparable similar use, the particular characteristics of the proposed use, and any other relevant data regarding parking demand.
- F. **Sites with Multiple Uses.** Where more than one land use is conducted on a site, the minimum number of required on-site parking spaces is the sum of the number of parking spaces required for each individual use unless on-site shared parking is allowed in accordance with 155.324.040.C.10 (On-site Shared Parking).

#### 155.324.040 – Reductions and Alternatives to Automobile Parking

**A. General.**

1. This subsection identifies allowed reductions and alternatives to on-site automobile parking spaces required by 155.324.030 (Number of On-Site Parking Spaces Required).
2. These reductions are allowed either by-right or require approval of an Administrative Adjustment. If the reduction is requested as part of a project subject to discretionary approval, the request is considered by the review authority as part of the overall project.

**B. Calculation of Parking Reductions.**

1. Available reductions apply only to non-exempt parking spaces as specified in 155.324.020 (Applicability).
2. Available reductions are additive (i.e., multiple reductions may be combined for a single project). Each allowed reduction is calculated using the number of parking spaces required before any other reduction is applied. For example, parking for a development requiring 20 parking spaces that qualifies for a 10 percent transit proximity reduction (155.324.040.C.1) and a 25 percent low demand reduction (155.324.040.C.12) would be reduced by 35 percent (seven spaces).

**C. Available Reductions.** The following allow for the reduction of required on-site parking spaces:

1. **Transit Proximity.** For projects in proximity to a public transit bus stop where the average interval of time between buses is 90 minutes or less (90-minute headways) during weekday daytime hours, required on-site parking may be reduced as shown in Table 324-2. Public transit bus stops exclude school bus stops.

**Table 324-2: Transit Proximity Parking Reduction**

Proximity to Bus Stop	Allowed Parking Reduction
600 feet	30 percent
900 feet	20 percent
1,200 feet	10 percent

**2. Bus Pass.**

- a. On-site parking is not required for a multi-family rental unit within 900 feet of a public transit stop if the lease agreement includes a complementary bus pass for use by the resident, paid for by the property owner during the entire duration of the rental.
- b. The Department will authorize this reduction only after the property owner or the property owner’s authorized representative has submitted to the Department a

signed agreement in a form approved by the City Attorney guaranteeing that the complementary bus pass will be provided as required for the parking reductions.

3. **Bicycle Facility Proximity.** Required on-site parking may be reduced by up to 30 percent for projects located within 300 feet of an existing designated Class I or Class II bicycle facility as shown in General Plan Figure M-2.
4. **Carpool Spaces.** For non-residential uses, two automobile parking spaces may be exchanged for one carpool parking space. The carpool parking space must be designated as such with signage and/or space markings.
5. **Electric Vehicle Charging Stations.** Two required parking spaces may be exchanged for one space served by an electric vehicle charging station. To receive reduction, electric vehicle charging stations must be in excess of the minimum number of charging stations required by 155.324.050.C (Electric Vehicle Charging)
6. **Loss of On-Street Parking.** If providing new on-site parking requires a new curb cut through an existing sidewalk and thereby eliminates an on-street parking space, the on-site parking is required only if the new on-site parking provides at least two more spaces than the number of lost on-street spaces. For example, if a new parking lot eliminates one on-street parallel parking space, new off-street parking is required only if it contains at least three spaces.
7. **Required Disabled and Electric Vehicle Spaces.** Replacement parking spaces are not required if retrofitting a required accessible parking space or installing a required electric vehicle charging station eliminates one or more required parking spaces (e.g., to accommodate accessible loading area).
8. **Bicycle and Motorcycle Spaces.**
  - a. Bicycle or motorcycle parking may replace up to two required automobile spaces or 10 percent of the required number of on-site automobile parking spaces, whichever is less.
  - b. Each automobile parking space must be replaced by space for at least 6 bicycles or 4 motorcycles. Bicycle parking spaces must comply with development standards in 155.324.070 (Bicycle Parking).
  - c. Bicycle spaces replacing an automobile space must be in addition to the minimum bicycle parking spaces required by 155.324.070 (Bicycle Parking).
9. **In-Lieu Fees.** Parking requirements may be satisfied through the payment of in-lieu fees consistent with any in-lieu parking fee program established by the City Council.
10. **On-site Shared Parking.**
  - a. Shared parking is the practice of allowing land uses with different peak and off-peak parking demand schedules to share required on-site parking spaces.

- b. Shared parking is allowed with an Administrative Adjustment for uses on a single lot, on adjacent lots, and on lots within 100 feet of one another.
- c. An applicant requesting shared parking must submit a parking demand study justifying the shared parking. The study must be prepared by a qualified transportation planning consultant or consist of materials that provide satisfactory evidence as determined by the Director.
- d. The total number of parking spaces in a shared parking arrangement must be equal to or greater than the number of spaces ordinarily required for any one of the participating uses.
- e. To approve an Administrative Adjustment for shared parking, the Director must make the findings in 155.412.030.F (Findings for Approval).
- f. The Director may require that additional documents, covenants, deed restrictions or other agreements are executed to ensure that:
  - (1) The required parking spaces are maintained for the duration of the uses served; and
  - (2) Uses with similar hours and parking requirements as those uses sharing the parking remain for the life of the building.

**11. Off-site Parking.**

- a. Required parking may be provided off-site on a non-adjoining lot with an Administrative Adjustment if the parking is located no more than 300 feet from the lot serving the use. Required parking may be provided on an adjoining lot by-right.
- b. To approve an Administrative Adjustment for off-site parking at a non-adjoining lot, the Director must make the findings in 155.412.030.F (Findings for Approval) and find that the off-site parking is located and designed in a manner that will conveniently meet the parking needs of the use that it serves.
- c. Prior to establishing the off-site parking, a covenant record (“parking indenture”), approved by the City, must be filed with the County Recorder guaranteeing that off-site parking will be maintained exclusively for the use served for the duration of the use.

**12. Low Demand.**

- a. The number of required parking spaces may be reduced by up to 25 percent with an Administrative Adjustment for uses with unique operating characteristics that result in a lower parking demand than otherwise would be required.
- b. An applicant requesting reduced parking for a low demand use must submit evidence to the satisfaction of the Director that the use requires fewer parking

spaces than otherwise required by 155.324.030 (Number of On-site Parking Spaces Required). Acceptable evidence may include parking surveys, sales receipts, and examples of comparable uses in Eureka or similar communities.

- c. To approve the Administrative Adjustment, the Director must make the findings in 155.412.030.F (Findings for Approval) and the following additional findings:
  - (i) Evidence submitted by the applicant demonstrates that the use requires fewer parking spaces required by 155.324.030 (Number of On-Site Parking Spaces Required) for the use; and
  - (ii) The use will provide a sufficient amount of on-site parking to accommodate its expected parking demand.

**13. Low Impact Development.**

- a. Required parking spaces may be reduced by up to 15 percent, not to exceed four spaces, with an Administrative Adjustment in cases where the parking requirement conflicts with the City's storm water system (MS4) permit requirements.
- b. To approve the Administrative Adjustment, the Director must make the findings in 155.412.030.F (Findings for Approval) and find that providing all of the on-site parking while complying with the City's storm water system (MS4) permit requirements is not possible due to physical site constraints.

**14. Infill Incentive Permit Reductions.** Required parking spaces may also be reduced through an Infill Incentive Permit. See Table 412-1 in 155.412.060 (Infill Incentive Permits)

**155.324.050 – General Requirements**

**A. Availability and Use of Spaces.**

- 1. Required parking spaces for multi-family and non-residential uses must be permanently available and maintained to provide parking for the use they are intended to serve.
- 2. Required parking spaces for single-family homes may not be removed unless specifically allowed by the Zoning Code. Immovable equipment, such as water heaters and washer/dryers, may not be located within a required parking space.
- 3. Required parking spaces must be used exclusively for the temporary parking of vehicles and not for the sale, lease, display, advertising, or storage of vehicles, trailers, boats, campers, mobile homes, merchandise, or equipment, or for any other use not authorized by the Zoning Code, except as allowed by Paragraph (4) of this division.
- 4. One vehicle or trailer owned by the lessee, owner, or renter of a property may be

displayed within a required parking area for the purpose of sale for a maximum of 30 days.

5. Repair work or servicing of motor vehicles is not allowed in an uncovered on-site parking facility, except for minor work commonly performed on operating vehicles that are associated with a residential use.

**B. Parking Location.**

1. **On-Site Parking.** Required parking must be located on the same lot or site as the use which it serves, or on an adjoining lot, except as allowed by 155.324.040.C.11 (Off-site Parking).
2. **Vehicles Contained on Lot.** Parked vehicles may not encroach onto or over a sidewalk or public right-of-way.

**C. Electric Vehicle Charging.**

1. **Number of Charging Stations.** The number of required parking spaces with an electric vehicle charging station is as follows:
  - a. 25-49 parking spaces: 1 charging station.
  - b. 50-100 parking spaces: 2 charging stations, plus one for each additional 50 parking spaces.
  - c. Two required parking spaces may be exchanged for one space served by an electric vehicle charging station as allowed by 155.324.040.C.5 (Electric Vehicle Charging Stations).
2. **Charging Stations Required.** Electric vehicle charging stations must be provided:
  - a. For new structures or uses required to provide at least 25 parking spaces before any allowed reductions; and
  - b. For lots with 50 or more existing parking spaces, when a project increases the required number of parking spaces by 10 percent or more.
3. **Signage.** Signage must designate spaces with required electric vehicle charging stations as available only for electronic vehicle parking. Signage is required only for electric vehicle changing stations required by this division.

- D. Large Vehicle Parking.** Recreational vehicles, boats, and other large vehicles may not be parked within a required front or exterior side setback in a residential zoning district.

**155.324.060 – Parking Design and Development Standards**

**A. Parking Access.**

1. **Alley Access.** The following alley access requirements apply to all uses except for

detached single-family homes:

- a. For interior lots served by an alley, access to parking must be from the alley unless the Director approves an Administrative Adjustment to allow parking access from the street.
- b. To approve an Administrative Adjustment to access parking from a street, the Director must make the findings in 155.412.030.F (Findings for Approval) and find that access from a street is necessary due to traffic, circulation, or safety concerns.
- c. For corner lots served by an alley, parking may be accessed from a side street without an Administrative Adjustment.

2. **Number of Driveways.**

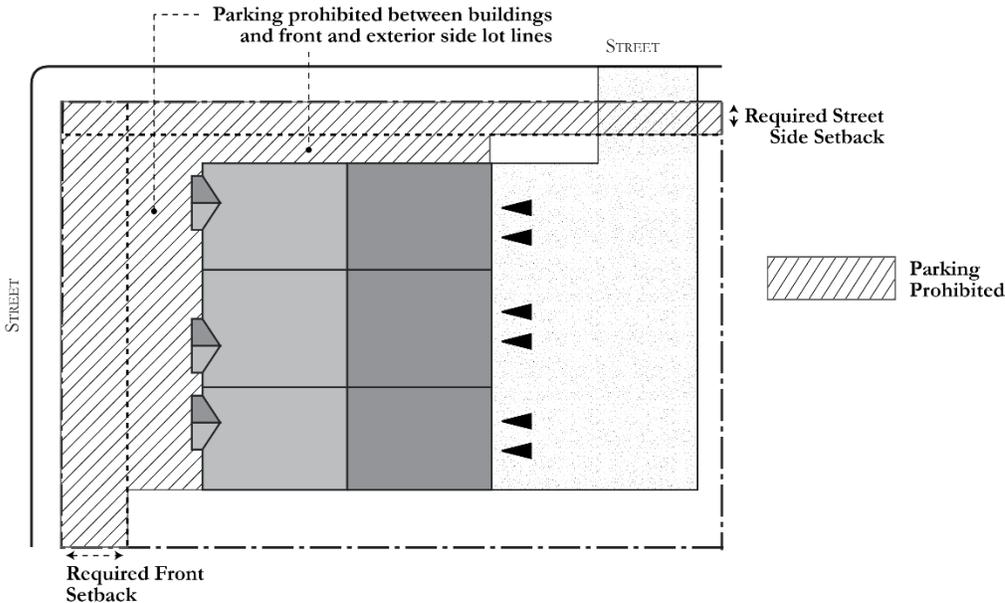
- a. For residential uses in residential zoning districts, no more than one driveway may serve lots less than 100 feet wide and no more than two driveways may serve lots 100 feet wide or more. On corner lots, this rule applies separately to each of the two street-facing sides.
- b. For non-residential uses in residential zoning districts and in all other zoning districts, the maximum number of driveways will be the minimum number necessary to serve the intended use. The Director, in consultation with the Director of Public Works, will determine the permitted number of driveways based on the needs of the intended use and traffic, circulation, and safety concerns.

3. **Driveway Drop Curb Width.** Minimum and maximum allowed driveway drop curb widths shall be as required by the Director of Public Works.
4. **Separation of Driveways.** Separation between driveways will be the minimum distance required by the Director of Public Works.
5. **Shared Driveways.** Parking facilities on adjoining lots may share access points and driveways provided reciprocal access easements are recorded for all properties.
6. **Distance from Street Corner.** New driveways must be located the minimum distance from street corners required by the Director of Public Works.

B. **Parking Placement on Site.**

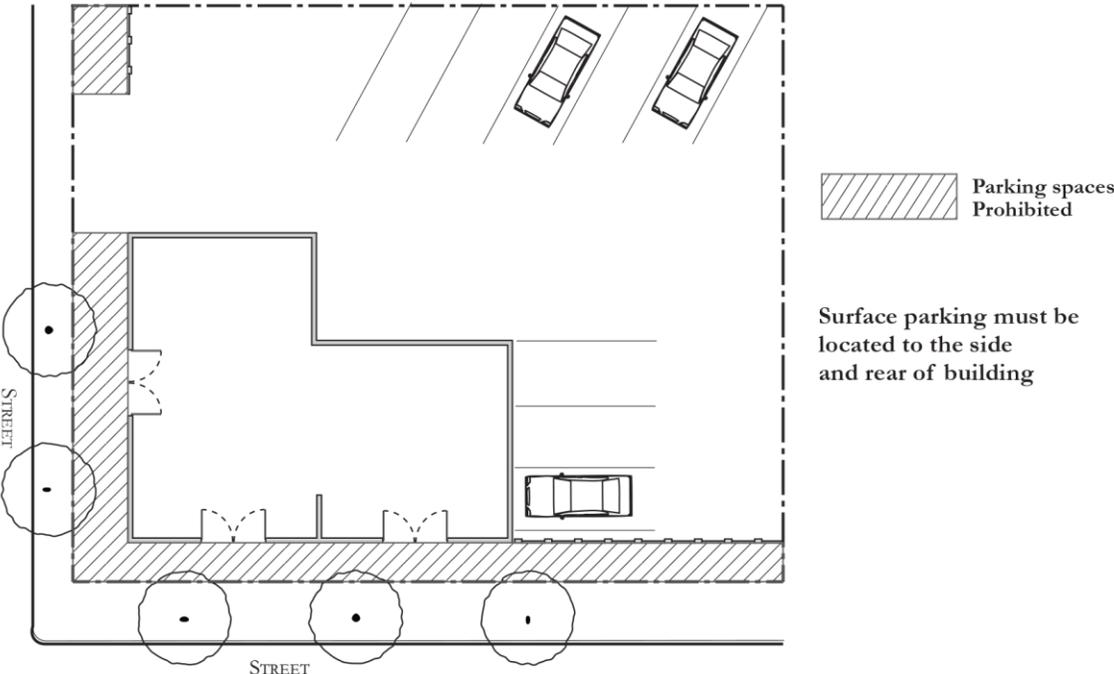
1. **Applicability.** The parking placement requirements in this division apply only to new development and the parking areas that serve them.
2. **Multi-Family Dwellings.** Surface parking spaces for a multi-family dwelling may not be located between a primary building and a front or exterior side property line. See Figure 324-2.

Figure 324-2: Multi-Family Residential Parking Location



- 3. **DT, DW, NC, HC, OR Zoning Districts.**
  - a. Surface parking spaces may not be located between a building and a front or exterior side lot line. Parking must be located to the rear or side of buildings. Corner surface parking lots are prohibited. See Figure 324-3.

Figure 324-3: Mixed Use District Parking



4. **Modification to Parking Placement Standard.** The Director may approve modifications to the parking placement standards in this section with an Administrative Adjustment. To approve the Administrative Adjustment, the Director must make the findings in 155.412.030.F (Findings for Approval) and find that complying with the parking placement standards is infeasible due to unique physical site conditions such as parcel shape, topography, or traffic-related public safety risks.
- C. **Forward Entrance and Exit.** Parking areas of four or more spaces adjacent to an arterial or collector roadway must provide sufficient maneuvering area to allow vehicles to enter and access the roadway in a forward direction.
- D. **Controlled Access.** Parking areas must be designed to prevent vehicular access to the public right of way at any point other than at designated driveways.
- E. **Parking Space and Lot Dimensions.**
  1. **Single-family Homes.** Parking spaces serving single-family homes must have the following minimum dimensions:
    - a. Uncovered parking space: eight feet six inches in width by 18 feet in length.
    - b. Uncovered parking space parallel to an alley: eight feet six inches in width by 20 feet in length.
    - c. Covered parking space in a garage or carport: 10 feet in width by 18 feet in length.
    - d. The width of a carport space may be reduced to eight feet six inches if one side is open without a solid wall or physical barrier obstructing a car door.
  2. **Parking Lots.** Parking spaces, drive aisles, and other parking lot features must comply with minimum dimensions shown in Figure 324-4.
  3. **Compact Spaces.** Up to 50 percent of the required parking spaces in a parking lot may be compact spaces.

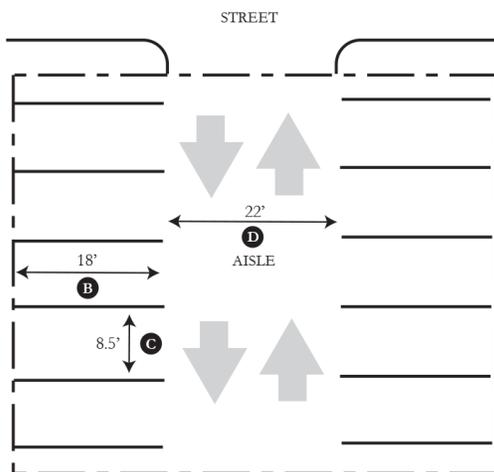
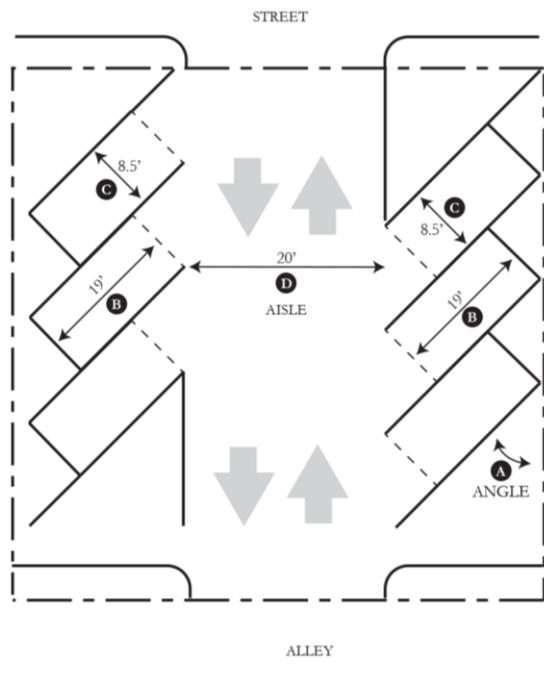
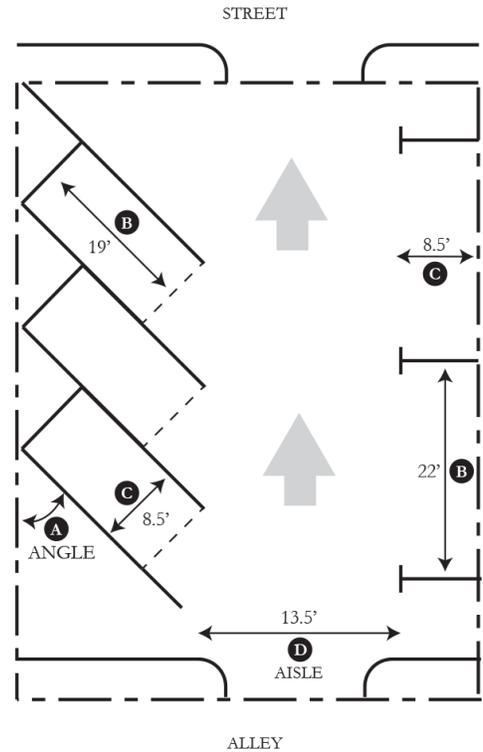
**FIGURE 324-4 PARKING DIMENSIONS**

STANDARD SIZE				
Angle <b>A</b>	Length <b>B</b>	Width <b>C</b>	Aisle <b>D</b>	
			One-Way	Two-Way
0° (parallel)	22 ft.	8.5 ft.	12 ft.	20 ft.
30°	19 ft.	8.5 ft.	11 ft.	20 ft.
45°	19 ft.	8.5 ft.	13.5 ft.	20 ft.
60°	19 ft.	8.5 ft.	18.5 ft.	20 ft.
90° (perpendicular)	18 ft.	8.5 ft.	22 ft. [1]	22 ft.

[1] 20 feet minimum for residential uses

COMPACT				
Angle <b>A</b>	Length <b>B</b>	Width <b>C</b>	Aisle <b>D</b>	
			One-Way	Two-Way
0° (parallel)	18 ft.	7.5 ft.	12 ft.	20 ft.
30°	16 ft.	7.5 ft.	11 ft.	20 ft.
45°	16 ft.	7.5 ft.	13.5 ft.	20 ft.
60°	16 ft.	7.5 ft.	18.5 ft.	20 ft.
90° (perpendicular)	16 ft.	7.5 ft.	22 ft. [2]	22 ft.

<b>A</b> = Angle of parking space
<b>B</b> = Length of parking space
<b>C</b> = Width of parking space
<b>D</b> = Width of drive aisle



**F. Surfacing.****1. Standard Materials.**

- a. Except as allowed by Paragraph (2) of this division, all parking areas and drive aisles must be paved with an asphalt, concrete, or comparable all-weather surfacing material approved by the Director of Public Works. Unpaved areas may not be used for parking or maneuvering.
- b. Ribbon driveways (parallel strips of paved surface for tires separated by an open, unpaved area) are allowed for single-family home driveways.
- c. Permeable paving materials, such as porous concrete/asphalt, open-jointed pavers, and turf grids, are a permitted surface material, subject to approval by the Director of Public Works.
- d. Parking areas must be graded to dispose of all surface water consistent with the City's MS4 Permit storm water requirements to the satisfaction of the Director of Public Works.

**2. Alternative Materials.**

- a. Parking areas and access ways may be surfaced with decomposed granite or other similar all-weather compacted material when serving:
  - (i) All uses in a residential zoning district;
  - (ii) All uses in the Hinge Industrial (HN) and Light Industrial (LI) zoning districts; and
  - (iii) All uses in the Parks (P) and Public Facilities (PF) zoning districts.
- b. Where alternative surface materials are allowed by Paragraph (2)(a) of this division, asphalt, concrete, or comparable all-weather surfacing material must be used for:
  - (i) The first 20 feet of the access way from a public street serving residential uses; and
  - (ii) The first 50 feet of the access way from a public street serving uses in the Hinge Industrial (HN), Light Industrial (LI), Parks (P), and Public Facilities (PF) zoning districts.
- c. Construction methods must be approved by the Director of Public Works.

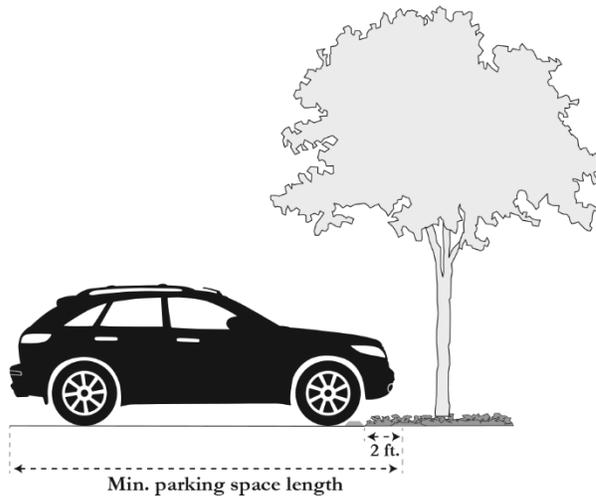
**3. Wheel Stops and Curbs.**

- a. Landscaped areas, walkways, and walls must be protected by either:
  - (i) Parking space wheel stops; or
  - (ii) A curb at least 6 inches wide and 6 inches high designed to allow storm water runoff to pass through.
- b. A paved sidewalk may be used as a wheel stop if the overhang will not reduce the

minimum required walkway width.

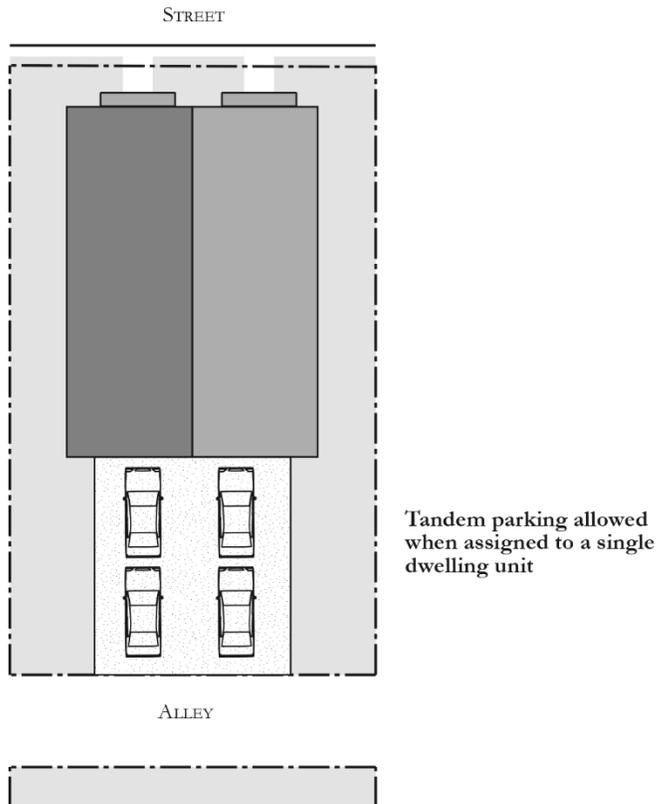
4. **Landscaped Parking Space.** Up to two feet of the front of a parking space as measured from a line parallel to the direction of the bumper of a vehicle using the space may be landscaped with ground cover plants instead of paving where wheel stops or curbs are provided. See Figure 324-5. Parking space landscaping may be included in the required perimeter landscaping area required by 155.324.080.D (Perimeter Parking Lot Landscaping).

**Figure 324-5: Parking Space Landscaping**



**G. Tandem Parking Spaces.**

1. **When Allowed.** Tandem parking spaces are permitted for residential uses and designated employee parking. See Figure 324-6.
2. **Residential Uses.** Parking spaces in a tandem configuration for residential uses must be reserved for and assigned to a single dwelling unit.
3. **Non-Residential Uses.** Tandem parking may be used only for employee parking, in addition to parking spaces required by 155.324.030 (Number of On-site Parking Spaces Required).
4. **Configuration.** Tandem parking spaces may not conflict with required parking spaces or aisles providing access to other parking spaces located within the parking area. For example, a tandem space may not project into the minimum drive aisle width providing vehicle access to other parking spaces in a parking lot.

**Figure 324-6: Tandem Parking Space**

- H. **Parking Lifts.** Required parking may be provided using elevator-like mechanical parking systems (“lifts”) provided the lifts are located within an enclosed structure or otherwise screened from public view.
- I. **Lighting.** Parking area lighting must be provided in compliance with 155.308.050 (Outdoor Lighting) and as follows:
1. A parking area with six or more parking spaces must include outdoor lighting that provides a minimum illumination of 1.0 foot-candles over the entire parking area.
  2. Lighting must be pedestrian-scaled and may not exceed a maximum height of 16 feet.
  3. Outdoor lighting as required above must be provided during nighttime business hours.
  4. Parking structures must provide indoor lighting as required by the California Building Code.
- J. **Pedestrian Access.**
1. Parking lots with more than 30 parking spaces must include a pedestrian walkway outside of drive aisles. Only one walkway is required to serve the entire parking lot;

walkways for each parking row within the lot are not required.

2. The design of the pedestrian walkway must be clearly visible and distinguished from parking and circulation areas through striping, contrasting paving material, or other similar method as approved by the Director. The pedestrian walkway must be a minimum width of six feet.
- K. **Screening.** Parking lots of six spaces or more must comply with the following screening standards. See also 155.308.060 (Screening for Residential Zoning Districts):
1. **Location.** Screening must be provided along the perimeter of parking lots fronting a street and abutting a residential zoning district.
  2. **Height.**
    - a. Screening adjacent to streets must have a minimum height of three feet.
    - b. For parking lots within 10 feet of a residential zoning district or residential use, screening must have a minimum height of six feet.
  3. **Materials.**
    - a. Required screening adjacent to a street may consist of:
      - (i) A low-profile wall constructed of brick, stone, stucco or other durable solid material; or
      - (ii) An open fence combined with landscaping to form an opaque screen. Open fences must be wrought iron or other high-quality decorative material and at least 70 percent open to the passage of light and air. Chain link and other wire fence materials are not allowed.
    - b. Parking lots within 10 feet of a residential zoning district must be screened by a six-foot solid wall or fence. Bushes, vines, and other vegetation may be incorporated into the design of required fence or wall.

#### 155.324.070 – Bicycle Parking

- A. **Applicability.** All new multi-family and commercial construction must provide bicycle parking as required by this subsection and the California Green Building Standards Code.
- B. **Types of Bicycle Parking.**
  1. **Short-Term Bicycle Parking.** Short-term bicycle parking provides shoppers, customers, messengers and other visitors who generally park for two hours or less a convenient and readily accessible place to park bicycles.
  2. **Long-Term Parking.** Long-term bicycle parking provides residents and employees who live or work at a site a secure and weather-protected place to park and store bicycles. Long-term parking may be located in garages or other limited access areas for exclusive use by tenants, residents, and/or employees. Long-term parking may not be

located within an area of a dwelling unit primary intended to serve a different function (e.g., clothes closet or bathroom).

**C. Number of Spaces.**

1. **Minimum Requirement.** Multi-family and commercial uses must provide short-term and long-term bicycle parking as specified in Table 324-3.

**Table 324-3: Required Bicycle Parking Spaces**

Land Use [1]	Required Bicycle Parking Spaces	
	Short-Term Spaces	Long-Term Spaces
Multi-Family Dwellings	1 per 6 units	1 per 3 units
Commercial Uses		
Service Commercial (SC) Zoning District	1 per 2,000 sq. ft.	1 per 20 required automobile spaces for uses 10,000 sq. ft. or greater
All other Zoning Districts	1 per 1,000 sq. ft.	
<p><u>Note:</u> [1] For mixed-use projects, required bicycle parking spaces is the combined total for the residential and commercial components of the project.</p>		

2. **Calculations of Less than One.** When the calculation of required bicycle parking results in less than one space, a minimum of one bicycle parking space must be provided.
3. **Maximum Spaces.** In no case will more than 15 bicycle spaces be required for any single use or development project.
4. **Reductions.** The Director may allow reductions to the number of required bicycle parking spaces with an Administrative Adjustment. To approve the Administrative Adjustment, the Director must make the findings in 155.412.030.F (Findings for Approval) and one or both of the following additional findings:
  - a. Adequate space is not available to provide the bicycle parking.
  - b. Reduced bicycle parking is justified by reasonably anticipated demand.

**D. Short-Term Bicycle Parking Standards.**

1. **Location.** Short-term bicycle parking must be located within 100 feet of the primary entrance of the structure or use it is intended to serve. Parking may be located within required setbacks.
2. **Surfacing.** Parking areas must be paved with asphalt, concrete, or other all-weather surface.
3. **Protection.** When located in a parking area: for the protection of bikes, automobiles, and pedestrians, bicycle spaces must be protected by curbs, fences, planter areas, bumpers, or similar barriers.

**E. Parking Space Dimensions.**

1. Minimum dimensions of two feet by six feet must be provided for each bicycle parking space. Spaces may be configured horizontally or vertically. Minimum ceiling height is prescribed by the California Building Code.
2. An aisle of at least five feet must be provided behind all bicycle parking to allow room for maneuvering.
3. A minimum two feet of clearance must be provided between bicycle parking spaces and adjacent walls, poles, landscaping, pedestrian paths, and other similar features.
4. A minimum four feet of clearance must be provided between bicycle parking spaces and adjacent automobile parking spaces and drive aisles.

**F. Rack Design.** Bicycle racks must be capable of locking both the wheels and the frame of the bicycle, and of supporting bicycles in a secure position, such as an “inverted-U” style rack. Alternative methods to secure bicycles are allowed if they provide a level of security equivalent to conventional bicycle racks.

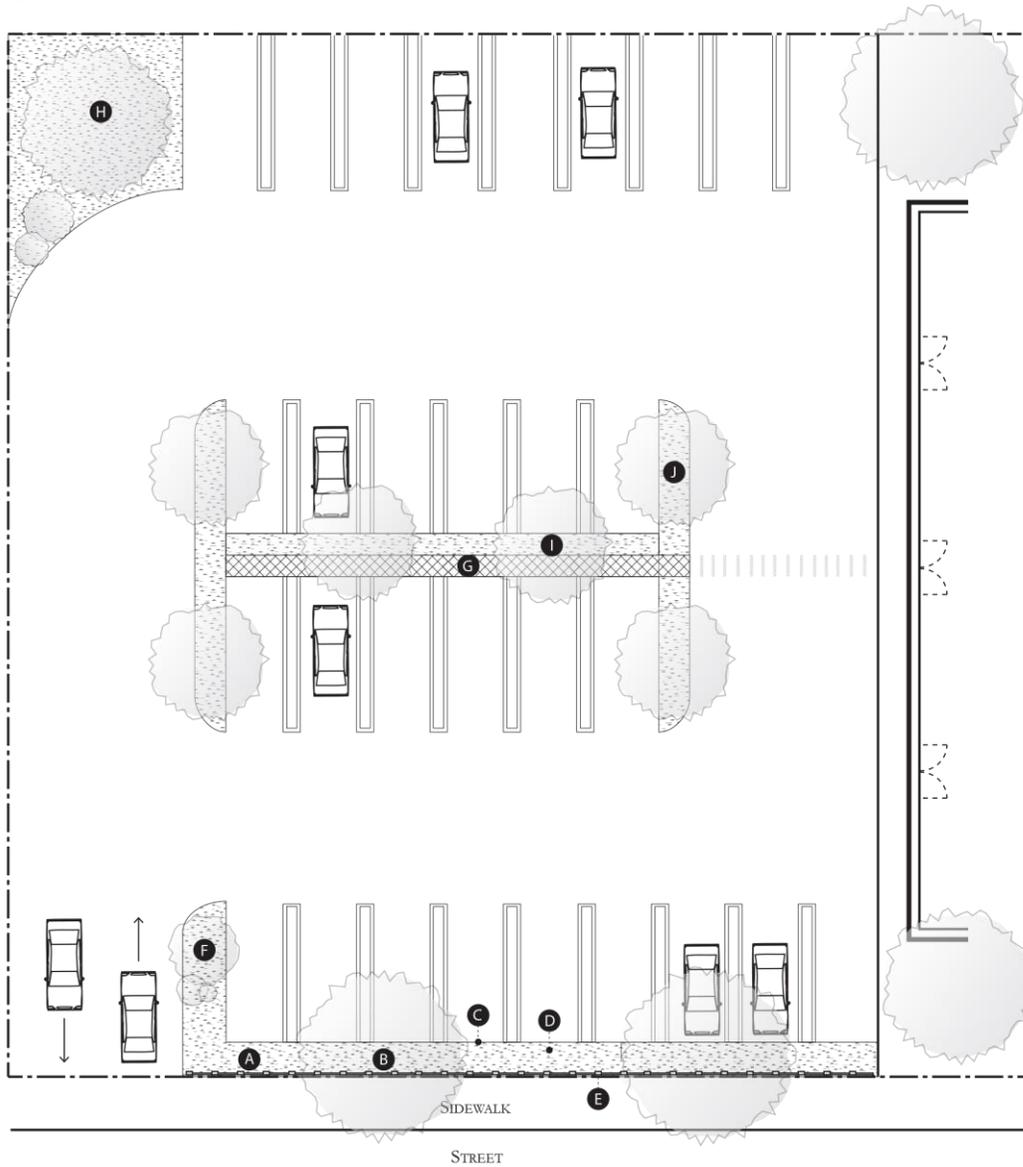
**G. Long-Term Bicycle Parking Standards.**

1. **Location.** Long-term bicycle parking:
  - a. Must be located on or within 250 feet of the use that it is intended to serve;
  - b. May be located within a garage;
  - c. May not be located within required front setbacks; and
  - d. Must be permanently available and maintained to provide bicycle parking for the use they serve (e.g., immovable equipment, such as water heaters and washer/dryers, may not be located within a required parking area).
2. **Security.** Long-term bicycle parking spaces must be secured. Spaces are considered secured if one or more of the following apply:
  - a. The spaces are in a locked room or area enclosed by a fence with a locked gate.
  - b. The spaces are within view or within 100 feet of an attendant or security guard.
  - c. The spaces are visible from employee work areas.

**155.324.080 – Parking Lot Landscaping****A. Applicability.**

1. **New Parking Lots.** All new parking lots with four or more spaces must comply with this subsection as illustrated in Figure 324-7.

**Figure 324-7: Parking Lot Landscaping**



- A Min. 4 feet wide perimeter landscaping.
- B Min. one tree in perimeter landscaped area for every 30 feet of parking lot street frontage.
- C Landscape area protected by wheel stops or curb. Curbs must allow stormwater to pass through.
- D Up to 2 feet of min. parking space depth may be landscaped per 155.136.060.F.45.
- E Min. 3-foot wall or fence provides screening along street.
- F Concentration of landscaping provided at parking lot entrance.
- G Pedestrian walkway outside of drive aisle. Pedestrians can access building entrance without crossing landscaped areas.
- H Landscaping required in all areas not occupied by parking space, drive aisle, pedestrian way, or trash collection and storage areas.
- I Min. one interior tree per 15 parking space.
- J Landscape island with tree at end of row of parking spaces.

1. **Nonconformities.** An existing parking lot with four or more spaces nonconforming to this subsection must be brought into conformance to the extent possible when required by 155.424.030 (Nonconforming Site Features).
- B. **Landscape Materials.** Except as otherwise specified in this subsection, 50 percent of required landscape area must be covered with groundcover, shrubs, turf, or other types of plants at maturity. The remaining area may be covered by mulch, bark chip, crushed rock, pebbles, stone, and similar non-plant materials.
- C. **Interior Parking Lot landscaping.**
  1. **Amount of Landscaping.**
    - a. All portions of a parking lot not occupied by a parking space, drive aisle, pedestrian way, or trash collection and storage area must be landscaped.
    - b. A minimum of one tree that reaches a mature height of at least 20 feet must be planted within the parking lot at a minimum ratio of one tree for each 15 parking spaces.
    - c. When the calculation of required trees results in less than one tree (i.e., parking lots with fewer than 15 spaces), a minimum of one tree must be provided.
  2. **Location of Landscaping.**
    - a. Where space permits, a landscaped island, at least four feet in all interior dimensions, and containing at least one tree, must be provided at each end of each interior row of automobile parking stalls and between every eight consecutive automobile parking stalls. Horizontal curb surfaces may not be included in the landscaped island area calculation. Trees in landscape islands may count towards the required number of trees under Paragraph (1.b) of this division.
    - b. Parking lots with more than 50 spaces must provide a concentration of landscape elements at primary parking lot entrances, such as trees, shrubs, flowering plants, and enhanced paving.
    - c. Landscaping must be located and designed so that pedestrians are not required to cross landscaped areas to reach building entrances from parked cars. This may be achieved through the orientation of the landscaped fingers and islands, and by providing dedicated pedestrian access through landscaped areas where needed.
- D. **Perimeter Parking Lot Landscaping.**
  1. **Adjacent to Streets.**
    - a. Parking areas adjacent to a street must include a landscaped planting strip between the street and parking area at least four feet wide with at least 50 percent of the plant material attaining a minimum plant height at maturity of 36

inches.

- b. Plantings and screening materials may include a combination of plant materials, earth berms, solid decorative masonry walls, raised planters, or other screening devices that are determined by the Director to meet the intent of this requirement.
  - c. Trees must be provided within the planting strip at a rate of at least one tree for each 30 feet of street frontage with a minimum distance of not more than 60 feet between each tree. Tree species must reach a mature height of at least 20 feet. Planting strip tree requirements are in addition to required interior parking lot trees.
  - d. Landscaping must comply with intersection and driveway vision clearance requirements in 155.308.040 (Vision Clearance Area).
2. **Stormwater Runoff.** When required, parking lot drainage plans will be reviewed by the Director of Public works and must comply with all applicable Low Impact Development (LID) standards.

**E. Alternative Landscape Designs.**

1. The Director may approve an Administrative Adjustment to allow alternative landscape design that deviates from the requirement in this subsection.
2. To approve an Administrative Adjustment for an alternative landscape design, the Director must make the findings in 155.408.030.F (Findings for Approval) and find that adjustments to landscape design requirements are warranted to provide relief for existing site constraints or to achieve a superior aesthetic or environmental design.

*This page is intentionally blank*

## Section 155.328 – LANDSCAPING

---

### Subsections:

- 155.328.010 – Purpose
- 155.328.020 – Applicability
- 155.328.030 – Landscape Plans
- 155.328.040 – Required Landscape Areas
- 155.328.050 – General Landscape Requirements
- 155.328.060 – Water Efficiency in Landscaping Ordinance (WELO)
- 155.328.070 – Maintenance and Enforcement

### 155.328.010 – Purpose

This section establishes landscaping standards to enhance the aesthetic appearance of developed areas in Eureka and to promote the efficient use of water resources.

### 155.328.020 – Applicability

- A. **General.** Except for projects exempted under 155.328.020.B (Exemptions), the requirements in this section apply to projects that:
  - 1. Construct a new building of 500 square feet or more;
  - 2. Add 1,000 square feet or more to an existing building; or
  - 3. Add a multi-family dwelling unit to the site.
- B. **Exemptions.** This section does not apply to:
  - 1. Single-family homes in any zoning district;
  - 2. Buildings in mixed-use zoning districts constructed on a front or exterior side lot line without any setback; and
  - 3. Development in an industrial zoning district.
- C. **Nonconformities.** Properties nonconforming to the standards in 155.328.040 (Required Landscape Areas) and 155.328.050 (General Landscape Requirements) must be brought into conformance when required by 155.424.030 (Nonconforming Site Features).

### 155.328.030 – Landscape Plans

- A. **Landscape Plan Required.**
  - 1. An applicant must submit a landscape plan if the proposed project is:
    - a. Subject to requirements of this section as stated in 155.328.020 (Applicability); and

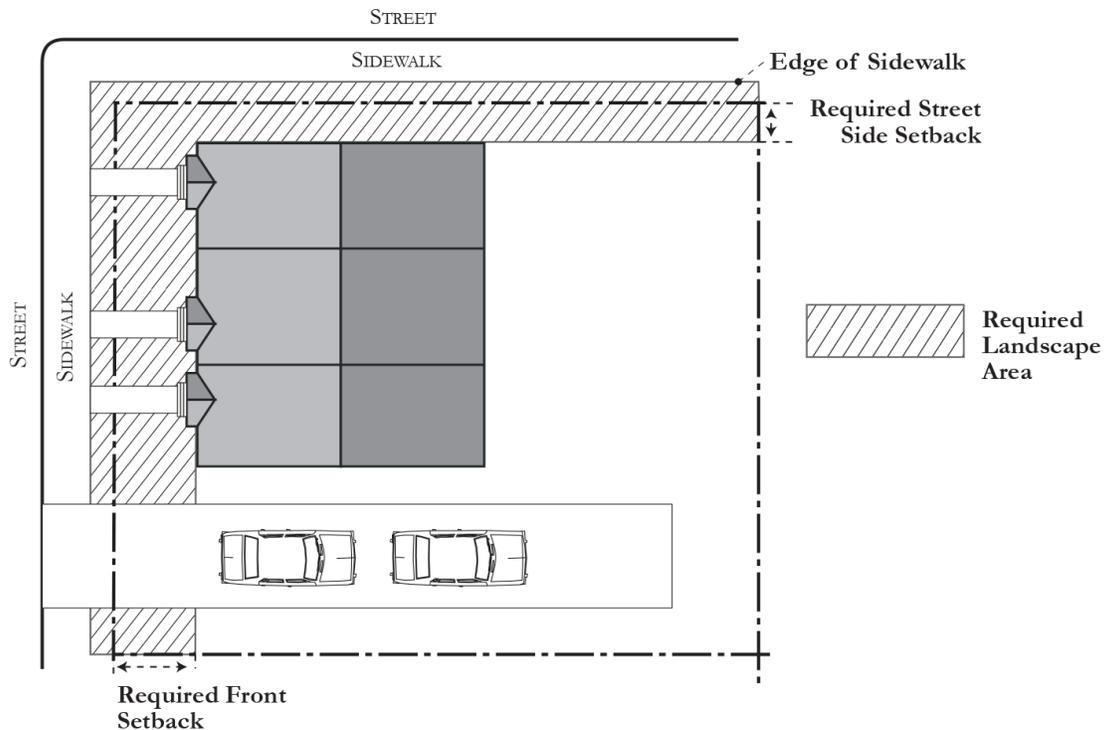
- b. Involves new landscaping or the modification or removal of existing landscaping.
  2. Required landscape plans must be submitted as part of the permit application, if any, and subsequent building permit applications.
- B. **Required Contents.** Landscape plans must include the following features and information:
  1. Site boundaries.
  2. Existing conditions on the property, including contours and existing structures.
  3. New structures and expansions proposed as part of the project.
  4. Existing landscaping, trees, and vegetation to be retained, specifying plant location, species, and size. Details of existing trees must also include approximate tree diameter measured 48 inches above existing grade and approximate outer limit of tree canopy.
  5. New landscaping proposed as part of the development project, specifying plant location, species, number, and size.
  6. Irrigation plan specifying the location, type, and size of all components of the irrigation system (if proposed).
  7. Proposed grading if any.
  8. A landscape maintenance plan describing how the landscaping will be maintained in a healthy and thriving condition, including provisions to replace plant material as needed to maintain compliance with the approved landscape plan.
  9. Additional information as determined by the Department to demonstrate compliance with the requirements of this section.
- C. **Review and Approval.**
  1. For projects that do not require a discretionary permit, the Department will review all landscape plans to verify compliance with this section as part of the Zoning Clearance approval.
  2. For projects that require a discretionary permit, the review authority responsible for approving the discretionary permit must also approve the landscape plan.
- D. **Changes to Approved Landscape Plans.**
  1. Only the review authority that approved the landscape plan may allow substantial modifications to an approved landscape plan.
  2. The Director may approve minor changes to a landscape plan previously approved by the City Council, Planning Commission, or Design Review Committee. Minor changes are defined as modifications to a landscape plan that do not alter the general design character of the landscaped area or alter a feature of the landscaped area specifically

required by the review authority. The Director may also approve changes to a landscape plan required to comply with Building Code or Fire Code requirements.

**155.328.040 – Required Landscape Areas**

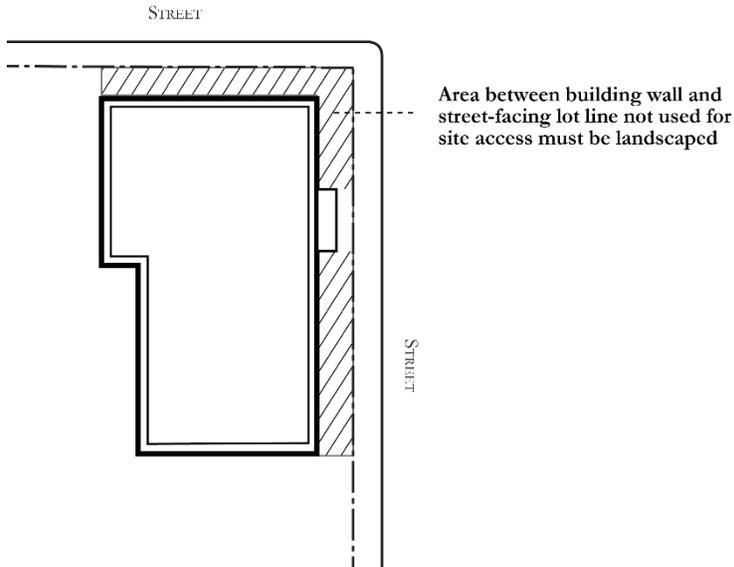
- A. **Parking Lots.** See 155.324.080 (Parking Lot Landscaping) for required landscaping in parking lots.
- B. **Residential Zoning Districts.**
  - 1. The following areas, excluding areas required for access to the property, must be landscaped and maintained:
    - a. All required front and street side setback areas;
    - b. All areas between a building and the lot line;
    - c. Any area between the lot lines and the sidewalk or edge of street curb. See Figure 328-1.
  - 2. Landscaping is not required in setback or yard areas located behind a four-foot or higher solid fence or wall or in areas not visible from the sidewalk or street.
  - 3. Landscaping may consist of any combination of living plants, such as trees, shrubs and grass or related natural features, such as rock, stone, or mulch. Decorative hardscape featuring pervious materials, such as pervious paver stones, gravel, and decomposed granite, is permitted within required landscaping areas.

**FIGURE 328-1: REQUIRED LANDSCAPE AREA IN RESIDENTIAL ZONING DISTRICTS**



- C. **Mixed-Use Zoning Districts.** In mixed-use zoning districts, all areas between a building and a front or exterior side lot line must be landscaped, excluding areas required for access to the property. See Figure 328-2.

**FIGURE 328-2: REQUIRED LANDSCAPE AREA IN MIXED USE DISTRICTS**



- D. **Industrial Zoning Districts.** Parking lots in industrial zoning districts must comply with the landscaping requirements in 155.324.080 (Parking Lot Landscaping). No additional landscaping is required.

#### 155.328.050 – General Landscape Requirements

- A. **Parking Lots.** See 155.324.080 (Parking Lot Landscaping) for landscaping requirements that apply to new parking lots with four or more spaces.
- B. **Vision Clearance Area.** Landscaping must comply with the vision clearance area requirements in 155.308.040 (Vision Clearance Area).
- C. **Public Safety.** Plant species must be selected and located so that at maturity they do not interfere with pedestrian, bicycle, or vehicular circulation and do not conflict with utilities and overhead lights.
- D. **Invasive Plants.** Planting species with a “High” rating in the California Invasive Plant Council’s Cal-IPC inventory of invasive plants is prohibited.
- E. **Trees.**

1. Trees must be a minimum 15-gallon size unless the reviewing authority determines that a smaller size is sufficient for the site.
2. Trees in landscape planters less than 10 feet in width or located closer than five feet from a public sidewalk, street, or permanent structure on an adjacent property must be planted with root barriers or root barrier panels to prevent damage to adjacent structures or pavement.

**F. Groundcover and Shrubs.**

1. A minimum of 50 percent of required landscape area must be covered with groundcover, shrubs, turf, or other types of plants at maturity.
2. Groundcover must be provided throughout the landscaped area and must be spaced to achieve full coverage of the groundcover area within one year.
3. A maximum of 50 percent of the required landscape area may consist of mulch, bark chip, crushed rock, pebbles, stone, or similar non-plant materials.
4. Landscaped areas must be top dressed with bark, chip, mulch, or other similar material to cover exposed bare soil.

**G. Timing of Installation.**

1. Landscaping must be installed prior to receiving a temporary or final certificate of occupancy.
2. The Director may defer the installation of landscaping for a maximum of 180 days after project occupancy/completion in cases of delays caused by inclement weather, unavailability of plant materials, construction scheduling, or other similar issues. The Director may require the applicant to provide adequate security to guarantee the landscaping installation in accordance with 155.420.070 (Performance Guarantees).

**155.328.060 – Water Efficiency in Landscaping Ordinance (WELO)**

- A. General.** In addition to the requirements of this section, all applicable development in Eureka must also comply with the California Model Water Efficient Landscape Ordinance (WELO) as required by California Water Conservation in Landscaping Act (Government Code Section 65591 et seq.).
- B. When Required.** The following landscape projects must comply with the WELO requirements:
1. Total combined landscaped area of 2,500 square feet or more installed by a public agency or commercial developer.
  2. Total combined landscaped area of 5,000 square feet or more in a single-family or multi-family residential project installed under the direction of the homeowner(s).

- C. **Conflicts.** If conflicts occur between the Government Code or WELO and this section, the more restrictive will control.

**155.328.070 – Maintenance and Enforcement**

The following maintenance requirements and enforcement procedures apply to landscaping installed as part of a City-approved landscaping plan:

A. **Maintenance Required.**

1. **Dead and Dying Plants.** All landscaping must be maintained free of physical damage or injury from lack of water, excess chemical fertilizer or other toxic chemical, blight, or disease. Dead or dying plants must be removed and replaced with landscaping of similar size and maturity.
2. **Weed Removal.** Landscaping must be kept free from weeds.
3. **Irrigation Systems.** Irrigation systems must be maintained in a fully functional manner as approved by the City and required by this section. Watering schedules should be adjusted periodically to reflect seasonal variations.

- B. **Violations.** Failure to maintain landscape areas in compliance with this section will be deemed a nuisance subject to the enforcement procedures in 155.428 (Enforcement and Penalties).

*This page is intentionally blank*

## Section 155.336 – TEMPORARY USES AND STRUCTURES

---

### Subsections:

155.336.010 – Purpose

155.336.020 – Applicability and Permit Requirements

155.336.030 – General Standards

155.336.040 – Temporary Uses and Structures Allowed By Right

155.336.050 – Temporary Uses and Structures Allowed with a Zoning Clearance

### 155.336.010 – Purpose

This section establishes standards for temporary uses and structures to allow for appropriate short-term events and activities while limiting impacts on neighboring properties and the general public.

### 155.336.020 – Applicability and Permit Requirements

- A. Applicability.** This section applies to all temporary uses and structures in Eureka.
- B. Permit Requirements.** Specific types of temporary uses and structures are allowed either:
1. By right without Department approval (see 155.336.040); or
  2. With a Zoning Clearance (see 155.336.050).

### 155.336.030 – General Standards

- A. Standards for all Temporary Uses and Structures.** All temporary uses and structures must comply with the following standards:
1. **Encroachment Permit.** Temporary uses and structures may not be located in the public right-of-way without an Encroachment Permit.
  2. **Business License Required.** Any person engaging in commercial activity or conducting a business in any manner as part of a temporary use must obtain a City of Eureka Business License.
  3. **Nuisance.** A temporary use or structure may not constitute a public nuisance as defined in Municipal Code Section 150.163 (Public Nuisance Specified).
  4. **Obstructions.** A temporary use or structure may not obstruct pedestrian or vehicular traffic or block a driveway or alleyway.
  5. **Trash and Litter.** Temporary uses must provide on-site trash receptacles as needed to keep the site free of trash and debris.
  6. **Site Condition After Use.** Upon completion and removal of a temporary use, the

site must be cleaned of debris and litter and returned to its original state.  
Temporary uses and structures may not result in permanent alterations to the site.

7. **Other Applicable Requirements.** Temporary uses and structures must comply with all other applicable standards in the Zoning Code and Municipal Code, including but not limited to:
- a. Lighting standards in 155.308.050 (Outdoor Lighting);
  - b. Sign standards 155.340.090 (Temporary Signs); and
  - c. Noise limitations in Municipal Code Section 94.01 et seq (Noise).

- B. Applicant Agreement.** An applicant requesting approval of a temporary use or structure requiring a Zoning Clearance must agree in writing to comply with all applicable standards as provided in this section.

#### **155.336.040 – Temporary Uses and Structures Allowed By Right**

The following temporary uses and structures are allowed without a Zoning Clearance or any other form of Department approval:

- A. On-site Construction Yards and Equipment.** A construction yard on the same site as an approved construction project, including a trailer or modular unit used for security personnel, storage, office, or other similar temporary use, dumpsters, and other construction equipment. Construction yards, trailers, and equipment must be removed within ten days of completion of the construction project, or the expiration of the Building Permit, whichever occurs first.
- B. Garage Sales.** Garage sales for individual residences limited to three, one- to two-day events per calendar year. One block or neighborhood sale per calendar year is allowed in addition to individual sales.
- C. Portable Moving and Storage Containers.** Moving and storage containers delivered to a home, loaded by residents, and delivered to another location, for a maximum of two weeks on private property. Containers placed in a street must comply with the City of Eureka Traffic Code Chapter 72 (Stopping, Standing and Parking).
- D. Dumpsters.** Dumpsters used to collect and store debris from building demolition and property clean-up activities are allowed on private property for the duration of the Building Permit or 30 days.
- E. Outdoor Fundraising Events.** Outdoor fundraising events on commercial sites when sponsored by a non-profit organization directly engaged in civic or charitable efforts. Outdoor fundraising events are limited to two days each month for each sponsoring organization.
- F. Catering.** Mobile food vendors operating as caterers to private events when food or

beverages are not sold to the general public.

**G. Recreational Vehicles (RVs).**

1. A recreational vehicle (RV), motor home, camper, or other similar vehicle as follows:
  - a. Used for living and sleeping purposes on a site with an active Building Permit for a construction project associated with an existing single-family home. Vehicles may be occupied only by the property owner and the property owner's family. Vehicles must be removed within ten days of completion of the construction project, or the expiration of the Building Permit, whichever occurs first.
  - b. Used for temporary living and sleeping purposes when associated with a single-family home (e.g. visiting relatives) for a maximum of 14 consecutive days and a maximum of 45 days per calendar year.
2. A recreational vehicle (RV), motor home, camper, or other similar vehicle located outside of a legally established recreational vehicle park may not be used for living or sleeping purposes except as allowed in Paragraph (1) of this division.

**155.336.050 – Temporary Uses and Structures Allowed with a Zoning Clearance**

The following temporary uses and structures require a Zoning Clearance.

- A. Seasonal Sales.** Seasonal sales (e.g., Christmas trees, pumpkins) for a maximum of 60 days, no more than four times per year on a single property.
- B. Outdoor Sales Events.** Outdoor sales events conducted by a permanent on-site use for a maximum of 30 days in any 180-day period.
- C. Traveling Sellers.** Temporary outdoor retail sales not associated with a permanent on-site use conducted in a fixed location as follows:
  1. A traveling seller may conduct sales for a maximum of 14 days and no more than four times per year on a single property. After 14 days, a traveling seller must move to a new location 1,000 feet or more from the previous location.
  2. Traveling sellers may locate only on commercial property, and only with approval of the property owner. Sales activities are not permitted in the public right-of-way.
  3. Retail sales from a vehicle are not subject to these limitations. See 155.304.090 (Mobile Vendors).
- D. Metal Shipping Containers.** Metal shipping containers (e.g., CONEX boxes) in residential and mixed-use zoning districts, not to exceed 30 days.
- E. Expansion or Replacement Facilities.** Temporary work space for employees during construction or remodeling of a permanent building. Temporary space may be provided in trailers or transportable buildings that are pre-constructed and arrive at the site ready for

occupancy and are readily removed and installed at other sites. Structures must be removed within ten days of completion of the construction project, or the expiration of the Building Permit, whichever occurs first.

- F. Other Temporary Uses.** Other temporary uses compatible with the applicable zoning district and surrounding land uses as determined by the Director.

*This page is intentionally blank*

## Section 155.340 – SIGNS

---

### Sections:

- 155.340.010 – Purpose
- 155.340.020 – Applicability
- 155.340.030 – Signs Allowed Without Permits
- 155.340.040 – Prohibited Signs
- 155.340.050 – Rules of Measurement
- 155.340.060 – Sign Permits
- 155.340.070 – Sign Standards
- 155.340.080 – General Requirements
- 155.340.090 – Temporary Signs

### 155.340.010 – Purpose

This section establishes standards relating to the permitted type, size, dimensions, placement, number, and design of signs. The intent of these standards is to:

- A. Support economically viable businesses serving city residents, workers, and visitors;
- B. Allow for signage that identifies businesses and other properties in a fair and equitable manner;
- C. Allow persons to exercise their free speech rights protected under the U.S. and California Constitutions;
- D. Promote the use of signs that are aesthetically pleasing, of appropriate scale, and integrated with surrounding buildings and landscape, in order to meet the community's expressed desire for quality development;
- E. Ensure that signs are compatible with their surroundings;
- F. Promote the free flow of traffic and protect pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to cluttered, distracting, or illegible signage;
- G. Emphasize Eureka's small-town historical character by promoting pedestrian-oriented and appropriately-scaled signage in all parts of town other than Broadway;
- H. Acknowledge Broadway's role as a primarily vehicular corridor through Eureka and allow for larger-scale and more vehicle-oriented signs on Broadway while still emphasizing aesthetic quality and scales appropriate for Eureka; and
- I. Allow for a simple and streamlined sign permitting process.

**155.340.020 – Applicability**

Unless specifically exempted, all signs in Eureka must comply with the requirements of this section, including signs for which a City permit or other approval is not required.

**155.340.030 – Signs Allowed Without Permits**

- A. Types of Signs.** The following signs are exempt from the permit requirements of this section and are not counted towards the allowable sign area or number of signs;
1. **Address and Nameplate Signs.** Street, apartment, unit, suite numbers, and nameplates, not greater than four inches in height for residential uses, and not greater than six inches in height for commercial uses.
  2. **Commemorative Plaques.** One commemorative plaque identifying a building name, date of construction, or similar information that is cut into, carved, or made of stone, concrete, metal, or other similar permanent material. Commemorative plaques may not be illuminated.
  3. **Decorations.** Holiday and cultural observance decorations on private property which do not include any commercial advertising.
  4. **Sandwich Board Signs on Private Property.** Non-digital sandwich board signs on private property, not to exceed a vertical or horizontal dimension of four feet.
  5. **Directional Signs.** On-site directional signs located entirely on the property to which they pertain, identifying direction to parking, restrooms, and similar public facilities, each not exceeding five feet in height and five square feet in area for non-residential uses, and two square feet for residential uses.
  6. **Directory Signs.** One directory sign per street frontage as follows:
    - a. Maximum area: one square foot per tenant.
    - b. Maximum height: six feet if freestanding.
    - c. Internal illumination prohibited.
  7. **Home Occupation.** One single, non-illuminated, wall-mounted outdoor sign of not more than two square feet in area.
  8. **Vacation Rental.** Each lot containing a vacation rental use may display one single, non-illuminated, wall-mounted outdoor sign of not more than two square feet.
  9. **Flags.** Flags bearing noncommercial messages or graphic symbols.
  10. **Government Signs.** Signs installed or required by a governmental agency, including signs advertising community activities and local nonprofit, civic, or fraternal organizations.

11. **Informational Signs.** Signs with information for the safety and convenience of the public such as address, hours and days of operation, whether a business is open or closed, no smoking notices, up to three square feet per sign and 10 square feet in total. Excludes internally illuminated window signs.
  12. **Internal Signs.** Signs within a building, or on the premises of a building, that are not visible from the public right-of-way and are intended for interior viewing only.
  13. **Window Signs.** Window signs consistent with Table 340-2 (Window Signs, Non-Illuminated) and Table 340-3 (Window Signs, Internally Illuminated). Signs may not move or appear to move, change intensity, color, or pattern at any time, and may not create a public nuisance or hazard due to glare or halo effect.
  14. **Equipment Signage.** Signs manufactured as a standard, integral part of a mass-produced product accessory to a commercial or public or semipublic use, including but not limited to telephone booths, restrooms, vending machines, automated teller machines, gasoline pumps, drive-thru restaurant menu boards, and other signs of an instructive nature.
  15. **No Trespassing Signs.** "No trespassing" signs, each not more than one square foot in size, placed at each corner and each entrance to a property, and at intervals of not less than 100 feet, or in compliance with the requirements of state or federal law.
  16. **Non-Commercial Bulletin Boards.** One bulletin board on a parcel occupied by a non-commercial place of public assembly, with a maximum area of 12 square feet.
  17. **Real Estate Listings.** Real estate listings posted in the window of a real estate office, with a maximum area of 25 percent of the total window area.
  18. **Restaurant Menu Signs.** Restaurant menu signs attached to a building.
  19. **Service Station Signs.** Service station price signs as required by State law. (See Business & Professions Code Section 13530). Service station signs may include digital displays; however, the digital display may change no more than once a day. Digital displays must comply with brightness limitations in Table 340-9 (Digital Signs).
  20. **Temporary Signs.** Temporary signs consistent with 155.340.090 (Temporary Signs).
- B. Routine Maintenance.** The painting, cleaning, repair, and normal maintenance of a legally-established sign in conformance with 155.340.080.E (Maintenance) is allowed by-right, without a Zoning Clearance or other form of Department approval.
- C. Murals and Decorations.** Murals, decorations, and design elements on the exterior of a building that do not advertise a product, business, or service are not considered signs and are not subject to the requirements of this section. Advertisement includes text displaying the name of a business, text displaying the name of a product, text publicizing a service, business-specific logos, and product-specific logos. Murals do not require a permit.

**155.340.040 – Prohibited Signs****A. Prohibited Sign Types.** The following types of signs are prohibited:

1. Banner signs, feather banners, yard signs, and inflatable balloon signs, except when used as a temporary sign consistent with 155.340.090 (Temporary Signs).
2. Beacon signs and searchlights.
3. Human directional and advertising signs.
4. New off-premise signs established after June 20, 2019.
5. Ticker signs.

**B. Prohibited Location or Placement.** Signs with the following location and/or placement characteristics are prohibited:

1. Signs attached to or placed adjacent to any utility pole, parking meter, traffic signpost, traffic signal, or any other traffic control device except when installed by a governmental agency.
2. Signs attached to trees.
3. Signs erected or maintained with horizontal or vertical clearance from overhead utilities less than required by a governmental agency.
4. Signs installed without permission of the property owner or the owner's agent.
5. Signs mounted or attached to a vehicle parked for the purpose of calling attention to or advertising a business establishment. This prohibition does not limit the use of business logos, identification, or advertising on vehicles actively used for business purposes and/or personal transportation.
6. Signs in the public right-of-way or projecting over a public street which have not received an encroachment permit.
7. Signs that obstruct or interfere with a traffic control sign or signal.
8. Signs that obstruct or interfere with the free use of a fire escape, exit, stairway, door, ventilator or window in violation of the California Building or Fire Code.
9. Signs that conflict with 155.308.040 (Vision Clearance Area) or signs that otherwise interfere with visibility at an intersection, public right-of-way, driveway, or other point of ingress/egress. The City may require sign setbacks greater than specified in this section to maintain adequate visibility for motorists and pedestrians.

**C. Prohibited Design Features.** Signs with the following design features and/or physical characteristics are prohibited:

1. Signs containing mirrors and signs that constitute a traffic hazard due to highly reflective or fluorescent materials.

2. Signs that simulate in size, color, lettering, or design a traffic control sign or signal.
3. Signs that blink, except chase lighting (see 155.340.080.H).
4. Signs that flash, strobe, or change intensity.
5. Signs emitting audible sounds, odor, fumes, smoke, flames, or other visible matter.
6. Signs that feature a flag, pennant, whirligig, or any devices that wave, flutter, rotate or display other movement under the influence of wind.

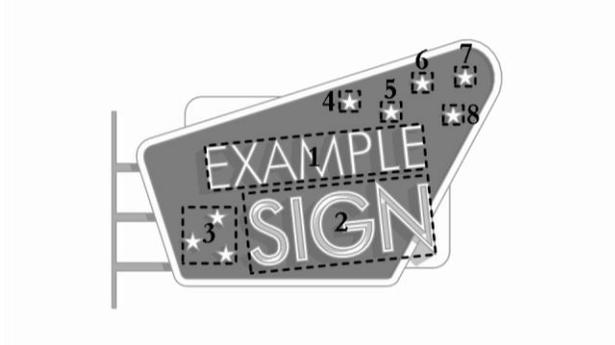
**D. Prohibited Sign Content.**

1. The following sign content is prohibited:
  - a. Obscene or indecent text or graphics.
  - b. Text or graphics that advertise unlawful activity under state or local laws.
  - c. Text or graphics that constitute defamation, incitement to imminent lawless action, or true threats.
  - d. Text or graphics that present a clear and present danger due to their potential confusion with signs that provide public safety information (for example, signs that use the words "Caution," or "Danger," or comparable words, phrases, symbols, or characters in such a manner as to imply a safety hazard that does not exist).
2. The content prohibited by Paragraph (1) above is either not protected by the United States or California Constitutions or is offered limited protection that is outweighed by the substantial governmental interests in protecting the public safety and welfare. It is the intent of the City Council that each subparagraph of Paragraph (1) above be individually severable in the event that a court of competent jurisdiction were to hold one or more of them to be inconsistent with the United States or California Constitutions.

**155.340.050 – Rules of Measurement**

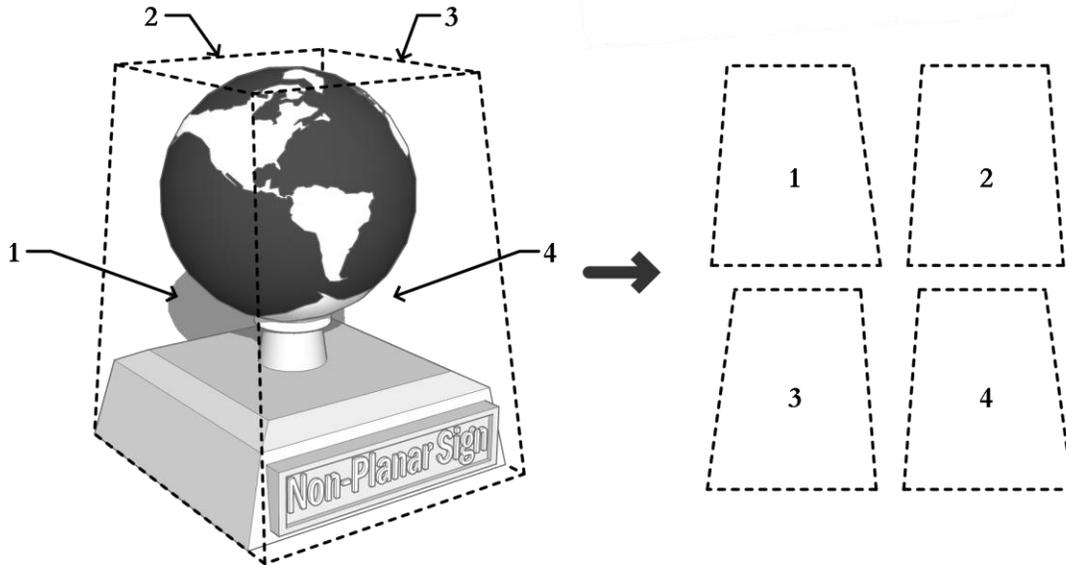
**A. Calculating Sign Area.**

1. **Digitally-Printed Signs.** Sign area for digitally-printed signs is measured as the area within a single rectangle that completely enclose the sign copy and graphics, as well as any frame, material, or color that is an integral part of the display or used to differentiate the sign's contents from the background against which they are placed. See Figure 340-1.
2. **All Other Signs.** For all signs other than digitally-printed signs, sign area is measured as the area within up to eight rectangles that completely enclose the sign copy and graphics. See Figure 340-2.

**Figure 340-1: Sign Area Measurement – Digitally Printed Signs****Figure 340-2: Sign Area Measurement – All Other Sign Types**

3. Supporting framework or bracing that is clearly incidental to the display itself is not calculated as sign area.
4. For projecting and other double-faced (back-to-back) signs with identical faces, only one display face is counted in the sign area measurement if the distance between each sign face does not exceed 36 inches and the two faces are parallel with each other.
5. The area of spherical, free-form, sculptural, or other non-planar signs is measured as 50 percent of the sum of the area enclosed within the four vertical sides of the smallest four-sided polyhedron that will encompass the sign structure. See Figure 340-3.

**Figure 340-3: Non-Planer Sign Area**

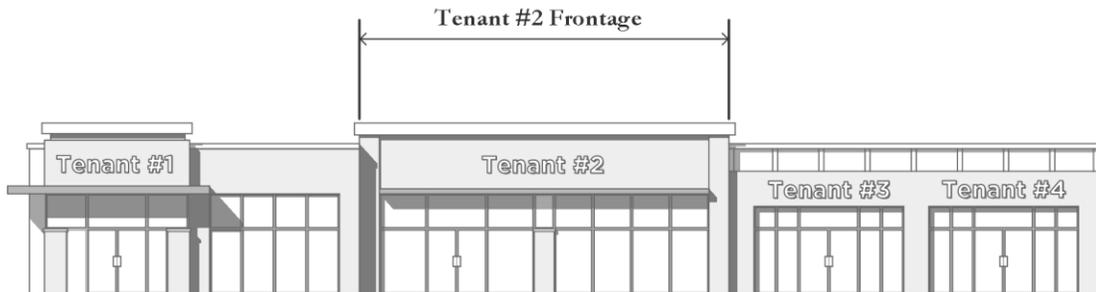


**B. Tenant Frontage.**

**1. General.**

- a. Tenant frontage is the linear measurement of a tenant’s building wall that abuts a street, parking lot that abuts a street, or pedestrian walkway. See Figure 340-4.
- b. Tenant frontage does not include building walls fronting an alley.

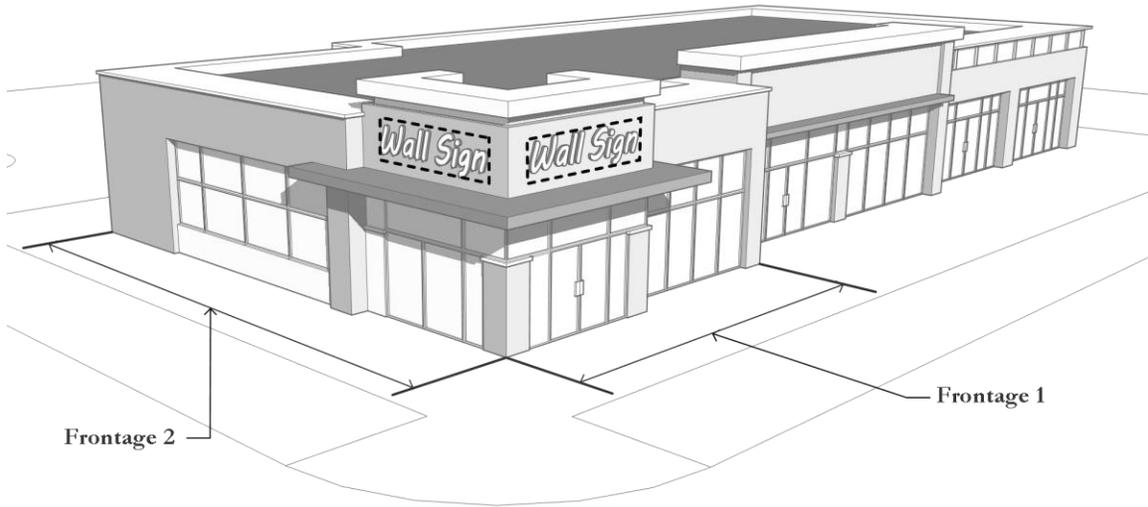
**Figure 340-4: Tenant Frontage**



**2. Corner and Through Lots.**

- a. Where a tenant occupies a building that fronts on two streets (on a corner or through lot), allowed sign standards apply independently for each street frontage unless otherwise indicated in this section. See Figure 340-5.

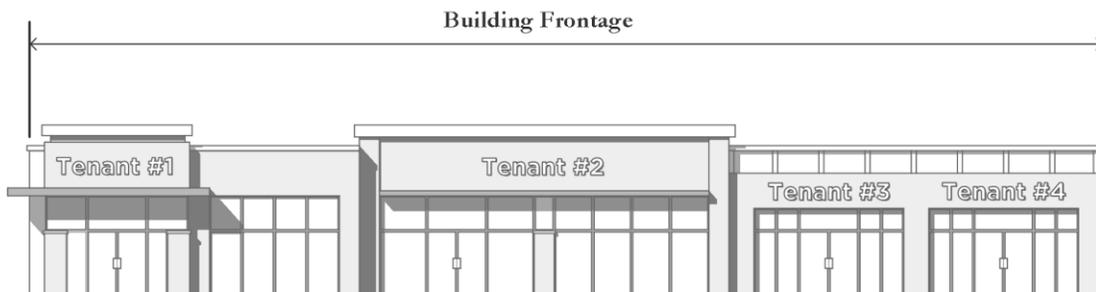
**Figure 340-5: Corner and Through Lots**



- b. For example, a corner tenant in the DT zoning district may install one wall sign on each street frontage. Allowed sign area applies individually to each frontage and may not be transferred between frontages.

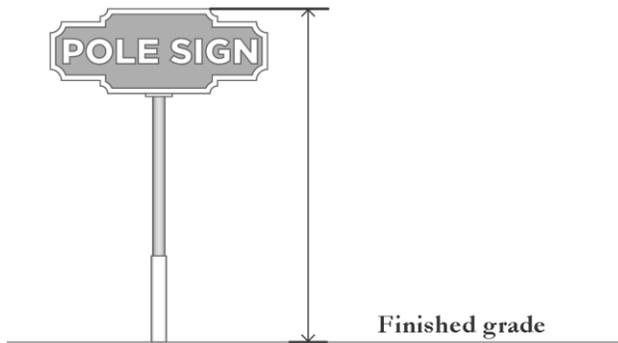
**C. Building Frontage.** Building frontage is measured in the same manner as tenant frontage, except calculated for the entire building, not individual tenants. See Figure 340-6.

**Figure 340-6: Building Frontage**



- D. Detached Sign Height Measurement.** The height of a freestanding, pole, monument or other type of detached sign is measured from the finished grade at the base of the sign to the top of the sign. See Figure 340-7.

**Figure 340-7: Detached Sign Height**



#### 155.340.060 – Sign Permits

- A. Types of Sign Permits.** The Zoning Code establishes three types of Sign Permits: Administrative Sign Permits, Master Sign Permits, and Creative Sign Permits.
1. An Administrative Sign Permit is a ministerial approval by the Department to confirm that a proposed sign complies with all applicable standards.
  2. A Master Sign Permit is a discretionary permit reviewed by the Design Review Committee to allow for comprehensive and coordinated signs on large, complex, non-residential multi-tenant sites and to allow some deviation from sign standards where appropriate.
  3. A Creative Sign Permit is a discretionary permit reviewed by the Design Review Committee to allow unique, high-quality signs that deviate from sign standards in this section.
- B. Administrative Sign Permits.**
1. **When Required.** All new signs require an Administrative Sign Permit except for:
    - a. Signs exempt from permit requirements as identified in 155.340.030 (Signs Allowed Without Permits);
    - b. Signs proposed concurrently as part of a Master Sign Permit application as identified in 155.340.060.C (Master Sign Permit); and
    - c. Signs that comply with the requirements of a Creative Sign Permit as identified in 155.340.060.D (Creative Sign Permit).

**2. Permit Requirements.**

- a. Administrative Sign Permit applications must be submitted using an official Department form accompanied by all fees, information, and materials required by the Department
- b. Department staff will review the proposed sign to verify compliance with applicable standards. If the proposed sign complies with all applicable standards, the Department staff will approve the Administrative Sign Permit. No public notice or hearing is required.

**C. Master Sign Permit.**

1. **Purpose.** The purpose of the Master Sign Permit is to provide a coordinated approach to signage for large sites/buildings and non-residential multi-tenant developments, buildings, or adjacent/adjoining properties/parcels.
2. **When Allowed.** Any site greater than one acre, any site with tenant spaces above the first floor, or any non-residential development, building, or property with three or more tenants, may request approval of a Master Sign Permit.
3. **Review Authority.** The Design Review Committee reviews and takes action on Master Sign Permit applications.
4. **Application Submittal and Review.**
  - a. Master Sign Permit applications must be submitted and reviewed in compliance with 155.408 (Permit Procedures).
  - b. Master Sign Permit applications must be authorized by the property owner/agent
5. **Master Sign Program.** All Master Sign Permit applications must include a proposed Master Sign Program that identifies the placement, size, materials, type, and general design of signs located on a site, including both existing and proposed signs.
6. **Design Standards.**
  - a. A Master Sign Program may allow for variety in the design of individual signs.
  - b. A Master Sign Program may not allow prohibited signs as identified in 155.340.040 (Prohibited Signs) or deviation from digital sign requirements in Table 340-9 (Digital Signs).
  - c. A Master Sign Program may allow transfers of maximum sign areas in 155.340.070 (Sign Standards) between tenants on a site. For example, on a site with ten tenants that each have 20-foot-wide frontages, each tenant would be allowed 20 square feet of pole signs. Through a standard Administrative Sign Permit, the area of each sign cannot be transferred from one tenant to another. However, through Design Review Committee approval of a Master Sign Permit,

the collective total of 200 square feet of sign area for the entire site can be pooled and then re-allocated between tenants so that one tenant could have 101 square feet and the remaining tenants could each have 11 square feet of sign area.

- d. A Master Sign Program may allow deviation from the total number of signs permitted per site in 155.340.070 (Sign Standards). For example, pole signs are limited to one pole sign per site with a standard Administrative Sign Permit. However, through a Master Sign Permit, the example in Paragraph (c) above could have two or more pole signs if specifically allowed by the Master Sign Permit approval.
  - e. Deviation from any other requirement in this section is not allowed.
7. **Public Notice and Hearing.** The Design Review Committee will review and act on a Master Sign Permit application at a noticed public hearing in compliance with 155.408.080 (Notice of Public Hearing) and 155.408.110 (Public Hearings).
8. **Findings for Approval.** To approve a Master Sign Permit, the Design Review Committee must make all of the following findings:
- a. Allowed signs are consistent with the General Plan, Zoning Code, and any applicable specific plan or area plan adopted by the City Council;
  - b. The Master Sign Program features a unified and coordinated approach to the materials, size, type, placement, and general design of signs proposed for a project or property;
  - c. If deviations from sign standards in 155.340.070 (Sign Standards) are proposed, the deviations are necessary to accommodate the unique signage needs of the site;
  - d. Allowed signs comply with all applicable standards in this section, unless specific deviations are allowed by the Master Sign Program;
  - e. The allowed signs will not adversely impact the public health, safety, or general welfare;
  - f. The allowed sign sizes are proportionate to the building and site where they are located; and
  - g. The number, placement, design, and material of the allowed signs are compatible with the architectural design of buildings on the site.

9. **Limitations.**

- a. As a part of the discretionary approval of a Master Sign Permit, the Design Review Committee may require modifications to the proposed Master Sign Program including limits on allowed sign types, height, area, dimensions, placement, materials, and other sign design features.

10. **Effect of Master Sign Program.**

- a. All tenants and land uses on the site are subject to the requirements of the approved Master Sign Program.
- b. All subsequent signs proposed for a site subject to an approved Master Sign Program must comply with the standards and specifications included in the Master Sign Program.
- c. Subsequent signs consistent with an approved Master Sign Program are allowed with an Administrative Sign Permit.
- d. Signs inconsistent with an approved Master Sign Program require either an amendment to the Master Sign Program or modification of the inconsistent signs.
- e. Approval of a Master Sign Program supersede the regulations of this section. Any aspect of the proposed signs not addressed by the Master Sign Program must be in compliance with this section.

**D. Creative Sign Permits**

- 1. **Purpose.** A Creative Sign Permit allows for creative signs that deviate from sign standards in this section. Creative Sign Permits are intended to:
  - a. Encourage signs of unique design, and that exhibit a high degree of thoughtfulness, imagination, inventiveness, and spirit; and
  - b. Allow for creative signs that deviate from the standards in this section while minimizing adverse impacts on neighboring properties and the community at large.
- 2. **When Allowed.** A creative sign is allowed for any type of sign in any location in Eureka, except for digital signs, which are allowed only in locations specified in Table 340-9 (Digital Signs).
- 3. **Review Authority.** The Design Review Committee reviews and takes action on Creative Sign Permit applications.
- 4. **Application Submittal and Review.** Creative Sign Permit applications must be submitted and reviewed in compliance with 155.408 (Permit Procedures).
- 5. **Eligible Adjustments.** A Creative Sign Permit may allow deviation from standards in 155.340.070 (Sign Standards), excluding standards for digital signs (see Table 340-9)

and marquee signs (see 155.340.070 E.3). Deviation from any other requirement in this section is not allowed.

6. **Design Features Requiring a Creative Sign Permit.** The following sign design features are allowed only with a Creative Sign Permit:
  - a. Signs which change color at a frequency of more than one color change per 15 seconds, except for digital signs consistent with Table 340-9 (Digital Signs).
  - b. Chase lighting.
  - c. Neon signs that change color or are animated. Neon signs that do not change color or utilize animation are allowed without a Creative Sign Permit.
7. **Digitally-Printed Signs.** A digitally-printed sign may constitute no more than 40 percent of the total sign area of a sign approved with a Creative Sign Permit.
8. **Public Notice and Hearing.** The Design Review Committee will review and act on a Creative Sign Permit application at a noticed public hearing in compliance with 155.408.080 (Notice of Public Hearing) and 155.408.110 (Public Hearings).
9. **Approval Criteria.** To approve a Creative Sign Permit, the Design Review Committee must find that the sign meets all of the General Design criteria and incorporates three or more of the Sign Features, Materials, and Contextual Criteria, as provided below.
  - a. **General Design.** The sign meets all of the following general design criteria:
    - (i) The sign constitutes a substantial aesthetic improvement to the site and has a positive visual impact on the surrounding area;
    - (ii) The sign is of unique design, and exhibits a high degree of thoughtfulness, imagination, inventiveness, and spirit;
    - (iii) The sign is of a higher creative, artistic, and/or sculptural nature than the average sign typically found in Eureka; and
    - (iv) The sign provides strong graphic character through the imaginative use of graphics, color, texture, quality materials, scale, and proportion.
  - b. **Sign Features, Materials, and Contextual Criteria.** The sign incorporates three or more of the following:
    - (i) Materials of a higher quality than typically used for signs in Eureka (e.g., stone, sculptural steel, sandblasted wood, gold leaf, hand-painted content with an artistic mural-like component).
    - (ii) Projecting, recessed, or cut-out text (e.g., push-through illuminated acrylic letters, routed letters, routed metal).

- (iii) Creative and unique use of clearly-visible high-quality landscaping with an area greater than the minimum required for the sign or site, whichever is more.
- (iv) Creative and unique use of lighting (e.g., chase, neon lighting, LED faux neon, a well-coordinated combination of at least three different types of site-appropriate illumination).
- (v) Clearly visible three-dimensionality where a notable proportion of the structure or form of the sign includes multiple deviations from a parallel plane (e.g., a sphere, a half-sphere, sculptural elements, a fully three-dimensional beer mug).
- (vi) Sign design successfully emulates the architecture of the building (e.g., a sign with roof-like covering that matches the general design of the roof of the building it serves).
- (vii) Highly irregular multi-dimensional sign shape (e.g., a sign that has at least five or more straight sides, a sign that has a few straight sides and multiple variable rounded sides, a sign with an unusually disproportionate height-to-width ratio).
- (viii) At least 50 percent of the sign area includes custom artistic illustrations.
- (ix) Sign shape includes inventive representation of the use, name, or logo of the structure or business (e.g., a fish-shaped sign for a fishing store).
- (x) Neon and/or LED faux neon signs that emulate movement but do not include chase lighting.
- (xi) Mechanically-animated element(s).
- (xii) Symbols or imagery relating to timber, commercial fishing, coastal land uses, arts/culture, other factors inherent to Eureka's identity, or to Eureka's current or historic character.

10. **Limitations.** As a part of the discretionary approval of a Creative Sign Permit, the Design Review Committee may require modifications to the proposed Creative Sign including limits on allowed sign types, area, dimensions, placement, materials, and other sign design features.

- E. Encroachment Permit.** Any sign which projects into the public right-of-way requires approval of an Encroachment Permit.
- F. City-Installed or Required Signs.** Signs installed or required by the City do not require a permit.

#### 155.340.070 – Sign Standards

**A. Sign Type Standards.**

1. All signs must comply with the sign type standards in Tables 340-1 through 340-9 unless deviations are allowed through a Master Sign Permit (155.340.060.C) or Creative Sign Permit (155.340.060.D).
2. Maximum sign standards in Tables 340-1 through 340-9 apply to individual signs, not all signs combined on a property, unless otherwise noted in the tables.
3. If a proposed sign type is not specifically listed in Tables 340-1 through 340-9, the sign will be regulated in the same manner as the most similar listed sign type as determined by the Director.

**Table 340-1: Wall Signs**

**Definition:** A wall sign is a sign attached to, or painted on, the exterior wall of a structure, with the display surface of the sign approximately parallel to the building wall. Wall signs include signs attached to, but not extending above, a fascia, parapet, or mansard roof.

**Where Allowed:** All zoning districts.

**Figure 340-7: Wall Signs**

**Materials:**

- Unless painted on a wall, wall signs must be constructed of durable, rigid material such as wood, plastic, or metal.
- Permanent walls signs constructed of flexible, non-rigid material (e.g., cloth, flexible vinyl) are not permitted.
- Wall signs may be painted directly on a building wall.



**Illumination:**

- In non-residential zoning districts: Both external and internal illumination is allowed.
- In residential zoning districts: Only external illumination is allowed.

Standards [1]	Zoning District		
	DT, DW, HC, WA, NC, OR, HM, H	SC, LI, HI	Non-residential uses in all Residential zones
Max. number	2 per tenant frontage		1 per building frontage
Max. area [2]	1.0 sq. ft. per linear foot of tenant frontage to a maximum of 32 sq. ft. per tenant frontage	1.0 sq. ft. per linear foot of tenant frontage (no maximum)	24 sq. ft.
Max. height	Roof line or parapet of building to which sign is attached.		
Max. projection from building wall	6 inches		
<b>Notes:</b>			
[1] Standards apply only to ground-floor tenants and uses. See 155.340.070.B (Multi-Story Buildings).			
[2] Maximum area applies to all wall signs combined on a tenant frontage.			

**Table 340-2: Window Signs, Non-Illuminated**

**Definition:** A sign posted, painted, placed, or affixed in or on a window exposed to public view (including windows on upper floors). Any sign attached to a window, within two feet of a window, or attached to a display located within two feet of a window is considered a window sign.

**Where Allowed:** All zoning districts.

**Window Transparency:** For each individual window, a minimum of 75 percent of the total window area must be transparent and free of signage features. Window area is measured from interior of trim to interior of trim, including mullions, muntins, and other separations of panes of glass.

**Figure 340-8: Window Signs, Non-Illuminated**



Standard [1]	Zoning District		
	DT, DW, HC, WA, NC, OR, HM, H	SC, LI, HI	Non-residential uses in all Residential zones
Max. number	No max.		
Max. area [2]	25 percent of total tenant frontage window area	50 percent of total tenant frontage window area	25 percent of the total window area of each individual window
Max. height	No max.		
<b>Notes:</b>			
[1] Standards apply only to ground-floor tenants and uses. See 155.340.070.B (Multi-Story Buildings).			
[2] Maximum area applies to all wall signs combined on a tenant frontage.			

**Table 340-3: Window Signs, Internally Illuminated**

**Definition:** A sign placed in a window with individually illuminated letters, numbers, or graphics not exceeding 12 square feet. Includes illuminated “open” signs and signs illuminated with LEDs, neon, or other fluorescing gas.

**Where Allowed:**

- Allowed in all non-residential zoning districts except for the Office Residential (OR) zoning district.
- **Additional Requirements:**
- Animated window signs require a Creative Sign Permit.
- Digital signs are not allowed as a window sign.

**Figure 340-9: Window Signs, Internally Illuminated**



Standard [1]	Zoning District	
	DT, DW, HC, WA, NC, HM, HN	SC, LI, HI
Max. number	2 per tenant frontage	
Max. area [2]	25 percent of total tenant frontage window area	50 percent of total tenant frontage window area
Max. height	No max.	
<p><u>Note:</u>                      [1] Standards apply only to ground-floor tenants and uses. See 155.340.070.B (Multi-Story Buildings).                      [2] Maximum area applies to all wall signs combined on a tenant frontage.</p>		

**Table 340-4: Projecting and Suspended Signs**

**Definition:** A sign permanently attached to a building or wall such that the sign face or faces are perpendicular to the building or wall. Includes blade signs suspended under a bracket, armature, or other mounting device.

**Where Allowed:**

- Allowed in all non-residential zoning districts.
- Prohibited in all residential zoning districts.

**Vertical and Horizontal Clearance:** See 155.340.080.I (Vertical and Horizontal Clearance)

**Figure 340-8: Projecting and Suspended Signs**



Standard [1]	Zoning District	
	DT, DW, HC, WA, NC, OR, HM, HN	SC, LI, HI
Max. number	1 per tenant frontage	
Max. area	18 sq. ft. per tenant frontage	24 sq. ft. per tenant frontage
Max. height	Height of building to which it is attached	
Maximum projection from building wall	8 ft.	
<p><u>Notes:</u></p> <p>[1] Standards apply only to ground-floor tenants and uses. See 155.340.070.B (Multi-Story Buildings).</p> <p>[2] The Building Code may require a projection less than eight feet</p>		

**Table 340-5: Awning/Canopy Signs**

**Definition:** An awning sign is incorporated into, attached to, or painted on the face or valance of an awning. A canopy sign is attached to a fixed overhead shelter used as a roof.

**Figure 340-9: Awning Signs**



**Figure 340-10: Canopy Signs**



**Where Allowed:**

- Allowed in all non-residential zoning districts.
- Prohibited in all residential zoning districts.

**Placement:** Awnings and canopies with signs may only be mounted on the wall area below the second floor.

**Vertical and Horizontal Clearance:** See 155.340.080.I (Vertical and Horizontal Clearance)

**Materials:** Awnings must be constructed of durable, long-lasting fabric. Plastic or vinyl material is not permitted.

**Awnings/Canopies Without Sign Copy:** Awnings and canopies without lettering or sign copy are not regulated as signs.

Standard	Zoning District	
	DT, DW, HC, WA, NC, OR, HM, HN	SC, LI, HI
Max. number	No max.	
Max. area	25 sq. ft. or area of awning or canopy fascia, whichever is less	35 sq. ft. or area of awning or canopy fascia, whichever is less
Max. height (awning signs)	Height of awning area	
Max. height (canopy signs)	Height of canopy fascia; 3 ft. for signs atop canopy	Height of canopy fascia; 4 ft. for signs atop canopy
Max. width	The building wall to which it is attached or the tenant space it identifies	
Maximum projection from building wall	No max.	

Note: Standards apply only to ground-floor tenants and uses. See 155.340.070.B (Multi-Story Buildings).

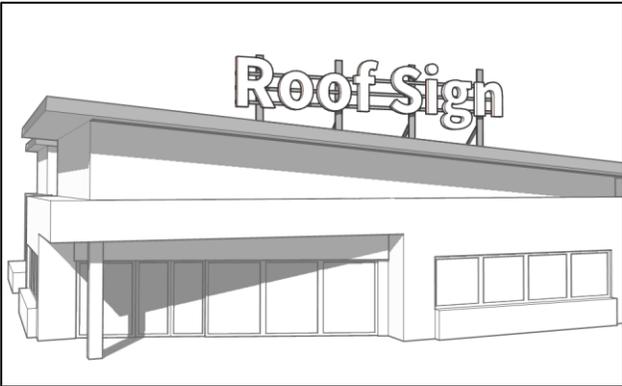
**Table 340-6: Roof Signs**

**Definition:** A sign erected above a roof and/or the parapet of a building. Signs attached to the side of a mansard roof are not considered roof signs. The definition of roof signs does not include signs attached to a building wall or other horizontal building element.

**Where Allowed:**

- Allowed in all non-residential zoning districts except for Office Residential (OR) and Hospital Medical (HM).
- Prohibited in Office Residential (OR), Hospital Medical (HM), and all residential zoning districts.

**Figure 340-11: Roof Signs**



**Design:** Roof signs must consist of individually-formed letters and associated graphics without a solid background. A box sign is not allowed as a roof sign.

**Illumination:** Internal or external illumination allowed. Internally illuminated signs are permitted only when the portion of the sign that appears illuminated is primarily the sign lettering, registered trademark, or logo.

**Digital Signs:** Digital signs are not allowed as a roof sign.

Standards	Zoning District	
	DT, DW, HC, WA, NC, HN	SC, LI, HI
Max. number	1 roof sign per building	
Max. area	1.0 sq. ft. per linear foot of total building frontage to a maximum of 50 sq. ft.	1.0 sq. ft. per linear foot of total tenant frontage to a maximum of 100 sq. ft.
Max. height	10 ft. above top of building	16 ft. above top of building
<u>Note:</u> Standards apply only to ground-floor tenants and uses. See 155.340.070.B (Multi-Story Buildings).		

**Table 340-7: Monument Signs**

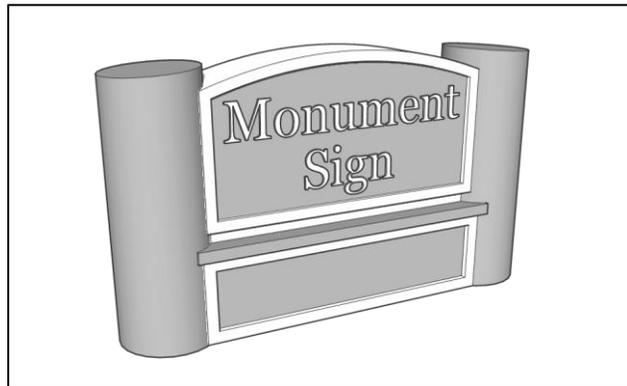
**Definition:** A monument sign is a sign detached from a building and supported on the ground by one or more structural elements that are one-quarter or more of the width of the sign face. Internal supports, poles, or pylons, if any, are enclosed by decorative covers or otherwise not exposed to view. Includes signs where supporting structural elements are architecturally dissimilar to the design of the sign. Excludes “pole signs.”

**Where Allowed:** Allowed in all mixed use and industrial zoning districts.

**Monument and Pole Signs:** A monument sign is not allowed on a site that also contains a pole sign.

**Ground Support and Placement:** See 155.340.080.J (Detached Sign Ground Support and Placement).

**Figure 340-12 Monument Signs**



Standard	Zoning District	
	DT, DW, HC, WA, NC, OR, HM, HN	SC, LI, HI
Max. number	1 per site	1 per site
Max. area	1.0 sq. ft. per linear foot of tenant frontage to a maximum of 32 sq. ft. per tenant; maximum of 64 sq. ft. for multi-tenant signs	1.0 sq. ft. per linear foot of tenant frontage to a maximum of 50 sq. ft. per tenant; maximum of 150 sq. ft. for multi-tenant signs
Max. height	8 ft.	12 ft.
Max. width	No max.	
<u>Note:</u> Standards apply only to ground-floor tenants and uses. See 155.340.070.B (Multi-Story Buildings).		

**Table 340-8: Pole Signs**

**Definition:** A sign detached from a building and supported on the ground by one or more structural elements that are less than one-quarter the width of the sign face.

**Where Allowed:**

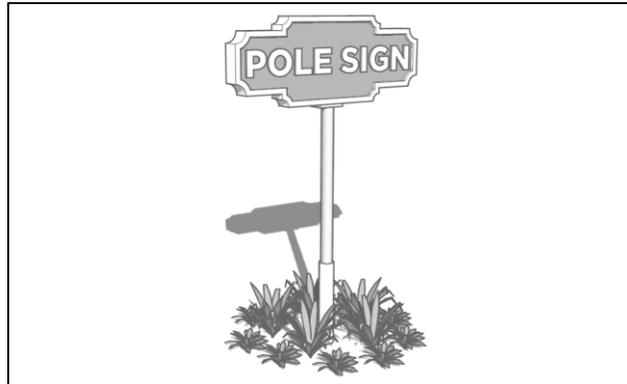
- New pole signs are allowed in the SC, LI, and GI zoning districts.
- New pole signs are prohibited in all other zoning districts. Pole signs existing as of June 20, 2019 may remain.

**Pole and Monument Signs.** A pole sign is not allowed on a tenant frontage that also contains a monument sign.

**Ground Support and Placement:** See 155.340.080.J (Detached Sign Ground Support and Placement).

**Landscaping:** Pole signs must be placed in a planter box or other landscaped area, with the area of the landscaping a minimum of 15 square feet or one-half of the surface area of the sign, whichever is greater.

**Figure 340-13: Pole Signs**



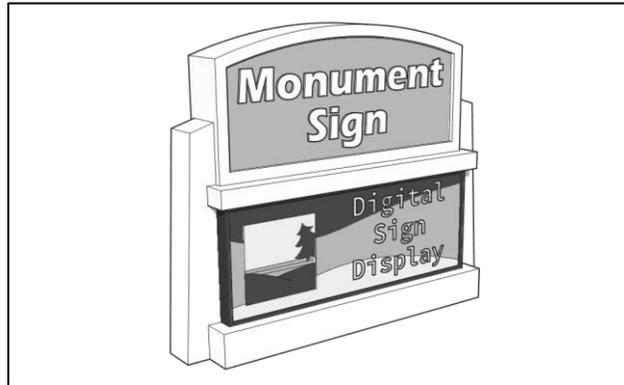
Standard	SC, LI, HI Zoning Districts
Max. number	1 per site
Max. area	1.0 sq. ft. per linear foot of tenant frontage to a maximum of 50 sq. ft. per tenant; maximum of 150 sq. ft. for multi-tenant signs
Max. height	24 ft.
Horizontal clearance	See 155.340.080.J (Vertical and Horizontal Clearance)
Max. width	No max.
<u>Note:</u> Standards apply only to ground-floor tenants and uses. See 155.340.070.B (Multi-Story Buildings).	

**Table 340-9: Digital Signs**

**Definition:** A sign that displays a visual image using liquid crystal cells or other types of light emitting diodes (LEDs), or their functional equivalent, where the image can be easily changed, typically by remote control or computer programming. Also known as Electronic Message Center (EMC) signs. Excludes fuel price signs and internally illuminated window signs.

**Where Allowed:**

- Allowed only in the Service Commercial (SC), Light Industrial (LI), and Heavy Industrial (HI) zoning districts
- In the Service Commercial (SC) zoning district, allowed only on properties fronting Broadway.
- Prohibited in all other zoning districts.

**Figure 340-14: Digital Signs**

**Sign Type:** Digital signs are permitted only when incorporated into a monument sign, wall sign, or pole sign that also includes additional non-digital sign copy.

**Off-Premise Signs Prohibited:** Digital signs may not be used as an off-premise sign, or for any form of off-site advertising.

**Design:**

- A digital sign must be incorporated into the face of a permanent sign that includes text or graphics that are not part of the digital display.
- If a digital sign is located at the top of a sign, the sign must include a substantial cap feature above the digital display, which consists of the same or complementary material, form, and color as used on the sign face or structure.

Standard	SC, LI, GI Zoning Districts
Max. number	1 per site
Max. frequency of message display change	15 sec.
Max. height	Established by the sign type into which the digital sign is incorporated.
Max. percentage of sign area containing digital display	66 percent of total allowable sign area of the sign type into which the digital sign is incorporated to a maximum of 100 sq. ft
Max. width	No max.

**Message Display:**

- Digital signs may contain static messages only. Signs may not display text which flashes, pulsates, moves, or scrolls. Each complete message must fit on one screen.
- Digital signs may not change message more than once every 15 seconds.
- The content of a digital sign must transition by changing instantly (e.g., no fade-out or fade-in).
- Ticker Signs are prohibited.

**Brightness:**

- During daylight hours between sunrise and sunset, luminance is limited to 10,000 nits.
- At all other times, luminance is limited to 500 nits.
- Digital signs may produce no more than 0.3 foot-candle of light when measured from the distance using the following formula:

$$\text{Measurement Distance} = \sqrt{\text{Area of Sign Sq. Ft.} \times 100}$$

- Each sign must have a light sensing device that will automatically adjust the brightness of the display as the natural ambient light conditions change.

- B. Multi-story Buildings.** Standards for signs in Tables 340-1 through 340-9 apply only to ground floor tenants and uses. Signs for tenants and uses located above the ground floor are allowed only with a Master Sign Permit that establishes sign standards for the site. See 155.340.060.C (Master Sign Permits).
- C. Hospital Signs.** Hospitals are exempt from all building-attached sign regulations except for digital sign regulations. Hospitals must comply with detached sign regulations. Non-hospital uses in the HM zoning district must comply with all sign regulations.
- D. Public Facilities and Parks Zoning Districts.** In the Public Facilities (PF) and Parks (P) zoning districts, the Director will determine the allowed sign types and size based on the signage needs of the associated uses.
- E. Marquee Signs.**
1. A marquee sign is allowed with a Creative Sign Permit and must satisfy all of the requirements of that permit. The Design Review Committee will determine the maximum allowed sign area, height, dimensions, and other standards as part of the Design Review approval process.
  2. Marquee signs are limited to theaters, auditoriums, indoor amusement/entertainment facilities, and similar facilities. A maximum of one marquee sign is allowed per use.
  3. Digital display is allowed only for marquee sign copy that advertises films, performances, and other events. Use of digital display to advertise goods and services is not allowed. Digital display may change no more than once a day. Digital display must comply with the brightness limitation in Table 340-9 (Digital Signs).
- F. Sandwich Board Signs.**
1. Sandwich board signs on private property are exempt from the requirements of this section (see 155.340.030.A.4.).
  2. Sandwich board signs within the public right of way must comply with the following standards:
    - a. Signs may only be located in mixed use zones.
    - b. Signs must be constructed of durable materials and in such a manner as not to present a hazard to pedestrian movement.
    - c. A sign may not exceed 30 inches in width and 48 inches in height.
    - d. Signs must be weighted at the base so as to provide a stable and secure sign.
    - e. Signs must be placed so as to allow for a minimum of 48 inches pedestrian path of travel clearance between obstacles.
    - f. Signs may not conflict with utilities or parking meters, public parking or traffic sight distance at street or alley intersections, and may not block entrances or

exits.

- g. Signs are limited to one sign per business, and must be placed on the sidewalk that fronts the business.
- h. Digital signs are not allowed as a sandwich board sign. See Table 340-9 (Digital Signs).
- i. Signs in the public right-of-way must acquire an encroachment permit.

### **155.340.080 – General Requirements**

#### **A. Message Neutrality.**

- 1. It is the City's policy to regulate signs in a constitutional manner that does not favor commercial speech over noncommercial speech, and is content neutral as to noncommercial messages which are within the protections of the First Amendment to the U.S. Constitution and the corollary provisions of the California Constitution.
- 2. Where necessary, the Director will interpret the meaning and applicability of this section in light of this message neutrality policy. Under no circumstances will this message neutrality policy be interpreted to allow off-premise signs. See 155.340.080.K (Off-Premise Signs).

#### **B. Message Substitution.**

- 1. Subject to the property owner's consent, a message of any type may be substituted, in whole or in part, for the message displayed on any legally established sign without consideration of message content.
- 2. Message substitutions require a Zoning Clearance.
- 3. This message substitution provision does not:
  - a. Create a right to increase the total amount of signage beyond that otherwise allowed or existing;
  - b. Affect the requirement that a sign structure or mounting device be properly permitted, when a permit requirement applies;
  - c. Allow a change in the physical structure of a sign or its mounting device;
  - d. Allow the establishment of a prohibited sign as identified in 155.340.040 (Prohibited Signs); or
  - e. Nullify or eliminate any contractual obligation through a development agreement or similar agreement that specifies the allowable content of a sign.

#### **C. Maximum Number of Sign Types.** No more than three different types of signs are allowed on a site without approval of a Master Sign Permit (see 155.340.060.C)

**D. Changes to Sign Face.** Changes to a sign face that do not structurally alter or enlarge a legally-established sign require a Zoning Clearance.

**E. Maintenance.**

1. All signs and supporting hardware, including temporary signs, must be maintained in a state of good repair at all times.
2. Any repair to a sign must be of equal or better quality of materials and design as the original sign.
3. A sign that is not properly maintained or is dilapidated will be deemed a public nuisance, and may be abated in compliance with 155.428 (Enforcement and Penalties) and Municipal Code Section 10.35 et seq. (Administrative Citations). Examples of dilapidated signs include the following:
  - a. Signs with rust covering 25 percent or more of a pole or other support structures.
  - b. Signs with peeling paint visible on 25 percent or more of the sign or support structure.
  - c. Signs and support structures with visible physical damage that significantly alters the sign's appearance.
  - d. Signs with malfunctioning or damaged lighting.
  - e. Illegible sign copy resulting from damage to the sign.
  - f. Signs and supporting elements that no longer contain a sign face or copy. Includes box signs without a slide-in sign copy panel, projecting sign brackets without an attached sign face, and stand-alone poles without an attached sign face.
  - g. Other similar conditions as determined by the Director.

**F. Building Surface Repair.** When an existing sign is replaced, removed, or modified, any newly exposed portions of a building surface on which the sign is or was displayed must be repaired and repainted to restore a uniform appearance to the surface. Compliance with this requirement includes the removal of any excess conduit and supports, and the patching or filling of any exposed holes.

**G. Materials.** Except for interior window signs, all permanent signs must be constructed of wood, metal, plastic, glass, or similar durable and weatherproof material.

**H. Illumination.**

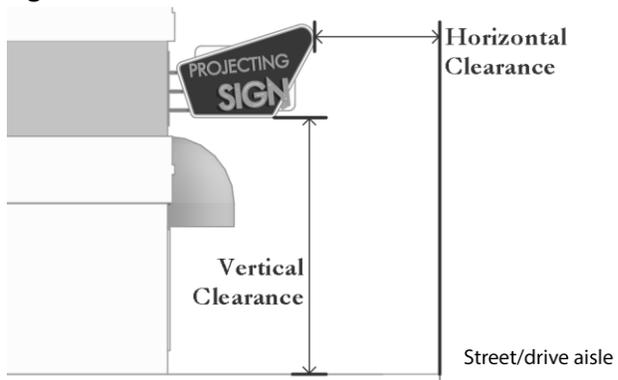
1. Signs in non-residential zoning districts may be internally or externally illuminated except where specifically prohibited.
2. Signs in residential zoning districts may only be externally illuminated.

3. Light sources must be steady, stationary, and static in color, except for neon signs and chase lighting when allowed with a Creative Sign Permit.
4. Lighting may not produce glare that creates a public nuisance or hazard for motorists or pedestrian.
5. The light source for externally illuminated signs must be positioned so that light does not shine directly on adjoining properties.
6. Exposed bulbs, with or without chase lighting, are permitted with a Creative Sign Permit.
7. Design features consisting of neon or other small diameter tubing illuminated by fluorescing gas is allowed as part of any type of sign.

#### I. Vertical and Horizontal Clearance.

1. Signs that project over any public walkway or walk area must have an overhead clearance of at least eight feet and require an Encroachment Permit. See Figure 340-16.
2. Signs must maintain a minimum two-foot horizontal clearance from a driveway or street curb. See Figure 340-15.

**Figure 340-15: Vertical and Horizontal Clearance**



#### J. Detached Sign Ground Support and Placement.

1. **Ground Support.** Detached signs must be supported and permanently placed by embedding, anchoring, or connecting the sign in such a manner as to incorporate it into the landscape or architectural design scheme.
2. **Placement.** A detached sign may not occupy an area designated for parking, loading, walkways, driveways, fire lane, easement, traffic portion of the right-of-way or other areas required to remain unobstructed.

**K. Off-Premise Signs.**

1. **New Off-Premise Signs.** New off-premise signs established on or after June 20, 2019 are prohibited.
2. **Existing Off-Premise Signs.** Legally-established off-premise signs established prior to June 20, 2019 may remain and must comply with all applicable regulations in this section.

**L. Nonconforming Signs.** See 155.424.050 (Nonconforming Signs).**M. Violations and Enforcement.** See 155.428.090 (Signs) for the procedure to remove hazardous and illegal signs.**155.340.090 – Temporary Signs**

Temporary signs are allowed in all zoning districts subject to this subsection.

**A. Temporary Sign Defined.**

1. A temporary sign means a sign intended to be displayed for a limited period of time.
2. The following types of signs are always considered temporary and allowed only as a temporary sign:
  - a. Banner signs.
  - b. Feather banners.
  - c. Yard signs.
  - d. Inflatable balloon signs.
  - e. Post signs on a residential property (e.g., for-sale signs).

**B. Allowed By-Right.** Temporary signs that comply with this subsection are allowed by-right without a Zoning Clearance or other form of Department approval.**C. Prohibited Signs.** Temporary signs must comply with Subsection 155.340.040 (Prohibited Signs).**D. Maximum Area.** Temporary signs may not exceed the maximum sign area shown in Table 340-10.

**Table 340-10: Maximum Temporary Sign Area**

Zoning District	Maximum Area
DT, DW, HC, NC, OR	25 sq. ft. per tenant, business, or land use
SC, HM, HN, LI, GI	
Tenants with less than 50 sq. ft. of tenant frontage	25 sq. ft. per tenant, business, or land use
Tenants with 50 ft. or more of tenant frontage	0.5 sq. ft. per linear foot of building frontage to a maximum of 100 sq. ft.
All Other Zoning Districts	25 sq. ft. per site

**E. Illumination.** Illumination of temporary signs is prohibited.

**F. Duration.**

1. Temporary signs may be displayed for the maximum duration shown in Table 340-11.
2. A sign displayed longer than allowed by Table 340-11 is considered a permanent sign subject to all applicable requirements in this section.

**Table 340-11: Temporary Sign Duration**

Type of Temporary Sign	Maximum Duration
Yard signs	90 days
Post signs	180 days
All other temporary signs	30 days not to exceed 60 calendar days per year

*This page is intentionally blank*

## Section 155.344 – DENSITY BONUS

---

### Subsections:

- 155.344.010 – Purpose
- 155.344.020 – Definitions
- 155.344.030 – Applicability
- 155.344.040 – Application Requirements
- 155.344.050 – Bonus and Incentive Calculation
- 155.344.060 – Review Authority
- 155.344.070 – Findings for Approval

### 155.344.010 – Purpose

The purpose of this section is to allow for density bonuses and additional incentives, consistent with Government Code Section 65915 et. seq. and the General Plan Housing Element, and to promote the production of affordable, specialized, and senior housing.

### 155.344.020 – Definitions

The definitions found in State Density Bonus Law apply to the terms contained in this subsection.

### 155.344.030 – Applicability

- A. A housing development as defined in State Density Bonus Law is eligible for a density bonus and other regulatory incentives that are provided by State Density Bonus Law when the applicant seeks and agrees to provide low, very-low, senior or moderate-income housing units or units intended to serve transitional foster youth, disabled veterans, homeless persons, and lower income students in the threshold amounts specified in State Density Bonus Law.

### 155.344.040 – Application Requirements

- A. **All Applications.** All applications for a density bonus, developer incentive, waiver or modification of development standards must include the following reasonable documentation:
  - 1. **Density Bonus.**
    - a. A summary table showing the maximum number of dwelling units permitted by the zoning and general plan excluding any density bonus units, the proposed affordable units by income level, the proposed bonus percentage, the number of

density bonus units proposed, the total number of dwelling units proposed on the site, and the resulting density in units per acre.

- b. A site plan, drawn to scale, showing the number and location of all proposed units, designating the location of proposed affordable units and density bonus units.
- c. The zoning and general plan designations and assessor's parcel number(s) of the housing development site.
- d. A description of all dwelling units existing on the site in the five-year period preceding the date of submittal of the application and identification of any units rented during the five-year period. If dwelling units on the site are currently rented, income and household size of all residents of currently occupied units, if known. If any dwelling units on the site were rented in the five-year period but are not currently rented, the income and household size of residents occupying dwelling units when the site contained the maximum number of dwelling units, if known.
- e. A description of any recorded covenant, ordinance, or law applicable to the site that restricted rents to levels affordable to very-low or lower-income households in the five-year period preceding the date of submittal of the application.

**2. Concession or Incentive.** For each concession or incentive requested:

- a. The existing development standard and the requested development standard or regulatory incentive.
- b. Except where mixed-use zoning is proposed as a concession or incentive, documentation to show any requested incentive will result in identifiable and actual cost reductions to provide for affordable housing costs or rents.
- c. If approval of mixed-use zoning is proposed, documentation that nonresidential land uses will reduce the cost of the housing development, that the nonresidential land uses are compatible with the housing development and the existing or planned development in the area where the proposed housing development will be located, and that mixed-use zoning will provide for affordable housing costs or rents.

**3. Waiver.** For each waiver requested:

- a. The existing development standard and the requested development standard.
- b. Documentation that the development standard for which a waiver is requested will have the effect of physically precluding the construction of a development at the densities or with the concessions or incentives permitted by Government Code Section 65915.

**4. Parking Reduction.**

- a. A table showing parking required by the zoning regulations, parking proposed under § 65915(p), and reasonable documentation that the project is eligible for the requested parking reduction.

**5. Child Care Facility.**

- a. Documentation that all requirements included in Government Code Section 65915 (h) can be met.

**6. Condominium Conversion.**

- a. Documentation that all requirements included in Government Code Section 65915.5 can be met.

**7. Commercial Development Bonus.**

- a. Documentation that all requirements included in Government Code Section 65915.7 can be met.

**8. Land Donation.**

- a. Documentation of the location of the land to be dedicated, proof of site control, and reasonable documentation that each of the requirements included in Government Code Section 65915(g) can be met.

- B. Timeline for Application Processing.** Applications made pursuant to this section will be processed pursuant to Government Code Section 65950 et. seq.

**155.344.050 – Bonus and Incentive Calculation**

- A.** All calculations are rounded up for any fractional numeric value in determining the total number of units to be granted, including base density and bonus density, as well as the resulting number of affordable units needed for a given density bonus project.
- B.** Projects qualifying for a density bonus under one or more income categories, or one or more types of housing (i.e., senior housing or housing intended to serve transitional foster youth, disabled veterans, homeless persons, or lower income students), must identify the categories under which the density bonus would be applied. Density bonuses from more than one category can be combined up to the maximum allowed under State Density Bonus law.
- C.** Density bonus units are not included in determining the number of affordable units required to qualify a project for a density bonus
- D.** The applicant may elect to accept a lesser percentage of density bonus than the housing development is entitled to, or no density bonus, but no reduction will be permitted in the percentages of required affordable units contained in Government Code Section 65915(b),

(c), and (f). Regardless of the number of affordable units, no project will be entitled to a density bonus of more than what is authorized under State Density Bonus Law.

- E. The number of incentives an applicant may request is provided by State Density Bonus Law.

#### **155.344.060 – Review Authority**

- A. Density Bonus applications for housing developments requiring discretionary review will be reviewed and acted upon by the highest review authority designated by the Zoning Code for any of the applications (e.g., a project requiring a Use Permit and applying for a Density Bonus will have both applications decided by the Planning Commission).
- B. The Director reviews and takes action on Density Bonus applications for housing developments requiring only ministerial review (e.g., a Density Bonus application for a housing development requiring only a Building Permit will be decided by the Director).

#### **155.344.070 – Findings for Approval**

- A. To approve a Density Bonus application, the review authority must make the following written findings, based upon substantial evidence, as applicable:
1. **Density Bonus.**
    - a. The proposed development provides the affordable units or senior housing required by State Density Bonus Law to be eligible for the density bonus and any incentives, parking reduction, or waivers requested, including the replacement of units rented or formerly rented to low- and very low-income households as required by Government Code Section 65915(c)(3).
    - b. The proposed density bonus will 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 affordable rents, as defined in Section 50053 of the Health and Safety Code; or
    - c. The proposed density bonus will not be contrary to state or federal law; and
    - d. The proposed density bonus will not have a specific adverse impact on public health or safety, or the physical environment, or on any real property that is listed in the California Register of Historic Resources. For the purpose of this subsection, 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.
  2. **Incentive.** Any requested incentive will result in identifiable and actual cost reductions to provide for affordable housing costs or rents, except that, if a mixed-use

development is requested, the application must instead meet all of the requirements of Government Code Section 65915(k)(2).

3. **Waiver.** The development standard for which a waiver is requested will have the effect of physically precluding the construction of a development at the densities or with the concessions or incentives permitted by Government Code Section 65915.
4. **Parking Reduction.** The housing development is eligible for any requested parking reductions under Government Code Section 65915(p).
5. **Donation of Land.** If the density bonus is based entirely, or in part, on the donation of land, all of the requirements included in Government Code Section 65915(g) have been met.
6. **Child Care Facility.** If the density bonus or incentive is based on the inclusion of a child care facility, all of the requirements included in Government Code Section 65915(h) have been met.
7. **Condominium Conversion.** If the density bonus or incentive is based on the inclusion of affordable units as part of a condominium conversion, all of the requirements included in Government Code Section 65915.5 have been met.
8. **Commercial Development.**
  - a. The City has approved the partnered housing agreement, and
  - b. The commercial development bonus has been mutually agreed upon by the City and the commercial developer; and
  - c. All of the requirements included in Government Code Section 65915.7 have been met.

*This page is intentionally blank*

## **ARTICLE 4 – Permits and Administration**

### **Section 155.404 – Administrative Responsibilities**

- 155.404.010 – Purpose
- 155.404.020 – Review and Decision-Making Authority
- 155.404.030 – Development Services Department
- 155.404.040 – Development Services Director
- 155.404.050 – Planning Commission
- 155.404.060 – Design Review Committee
- 155.404.070 – Historic Preservation Commission
- 155.404.080 – City Council

### **Section 155.408 – Permit Procedures**

- 155.408.010 – Purpose and Applicability
- 155.408.020 – Application Preparation and Filing
- 155.408.030 – Application Fees
- 155.408.040 – Application Review
- 155.408.050 – Multiple Permit Applications
- 155.408.060 – Environmental Review
- 155.408.070 – Applications Deemed Withdrawn
- 155.408.080 – Notice of Public Hearing
- 155.408.090 – Notice of Action
- 155.408.100 -- Public Hearings
- 155.408.110 – Conditions of Approval

### **Section 155.412 – Specific Permits and Approvals**

- 155.412.010 – Purpose
- 155.412.020 – Review Authority; Appeals
- 155.412.030 – Administrative Adjustments
- 155.412.040 – Design Review
- 155.412.050 – Home Occupation Approvals
- 155.412.060 – Infill Incentive Permits
- 155.412.070 – Minor Modifications
- 155.412.080 – Reasonable Accommodations
- 155.412.090 – Sign Permits
- 155.412.100 – Tree Permits
- 155.412.110 – Use Permits
- 155.412.120 – Vacation Rental Permits
- 155.412.130 – Variances
- 155.412.140 – Zoning Clearances

### **Section 155.416 – Appeals and Reviews**

- 155.416.010 – Purpose
- 155.416.020 – Appeal Subjects and Jurisdiction
- 155.416.030 – Filing and Processing of Appeals
- 155.416.040 – Calls for Review
- 155.416.050 – Judicial Review

### **Section 155.420 – Post-Approval Provisions**

- 155.420.010 – Purpose
- 155.420.020 – Notice of Decision
- 155.420.030 – Effective Date of Decision
- 155.420.040 – Issuance of Permits
- 155.420.050 – Conformance to Approved Plans
- 155.420.060 – Certificates of Occupancy
- 155.420.070 – Performance Guarantees
- 155.420.080 – Changes to an Approved Project
- 155.420.090 – Permit Expiration
- 155.420.100 – Extension of Time
- 155.420.110 – Resubmittals Following Denial or Revocation
- 155.420.120 – Permits to Run with the Land

### **Section 155.424 – Nonconformities**

- 155.424.010 – Purpose
- 155.424.020 – Applicability
- 155.424.030 – Nonconforming Site Features
- 155.424.040 – Nonconforming Buildings
- 155.424.050 – Nonconforming Signs
- 155.424.060 – Nonconforming Uses
- 155.424.070 – Nonconforming Lots
- 155.424.080 – Findings

### **Section 155.428 – Enforcement and Penalties**

- 155.428.010 – Purpose
- 155.428.020 – Violations
- 155.428.030 – Permits and Approvals
- 155.428.040 – Enforcement Authority
- 155.428.050 – Inspections, Access, and Entry
- 155.428.060 – Remedies
- 155.428.070 – Remedies are Cumulative
- 155.428.080 – Permit Revocation
- 155.428.090 – Signs

### **Section 155.432 – Zoning Code and General Plan Amendments**

- 155.432.010 – Purpose
- 155.432.020 – Initiation
- 155.432.030 – General Plan Amendment Petition
- 155.432.040 – Application
- 155.432.050 – Planning Commission Hearing and Action
- 155.432.060 – City Council Hearing and Action
- 155.432.070 – Findings for Approval
- 155.432.080 – Limitations on Resubmittals after Denial

## Section 155.404 – ADMINISTRATIVE RESPONSIBILITIES

---

### Subsections:

- 155.404.010 – Purpose
- 155.404.020 – Review and Decision-Making Authority
- 155.404.030 – Development Services Department
- 155.404.040 – Development Services Director
- 155.404.050 – Planning Commission
- 155.404.060 – Design Review Committee
- 155.404.070 – Historic Preservation Commission
- 155.404.080 – City Council

### 155.404.010 – Purpose

This section describes City roles and responsibilities when administering the Zoning Code.

### 155.404.020 – Review and Decision-Making Authority

- A. **Summary Table.** Table 404-1 summarizes City review and decision-making authority when processing permit applications and other requested approvals.
- B. **Meaning of Notations.** Authority roles shown in Table 404-1 mean the following:
  1. “Recommend” means the authority reviews and makes a recommendation to a higher decision-making body.
  2. “Decision” means the authority may approve, conditionally approve, or deny an application.
  3. “Appeal” means the authority hears an appeal of a decision by a lower review authority.
  4. “-” means the authority has no role in the action.
- C. **Multiple Permit Applications.** For projects that include multiple permits, see 155.408.050 (Multiple Permit Applications).

### 155.404.030 – Development Services Department

- A. **Responsibilities and Powers.** The Department:
  1. Processes permit applications as provided in 155.408 (Permit Procedures);
  2. Assumes responsibilities delegated by the Director; and
  3. Performs other duties as necessary to administer the Zoning Code.

**Table 404-1: Review and Decision-Making Authority**

Type of Action	Zoning Code Section	Role of Authority			
		Director/ Department	Design Review Committee	Planning Commission	City Council
<b>Legislative Actions</b>					
Zoning Code and General Plan Amendment	155.432	Recommend	-	Recommend	Decision
<b>Use Permits</b>					
Conditional Use Permit	155.412.110	Recommend	-	Decision	Appeal
Minor Use Permit	155.412.110	Decision [1]	-	Appeal	Appeal
<b>Flexibility and Relief</b>					
Administrative Adjustment	155.412.030	Decision [1]	-	Appeal	Appeal
Infill Incentive Permit, Major	155.412.060	Recommend	-	Decision	Appeal
Infill Incentive Permit, Minor	155.412.060	Decision [1]	-	Appeal	Appeal
Minor Modification	155.412.070	Decision [1]	-	Appeal	Appeal
Reasonable Accommodation	155.412.080	Decision [1]	-	Appeal	Appeal
Variance, Major	155.412.120	Recommend	-	Decision	Appeal
Variance, Minor	155.412.120	Decision [1]	-	Appeal	Appeal
<b>Sign Permits</b>					
Administrative Sign Permits	155.340.060.B	Decision [2]	Appeal	Appeal	Appeal
Creative Sign Permits	155.340.060.D	Recommend	Decision	Appeal	Appeal
Master Sign Permits	155.340.060.C	Recommend	Decision	Appeal	Appeal
<b>Other Permits and Approval</b>					
Density Bonus (ministerial)	155.344	Decision [2]		Appeal	Appeal
Density Bonus (discretionary)[3]	155.344	Decision [2]		Decision	Decision
Design Review	155.412.040	Recommend	Decision [4]	Appeal	Appeal
Home Occupation Approval	155.304.070	Decision [2]	-	Appeal	Appeal
Tree Permit	155.304.140	Decision [2]	-	Appeal	Appeal
Zoning Clearance	155.412.130	Decision [2]	-	Appeal	Appeal
<b>Notes:</b>					
[1] The Director may choose to refer the project to the Planning Commission for review and decision.					
[2] The Director may delegate review authority to Department staff on ministerial permits and approvals.					

[3] Density Bonus applications requiring other discretionary review will be acted upon by the highest review authority, with appeal rights to the next highest authority, except that decisions of the City Council are final.

[4] The Historic Preservation Commission conducts Design Review for projects that alter a designated historic resource as provided in Municipal Code Chapter 157. If a project subject to Design Review also requires a permit from the Planning Commission, the Planning Commission conducts Design Review.

### **155.404.040 – Development Services Director**

#### **A. Responsibilities and Powers.** The Director:

1. Serves as the review and decision-making authority as shown in Table 404-1;
2. Makes official interpretations of the Zoning Code in accordance with 155.108.030 (Official Interpretations);
3. Enforces the Zoning Code in accordance with 155.428 (Enforcement and Penalties);
4. Assumes responsibilities described in Municipal Code Section 33.071 (Director of Development Services);
5. Performs other duties as necessary to administer the Zoning Code and as assigned by the City Council; and
6. Serves as the secretary to the Design Review Committee, Historic Preservation Commission, and Planning Commission.

#### **B. Duties as Secretary to DRC, HPC, and PC.** As secretary to the Design Review Committee (DRC), Historic Preservation Commission (HPC), and Planning Commission (PC), the Director:

1. Prepares staff reports on permit applications and other requested approvals;
2. Presents applications at public hearings;
3. Maintains a record of DRC, HPC, and PC proceedings and decisions;
4. Advises the DRC, HPC, and PC on the meaning and applicability of the Zoning Code; and
5. Provides support and technical assistance to the DRC, HPC, and PC as needed.

#### **C. Delegation to Staff.** The Director may designate one or more Department staff to perform the duties described in 155.404.040.A (Responsibilities and Powers) and B (Duties as Secretary to DRC, HPC, and PC).

### **155.404.050 – Planning Commission**

#### **A. Established.** The City must maintain a Planning Commission to review and act on proposed development projects and to assist in the development and application of land use policy and regulations in Eureka.

**B. Composition.**

1. **Number of Members.** The Planning Commission consists of five members.
2. **Member Experience.** Persons appointed to the Planning Commission must have an interest and/or experience in city planning, land development, land use law, architecture, urban design, natural resource protection, real estate, transportation planning, economic development, or other relevant planning-related fields.
3. Planning Commission members must be appointed and vacancies on the Commission filled in accordance with Municipal Code Section 33.001 et seq. (Boards and Commissions Created by Council)

**C. Responsibilities and Powers.** The Planning Commission:

1. Serves as the review and decision-making authority on applications as shown in Table 404-1;
2. Hears appeals on decisions in accordance with 155.416 (Appeals and Reviews);
3. Makes recommendations to the City Council on Zoning Code amendments and other legislative matters;
4. Makes recommendations to the City Council on General Plan amendments and specific plans and other special-purpose land use plans; and
5. Assumes responsibilities described in Municipal Code Section 152.01 (Planning Commission);

**D. Meetings and Procedures.** The Planning Commission operates according to Municipal Code Chapter 33 (Other Departments, Boards and Commissions), Chapter 152 (Planning and Zoning Administration), and any official rules of procedure or bylaws adopted by the Planning Commission.**155.404.060 – Design Review Committee****A. Established.** The Design Review Committee (DRC) is established to review and approve the design of proposed development projects.**B. Composition.**

1. **Number of Members.** The DRC consists of five members.
2. **Member Experience.** Persons appointed to the DRC must have professional experience in the fields of architecture, land development, city planning, real estate, landscape architecture, or other relevant design-related profession.
3. **Appointment.** DRC members must be appointed and vacancies filled according to Municipal Code Section 33.001 et seq. (Boards and Commissions Created by Council).

4. **Architect.** If the DRC membership does not include an architect, the DRC may, by unanimous agreement, invite an architect, who may or may not be a resident of the city, to serve in an advisory capacity.

**C. Responsibilities and Powers.**

1. The DRC Serves as the review and decision-making authority as shown in Table 404-1;
2. The DRC may assume other responsibilities as requested by the Director, Planning Commission, or City Council.

- D. Meetings and Procedures.** The DRC operates according to Municipal Code Chapter 33 (Other Departments, Boards and Commissions) and any official rules of procedures or bylaws adopted by the DRC.

**155.404.070 – Historic Preservation Commission**

The purpose and function of the Historic Preservation Commission (HPC) is stated in Municipal Code Chapter 157 (Historic Preservation). In the administration of the Zoning Code, the HPC conducts Design Review for projects that alter a designated historic resource as provided in Municipal Code Chapter 157.

**155.404.080 – City Council**

The City Council:

- A. Takes action on proposed Zoning Code and General Plan amendments;
- B. Hears appeals on decisions in accordance with 155.416 (Appeals and Reviews); and
- C. Assumes other responsibilities and takes action on other matters related to the Zoning Code according to the Municipal Code and state and federal laws.

*This page is Intentionally blank*

## Section 155.408 – PERMIT PROCEDURES

---

### Subsections:

- 155.408.010 – Purpose and Applicability
- 155.408.020 – Application Preparation and Filing
- 155.408.030 – Application Fees
- 155.408.040 – Application Review
- 155.408.050 – Multiple Permit Applications
- 155.408.060 – Environmental Review
- 155.408.070 – Applications Deemed Withdrawn
- 155.408.080 – Notice of Public Hearing
- 155.408.090 – Notice of Action
- 155.408.100 – Public Hearings
- 155.408.110 – Conditions of Approval

### 155.408.010 – Purpose and Applicability

This section establishes procedures for the preparation, filing, and processing of permit applications required by the Zoning Code. Procedures and requirements that apply after an application is approved are found in 155.420 (Post-Approval Provisions).

### 155.408.020 – Application Preparation and Filing

#### A. Pre-Application Conference.

1. Applicants are encouraged to request a pre-application conference with the Department before completing and filing a permit application.
2. The purpose of this conference is to:
  - a. Review the applicant's project concepts, preliminary project descriptions, and/or rough site plans;
  - b. Inform the applicant of Zoning Code and Department requirements that apply to the proposed project;
  - c. Inform the applicant of requirements from other departments (such as Building, Public Works, Police, and Fire) and other governmental agencies (such as the Coastal Commission) that may apply to the proposed project;
  - d. Inform the applicant of the City's review processes;
  - e. Identify information and materials the City will require with the application, and any necessary technical studies and information relating to the environmental review of the project;

- f. Provide guidance to the applicant of possible project alternatives or modifications; and
  - g. Assign Department staff to serve as the project liaison with whom the applicant should communicate as the application is processed.
3. The pre-application conference and any information provided by City staff must not be construed as a recommendation for approval or denial of an application.
  4. Failure by City staff to identify all permit requirements does not constitute a waiver of those requirements.

**B. Application Contents.**

1. Applications must be made in writing on a form provided by the Department.
2. Applications must be filed along with all fees, information, and materials required by the Department.

**C. Eligibility for Filing.**

1. An application may be filed only by:
  - a. The property owner;
  - b. A property tenant;
  - c. An authorized agent of the property owner or tenant; or
  - d. A person under contract or with an exclusive option to purchase the property.
2. The application must be either:
  - a. Signed by the property owner, the property owner's authorized agent, or a person under contract or with an exclusive option to buy the property; or
  - b. Accompanied by a written letter signed by the property owner or the property owner's authorized agent consenting to the application.

**D. Application Acceptance.**

1. The Department may accept an application for processing only if the submittal contains all fees, information, and materials required by the Department.
2. Accepting an application for processing does not indicate Department support for the proposed project or that the application is complete pursuant to 155.408.040 (Application Review).

**155.408.030 – Application Fees**

- A. **Fee Schedule.** Fees required to process permit applications are identified in the Development Services Department Fee Schedule adopted by the City Council.

**B. Payment Required.**

1. The Department may accept and begin processing an application only after all required fees are paid.
2. Failure to pay any required fees may be a basis for denial or revocation of a permit.

**C. Refunds and Withdrawals.**

1. If an application is withdrawn in writing by the applicant, the Director may authorize a partial refund based upon the pro-rated costs to the date of withdrawal and the status of the application at the time of withdrawal.
2. The Department will not refund fees for denied applications, unless directed to do so by City Council.

**155.408.040 – Application Review**

- A. Initial Review.** The Department must review each application for completeness and accuracy before it is accepted as complete and officially filed.
- B. Basis for Determination.** The Department's completeness determination is based on the Department's list of required application content and any additional written instructions provided to the applicant at a pre-application conference, and/or during the application review period.
- C. Applicant Notification.** Within 30 days of application filing, the Department must inform the applicant in writing that the application is complete and has been accepted for processing, or that the application is incomplete and additional information is required.
- D. Appeal of Determination.** When the Department determines that an application is incomplete, and the applicant believes that the application is complete or that the information requested by the Department is not required, the applicant may appeal the Department's determination in compliance with 155.416 (Appeals and Reviews).
- E. Submittal of Additional Information.**
1. When the Department determines that an application is incomplete, the applicant must submit additional required information in writing.
  2. Resubmitted information is subject to a new 30-day period of review for completeness.
  3. Requested information must be submitted within the timeframe identified in 155.408.070.A (Response Required).
- F. Environmental Information.** After determining that an application is complete pursuant to 155.408.040.C (Applicant Notification), the Department may require the applicant to

submit additional information for the environmental review of the project, in compliance with the California Environmental Quality Act (CEQA).

#### **155.408.050 – Multiple Permit Applications**

- A. Concurrent Filing.** If a project requires more than one permit or approval (e.g., a Zoning Map Amendment and a Conditional Use Permit), the applicant must apply for all permits and approvals concurrently, unless the concurrent filing requirement is waived by the Director. The Department may accept a single application form for all required permits and approvals.
- B. Concurrent Processing and Review.**
  - 1. The Department must process multiple applications for the same project concurrently.
  - 2. Projects requiring multiple permit applications must be reviewed and acted upon by the highest review authority designated by the Zoning Code for any of the applications (e.g., a project requiring a Zoning Map Amendment and a Conditional Use Permit will have both applications decided by the City Council, instead of the Planning Commission acting on the Conditional Use Permit).

#### **155.408.060 – Environmental Review**

- A. CEQA Review.**
  - 1. After accepting a complete application, the Department must review the project in compliance with the California Environmental Quality Act (CEQA) and any adopted City CEQA guidelines.
  - 2. The Department will determine the required level of environmental review (e.g., exemption, Negative Declaration) within 30 days of finding the application complete.
- B. Special Studies Required.** The Department may require the applicant to prepare special studies and/or submit additional information to supplement the Department's CEQA compliance review.
- C. Action on CEQA Document.** The review authority that approves an application must take final action on the CEQA document prepared for the proposed project. Final action on the CEQA document must occur prior to or concurrent with action on required permits. Pursuant to CEQA Guidelines Section 15270(b), the City is not required to take final action on a CEQA documents for a denied application.

**155.408.070 – Applications Deemed Withdrawn****A. Response Required.**

1. When an applicant has been informed by letter that an application is incomplete in accordance with 155.408.040 (Application Review), the applicant must pay required supplemental fees and/or provide requested information within 120 days following the date of the letter, or within a different timeframe as determined by the Department and communicated to the applicant in writing.
2. If an applicant does not respond within the required response timeframe, the application expires and is deemed withdrawn without any further action by the Department.

- B. Resubmittal.** After an application expires, future Departmental consideration of the project requires an applicant to submit a new complete application and associated fees.

**155.408.080 – Notice of Public Hearing**

- A. General.** When the Zoning Code or a Major Subdivision requires a noticed public hearing, the Department must provide notice of the hearing in conformance with Government Code Section 65090 et. seq. and as described in this subsection.

- B. Content of Notice.** Notice of public hearing must include all of the following information, as applicable:

1. **Hearing Information.** The date, time, and place of the hearing; the name of the hearing body; and the phone number, email address, and Department location where an interested person can obtain additional information.
2. **Project Information.** The applicant's name, the application file number, a general description of the project, the location of the subject property.
3. **Statement on Environmental Document.** The required level of environmental review for the proposed project (e.g., exemption, Negative Declaration); a statement that the hearing body will consider approval of the project CEQA determination or document, if applicable.
4. **Statement Limiting Issues on Appeal or in Court Actions.** The following statement: "If you challenge any decision made by a review authority through administrative appeal or in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the review authority at, or prior to, the public hearing."

- C. Method of Notice Distribution.** Notice of a public hearing must be given not more than 30 and nor less than 10 days before the hearing date using the methods required by Government Code Section 65091 and as follows:

1. **Mailing.**
  - a. Notice is complete upon mailing and must be mailed or delivered at least ten days before the scheduled hearing to the following recipients:
    - (i) The owners of the subject property or the owner's authorized agent, and the applicant.
    - (ii) The owners of the real property located within a radius of 300 feet from the exterior boundaries of the subject property. The Department may mail or deliver notices to properties within a larger radius of the subject property if deemed necessary by the Director.
    - (iii) Each local agency expected to provide roads, schools, sewerage, streets, water, power, or other essential facilities or services to the subject property, whose ability to provide those facilities and services may be significantly affected.
    - (iv) Any person who has filed a written request for notice of the hearing with the Department or City Clerk.
  - b. If the number of property owners to whom notice would be mailed in compliance this paragraph is more than 1,000, the Department may provide notice by placing a display advertisement of at least one-eighth page in a local newspaper of general circulation at least ten days prior to the hearing.
2. **Posting.** Notice must be posted on the project site and two other public places at least ten days before the hearing, one of which will always be City Hall.
3. **Publication.**
  - a. Notice of a public hearing for a General Plan, Zoning Code Amendment, subdivision, and other projects required to do so by State law must be published in a local newspaper of general circulation at least ten days before the hearing.
  - b. For any other project requiring a public hearing, the Director may determine that enhanced public notice is necessary and/or desirable and require notice publication in a newspaper of general circulation at least ten days before the hearing.
4. **Drive-Thru Facilities.** For projects involving a new or modified drive-thru facility, the Department shall provide notice to local organizations identified by the Department as serving Eureka's blind, aged, and/or disabled community.
5. **Additional Notice.** In addition to the types of notice required above, the Department may require or provide additional notice as determined necessary or desirable by the Department.

- D. Failure to Receive Notice.** The validity of the hearing is not affected by the failure of any resident, property owner, or community member to receive a mailed or other notice.

#### **155.408.090 – Notice of Action**

When the Zoning Code requires a notice of action for applications acted on by the Director, public notice must be given as follows:

- A. Content of Notice.** A notice of action must include all of the following information, as applicable:
- 1. Project Information.** The applicant's name, the application file number, a general description of the project, the location of the subject property.
  - 2. Statement on Environmental Determination.** The environmental review for the project (e.g., exemption, Negative Declaration); a statement that the Director has adopted a CEQA determination or document, if applicable.
  - 3. Hearing Request Period.** The notice must state that within 15 days of the date of the Director's decision, the applicant or any aggrieved person may submit a written request for a public hearing before the Planning Commission on the application, and must indicate how an error or abuse of discretion was made by the Director, and/or how the decision of the Director is not supported by the evidence in the record.
- B. Method of Notice Distribution.** Notice of action must be mailed to the following recipients not more than one working day after the Director's action, as follows:
- 1.** The owners of the subject property, the owner's authorized agent, and/or the applicant.
  - 2.** The owners of the real property located within a radius of 300 feet from the exterior boundaries of the subject property. The Department may mail or deliver notices to properties within a larger radius of the subject property if deemed necessary by the Director.
  - 3.** Any person who has filed a written request for notice of the action with the Department or City Clerk.
- C. Hearing only on Request.**
- 1.** If the Department receives a written request for a public hearing before the end of the 15-day period, a date for the public hearing will be determined, and notice will be provided pursuant to 155.408.080 (Notice of Public Hearing).
  - 2.** If no request for a public hearing is received by the end of the 15-day period, the action of the Director becomes final.

**155.408.100 – Public Hearings**

- A. General.** Hearings will be conducted in a manner consistent with any procedures adopted or endorsed by the review authority.
- B. Notice of Public Hearing.** Notice of the public hearing must be provided in accordance with 155.408.080 (Notice of Public Hearing)
- C. Time and Place of Hearing.** A hearing must be held at the date, time, and place for which notice was given, unless the required quorum of hearing body members is not present or the hearing is continued pursuant to 155.408.100.E (Continued Hearing).
- D. Public Comment.** All hearings must be open to the public with opportunity to provide comment and/or testimony in accordance with established procedures.
- E. Continued Hearing.**
  - 1. A hearing may be continued without further notice, provided that the review authority chair announces the date, time, and place to which the hearing will be continued before the hearing adjournment or recess.
  - 2. The Director may continue a hearing without further notice when a quorum of the review authority is not present at the public hearing. The Director must announce the date, time, and place to which the hearing will be continued.
- F. Decision.** After the close of a public hearing, the review authority may:
  - 1. Approve, approve with conditions, or deny the application; or
  - 2. Make a recommendation to another review authority if the review authority does not make the final decision on the application.

**155.408.110 – Conditions of Approval**

- A. Discretionary Permits.**
  - 1. The review authority may attach conditions to a discretionary approval as needed to:
    - a. Achieve consistency with the General Plan, Zoning Code, and any applicable specific plan or area plan adopted by the City Council;
    - b. Mitigate any project impacts; and
    - c. Ensure compliance with any applicable City requirement or regulation.
  - 2. A decision to impose a condition on a discretionary approval may involve the subjective judgement of the review authority to determine how a project may best meet a City policy or regulation.
- B. Ministerial Permits.**

1. The Director may attach conditions to a ministerial approval as needed to bring the project into compliance with an objective standard or requirement.
2. Conditions attached to ministerial permits must also be ministerial and may not involve subjective judgment.

*This page is intentionally blank*

## Section 155.412 – SPECIFIC PERMITS AND APPROVALS

---

### Subsections:

- 155.412.010 –Purpose
- 155.412.020 – Review Authority; Appeals
- 155.412.030 – Administrative Adjustments
- 155.412.040 – Design Review
- 155.412.050 – Home Occupation Approvals
- 155.412.060 – Infill Incentive Permits
- 155.412.070 – Minor Modifications
- 155.412.080 – Reasonable Accommodations
- 155.412.090 – Sign Permits
- 155.412.100 – Tree Permits
- 155.412.110 – Use Permits
- 155.412.120 – Vacation Rental Permits
- 155.412.130 – Variances
- 155.412.140 – Zoning Clearances

### 155.412.010 –Purpose

- A. General.** This section identifies procedures for specific types of permits and approvals required by the Zoning Code.
- B. Modifications to Standards.**
  - 1. The following permits and approvals may be used to allow deviations from Zoning Code standards:
    - a. Administrative Adjustments.
    - b. Infill Incentive Permits.
    - c. Minor Modifications.
    - d. Reasonable Accommodations.
    - e. Variances.
  - 2. The City may change standards that apply to a property through a Zoning Code text or map amendment as provided in 155.432 (Zoning Code and General Plan Amendments).
  - 3. The City may also change standards that apply to a property through a specific plan and/or development agreement as provided in Government Code Sections 65450 et seq. and 65864 et seq., respectively.

**155.412.020 – Review Authority; Appeals**

- A. Projects Requiring Multiple Permits.** Projects requiring multiple permit applications must be reviewed and acted upon by the highest review authority designated by the Zoning Code for any of the applications (e.g., a project requiring a Zoning Map Amendment and a Conditional Use Permit will have both applications decided by the City Council, instead of the Planning Commission acting on the Conditional Use Permit).
- B. Appeals.** All decisions on permits and approvals in this section may be appealed in accordance with 155.416 (Appeals and Reviews).

**155.412.030 – Administrative Adjustments**

- A. Purpose.** An Administrative Adjustment is a discretionary process to determine if a project is eligible for a modified standard.
- B. When Allowed.** Standards that may be modified with an Administrative Adjustment are identified in Zoning Code Article 2 (Zoning Districts) and Article 3 (Citywide Standards) and below.

**Table 412-1: Allowed Administrative Adjustments**

Section	Adjustment
<b>155.208 Mixed Use Zone Districts</b>	
155.208.030 Development Standards	Maximum Front Setbacks
155.208.040 Pedestrian Focused Frontage	Ground Floor Storefront Transparency
<b>155.220 Resource Related Zoning Districts</b>	
155.220.030 Development Standards	Height Exceptions for Non-Residential Structures
<b>155.304 Supplemental Use Regulations</b>	
155.304.020 Accessory Uses	Maximum Size
<b>155.308 General Standards</b>	
155.308.040 Vision Clearance Area	Vision Clearance Area Exception
155.308.050 Outdoor Lighting	Outdoor Lighting Exception
<b>155.312 Design Standards</b>	
155.312.040 Building Entries	Entrance Design Exception
<b>155.324 Parking</b>	
155.324.040 Reductions and Alternatives	Allow Shared Parking

to Automobile Parking	
155.324.050 General Standards	Off-site Non-adjoining Parking
155.324.050 General Standards	Low Parking Demand Reduction
155.324.050 General Standards	MS4 Conflict Parking Reduction
155.324.060 Parking Design and Development Standards	Alley Access to Parking Waiver
155.324.060 Parking Design and Development Standards	Parking Placement
155.324.070 Bicycle Parking	Bicycle Parking Reductions
155.324.080 Parking Lot Landscaping	Alternative Landscape Design
<b>155.332 – Residential Subdivision Alternatives</b>	
155.332.020 Small Lot Subdivisions	On-site Parking Waiver

- C. Review Authority.** The Director reviews and takes action on Administrative Adjustment requests.
- D. Applications.** An applicant must request an Administrative Adjustment using an official Department form accompanied by all fees, information, and materials required by the Department.
- E. Public Notice and Hearing.** None required.
- F. Findings for Approval.**
  1. To approve an Administrative Adjustment application, the Director must make all of the following findings:
    - a. The adjustment is consistent with the purpose of the zoning district, the General Plan, and any applicable specific plan or area plan adopted by the City Council.
    - b. The adjustment will not deprive neighboring property owner of the reasonable economic use and enjoyment of their property.
    - c. The adjustment will not be materially detrimental to the public health, safety, or welfare.
  2. The Director must also make any additional findings required for the specific modification as identified where the original standard appears in Zoning Code Article 2 (Zoning Districts) and/or Article 3 (Citywide Standards).

**155.412.040 – Design Review**

- A. Purpose.** Design Review is a discretionary process to ensure that the street-facing facades of proposed developments exhibit high quality design, complement neighboring properties, and contribute to Eureka’s distinctive identity and unique sense of place.
- B. When Required.**
1. The following types of projects require Design Review:
    - a. Additions adding 30 percent or more floor area to the total existing floor area of a building in the R2 or R3 zoning districts or in a mixed-use zoning district.
    - b. New buildings that are 500 square feet or more in the R2 or R3 zoning districts or in a mixed-use zoning district.
    - c. Any exterior modification to a street-facing building façade located on a Pedestrian-focused Frontage (See Figure 208-4 in 155.208 (Mixed Use Zoning Districts)).
    - d. Wireless Telecommunication Facilities See Municipal Code Chapter 159 (Wireless Telecommunications Facilities)).
  2. As used in Paragraph (1) of this division, “commercial land use” means any land use listed in 155.504.040.B (Commercial – Sales) or 155.504.040.C (Commercial – Service and Office). An “industrial or storage” land use means any land use listed in 155.504.040.D (Industrial and Storage).
- C. Exemptions.** The following projects are exempt from Design Review:
1. Single-family homes and accessory dwelling units.
  2. Modifications and additions to existing structures where the modification or addition is not facing an adjacent public street.
  3. Buildings occupied by the following use categories, as identified in 155.504 (Land Use Classifications):
    - a. Agricultural and natural resource uses.
    - b. Civic and recreation uses.
    - c. Infrastructure and utility uses.
  4. Projects or project features to serve a person with disabilities under the Americans with Disabilities Act (ADA).
- D. Signs.** The Design Review Committee serves as the review authority for signs that require a Master Sign Permit or Creative Sign Permit. However, these sign permit applications are not subject to the Design Review process required by this section. To approve a sign permit, the Design Review Committee uses exclusively the review and approval criteria in 155.340

(Signs). The Design Review Committee does not consider the Design Review criteria in 155.412.040.I (Design Review Criteria) when acting on a sign permit.

**E. Review Authority.**

1. The Design Review Committee conducts Design Review for all projects except as follows:
  - a. If the project also requires review by the Historic Preservation Commission (HPC) as provided in Municipal Code Chapter 157 (Historic Preservation), the HPC conducts Design Review.
  - b. If the project also requires a permit from the Planning Commission, the Planning Commission conducts Design Review.
  - c. If the project also requires City Council approval, the City Council conducts Design Review.
2. When the Planning Commission or City Council conducts Design Review, the Department may request informal input from individual Design Review Committee members prior to Planning Commission action on the project. The Design Review Committee does not hold a formal meeting on the proposed project prior to Planning Commission or City Council review.

**F. Application Submittal and Review.** Design Review applications must be submitted and reviewed in compliance with 155.408 (Permit Procedures).

**G. Public Notice and Hearing.** The review authority must review and act on a Design Review application at a noticed public hearing in compliance with 155.408.100 (Public Hearings).

**H. Scope of Design Review.**

1. When acting on a Design Review application, the review authority must consider only those project features directly related to the Design Criteria described in 155.412.040.I (Design Review Criteria).
2. The review authority may not consider exterior building colors or other color choices included as part of a proposed project.
3. When conducting Design Review, the review authority may not require a modification to a project feature that complies with mandatory development standards in the Zoning Code. For example, if a project complies with the minimum setback requirement, the review authority may not require an increased setback as a condition of Design Review approval. Design Review is intended to address only aesthetic considerations not otherwise regulated by the Zoning Code.
4. Design Review may not require project changes to improve the economic viability of a business as perceived by the review authority.

- I. Design Review Criteria.** To approve a Design Review application, the Review Authority must find that the proposed project complies with all of the following Design Review criteria to the extent they apply.
1. **Community Character.** The overall project design enhances Eureka’s unique character and distinctive sense of place. A variety of building types and styles respects Eureka’s architectural heritage and embraces forward-looking creative expression.
  2. **Surrounding Context.** The overall project and associated buildings enhance the design quality of the area where they are located. New buildings may “fit in” with traditional architecture that matches or compliments the surrounding context or “stand out” with a contemporary and contrasting style. All buildings must minimize adverse impacts on neighboring properties when possible.
  3. **Pedestrian Environment.** Buildings incorporate design features that support an active public realm and an inviting pedestrian environment.
  4. **Architectural Style.** Buildings demonstrate a coherent and successfully executed architectural style. Building architecture may be traditional or modern. Buildings are not required to conform to any dominant architectural style or local vernacular. Creative architectural and artistic expression is encouraged.
  5. **Articulation and Visual Interest.** Building facades are distinctive, create visual interest, and relate to the human scale through vertical and horizontal articulation, varied building planes, distinctive building elements, and/or noticeable architectural details. Building elements such as roofs, doors, windows, and porches are part of an integrated design and relate to the human scale. Architectural details such as articulation, trim, eaves, window boxes, and brackets contribute to the visual interest of the building.
  6. **Materials.** Building facades feature high-quality materials that are appropriate to the architectural style, enhance building articulation, and are compatible with surrounding development.
  7. **Safety.** The project promotes public safety and minimizes opportunities for crime through design features such as property access controls (e.g., placement of entrances, fences), increased visibility, and features that promote a sense of ownership of outdoor space.
  8. **Landscaping.** Landscaping features low-water-use plants appropriate for the local climate and does not include any invasive species that would be harmful to native plants and habitat, in compliance with 155.328.050.D (Invasive Plants).
- J. Findings.** To approve a Design Review application, the review authority must make all of the following findings:

1. The proposed project is consistent with the General Plan, any applicable specific plan or area plan, and other design policies and regulations adopted by the City Council.
2. The proposed project complies with all applicable provisions of the Zoning Code and Municipal Code.
3. The proposed development will not be detrimental to public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.
4. The proposed project complies with all applicable Design Review criteria in 155.412.040.I (Design Review Criteria).

**K. Building Permits.**

1. For projects subject to Design Review, the Building Department may not accept a Building Permit application until after Design Review approval.
2. The Building Department may issue a certificate of occupancy or other final Building Permit sign-off only after the Department has physically inspected the project site and verified that the as-built project conforms with Design Review approved plans and conditions of approval.

**155.412.050 – Home Occupation Approvals**

See 155.304.070.B (Permits Required).

**155.412.060 – Infill Incentive Permits**

- A. Purpose.** An Infill Incentive Permit allows deviations from development standards for projects that provide community benefits and/or public amenities. Infill Incentive Permits are discretionary actions intended to encourage high-quality infill development and/or the adaptive reuse of properties suitable for redevelopment.
- B. Where Allowed.** An Infill Incentive Permit is available for projects in the residential, mixed-use, and industrial zoning districts.
- C. Types of Infill Incentive Permits.** The Zoning Code establishes two types of Infill Incentive Permits: Minor Infill Incentive Permits and Major Infill Incentive Permits.
- D. Review Authority.**
  1. **Minor Infill Incentive Permits.** The Director reviews and takes action on Minor Infill Incentive Permit applications. The Director may refer any application to the Planning Commission for public hearing and decision.
  2. **Major Infill Incentive Permits.** The Planning Commission reviews and takes action on Major Infill Incentive Permit applications.

- E. Required Benefits.** The review authority may approve an Infill Incentive Permit for projects that provide at least two of the following community benefits:
1. **Architectural Features.** The project incorporates four of the architectural features described in 155.312.050 (Architectural Features).
  2. **Vertical Mixed Use.** The project creates two or more new upper-story residential units as a part of a vertical mixed-use development within 900 feet of a public transit bus stop where the average interval of time between buses is 90 minutes or less (90-minute headways) during weekday daytime hours. Mixed-use development must be permitted in the applicable zoning district to qualify as a benefit.
  3. **Historic Preservation.** The project renovates a designated historic resource in compliance with Chapter 157 (Historic Preservation).
  4. **Environmental Remediation.** The project remediates contaminated soil or water.
  5. **Green Building.** The project will be a LEED-certified green building.
  6. **Blight/Nuisance Abatement.** The project eliminates blight, a public nuisance, or a public health or safety hazard.
  7. **Child Care.** The project includes an on-site childcare facility.
  8. **Supportive Housing.** The project provides supportive housing as defined in California Government Code Section 65582.
  9. **Electric Vehicle Charging Stations.** The project provides an electrical vehicle charging station for each parking space that serves a residential unit and/or for at least 25 percent of spaces that serve a non-residential use. For EV-equipped parking spaces beyond the minimum required by 155.324.050.C (Electric Vehicle Charging), EV-equipped parking spaces that serve a residential unit may be used by non-electric vehicles.
  10. **Materials and Building Elements.** The project incorporates exterior materials or building elements of a higher quality than conventional construction. Examples include:
    - a. **Siding:** All exterior walls are sided with wood shake, ornamental metal, tile, brick, stone, or stained wood.
    - b. **Doors and Windows:** All doors and windows are solid wood and/or feature shutters, stained glass, or true divided muntins.
    - c. **Roofing Materials:** All roof surfaces feature wood shingle or shake, standing seam metal, clay or concrete tile, slate shingles, or a green/living roof.
    - d. **Fixtures:** High grade fixtures on all building walls visible from a public street or sidewalk that add significantly to the architectural character of the building such

as light fixtures, door hinges and handles, decorative hanging sign or awning brackets.

11. **Community Amenities.** The project creates or preserves a cultural, recreational, employment, or other amenity that the adds significantly to the quality of life of the neighborhood or the community. The community amenity must be an allowed use in the applicable zoning district to qualify as a benefit.

**F. Incentives.**

1. **Available Incentives.** An Infill Incentive Permit may allow deviations to development standards as shown in Table 412-1.

**Table 412-2: Allowed Deviations through Infill Incentive Permit**

Standards	Allowed Deviation	
	Minor Infill Incentive Permit	Major Infill Incentive Permit
<b>Increase Maximum Building Height</b>		
Residential Zoning Districts	15%	25%
Mixed-Use and Industrial Zoning Districts	20%	35%
<b>Increase Maximum Floor Area Ratio</b>		
Residential Zoning Districts	15%	25%
Mixed-use and Industrial Zoning Districts	20%	35%
<b>Increase Maximum Residential Density [1]</b>		
R1 Zoning District [2]	N/A	1 additional unit
R2 [3]	1 additional unit	33 percent increase
R3 Zoning Districts [3]	2 additional units	33 percent increase
Hinge Zoning District	1 additional unit	33 percent increase
<b>Reduce Minimum Lot Line Setbacks</b>		
Residential Zoning Districts	25%	50%
<b>Increase Maximum Site Coverage</b>		
Residential Zoning Districts	15%	25%
<b>Reduce Minimum On-Site Parking Spaces</b>		
R1, R2, and R3 Zoning Districts	20%	50%
Mixed-use and Industrial Zoning Districts	20%	50%
<b>Notes:</b>		
[1] See 155.412.060.G (Increased Density Requirements).		

Standards	Allowed Deviation	
	Minor Infill Incentive Permit	Major Infill Incentive Permit
[2] Minimum lot area of 5,000 square feet required for increased density.		
[3] Minimum lot area of 6,000 square feet required for increased density.		

2. **Number of Incentives.** The maximum number of standards which may be modified through an Infill Incentive Permit is as follows:
  - a. Minor Infill Incentive Permits: One deviation to development standards as shown in Table 412-1.
  - b. Major Infill Incentive Permit: Two deviations to development standards as shown in Table 412-1.

**G. Increased Density Requirements.** To be eligible for increased residential density as provided in Table 412-1, a project must meet the following criteria:

1. **Adjacency to High Volume Streets.** The project is on a lot within 250 feet from a street designated as a major arterial, minor arterial, or a major collector in the General Plan Figure M-1 Circulation Diagram.
2. **Factors Supporting Higher Density.** The lot containing the project satisfies one or more of the following requirements:
  - a. Any portion of the lot is within 900 feet of a community park as defined in the General Plan.
  - b. Any portion of the lot is within 600 feet of a bus stop.
  - c. Any portion of the lot is within 600 feet of a school.
  - d. Any portion of the lot is within 900 feet of a mixed-use zoning district or a residential zoning district with a higher allowed density.
  - e. The lot has been unimproved (containing no buildings) for ten years or longer.
  - f. The Neighborhood Market (NMO) overlay zone applies to the lot.
3. **Reduced Unit Size and Affordability.** The project satisfies one or more of the following requirements:
  - a. All of the additional units allowed through the increased density are 500 square feet or less.
  - b. For market-rate projects where the majority of units are not income-restricted, a minimum of one unit or 10 percent of units (whichever is more) are deed

restricted to households earning 50 percent or less of the Humboldt County median income.

- c. For affordable housing projects where all units are income-restricted, a minimum of one unit or 60 percent of units (whichever is more) are deed restricted to households earning 50 percent or less of the Humboldt County median income.

**H. Application Submittal and Review.** Infill Incentive Permit applications must be submitted and reviewed in compliance with 155.408 (Permit Procedures).

**I. Public Notice and Hearing.**

1. **Minor Infill Incentive Permits.** Public notice of the Director's action on a Minor Infill Incentive Permit application will be provided in compliance with 155.408.090 (Notice of Action). The Planning Commission will hold a public hearing only after receiving a written request for a public hearing.
2. **Major Infill Incentive Permits.** The Planning Commission must review and act on a Major Infill Incentive Permit application at a noticed public hearing in compliance with 155.408.100 (Public Hearings).

**J. Findings for Approval.** To approve an Infill Incentive Permit, the review authority must make all of the following findings:

1. The proposed project substantially advances General Plan objectives to prioritize development of vacant and underutilized infill properties and/or revitalize existing properties.
2. The community benefits provided by the project are of a sufficient value to justify the deviations to development standards allowed by the permit.
3. The adjustment will not deprive neighboring property owners of the reasonable economic use and enjoyment of their property.
4. The adjustment will not be materially detrimental to the public health, safety, or welfare.

#### **155.412.070 – Minor Modifications**

**A. Purpose.** A Minor Modification allows for small deviations from development standards to accommodate projects that are compatible with and appropriate for the area where they are located.

**B. When Allowed.**

1. **Permitted Modifications.**
  - a. The Director may approve a Minor Modification to allow deviation from a physical development standard that applies to the subject property. Examples of physical

development standards include lot area, site coverage, building height, setbacks, fence and wall height, floor area ratio (FAR), and on-site parking space dimensions.

- b. The maximum deviation allowed with a Minor Modification is 10 percent of the standard, except that fence and wall height deviation may be increased by up to 20 percent with a Minor Modification.
2. **Calculating Allowed Deviations.** The maximum deviation allowed with a Minor Modification is calculated as 10 percent of the amount, distance, or area required by the standard. For example, if the maximum permitted height is 30 feet, up to three additional feet (10 percent of 30 feet) may be allowed with a Minor Modification.
  3. **Modifications Not Allowed.** A Minor Modification may not be granted to allow deviation from:
    - a. The General Plan;
    - b. Increased residential density;
    - c. Required parking spaces; and
    - d. Design standards with no quantified standard (e.g., building entries facing the street)
- C. Review Authority.** The Director reviews and takes action on Minor Modification applications.
- D. Applications.** An application is not required for a Minor Modification. Department staff will review the project information submitted for a Building Permit or other required City approvals when acting on the Zoning Clearance or discretionary approval.
- E. Public Notice and Hearing.** None required.
- F. Findings for Approval.** To approve a Minor Modification application, the Director must make all of the following findings:
1. The modification will be compatible with adjacent structures and uses and is consistent with the character of the neighborhood or district where it is located.
  2. The modification is consistent with the purpose of the zoning district, the General Plan, and any applicable specific plan or area plan adopted by the City Council.
  3. The adjustment will not deprive neighboring property owners of the reasonable economic use and/or enjoyment of their property.
  4. The adjustment will not be materially detrimental to the public health, safety, or welfare.

- G. Effect of Decision.** A Director decision on a Minor Modification is based on the merits of an individual application. Approval of a Minor Modification does not establish a precedent for future similar applications.

#### **155.412.080 – Reasonable Accommodations**

- A. Purpose.** This subsection establishes a procedure for requesting reasonable accommodation in land use, zoning, and building regulations to provide persons with disabilities equal access to housing consistent with the Federal Fair Housing Act (42 U.S.C. Section 3601 et seq.) and the California Fair Employment and Housing Act (Government Code Section 12955 et seq.). A reasonable accommodation is typically a ministerial adjustment to physical design standards to accommodate the placement of wheelchair ramps or other exterior modifications to a dwelling in response to the needs of a disabled resident.
- B. When Allowed.**
- 1. Eligible Applicants.** A request for reasonable accommodation may be made by any person with a disability, their representative, or any entity, when the application of the Zoning Code or other land use or building regulation, policy, or practice acts as a barrier to fair housing opportunities.
  - 2. Definition.** A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having this type of impairment, or anyone who has a record of this type of impairment.
  - 3. Eligible Request.** A request for reasonable accommodation may include a request for a modification or exception to the rules, standards, and practices for the siting, development, and use of housing or housing-related facilities that would eliminate regulatory barriers.
- C. Review Authority.** The Director takes action on all reasonable accommodation applications.
- D. Application Requirements.** A request for reasonable accommodation must be submitted in compliance with 155.408 (Permit Procedures).
- E. Application Review.**
- 1.** The Director must make a written determination to either grant, grant with modifications, or deny a request for reasonable accommodation.
  - 2.** If necessary to reach a determination on the request for reasonable accommodation, the Director may request further information from the applicant consistent with fair housing laws.

- F. Criteria for Decision.** To approve a Reasonable Accommodation request, the Director must make all of the following findings:
1. The housing subject to the request will be used by an individual with disabilities protected under fair housing law.
  2. The request for reasonable accommodation is necessary to make housing available to an individual with disabilities protected under fair housing law.
  3. Potential impacts on surrounding uses are acceptable.
  4. Physical attributes of the property and structures reasonably allow for the accommodation.
  5. Availability of other reasonable accommodations that may provide an equivalent level of benefit have been assessed.
- G. Conditions of Approval.**
1. In approving a request for reasonable accommodation, the Director may impose conditions of approval to minimize impacts on surrounding uses and ensure consistency with the purpose of the zoning district, the General Plan, and any applicable specific plan or area plan adopted by the City Council.
  2. A reasonable accommodation approval may be conditioned to provide for its automatic expiration and/or removal under appropriate circumstance (e.g., the disabled resident vacates the property).

#### **155.412.090 – Sign Permits**

See 155.340.060 (Sign Permits).

#### **155.412.100 – Tree Permits**

See 155.304.140.E (Tree Permit Required).

#### **155.412.110 – Use Permits**

- A. Purpose.** Use Permits are required for land uses that are generally appropriate within a zoning district, but where the potential impacts of the use on a site and its surroundings must be evaluated, and where conditions of approval may be needed. Use Permits are discretionary actions that enable the City to ensure that a proposed use is consistent with the General Plan and will not create negative impacts to adjacent properties or the general public.
- B. Types of Use Permits.** The Zoning Code establishes two types of Use Permits: Minor Use Permits and Conditional Use Permits.

**C. Review Authority.**

1. **Minor Use Permits.** The Director reviews and takes action on Minor Use Permit applications. The Director may refer any application to the Planning Commission for public hearing and decision.
2. **Conditional Use Permits.** The Planning Commission reviews and takes action on Conditional Use Permit applications.

**D. When Required.** Land uses that require a Use Permit are shown in the land use regulation tables for each zoning district found in Article 2 (Zoning Districts).

**E. Public Notice and Hearing.**

1. **Minor Use Permits.** Notice of the Director's action on a Minor Use Permit application must be provided in compliance with 155.408.090 (Notice of Action). The Planning Commission will hold a public hearing only after receiving a written request for a public hearing.
2. **Conditional Use Permits.** The Planning Commission must review and act on a Conditional Use Permit application at a noticed public hearing in compliance with 155.408.100 (Public Hearings).

**F. Findings for Approval.** To approve a Use Permit, the review authority must make all of the following findings:

1. The proposed use is consistent with the General Plan, Zoning Code, and any applicable specific plan or area plan adopted by the City Council.
2. The site is suitable for the size, design, and operating characteristics of the proposed use.
3. The proposed use will be compatible with existing and planned land uses in the vicinity of the property.
4. The proposed use will not be detrimental to the public health, safety, and welfare.
5. The proposed use is properly located within the city and adequately served by existing or planned services and infrastructure.

**G. Permits to Run with the Land.** See 155.420.120 (Permits to Run with the Land).

**H. Expiration of Use Permits.** See 155.420.090.C (Discontinued Uses).

**155.412.120 – Vacation Rental Permits**

See 155.304.130.F (Permits Required).

**155.412.130 – Variances**

- A. Purpose.** A Variance is a discretionary approval that allows for deviation from physical development standards in the Zoning Code. The City may grant a Variance only when the strict application of development standards creates a unique hardship due to unusual circumstances associated with the property.
- B. When Allowed.**
1. **Allowable Variances.** The City may grant a Variance to allow for deviation from any physical development standard that applies to the subject property. Examples of physical development standards include height, setbacks, open space, floor area ratio (FAR), and off-street parking requirements.
  2. **Variances Not Allowed.** A Variance may not be granted to:
    - a. Permit a use other than a use permitted in the zoning district as specified in Part 2 (Zoning District Standards);
    - b. Allow deviation from a requirement of the General Plan (e.g., maximum residential density in zoning district); and
    - c. Allow deviations to Zoning Code standards to reduce construction costs.
- C. Types of Variances.** The Zoning Code establishes two types of variances: Major Variances and Minor Variances.
1. **Minor Variance.** A Minor Variance allows a deviation from a standard by 20 percent or less.
  2. **Major Variances.** A Major Variance allows a deviation from a standard by more than 20 percent.
- D. Calculating Deviations.** A deviation allowed with a Variance is calculated as a percentage of the distance or area required by the standard. For example, if the minimum required setback is 20 feet, the setback may be reduced by four feet to 16 feet (a four-foot reduction is 20 percent of 20 feet). The same setback may be reduced to any distance less than 16 feet with a Major Variance.
- E. Review Authority.**
1. **Minor Variance.** The Director reviews and takes action on Minor Variance applications. The Director may refer any application to the Planning Commission for public hearing and decision.
  2. **Major Variances.** The Planning Commission reviews and takes action on Major Variance applications.
- F. Application Submittal and Review.** Variance applications must be submitted and reviewed in compliance with 155.408 (Permit Requirements).

**G. Public Notice and Hearing.**

1. **Minor Variance.** Public notice of the Director's action on a Minor Variance Permit application will be provided in compliance with 155.408.090 (Notice of Action). The Planning Commission will hold a public hearing only after receiving a written request for a public hearing.
2. **Major Variance.** The Planning Commission must review and act on a Major Variance application at a noticed public hearing in compliance with 155.408.100 (Public Hearings).

**H. Findings for Approval.** To approve a Variance, the review authority must make all of the following findings:

1. There are unique circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, that do not generally apply to other properties in the vicinity or in the same zoning district as the subject property.
  2. The strict application of the Zoning Code regulation would deprive the subject property of privileges enjoyed by other property in the vicinity or in the same zoning district as the subject property.
  3. The Variance is necessary to preserve a substantial property right possessed by other properties in the vicinity or in the same zoning district as the subject property.
  4. The Variance will not be materially detrimental to the public health, safety, or welfare, or be injurious to the property or improvements in the vicinity or in the same zoning district as the subject property.
  5. The Variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity or in the same zoning district as the subject property.
- I. Precedent.** The approval of a Variance does not set a precedent for the granting of any future Variance. Each application must be considered only on its individual merits.

**155.412.140 – Zoning Clearances**

- A. Purpose.** A Zoning Clearance is a ministerial process to confirm that a proposed structure or land use complies with the Zoning Code.
- B. When Required.** A Zoning Clearance is required before:
1. An applicant establishes a land use permitted by right in the zoning district;
  2. The City issues a new or modified business license; or
  3. The City issues a building permit, grading permit, or other construction-related permit to:

- a. Establish a new structure or use;
  - b. Move or reconstruct an existing structure;
  - c. Modify an existing structure to accommodate a change in use; or
  - d. Enlarge or expand an existing structure.
- C. Relationship to Discretionary Permits.** When a project requires a discretionary action, a discretionary approval serves as the equivalent of a Zoning Clearance.
- D. Applicant Requests.** A property or business owner may request a Zoning Clearance to provide documentation that an existing structure or use complies with the Zoning Code.
- E. Review Authority.** A Zoning Clearance is approved by Department staff. Controversial and complex projects will be referred to the Director for review and approval.
- F. Applications.** An application is not required for a Zoning Clearance. Department staff will review the project information submitted for a Building Permit or other required City approvals when acting on the Zoning Clearance.
- G. Review and Action.**
1. Department staff will review the project information to verify compliance with the Zoning Code. If the project complies with all applicable requirements, the Department staff must approve the Zoning Clearance.
  2. Zoning Clearance approval may be in the form of a stamp, signature, or other official notation on approved plans, a letter to the applicant, or other similar certification or form.

*This page is intentionally blank*

## Section 155.416 – APPEALS AND REVIEWS

---

### Subsections:

- 155.416.010 –Purpose
- 155.416.020 – Appeal Subjects and Jurisdiction
- 155.416.030 – Filing and Processing of Appeals
- 155.416.040 – Calls for Review
- 155.416.050 – Judicial Review

### 155.416.010 –Purpose

This section establishes procedures for the appeal and review of decisions made on ministerial and discretionary actions.

### 155.416.020 – Appeal Subjects and Jurisdiction

#### A. Appealable Decisions.

1. Table 404-1 in 155.404 (Administrative Responsibilities) identifies decisions that may be appealed and the body that hears the appeal.
2. In addition to the permits and decisions in Table 404-1, any discretionary decision made by the Director when administering the Zoning Code may be appealed to the Planning Commission, and any discretionary decision by the Planning Commission may be appealed to the City Council.
3. Ministerial actions of the Department, Director, and other City staff when administering the Zoning Code may be appealed to the Planning Commission.

### 155.416.030 – Filing and Processing of Appeals

#### A. Eligibility.

1. Any aggrieved person may submit an appeal of decisions shown in Table 404-1 in 155.404 (Administrative Responsibilities).
2. For decisions made at a public hearing, an appeal may only be filed by a person who:
  - a. Submitted written concerns about specific aspects of the project for consideration by the review authority at the public hearing; or
  - b. Verbally expressed concerns about specific aspects of the project during the public comment period for the public hearing; or
  - c. Submitted written comments to the Department prior to the public hearing expressing concerns about specific aspects of the project.

3. The Director, the Chief Building Official, or two City Council members may appeal a decision made at a public hearing within ten days following the date of the decision by filing a written appeal with the Department or City Clerk pursuant to 155.416.030.C.1.a. or b.
- B. Timing of Appeal.** An appeal must be filed within ten days following the date of the decision, unless a longer appeal period is specified as part of the project approval.
- C. Form of Appeal.**
1. An appeal must be submitted in writing on a form provided by the City with all required fees. Appeals must be submitted to:
    - a. The Department for appeals of Director and Design Review Committee decisions; and
    - b. The City Clerk for appeals of Planning Commission decisions.
  2. The appeal must state the pertinent facts and the basis for the appeal.
  3. The whole decision or part of the decision may be appealed. If an appellant chooses, an appeal may be taken solely from any finding, action, or condition.
  4. For decisions made at a public hearing, an appeal is limited to:
    - a. Issues raised at or prior to the hearing, either through public comment or in writing; or
    - b. Information that was not known by the review authority when the decision was made.
    - c. Decisions resulting from the review authority's abuse of discretion.
- D. Effect of Appeal.** Once an appeal is filed, any action on the associated project is suspended until the appeal is processed and a final decision is rendered by the appeal body.
- E. Report and Scheduling of Hearing.**
1. When an appeal has been filed, the Department will prepare a report on the matter, including all of the application materials in question.
  2. The Department must schedule the matter for a public hearing by the appeal body within 60 days of the filing of the appeal.
  3. Notice of the hearing will be provided and the hearing must be conducted in compliance with 155.408.100 (Public Hearings).
  4. Any interested person may appear and be heard regarding the appeal.

5. All appeals on a single project must be considered together at the same hearing, including any continuation thereof.

**F. Hearing and Decision.**

1. During the appeal hearing, the appeal body may take action on the subject of the appeal or any aspect of the appealed project (de novo review). The appeal body must make its own decision supported by findings.
2. The appeal body's decision may:
  - a. Affirm, modify, or reverse the action that is the subject of the appeal;
  - b. Adopt additional conditions of approval that address the matter appealed;
  - c. Remand the appeal for further review, recommendation, or action to the previous review authority; or
  - d. In the case of appeals heard by the Planning Commission, forward the appeal to the City Council for review and decision.
3. The appeal body's action must be based on findings of fact about the particular case. The findings must identify the reasons for the appeal body's action and verify the compliance of the subject of the appeal with the Zoning Code.
4. A matter being heard on appeal may be continued for good cause (e.g., additional California Environmental Quality Act (CEQA) review is required).
5. If the appeal body is unable to reach a decision on the matter appealed, the appeal is denied and the decision of the previous review authority remains in effect.

**G. Effective Date of Appeal Decision.**

1. **City Council Decision.** A decision of the City Council on an appeal is final and effective on the date the decision is rendered.
2. **Other Decisions.** A decision of the Planning Commission, Historic Preservation Commission, or Design Review Committee is final and effective ten days after the decision is made, unless an appeal has been filed in compliance with this section.

**155.416.040 – Judicial Review**

No person has standing to seek judicial review of a City decision on a permit or other matter under the Zoning Code unless and until all appeals have been exhausted.

*This page is Intentionally blank*

## Section 155.420 – POST-APPROVAL PROVISIONS

---

### Subsections:

- 155.420.010 – Purpose
- 155.420.020 – Notice of Decision
- 155.420.030 – Effective Date of Decision
- 155.420.040 – Issuance of Permits
- 155.420.050 – Conformance to Approved Plans
- 155.420.060 – Certificates of Occupancy
- 155.420.070 – Performance Guarantees
- 155.420.080 – Changes to an Approved Project
- 155.420.090 – Permit Expiration
- 155.420.100 – Extension of Time
- 155.420.110 – Resubmittals Following Denial or Revocation
- 155.420.120 – Permits to Run with the Land

### 155.420.010 – Purpose

This section establishes permit procedures and requirements that apply after an application is approved.

### 155.420.020 – Notice of Decision

- A. Notice Given.** Within two business days following the review authority's decision on a permit application, the Department will provide notice of the decision to the applicant and to any person who specifically requested notice of the decision.
- B. Notice Contents.** Notice of a final decision must contain applicable findings, conditions of approval, reporting and monitoring requirements, and appeal procedures.

### 155.420.030 – Effective Date of Decision

- A. City Council Decisions.**
  1. A City Council decision on a Zoning Code Amendment is final and becomes effective 30 days after the decision is made.
  2. A City Council decision on permits, appeals, General Plan Amendments adopted by resolution, and other non-legislative matters is final and effective on the date the decision is made, unless otherwise stated in the approving resolution.
- B. Other Decisions.** The following applies to decisions of the Director, Design Review Committee, and Planning Commission:

1. If an appealable decision is not appealed in compliance with 155.416 (Appeals and Reviews), the decision is final and effective ten days after the decision is made.
2. For decisions appealed to the Planning Commission, the decision is final and effective ten days after the Planning Commission decision unless an appeal of the decision to the City Council is filed in compliance with 155.416 (Appeals and Reviews).
3. For decisions appealed to the City Council, the decision is final when the City Council makes a final decision on the appeal
4. A non-appealable decision is final and effective on the date the decision is made.

#### **155.420.040 – Issuance of Permits**

Permits may not be issued until the effective date.

#### **155.420.050 – Conformance to Approved Plans**

- A. **Compliance.** All work performed under an approved permit must be in compliance with the approved plans and any conditions of approval and/or mitigation measures.
- B. **Changes.** Changes to an approved project must be submitted and processed in compliance with 155.420.080 (Changes to an Approved Project).

#### **155.420.060 – Certificates of Occupancy**

The Building Department may issue a certificate of occupancy or other final permit sign-off only after the Department verifies that the project conforms to the approved plans and any conditions of approval.

#### **155.420.070 – Performance Guarantees**

- A. **Security Required.** The City may require an applicant to provide adequate security to guarantee the proper completion of approved work or compliance with conditions of approval.
- B. **Form of Security.** The security must be in the form of cash, a certified or cashier's check, or a performance bond executed by the applicant and a corporate surety authorized to do business in California and approved by the Department.
- C. **Amount of Security.** The Department will determine the amount of the security necessary to ensure proper completion of the approved work or compliance with conditions of approval.
- D. **Duration of Security.** The security must remain in effect until all work has been completed and conditions fulfilled to the satisfaction of the Department or until a specified warranty period has elapsed.

- E. **Release of Security.** The Department must release the security upon completion of the approved work or compliance with conditions of approval.
- F. **Failure to Comply.**
  - 1. Upon failure to complete work or comply with conditions, the Department may complete the work or fulfill the conditions and may collect from the applicant or surety all costs incurred, including administrative, engineering, legal, and inspection costs.
  - 2. The Department must refund any unused portion of the security to the funding source.

#### **155.420.080 – Changes to an Approved Project**

This subsection establishes procedures for an applicant to request a change to an approved project.

- A. **Request for a Change.** An applicant must request changes in writing, with appropriate supporting materials and an explanation for the request.
- B. **Major Changes.** A major change to an approved project means any change that does not qualify as a minor change under 155.420.080.C (Minor Changes). Major changes must be approved by the same review authority as the original approval. The same public notice and hearing requirements that applied to the original approval also apply to the requested major change.
- C. **Minor Changes.**
  - 1. The Director may authorize minor changes to an approved project if the changes:
    - a. Are consistent with the Zoning Code;
    - b. Are consistent with the spirit and intent of the original approval;
    - c. Do not involve a feature of the project that was a mitigation measure or a basis for findings in a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report for the project;
    - d. Do not involve a feature of the project that was a basis for conditions of approval for the project;
    - e. Do not involve a feature of the project that was a specific consideration by the review authority in granting the approval; and
    - f. Do not involve any expansion, intensification, or increase in size of the land use or structure beyond the original approval.
  - 2. The Director may approve minor changes without a noticed public hearing.

**155.420.090 – Permit Expiration**

- A. **General.** As provided in this subsection, approved permits automatically expire without further action by the City unless:
1. An extension of time is approved under 155.420.100 (Extension of Time); or
  2. An alternative timeframe is established by the review authority in accordance with 155.420.100 (Extension of Time).
- B. **Time Limits.**
1. A permit expires two years after approval if it is not exercised. A permit is exercised when:
    - a. A building permit is issued and construction has commenced;
    - b. A certificate of occupancy is issued; or
    - c. The land use is established.
  2. After a permit is exercised, the permit expires if, prior to occupancy, construction stops for three years.
- C. **Discontinued Uses.**
1. Approved use permits do not expire and remain in effect indefinitely unless the City revokes the permit as provided in 155.428.080 (Permit Revocation).
  2. If a land use authorized by a use permit ceases operations for any period of time, the use permit remains valid and the land use may be re-established without the need for a new use permit. A re-established use must comply with all conditions of approval attached to the original permit.
  3. If a legally established land use without a required use permit ceases operations for any period of time, the land use may be re-established only after obtaining City approval of the required use permit.
- D. **Effect of Expiration.**
1. An expired permit is void and of no further force and effect. An applicant retains no rights previously granted under an expired permit.
  2. To establish a use or structure allowed by an expired permit, an applicant must apply for and receive City approval of a new permit.

**155.420.100 – Extension of Time****A. General.**

1. An applicant may request an extension of a permit set to expire under 155.420.090 (Permit Expiration) in accordance with this subsection.
2. An applicant may request two types of extensions:
  - a. A one-year extension approved by the Director; and/or
  - b. A two-year extension approved by the original permit review authority.

**B. All Extension Requests.** All extension requests must comply with the following:

1. The applicant must submit to the Department a written extension request no later than ten days before the permit expiration date. The request must be accompanied by all fees, information, and materials required by the Department.
2. Filing a written extension request suspends the permit expiration until the review authority acts on the request. Building, grading, or other construction-related permits associated with the permit may not be issued during the suspension period.
3. The review authority may extend the permit if the applicant has proceeded in good faith and has exercised due diligence in efforts to exercise the permit in a timely manner.
4. The burden of proof is on the applicant to demonstrate that the permit should be extended.
5. If the Director is the review authority for the extension request, the Director may choose to refer the request to the Planning Commission for review and final decision.

**C. One-Year Extension.**

1. The Director may approve a one-year extension to a permit in accordance with 155.420.100.B (All Extension Requests).
2. A noticed public hearing is not required.

**D. Two-Year Extensions.**

1. The review authority that originally approved the permit may approve a two-year extension to a permit in accordance with 155.420.100.B (All Extension Requests).
2. The same public notice and hearing requirement that applied to the original permit also applies to the two-year extension request.
3. The two-year extension may be in addition to a one-year extension previously approved by the Director, for a total permit extension of three years.

**155.420.110 – Resubmittals Following Denial or Revocation**

- A. **Resubmittals Prohibited.** For a period of twelve months following the denial or revocation of a permit, the Department may not accept an application for the same or substantially similar permit for the same site, unless the denial or revocation was made without prejudice, and so stated in the record.
- B. **Determination.** The Director determines whether an application is for a permit that is the same or substantially similar to the previously denied or revoked permit.
- C. **Appeals.** The determination of the Director may be appealed to the Planning Commission in compliance with 155.416 (Appeals and Reviews).

**155.420.120 – Permits to Run with the Land**

Permits issued in compliance with the Zoning Code remain valid upon change of ownership of the site, structure, or land use that is the subject of the approved permit.

*This page is intentionally blank*

## Section 155.424 – NONCONFORMITIES

---

### Subsections:

- 155.424.010 – Purpose
- 155.424.020 – Applicability
- 155.424.030 – Nonconforming Site Features
- 155.424.040 – Nonconforming Buildings
- 155.424.050 – Nonconforming Signs
- 155.424.060 – Nonconforming Uses
- 155.424.070 – Nonconforming Lots
- 155.424.080 – Findings

### 155.424.010 – Purpose

This section establishes regulations for nonconforming site features, buildings, uses, and lots. These regulations are intended to:

- A. Recognize that some nonconforming uses and structures may contribute in a positive manner to Eureka’s unique sense of place and quality of life;
- B. Allow for the continued operation of nonconforming uses that are compatible with neighboring properties;
- C. Allow for the continued use of, and improvement to, some nonconforming structures;
- D. Require nonconforming site features to be brought into conformance with the Zoning Code when reasonable to do so; and
- E. Allow for the development and use of legal nonconforming lots.

### 155.424.020 – Applicability

- A. **Legal Nonconformities Only.** This section applies to legally established site features, buildings, uses, and lots that do not conform to the regulations of the zoning district in which they are located.
- B. **Not Applicable to Violations.**
  - 1. This section does not apply to nonconformities established in violation of the Zoning Code, or the regulation in effect at the time the nonconformity was established.
  - 2. A nonconformity that was illegally established is considered a violation of the Zoning Code subject to 155.428 (Enforcement and Penalties).
- C. **Not Applicable to Accessory Dwelling Units.**

1. This section does not apply to applications for new construction, creation, or modification of an accessory dwelling unit.

**D. Burden of Proof.**

1. Any person asserting a right to a nonconformity has the burden of proof to demonstrate, to the satisfaction of the Director, that the nonconformity was legally established. The Director is not responsible to prove the absence of a legal nonconformity.
2. The Director's decision on the legal status of a nonconformity may be appealed in accordance with 155.416 (Appeals and Reviews).

**155.424.030 – Nonconforming Site Features**

- A. Applicability.** This subsection applies to existing physical improvements on a developed lot that do not conform to the Zoning Code, excluding buildings and signs. See 155.424.040 (Nonconforming Buildings) for rules that apply to houses, garages, and other primary buildings on a lot, and 155.424.050 (Nonconforming Signs) for rules that apply to signs.
- B. Required Compliance.** If a development project requires a Building Permit where the total construction value is \$50,000 or more, the following nonconforming site features must be brought into compliance with the Zoning Code:
1. **Landscaping.** Landscaping required by 155.328.040 (Required Landscape Areas) and 155.328.050 (General Landscape Requirements).
  2. **Parking Lot Landscaping.** Parking lot landscaping required by 155.324.080 (Parking Lot Landscaping) to the extent possible given the configuration of existing development and physical site constraints. For example, if the existing parking lot configuration and striping pattern can only accommodate a two-foot perimeter buffer instead of the required four-foot buffer, the two-foot buffer is allowed.
  3. **Parking Lot Striping.** Parking lot striping as required by City specifications.
  4. **Outdoor Lighting.** Outdoor lighting required by 155.308.050 (Outdoor Lighting).
  5. **Outdoor Storage.** Outdoor storage as required by 155.304.110 (Outdoor Storage).
  6. **Vision Clearance Area.** Any site feature that conflicts with 155.308.040 (Vision Clearance Area).
  7. **Waste Storage.** Solid waste/recyclable material storage areas required by 155.308.070 (Solid Waste/Recyclable Material Storage).
  8. **Screening.** Screening for adjacent residential zoning districts required by 155.308.060 (Screening for Residential Zoning Districts).

**C. Annual Adjustment.** The \$50,000 project valuation threshold in 155.424.030.B (Required Compliance) will be increased for inflation by 3 percent annually, using 2019 as the base year.

**D. Exceptions.**

1. The following nonconforming site features may continue and are not subject to 155.424.030.B (Required Compliance):
  - a. Fences and walls (155.320);
  - b. Number of required on-site parking spaces (155.324.030);
  - c. Bicycle parking (155.324.070);
  - d. Parking design and development standards (155.324.060); and
  - e. Other site features not specifically identified in 155.424.030.B (Required Compliance).
2. Exempt site features may be repaired or replaced provided the project does not increase or exacerbate the nonconforming aspect of the site feature.

**E. Repairs and Modifications.**

1. If a nonconforming site feature identified in 155.424.030.B (Required Compliance) is repaired or modified, the site feature must be brought into compliance with the Zoning Code.
2. A nonconforming site feature identified in 155.424.030.D (Exceptions) may be repaired or modified if the project does not increase or exacerbate the nonconforming aspect of the site feature. For example, a fence that exceeds the maximum height allowed by 155.320 (Fences and Walls) may be repaired or replaced if the fence height is not increased.
3. A project that increases or exacerbates the nonconforming aspect of any nonconforming site feature is subject to the permit requirements for Variances and Minor Modifications in 155.412 (Specific Permits and Approvals). For example, increasing the height of a nonconforming fence that exceeds the maximum height allowed by 155.320 (Fences and Walls) requires a Minor Modification or Variance. See 155.412 (Specific Permits and Approvals).

**155.424.040 – Nonconforming Buildings**

**A. Applicability.** This subsection applies to nonconforming houses, garages, and other buildings as defined in 155.508 (Glossary). See 155.424.030 (Nonconforming Site Features) for rules that apply to other types of nonconforming structures.

**B. Permitted Modifications.**

1. A nonconforming building may be repaired, modified, or enlarged if the project does not increase or exacerbate the nonconforming aspect of the building. For example, a remodel of a home that exceeds the height standard but that doesn't increase the home's height is allowed with a Zoning Clearance; no other Department permits are required.
  2. Unless otherwise allowed by this section, a project that increases or exacerbates the nonconforming aspect of a building requires either a Minor Modification or Variance depending on the nature of the modification. For example, a remodel that increases the height of a home exceeding the maximum building height standard requires a Minor Modification or Variance. See 155.412 (Specific Permits and Approvals).
- C. Expansions of Use.** An increase in floor area occupied by a permitted use in a nonconforming building is allowed subject to the limitations in 155.424.040.B (Permitted Modifications).
- D. Established Side Setbacks for Building Additions.** See 155.204.030.E (Established Side Setbacks for Building Additions).
- E. Damage, Destruction, and Demolition**
1. **Reconstruction Defined.** "Reconstructed" means rebuilding a damaged or destroyed building in a manner similar but not identical to the original structure. A reconstructed building generally recreates the original building footprint, mass, and height, but may deviate from design details such as architectural design and the arrangement of doors, windows, and rooflines.
  2. **Involuntary Damage and Destruction.** If a nonconforming building is damaged or destroyed by earthquake, fire, flood, or other calamity, the building may be reconstructed and continued as a legal nonconforming building. Reconstruction of a single-family home is allowed with a Zoning Clearance. Design Review is required for the reconstruction of a multi-family, mixed-use, and commercial buildings.
  3. **Voluntary Demolition.**
    - a. If a nonconforming building is voluntarily demolished, the building may be reconstructed as shown in Table 420-1.

**Table 420-1: Permits Required to Reconstruct Voluntarily Demolished Non-Conforming Buildings**

Linear footage of the interior and exterior building walls demolished or removed	Permit required
Less than 50 percent	By-Right
50 percent or more	MUP
<u>Note:</u>	

Removal of roof, foundation, or exterior sheathing is not included in demolition calculation. Interior wall coverings (such as sheet rock) are not considered walls.

- b. For reconstruction requiring a Minor Use Permit, the Director may attach conditions of approval as necessary to protect public health, safety and welfare, including requirements to reduce or eliminate previously existing nonconformities.
- 4. **No New or Increased Nonconformities.** Reconstruction of damaged, destroyed or voluntarily demolished buildings may not increase or exacerbate previously existing nonconformities or create new nonconformities.
- 5. **Design Review and Standards.** Reconstructed non-residential, mixed-use, and multi-family buildings require Design Review and must comply with the design standards in 155.208.040 (Pedestrian-Focused Street Frontages), and 155.312 (Design Standards).
- 6. **Property Line Trespass.** A reconstructed building may not trespass across a property line and may not extend over or be located within the public right-of-way.
- 7. **Timing of Construction.** The construction of the replacement building must begin within two years of the date the structure was damaged or destroyed.
- 8. **Buildings Not Reconstructed.** If a damaged or destroyed nonconforming building is replaced with a new building that does not meet the definition of reconstruction, the new building must comply with all standards of the applicable zoning district or obtain a Variance (155.412.120) or Minor Modification (155.412.070) depending on the nature of the deviations from applicable standards.
- F. **Relocated Buildings.** A nonconforming building that is moved to a new location must conform to all standards of the applicable zoning district.

#### 155.424.050 – Nonconforming Signs

- A. **Continuation.** Except as otherwise required by this subsection, a nonconforming sign may continue its use as a sign if it was legally established in compliance with all applicable regulations in effect at the time the sign was installed. It is the applicant's responsibility to demonstrate that the sign was legally established.
- B. **Allowed Changes.**
  - 1. Changes to sign copy/face and repainting of legal nonconforming signs is permitted as long as there is no alteration to the physical structure or support elements of the sign.
  - 2. A legal-nonconforming sign that sustains less than 50-percent damage to its structure may be repaired to its original pre-damaged condition, provided that such repair is completed within 180 days after the date of the damage.

**C. Required Compliance.**

1. **Sign Installed on or after January 1, 2000.** A nonconforming sign installed on or after January 1, 2000 must be removed or brought into compliance with this section when:
  - a. The sign is damaged or requires maintenance and the cost of repair exceeds 50 percent of the replacement value;
  - b. The sign is relocated to a different lot or building; or
  - c. The Director determines the sign has become a public nuisance or hazard due to inadequate maintenance or dilapidation in accordance with 155.340.080.E (Maintenance).
2. **Sign Installed before January 1, 2000.** A legal nonconforming sign installed before January 1, 2000 must be removed or brought into compliance with this section when:
  - a. The sign is associated with a development project requiring a Building Permit where the total construction value is \$50,000 or more (increased for inflation by three percent annually, using 2019 as the base year);
  - b. A new use occupies the tenant space served by the sign;
  - c. The sign is located on a remodeled building façade;
  - d. The building containing the use advertised by the sign is enlarged by 10 percent or more;
  - e. The sign is damaged or requires maintenance and the cost of repair exceeds 50 percent of the replacement value;
  - f. The sign is relocated to a different lot or building; or
  - g. The Director determines the sign has become a public nuisance or hazard due to inadequate maintenance or dilapidation in accordance with 155.340.080.E (Maintenance).

**155.424.060 – Nonconforming Uses**

- A. Continuation Allowed.** A nonconforming use may continue subject to the requirements of this section.
- B. Intensification of Use.** A Minor Use Permit is required to increase the floor or site area occupied by a nonconforming use and/or intensify the operation of a nonconforming use in any way.
- C. Change in Ownership, Tenancy, or Management.** A change in ownership, tenancy, or management of a nonconforming use does not affect its legal nonconforming status.

- D. Uses Without Required Permits.** A legally established use that is allowed in a zoning district but which lacks a required permit (e.g., Conditional Use Permit) is considered a nonconforming use until the use receives the permit(s) required by the Zoning Code.
- E. Expiration of Legal Non-Conforming Status.** A legally established non-conforming use that ceases to operate for a period of six consecutive months or more is no longer considered legal non-conforming and the use may not be re-established. A use ceases to operate when a site is vacant or when a use is non-operational for any reason other than a natural disaster or illness/death of an owner/immediate family member.

#### **155.424.070 – Nonconforming Lots**

- A. Development Permitted.** Legally established lots nonconforming to minimum lot area standards are permitted all development rights of the zoning district in which it is located.
- B. Conformance with Standards.** Development on legal nonconforming lots must comply with all setback, building coverage, parking, and other standards of the applicable zoning district.
- C. Boundary Adjustments.** The boundaries of a lot nonconforming to minimum area standards may not be adjusted to decrease the lot area except when necessary to remedy a situation where a structure or use improperly projects or extends over a lot line.

*This page is intentionally blank*

## **ARTICLE 5 – Glossary**

### **Section 155.504 – Land Use Classifications**

155.504.010 – Purpose

155.504.020 – Primary and Secondary Uses

155.504.030 – Land Use Classifications - Alphabetical

155.504.040 – Land Use Classifications – Use Type

### **Section 155.508 – Defined Terms**

155.508.010 – Purpose

155.508.020 – Definitions

## Section 155.504 – LAND USE CLASSIFICATIONS

---

### Subsections:

- 155.504.010 – Purpose
- 155.504.020 – Primary and Secondary Uses
- 155.504.030 – Land Use Classifications - Alphabetical
- 155.504.040 – Land Use Classification - Use Type

### 155.504.010 – Purpose

Land use classifications describe one or more uses of land having similar characteristics, but do not list every use or activity that may appropriately be within the classification. The Director will determine whether a specific use is within one or more use classifications, based on whether its characteristics are substantially incompatible with those typical of uses named within the classification.

### 155.504.020 – Primary and Secondary Uses

This section describes land use classifications classified as either a primary use or a secondary use. See 155.108.050.C (Types of Uses) for requirements that apply generally to primary and secondary uses.

### 155.504.030 – Land Use Classifications - Alphabetical

1. **Accessory Dwelling Unit (ADU).** An attached or detached residential dwelling unit with complete independent living facilities for one or more persons. An ADU includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as an existing or proposed single-family residence or an existing multi-family residence is situated and meets the standards of 155.316 (Accessory Dwelling Units). An accessory dwelling unit also includes:
  - a. An efficiency unit, as defined in Section 17958.1 of Health and Safety Code;
  - b. Junior accessory dwelling unit as defined in Government Code Section 65852.22 and
  - c. A manufactured home, as defined in Section 18007 of the Health and Safety Code.
2. **Accessory Use.** A land use that is incidental and subordinate to a primary land use located on the same lot.
3. **Adult Entertainment.** See 155.304.030 (Adult Entertainment).

4. **Agricultural Processing.** The processing of harvested crops to prepare them for onsite marketing, off-site sale, or processing and packaging elsewhere. Includes alfalfa cubing; corn shelling; grist mills; milling of flour, feed and grain; grain cleaning and grinding; hay baling and cubing; pre-cooling and packaging of fresh or dried fruits or vegetables; tree nut hulling and shelling; farm product warehousing and storage; drying of corn, rice, hay; and sorting, grading and packing fruits and vegetables. Includes the processing of crops grown off-site. Excludes manufacturing of food and products ready for sale to consumers (see “Manufacturing, Artisan” and Manufacturing, Light”).
5. **Agriculture.** The use of the land for commercial farming, crop production, horticulture, floriculture, viticulture, and animal raising and production, including dairies. May include accessory uses for packing, processing, treating, and storing crops grown on site provided such accessory uses are secondary to crop production activities. Excludes the processing and packaging of agricultural products (see “Agricultura Processing”), slaughterhouses and animal product processing uses (see Animal Processing”), cannabis cultivation (see Municipal Code Chapter 158), community gardens (see “Parks and Recreational Facilities”), and the harvesting of plants and animals in an aquatic environment (see “Aquaculture”).
6. **Airport.** Facilities for the takeoff and landing of airplanes, including runways, aircraft storage buildings, public terminal building and parking, air freight terminal, baggage handling facilities, aircraft hangars, and related support activities.
7. **Animal Keeping.** The keeping of animals for personal use as provided in Municipal Code Chapter 91 (Animal Keeping).
8. **Animal Processing.** A facility where the slaughtering and/or processing of animals raised off-site takes place, including rendering plants and meat cutting and packing uses. Excludes manufacturing of consumer foods from animal products (see “Manufacturing, Heavy”).
9. **Aquaculture.** Facilities or areas for the cultivation of marine or freshwater fish, shellfish, or plants under controlled conditions. Includes aquaponics that integrates aquaculture with hydroponics by recycling the waste products from fish to fertilize hydroponically growing plants. Includes cultured oyster beds and similar uses.
10. **Automobile Sales/Repair.** See Vehicle Sales and Services.
11. **Bars and Nightclubs.** Businesses devoted to serving alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of such beverages. Includes cocktail lounges, taverns, dance clubs, and other similar uses. Excludes tasting rooms ancillary to breweries, wineries, and other alcoholic beverage production uses.
12. **Bed and Breakfast.** See Vacation Rental.

13. **Business Services and Heavy Commercial.** Indoor commercial establishments providing goods and services to other businesses and/or engaged in heavy commercial activities that could impact neighboring properties. Includes contractor supply businesses, building contractors, large equipment repair, pipe yards, commercial dry-cleaning/laundry services, security services, custodial services, business-serving printers, taxi and delivery services, private ambulance dispatch services, property maintenance contractors, plumbing supply stores, and other similar businesses. Products and services may be provided to the general public only on a limited, secondary basis. Outdoor display, storage, and sales is a secondary use and is subject to separate regulations and restrictions (see General Retail – Outdoor).
14. **Cannabis Uses.** See Municipal Code Chapter 158 (Medical Cannabis: Cultivation, Processing and Distribution).
15. **Car Dealership.** See Vehicle Sales and Services.
16. **Car Share Facility.** A formal or informal membership organization that owns motor vehicles that are parked on-site or in off-site areas. Members use the motor vehicles under the terms of their membership.
17. **Check Cashing.** A retail business owned or operated by a "check casher" as that term is defined in California Civil Code section 1789.31.
18. **Civic Institution.** Public or non-profit institutions that support and contribute to the cultural development of the community and provide community-serving programs and services on-site. Includes libraries, museums, performing art centers (primarily non-retail), aquariums, zoos, environmental education centers, non-profit art centers and galleries, botanical gardens, and other similar uses. Excludes public and private schools, colleges and trade schools, and other similar educational facilities (See: "Educational Facilities").
19. **Colleges and Trade Schools.** Institutions of higher education providing curricula of a general, religious or professional nature, typically granting recognized degrees or certificates. Includes junior colleges, business and computer schools, management training, vocational education, and technical and trade schools.
20. **Commercial Fishing.** The activity of catching fish and other seafood for commercial profit, mostly from wild fisheries. Includes ancillary fish and seafood processing; fish and seafood storage and distribution; and fish and seafood sales. Excludes cultivation of fish and seafood under controlled conditions (see "Aquaculture").
21. **Commercial Lodging.** A commercial establishment in a non-residential zoning district providing overnight accommodations to guests for 30 consecutive calendar days or less. Commercial lodging establishments may provide additional services, such as conference and meeting rooms, restaurants, bars, or recreation facilities available to guests and the general public. Includes hotels, motels, hostels, and other similar

commercial establishments. Also includes dwelling units or portions thereof located in a non-residential zoning district rented to guests for 30 consecutive calendar days or less.

22. **Day Care Facility.** A facility that provides nonmedical care and supervision of children or adults for periods of less than 24 hours. Includes nursery schools, day nurseries, child care centers, infant day care centers, cooperative day care centers, adult day programs, and similar uses. Day care facilities may be operated in conjunction with a school or church facility, or as an independent land use.
23. **Drive-Thru Facility.** A facility where motorists may purchase products or obtain services without leaving their vehicles. Drive-thru facilities are a secondary use that must be associated with a primary use. Excludes vehicle fueling stations (see “Fuel and Service Stations”).
24. **Emergency Shelters.** Housing with minimal supportive services for homeless persons that is limited to occupancy of one year or less. No individual or household may be denied emergency shelter because of an inability to pay. Includes drop-in centers that provide food, showers, and laundry facilities, and other services to the homeless.
25. **Family Day Care Home.** A state-licensed facility that regularly provides care, protection, and supervision for children, in the provider’s own home, for periods less than 24 hours per day, while the children’s parents or guardians are away. Family day care homes are a secondary use that must be associated with a primary use.
26. **Family Day Care Home, Large.** A home that provides family day care for 9 to 14 children as defined in California Health and Safety Code Section 1597.465.
27. **Family Day Care Home, Small.** A home that provides family day care for up to eight children as defined in California Health and Safety Code Section 1597.44.
28. **Farmworker Housing.** Housing for transient labor, such as labor cabins or camps, incidental to a permitted agricultural use.
29. **Fitness, Dance, or Health Facility.** An indoor fitness center, gymnasium, athletic club, dance studio, yoga studio, or other similar use.
30. **Fitness, Dance, or Health Facility, Large.** A facility with a floor area of 8,000 square feet or more.
31. **Fitness, Dance, or Health Facility, Small.** A facility with a floor area of less than 8,000 square feet.
32. **Food-Serving Drive-Thru Facility.** A drive-thru facility associated with a “restaurants, cafes, and beverage sales” use.
33. **Food Truck.** See Mobile Vendor.

34. **Freight Terminals and Transfer.** Facilities for transfer and movement of freight, courier, and postal services by truck, rail, or sea.
35. **Fuel and Service Stations.** A retail business supplying fuels, oil, and minor accessories for vehicles. Includes establishments supplying gasoline, hydrogen, and electric vehicle charging as a primary land use. Includes incidental food and beverage sales (maximum 3,500 square feet of convenience market), car wash facilities, and minor automotive repair and service. Excludes towing service (see “Vehicle Towing and Impound”) and body and fender work, painting, and other major automotive repairs (see “Vehicle Repair”). Excludes electric vehicle charging stations installed in parking spaces and/or parking lots.
36. **Gas Station.** See Fuel and Service Station.
37. **General Retail.** Stores and shops selling merchandise to the general public, and which may include related services. Includes antique shops, art galleries, automotive supply stores, book stores, clothing stores, convenience markets, gift shops, furniture stores, drug stores, florists, liquor stores, pet shops, retail bakeries, supermarkets, garden supply stores, lumber yards, and other similar retail-based establishments.
38. **General Retail – Indoor.** A general retail establishment where merchandise is stored and displayed indoors. Includes the temporary outdoor display of merchandise under covered-entryways, such as produce at grocery stores. Also includes temporary sidewalk displays of merchandise (which may require an Encroachment Permit and other permits). Excludes the prominent display/storage of merchandise in an outdoor setting as a part of regular business operations, which is a secondary use subject to separate limitations (see “General Retail – Outdoor”). General Retail – Indoor falls into three categories:
  39. **General Retail – Indoor, Large.** A general retail indoor facility that is between 20,000 square feet and 50,000 square feet.
  40. **General Retail – Indoor, Small.** A general retail indoor facility that is less than 20,000 square feet in total floor area.
  41. **General Retail – Indoor, Very Large.** A general retail indoor facility that is larger than 50,000 square feet in total floor area.
42. **General Retail – Outdoor.** A supplemental outdoor area associated with a primary use (such as General Retail – Indoor) where merchandise is prominently stored and/or displayed for sale outdoors in a designated outdoor area as a regular part of business operations. General Retail – Outdoor is a secondary use that must be combined with another use (such as General Retail – Indoor or Heavy Equipment Sales and Service) and must include a building on-site that hosts the primary use, such as “Business Services and Heavy Commercial” or “General Retail – Indoor.” General Retail – Outdoor includes boat/trailer sales, plant nurseries, garden supplies, lumberyards,

statuary stores, headstone sales, and other similar establishments. Includes the outdoor sales of automobiles and large vehicle sales. Excludes purely indoor car dealerships (see "Vehicle Sales and Rental (Indoor)") and purely indoor large vehicle sales (see "Heavy Equipment Sales and Services"). A car sales business with both indoor sales rooms and outdoor sales lots requires approval of both uses ("Vehicle Sales and Rental (Indoor)" and "General Retail – Outdoor") and is subject to the regulations that apply to both uses. Excludes the temporary outdoor display of merchandise under covered-entryways, such as produce at grocery stores. Excludes the temporary sidewalk displays of merchandise (which may require an Encroachment Permit or other permits).

43. **General Services.** An indoor commercial establishment that provides services to the general public, involves frequent visits by customers, and which may involve limited product sales related to the service provided. Includes banks, funeral parlors, indoor commercial recreation establishments that do not sell alcohol (e.g., video arcades, indoor mini-golf, indoor batting cages), laundromats, photocopy stores, customer-serving dry cleaners, household item repairs, veterinary clinics, tattoo/piercing parlors, customer-serving printers, animal grooming with no overnight boarding, recording studios, and other similar uses that provide on-site services to customers. Excludes places of employment that do not provide on-site services directly to customers (see "offices") and facilities that provide medical services (see "Medical Care Services"). Excludes establishments that provide body-care related services (see "Personal Services") and fitness-related establishments (see "Fitness, Dance, or Health Facility"). For alcohol-serving indoor commercial recreation establishments, see "Bars and Nightclubs" or "Restaurants, Cafes, and Beverage Sales."
44. **Government Facilities.** A facility operated by a governmental agency providing services to the general public. Includes governmental offices, public recreational facilities, community centers, public meeting spaces, civic auditoriums, fire stations, police stations, dispatch facilities, vehicle storage, and other similar facilities. Excludes schools (see "Schools, Public and Private"), facilities that primarily provide maintenance and repair services and storage facilities for vehicles and equipment (see "Public Agency Corporation Yard"), parks and playgrounds (see "Parks and Playgrounds"), public utilities (see "Public Utility"), facilities providing group-services to persons in need (see "Social Services") and homeless shelters (see "Emergency Shelters").
45. **Heavy Equipment Sales and Service.** Indoor retail establishments selling or renting industrial, construction, farm, or other heavy equipment for commercial use, including cranes, earth moving equipment, tractors, tractor trailers, combines, and heavy trucks. Outdoor display, storage, and sales is a secondary use subject to separate regulations and restrictions (see "General Retail – Outdoor").

46. **Home Occupation.** A business within a dwelling unit or residential site, with the business activity being subordinate to the residential use of the property.
47. **Hospice.** See Medical Care Housing.
48. **Hospital.** Facilities providing medical, psychiatric, or surgical services for sick or injured persons primarily on an in-patient basis, and including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors. May include facilities for the takeoff and landing of helicopters.
49. **Hostel.** See Vacation Rental.
50. **Hotel.** See Commercial Lodging.
51. **Instructional Services.** Establishments that offer specialized programs in personal growth and development. Includes music studios/schools, drama schools, dance academies dedicated primarily to instruction, art schools, tutoring schools, and instruction in other cultural and academic pursuits.
52. **Kennel-Animal Boarding.** A commercial facility for the keeping, boarding, training, breeding or maintaining of four or more dogs (four months of age or older), cats, or other household pet not owned by the facility owner or operator. Includes kennels, pet day care, and animal shelters. Excludes household pets for sale in pet shops (see "General Retail") and veterinary clinics (see "General Services").
53. **Manufacturing, Artisan.** Artistic, artisan, craft-oriented, and small-scale manufacturing businesses engaged in the on-site assembly of individually fabricated parts or the fabrication of custom/craft goods, and the incidental direct sale to consumers of primarily those goods produced on site. The facilities are compatible with a general retail and mixed-use setting. Goods are predominantly manufactured and fabricated involving the use of hand tools or small-scaled mechanical equipment and kilns that do not generate noise, odors, or vibration detectable beyond the interior walls of the facility. Typical uses include craft food and beverage, ceramic studios, fabrics, inlays, tile work, weaving, leather work, limited woodwork, limited metal or glass work, candle making, custom tailors, custom wedding dress production, custom jewelry, and other similar uses. May include limited tasting-rooms ancillary to the craft production of alcoholic beverage production uses.
54. **Manufacturing, Light.** The manufacture of products in a manner that produces little or no noise, odor, fumes, dust, smoke, dirt, refuse, vibration, glare, and/or air or water pollution detectable beyond the interior walls of the facility and is unlikely to cause significant impacts on surrounding land uses. Products are commonly produced from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products. Does not produce or utilize toxic, hazardous, or explosive materials as an integral part of the

- manufacturing process. Includes the manufacture and production of clothing; mass-produced food and beverage products; electronic, optical, and instrumentation products; electronic equipment and appliances; ice. Excludes the processing of harvested crops (see "Agricultural Processing"). May include tasting rooms ancillary to the craft production of alcoholic beverage production uses.
55. **Manufacturing, Heavy.** A facility accommodating manufacturing processes that involve or produce basic metals, building materials, chemicals, fabricated metals, paper products, machinery, textiles, or transportation equipment, and where the use may cause significant impacts on surrounding land uses. Includes manufacturing of chemical products; concrete, gypsum, and plaster products; paving and roofing materials; plastics and other synthetics, and rubber products; lumber and other wood products; tires; mass-produced food and beverage products, paving and petroleum-based roofing materials; lime products; glass products. Also includes petroleum refining and related industries, oil and gas processing facilities, and ready-mix concrete batch plants. Excludes sales of ready-mix concrete incidental retail establishment (see "General Retail, Outdoor"), artisan and craftsman type operations (see "Manufacturing, Artisan, and recapping and retreading of automobile tires (see "Vehicle Repair)"). May involve the use of toxic, hazardous, or explosive materials. May include limited tasting rooms ancillary to the craft production of alcoholic beverage production uses.
56. **Medical Care Housing.** A residential facility, licensed as a skilled nursing facility by the State of California, that provides twenty-four-hour medical, convalescent or chronic care to individuals who are unable to care for themselves by reason of advanced age, chronic illness, or infirmity. Excludes facilities providing non-medical social and personal care to residents (see "Non-medical Care Housing").
57. **Medical Offices and Clinics.** Facilities where medical, mental, dental, vision, or other personal health services are provided on an outpatient basis using specialized equipment. Includes offices for physicians, dentists, physical therapists, optometrists, diagnostic centers, blood banks and plasma centers, and emergency medical clinics offered exclusively on an out-patient basis. Includes mental health services such as marriage/family therapists, counselors, psychologists, psychiatrists, and other similar uses. Also includes alternative medicine facilities such as acupuncture, chiropractors, state-licensed therapeutic massage, nutritional consultation, herbalists, and other similar facilities. May include educational aspects such as medical instruction and/or training as well as house a laboratory, radiology/imaging, pharmacy, rehabilitation and other similar services as accessory uses.
58. **Micro/Shared Housing.** Shared living quarters without separate kitchen or bathroom facilities for each room or unit, offered for rent to permanent or semi-transient residents for long-term occupancy (30 days or more). Includes rooming and boarding

houses, single-room occupancy housing, dormitories, convents and monasteries, and other types of organizational housing. Excludes hotels, motels, bed and breakfast inns, and vacation rentals (see “Commercial Lodging” and “Vacation Rental”) and State-licensed facilities providing social and personal care to residents (see “Non-medical Care Housing”).

59. **Mini-Storage.** One or more building in a controlled access and fully enclosed compound that contains separate self-storage spaces of varying size for the storage of customers’ goods and possessions.
60. **Mobile Home Park.** An area of land where two or more mobile home spaces are rented, or held out for rent, to accommodate mobile homes for more than 30 consecutive calendar days.
61. **Mobile Vendor.** Any vehicle from which a product is made, sold, or distributed at retail.
62. **Motel.** See Commercial Lodging.
63. **Multi-family Dwellings.** Two or more residential units located on a single lot. Includes units side-by-side, units stacked vertically, and one or more units occupying the same site as a non-residential uses (mixed-use development). Excludes detached single-family homes with an accessory dwelling unit in compliance with 155.316 (see “Accessory Dwelling Units”).
64. **Neighborhood-Serving Retail and Service.** Retail and service establishments that primarily serve residents and employees within the immediate neighborhood. See 155.224.030 (Neighborhood Market Overlay).
65. **Non-Commercial Places of Assembly.** Facilities that provides space for public or private meetings or gatherings. Includes places of worship, fraternal lodges, meeting space for clubs and other membership organizations, social halls, union halls, non-profit banquet centers, and other similar facilities.
66. **Non-food Serving Drive Thru Facility.** A drive-thru facility associated with another use (such as General Retail Indoor) that is not a “Food-Serving Drive-Thru Facility.”
67. **Non-medical Care Housing.** A state-licensed residential facility that provides non-medical social and personal care for residents. Includes community care facilities as defined in California Health and Safety Code (H&SC) Section 1500 et seq, residential care facilities for the elderly (H&SC Section 1569 et seq.), facilities for the mentally disordered or otherwise handicapped (California Welfare and Institutions Code Section 5000 et seq.), alcoholism or drug abuse recovery or treatment facilities (H&SC Section 11834.02), supportive housing (California Government Code Section 65582), transitional housing (California Government Code Section 65582), and other similar facilities.

68. **Non-medical Care Housing, Large.** A non-medical care facility for 7 or more persons.
69. **Non-medical Care Housing, Small.** A non-medical care facility for 6 or fewer persons.
70. **Nursing Home.** See Medical Care Housing.
71. **Offices.** A place of employment occupied by businesses providing professional services. Includes offices for accountants, architects, insurance agents, attorneys, engineers, real estate agents, travel agents, artist studios, and other similar professions. Excludes businesses that provide regular service to frequent walk-in customers (see “General Services”), medical offices (see “Medical Offices and Clinics”), governmental offices (see “Governmental Facility”), and art galleries that are primarily intended to display saleable art and attract retail sales (see “General Retail – Indoor”). Internal office space that is incidental to a different primary use is not considered an “office” use. For example, a manager’s office at a manufacturing facility and the office of an inventory specialist at a grocery store are not considered separate or stand-alone office uses.
72. **Outdoor Commercial Recreation.** A privately-owned commercial facility providing outdoor recreation, amusement, and entertainment services. Includes commercial batting cages, outdoor swimming pools, go-cart tracks, driving ranges, tennis courts, golf courses, miniature golf, and other similar uses. Excludes municipal parks and non-commercial recreational facilities (see “Parks and Recreational Facilities”).
73. **Outdoor Storage, Non-Retail.** Non-retail storage of commercial goods in open lots as either a primary or secondary use. Excludes storage of merchandise for sale as part of a retail establishment (see “General Retail, Outdoor”).
74. **Parking Lots and Structures.** Surface lots and structures for use of occupants, employees, or patrons on the subject site or offering parking to the public for a fee when such use is the primary use on the lot and not incidental to another on-site activity.
75. **Parks and Playgrounds.** Parks and playgrounds as the primary use on the site that provides open space and/or outdoor recreational opportunities to the public. Includes athletic fields, picnic areas, tennis courts, tot lots, community gardens, cemeteries, and other similar outdoor facilities. Excludes indoor recreation centers (see “Government Facilities”).
76. **Personal Services.** An indoor commercial establishment that typically provides one-on-one body-care related services that involve frequent visits by customers and that are typically scheduled on an appointment-basis. May involve limited product sales related to the service provided. Includes hair salons, nail salons, make-up application studios, skincare treatment salons, non-therapeutic massage, health spas, and other similar non-medical personal service uses. For therapeutic message and other clinical-health-related uses, see “Medical Offices and Clinics.” **Restaurants, Cafes, and**

- Beverage Sales.** A business selling prepared food and/or beverages for on- or off-premise consumption. Includes full service, fast-food and carry-out restaurants, cafes, coffee shops, juice/smoothie bars, retail bakeries, and other similar eating and drinking establishments. Includes outdoor seating/service areas which are permitted by right. Excludes businesses primarily selling alcoholic beverages for on-site consumption (see “Bars and Nightclubs”). Excludes grocery stores and alcohol sales for off-site consumption (see “General Retail – Indoor”).
77. **Public Agency Corporation Yard.** Governmental facilities that primarily provide storage, maintenance and repair of vehicles, equipment, and supplies.
78. **Public Utility.** A permanent structure or facility providing a utility service to the general public. Includes generating plants, electric substations, solid waste collection, solid waste treatment and disposal, water or wastewater treatment plants, and similar facilities. Excludes electrical distribution lines, underground water/sewer lines, and similar utilities.
79. **Recreational Vehicle Parks.** An establishment designed, established, or used for exclusive occupancy by two or more recreational vehicles. Recreational vehicle parks are owned by a single owner or organizations where RV spaces are temporarily rented or leased to a person occupying a recreational vehicle.
80. **Recycling Collection Facility.** An incidental use that serves as a drop-off point for the temporary storage of recyclable materials but where the processing and sorting of such items is not conducted on site.
81. **Recycling Processing Facility.** A facility that receives and processes recyclable materials. Processing means preparation of material for efficient shipment, or to an end-user’s specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing. Includes salvage yards, upcycling, and vehicle salvage and wrecking.
82. **Residential Lodging.** See Vacation Rental.
83. **Resource Protection and Restoration.** Lands and management activities dedicated to the protection and conservation of natural resources, such as aquatic environments, wetland and sensitive riparian habitat, water recharge areas, and rare or endangered plant or animal habitat.
84. **Schools, Public and Private.** Educational institutions providing instruction to minors as required by the California Education Code. Includes public and private elementary, junior high, and high schools.
85. **Single-Family Home.** A residential structure designed for occupancy by one household. A single-family dwelling provides complete, independent living facilities for one or

more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

86. **Single-Family Home, Attached (Townhome).** Two or more single-family dwelling units connected by common walls along the side property lines, sometimes called a townhouse or row house.
87. **Single-Family Home, Detached.** A detached building that contains one single-family dwelling. Includes individual mobile homes and manufactured housing units installed on a foundation system pursuant to Section 18551 of the California Health and Safety Code and meeting the standards of 155.304.080 (Manufactured Housing) A detached single family home with an attached ADU remains a single-family home and is not considered a multi-family dwelling.
88. **Single Room Occupancy (SRO).** See Micro/Shared Housing.
89. **Social Services.** Establishments providing group outpatient assistance and aid to those persons requiring counseling, services, activities, and/or treatment for psychological problems, addictions, learning disabilities, elderly, and physical disabilities. Includes welfare offices, child/adult protective services, service centers for disabled individuals, counseling centers for individuals with substance abuse disorder, and veteran services. Excludes homeless shelters (see "Emergency Shelters"), transitional and supportive housing (see "Non-medical Care Housing"), establishments providing individual (non-group) services (see "Medical Office"), after-school programs (see "Non-Commercial Places of Assembly") and adult day care centers (see "Day Care Facility").
90. **Supportive Housing.** See Non-Medical Care Housing.
91. **Timber Production and Harvesting.** The cutting and removal of timber or other solid wood forest products for commercial purposes together with all of the work incidental to the harvest including construction and maintenance of roads, fuel breaks, fire breaks, stream crossings, landings, skid trails, beds for the falling of trees, and fire hazard abatement. Excludes cutting or removal of timber for creating building pads and access to a legal building site when such cutting or removal is approved as a part of the building and/or encroachment permit. Also excludes removal of up to five commercial tree species in residential zoning districts in conformance with 155.304.140 (Tree Removal).
92. **Transitional Housing.** See Non-Medical Care Housing.
93. **Tree Removal in Residential Zones.** The cutting and removal of timber or other solid wood forest products for commercial purposes in conformance with 155.304.140 (Tree Removal).
94. **Vacation Rental.** A dwelling unit or portions thereof located in a residential zoning district that is rented to guests for 30 consecutive calendar days or less. Includes two

types of vacation rental, with the proprietor on-site and without the proprietor on-site as defined in 155.304.130 (Vacation Rental).

95. **Vehicle Repair.** An establishment for the repair, alteration, restoration, or finishing of any vehicle, including body repair, collision repair, painting, tire and battery sales and installation, motor rebuilding, tire recapping and retreading, and towing. Excludes repair shops that are incidental to a vehicle sales or rental establishment on the same site (see “Vehicle Sales and Rentals”). Excludes the sales of vehicles (see “Vehicle Sales and Rentals (Indoor)” and “General Retail – Outdoor”).
96. **Vehicle Sales and Rental (Indoor).** The indoor sale or rental of new or used automobiles, motorcycles, light trucks, recreational vehicles, boats, and other similar vehicles. Includes the sale of vehicle parts and vehicle repair, provided that these activities are incidental to the sale of vehicles. Excludes the sale and rental of tractor trailers and construction equipment (see “Heavy Equipment Sales and Service”) and vehicle salvage and wrecking (see “Recycling Processing Facilities”). Outdoor display, storage, and sales is a secondary use subject to separate regulations and restrictions (see “General Retail – Outdoors”).
97. **Vehicle Towing and Impound.** Establishments primarily engaged in towing light or heavy motor vehicles, both local and long distance, and the on-site storage of towed vehicle. May provide incidental services, such as vehicle storage and emergency road repair services.
98. **Warehousing, Wholesale, and Distribution.** A use engaged in storage, wholesale and distribution of manufactured products, supplies, and equipment to retailers; to industrial, commercial, institutional, farm, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Includes merchant wholesalers; agents, merchandise or commodity brokers, and commission merchants; assemblers, buyers and associations engaged in the cooperative marketing of farm products.
99. **Wireless Communication Facility.** See Municipal Code Chapter 159.

#### **155.504.040 – Land Use Classification - Use Type**

##### **A. Residential Uses.**

1. **Accessory Dwelling Unit (ADU).** An attached or detached residential dwelling unit with complete independent living facilities for one or more persons. An ADU includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as an existing or proposed single-family residence or an existing multi-family

residence and meets the standards of 155.316 (Accessory Dwelling Units). An accessory dwelling unit also includes:

- a. An efficiency unit, as defined in Section 17958.1 of Health and Safety Code;
  - b. Junior accessory dwelling unit as defined in Government Code Section 65852.22 and
  - c. A manufactured home, as defined in Section 18007 of the Health and Safety Code.
2. **Bed and Breakfast.** See Vacation Rental.
  3. **Farmworker Housing.** Housing for transient labor, such as labor cabins or camps, incidental to a permitted agricultural use.
  4. **Hospice.** See Medical Care Housing.
  5. **Hostel.** See Vacation Rental.
  6. **Medical Care Housing.** A residential facility, licensed as a skilled nursing facility by the State of California, that provides twenty-four-hour medical, convalescent or chronic care to individuals who are unable to care for themselves by reason of advanced age, chronic illness, or infirmity. Excludes facilities providing non-medical social and personal care to residents (see "Non-medical Care Housing").
  7. **Micro/Shared Housing.** Shared living quarters without separate kitchen or bathroom facilities for each room or unit, offered for rent to permanent or semi-transient residents for long-term occupancy (30 days or more). Includes rooming and boarding houses, single-room occupancy housing, dormitories, convents and monasteries, and other types of organizational housing. Excludes hotels, motels, bed and breakfast inns, and vacation rentals (see "Commercial Lodging" and "Vacation Rental") and State-licensed facilities providing social and personal care to residents (see "Non-medical Care Housing").
  8. **Mobile Home Park.** An area of land where two or more mobile home spaces are rented, or held out for rent, to accommodate mobile homes for more than 30 consecutive calendar days.
  9. **Multi-family Dwellings.** Two or more residential units located on a single lot. Includes units side-by-side, units stacked vertically, and one or more units occupying the same site as a non-residential uses (mixed-use development). Excludes detached single-family homes with an accessory dwelling unit in compliance with 155.316 (see "Accessory Dwelling Units").
  10. **Non-medical Care Housing.** A state-licensed residential facility that provides non-medical social and personal care for residents. Includes community care facilities as defined in California Health and Safety Code (H&SC) Section 1500 et seq, residential care facilities for the elderly (H&SC Section 1569 et seq.), facilities for the mentally disordered or otherwise handicapped (California Welfare and Institutions Code Section

5000 et seq.), alcoholism or drug abuse recovery or treatment facilities (H&SC Section 11834.02), supportive housing (California Government Code Section 65582), transitional housing (California Government Code Section 65582), and other similar facilities.

- a. **Non-medical Care Housing, Large.** A non-medical care facility for 7 or more persons.
- b. **Non-medical Care Housing, Small.** A non-medical care facility for 6 or fewer persons.

11. **Nursing Home.** See Medical Care Housing.

12. **Single-Family Home.** A residential structure designed for occupancy by one household. A single-family dwelling provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

- a. **Single-Family Attached Home (Townhome).** Two or more single-family dwelling units connected by common walls along the side property lines, sometimes called a townhouse or row house.
- b. **Single-Family Detached Home.** A detached building that contains one single-family dwelling. Includes individual mobile homes and manufactured housing units installed on a foundation system pursuant to Section 18551 of the California Health and Safety Code and meeting the standards of 155.304.080 (Manufactured Housing) A detached single family home with an attached ADU remains a single-family home and is not considered a multi-family dwelling.

13. **Single Room Occupancy (SRO).** See Micro/Shared Housing.

14. **Supportive Housing.** See Non-Medical Care Housing.

15. **Transitional Housing.** See Non-Medical Care Housing.

## B. Commercial – Sales.

1. **Automobile Sales/Repair.** See Vehicle Sales and Services.
2. **Bars and Nightclubs.** Businesses devoted to serving alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of such beverages. Includes cocktail lounges, taverns, dance clubs, and other similar uses. Excludes tasting rooms ancillary to breweries, wineries, and other alcoholic beverage production uses.
3. **Drive-Thru Facility.** A facility where motorists may purchase products or obtain services without leaving their vehicles. Drive-thru facilities are a secondary use that must be associated with a primary use. Excludes vehicle fueling stations (see “Fuel and Service Stations”).

- a. **Food-Serving Drive-Thru Facility.** A drive-thru facility associated with a “restaurants, cafes, and beverage sales” use.
  - b. **Non-food Serving Drive Thru Facility.** A drive-thru facility associated with another use (such as General Retail Indoor) that is not a “Food-Serving Drive-Thru Facility.”
4. **Car Dealership.** See Vehicle Sales and Services.
  5. **Food Truck.** See Mobile Vendor.
  6. **Fuel and Service Stations.** A retail business supplying fuels, oil, and minor accessories for vehicles. Includes establishments supplying gasoline, hydrogen, and electric vehicle charging as a primary land use. Includes incidental food and beverage sales (maximum 3,500 square feet of convenience market), car wash facilities, and minor automotive repair and service. Excludes towing service (see “Vehicle Towing and Impound”) and body and fender work, painting, and other major automotive repairs (see “Vehicle Repair”). Excludes electric vehicle charging stations installed in parking spaces and/or parking lots.
  7. **Gas Station.** See Fuel and Service Station.
  8. **General Retail.** Stores and shops selling merchandise to the general public, and which may include related services. Includes antique shops, art galleries, automotive supply stores, book stores, clothing stores, convenience markets, gift shops, furniture stores, drug stores, florists, liquor stores, pet shops, retail bakeries, supermarkets, garden supply stores, lumber yards, and other similar retail-based establishments.
    - a. **General Retail – Indoor.** A general retail establishment where merchandise is stored and displayed indoors. Includes the temporary outdoor display of merchandise under covered-entryways, such as produce at grocery stores. Also includes temporary sidewalk displays of merchandise (which may require an Encroachment Permit and other permits). Excludes the prominent display/storage of merchandise in an outdoor setting as a part of regular business operations, which is a secondary use subject to separate limitations (see “General Retail – Outdoor”). General Retail – Indoor falls into three categories:
      - i. **Very Large General Retail – Indoor.** A general retail indoor facility that is larger than 50,000 square feet in total floor area.
      - ii. **Large General Retail – Indoor.** A general retail indoor facility that is between 20,000 square feet and 50,000 square feet.
      - iii. **Small General Retail – Indoor.** A general retail indoor facility that is less than 20,000 square feet in total floor area.
    - b. **General Retail – Outdoor.** A supplemental outdoor area associated with a primary use (such as General Retail – Indoor) where merchandise is prominently stored

and/or displayed for sale outdoors in a designated outdoor area as a regular part of business operations. General Retail – Outdoor is a secondary use that must be combined with another use (such as General Retail – Indoor or Heavy Equipment Sales and Service) and must include a building on-site that hosts the primary use, such as “Business Services and Heavy Commercial” or “General Retail – Indoor.” General Retail – Outdoor includes boat/trailer sales, plant nurseries, garden supplies, lumberyards, statuary stores, headstone sales, and other similar establishments. Includes the outdoor sales of automobiles and large vehicle sales. Excludes purely indoor car dealerships (see “Vehicle Sales and Rental (Indoor)”) and purely indoor large vehicle sales (see “Heavy Equipment Sales and Services”). A car sales business with both indoor sales rooms and outdoor sales lots requires approval of both uses (“Vehicle Sales and Rental (Indoor)” and “General Retail – Outdoor”) and is subject to the regulations that apply to both uses. Excludes the temporary outdoor display of merchandise under covered-entryways, such as produce at grocery stores. Excludes the temporary sidewalk displays of merchandise (which may require an Encroachment Permit or other permits).

9. **Heavy Equipment Sales and Service.** Indoor retail establishments selling or renting industrial, construction, farm, or other heavy equipment for commercial use, including cranes, earth moving equipment, tractors, tractor trailers, combines, and heavy trucks. Outdoor display, storage, and sales is a secondary use subject to separate regulations and restrictions (see “General Retail – Outdoor”).
10. **Mobile Vendor.** Any vehicle from which a product is made, sold, or distributed at retail.
11. **Restaurants, Cafes, and Beverage Sales.** A business selling prepared food and/or beverages for on- or off-premise consumption. Includes full service, fast-food and carry-out restaurants, cafes, coffee shops, juice/smoothie bars, retail bakeries, and other similar eating and drinking establishments. Includes outdoor seating/service areas which are permitted by right. Excludes businesses primarily selling alcoholic beverages for on-site consumption (see “Bars and Nightclubs”). Excludes grocery stores and alcohol sales for off-site consumption (see “General Retail – Indoor”).
12. **Vehicle Sales and Rental (Indoor).** The indoor sale or rental of new or used automobiles, motorcycles, light trucks, recreational vehicles, boats, and other similar vehicles. Includes the sale of vehicle parts and vehicle repair, provided that these activities are incidental to the sale of vehicles. Excludes the sale and rental of tractor trailers and construction equipment (see “Heavy Equipment Sales and Service”) and vehicle salvage and wrecking (see “Recycling Processing Facilities”). Outdoor display, storage, and sales is a secondary use subject to separate regulations and restrictions (see “General Retail – Outdoors”).

**C. Commercial – Service and Office.**

1. **Adult Entertainment.** See 155.304.030 (Adult Entertainment).

2. **Business Services and Heavy Commercial.** Indoor commercial establishments providing goods and services to other businesses and/or engaged in heavy commercial activities that could impact neighboring properties. Includes contractor supply businesses, building contractors, large equipment repair, pipe yards, commercial dry-cleaning/laundry services, security services, custodial services, business-serving printers, taxi and delivery services, private ambulance dispatch services, property maintenance contractors, plumbing supply stores, and other similar businesses. Products and services may be provided to the general public only on a limited, secondary basis. Outdoor display, storage, and sales is a secondary use and is subject to separate regulations and restrictions (see General Retail – Outdoor).
3. **Car Share Facility.** A formal or informal membership organization that owns motor vehicles that are parked on-site or in off-site areas. Members use the motor vehicles under the terms of their membership.
4. **Check Cashing.** A retail business owned or operated by a "check casher" as that term is defined in California Civil Code section 1789.31.
5. **Commercial Lodging.** A commercial establishment in a non-residential zoning district providing overnight accommodations to guests for 30 consecutive calendar days or less. Commercial lodging establishments may provide additional services, such as conference and meeting rooms, restaurants, bars, or recreation facilities available to guests and the general public. Includes hotels, motels, hostels, and other similar commercial establishments. Also includes dwelling units or portions thereof located in a non-residential zoning district rented to guests for 30 consecutive calendar days or less.
6. **Day Care Facility.** A facility that provides nonmedical care and supervision of children or adults for periods of less than 24 hours. Includes nursery schools, day nurseries, child care centers, infant day care centers, cooperative day care centers, adult day programs, and similar uses. Day care facilities may be operated in conjunction with a school or church facility, or as an independent land use.
7. **Family Day Care Home.** A state-licensed facility that regularly provides care, protection, and supervision for children, in the provider's own home, for periods less than 24 hours per day, while the children's parents or guardians are away. Family day care homes are a secondary use that must be associated with a primary use.
  - a. **Large Family Day Care Home.** A home that provides family day care for 9 to 14 children as defined in California Health and Safety Code Section 1597.465.
  - b. **Small Family Day Care Home.** A home that provides family day care for up to eight children as defined in California Health and Safety Code Section 1597.44.
8. **Fitness, Dance, or Health Facility.** An indoor fitness center, gymnasium, athletic club, dance studio, yoga studio, or other similar use.

- a. **Large Fitness, Dance, or Health Facility.** A facility with a floor area of 8,000 square feet or more.
  - b. **Small Fitness, Dance, or Health Facility.** A facility with a floor area of less than 8,000 square feet.
9. **General Services.** An indoor commercial establishment that provides services to the general public, involves frequent visits by customers, and which may involve limited product sales related to the service provided. Includes banks, funeral parlors, indoor commercial recreation establishments that do not sell alcohol (e.g., video arcades, indoor mini-golf, indoor batting cages), laundromats, photocopy stores, customer-serving dry cleaners, household item repairs, veterinary clinics, tattoo/piercing parlors, customer-serving printers, animal grooming with no overnight boarding, recording studios, and other similar uses that provide on-site services to customers. Excludes places of employment that do not provide on-site services directly to customers (see "offices") and facilities that provide medical services (see "Medical Care Services"). Excludes establishments that provide body-care related services (see "Personal Services") and fitness-related establishments (see "Fitness, Dance, or Health Facility"). For alcohol-serving indoor commercial recreation establishments, see "Bars and Nightclubs" or "Restaurants, Cafes, and Beverage Sales."
10. **Hospital.** Facilities providing medical, psychiatric, or surgical services for sick or injured persons primarily on an in-patient basis, and including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors. May include facilities for the takeoff and landing of helicopters.
11. **Hotel.** See Commercial Lodging.
12. **Kennel-Animal Boarding.** A commercial facility for the keeping, boarding, training, breeding or maintaining of four or more dogs (four months of age or older), cats, or other household pet not owned by the facility owner or operator. Includes kennels, pet day care, and animal shelters. Excludes household pets for sale in pet shops (see "General Retail") and veterinary clinics (see "General Services").
13. **Medical Offices and Clinics.** Facilities where medical, mental, dental, vision, or other personal health services are provided on an outpatient basis using specialized equipment. Includes offices for physicians, dentists, physical therapists, optometrists, diagnostic centers, blood banks and plasma centers, and emergency medical clinics offered exclusively on an out-patient basis. Includes mental health services such as marriage/family therapists, counselors, psychologists, psychiatrists, and other similar uses. Also includes alternative medicine facilities such as acupuncture, chiropractors, state-licensed therapeutic massage, nutritional consultation, herbalists, and other similar facilities. May include educational aspects such as medical instruction and/or

- training as well as house a laboratory, radiology/imaging, pharmacy, rehabilitation and other similar services as accessory uses.
14. **Motel.** See Commercial Lodging.
  15. **Offices.** A place of employment occupied by businesses providing professional services. Includes offices for accountants, architects, insurance agents, attorneys, engineers, real estate agents, travel agents, artist studios, and other similar professions. Excludes businesses that provide regular service to frequent walk-in customers (see “General Services”), medical offices (see “Medical Offices and Clinics”), governmental offices (see “Governmental Facility”), and art galleries that are primarily intended to display saleable art and attract retail sales (see “General Retail – Indoor”). Internal office space that is incidental to a different primary use is not considered an “office” use. For example, a manager’s office at a manufacturing facility and the office of an inventory specialist at a grocery store are not considered separate or stand-alone office uses.
  16. **Outdoor Commercial Recreation.** A privately-owned commercial facility providing outdoor recreation, amusement, and entertainment services. Includes commercial batting cages, outdoor swimming pools, go-cart tracks, driving ranges, tennis courts, golf courses, miniature golf, and other similar uses. Excludes municipal parks and non-commercial recreational facilities (see “Parks and Recreational Facilities”).
  17. **Parking Lots and Structures.** Surface lots and structures for use of occupants, employees, or patrons on the subject site or offering parking to the public for a fee when such use is the primary use on the lot and not incidental to another on-site activity.
  18. **Personal Services.** An indoor commercial establishment that typically provides one-on-one body-care related services that involve frequent visits by customers and that are typically scheduled on an appointment-basis. May involve limited product sales related to the service provided. Includes hair salons, nail salons, make-up application studios, skincare treatment salons, non-therapeutic massage, health spas, and other similar non-medical personal service uses. For therapeutic message and other clinical-health-related uses, see “Medical Offices and Clinics.”
  19. **Vacation Rental.** A dwelling unit or portions thereof located in a residential zoning district that is rented to guests for 30 consecutive calendar days or less. Includes three types of vacation rental (single-room, multiple-room, and full unit) as defined in 155.304.130 (Vacation Rental).
  20. **Vehicle Repair.** An establishment for the repair, alteration, restoration, or finishing of any vehicle, including body repair, collision repair, painting, tire and battery sales and installation, motor rebuilding, tire recapping and retreading, and towing. Excludes repair shops that are incidental to a vehicle sales or rental establishment on the same

site (see “Vehicle Sales and Rentals”). Excludes the sales of vehicles (see “Vehicle Sales and Rentals (Indoor)” and “General Retail – Outdoor”).

21. **Vehicle Towing and Impound.** Establishments primarily engaged in towing light or heavy motor vehicles, both local and long distance, and the on-site storage of towed vehicle. May provide incidental services, such as vehicle storage and emergency road repair services.

#### D. Industrial and Storage.

1. **Manufacturing, Artisan.** Artistic, artisan, craft-oriented, and small-scale manufacturing businesses engaged in the on-site assembly of individually fabricated parts or the fabrication of custom/craft goods, and the incidental direct sale to consumers of primarily those goods produced on site. The facilities are compatible with a general retail and mixed-use setting. Goods are predominantly manufactured and fabricated involving the use of hand tools or small-scaled mechanical equipment and kilns that do not generate noise, odors, or vibration detectable beyond the interior walls of the facility. Typical uses include craft food and beverage, ceramic studios, fabrics, inlays, tile work, weaving, leather work, limited woodwork, limited metal or glass work, candle making, custom tailors, custom wedding dress production, custom jewelry, and other similar uses. May include limited tasting-rooms ancillary to the craft production of alcoholic beverage production uses.
2. **Manufacturing, Light.** The manufacture of products in a manner that produces little or no noise, odor, fumes, dust, smoke, dirt, refuse, vibration, glare, and/or air or water pollution detectable beyond the interior walls of the facility and is unlikely to cause significant impacts on surrounding land uses. Products are commonly produced from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products. Does not produce or utilize toxic, hazardous, or explosive materials as an integral part of the manufacturing process. Includes the manufacture and production of clothing; mass-produced food and beverage products; electronic, optical, and instrumentation products; electronic equipment and appliances; ice. Excludes the processing of harvested crops (see “Agricultural Processing”). May include tasting rooms ancillary to the craft production of alcoholic beverage production uses.
3. **Manufacturing, Heavy.** A facility accommodating manufacturing processes that involve or produce basic metals, building materials, chemicals, fabricated metals, paper products, machinery, textiles, or transportation equipment, and where the use may cause significant impacts on surrounding land uses. Includes manufacturing of chemical products; concrete, gypsum, and plaster products; paving and roofing materials; plastics and other synthetics, and rubber products; lumber and other wood products; tires; mass-produced food and beverage products, paving and petroleum-based roofing materials; lime products; glass products. Also includes petroleum refining and related

industries, oil and gas processing facilities, and ready-mix concrete batch plants. Excludes sales of ready-mix concrete incidental retail establishment (see "General Retail, Outdoor"), artisan and craftsman type operations (see "Manufacturing, Artisan, and recapping and retreading of automobile tires (see "Vehicle Repair"). May involve the use of toxic, hazardous, or explosive materials. May include limited tasting rooms ancillary to the craft production of alcoholic beverage production uses.

4. **Mini-Storage.** One or more building in a controlled access and fully enclosed compound that contains separate self-storage spaces of varying size for the storage of customers' goods and possessions.
5. **Outdoor Storage, Non-Retail.** Non-retail storage of commercial goods in open lots as either a primary or secondary use. Excludes storage of merchandise for sale as part of a retail establishment (see "General Retail, Outdoor").
6. **Warehousing, Wholesale, and Distribution.** A use engaged in storage, wholesale and distribution of manufactured products, supplies, and equipment to retailers; to industrial, commercial, institutional, farm, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Includes merchant wholesalers; agents, merchandise or commodity brokers, and commission merchants; assemblers, buyers and associations engaged in the cooperative marketing of farm products.

#### E. Agricultural and Natural Resources.

1. **Agricultural Processing.** The processing of harvested crops to prepare them for onsite marketing, off-site sale, or processing and packaging elsewhere. Includes alfalfa cubing; corn shelling; grist mills; milling of flour, feed and grain; grain cleaning and grinding; hay baling and cubing; pre-cooling and packaging of fresh or dried fruits or vegetables; tree nut hulling and shelling; farm product warehousing and storage; drying of corn, rice, hay; and sorting, grading and packing fruits and vegetables. Includes the processing of crops grown off-site. Excludes manufacturing of food and products ready for sale to consumers (see "Manufacturing, Artisan" and Manufacturing, Light").
2. **Agriculture.** The use of the land for commercial farming, crop production, horticulture, floriculture, viticulture, and animal raising and production, including dairies. May include accessory uses for packing, processing, treating, and storing crops grown on site provided such accessory uses are secondary to crop production activities. Excludes the processing and packaging of agricultural products (see "Agricultura Processing"), slaughterhouses and animal product processing uses (see Animal Processing"), cannabis cultivation (see Municipal Code Chapter 158), community gardens (see "Parks and Recreational Facilities"), and the harvesting of plants and animals in an aquatic environment (see "Aquaculture").

3. **Aquaculture.** Facilities or areas for the cultivation of marine or freshwater fish, shellfish, or plants under controlled conditions. Includes aquaponics that integrates aquaculture with hydroponics by recycling the waste products from fish to fertilize hydroponically growing plants. Includes cultured oyster beds and similar uses.
4. **Animal Processing.** A facility where the slaughtering and/or processing of animals raised off-site takes place, including rendering plants and meat cutting and packing uses. Excludes manufacturing of consumer foods from animal products (see "Manufacturing, Heavy").
5. **Commercial Fishing.** The activity of catching fish and other seafood for commercial profit, mostly from wild fisheries. Includes ancillary fish and seafood processing; fish and seafood storage and distribution; and fish and seafood sales. Excludes cultivation of fish and seafood under controlled conditions (see "Aquaculture").
6. **Resource Protection and Restoration.** Lands and management activities dedicated to the protection and conservation of natural resources, such as aquatic environments, wetland and sensitive riparian habitat, water recharge areas, and rare or endangered plant or animal habitat.
7. **Timber Production and Harvesting.** The cutting and removal of timber or other solid wood forest products for commercial purposes together with all of the work incidental to the harvest including construction and maintenance of roads, fuel breaks, fire breaks, stream crossings, landings, skid trails, beds for the falling of trees, and fire hazard abatement. Excludes cutting or removal of timber for creating building pads and access to a legal building site when such cutting or removal is approved as a part of the building and/or encroachment permit. Also excludes removal of up to five commercial tree species in residential zoning districts in conformance with 155.304.140 (Tree Removal).

**F. Civic and Recreation.**

1. **Civic Institution.** Public or non-profit institutions that support and contribute to the cultural development of the community and provide community-serving programs and services on-site. Includes libraries, museums, performing art centers (primarily non-retail), aquariums, zoos, environmental education centers, non-profit art centers and galleries, botanical gardens, and other similar uses. Excludes public and private schools, colleges and trade schools, and other similar educational facilities (See: "Educational Facilities").
2. **Colleges and Trade Schools.** Institutions of higher education providing curricula of a general, religious or professional nature, typically granting recognized degrees or certificates. Includes junior colleges, business and computer schools, management training, vocational education, and technical and trade schools.
3. **Government Facilities.** A facility operated by a governmental agency providing services to the general public. Includes governmental offices, public recreational facilities,

community centers, public meeting spaces, civic auditoriums, fire stations, police stations, dispatch facilities, vehicle storage, and other similar facilities. Excludes schools (see "Schools, Public and Private"), facilities that primarily provide maintenance and repair services and storage facilities for vehicles and equipment (see "Public Agency Corporation Yard"), parks and playgrounds (see "Parks and Playgrounds"), public utilities (see "Public Utility"), facilities providing group-services to persons in need (see "Social Services") and homeless shelters (see "Emergency Shelters").

4. **Emergency Shelters.** Housing with minimal supportive services for homeless persons that is limited to occupancy of one year or less. No individual or household may be denied emergency shelter because of an inability to pay. Includes drop-in centers that provide food, showers, and laundry facilities, and other services to the homeless.
5. **Instructional Services.** Establishments that offer specialized programs in personal growth and development. Includes music studios/schools, drama schools, dance academies dedicated primarily to instruction, art schools, tutoring schools, and instruction in other cultural and academic pursuits.
6. **Non-Commercial Places of Assembly.** Facilities that provides space for public or private meetings or gatherings. Includes places of worship, fraternal lodges, meeting space for clubs and other membership organizations, social halls, union halls, non-profit banquet centers, and other similar facilities.
7. **Parks and Playgrounds.** Parks and playgrounds as the primary use on the site that provides open space and/or outdoor recreational opportunities to the public. Includes athletic fields, picnic areas, tennis courts, tot lots, community gardens, cemeteries, and other similar outdoor facilities. Excludes indoor recreation centers (see "Government Facilities").
8. **Recreational Vehicle Parks.** An establishment designed, established, or used for exclusive occupancy by two or more recreational vehicles. Recreational vehicle parks are owned by a single owner or organizations where RV spaces are temporarily rented or leased to a person occupying a recreational vehicle.
9. **Schools, Public and Private.** Educational institutions providing instruction to minors as required by the California Education Code. Includes public and private elementary, junior high, and high schools.
10. **Social Services.** Establishments providing group outpatient assistance and aid to those persons requiring counseling, services, activities, and/or treatment for psychological problems, addictions, learning disabilities, elderly, and physical disabilities. Includes welfare offices, child/adult protective services, service centers for disabled individuals, counseling centers for individuals with substance abuse disorder, and veteran services. Excludes homeless shelters (see "Emergency Shelters"), transitional and supportive housing (see "Non-medical Care Housing"), establishments providing individual (non-

group) services (see “Medical Office”), after-school programs (see “Non-Commercial Places of Assembly”) and adult day care centers (see “Day Care Facility”).

#### **G. Infrastructure and Utilities.**

1. **Airport.** Facilities for the takeoff and landing of airplanes, including runways, aircraft storage buildings, public terminal building and parking, air freight terminal, baggage handling facilities, aircraft hangars, and related support activities.
2. **Freight Terminals and Transfer.** Facilities for transfer and movement of freight, courier, and postal services by truck, rail, or sea.
3. **Public Agency Corporation Yard.** Governmental facilities that primarily provide storage, maintenance and repair of vehicles, equipment, and supplies.
4. **Public Utility.** A permanent structure or facility providing a utility service to the general public. Includes generating plants, electric substations, solid waste collection, solid waste treatment and disposal, water or wastewater treatment plants, and similar facilities. Excludes electrical distribution lines, underground water/sewer lines, and similar utilities.
5. **Recycling Collection Facility.** An incidental use that serves as a drop-off point for the temporary storage of recyclable materials but where the processing and sorting of such items is not conducted on site.
6. **Recycling Processing Facility.** A facility that receives and processes recyclable materials. Processing means preparation of material for efficient shipment, or to an end-user’s specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing. Includes salvage yards, upcycling, and vehicle salvage and wrecking.

#### **H. Other Uses.**

1. **Accessory Use.** A land use that is incidental and subordinate to a primary land use located on the same lot.
2. **Animal Keeping.** The keeping of animals for personal use as provided in Municipal Code Chapter 91 (Animal Keeping).
3. **Cannabis Uses.** See Municipal Code Chapter 158 (Medical Cannabis: Cultivation, Processing and Distribution).
4. **Home Occupation.** A business within a dwelling unit or residential site, with the business activity being subordinate to the residential use of the property.
5. **Neighborhood-Serving Retail and Service.** Retail and service establishments that primarily serve residents and employees within the immediate neighborhood. See 155.224.030 (Neighborhood Market Overlay).

6. **Tree Removal in Residential Zones.** The cutting and removal of timber or other solid wood forest products for commercial purposes in conformance with 155.304.140 (Tree Removal).
7. **Wireless Communication Facility.** See Municipal Code Chapter 159.

*This page is intentionally blank*

## Section 155.508 – DEFINED TERMS

---

### Subsections:

155.508.010 – Purpose

155.508.020 – Definitions

### 155.508.010 – Purpose

This section defines terms and phrases used in the Zoning Code that are technical or specialized, or which may not reflect common usage. If any definitions in this section conflict with others in the Municipal Code, these definitions control in the Zoning Code. If a word is not defined in the Zoning Code, the Director determines the appropriate definition.

### 155.508.020 – Definitions

#### A. “A” Terms.

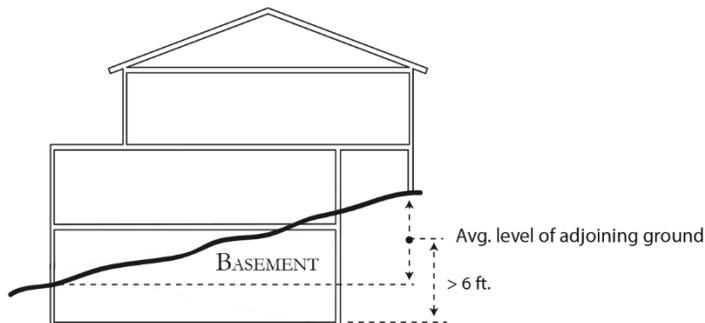
1. **Accessory Building.** A building occupied by an accessory use. Includes detached garages, storage buildings, and sheds.
2. **Accessory Structure.** A structure secondary and subordinate to the primary building on the same lot.
3. **Accessory Use.** A use that is subordinate to and dependent on the primary use on the same lot.
4. **Adaptive Reuse.** The reuse of an existing building or site for a purpose other than the original use.
5. **Addition.** Any development or construction activity that expands the footprint or increases the habitable floor area of a building.
6. **Adjacent Lots.** Lots that share an interior side lot line.
7. **Adult Entertainment.** See 155.304.030.C (Definitions).
8. **Alley.** A public or private roadway, not more than 30 feet wide, providing only secondary means of access to abutting property.
9. **Allowed Land Use.** A land use permitted in a zoning district or overlay zone, either by right or with a Use Permit.
10. **Allowed Use Tables.** Tables in Article 2 (Zoning District Standards) that identify allowed land uses and required permits within each zoning district.
11. **Alteration.** See “Modification.”

12. **Ancillary Use.** A use subordinate to the principal use on the same lot and serving a purpose incidental to the principal use.
13. **Applicant.** Any person, firm, partnership, association, joint venture, corporation, or an entity or combination of entities which seek City permits and approvals.
14. **Attic.** The space within a building between the ceiling beams at the top story and the roof rafters.
15. **Average Ground Slope.** See 155.112.090 (Slope) for rule of measurement.
16. **Awning.** An overhang used as shelter attached to and projecting from an exterior building wall.

B. **“B” Terms.**

1. **Balcony.** A platform that projects from the wall of a building that is surrounded by a railing or balustrade and may or may not require separate understructure for support.
2. **Basement.** A story or space in a building whose floor is more than six feet below the average level of the adjoining ground. See Figure 508-1.

**Figure 508-1: Basement Definition**



3. **Base Zoning District.** The primary zoning district, as distinguished from an overlay zone, that applies to a parcel of land as shown on the Zoning Map.
4. **Beacon.** A beam of light designed to draw attention to a particular location.
5. **Building.** A structure having a solid roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property. Includes “manufactured homes” and “mobile homes.”
6. **Building Height.** See 155.112.070 (Height) for rules of measurement.
7. **By-Right.** Permitted without any form of discretionary approval.

C. **“C” Terms.**

1. **California Environmental Quality Act (CEQA).** California State law (Public Resources Code Section 21000 et seq.) requiring government agencies to consider the

environmental consequences of their actions before taking action on a proposed project.

2. **Caretaker Unit.** A residential dwelling unit for one or more persons employed to provide oversight services on the site where the caretaker unit is located.
3. **Carport.** An accessory structure open on two, three or four sides and attached to, or detached from, a building and established for the loading or unloading of passengers or the storage or parking of an automobile.
4. **Coastal Land Use Plan.** See “Land Use Plan.”
5. **Coastal Zone.** The area of land and water extending from the state’s outer seaward limit of jurisdiction inland to the boundary as shown in Eureka’s Local Coastal Program (LCP) as certified by the California Coastal Commission.
6. **Coastal Zoning Districts.** See “Zoning Districts, Coastal.”
7. **Covered Parking Space.** An area designated for parking within a garage, carport or other enclosed building or structure.
8. **Change of Use.** Conversion from one use classification to a different use classification as identified in 155.504 (Land Use Classifications). The establishment of a different use within the same use classification as the existing use is not a “change of use.” For example, establishing a book store (classified as “General Retail”) in a space previously occupied by a bank (classified as “General Services”) is considered a “change of use.” Replacing the bank with a new laundromat (also classified as “General Services”) is not a “change of use.”
9. **Chase Lighting.** A series of adjacent light bulbs that cycle on and off frequently to give the illusion of movement.
10. **City.** The City of Eureka.
11. **Core Area.** As identified in the General Plan, the traditional business center and cultural hub of Eureka, including Downtown, Old Town, the Library District, and Bayfront Commercial.
12. **Courtyard.** An unroofed area enclosed on two or more sides by building walls.
13. **Covered Entry.** A building entrance covered by a roof, rigid canopy awning, marquee awning, or other similar overhanging feature where the covering is attached to the building wall and is not supported by columns, walls, or other vertical structural elements that extend to the ground. Excludes building entry areas that are enclosed on exterior-facing sides and/or where walls, columns, or vertical structural elements support the roof (see “porch”).

D. **“D” Terms.**

1. **Dark Sky Compliant.** A lighting fixture that meets the International Dark Sky Association's (IDA) requirements for reducing waste of ambient light.
  2. **Deck.** A platform, either freestanding or attached to a building, that is supported by pillars or posts.
  3. **Density.** The number of dwelling units on a lot. See 155.112.030 (Density) for rules of measurement.
  4. **Department.** The City of Eureka Development Services Department.
  5. **Development.** Any human-caused change to land or a structure that requires a permit or approval from the City.
  6. **Development Standard.** A physical or dimensional standard that applies to a development project or land use. Includes lot area, building height, setbacks from lot lines, floor area ratio, residential density, site coverage, and other similar requirements.
  7. **Development Agreement.** An agreement entered into between the City of Eureka and a property owner for the development of a property in accordance with Government Code Section 65864 et. seq.
  8. **Director.** The City of Eureka Director of Development Services.
  9. **Discretionary Action.** An action by the City that requires the exercise of individual/independent judgment or deliberation as a basis to approve or deny a project.
  10. **Driveway.** A permanently surfaced area on a lot designed and required to provide direct access for vehicles between a street and a private garage, carport or other parking space, parking area, or loading area.
  11. **Dwelling Unit.** A building or a portion of a building containing one or more habitable rooms used or designed for occupancy by one family for living and sleeping purposes, including kitchen and bath facilities.
- E. **"E" Terms.**
1. **Existing.** Constructed or established as of June 20, 2019.
- F. **"F" Terms.**
1. **Feather Banner.** A temporary sign in the form of a vertical banner made of flexible materials, (e.g., cloth, paper, or plastic), the longer dimension of which is typically attached to a pole or rod that is driven into the ground or supported by an individual stand.
  2. **Family.** See "household."
  3. **Fence.** A structure made of wood, metal, masonry or other material used as a screen or enclosure for a field, yard, or lot. Excludes shrubs, trees, and other vegetation.

4. **Flags.** Fabric, textile, or material with colors and/or patterns which display a symbol of a nation, state, company, or idea.
  5. **Floor Area.** The enclosed area of all floors of a building. See 155.112.050 (Floor Area and Floor Area Ratio) for rules of measurement.
  6. **Floor Area Ratio.** An intensity measurement calculated by dividing the total floor area on a lot by the lot area.
  7. **Front Street.** The street with the highest annual average daily traffic (AADT) relative to the other streets abutting the site.
  8. **Frontage, Building.** The linear measurement of a building wall that is parallel to a street or that abuts a parking lot or pedestrian walkway.
  9. **Frontage, Site.** The portion of a site that abuts a street.
- G. **“G” Terms.**
1. **Garage.** An enclosed structure or a part of a building designed or used for the storage of automobiles and other motor vehicles.
  2. **General Plan.** The General Plan of the City of Eureka prepared in accordance with Government Code Section 65300 et seq.
  3. **Grade, Finished.** The level of the ground after completion of site preparation, grading, earthwork, or construction associated with a development project.
  4. **Grade, Natural.** The level of the ground prior to the start of any current or proposed site preparation, grading, earthwork, or construction.
  5. **Grading.** Any and all activities involving earthwork, including placement or fill and/or excavation.
  6. **Ground Floor.** The first level of a building, other than a cellar or basement, that is closest to finished grade.
- H. **“H” Terms.**
1. **Habitable Space.** An area within a building that is conditioned (heated or cooled) with a finished floor and a ceiling height averaging at least seven feet six inches. Excludes unfinished attics, cellars, crawl spaces, and other similar utility areas.
  2. **Hearing Body.** A review authority that conducts a public hearing.
  3. **Home Occupation.** A business conducted within a dwelling unit or from a residential site, with the business activity being subordinate to the residential use of the property.
  4. **Household.** One or more persons living together in a single residential unit, with common access to, and common use of, all living areas and all areas and facilities for

the preparation and storage of food and who maintain no more than four separate rental agreements for the single residential unit.

I. **“I” Terms.**

1. **Implementation Plan.** The coastal zoning code, codified in Chapter 156 (Coastal Zoning) of the Eureka Municipal Code, and certified by the Coastal Commission as meeting the requirements of the California Coastal Act of 1976.
2. **Intensity.** The amount or magnitude of development or use on a lot, typically measured as floor area ratio (FAR).

J. **“J” Terms.** None.

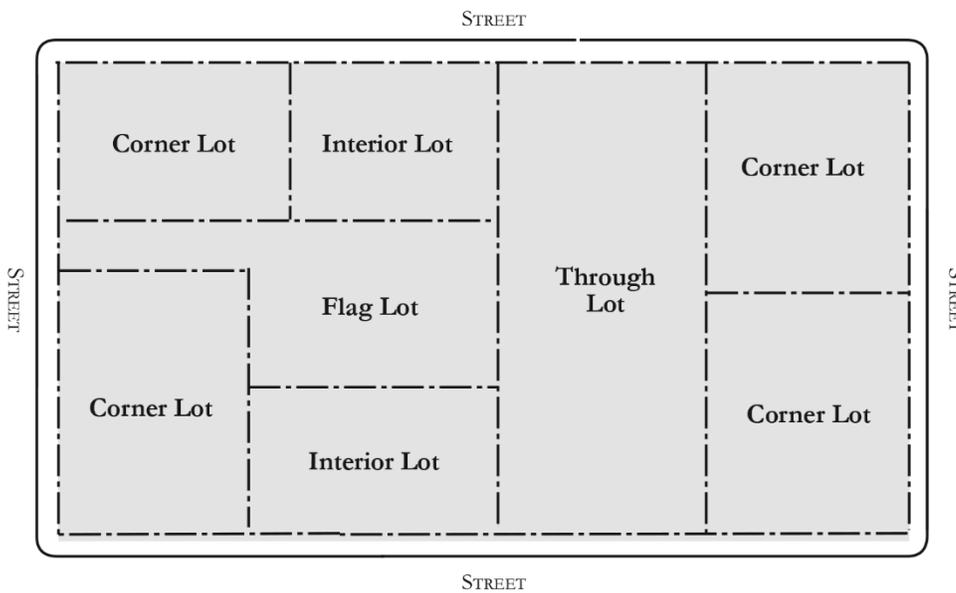
K. **“K” Terms.** None.

L. **“L” Terms.**

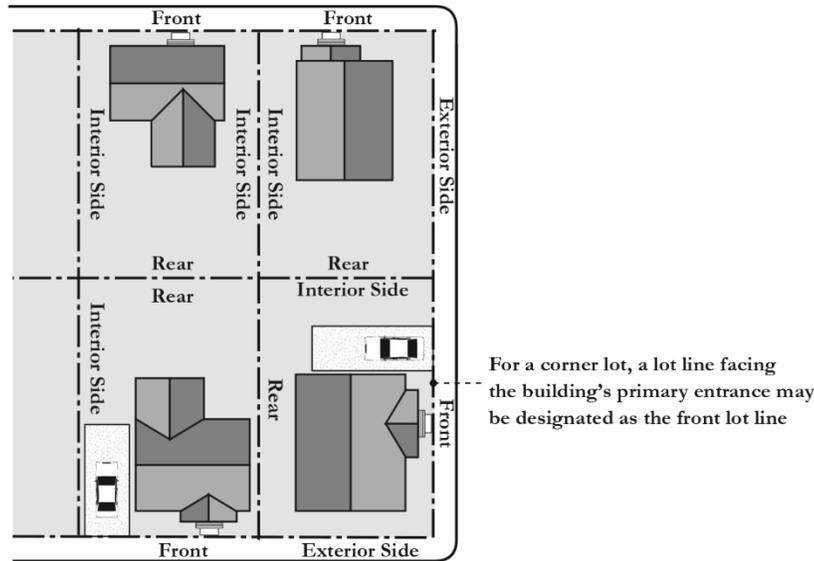
1. **Landscaping.** The planting and maintenance of living plant material, including the installation, use, and maintenance of any irrigation system for the plant material, as well as nonliving landscape material (such as rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials).
2. **Land Use.** An activity conducted on a site or in a structure, or the purpose for which a site or structure is designed, arranged, occupied, or maintained. The meaning of the term “use” is identical to “land use.”
3. **Land Use Plan (Coastal Land Use Plan).** The component of the City of Eureka’s Local Coastal Program (LPC) establishing the vision, goals, and policies for the coastal zone in accordance with the California Coastal Act of 1976.
4. **Land Use Regulation.** A regulation in the Zoning Code that primarily relates to the operation or placement of a use on a site as opposed to the physical form of the structures on the site (see “Development Standards”).
5. **Live/Work Unit.** A building or space within a building that is used jointly for commercial and residential uses.
6. **Local Coastal Program (LCP).** The City of Eureka’s Land Use Plan, Implementation Plan, maps, and other implementing actions certified by the Coastal Commission as meeting the requirements of the California Coastal Act of 1976.
7. **Local Emergency.** An event, situation, or state of emergency that threatens the safety of persons and property in Eureka declared by the City Council in accordance with the California Emergency Services Act (Government Code Section 8550 et seq).
8. **Lot Area.** The total horizontal area within the lines of a lot. See 155.112.020 (Lot Area) for rules of measurement.

9. **Lot.** A parcel, site, tract, or area of land whose boundaries have been established by a legal instrument such as a deed or map recorded with the County of Humboldt, and which is recognized as a separate legal entity for purposes of transfer of title. The meaning of “parcel” is identical to “lot.” See Figure 508-2 for types of lots.
- Lot, Corner.** A lot abutting two or more streets at their intersection.
  - Lot, Interior.** A lot with only one front lot line.
  - Lot, Flag.** A lot where the main portion of the lot area does not have access to a street other than by means of a corridor less than 20 feet wide.
  - Lot, Through.** A lot which has two or more front lot lines which do not intersect.

**Figure 508-2: Lot Types**



10. **Lot, Legally Established.** A lot established in compliance with the California Subdivision Map Act (Government Code Section 66410 et. seq.).
11. **Lot Line.** The lines bounding a lot. The meaning of “property line” is identical to “lot line.” See Figure 508-3 for types of lot lines.

**Figure 508-3: Lot Lines**

- a. **Lot Line, Exterior Side.** A lot line other than a front lot line on a corner lot abutting a street.
- b. **Lot Line, Front.**
  - (i) For an interior lot, the lot line abutting a street.
  - (ii) For a through lot, both lot lines abutting a street.
  - (iii) For a corner lot, either the shorter lot line facing the street, the lot line facing the primary street as defined in this section, the lot line facing the building's primary entrance, or another lot line as determined by the Director based on the existing and/or proposed layout and function of the lot.
- c. **Lot Line, Interior Side.** A lot line other than a rear line lot shared with another lot.
- d. **Lot Line, Rear.** The lot line opposite and most distant from the front lot line, where such lot line is not also a street-facing lot line, unless determined otherwise by the Director based on the existing and/or proposed layout and function of the lot.

**M. "M" Terms.**

1. **Manufactured Home.** A single-family home built to the National Manufactured Housing Construction and Safety Standards Act of 1974. Includes structures known as manufactured housing or modular homes.
2. **Ministerial Action.** A City action (approval or denial) that involves only the use of fixed standards or objective measurements and does not require the exercise of discretionary or subjective personal judgement.

3. **Mixed-Use.** Two or more different land uses located in one building or on one lot or development site.
  4. **Mixed-Use Zoning Districts.** The zoning districts listed in 155.208 (Mixed-Use Zoning Districts).
  5. **Mobile Home.** A type of "trailer," "trailer coach," or "semi-trailer" as defined in the California Vehicle Code, and has the same meaning as "mobile home," as defined in the California Health and Safety Code. Excludes modular or manufactured dwellings intended for assembly on-site on permanent foundations and not designed for subsequent or repeated relocation. Excludes recreational vehicles as defined in this section.
  6. **Modification.** Any construction or physical change in the internal arrangement of rooms, supporting members of a structure, or external appearance of any structure, not including painting.
  7. **Multi-Family Residential Zoning Districts.** The Residential Medium (R2) and Residential High (R3) zoning districts.
- N. **"N" Terms.**
1. **Natural Grade.** See "Grade, Natural."
  2. **Nonconformity.** A lot, land use, site feature, or structure that does not comply with the Zoning Code but was legally established under previous regulations
    - a. **Nonconforming Lot.** A legally established lot that does not comply with the Zoning Code.
    - b. **Nonconforming Use.** A legally established land use that does not comply with the Zoning Code.
    - c. **Nonconforming Structure.** A legally established structure that does not comply with the Zoning Code.
    - d. **Nonconforming Site Feature.** A legally established site feature that does not comply with the Zoning Code.
- O. **"O" Terms.**
1. **Overlay Zone.** A secondary zoning designation that imposes additional regulations, allowances, limitations, and/or special provisions beyond what is required and allowed by the underlying zoning district
- P. **"P" Terms.**
1. **Parcel.** See "lot."
  2. **Parking Assessment District.** Outside of the coastal zone, the area shown in Figure 508-4.

**Figure 508-4: Parking Assessment District – Inland Area**

3. **Parking Indenture.** A covenant record filed with the County Recorder guaranteeing that off-site parking will be maintained exclusively for a use for the duration of the use.
4. **Parking Lot.** An area on a lot or within a structure used for or designed for temporary parking for more than four motor vehicles and available for public use, whether free, for compensation, or as an accommodation for clients, employees, visitors, or customers.
5. **Parking Space.** Land or space privately owned, covered or uncovered, laid out for, surfaced, and used or designed to be used for temporary parking or storage of standard motor vehicles.
6. **Pedestrian-Focused Frontage.** See 155.208.040 (Pedestrian-Focused Frontages) and Figure 208-4.
7. **Permit.** A City approval required by the Zoning Code as listed in Table 404-1 in 155.404 (Administrative Responsibilities).
8. **Planning Commission.** The City of Eureka Planning Commission.
9. **Porch.** A covered projecting platform that extends from the main wall of a building where the covering is supported by columns, walls, or other vertical structural

elements. A porch may be enclosed or unenclosed. Enclosed porches must be at least 60 percent transparent on each exterior-facing side.

10. **Primary Building.** The building or structure that accommodates the primary use of the site.
  11. **Primary Dwelling.** On a lot with an accessory dwelling unit (ADU), the detached single-family home established either before or concurrently with the ADU.
  12. **Primary Use.** The main purpose for which a site is developed and occupied, including the activities that are conducted on the site a majority of the hours during which activities occur.
  13. **Private Agreement.** An easement, covenant, deed restriction or other agreement entered into between private property owners.
  14. **Privately-Owned Public Space.** An outdoor area on private property which may be used by customers and/or the general public.
  15. **Property line.** See "lot line."
  16. **Public Zoning Districts.** The zoning districts listed in 155.216 (Public Zoning Districts).
  17. **Public Nuisance.** Any violation of the Municipal Code defined as such by the Eureka Municipal Code or that is, causes, or creates a condition of public nuisance as defined in Civil Code Sections 3479 and 3480.
  18. **Public Utility.** A permanent structure or facility operated by a governmental agency providing a utility service to the general public. Includes facilities for the production, generation, storage, treatment, or transmission of water; facilities for the production, generation, transmission, or distribution of electrical energy; facilities for the collection, treatment and disposal of solid waste and wastewater, and other similar facilities.
- Q. **"Q" Terms.** None.
- R. **"R" Terms.**
1. **Recreational Vehicle (RV).** A vehicular-type unit designed for temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The term "recreational vehicle" includes, but is not limited to:
    - a. Motor homes constructed as an integral part of a self-propelled vehicle.
    - b. Travel trailers built on a chassis and drawn by a motorized vehicle.
    - c. Campers mounted on a truck chassis.
    - d. Camping trailers and similar folding structures mounted on wheels.

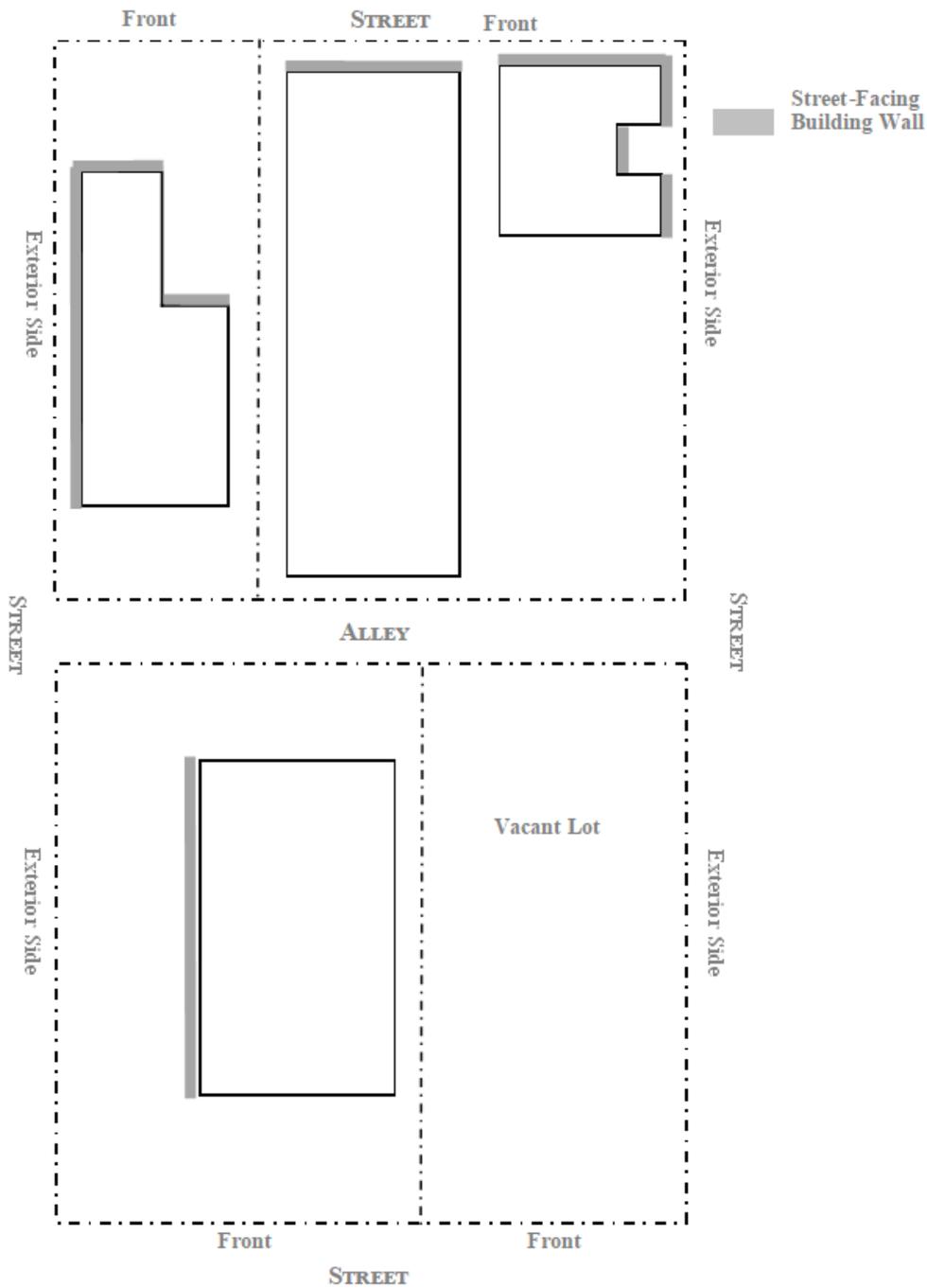
- e. Park trailers built on a single chassis, mounted on wheels, with a gross trailer area not exceeding 400 square feet in the setup mode, and certified by the manufacturer as complying with ANSI A119.5.
  - 2. **Remodel.** A change or alteration in a building that does not increase the building's square footage.
  - 3. **Reconstruction.** See 155.424.040.E (Damage, Destruction, and Demolition).
  - 4. **Residential Zoning Districts.** The zoning districts listed in 155.204 (Residential Zoning Districts).
  - 5. **Resource-Related Zoning Districts.** The zoning districts listed in 155.220 (Resource-Related Zoning Districts).
  - 6. **Review Authority.** The City official or body responsible for approving or denying a permit application or other form of requested approval under the Zoning Code.
- S. **"S" Terms.**
- 1. **Second Use.** A use subject to separate permit requirements and allowed only if combined with a primary use.
  - 2. **Setback.** The required distance of a structure from a lot line or other feature. See 155.112.040 (Setback) for rules of measurement.
  - 3. **Setback Area.** The two-dimensional area on a lot subject to the minimum setback requirement.
  - 4. **Side Street.** The street with a lower annual average daily traffic (AADT) relative to the other streets fronting the site or as defined by the Public Works Director.
  - 5. **Sign.** Any structure, object, or device that uses letters, numbers, graphics, colors or other means of communication to advertise, announce, or communicate information of any kind to the public.
  - 6. **Sign, Animated.** A sign which physically moves, rotates, revolves or has visibly moving or rotating parts of any kind.
  - 7. **Sign, Awning.** A sign incorporated into, attached to, or painted on the face or valance of an awning.
  - 8. **Sign, Banner.** A temporary sign made of flexible vinyl, fabric, or any non-rigid material with no enclosing framework on which a message or image is painted or otherwise affixed.
  - 9. **Sign, Box.** A sign that contains all copy within a single enclosed cabinet that is mounted to a wall or other structure. Box signs, also referred to as can signs, typically use slide-in panels to display messages.

10. **Sign, Canopy.** A sign attached to a fixed overhead shelter used as a roof, which may or may not be attached to a building.
11. **Sign Copy.** The area of a sign occupied by letters, numbers, graphics, or other content intended to communicate information.
12. **Sign, Detached.** Any pole sign, monument sign, or other types of sign not attached to a building.
13. **Signs, Digital.** A sign that displays a visual image using liquid crystal cells or other types of light emitting diodes (LEDs) or their functional equivalent where the image can be easily changed, typically by remote control or computer programming. Also known as Electronic Message Center (EMC) signs. Excludes fuel price signs and internally illuminated window signs.
14. **Sign, Digitally Printed.** Any of the following:
  - a. A sign where the entire sign copy is digitally printed onto wood, aluminum or other material and then trimmed as needed to complete the sign.
  - b. A sign where the entire sign copy is digitally printed onto an adhesive material which is attached to a plastic panel and inserted into a box sign cabinet.
  - c. A sign where a single material is used for the sign copy and sign face (e.g., a panel face sign with an injected molded plastic).
15. **Signs, Directional.** A sign that provides directions to a place, structure, or use, excluding signs installed by a public agency.
16. **Sign, Directory.** A sign which lists and identifies the location of the occupants of a multi-tenant building or site. Excludes "property identification signs."
17. **Sign Face.** The area of a sign where sign copy is placed.
18. **Sign, Inflatable Balloon.** A temporary sign consisting of a flexible envelope of nonporous materials that gains its shape from inserted air or other gas.
19. **Signs, Human Directional and Advertising.** A sign that is held by or attached to a human being in any manner. Includes individuals dressed in costume intended to attract attention as human signs to a business for advertising purposes.
20. **Sign, Internally Illuminated Window.** A sign placed in a window with individually illuminated letter, numbers, or graphic not exceeding 12 square feet. Includes illuminated "open" signs and signs illuminated with LEDs, neon, or other fluorescing gas.
21. **Sign, Marquee.** A sign with changeable copy that advertises an event, performance, seminar, conference, or show.

- a. **Attached Marquee Sign.** A marquee sign displayed on a permanent roof-like structure or canopy made of rigid materials supported by and extending from the facade of a building.
  - b. **Detached Marquee Sign.** A freestanding marquee sign not attached to a building.
22. **Sign, Monument.** A sign detached from a building and supported on the ground by one or more structural elements that are one-quarter or more of the width of the sign face. Internal supports, poles or pylons, if any, are enclosed by decorative covers or otherwise not exposed to view. Includes signs where supporting structural elements are architecturally dissimilar to the design of the sign. Excludes "pole signs."
  23. **Sign, Neon.** A sign that features exposed small diameter tubing illuminated by neon or other fluorescing gas. Excludes signs with LEDs intended to simulate the appearance of neon and "internally illuminated window signs."
  24. **Sign, Off-Premise.** A sign advertising a land use, business, product, or service not located or available on the site where the sign is located.
  25. **Sign, Pole.** A sign detached from a building and supported on the ground by one or more structural elements that are less than one-quarter the width of the sign face. Monument signs with supporting poles where the poles are incased to incorporate design features are not considered pole signs.
  26. **Sign, Post.** A temporary sign suspended from a horizontal swingpost or bracket that is attached to a vertical post mounted in the ground. Includes on-site real estate sales and rental signs.
  27. **Sign, Projecting.** A sign permanently attached to a building or wall such that the sign face or faces are perpendicular to the building or wall. Includes blade signs suspended under a bracket, armature, or other mounting device.
  28. **Sign, Roof.** A sign erected upon or directly above a roof and the parapet of a building.
  29. **Sign, Sandwich Board.** A portable sign with two opposing flat faces designed to be self-supporting on the ground, typically displayed on a sidewalk or in a parking lot.
  30. **Sign, Suspended.** A sign which is suspended under an awning, canopy, fascia or similar structure. Includes signs oriented parallel to the building façade suspended over a recessed entry.
  31. **Sign, Ticker.** An electronic reader board sign consisting of one or more lines of scrolling LED text.
  32. **Sign, Wall.** A sign attached to or painted on the exterior wall of a structure with the display surface of the sign approximately parallel to the building wall. Includes signs attached to but not extending above a fascia or parapet.

33. **Sign, Window.** A sign posted, painted, placed, or affixed in or on a window exposed to public view. Any sign attached to a window, within two feet of a window, or attached to a display located within two feet of a window is considered a window sign.
34. **Sign, Yard.** A temporary freestanding sign with an “H”-shaped frame inserted into the ground within a street-facing yard. Includes political campaign signs displayed prior to elections.
35. **Site.** A lot with any adjoining lots that are under single ownership or single control, and that are considered a unit for the purpose of development or other use.
36. **Site Coverage.** The total horizontal area of all buildings on a lot divided by the lot area. See 155.112.060 (Site Coverage) for rules of measurement.
37. **Site Features.** Physical improvements and modifications to a site excluding permanent buildings to serve on-site development and uses. Includes at grade flatwork, steps, ramps, retaining walls, planter boxes, decorative ornamental features, ground-mounted mechanical equipment, swimming pools, and other similar improvements.
38. **Specific Plan.** Any specific plan of the City of Eureka adopted in accordance with Government Code Section 65450 et seq.
39. **Story.** The portion of a building between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story is that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.
40. **Street.** A travel way more than 20 feet in width which affords a primary or principal means of access to abutting property. “Streets” includes private roads and highways.
41. **Street-Facing Building Wall.** A building wall that is 1) parallel or substantially parallel to a street; and 2) directly across a front or exterior side lot line. This definition excludes building walls parallel to an interior lot line, a rear lot line, or an alley. See Figure 508-5.

Figure 508-5: Street-Facing Building Walls.



- 42. **Structure.** Anything constructed or erected that requires attachment to the ground, or attachment to something located on the ground. Excludes objects temporarily

attached to the ground, or which are easily moved, including dog houses, picnic tables, patio furniture, and children's play structures.

43. **Structural Alterations.** Any change in the supporting members of a building, such as bearing walls, columns, beams, girders, floor, ceiling or roof joists and roof rafters, or a change in roof exterior lines which would prolong the life of the supporting members of a building.
44. **Subdivision.** The division of land as defined in Government Code Sections 66410 to 66499 (Subdivision Map Act). Includes condominium and community apartment projects.

T. **"T" Terms.**

1. **Tandem Parking.** An arrangement of parking spaces such that one or more spaces must be driven across in order to access another space or spaces.
2. **Temporary Structure.** A structure that is erected for a limited period of time and that does not permanently alter the character or physical facilities of a property.
3. **Temporary Use.** A short-term activity that occurs for a limited period of time and does not permanently alter the character or physical facilities of a property.
4. **Tenant Space.** A defined area within a building rented or occupied by a business or other non-residential land
5. **Townhome.** Two or more single-family dwelling units connected by common walls along the sides with either shared or unshared foundations.

U. **"U" Terms.**

1. **Uncovered Parking Space.** A parking space in an open area not enclosed in a garage, carport or other structure.
2. **Use.** See "Land Use."
3. **Use Permit.** Either a Conditional Use Permit or a Minor Use Permit.

V. **"V" Terms.**

1. **Vision Clearance Area.** See 155.308.040 (Vision Clearance Area).

W. **"W" Terms.**

1. **Wall.** A permanent upright linear structure made of wood, stone, concrete, masonry, or other similar material.
2. **Weeds.** Plants that were not included in an approved landscape plan for the property, are not valued where they are growing, are of vigorous growth relative to other plants within a landscape area, and overgrow and choke out other plants within a landscape area.

- X. **“X” Terms.** None.
- Y. **“Y” Terms.** None.
- Z. **“Z” Terms.**
  - 1. **Zoning Code.** Chapter 155 of the City of Eureka Municipal Code.
  - 2. **Zoning District.** A defined area within the City of Eureka where uniform land use and development standards apply in accordance with the Zoning Code.
  - 3. **Zoning District, Coastal.** A zoning district in the coastal zone regulated under Municipal Code Chapter 156 (Coastal Zoning).
  - 4. **Zoning District, Inland.** A zoning district outside of the coastal zone regulated under the Zoning Code.
  - 5. **Zoning Maps.** The official maps adopted by the City Council identifying the boundaries of the zoning districts within the City of Eureka.
  - 6. **Zoning Map, Coastal.** The official adopted and certified zoning map identifying the location of coastal zoning districts, incorporated by reference into Municipal Code Chapter 156 (Coastal Zoning).
  - 7. **Zoning Map, Inland.** The official adopted zoning map identifying the location of zoning districts outside of the coastal zone, incorporated by reference into the Zoning Code.