



CITY OF EUREKA
PUBLIC WORKS DEPARTMENT
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NOTICE OF PUBLIC HEARING

EUREKA CITY COUNCIL

NOTICE IS HEREBY GIVEN that the Eureka City Council will hold a public hearing on **Tuesday, August 4, 2020**, at 6:00 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 City Council meetings live on the City of Eureka's website at 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. Members of the Public who wish to speak and be heard during the Council meeting, must submit their phone number and the name of the item that they would like to comment on by e-mail to cityclerk@ci.eureka.ca.gov or leave a message at 707.441.4175 prior to 4:00 p.m. on Tuesday, August 4, 2020. The City Clerk will call the public member during the discussion of the item.
3. If you don't want to call in during the meeting, please submit your comment via email to the City Clerk at cityclerk@ci.eureka.ca.gov or you may leave a message at 707.441.4175 prior to 4:00 p.m. on Tuesday, August 4, 2020 to ensure that Council receives your comment before the meeting. All comments received by e-mail or

mail will be part of the public record for Council consideration but will 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 Planning Division of the Public Works Department. If you have questions regarding the project or this notice, please contact Kristen M. Goetz, Principal Planner, kgoetz@ci.eureka.ca.gov or (707) 441-4166.



AGENDA SUMMARY EUREKA CITY COUNCIL

TITLE: June 2020 Zoning Code Update

DEPARTMENT: Public Works – Planning Division

PREPARED BY: Kristen M. Goetz, Principal Planner

PRESENTED FOR: Action Information only Discussion

RECOMMENDATION

Hold a public hearing; and

Waive reading, read by title only, and introduce Bill No. 983-C.S., to approve the June 2020 Zoning Code Update.

FISCAL IMPACT

No Fiscal Impact Included in Budget Additional Appropriation

COUNCIL GOALS/STRATEGIC VISION

Zoning Code Update

DISCUSSION

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 proposed amendments include rectifying inconsistencies and errors, correcting grammar, adding language to comply with State law, and clarifying language that is currently unclear, contrary, or confusing. The amendments are intended to maintain and insure internal consistency throughout the zoning code itself.

ANALYSIS

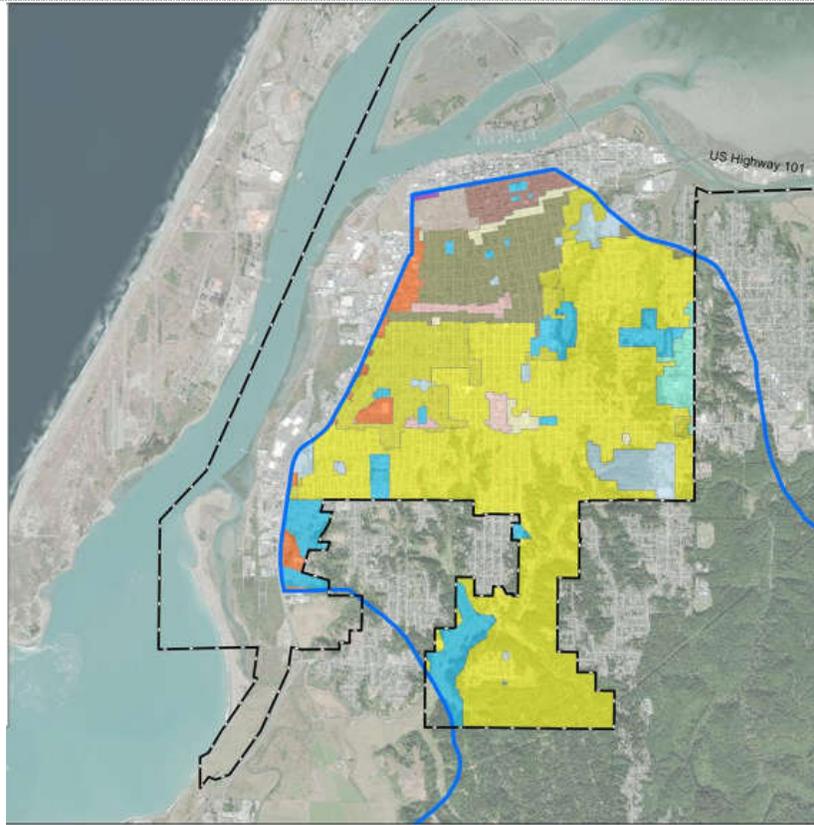
To approve a Zoning Code Amendment, the City Council must make all of the following findings:

- 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.

Figure 1: Location Map – Inland portion of City of Eureka



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

There are no other Specific or Area Plans that apply to the inland portion of the City; however, the City of Eureka's March 2015 Economic Development Strategic Plan is applicable throughout the City.

The main goal of the 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.

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.

PLANNING COMMISSION ACTION

At their June 8, 2020 meeting, the Planning Commission held a duly noticed public hearing during which there was no testimony. The Planning Commission, with three members in attendance deliberated at the June 8 meeting, and then continued the item to the July 13, 2020 meeting, where four Commissioners were present. During the meetings, the Commission voted to recommend changes either to the amendment language proposed by Staff or to hold Planning Commission public meetings to obtain public input, and also proposed several amendments not originally included in Staff's recommendations.

Attachment 4 contains information regarding the Commission's recommendations and Staff's recommendations and responses. The attachment also contains suggested language to allow Council to incorporate any of the Commission's recommended changes into the draft Ordinance by including the language highlighted in blue in the tables in the motion to introduce the ordinance.

On July 13, 2020, the Planning Commission voted 4-0 with one Commissioner absent to recommend Council approve the June 2020 Zoning Code Update with the additional recommendations voted by the Commission.

STAFF'S RECOMMENDATION

Attachment 1 contains the strikeout version of the draft ordinance, and Attachment 2 contains a clean version. Attachment 3 is a summary of the proposed changes referenced to the Section number in the draft ordinance. Staff recommends Council hold a public hearing, and then waive reading, read by title only, and introduce Bill No. 983-C.S., to approve the June 2020 Zoning Code Update.

SUGGESTED MOTION

To approve the amendment with none of the recommendations made by the Planning Commission:

"I move the City Council waive reading, read by title only, and introduce Bill No. 983-C.S., to approve the June 2020 Zoning Code Update."

To approve the amendment and add some or all of the recommendations made by the Planning Commission:

“I move the City Council waive reading, read by title only, and introduce Bill No. 983-C.S., to approve the June 2020 Zoning Code Update, and I move we...[add language highlighted in blue from Attachment 4]”

REVIEWED AND APPROVED BY:

- City Attorney
- City Clerk/Information Technology
- Community Services
- Development Services
- Finance
- Fire
- Human Resources
- Police
- Public Works

**AN ORDINANCE OF THE CITY OF EUREKA AMENDING PORTIONS OF EUREKA
MUNICIPAL CODE CHAPTER 155**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EUREKA AS FOLLOWS:

Section 1.

Title XV, Chapter 155, Section 155.108.050.C.2. is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.108.050 LAND USE REGULATIONS: C. TYPES OF USES

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.

Section 2.

Title XV, Chapter 155, Section 155.112.040.B. is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.112.040 SETBACKS

- 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.

Section 3.

Title XV, Chapter 155, Section 155.112.050.A.1 and 2. are hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

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 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, ~~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.

Section 4.

Title XV, Chapter 155, Section 155.112.060.C. 2. is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.112.060 SITE COVERAGE: C. EXCLUDED FROM CALCULATION

2. Projecting ~~bay~~ windows and cantilevered upper floors, and other ~~exterior~~ architectural projections that are not supported from the ground.

Section 5.

Title XV, Chapter 155, Section 155.204.020 Table 204-1 is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.204.020 ALLOWED LAND USES

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

P = Permitted Use M = Minor Use Permit Required C = Conditional Use Permit Required - = Prohibited Land Use	Zoning District				Additional Standards
	Residential Estate RE	Residential Low R1	Residential Medium R2	Residential High R3	
Residential					
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 (Townhomes)	-	-	P	P	
Single-Family Home, Detached (existing)	P	P	P	P	
Single-Family Home, Detached (new)	P	P	P [1]	P [1]	
Commercial					
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
<u>Residential Lodging/Vacation Rental</u>					155.304.130
<u>Single-Room Proprietor On-Site</u>	P	P	P	P	
<u>Multiple-Room No Proprietor On-Site</u>	M	M	M	M	
<u>Full Unit</u>	M	M	M	M	
Agricultural and Natural Resources					
Timber Production and Harvesting	C	C	-	-	
Civic and Recreation					
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]	

Land Use	Zoning District				Additional Standards
	Residential Estate RE	Residential Low R1	Residential Medium R2	Residential High R3	
Infrastructure and Utilities					
Public Utility	C	C	C	C	
Other Uses and Activities					
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
Notes:					
[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).					

Section 6.

Title XV, Chapter 155, Section 155.204.030 Table 204-2 is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.204.030 DEVELOPMENT STANDARDS

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

Standard	Zoning District		Additional Standards
	Residential Estate RE	Residential Low R1	
Minimum Front Setbacks [4]			155.204.030.D; 155.308.030
Building Walls	15 ft. [54]	10 ft. [54]	
Porches and Stoops	15 ft. [54]	5 ft. [54]	
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. [54]	5 ft. [54]	
Garages on a corner lot facing a side street and within 30 ft. of the rear lot line [85]	0 ft. or ≥ 20 ft. [96]	0 ft. or ≥ 20 ft. [96]	
All other garages [85]	20 ft.	20 ft.	
Minimum Interior Side Setbacks	15 ft.	5 ft.	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, Alley Adjacent [7] [8]			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.	
Minimum Rear Setbacks, No Alley [107]			
<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.	
Notes:			
[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.			
[3][4] <u>Includes accessory dwelling units in conformance with 155.316 (Accessory Dwelling Units).</u>			
[5] Or average of adjacent lots, whichever is less. See 155.204.030.D (<u>Average Front and Exterior Side Setback Alternative</u>).			
[6] <u>New construction or increase in footprint of an existing structure to create an accessory dwelling unit on the first story.</u>			
[4][7] <u>Provided the setbacks as proposed are sufficient for fire and safety as determined by the Building Official and pursuant to the California Building or Residential Code.</u>			
[5][8] Setback also applies to accessory dwelling units above a <u>proposed</u> 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.			
[6][10] See Figure 204-5 in 155.204.030.G (Rear Setbacks).			
[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.			

Section 7.

Title XV, Chapter 155, Section 155.204.030 Table 204-3 is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.204.030 DEVELOPMENT STANDARDS

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%	
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. [43]	10 ft. [43]	
Porches and Stoops	5 ft. [43]	5 ft. [43]	
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. [43]	5 ft. [34]	

Standard	Zoning District		Additional Standards
	Residential Medium R2	Residential High R3	
Garages on a corner lot facing a side street and within 30 ft. of the rear lot line [74]	0 ft. or ≥ 20 ft. [85]	0 ft. or ≥ 20 ft. [85]	155.204.030.E
All other garages [74]	20 ft.	20 ft.	
Minimum Interior Side Setbacks	5 ft.	5 ft.	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, Alley Adjacent [6] [7]			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.	
Minimum Rear Setbacks, No Alley [96]			
<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.	
<p>Notes:</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>[2][3] <u>Includes accessory dwelling units in conformance with 155.316 (Accessory Dwelling Units).</u></p> <p>[4] Or average of adjacent lots, whichever is less. See 155.204.030.D (Average Front and Exterior Side Setback Alternative).</p> <p>[5] <u>New construction or increase in footprint of an existing structure to create an accessory dwelling unit on the first story.</u></p> <p>[3][6] <u>Provided the setbacks as proposed are sufficient for fire and safety as determined by the Building Official and pursuant to the California Building or Residential Code.</u></p> <p>[4][7] Setback also applies to accessory dwelling units above a <u>proposed</u> garage.</p> <p>[5][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.</p> <p>[6][9] See Figure 204-5 in 155.204.030.G (Rear Setbacks).</p> <p>[7][10] <u>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.</u></p>			

Section 8.

Title XV, Chapter 155, Section 155.204.030.F is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.204.030 DEVELOPMENT STANDARDS: F. EXTERIOR SIDE SETBACKS FOR GARAGES

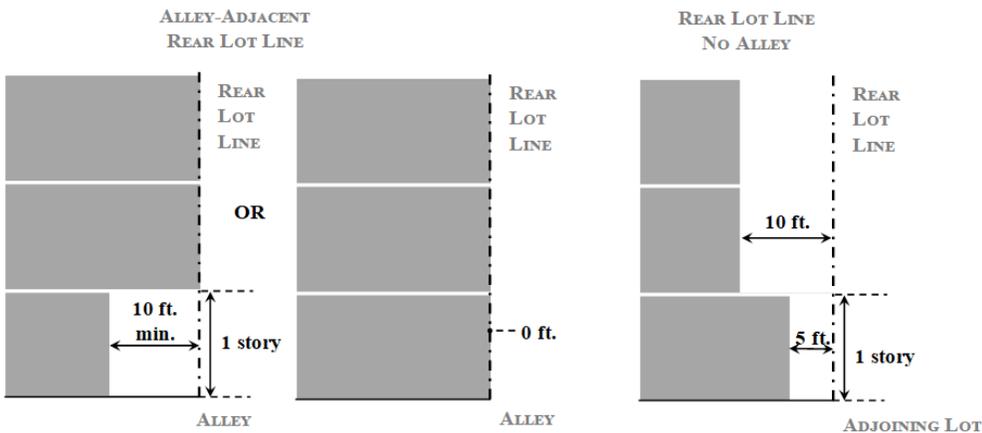
F. Exterior Side Setbacks for Garages. As stated in Tables 204-2 and 204-3, if a street-facing garage is within 30 feet of ~~f~~ the rear lot line, the garage must be setback either zero feet or 20 feet or more from the exterior lot line. See Figure 204-4. This provision applies only to garages, not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

Section 9.

Title XV, Chapter 155, Section 155.204.030 Figure 204-5 is hereby amended and replaced as follows (*the remainder of the section is unchanged and is omitted*):

155.204.030 DEVELOPMENT STANDARDS: FIGURE 204-5

Figure 204-5: Minimum Rear Setback Elevations



Section 10.

Title XV, Chapter 155, Section 155.208.020 Table 208-1 is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.208.020 ALLOWED LAND USES: TABLE 208-1

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	
Residential									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	
Commercial - Sales									
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	-	-	-	-	-	

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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	
Commercial - Service and Office									
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	-	-	-	-	-	
Industrial and Storage									
Manufacturing, Artisan	P	P	P	P	P	P	C	-	
Manufacturing, Light	-	M	C	-	-	-	-	-	
Outdoor Storage, Non-Retail	-	-	M	-	-	-	-	-	

ORDINANCE No. ___-C.S.

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	
Warehousing, Wholesale, and Distribution	-	C	C	-	-	-	-	-	
<i>Civic and Recreation</i>									
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	
<i>Infrastructure and Utilities</i>									
Public Utility	C	C	C	C	C	C	C	C	
Recycling Collection Facility	-		C	-	-	-	-	-	
<i>Other Uses</i>									
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
Notes:									
[1] An accessory dwelling unit is allowed only in conformance with 155.316 (Accessory Dwelling Unit) on a lot with a single family home existing as of June 20, 2019.									
[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.									

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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	
[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.								
[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.								

Section 11.

Title XV, Chapter 155, Section 155.208.020.C.1. is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.208.020 ALLOWED LAND USES: C. GENERAL RETAIL – OUTDOOR IN THE DOWNTOWN 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).

Section 12.

Title XV, Chapter 155, Section 155.208.030 Table 208-2 is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.208.030 DEVELOPMENT STANDARDS: TABLE 208-2

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

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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>[2] Accessory dwelling units are subject to the same setback as the existing residential structure.</p> <p>[3] provided the setbacks as proposed are sufficient for fire and safety as determined by the Building Official and pursuant to the California Building or Residential Code.</p> <p>[4][5]</p>									

Section 13.

Title XV, Chapter 155, Section 155.208.030 Table 208-3 is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.208.030 DEVELOPMENT STANDARDS: TABLE 208-3

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

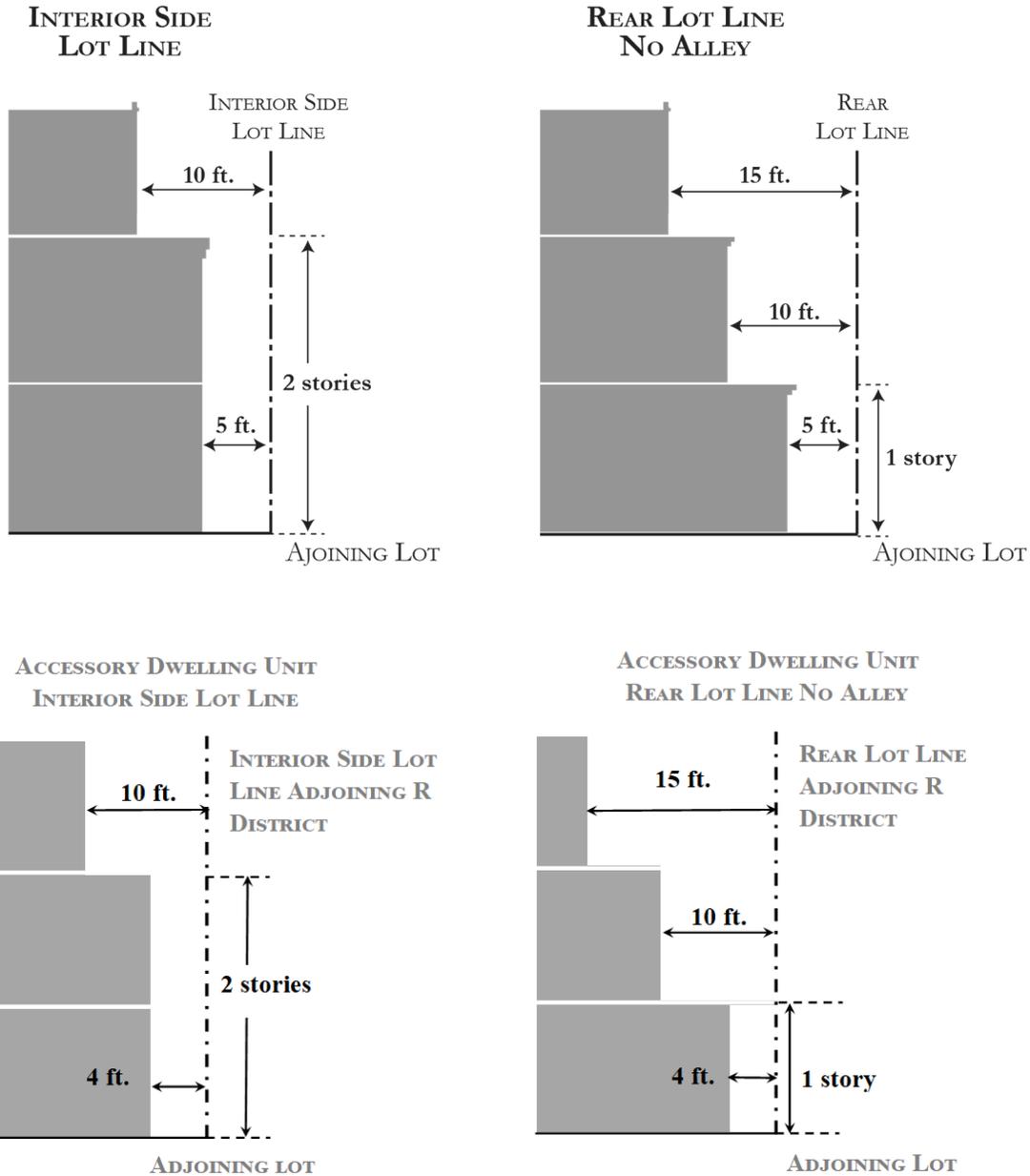
Lot Line	Minimum Setback
Interior Side	
Accessory Dwelling Unit	4 ft.
First and second stories	5 ft.
Third story and above	10 ft.
Alley Rear	0 ft.
Non-Alley Rear	
Accessory Dwelling Unit	4 ft.
First story	5 ft.
Second story	10 ft.
Third story and above	15 ft.

Section 14.

Title XV, Chapter 155, Section 155.208.030 Figure 208-3 is hereby deleted and replaced as follows *(the remainder of the section is unchanged and is omitted)*:

155.208.030 DEVELOPMENT STANDARDS: FIGURE 208-3

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



Section 15.

Title XV, Chapter 155, Section 155.208.040.D is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.208.040 PEDESTRIAN FOCUSED FRONTAGES: 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)

Section 16.

Title XV, Chapter 155, Section 155.304.020.B.1 is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.304.020 ACCESSORY USES: B. MAXIMUM SIZE

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

Section 17.

Title XV, Chapter 155, Section 155.304.020.F.2 is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.304.020 ACCESSORY USES: F. NON-RESIDENTIAL ACCESSORY USES

2. Vehicle parking serving on-site uses in conformance with 155.31624 (Parking).

Section 18.

Title XV, Chapter 155, Section 155.304.030.F.3 is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.304.030 ADULT ENTERTAINMENT: F. APPLICATION REVIEW/CONDITIONS OF APPROVAL

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 155.408.1240 (Conditions of Approval).

Section 19.

Title XV, Chapter 155, Section 155.304.050.C.3 is hereby amended to read as follows
(the remainder of the section is unchanged and is omitted):

155.304.050 EMERGENCY SHELTERS: C. STANDARDS

3. **Length of Stay.** The length of stay at an emergency shelter may not exceed ~~six months~~one year.

Section 20.

Title XV, Chapter 155, Section 155.304.130 is hereby amended to read as follows:

155.304.130 RESIDENTIAL LODGING

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.
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.
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).
4. **Business License.** Residential lodging vacation rental operators must acquire and maintain a City business license.
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.
6. ~~**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 lodgingvacation rental~~ uses are subject to a Transient Occupancy Tax (“TOT”) and any other mandated taxes. Each ~~residential lodgingvacation 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 LodgingVacation Rental Uses. The following standards apply to ~~all types of residential lodgingvacation rental~~ uses.

1. **Inspections.**

- a. All ~~residential lodgingvacation 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 LodgingVacation 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~~ a ~~residential lodgingvacation 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 lodgingvacation rental~~ use ~~was-is~~ established, that parking may not be removed while the ~~residential lodgingvacation 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:

- ~~2. Maximum Rooms.~~ A multiple-room rental may contain no more than seven rooms available to paying guests.
- ~~3. Maximum Guests.~~ Eureka Municipal Code Chapter 150 (Building Regulations) governs the maximum number of guests per room.
- ~~4. 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:~~

~~2.5. Maximum Number Per Lot.~~ The number of residential units and/or ~~full-unitvacation~~ 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).

~~3.6. Maximum Occupants.~~ The maximum number of occupants allowed in a ~~full-unitvacation~~ 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.

~~4. 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).~~

~~5.7. Emergency Contact.~~

- ~~a. Each full-unitapplicant 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.~~

~~6.8. 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 lodgingvacation 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 lodgingvacation 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 lodgingvacation 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.

Section 21.

Title XV, Chapter 155, Section 155.304.140 is hereby amended to read as follows:

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.

~~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 ~~Director of 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.

K.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*)

~~2. **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.~~

~~3. **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~~

~~**L.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 harvesting 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.

- 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.](#)

Section 22.

Title XV, Chapter 155, Section 155.308.020.B is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.308.020 HEIGHT EXCEPTIONS

- 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.

Section 23.

Title XV, Chapter 155, Section 155.308.030.B.2. is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.308.030 SETBACK EXCEPTIONS: B. SITE FEATURES

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.~~

Section 24.

Title XV, Chapter 155, Section 155.308.040.F is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.308.040 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.

Section 25.

Title XV, Chapter 155, Section 155.308.050 is hereby amended to read as follows:

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.~~

~~2. Low intensity string lights do not need to comply with this section.~~

~~3-6.~~ 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.

D. 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.

E. Fixture Types. All lighting fixtures must be shielded or recessed so the lighting source is not directed ~~toward other structures, adjoining properties, or by 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.

F. 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.

G. 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.

H. Parking Lot Lighting. See 155.324.060.I (Lighting).

I. 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.

Section 26.

Title XV, Chapter 155, Section 155.308.070 is hereby amended to read as follows:

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.~~ 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 ~~ED~~ (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 27.

Title XV, Chapter 155, Section 155.312.030 is hereby amended to read as follows:

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:~~

- ~~2. Plywood siding or vinyl is the existing exterior siding material; and~~
- ~~3. 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.

Section 28.

Title XV, Chapter 155, Section 155.312.040.C.2 is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.312.040 BUILDING ENTRIES: C. ENTRANCE DESIGN

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.

Section 29.

Title XV, Chapter 155, Section 155.312.050.A.1.a. is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.312.050 ARCHITECTURAL FEATURES: A. OPTIONS FOR ARCHITECTURAL FEATURES, 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.

Section 30.

Title XV, Chapter 155, Section 155.312.050.A.10 is hereby amended to read as follows

(the remainder of the section is unchanged and is omitted):

155.312.050 ARCHITECTURAL FEATURES: A. OPTIONS FOR ARCHITECTURAL FEATURES

10. Masonry Façade.

Section 31.

Title XV, Chapter 155, Section 155.312.050.A.11 is hereby amended to read as follows
(the remainder of the section is unchanged and is omitted):

155.312.050 ARCHITECTURAL FEATURES: A. OPTIONS FOR ARCHITECTURAL FEATURES

11. Wood Façade.

Section 32.

Title XV, Chapter 155, Section 155.312.050.A.12 is hereby amended to read as follows
(the remainder of the section is unchanged and is omitted):

155.312.050 ARCHITECTURAL FEATURES: A. OPTIONS FOR ARCHITECTURAL FEATURES

12. Glass Façade.

Section 33.

Title XV, Chapter 155, Section 155.312.050.A.13 is hereby amended to read as follows
(the remainder of the section is unchanged and is omitted):

155.312.050 ARCHITECTURAL FEATURES: A. OPTIONS FOR ARCHITECTURAL FEATURES

13. Cladding Materials Façade.

Section 34.

Title XV, Chapter 155, Section 155.312.050.B.3.a is hereby amended to read as follows
(the remainder of the section is unchanged and is omitted):

155.312.050 ARCHITECTURAL FEATURES: B. RULES FOR MEASUREMENT OF ARCHITECTURAL FEATURES, 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.

Section 35.

Title XV, Chapter 155, Section 155.316.010 is hereby amended to read as follows:

155.316.010 PURPOSES

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](#).

Section 36.

Title XV, Chapter 155, Section 155.316.030 is hereby amended to read as follows:

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.~~

Section 37.

Title XV, Chapter 155, Section 155.316.040 is hereby amended to read as follows:

155.316.040 ACCESSORY DWELLING UNITS IN EXISTING SPACE

155.316.040 ~~—~~ [Number of Accessory Dwelling Units](#) ~~in Existing Space~~

~~An accessory dwelling unit 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:~~

~~A. Complies with all applicable building and safety codes; and~~

~~A. B. Provides independent exterior access separate from the primary dwelling.~~ **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.

Section 38.

Title XV, Chapter 155, Section 155.316.050 is hereby amended to read as follows:

155.316.050 SITE AND DESIGN STANDARDS

155.316.050- ~~Site and Design Standards~~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.

~~**A. Height, FAR, and Site Coverage.** Accessory 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.~~

~~**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. Relationship to Primary Dwelling.**~~

- ~~1. An accessory dwelling unit may be within, attached to, or detached from the primary dwelling.~~
- ~~2. An accessory dwelling unit must have its own kitchen, bathroom facilities, and entrance, separate from the primary dwelling, except as allowed by Paragraph (3) of this division.~~
- ~~3. The City will allow Junior Accessory Dwelling Units as defined in Government Code Section 65852.22 with an efficiency kitchen. Bathroom facilities, but not the efficiency kitchen, may be shared with the primary dwelling.~~

~~**E. Maximum Unit Size.** The floor area of an accessory dwelling unit (both attached and detached) may not exceed 1,200 square feet. 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. 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. 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.~~
- ~~2. No 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.~~
- ~~3. New accessory dwelling units above garages must comply with the same setback requirements as the garage to which it is attached.~~

~~**H. 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.~~

~~**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. 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.~~
- ~~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 39.

Title XV, Chapter 155, Section 155.316.060 is hereby added to read as follows:

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 40.

Title XV, Chapter 155, Section 155.320.030.A.1. is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.320.030 MEASUREMENT OF FENCE AND WALL HEIGHT: A. MEASUREMENT OF HEIGHT.

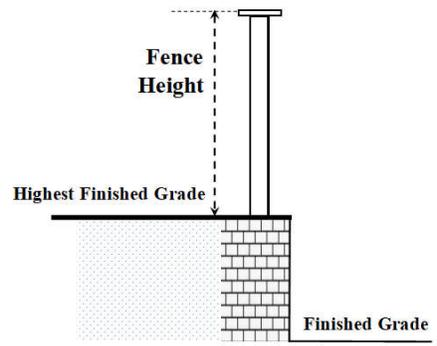
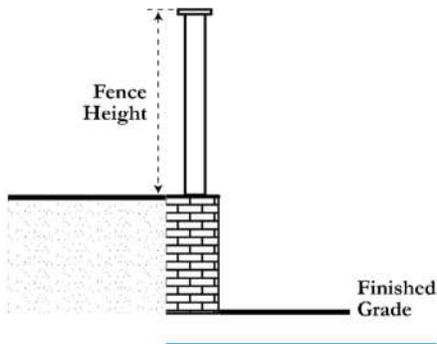
1. The height of a fence or wall is measured as the vertical distance from the [highest](#) finished grade at the base of the fence or wall to the top edge of the fence or wall. See Figure 320-1.

Section 41.

Title XV, Chapter 155, Section 155.320.030 Figure 320-1 is hereby deleted and replaced as follows *(the remainder of the section is unchanged and is omitted)*:

155.320.030 MEASUREMENT OF FENCE AND WALL HEIGHT: FIGURE 320-1

Figure 320-1: Measurement of Fence Height



Section 42.

Title XV, Chapter 155, Section 155.320.040 Table 320-1 is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.320.040 MAXIMUM HEIGHT: TABLE 320-1

Table 320-2: Prohibited Fence Material

	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 6 ft.	7 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><u>Notes:</u> [1] Fences exceeding 7 feet require a Building Permit and engineered plans. [2] Open fences must be utilize decorative masonry, ornamental steel or wrought iron, brick, stone, or wood, or other high-quality decorative material and be at least 70 percent open to the passage of light and air. Chain link and other woven wire fence materials smaller than 6 gauge 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>		

Section 43.

Title XV, Chapter 155, Section 155.320.040 is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

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.

~~B. **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.~~

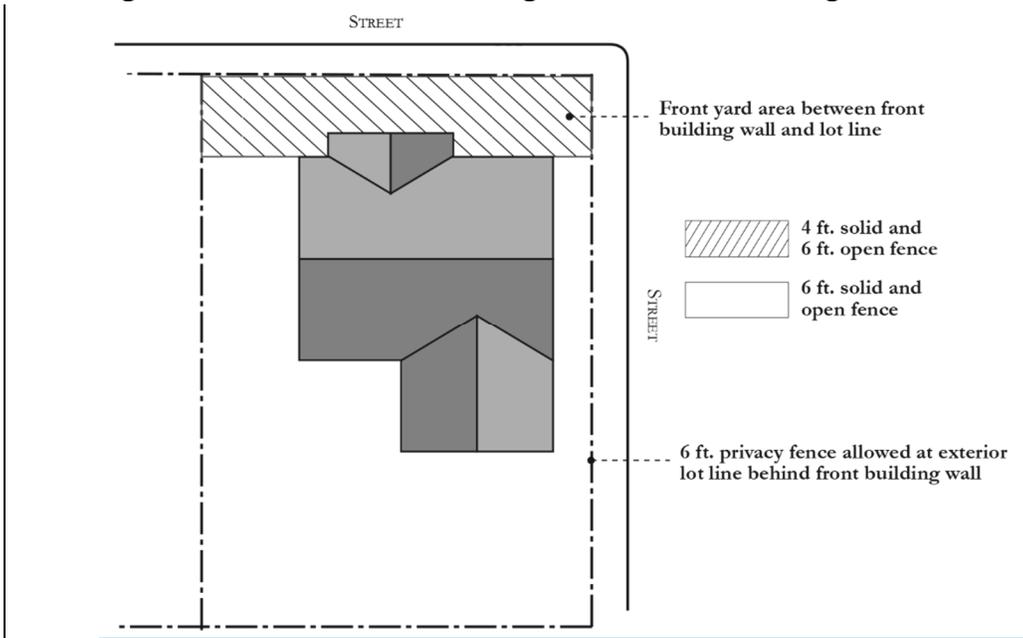
~~C. **B. Vision Clearance Area.** Walls and fences shall comply with the vision clearance area requirements in 155.308.040 (Vision Clearance Area).~~

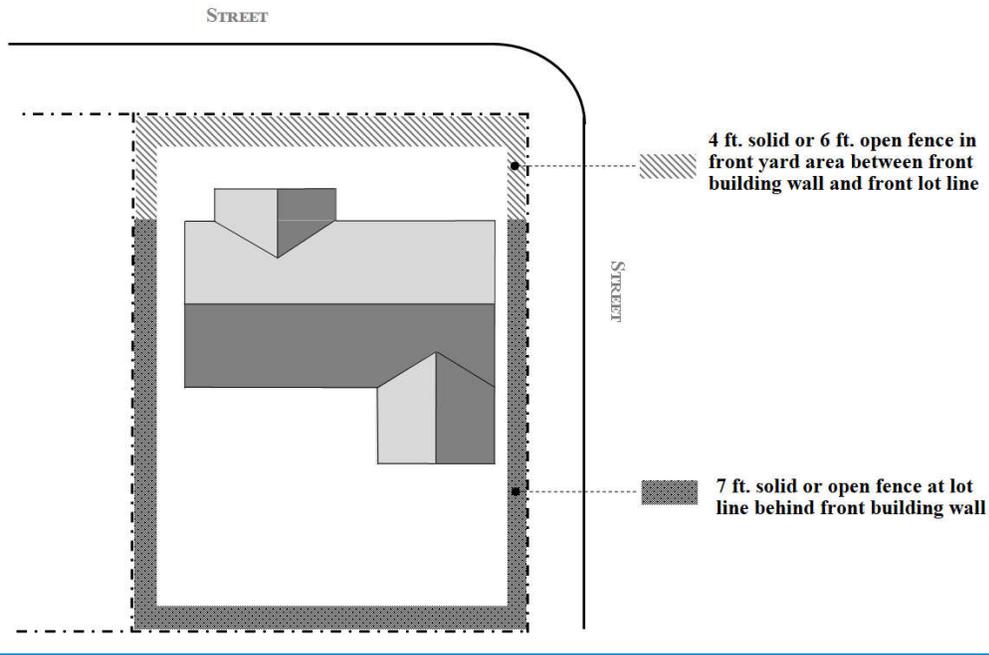
Section 44.

Title XV, Chapter 155, Section 155.320.040 Figure 320-3 is hereby deleted and replaced as follows (*the remainder of the section is unchanged and is omitted*):

155.320.040 MAXIMUM HEIGHT: FIGURE 320-3

Figure 320-3: Allowed Fence Height – Residential Zoning Districts





Section 45.

Title XV, Chapter 155, Section 155.320.050 Table 320-2 is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.320.050 MATERIALS: TABLE 320-2

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 Director of Public Works Director
Electrified fence	All zoning districts except for resource-related zoning districts
Chain link and other woven wire fencing smaller than 6 gauge	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

Section 46.

Title XV, Chapter 155, Section 155.324.030 Table 324-1 is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.324.030 NUMBER OF ON-SITE PARKING SPACES REQUIRED: TABLE 324-1

Table 324-1: Required Vehicle Parking Spaces

Land Use	Number of Required Parking Spaces
Residential	
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
Commercial and Office	
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
Residential Lodging 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
Industrial and Storage	
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.
Civic and Recreation	
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 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

Land Use	Number of Required Parking Spaces
	demonstrated need for on-site parking
Parks and Playgrounds	None required
Non-Commercial Places of Assembly	1 per 300 sq. ft.
Infrastructure and Utilities	
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.	

Section 47.

Title XV, Chapter 155, Section 155.324.030.D. is hereby deleted (*the remainder of the section is unchanged and is omitted*):

155.324.030 NUMBER OF ON-SITE PARKING SPACES REQUIRED: D. CALCULATION OF REQUIRED SPACES.

~~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.~~

Section 48.

Title XV, Chapter 155, Section 155.324.030 F is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.324.030 NUMBER OF ON-SITE PARKING SPACES REQUIRED

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.101 (On-site Shared Parking).

Section 49.

Title XV, Chapter 155, Section 155.324.040.A.1. is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

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~~).

Section 50.

Title XV, Chapter 155, Section 155.324.040.C.14. is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.324.040 REDUCTIONS AND ALTERNATIVES TO AUTOMOBILE PARKING: C. AVAILABLE REDUCTIONS.

14. **Infill Incentive Permit Reductions.** Required parking spaces may also be reduced through an Infill Incentive Permit. See Table 412-~~21~~ in 155.412.060 (Infill Incentive Permits)

Section 51.

Title XV, Chapter 155, Section 155.324.060.F.4 is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.324.060 PARKING DESIGN AND DEVELOPMENT STANDARDS: F. SURFACING.

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).

Section 52.

Title XV, Chapter 155, Section 155.324.060.K.3.b. is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.324.060 PARKING DESIGN AND DEVELOPMENT STANDARDS: K. SCREENING, 3. MATERIALS.

- 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.](#)

Section 53.

Title XV, Chapter 155, Section 155.324.070.E.1 is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.324.070 BICYCLE PARKING: 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.](#)

Section 54.

Title XV, Chapter 155, Section 155.324.080.D.1.a is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.324.080 PARKING LOT LANDSCAPING: 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.

Section 55.

Title XV, Chapter 155, Section 155.328.030.B.3. is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.328.030 Landscape Plans: B. Required Contents

3. New structures and [expansionsimprovements](#) proposed as part of the project.

Section 56.

Title XV, Chapter 155, Section 155.328.050.D is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.328.050 GENERAL LANDSCAPE REQUIREMENTS

- D. **Invasive Plants.** Planting species with a “High” rating in the California Invasive Plant Council’s Cal-IPC inventory of invasive plants is prohibited.

Section 57.

Title XV, Chapter 155, Section 155.336.050.C.1. and 2. are hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.336.050 TEMPORARY USES AND STRUCTURES ALLOWED WITH A ZONING CLEARANCE

- 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.

Section 58.

Title XV, Chapter 155, Section 155.340.030.A.8. is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.340.030 SIGNS ALLOWED WITHOUT PERMITS: A. TYPES OF SIGNS

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.

Section 59.

Title XV, Chapter 155, Section 155.340.060.C.7. is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.340.060 SIGN PERMITS: C. MASTER SIGN PERMIT

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).

Section 60.

Title XV, Chapter 155, Section 155.340.060.D.8. and 9. are hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.340.060 SIGN PERMITS: D. CREATIVE SIGN PERMITS

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.

Section 61.

Title XV, Chapter 155, Section 155.340.070.A. Table 340-1 is hereby amended to read as follows (*the remainder of the table is unchanged and is omitted*):

155.340.070 SIGN STANDARDS: A. SIGN TYPE STANDARDS.

Table 340-1: Wall Signs

Standards [1]	Zoning District		
	DT, DW, HC, WA, NC, OR, HM, H	SC, LI, HGI	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		
Notes:			
[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.			

Section 62.

Title XV, Chapter 155, Section 155.340.070.A. Table 340-2 is hereby amended to read as follows (*the remainder of the table is unchanged and is omitted*):

155.340.070 SIGN STANDARDS: A. SIGN TYPE STANDARDS.

Table 340-2: Window Signs, Non-Illuminated

Standard [1]	Zoning District		
	DT, DW, HC, WA, NC, OR, HM, H	SC, LI, <u>HGI</u>	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.		
<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] Maximum area applies to all wall signs combined on a tenant frontage.</p>			

Section 63.

Title XV, Chapter 155, Section 155.340.070.A. Table 340-3 is hereby amended to read as follows (*the remainder of the table is unchanged and is omitted*):

155.340.070 SIGN STANDARDS: A. SIGN TYPE STANDARDS.

Table 340-3: Window Signs, Internally Illuminated

Standard [1]	Zoning District	
	DT, DW, HC, WA, NC, HM, HN	SC, LI, <u>HGI</u>
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></p> <p>[1] Standards apply only to ground-floor tenants and uses. See 155.340.070.B (Multi-Story Buildings).</p> <p>[2] Maximum area applies to all wall signs combined on a tenant frontage.</p>		

Section 64.

Title XV, Chapter 155, Section 155.340.070.A. Table 340-4 is hereby amended to read as follows (*the remainder of the table is unchanged and is omitted*):

155.340.070 SIGN STANDARDS: A. SIGN TYPE STANDARDS.

Table 340-4: Projecting and Suspended Signs

Standard [1]	Zoning District	
	DT, DW, HC, WA, NC, OR, HM, HN	SC, LI, <u>HGI</u>
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.	
Notes: [1] Standards apply only to ground-floor tenants and uses. See 155.340.070.B (Multi-Story Buildings). [2] The Building Code may require a projection less than eight feet		

Section 65.

Title XV, Chapter 155, Section 155.340.070.A. Table 340-5 is hereby amended to read as follows *(the remainder of the table is unchanged and is omitted)*:

155.340.070 SIGN STANDARDS: A. SIGN TYPE STANDARDS.

Table 340-5: Awning/Canopy Signs

Standard	Zoning District	
	DT, DW, HC, WA, NC, OR, HM, HN	SC, LI, <u>HGI</u>
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).		

Section 66.

Title XV, Chapter 155, Section 155.340.070.A. Table 340-6 is hereby amended to read as follows *(the remainder of the table is unchanged and is omitted)*:

155.340.070 SIGN STANDARDS: A. SIGN TYPE STANDARDS.

Table 340-6: Roof Signs

Standards	Zoning District	
	DT, DW, HC, WA, NC, HN	SC, LI, <u>HGI</u>
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
<i>Note:</i> Standards apply only to ground-floor tenants and uses. See 155.340.070.B (Multi-Story Buildings).		

Section 67.

Title XV, Chapter 155, Section 155.340.070.A. Table 340-7 is hereby amended to read as follows (*the remainder of the table is unchanged and is omitted*):

155.340.070 SIGN STANDARDS: A. SIGN TYPE STANDARDS.

Table 340-7: Monument Signs

Ground Support and Placement: See 155.340.~~41080.JJ~~ (Detached Sign Ground Support and ClearancePlacement).

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

Section 68.

Title XV, Chapter 155, Section 155.340.070.A. Table 340-8 is hereby amended to read

as follows (*the remainder of the table is unchanged and is omitted*):

155.340.070 SIGN STANDARDS: A. SIGN TYPE STANDARDS.

Table 340-8: Pole Signs

Ground Support and Placement: See 155.340.~~110~~[80.J](#) (Detached Sign Ground Support and [ClearancePlacement](#)).

Standard	SC, LI, HGI 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.
<i>Note:</i> Standards apply only to ground-floor tenants and uses. See 155.340.070.B (Multi-Story Buildings).	

Section 69.

Title XV, Chapter 155, Section 155.340.070.A. Table 340-9 is hereby amended to read as follows (*the remainder of the table is unchanged and is omitted*):

155.340.070 SIGN STANDARDS: A. SIGN TYPE STANDARDS.

Table 340-9: Digital Signs

Where Allowed:

- Allowed only in the Service Commercial (SC), Light Industrial (LI), and [General+Heavy](#) Industrial ([HGI](#)) zoning districts

Section 70.

Title XV, Chapter 155, Section 155.340.070.F is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.340.070 SIGN STANDARDS: 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.
- e.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.

Section 71.

The following section is hereby added to Title XV, Chapter 155:

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

6. **Condominium Conversion.** Documentation that all requirements included in Government Code Section 65915.5 can be met.

7. **Commercial Development Bonus.** Documentation that all requirements included in Government Code Section 65915.7 can be met.

8. **Land Donation.** 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.

Section 72.

Title XV, Chapter 155, Section 155.404.030.A Table 404-1 is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.404.030 DEVELOPMENT SERVICES DEPARTMENT: A. RESPONSIBILITIES AND POWERS, TABLE 404-1

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
Legislative Actions					
Zoning Code and General Plan Amendment	155.432	Recommend	-	Recommend	Decision
Use Permits					
Conditional Use Permit	155.412.110	Recommend	-	Decision	Appeal
Minor Use Permit	155.412.110	Decision [1]	-	Appeal	Appeal
Flexibility and Relief					
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
Sign Permits					
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
Other Permits and Approvals					
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 [24]	-	Appeal	Appeal
<p>Notes:</p> <p>[1] The Director may choose to refer the project to the Planning Commission for review and decision.</p> <p>[2] The Director may delegate review authority to Department staff on ministerial permits and approvals.</p> <p>[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.</p> <p>[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.</p>					

Section 73.

Title XV, Chapter 155, Section 155.404.040.C is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.404.040 DEVELOPMENT SERVICES DIRECTOR

- 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 \(Duties as Secretary to DRC, HPC, and PC\).](#)

Section 74.

Title XV, Chapter 155, Section 155.404.050.B.2. is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.404.050 PLANNING COMMISSION: B. COMPOSITION.

- 2. **Member Experience.** Persons appointed to the Planning Commission ~~er~~ 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.

Section 75.

Title XV, Chapter 155, Section 155.404.080.B is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.404.080 CITY COUNCIL

- B. Hears appeals on decisions in accordance with 155.4~~2016~~ (Appeals and Reviews); and

Section 76.

Title XV, Chapter 155, Section 155.408.010 is hereby amended to read as follows:

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 Provisionscedures).

Section 77.

Title XV, Chapter 155, Section 155.408.080.A is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.408.080 DEVELOPMENT STANDARDS

- 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.

Section 78.

Title XV, Chapter 155, Section 155.408.090 is hereby amended to read as follows:

155.408.090 NOTICE OF PENDING ACTION

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 y the end of the 15-day periodspecified 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 periodspecified date, the action of the Director may act on the application without a public hearingbecomes final.

Section 79.

Title XV, Chapter 155, Section 155.412.030 is hereby amended to read as follows:

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>
<u>155.208 Mixed Use Zone Districts</u>	
<u>155.208.030 Development Standards</u>	<u>Maximum Front Setbacks</u>

155.208.040 Pedestrian Focused Frontage	Ground Floor Storefront Transparency
155.220 Resource Related Zoning Districts	
155.220.030 Development Standards	Height Exceptions for Non-Residential Structures
155.304 Supplemental Use Regulations	
155.304.020 Accessory Uses	Maximum Size
155.308 General Standards	
155.308.040 Vision Clearance Area	Vision Clearance Area Exception
155.308.050 Outdoor Lighting	Outdoor Lighting Exception
155.312 Design Standards	
155.312.040 Building Entries	Entrance Design Exception
155.324 Parking	
155.324.040 Reductions and Alternatives to Automobile Parking	Allow Shared 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
155.332 – Residential Subdivision Alternatives	
155.332.020 Small Lot Subdivisions	On-site Parking Waiver

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).

Section 80.

Title XV, Chapter 155, Section 155.412.040.B.1.c. and 2. are hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.412.040 DESIGN REVIEW: B. WHEN REQUIRED.

1. The following types of projects require Design Review:
 - 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)).
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).

Section 81.

Title XV, Chapter 155, Section 155.412.060.D.1 is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.412.060 REVIEW AUTHORITY: 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.](#)

Section 82.

Title XV, Chapter 155, Section 155.412.060.F is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.412.060 REVIEW AUTHORITY: F. INCENTIVES

1. **Available Incentives.** An Infill Incentive Permit may allow deviations to development standards as shown in Table 412-~~21~~.

Table 412-~~21~~: Allowed Deviations through Infill Incentive Permit

Standards	Allowed Deviation	
	Minor Infill Incentive Permit	Major Infill Incentive Permit
Increase Maximum Building Height		
Residential Zoning Districts	15%	25%
Mixed-Use and Industrial Zoning Districts	20%	35%
Increase Maximum Floor Area Ratio		
Residential Zoning Districts	15%	25%
Mixed-use and Industrial Zoning Districts	20%	35%
Increase Maximum Residential Density [1]		
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
Reduce Minimum Lot Line Setbacks		
Residential Zoning Districts	25%	50%
Increase Maximum Site Coverage		
Residential Zoning Districts	15%	25%
Reduce Minimum On-Site Parking Spaces		
R1, R2, and R3 Zoning Districts	20%	50%
Mixed-use and Industrial Zoning Districts	20%	50%
Notes:		

Standards	Allowed Deviation	
	Minor Infill Incentive Permit	Major Infill Incentive Permit
[1] See 155.412.0650.G (Increased Density Requirements). [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 412-21.
 - b. Major Infill Incentive Permit: Two deviations to development standards as shown in Table 412-21.

Section 82.

Title XV, Chapter 155, Section 155.412.060.F is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.412.060 REVIEW AUTHORITY: G. INCREASED DENSITY REQUIREMENTS

- G. **Increased Density Requirements.** To be eligible for increased residential density as provided in Table 412-21, a project must meet the following criteria:

Section 83.

Title XV, Chapter 155, Section 155.412.060.I is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.412.060 REVIEW AUTHORITY: 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).

Section 84.

Title XV, Chapter 155, Section 155.412.100 is hereby amended to read as follows:

155.412.100 TREE PERMITS

See 155.304.140.~~EC~~ (Tree Permit Required).

Section 85.

Title XV, Chapter 155, Section 155.412.110.C.1 is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.412.110 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.](#)

Section 86.

Title XV, Chapter 155, Section 155.412.110.E is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.412.110 USE PERMITS: 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).

Section 87.

Title XV, Chapter 155, Section 155.412.120 is hereby amended to read as follows:

155.412.120 VARIANCES

~~155.412.120 –Variances~~[Vacation Rental Permits. See 155.304.130.F \(Permits Required\).](#)

~~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.~~

~~2. **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.~~

~~3. **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.

~~2. **Minor Variance.** A Minor Variance allows a deviation from a standard by 20 percent or less.~~

~~3. **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.~~

~~2. **Minor Variance.** The Director reviews and takes action on Minor Variance applications.~~

~~3. **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.~~

~~2. **Minor Variance.** Public notice of the Director's pending decision on a Minor Variance Permit application will be provided in compliance with 155.408.090 (Notice of Pending Action). The Director must hold a public hearing only after receiving a written request for a public hearing or upon determining that a public hearing is necessary.~~

~~3. **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 Hearing).~~

~~H. — **Findings for Approval.** To approve a Variance, the review authority must make all of the following findings:~~

- ~~2. — 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.~~
- ~~3. — 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.~~
- ~~4. — 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.~~
- ~~5. — 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.~~
- ~~6. — 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.~~

Section 88.

Title XV, Chapter 155, Section 155.412.130 is hereby amended to read as follows:

155.412.130 ZONING CLEARANCES

155.412.130 – ~~Zoning Clearances~~ Variations

~~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.~~
- 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.
- 2. Minor Variance.** A Minor Variance allows a deviation from a standard by 20 percent or less.

3. **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.

Section 89.

The following section is hereby added to Title XV, Chapter 155:

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.

Section 90.

Title XV, Chapter 155, Section 155.416.030.A.3 and .4 are hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.416.030 FILING AND PROCESSING OF APPEALS: A. ELIGIBILITY

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.~~
4. ~~City Council members may request City Council review of a decision as provided in 155.416.040 (Calls for Review).~~

Section 91.

Title XV, Chapter 155, Section 155.416.030.G.2. is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.416.030 FILING AND PROCESSING OF APPEALS

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 ~~or call for review~~ has been filed in compliance with this section.

Section 92.

Title XV, Chapter 155, Section 155.416.040 is hereby deleted.

~~**155.416.040—Calls for Review**~~

~~**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.~~

Section 93.

Title XV, Chapter 155, Section 155.420.030.B is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.420.030 EFFECTIVE DATE OF DECISIONS

- 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.

Section 94.

Title XV, Chapter 155, Section 155.424.020.C. and D. are hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.424.020 APPLICABILITY

C. Not Applicable to Accessory Dwelling Units. 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).

Section 95.

Title XV, Chapter 155, Section 155.424.030.B.8. is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.424.030 NONCONFORMING SITE FEATURES: B. REQUIRED COMPLIANCE

8. **Screening.** Screening for adjacent residential uses-zoning districts required by 155.308.060 (Screening for Residential Zoning Districts).

Section 96.

Title XV, Chapter 155, Section 155.424.030.C is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.424.030 NONCONFORMING SITE FEATURES

- 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.

Section 97.

Title XV, Chapter 155, Section 155.424.030.E.3. is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.424.030 NONCONFORMING SITE FEATURES: E. REPAIRS AND MODIFICATIONS

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](#)).

Section 98.

Title XV, Chapter 155, Section 155.424.040.B.2. is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.424.040 NONCONFORMING BUILDINGS: B. PERMITTED MODIFICATIONS

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](#)).

Section 99.

Title XV, Chapter 155, Section 155.424.040.D. is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.424.040 NONCONFORMING BUILDINGS

- D. **Established Side Setbacks for Building Additions.** See 155.204.030.E (Established [Side](#) Setbacks for Building Additions).

Section 100.

Title XV, Chapter 155, Section 155.424.050.C.2.g. is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.424.050 NONCONFORMING SIGNS: C. REQUIRED COMPLIANCE, 2. SIGN INSTALLED BEFORE JANUARY 1, 2000

- 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).

Section 101.

Title XV, Chapter 155, Section 155.504.020 is hereby amended to read as follows:

155.504.020 PRIMARY AND SECOND USES

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.

Section 102.

Title XV, Chapter 155, Section 155.504.030 is hereby amended to read as follows:

155.504.030 LAND USE CLASSIFICATION

155.504.030 - Land Use Classification - Alphabetical

~~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 single-family dwelling 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.~~
- ~~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.~~

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") 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 Non-Medical Care Housing.~~

1. ~~**Supportive Housing.** See Non-Medical Care Housing. **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 second 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 second 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 second 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 second 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 second 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 second 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 second 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.** 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 (single room, multiple room, and full unit) as defined in 155.304.130 (Residential Lodging).~~
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 second 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 “Agriculture 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.~~

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. **Kenel-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 proving 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.

Section 103.

The following section is hereby added to Title XV, Chapter 155:

155.508.040– 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 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 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 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.

Section 104.

Title XV, Chapter 155, Section 155.508.020.C.1 is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.508.020 DEFINITIONS” 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.

Section 105.

Title XV, Chapter 155, Section 155.508.020.P.6 is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.508.020 DEFINITIONS: P. “P” TERMS

6. **Pedestrian-Focused Frontage.** See 155.208.040 (Pedestrian-Focused ~~Street~~ Frontages) and Figure 208-4.

Section 106.

Title XV, Chapter 155, Section 155.508.020.P.16 is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.508.020 DEFINITIONS: P. “P” TERMS

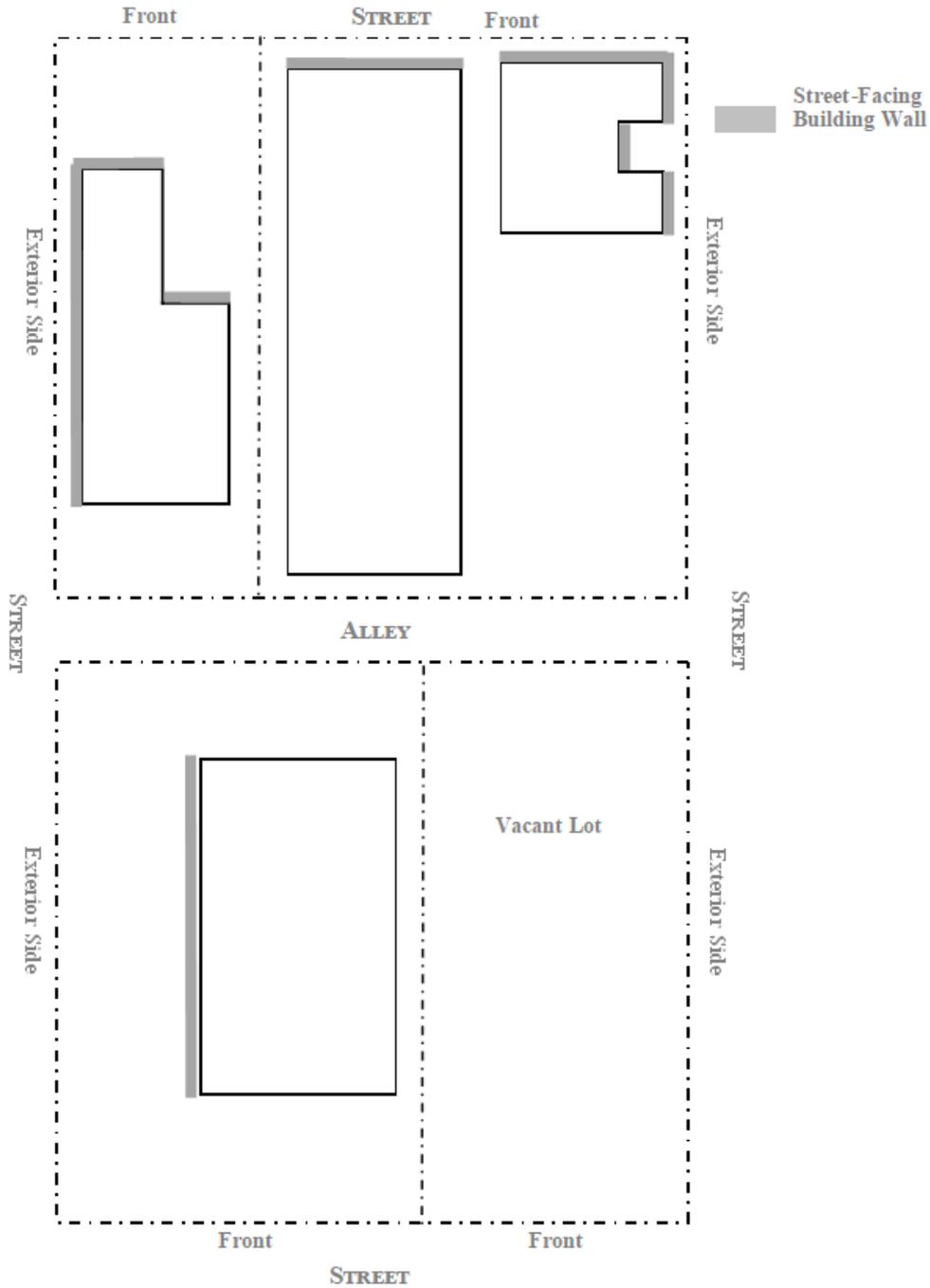
16. **Public ~~Facilities~~-Zoning Districts.** The zoning districts listed in 155.216 (Public ~~Facilities~~-Zoning Districts).

Section 107.

Title XV, Chapter 155, Section 155.508.020.S.41 Figure 508-5 is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.508.020 DEFINITIONS: S. "S" TERMS, FIGURE 508-5

Figure 508-5: Street-Facing Building Walls.





Section 108.

This ordinance becomes effective thirty (30) days after the date of its enactment.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the 18th day of August, 2020 by the following vote:

AYES: COUNCILMEMBERS
NOES: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS

Kim Walford Bergel, Mayor Pro Tem

THE ABOVE ORDINANCE WAS PRESENTED TO THE MAYOR on the ____ day of _____, 2020,
and hereby approved.

Susan Seaman, Mayor

Approved as to Administration:

Approved as to form:

Miles Slattery, Acting City Manager

Robert Black, City Attorney

THE ABOVE ORDINANCE WAS ATTESTED BY THE CITY CLERK OF THE CITY OF EUREKA on the ____
day of _____, 2020.

Pamela J. Powell, City Clerk

**AN ORDINANCE OF THE CITY OF EUREKA AMENDING PORTIONS OF EUREKA
MUNICIPAL CODE CHAPTER 155**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EUREKA AS FOLLOWS:

Section 1.

Title XV, Chapter 155, Section 155.108.050.C.2. is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.108.050 LAND USE REGULATIONS: C. TYPES OF USES

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.

Section 2.

Title XV, Chapter 155, Section 155.112.040.B. is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.112.040 SETBACKS

- 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.

Section 3.

Title XV, Chapter 155, Section 155.112.050.A.1 and 2. are hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

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.

Section 4.

Title XV, Chapter 155, Section 155.112.060.C. 2. is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.112.060 SITE COVERAGE: C. EXCLUDED FROM CALCULATION

2. Projecting windows and cantilevered upper floors, and other architectural projections that are not supported from the ground.

Section 5.

Title XV, Chapter 155, Section 155.204.020 Table 204-1 is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.204.020 ALLOWED LAND USES

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

P = Permitted Use M = Minor Use Permit Required C = Conditional Use Permit Required - = Prohibited Land Use	Zoning District				Additional Standards
	Residential Estate RE	Residential Low R1	Residential Medium R2	Residential High R3	
Residential					
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 (Townhomes)	-	-	P	P	
Single-Family Home, Detached (existing)	P	P	P	P	
Single-Family Home, Detached (new)	P	P	P [1]	P [1]	
Commercial					
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	
Agricultural and Natural Resources					
Timber Production and Harvesting	C	C	-	-	
Civic and Recreation					
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]	
Infrastructure and Utilities					
Public Utility	C	C	C	C	
Other Uses and Activities					
Accessory Uses	See 155.304.020				

Land Use	Zoning District				Additional Standards
	Residential Estate RE	Residential Low R1	Residential Medium R2	Residential High R3	
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
Notes:					
[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).					

Section 6.

Title XV, Chapter 155, Section 155.204.030 Table 204-2 is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.204.030 DEVELOPMENT STANDARDS

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]	

Standard	Zoning District		Additional Standards
	Residential Estate RE	Residential Low R1	
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]			
Accessory dwelling unit [6]	4 ft. [7]	4 ft. [7]	
First story	5 ft.	5 ft.	
Second story and above	10 ft.	10 ft.	
Notes:			
[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 and pursuant to the California Building or Residential Code.			
[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.			

Section 7.

Title XV, Chapter 155, Section 155.204.030 Table 204-3 is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.204.030 DEVELOPMENT STANDARDS

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%	
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.	

Standard	Zoning District		Additional Standards
	Residential Medium R2	Residential High R3	
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.	
Notes:			
[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 and pursuant to the California Building or Residential Code.			
[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.			

Section 8.

Title XV, Chapter 155, Section 155.204.030.F is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.204.030 DEVELOPMENT STANDARDS: F. EXTERIOR SIDE SETBACKS FOR GARAGES

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.

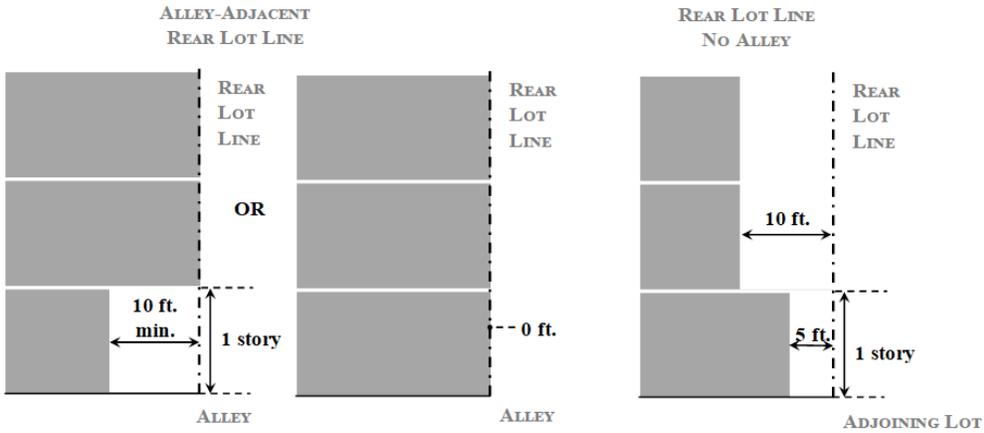
Section 9.

Title XV, Chapter 155, Section 155.204.030 Figure 204-5 is hereby amended and

replaced as follows (*the remainder of the section is unchanged and is omitted*):

155.204.030 DEVELOPMENT STANDARDS: FIGURE 204-5

Figure 204-5: Minimum Rear Setback Elevations



Section 10.

Title XV, Chapter 155, Section 155.208.020 Table 208-1 is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.208.020 ALLOWED LAND USES: TABLE 208-1

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	
Residential									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	
Commercial - Sales									
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	-	-	-	-	-	

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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	
Commercial - Service and Office									
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	-	-	-	-	-	
Industrial and Storage									
Manufacturing, Artisan	P	P	P	P	P	P	C	-	
Manufacturing, Light	-	M	C	-	-	-	-	-	
Outdoor Storage, Non-Retail	-	-	M	-	-	-	-	-	

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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	
Warehousing, Wholesale, and Distribution	-	C	C	-	-	-	-	-	
<i>Civic and Recreation</i>									
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	
<i>Infrastructure and Utilities</i>									
Public Utility	C	C	C	C	C	C	C	C	
Recycling Collection Facility	-		C	-	-	-	-	-	
<i>Other Uses</i>									
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
Notes:									
[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.									

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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	
	[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. [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.								

Section 11.

Title XV, Chapter 155, Section 155.208.020.C.1. is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.208.020 ALLOWED LAND USES: C. GENERAL RETAIL – OUTDOOR IN THE DOWNTOWN 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).

Section 12.

Title XV, Chapter 155, Section 155.208.030 Table 208-2 is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.208.030 DEVELOPMENT STANDARDS: TABLE 208-2

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

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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 and pursuant to the California Building or Residential Code.</p>									

Section 13.

Title XV, Chapter 155, Section 155.208.030 Table 208-3 is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.208.030 DEVELOPMENT STANDARDS: TABLE 208-3

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

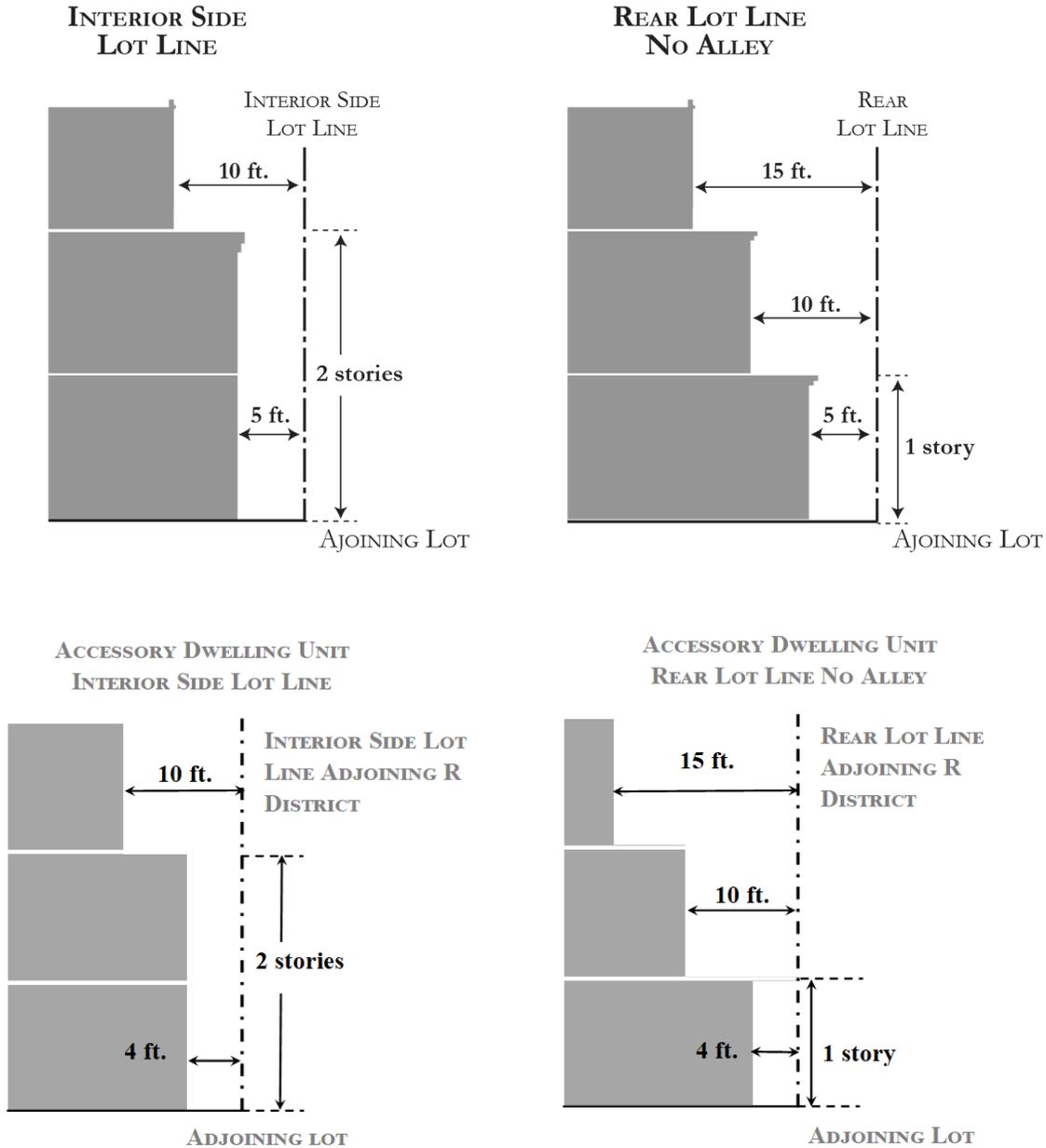
Lot Line	Minimum Setback
Interior Side	
Accessory Dwelling Unit	4 ft.
First and second stories	5 ft.
Third story and above	10 ft.
Alley Rear	0 ft.
Non-Alley Rear	
Accessory Dwelling Unit	4 ft.
First story	5 ft.
Second story	10 ft.
Third story and above	15 ft.

Section 14.

Title XV, Chapter 155, Section 155.208.030 Figure 208-3 is hereby deleted and replaced as follows *(the remainder of the section is unchanged and is omitted)*:

155.208.030 DEVELOPMENT STANDARDS: FIGURE 208-3

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



Section 15.

Title XV, Chapter 155, Section 155.208.040.D is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.208.040 PEDESTRIAN FOCUSED FRONTAGES: 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)

Section 16.

Title XV, Chapter 155, Section 155.304.020.B.1 is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.304.020 ACCESSORY USES: B. MAXIMUM SIZE

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.

Section 17.

Title XV, Chapter 155, Section 155.304.020.F.2 is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.304.020 ACCESSORY USES: F. NON-RESIDENTIAL ACCESSORY USES

2. Vehicle parking serving on-site uses in conformance with 155.324 (Parking).

Section 18.

Title XV, Chapter 155, Section 155.304.030.F.3 is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.304.030 ADULT ENTERTAINMENT: F. APPLICATION REVIEW/CONDITIONS OF APPROVAL

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).

Section 19.

Title XV, Chapter 155, Section 155.304.050.C.3 is hereby amended to read as follows

(the remainder of the section is unchanged and is omitted):

155.304.050 EMERGENCY SHELTERS: C. STANDARDS

3. **Length of Stay.** The length of stay at an emergency shelter may not exceed one year.

Section 20.

Title XV, Chapter 155, Section 155.304.130 is hereby amended to read as follows:

155.304.130 RESIDENTIAL LODGING

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.

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.

Section 21.

Title XV, Chapter 155, Section 155.304.140 is hereby amended to read as follows:

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, Humboldt Bay Fire, the Director of Public Works, 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.

Section 22.

Title XV, Chapter 155, Section 155.308.020.B is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.308.020 HEIGHT EXCEPTIONS

- 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.

Section 23.

Title XV, Chapter 155, Section 155.308.030.B.2. is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.308.030 SETBACK EXCEPTIONS: B. SITE FEATURES

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.

Section 24.

Title XV, Chapter 155, Section 155.308.040.F is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.308.040 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.

Section 25.

Title XV, Chapter 155, Section 155.308.050 is hereby amended to read as follows:

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.
 6. 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.
- D. 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.
- E. 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.
- F. 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.
- G. 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.
- H. Parking Lot Lighting.** See 155.324.060.I (Lighting).
- I. 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.

Section 26.

Title XV, Chapter 155, Section 155.308.070 is hereby amended to read as follows:

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 27.

Title XV, Chapter 155, Section 155.312.030 is hereby amended to read as follows:

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.

Section 28.

Title XV, Chapter 155, Section 155.312.040.C.2 is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.312.040 BUILDING ENTRIES: C. ENTRANCE DESIGN

- 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.

Section 29.

Title XV, Chapter 155, Section 155.312.050.A.1.a. is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.312.050 ARCHITECTURAL FEATURES: A. OPTIONS FOR ARCHITECTURAL FEATURES, 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.

Section 30.

Title XV, Chapter 155, Section 155.312.050.A.10 is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.312.050 ARCHITECTURAL FEATURES: A. OPTIONS FOR ARCHITECTURAL FEATURES

10. **Masonry Façade.**

Section 31.

Title XV, Chapter 155, Section 155.312.050.A.11 is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.312.050 ARCHITECTURAL FEATURES: A. OPTIONS FOR ARCHITECTURAL FEATURES

11. **Wood Façade.**

Section 32.

Title XV, Chapter 155, Section 155.312.050.A.12 is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.312.050 ARCHITECTURAL FEATURES: A. OPTIONS FOR ARCHITECTURAL FEATURES

12. **Glass Façade.**

Section 33.

Title XV, Chapter 155, Section 155.312.050.A.13 is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.312.050 ARCHITECTURAL FEATURES: A. OPTIONS FOR ARCHITECTURAL FEATURES

13. **Cladding Materials Façade.**

Section 34.

Title XV, Chapter 155, Section 155.312.050.B.3.a is hereby amended to read as follows
(*the remainder of the section is unchanged and is omitted*):

155.312.050 ARCHITECTURAL FEATURES: B. RULES FOR MEASUREMENT OF ARCHITECTURAL FEATURES, 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.

Section 35.

Title XV, Chapter 155, Section 155.316.010 is hereby amended to read as follows:

155.316.010 PURPOSES

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.

Section 36.

Title XV, Chapter 155, Section 155.316.030 is hereby amended to read as follows:

155.316.030 WHERE ALLOWED

An accessory dwelling unit is permitted on any lot where single- or multi-family dwellings are a permitted use.

Section 37.

Title XV, Chapter 155, Section 155.316.040 is hereby amended to read as follows:

155.316.040 ACCESSORY DWELLING UNITS IN EXISTING SPACE

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.

Section 38.

Title XV, Chapter 155, Section 155.316.050 is hereby amended to read as follows:

155.316.050 SITE AND DESIGN STANDARDS

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.

Section 39.

Title XV, Chapter 155, Section 155.316.060 is hereby added to read as follows:

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 40.

Title XV, Chapter 155, Section 155.320.030.A.1. is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.320.030 MEASUREMENT OF FENCE AND WALL HEIGHT: A. MEASUREMENT OF HEIGHT.

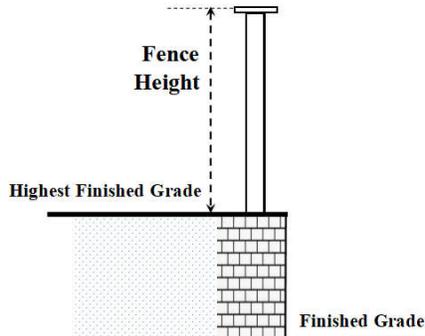
1. The height of a fence or wall is measured as the vertical distance from the highest finished grade at the base of the fence or wall to the top edge of the fence or wall. See Figure 320-1.

Section 41.

Title XV, Chapter 155, Section 155.320.030 Figure 320-1 is hereby deleted and replaced as follows *(the remainder of the section is unchanged and is omitted)*:

155.320.030 MEASUREMENT OF FENCE AND WALL HEIGHT: FIGURE 320-1

Figure 320-1: Measurement of Fence Height



Section 42.

Title XV, Chapter 155, Section 155.320.040 Table 320-1 is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.320.040 MAXIMUM HEIGHT: TABLE 320-1

Table 320-2: Prohibited Fence Material

	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.

Notes:

- [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 smaller than 6 gauge 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.

Section 43.

Title XV, Chapter 155, Section 155.320.040 is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.320.040 MAXIMUM HEIGHT

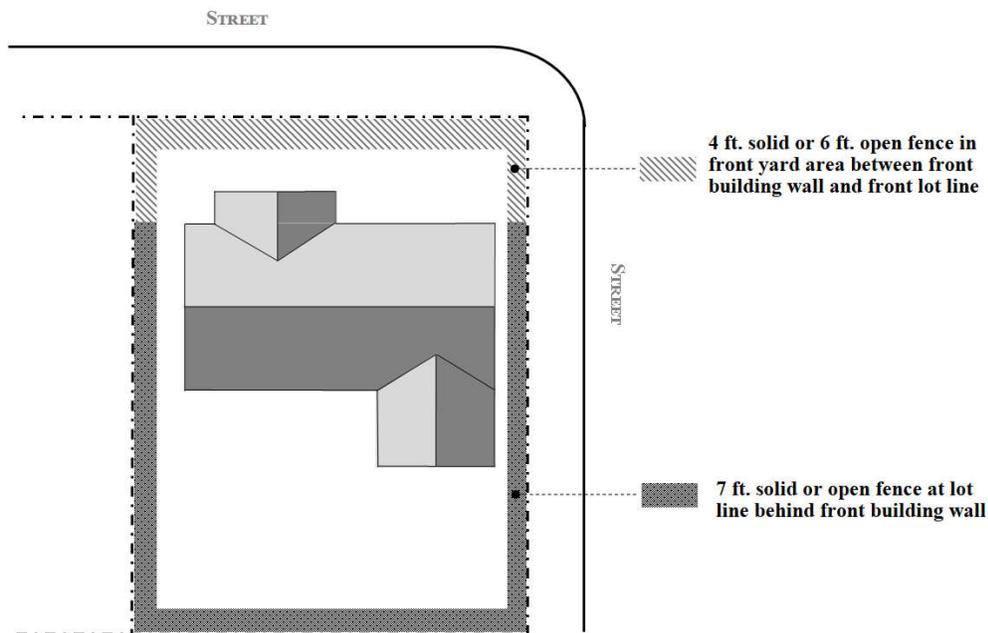
- A. **Maximum Height.** Fences and walls may not exceed the maximum height shown in Table 320-1 and Figure 320-3.
- B. **Vision Clearance Area.** Walls and fences shall comply with the vision clearance area requirements in 155.308.040 (Vision Clearance Area).

Section 44.

Title XV, Chapter 155, Section 155.320.040 Figure 320-3 is hereby deleted and replaced as follows (*the remainder of the section is unchanged and is omitted*):

155.320.040 MAXIMUM HEIGHT: FIGURE 320-3

Figure 320-3: Allowed Fence Height – Residential Zoning Districts



Section 45.

Title XV, Chapter 155, Section 155.320.050 Table 320-2 is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.320.050 MATERIALS: TABLE 320-2

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 Director of Public Works
Electrified fence	All zoning districts except for resource-related zoning districts
Chain link and other woven wire fencing smaller than 6 gauge	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

Section 46.

Title XV, Chapter 155, Section 155.324.030 Table 324-1 is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.324.030 NUMBER OF ON-SITE PARKING SPACES REQUIRED: TABLE 324-1

Table 324-1: Required Vehicle Parking Spaces

Land Use	Number of Required Parking Spaces
Residential	
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
Commercial and Office	
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

Land Use	Number of Required Parking Spaces
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
Industrial and Storage	
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.
Civic and Recreation	
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 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.
Infrastructure and Utilities	
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.	

Section 47.

Title XV, Chapter 155, Section 155.324.030.D. is hereby deleted (*the remainder of the section is unchanged and is omitted*):

155.324.030 NUMBER OF ON-SITE PARKING SPACES REQUIRED: D. CALCULATION OF REQUIRED SPACES.

Section 48.

Title XV, Chapter 155, Section 155.324.030 F is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.324.030 NUMBER OF ON-SITE PARKING SPACES REQUIRED

- 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).

Section 49.

Title XV, Chapter 155, Section 155.324.040.A.1. is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

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).

Section 50.

Title XV, Chapter 155, Section 155.324.040.C.14. is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.324.040 REDUCTIONS AND ALTERNATIVES TO AUTOMOBILE PARKING: C. AVAILABLE REDUCTIONS.

14. **Infill Incentive Permit Reductions.** Required parking spaces may also be reduced through an Infill Incentive Permit. See Table 412-2 in 155.412.060 (Infill Incentive Permits)

Section 51.

Title XV, Chapter 155, Section 155.324.060.F.4 is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.324.060 PARKING DESIGN AND DEVELOPMENT STANDARDS: F. SURFACING.

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).

Section 52.

Title XV, Chapter 155, Section 155.324.060.K.3.b. is hereby amended to read as follows
(the remainder of the section is unchanged and is omitted):

155.324.060 PARKING DESIGN AND DEVELOPMENT STANDARDS: K. SCREENING, 3. MATERIALS.

- 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.

Section 53.

Title XV, Chapter 155, Section 155.324.070.E.1 is hereby amended to read as follows
(the remainder of the section is unchanged and is omitted):

155.324.070 BICYCLE PARKING: 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.

Section 54.

Title XV, Chapter 155, Section 155.324.080.D.1.a is hereby amended to read as follows
(the remainder of the section is unchanged and is omitted):

155.324.080 PARKING LOT LANDSCAPING: 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.

Section 55.

Title XV, Chapter 155, Section 155.328.030.B.3. is hereby amended to read as follows
(the remainder of the section is unchanged and is omitted):

155.328.030 Landscape Plans: B. Required Contents

3. New structures and expansions proposed as part of the project.

Section 56.

Title XV, Chapter 155, Section 155.328.050.D is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.328.050 GENERAL LANDSCAPE REQUIREMENTS

- D. **Invasive Plants.** Planting species with a “High” rating in the California Invasive Plant Council’s Cal-IPC inventory of invasive plants is prohibited.

Section 57.

Title XV, Chapter 155, Section 155.336.050.C.1. and 2. are hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.336.050 TEMPORARY USES AND STRUCTURES ALLOWED WITH A ZONING CLEARANCE

- 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.

Section 58.

Title XV, Chapter 155, Section 155.340.030.A.8. is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.340.030 SIGNS ALLOWED WITHOUT PERMITS: A. TYPES OF SIGNS

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.

Section 59.

Title XV, Chapter 155, Section 155.340.060.C.7. is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.340.060 SIGN PERMITS: C. MASTER SIGN PERMIT

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).

Section 60.

Title XV, Chapter 155, Section 155.340.060.D.8. and 9. are hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.340.060 SIGN PERMITS: D. CREATIVE SIGN PERMITS

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.

Section 61.

Title XV, Chapter 155, Section 155.340.070.A. Table 340-1 is hereby amended to read as follows *(the remainder of the table is unchanged and is omitted)*:

155.340.070 SIGN STANDARDS: A. SIGN TYPE STANDARDS.

Table 340-1: Wall Signs

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

Standards [1]	Zoning District		
	DT, DW, HC, WA, NC, OR, HM, H	SC, LI, HI	Non-residential uses in all Residential zones
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		
Notes: [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.			

Section 62.

Title XV, Chapter 155, Section 155.340.070.A. Table 340-2 is hereby amended to read as follows (*the remainder of the table is unchanged and is omitted*):

155.340.070 SIGN STANDARDS: A. SIGN TYPE STANDARDS.

Table 340-2: 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.		
Notes: [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.			

Section 63.

Title XV, Chapter 155, Section 155.340.070.A. Table 340-3 is hereby amended to read as follows (*the remainder of the table is unchanged and is omitted*):

155.340.070 SIGN STANDARDS: A. SIGN TYPE STANDARDS.

Table 340-3: 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>		

Section 64.

Title XV, Chapter 155, Section 155.340.070.A. Table 340-4 is hereby amended to read as follows (*the remainder of the table is unchanged and is omitted*):

155.340.070 SIGN STANDARDS: A. SIGN TYPE STANDARDS.

Table 340-4: 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> [1] Standards apply only to ground-floor tenants and uses. See 155.340.070.B (Multi-Story Buildings). [2] The Building Code may require a projection less than eight feet</p>		

Section 65.

Title XV, Chapter 155, Section 155.340.070.A. Table 340-5 is hereby amended to read as follows (*the remainder of the table is unchanged and is omitted*):

155.340.070 SIGN STANDARDS: A. SIGN TYPE STANDARDS.

Table 340-5: Awning/Canopy 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.	
<i>Note:</i> Standards apply only to ground-floor tenants and uses. See 155.340.070.B (Multi-Story Buildings).		

Section 66.

Title XV, Chapter 155, Section 155.340.070.A. Table 340-6 is hereby amended to read as follows (*the remainder of the table is unchanged and is omitted*):

155.340.070 SIGN STANDARDS: A. SIGN TYPE STANDARDS.

Table 340-6: Roof Signs

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

Section 67.

Title XV, Chapter 155, Section 155.340.070.A. Table 340-7 is hereby amended to read as follows (*the remainder of the table is unchanged and is omitted*):

155.340.070 SIGN STANDARDS: A. SIGN TYPE STANDARDS.

Table 340-7: Monument Signs

Ground Support and Placement: See 155.340.080.J (Detached Sign Ground Support and Placement).

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

Section 68.

Title XV, Chapter 155, Section 155.340.070.A. Table 340-8 is hereby amended to read as follows (*the remainder of the table is unchanged and is omitted*):

155.340.070 SIGN STANDARDS: A. SIGN TYPE STANDARDS.

Table 340-8: Pole Signs

Ground Support and Placement: See 155.340.080.J (Detached Sign Ground Support and Placement).

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

Section 69.

Title XV, Chapter 155, Section 155.340.070.A. Table 340-9 is hereby amended to read

as follows (*the remainder of the table is unchanged and is omitted*):

155.340.070 SIGN STANDARDS: A. SIGN TYPE STANDARDS.

Table 340-9: Digital Signs

Where Allowed:

- Allowed only in the Service Commercial (SC), Light Industrial (LI), and Heavy Industrial (HI) zoning districts

Section 70.

Title XV, Chapter 155, Section 155.340.070.F is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.340.070 SIGN STANDARDS: 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.

Section 71.

The following section is hereby added to Title XV, Chapter 155:

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

6. **Condominium Conversion.** Documentation that all requirements included in Government Code Section 65915.5 can be met.
 7. **Commercial Development Bonus.** Documentation that all requirements included in Government Code Section 65915.7 can be met.
 8. **Land Donation.** 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.

Section 72.

Title XV, Chapter 155, Section 155.404.030.A Table 404-1 is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.404.030 DEVELOPMENT SERVICES DEPARTMENT: A. RESPONSIBILITIES AND POWERS, TABLE 404-1

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
Legislative Actions					
Zoning Code and General Plan Amendment	155.432	Recommend	-	Recommend	Decision
Use Permits					
Conditional Use Permit	155.412.110	Recommend	-	Decision	Appeal
Minor Use Permit	155.412.110	Decision [1]	-	Appeal	Appeal
Flexibility and Relief					
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
Sign Permits					
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
Other Permits and Approval					
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
<p><u>Notes:</u> [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.</p>					

Section 73.

Title XV, Chapter 155, Section 155.404.040.C is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.404.040 DEVELOPMENT SERVICES DIRECTOR

- 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).

Section 74.

Title XV, Chapter 155, Section 155.404.050.B.2. is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.404.050 PLANNING COMMISSION: B. COMPOSITION.

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.

Section 75.

Title XV, Chapter 155, Section 155.404.080.B is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.404.080 CITY COUNCIL

- B. Hears appeals on decisions in accordance with 155.416 (Appeals and Reviews); and

Section 76.

Title XV, Chapter 155, Section 155.408.010 is hereby amended to read as follows:

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).

Section 77.

Title XV, Chapter 155, Section 155.408.080.A is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.408.080 DEVELOPMENT STANDARDS

- 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.

Section 78.

Title XV, Chapter 155, Section 155.408.090 is hereby amended to read as follows:

155.408.090 NOTICE OF PENDING ACTION

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.

Section 79.

Title XV, Chapter 155, Section 155.412.030 is hereby amended to read as follows:

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

155.332 – Residential Subdivision Alternatives	
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).

Section 80.

Title XV, Chapter 155, Section 155.412.040.B.1.c. and 2. are hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.412.040 DESIGN REVIEW: B. WHEN REQUIRED.

- 1. The following types of projects require Design Review:
 - 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)).
- 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).

Section 81.

Title XV, Chapter 155, Section 155.412.060.D.1 is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.412.060 REVIEW AUTHORITY: 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.

Section 82.

Title XV, Chapter 155, Section 155.412.060.F is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.412.060 REVIEW AUTHORITY: F. INCENTIVES

1. **Available Incentives.** An Infill Incentive Permit may allow deviations to development standards as shown in Table 412-2.

Table 412-2: Allowed Deviations through Infill Incentive Permit

Standards	Allowed Deviation	
	Minor Infill Incentive Permit	Major Infill Incentive Permit
Increase Maximum Building Height		
Residential Zoning Districts	15%	25%
Mixed-Use and Industrial Zoning Districts	20%	35%
Increase Maximum Floor Area Ratio		
Residential Zoning Districts	15%	25%
Mixed-use and Industrial Zoning Districts	20%	35%
Increase Maximum Residential Density [1]		
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
Reduce Minimum Lot Line Setbacks		
Residential Zoning Districts	25%	50%
Increase Maximum Site Coverage		
Residential Zoning Districts	15%	25%
Reduce Minimum On-Site Parking Spaces		

Standards	Allowed Deviation	
	Minor Infill Incentive Permit	Major Infill Incentive Permit
R1, R2, and R3 Zoning Districts	20%	50%
Mixed-use and Industrial Zoning Districts	20%	50%
<u>Notes:</u> [1] See 155.412.060.G (Increased Density Requirements). [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 412-2.
 - b. Major Infill Incentive Permit: Two deviations to development standards as shown in Table 412-2.

Section 82.

Title XV, Chapter 155, Section 155.412.060.F is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.412.060 REVIEW AUTHORITY: G. INCREASED DENSITY REQUIREMENTS

- G. **Increased Density Requirements.** To be eligible for increased residential density as provided in Table 412-2, a project must meet the following criteria:

Section 83.

Title XV, Chapter 155, Section 155.412.060.I is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.412.060 REVIEW AUTHORITY: 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).

Section 84.

Title XV, Chapter 155, Section 155.412.100 is hereby amended to read as follows:

155.412.100 TREE PERMITS

See 155.304.140.E (Tree Permit Required).

Section 85.

Title XV, Chapter 155, Section 155.412.110.C.1 is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.412.110 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.

Section 86.

Title XV, Chapter 155, Section 155.412.110.E is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.412.110 USE PERMITS: 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).

Section 87.

Title XV, Chapter 155, Section 155.412.120 is hereby amended to read as follows:

155.412.120 VARIANCES

155.412.120 –Vacation Rental Permits. See 155.304.130.F (Permits Required).

Section 88.

Title XV, Chapter 155, Section 155.412.130 is hereby amended to read as follows:

155.412.130 ZONING CLEARANCES

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.
2. **Minor Variance.** A Minor Variance allows a deviation from a standard by 20 percent or less.
 3. **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.

Section 89.

The following section is hereby added to Title XV, Chapter 155:

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.

Section 90.

Title XV, Chapter 155, Section 155.416.030.A.3 and .4 are hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.416.030 FILING AND PROCESSING OF APPEALS: A. ELIGIBILITY

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.

Section 91.

Title XV, Chapter 155, Section 155.416.030.G.2. is hereby amended to read as follows

(the remainder of the section is unchanged and is omitted):

155.416.030 FILING AND PROCESSING OF APPEALS

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.

Section 92.

Title XV, Chapter 155, Section 155.416.040 is hereby deleted.

Section 93.

Title XV, Chapter 155, Section 155.420.030.B is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted):*

155.420.030 EFFECTIVE DATE OF DECISIONS

- 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.

Section 94.

Title XV, Chapter 155, Section 155.424.020.C. and D. are hereby amended to read as follows *(the remainder of the section is unchanged and is omitted):*

155.424.020 APPLICABILITY

- C. Not Applicable to Accessory Dwelling Units.** 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).

Section 95.

Title XV, Chapter 155, Section 155.424.030.B.8. is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.424.030 NONCONFORMING SITE FEATURES: B. REQUIRED COMPLIANCE

8. **Screening.** Screening for adjacent residential zoning districts required by 155.308.060 (Screening for Residential Zoning Districts).

Section 96.

Title XV, Chapter 155, Section 155.424.030.C is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.424.030 NONCONFORMING SITE FEATURES

- 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

Section 97.

Title XV, Chapter 155, Section 155.424.030.E.3. is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.424.030 NONCONFORMING SITE FEATURES: E. REPAIRS AND MODIFICATIONS

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).

Section 98.

Title XV, Chapter 155, Section 155.424.040.B.2. is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.424.040 NONCONFORMING BUILDINGS: B. PERMITTED MODIFICATIONS

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).

Section 99.

Title XV, Chapter 155, Section 155.424.040.D. is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.424.040 NONCONFORMING BUILDINGS

- D. **Established Side Setbacks for Building Additions.** See 155.204.030.E (Established Side Setbacks for Building Additions).

Section 100.

Title XV, Chapter 155, Section 155.424.050.C.2.g. is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.424.050 NONCONFORMING SIGNS: C. REQUIRED COMPLIANCE, 2. SIGN INSTALLED BEFORE JANUARY 1, 2000

- 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).

Section 101.

Title XV, Chapter 155, Section 155.504.020 is hereby amended to read as follows:

155.504.020 PRIMARY AND SECOND USES

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.

Section 102.

Title XV, Chapter 155, Section 155.504.030 is hereby amended to read as follows:

155.504.030 LAND USE CLASSIFICATION

155.504.030 - Land Use Classification - 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.

Section 103.

The following section is hereby added to Title XV, Chapter 155:

155.508.040– 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.

Section 104.

Title XV, Chapter 155, Section 155.508.020.C.1 is hereby amended to read as follows

(the remainder of the section is unchanged and is omitted):

155.508.020 DEFINITIONS” 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.

Section 105.

Title XV, Chapter 155, Section 155.508.020.P.6 is hereby amended to read as follows
(the remainder of the section is unchanged and is omitted):

155.508.020 DEFINITIONS: P. “P” TERMS

6. **Pedestrian-Focused Frontage.** See 155.208.040 (Pedestrian-Focused Frontages) and Figure 208-4.

Section 106.

Title XV, Chapter 155, Section 155.508.020.P.16 is hereby amended to read as follows
(the remainder of the section is unchanged and is omitted):

155.508.020 DEFINITIONS: P. “P” TERMS

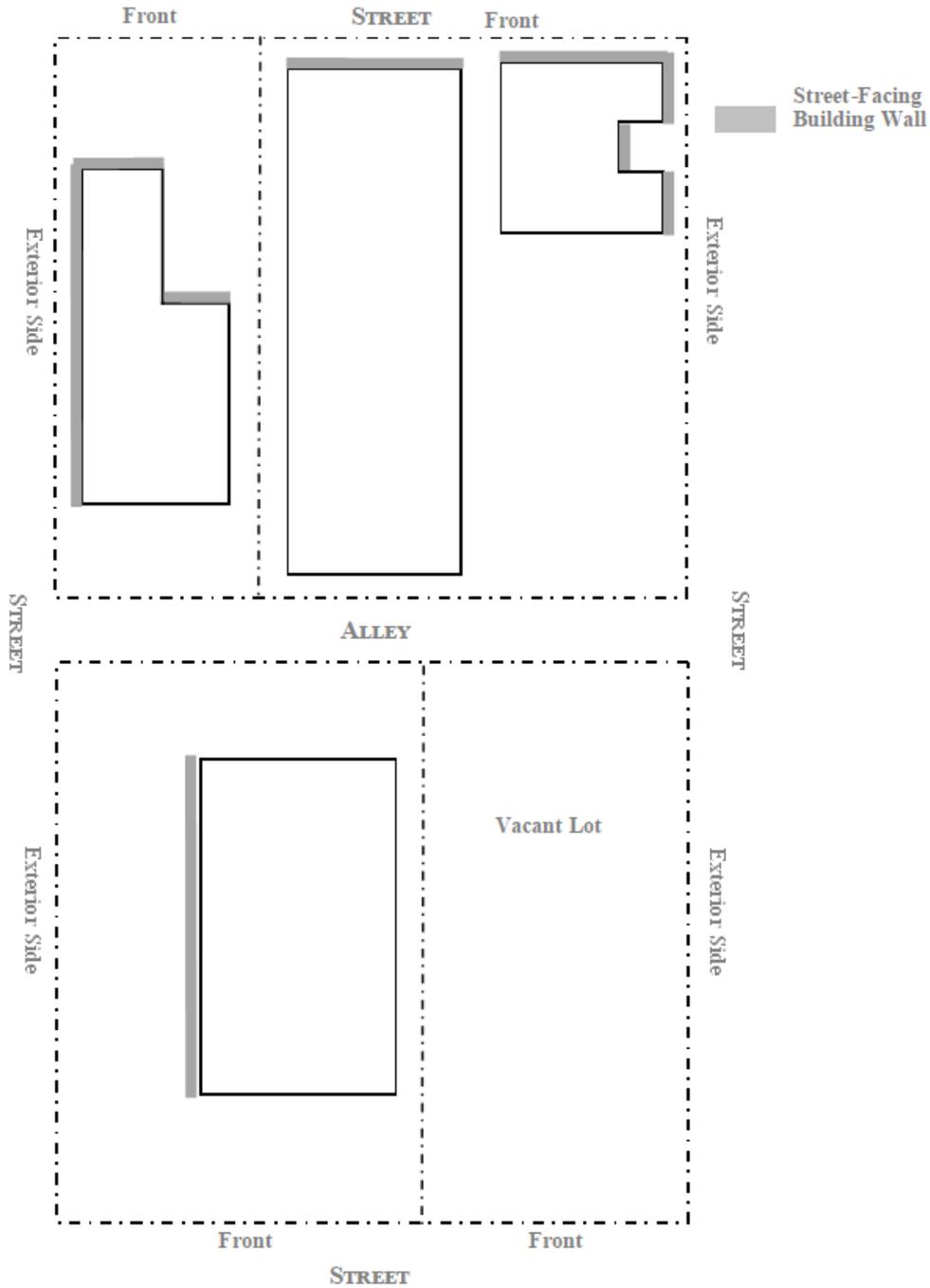
16. **Public Zoning Districts.** The zoning districts listed in 155.216 (Public Zoning Districts).

Section 107.

Title XV, Chapter 155, Section 155.508.020.S.41 Figure 508-5 is hereby amended to read as follows
(the remainder of the section is unchanged and is omitted):

155.508.020 DEFINITIONS: S. “S” TERMS, FIGURE 508-5

Figure 508-5: Street-Facing Building Walls.



Section 108.

This ordinance becomes effective thirty (30) days after the date of its enactment.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the 18th day of August, 2020 by the following vote:

AYES: COUNCILMEMBERS
NOES: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS

Kim Walford Bergel, Mayor Pro Tem

THE ABOVE ORDINANCE WAS PRESENTED TO THE MAYOR on the ____ day of _____, 2020, and hereby approved.

Susan Seaman, Mayor

Approved as to Administration:

Approved as to form:

Miles Slattery, Acting City Manager

Robert Black, City Attorney

THE ABOVE ORDINANCE WAS ATTESTED BY THE CITY CLERK OF THE CITY OF EUREKA on the ____ day of _____, 2020.

Pamela J. Powell, City Clerk

Summary of Proposed June 2020 Zoning Code Update

Ord Section	Section	Section Title	Proposed Change	Reason
1	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.
1	155.108.050.C.2.a.	Types of Uses	Correct reference	Section referral incorrect
2	155.112.040.B.	Lot Line Designation	Delete "interior"	Original wording appears to exclude exterior side lot lines from Director's authority.
3	155.112.050.A.	Floor Area	Various for clarity and accuracy	<ul style="list-style-type: none"> ♦Not all areas are enclosed (i.e., carports and parking structures). ♦Cantilevered, by definition means the object is not supported from the ground. ♦Architectural projections would not be on the interior. ♦State law prohibits ADUs from being included in floor area calculations.
4	155.112.060.C.	Site Coverage Exclusions	Clarity and consistency	Projecting windows could be bay, bow, oriel, etc.
5	155.204.020 Table 204-1	Residential Land Uses	<ul style="list-style-type: none"> ♦Change "Residential Lodging" to "Vacation Rental" ♦Base permitting requirements on whether the proprietor is on-site instead of number of rooms/units. 	<ul style="list-style-type: none"> ♦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. ♦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. ♦See also 155.304.130
5	155.204.020 Table 204-1 Note 4	Residential Land Uses	Change "second" use to "secondary" use.	To match 155.108.050
6	155.204.030 Table 204-2	RE and R1 Development Standards	Add setbacks and limitations for ADUs	Incorporation of State laws for ADUs
6	155.204.030 Table 204-2 Notes	RE and R1 Development Standards	Renumber for ADU additions	Incorporation of State laws for ADUs
6	155.204.030 Table 204-2 Notes	RE and R1 Development Standards	Add reference to Building and Residential Code	Reference to State law
7	155.204.030 Table 204-3	R2 and R3 Development Standards	Add setbacks and limitations for ADUs	Incorporation of State laws for ADUs
7	155.204.030 Table 204-3 Notes	R2 and R3 Development Standards	Renumber for ADU additions	Incorporation of State laws for ADUs
7	155.204.030 Table 204-3 Notes	R2 and R3 Development Standards	Add reference to Building and Residential Code	Reference to State law
8	155.204.030.F	Exterior Side Setbacks for Garages	Change "or" to "of"	Correct typo
9	155.204.030 Figure 204-5	Minimum Rear Setback Elevations	Revise figure	Correct spelling of "ajoining" to "adjoining"
10	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
10	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
11	155.208.020.C.1.	Secondary Use Only	Change "second" use to "secondary" use.	To match 155.108.050
12	155.208.030 Table 208-2	Development Standards – Mixed-Use Zoning Districts	Add setbacks and limitations for ADUs	Incorporation of State laws for ADUs
12	155.208.030 Table 208-2 Notes	Development Standards – Mixed-Use Zoning Districts	Renumber for ADU additions	Incorporation of State laws for ADUs
12	155.208.030 Table 208-2 Notes	Development Standards – Mixed-Use Zoning Districts	Add reference to Building and Residential Code	Reference to State law
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
14	155.208.030 Figure 208-3	Setbacks Adjacent to Residential Zoning Districts (Elevations)	Add setbacks for ADUs	Incorporation of State laws for ADUs
15	155.208.040.D.2	Ground Floor Residential Use Limitations	Moved before Figure	Layout; regulations are not separated by figure
16	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.
17	155.304.020.F.2.	Non-residential Accessory Uses	Correct reference	Section referral incorrect
18	155.304.030.F.3.	Application Review/Conditions of Approval	Correct reference	Section referral incorrect
19	155.304.050.C.3.	Length of Stay	Change "six months" to "one year"	Benefits houseless persons to allow longer residency.

Summary of Proposed June 2020 Zoning Code Update

Ord Section	Section	Section Title	Proposed Change	Reason
20	155.304.130	Residential Lodging	<ul style="list-style-type: none"> ♦Change "Residential Lodging" to "Vacation Rental" ♦Base permitting requirements on whether the proprietor is on-site instead of number of rooms/units. 	<ul style="list-style-type: none"> ♦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. ♦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. ♦See also 155.204.020 Table 204-1
21	155.304.140	Tree Removal	<ul style="list-style-type: none"> ♦Clarify purpose of tree removal/protection section ♦Allow removal for development ♦Allow removal of hazardous trees ♦Identify the types of trees to be protected ♦Add procedures/requirements for approving tree permit ♦Correct titles 	<ul style="list-style-type: none"> ♦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 ♦Encourage development by not requiring tree permits ♦Protect the public health and safety by allowing hazardous tree removal
22	155.308.020	Projections Allowed By-Right	Add "flag pole"	Clarify flag poles can be allowed to project.
23	155.308.030.B.2.	Site Features	<ul style="list-style-type: none"> ♦Add emergency generators ♦Clarify setbacks for features that generate noise 	<ul style="list-style-type: none"> ♦Determine that emergency generators can be allowed ♦Add section clarifying features that may produce noise may not be located within the setback area.
24	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.
25	155.308.050.B., C.	Outdoor Lighting	<ul style="list-style-type: none"> ♦Reorganize language. ♦Clarify single-family residences are exempt ♦Clarify restrictions for lighting direction and types ♦Allow motion sensor lights to exceed height limitation 	<ul style="list-style-type: none"> ♦Exceptions are listed in Applicability section, instead of exception section ♦Administrative adjustments are listed in Exceptions; created own section ♦It's unclear without referencing the Non-conforming section whether single family residences are exempt. ♦For security purposes, motion sensor lighting should be allowed to be placed as needed without limitation on height.
26	155.308.070.E.	Solid Waste/Recyclable Material Storage	Reorganize language	Exceptions are listed in Applicability section, instead of exception section
27	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.
27	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.
27	155.312.030.C.	Board and Batten	Clarify language	Board and batten must be separate pieces and not "siding" panels.
28	155.312.040.C.	Non-residential Projects	Add cedilla to the "c" in façade	Consistency with the remainder of the code.
29	155.312.050.A.	Options for Architectural Features	Remove "building"	Correct grammar
30	155.312.050.A.10.	Masonry Façade	Add cedilla to the "c" in façade	Consistency with the remainder of the code.
31	155.312.050.A.11.	Wood Façade	Add cedilla to the "c" in façade	Consistency with the remainder of the code.
32	155.312.050.A.12.	Glass Façade	Add cedilla to the "c" in façade	Consistency with the remainder of the code.
33	155.312.050.A.13.	Cladding Materials Façade	Add cedilla to the "c" in façade	Consistency with the remainder of the code.
34	155.312.050.B.3.	Percent of street-facing building wall surface area	Add cedilla to the "c" in façade	Consistency with the remainder of the code.
35	155.316.010	Purposes	Revise ADU regulations	Incorporation of State laws for ADUs
36	155.316.030	Where Allowed	Revise ADU regulations	Incorporation of State laws for ADUs

Summary of Proposed June 2020 Zoning Code Update

Ord Section	Section	Section Title	Proposed Change	Reason
37	155.316.040	Accessory Dwelling Units in Existing Spaces	Revise ADU regulations	Incorporation of State laws for ADUs
38	155.316.050	Site and Design Standards	Revise ADU regulations	Incorporation of State laws for ADUs
39	155.316.060	Site and Design Standards	Revise ADU regulations	Incorporation of State laws for ADUs
40	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
41	155.320.030 Figure 320-1	Measurement of Height	Revise figure	Show highest finished grade
41	155.320.030 Figure 320-2	Measurement of Height	Revise figure	Original figure showed incorrect method of measurement.
42	155.320.030 Table 320-1	Allowed Fence Height	Allow 7 foot fences	Match building code which allows 7 ft fence without building permit
42	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.
43	155.320.030.A.	Exterior Side Setback Exception	Delete paragraph	Fence already allowed by Table 320-1 so language is unnecessary.
44	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.
45	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
46	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.
47	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 is an exception to the Rules of Measurement in 155.112, the language is not needed.
48	155.324.030.F.	Sites with Multiple Uses	Correct reference	Section referral incorrect
49	155.324.040.A.1.	Reductions and Alternatives to Automobile Parking	Correct reference	Section referral incorrect
50	155.324.040.C.14.	Infill Incentive Permit Reductions	Correct reference	Table number revised
51	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.
52	155.324.060.K.3.b.	Materials	Clarify type of fencing required	♦A solid fence or wall of any type material, not just masonry, will achieve the same goal. ♦Allow vegetation on fence/wall.
53	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.
54	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
55	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.
56	155.328.050.D.	Invasive Plants	Correct spelling	The word "plant" is missing a "t"
57	155.336.050.C.	Travelling Sellers	Correct spelling	The word "traveling" only has one "l"
58	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.
59	155.340.060.C.7.	Public Notice and Hearing	Correct reference	Section referral incorrect
60	155.340.060.D.8.	Public Notice and Hearing	Correct reference	Section referral incorrect
60	155.340.060.D.9.	Approval Criteria	Add "more"	Missing word
60	155.340.060.D.a.ii.	General Design	Add "s" to "exhibit"	Correct grammar

Summary of Proposed June 2020 Zoning Code Update

Ord Section	Section	Section Title	Proposed Change	Reason
61	155.340.070 Table 340-1	Wall Signs	Change "GI" to "HI"	Use zoning instead of land use designation
62	155.340.070 Table 340-2	Window Signs, Non Illuminated	Change "GI" to "HI"	Use zoning instead of land use designation
63	155.340.070 Table 340-3	Window Signs, Internally Illuminated	Change "GI" to "HI"	Use zoning instead of land use designation
64	155.340.070 Table 340-4	Projecting and Suspended Signs	Change "GI" to "HI"	Use zoning instead of land use designation
65	155.340.070 Table 340-5	Awning/Canopy Signs	Change "GI" to "HI"	Use zoning instead of land use designation
66	155.340.070 Table 340-6	Roof Signs	Change "GI" to "HI"	Use zoning instead of land use designation
67	155.340.070 Table 340-7	Monument Signs	Correct reference	Section referral incorrect
67	155.340.070 Table 340-7	Monument Signs	Change "GI" to "HI"	Use zoning instead of land use designation
68	155.340.070 Table 340-8	Pole Signs	Correct reference	Section referral incorrect
68	155.340.070 Table 340-8	Pole Signs	Change "GI" to "HI"	Use zoning instead of land use designation
68	155.340.070 Table 340-8	Pole Signs - Horizontal Clearance	Correct reference	Section referral incorrect
69	155.340.070 Table 340-9	Digital Signs	Change "GI" to "HI"	Use zoning instead of land use designation
70	155.340.070.F.1.	Sandwich Board Signs	Correct reference	Section referral incorrect
70	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.
71	Section 155.344	Density Bonus	Add section	Required by State law
72	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.
72	155.404.030 Table 404-1 and Notes	Type of Application	Add Density Bonus action	Required by State law
73	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.
74	155.404.050.B.2.	Member Experience	Change "Commissioner" to "Commission"	Members are appointed to the Commission as Commissioners.
75	155.404.080.B.	City Council	Correct reference	Section referral incorrect
76	155.408.010	Purpose and Applicability	Correct reference	Section referral incorrect
77	155.408.080	Notice of Public Hearing	Add "or Major Subdivision"	Chapter 154, Subdivisions, refers to this section for the noticing procedures.
78	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.
79	155.412.030.A.	Purpose and Applicability	Delete "or relaxed"	It is a modification of a standard.

Summary of Proposed June 2020 Zoning Code Update

Ord Section	Section	Section Title	Proposed Change	Reason
79	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 the types of adjustments allowed.
80	155.412.040.B.1. and 2.	When Required	Correct reference	Section referrals incorrect
81	155.412.040.I.2.	Surrounding Context	Correct spelling	Change "compliments" to "complements".
82	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.
83	155.412.060F.1. and .2. and Table 412-1	Allowed Deviations through Infill Incentive Permit	♦Renumber ♦Correct reference	♦Renumber due to addition of Admin Adjustment table ♦Section referral incorrect
84	155.412.060.G.	Increased Density Requirement	Correct reference	Section table changed
85	155.412.060.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.
85	155.412.070.I.2.	Major Infill Incentive Permits	Correct reference	Section referral incorrect
86	155.412.100	Tree Permits	Correct reference	Section referral incorrect
87	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.
88	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.
88	155.412.110.E.2.	Conditional Use Permits	Correct reference	Section referral incorrect
89	155.412.120	Vacation Rental Permits	Add reference and renumber	Refer to Vacation Rental section
90	155.412.130	Zoning Clearance	Renumber	Added Vacation Rental section
90	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.
90	155.412.140.G.2.	Major Variance	Correct reference	Section referral incorrect
91	155.412.140	Zoning Clearance	Renumber	Added Vacation Rental section
92	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.
93	155.416.030.G.2.	Other Decisions	♦Add Historic Preservation ♦Revise process	♦Historic Pres missing from list ♦Delete Call for Review
94	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.
95	155.420.030.B.	Other Decisions	Delete language related to calls for review	Delete the call for review reference
96	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.
97	155.424.030.B.8.	Screening	Change "uses" to "zoning districts"	155.308.060 requires screening for site adjacent to residential zones, not uses.
98	155.424.030.C.	Annual Adjustment	Correct reference	Section referral incorrect
99	155.424.030.E.3.	Repairs and Modifications	Correct reference	Section referral incorrect
100	155.424.040	Nonconforming Buildings	Correct reference	Section referral incorrect

Summary of Proposed June 2020 Zoning Code Update

Ord Section	Section	Section Title	Proposed Change	Reason
101	155.424.040.D.	Established Side Setbacks for Building Additions	Correct reference	Section referral incorrect
102	155.424.050.C.2.g.	Sign installed before January 1, 2000	Correct reference	Section referral incorrect
103	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.
104	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
105	155.504.040	Land Use Classifications - Use Type	Revise section title	Clarify the list is by use type instead of alphabetical
104 and 105	155.504.040.A.1.	Accessory Dwelling Unit (ADU)	Revise definition	Incorporation of State laws for ADUs
104 and 105	155.504.040.A.2.	Bed and Breakfast	Revise reference	Reflect change from Residential Lodging to Vacation Rental
104 and 105	155.504.040.A.5.	Hostel	Revise reference	Reflect change from Residential Lodging to Vacation Rental
104 and 105	155.504.040.A.7.	Micro/Shared Housing	Revise reference	Reflect change from Residential Lodging to Vacation Rental
104 and 105	155.504.040.A.13.	Single-Room Occupancy (SRO)	Correct reference	Definition referral incorrect
104 and 105	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.
104 and 105	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.
104 and 105	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.
104 and 105	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.
104 and 105	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.
104 and 105	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.
104 and 105	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.
104 and 105	155.504.040.C.19.	Residential Lodging	Change "Residential Lodging" to "Vacation Rental"	Reflect change from Residential Lodging to Vacation Rental
104 and 105	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.
106	155.508.020	California Environmental Quality Act	Revise Section 2100 to 21000	Correct reference
107	155.508.020	Pedestrian-Focused Frontage	Revise section title	Correct reference
108	155.508.020	Public Facilities Zoning District	Delete "Facilities" from zone district name	Correct reference
109	155.508.020 Figure 508-5	Street Facing Building Walls	Revised figure	Accurately depict intent

Changes recommended by the Planning Commission

Setback Averaging		Reason
Staff Amendment	None	
Planning Commission Recommendation	Allow setback averaging for side and rear setbacks in Residential zones	
Staff Recommendation	Not recommended	<p>Does not provide opportunities to build more dwelling units than currently allowed.</p> <p>Will be difficult to determine or confirm setbacks on the side and rear of adjacent property without trespassing on private property.</p> <p>Side setbacks for habitable additions to residences can continue to use existing setbacks pursuant to 155.204.030.E.</p> <p>Reduces residential feel and character of neighborhoods to have buildings set closer together.</p> <p>See page 18 below, Staff Report Addendum provided to Planning Commission at July 13 meeting.</p>
Motion language to allow setback averaging for side and rear setbacks in Residential zones:		
...replace draft ordinance Sections 6 and 7 with Section A...		

Notes: Highlighted language is language that differs from Sections 6 and 7 in the draft ordinance. If adopted by Council, Figure 204-1 will be updated.

Section A.

Title XV, Chapter 155, Section 155.204.030 Table 204-2 is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.204.030 DEVELOPMENT STANDARDS

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. [54]	10 ft. [54]	
Porches and Stoops	15 ft. [54]	5 ft. [54]	
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. [54]	5 ft. [54]	
Garages on a corner lot facing a side street and within 30 ft. of the rear lot line [85]	0 ft. or ≥ 20 ft. [96]	0 ft. or ≥ 20 ft. [96]	
All other garages [85]	20 ft.	20 ft.	
Minimum Interior Side Setbacks	15 ft.	5 ft.	155.204.030.E; 155.308.030
Accessory Dwelling Unit [6]	4 ft. [7]	4 ft. [7]	155.204.030.D
All other structures	15 ft.	5 ft.	155.204.030.D
Minimum Rear Setbacks, Alley Adjacent [7] [8]			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.	
Minimum Rear Setbacks, No Alley [107]			
Accessory dwelling unit [6]	4 ft. [7]	4 ft. [7]	155.204.030.D
First story	5 ft.	5 ft.	155.204.030.D

Standard	Zoning District		Additional Standards
	Residential Estate RE	Residential Low R1	
Second story and above	10 ft.	10 ft	155.204.030.D
Notes: [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] [3] [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 Front and Exterior Side Setback Alternative). [6] New construction or increase in footprint of an existing structure to create an accessory dwelling unit on the first story. [4] [7] Provided the setbacks as proposed are sufficient for fire and safety as determined by the Building Official and pursuant to the California Building or Residential Code. [5] [8] Setback also applies to accessory dwelling units above a <u>proposed</u> 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. [6] [10] See Figure 204-5 in 155.204.030.G (Rear Setbacks). [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.			

Title XV, Chapter 155, Section 155.204.030 Table 204-3 is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.204.030 DEVELOPMENT STANDARDS

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%	
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.	

Standard	Zoning District		Additional Standards
	Residential Medium R2	Residential High R3	
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. [43]	10 ft. [43]	
Porches and Stoops	5 ft. [43]	5 ft. [43]	
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. [43]	5 ft. [34]	
Garages on a corner lot facing a side street and within 30 ft. of the rear lot line [74]	0 ft. or ≥ 20 ft. [85]	0 ft. or ≥ 20 ft. [85]	155.204.030.E
All other garages [74]	20 ft.	20 ft.	
Minimum Interior Side Setbacks	5 ft.	5 ft.	155.204.030.E; 155.308.030
Accessory Dwelling Unit [5]	4 ft. [6]	4 ft. [6]	155.204.030.D
All other structures	5 ft.	5 ft.	155.204.030.D
Minimum Rear Setbacks, Alley Adjacent [6] [7]			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.	
Minimum Rear Setbacks, No Alley [96]			
Accessory Dwelling Unit [5]	4 ft. [6]	4 ft. [6]	155.204.030.D
First story	5 ft.	5 ft.	155.204.030.D
Second story and above	10 ft.	10 ft.	155.204.030.D
Notes:			
[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).			
[2][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 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.			
[3][6] Provided the setbacks as proposed are sufficient for fire and safety as determined by the Building Official and pursuant to the California Building or Residential Code.			
[4][7] Setback also applies to accessory dwelling units above a proposed garage.			
[5][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.			
[6][9] See Figure 204-5 in 155.204.030.G (Rear Setbacks).			
[7][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.			

Title XV, Chapter 155, Section 155.204.030.D is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.204.030 DEVELOPMENT STANDARDS: D. AVERAGE SETBACK ALTERNATIVES

D. Average Setback Alternative. Minimum required front, ~~and exterior~~ side, ~~and rear~~ setbacks in Tables 204-2 and 204-3 may be reduced as provided below.

1. **Nonstandard blocks.** 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. Interior Lots.

a. **Front Setback.** For interior lots adjacent to two developed lots, the minimum front setback for building walls, porches, and stoops, ~~the minimum interior side setback, and the rear setback with no alley~~ 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. **Side Setback.** For interior lots adjacent to two developed lots, the minimum side setback may be reduced to the average existing side setback of buildings of all developed lots on the same block face. See Figure 204-1.

3. **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.

4. **Rear Setback, No Alley.** For lots with no alley and adjacent to two developed lots, the minimum rear setback may be reduced to the average existing rear 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-~~

Outdoor Lighting		Reason
Staff Amendment	Various amendments to outdoor lighting	Correct exceptions list; clarify applicability to single-family residences; allow motion lights to be placed at any height.
Planning Commission Recommendation	Allow motion sensor security lighting to shine onto public alleys and sidewalks, but not streets, for up to 10 minutes.	Security
Staff Recommendation	Neutral	See page 18 below, Staff Report Addendum provided to Planning Commission at July 13 meeting.
Motion language to allow motion sensor security lighting to shine onto public alleys and sidewalks, but not streets, for up to 10 minutes.		
...replace draft ordinance Section 25 with Section B...		

Note: Highlighted language is language that differs from Section 25 in the draft ordinance.

Section B.

Title XV, Chapter 155, Section 155.308.050 is hereby amended to read as follows:

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.

~~2. Low intensity string lights do not need to comply with this section.~~

~~3-6.~~ 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.

D. 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.

E. Fixture Types. All lighting fixtures must be shielded or recessed so the lighting source is not directed toward other structures, adjoining properties, or by visible from the public right-of-way except as allowed in Paragraph F ~~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.

F. 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 except Motion Sensor Security lighting is allowed to shine onto public alleys and sidewalks, but not streets, as allowed by the California Green Building Standards Code, for a period not to exceed 10 minutes.
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.

G. 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.

H. Parking Lot Lighting. See 155.324.060.I (Lighting).

I. 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.

Parking Calculations		Reason
Staff Amendment	Fractional numbers of off-street parking calculations are rounded up, not down.	Previous staff indicated the language was in error and parking calculations should be rounded up.
Planning Commission Recommendation	Continue to allow parking space calculations to round down.	
Staff Recommendation	Neutral	Will result in less off-street parking being required.
Motion language to reject proposal to round up for off-street parking calculations.		
...replace draft ordinance Section 47 with Section C...		

Section C.

Title XV, Chapter 155, Section 155.324.030.D. is hereby [not] deleted (*the remainder of the section is unchanged and is omitted*):

155.324.030 NUMBER OF ON-SITE PARKING SPACES REQUIRED: D. CALCULATION OF REQUIRED SPACES.

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.

Noticing		Reason
Staff Amendment	None	
Planning Commission Recommendation	Make changes as proposed, but bring back to future Planning Commission meeting for discussion of adding occupants (tenants) to list of persons notified of public hearings and Director's action.	Occupants may be impacted by action. No guarantee owners will notify tenants. Sign posted on site may not be seen by tenants.
Staff Recommendation	Not recommended to send back for discussion or add occupants.	<p>In addition to mailing to all property owners, notices are currently posted on all 3 bulletin boards inside City Hall, the bulletin board outside the front entrance, on the Public Hearing Notice webpage, on the bulletin board at Eureka Natural Foods, and by posting a sign on the subject property.</p> <p>From 2008 to 2016, occupants were included in all public hearing notice mailings.</p> <p>No appreciable increase in public participation either through written comments or at meetings.</p> <p>No way to easily or accurately determine how many and which addresses are on each parcel, and whether individual tenant spaces are numbered or lettered.</p> <p>Use Polk Directories, Sanborn Maps, building files, and internet used for address information.</p> <p>Occupant address information must be entered into</p>

		<p>computer system by hand.</p> <p>300-foot radius usually results in a notification of between 50 and 220 properties.</p> <p>Adds approximately \$215 to total cost of application fees to recover costs; on average, requires additional 1.5 hours to enter information into computer system for each notice, increases printing costs and costs to process/mail notices (total \$140); adds approximately \$75 to postage costs, many of which are returned due to challenges with determining addresses.</p>
<p>Motion language to add occupants to public hearing noticing requirements:</p>		
<p>...replace draft ordinance Section 78 with Section D...</p>		
<p>Motion language to send public hearing noticing requirements back to Planning Commission for discussions.</p>		
<p>...remove draft ordinance Section 78...</p>		

Note: Highlighted language is language that differs from Section 78 in the draft ordinance. Sec. 155.408.080 was not proposed to change in the draft ordinance.

Section D.

Title XV, Chapter 155, Section 155.408.080.C.1.is hereby amended as follows (*the remainder of the section is unchanged and is omitted*):

155.408.080 – NOTICE OF PUBLIC HEARING: C. METHOD OF NOTICE DISTRIBUTION.

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 and occupants 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.
- b. If the total number of property owners and occupants 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.

Title XV, Chapter 155, Section 155.408.090 is hereby amended to read as follows:

155.408.090 NOTICE OF PENDING ACTION

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 **and occupants** 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.~~

J.C. ~~Hearing only on Request.~~

1. ~~If the Department receives a written request for a public hearing before y 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.~~

Appeals		Reason
Staff Amendment	In addition to two Councilmembers, allow Director and Chief Building Official to appeal discretionary decisions	Allows certain City Staff to appeal decisions instead of requiring City staff to be an aggrieved person.
Planning Commission Recommendation	Allow Director and Chief Building Official to appeal discretionary decision only if the City of Eureka is an applicant.	Provides too much power to Director or Building Official to overturn discretionary action.
Staff Recommendation	Not recommended.	<p>Previous code allowed appeals by “any other person”, which had been interpreted to include any Staff, but did not require Staff to be an “aggrieved person.”</p> <p>Proposal allows only Director or Building Official to appeal; appeals are made to Council for consideration and determination; and does not allow Director or Building Official to “overturn” any discretionary decision without Council oversight.</p>
Motion language to allow Director or Building Official to appeal a discretionary decision only when the City is a party to the application.		
...replace draft ordinance Section 90 with Section E...		

Note: Highlighted language is language that differs from Section 90 in the draft ordinance.

Section E.

Title XV, Chapter 155, Section 155.416.030.A.3 and .4 are hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.416.030 FILING AND PROCESSING OF APPEALS: A. ELIGIBILITY

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 or the Chief Building Official may appeal a decision made at a public hearing when the City is a party to the application, or two City Council members may appeal a decision made at any 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.
4. ~~City Council members may request City Council review of a decision as provided in 155.416.040 (Calls for Review).~~

Tree Removal		Reason
Staff Amendment	Clarify purpose of tree removal/protection section; allow removal for development; allow removal of hazardous trees; identify the types of trees to be protected; add procedures/requirements for approving tree permit	<p>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</p> <p>Encourage development by not requiring tree permits in certain situations</p> <p>Protect the public health and safety by allowing hazardous tree removal</p>
Planning Commission Recommendation	Make no changes, but bring back to future Planning Commission meeting(s) to allow public input on tree removal.	<p>Not developer or property owner friendly</p> <p>Impinges on private property rights.</p> <p>Requires professional input.</p> <p>Adds in all new trees.</p>
Staff Recommendation	Adopt amendment as proposed.	<p>Allows removal of hazardous trees, trees within footprint of development/accessway, and reduction in mass for solar, which is now required by building code.</p> <p>Previous code required professional input to allow removal of “hazardous” trees.</p> <p>Tree list unchanged (only added species to list)</p> <p>See page 18 below, Staff Report Addendum provided to Planning Commission at July 13 meeting.</p>
Motion language to send tree removal section back to Planning Commission to obtain additional public input.		
...delete Section 21 from the draft ordinance...		



**PLANNING COMMISSION
STAFF REPORT ADDENDUM**

July 13, 2020

Subject:	June 2020 Zoning Code Update TA-19-0002 (mod 1)
Location:	Inland portion of the City of Eureka
APNs:	Various
Applicant:	City of Eureka
Property Owner:	Various
Purpose/Use:	Update inland zoning code
Application Date:	NA
General Plan:	Varies
Zoning:	Varies
CEQA:	Exempt under §15061 “Common Sense Exemption”
Staff Contact:	Kristen M. Goetz, Principal Planner
Recommendation:	Hold a Public Hearing; and Adopt a Resolution recommending Council approve
Motion:	<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>

During the June 8, 2020 Planning Commission meeting, I indicated I would look into two recommendations the Commission voted to make to Council. The recommendations, Staff concerns, and information from the Director of Public Works/Chief Building Official are as follows:

1. Allow motion sensor security lighting to shine outside the property line into/onto alleys and sidewalks, but not streets for a period not to exceed 10 minutes. Staff’s concern was could lighting from private property be allowed to project or shine into public rights-of-way.

The California Green Building Standards Code says the following about light trespass onto public ROWs:

For property lines that abut public walkways, bikeways, plazas and parking lots, the property line may be considered to be 5 feet beyond the actual property line.

For property lines that abut public roadways and public transit corridors, the property line may be considered to be the centerline of the public roadway or public transit corridor.

2. Allow setback averaging for side- and rear-setbacks. Staff’s concern was in relation to side setbacks and whether there would be issues with ingress/egress from windows or doors and the potential for a requirement to have an opening to the sky between eaves.

The Building and Residential Codes allow zero setback construction. When buildings are placed close to the property line, it simply restricts what openings are allowed (and what purpose those openings serve).

Based on the responses from the Director of Public Works /Chief Building Official, there are no building codes that would preclude the recommended changes.

Additionally, there was concern expressed during the meeting about the extent of the changes proposed by Staff for Tree Removal in Section 155.304.140. Staff had reassessed the purpose and the goal for regulating the removal of trees by asking whether the intent was to regulate the removal of merchantable, commercial timber, or was it to protect and preserve trees that give Eureka its character. The gulches, greenways, and stands of timber that exist within the City are part of what contributes to making our City inviting and livable. Although the types of trees included in the list of protected trees is not proposed to change from the previous version, Staff's research shows these are still the types of trees that exist within the City and add to its charm. Additionally, trees contribute to greenhouse gas reduction and help remove carbon dioxide which affects climate change, as noted in the 2040 General Plan:

In general, there are two sets of strategies to cope with climate change: mitigation and adaptation. Mitigation strategies attempt to stop future warming by lowering the level of greenhouse gases in the atmosphere, or capturing emitted greenhouse gases prior to release into the atmosphere. Examples of mitigation strategies include planting trees to absorb carbon dioxide from the air, increasing vehicle fuel efficiency to reduce the amount of carbon dioxide emitted per mile driven, and conserving electricity to lower greenhouse gas emissions from energy production. While mitigation efforts may curb some greenhouse gas emissions, these efforts are unlikely to halt climate change entirely, requiring some adaptation to a changing environment.

■ Our Infrastructure, Mobility: Policies address reduction in and/ or sequestration of greenhouse gas emissions through providing for alternative modes, providing for development that is more walkable, encouraging shared transportation, considering vehicle miles traveled as a metric to measure impacts to the transportation system, planting trees, creating the infrastructure for greater bicycle and pedestrian connectivity and use, providing for transit services, making it easier to use transit, decreasing parking requirements, and providing alternative vehicle parking.

The 2040 General Plan does not specifically include policies for the regulation of commercial trees species, but it does support the preservation of trees through the following 2040 General Plan Policies:

Historic Preservation HCP-1.1 Preservation. Encourage and support the identification, preservation, rehabilitation, and restoration of historically significant buildings, landscape features, significant trees and plantings, hardscapes, fountains, lighting, sculptures, signs and other natural or designed features through incentives such as reduction of Historic Preservation application fees and programs such as the Local Register of Historic Places and the Mills Act. (RDR, MP) (Imp HCP-1 through Imp HCP-7, Imp HCP-9 and Imp HCP-10)

Natural Resources NR-2.7 Tree and Native Vegetation Preservation and Use. Encourage preservation of existing healthy trees and native vegetation through site planning and maintenance, promote the use of low-maintenance, low water-use native plants and trees, prohibit the use of highly invasive plants, and discourage the use of invasive species in landscaping. (RDR)

Agriculture AG-1.12 Timber Management in Residential Zones. Allow management of timberlands and hazardous trees, including removal of trees on residentially zoned properties, balanced with protection of timber as a resource.

Staff is also proposing language to allow removal of hazardous trees, and trees within and adjacent to building sites, neither of which are included in the current version of the zoning code. And, since solar is now required for certain types of construction by the Building Code, regulations relating to solar access are also proposed. A comparison of the existing tree removal regulations to the proposed regulations is also attached.

Regulation	Current Zoning Code	Proposed June 2020 Zoning Code Update
Purpose	Establish permit requirements to regulate removal of commercial trees	Establish permit requirements to: <ul style="list-style-type: none"> • protect and preserve trees that are important to the character of the City and its neighborhoods; • protect the public's safety by allowing hazardous tree removal; • allow for tree removal, or tree mass reduction for residential development and solar arrays.
By right removal	Commercial trees not requiring a Tree Permit or Conditional Use Permit	<ul style="list-style-type: none"> • Protected trees not requiring a Tree Permit or Conditional Use Permit • Protected trees within 15 feet of the footprint of a proposed structure, and within the boundary of the associated access road. • See Hazardous Trees for other by-right allowances.
Hazardous Trees	<ul style="list-style-type: none"> • Removal of commercial trees requires Tree Permit or Use Permit. • Removal of non-commercial trees allowed by right. 	<ul style="list-style-type: none"> • Removal of protected tree allowed by right by certain staff with arborist or Registered Professional Forester determination of immediate hazard. • Reduction of mass of protected tree allowed by-right with arborist or Registered Professional Forester determination the tree(s) pose a safety hazard or danger to property value.
Solar access (Installation of solar is required per the Building Code for certain new residential construction)	<ul style="list-style-type: none"> • No reference to solar access or reduction of mass. • Removal of commercial trees requires Tree Permit or Use Permit. • Removal of non-commercial trees allowed by right. 	Reduction of mass of protected tree allowed with Tree Permit and arborist or Registered Professional Forester determination that trees hinder direct sunlight
Tree Permit Required	To remove a commercial tree species with a diameter at breast height (DBH) of three feet or more	<ul style="list-style-type: none"> • To relocate, remove, cut down, top, or undertake any other act that causes the destruction of a protected tree except Hazardous Trees and Solar Access.
Tree Size requiring a Permit	3-foot Diameter at Breast Height	16-inch diameter, or a circumference of 50 inches, as measured four and one-half feet above the ground
List of Commercial Trees vs. Protected Trees	Douglas-fir	Douglas fir (<i>Pseudotsuga menziesii</i>)
	Redwood	Redwood (<i>Sequoia sempervirens</i>)
	White, grand, and red firs	White fir (<i>Abies concolor</i>) Grand fir (<i>Abies grandis</i>) Red fir (<i>Abies magnifica</i>)
	Western white pine	Western white pine (<i>Pinus monticola</i>)
	Sugar pine	Sugar pine (<i>Pinus lambertiana</i>)
	Bishop pine	Bishop pine (<i>Pinus muricata</i>)
	Ponderosa or Jeffrey pine	Ponderosa pine (<i>Pinus ponderosa</i>)

Regulation	Current Zoning Code	Proposed June 2020 Zoning Code Update
		Jeffrey pine (<i>Pinus jeffreyi</i>)
	Sitka spruce	Sitka spruce (<i>Picea sitchensis</i>)
	Western hemlock	Western hemlock (<i>Tsuga heterophylla</i>)
	Western red cedar	Western red cedar (<i>Thuja plicata</i>)
	Incense-cedar	Incense cedar (<i>Calocedrus decurrens</i>)
	Port Orford cedar	Port Orford cedar (<i>Chamaecyparis lawsonia</i>)
Maximum Number Allowed	No more than five trees every ten years with a Tree Permit	<ul style="list-style-type: none"> No more than five protected trees every ten years with Tree Permit Hazardous trees or trees removed for solar access are not counted in maximum number allowed
Conditional Use Permit Required	Removal of more than five commercial tree species with a DBH of three feet or more within a ten-year period	The removal of more than five protected tree species within a ten-year period
Review Authority	Not included	Tree Permits - Director Conditional Use Permits - Planning Commission
Findings for Approval	Not included	Why protected trees should be allowed to be removed.
Conditions of Approval	Not included	Examples of possible conditions
Timing of Removal of Large Stature Trees	Not included	Bird nesting season may impact trees more than 150' tall – denial, postponement, or CEQA.
Other approvals	Approval from Cal Fire and other State agencies may be required.	<ul style="list-style-type: none"> Encroachment Permit Approval from Cal Fire and other State agencies may be required.