

ARTICLE III – GENERAL REGULATIONS

SECTION 6.04.18 PROPERTY DEVELOPMENT STANDARDS

6.04.1801 PURPOSE

The following provisions are intended to ensure that new or modified uses and development will produce an urban environment of stable, desirable character which is harmonious with existing and future development, and protects the use and enjoyment of neighboring properties, consistent with the General Plan.

6.04.1805 GENERAL STANDARDS

All new or modified structures and uses (including changes in use) shall conform with all of the following standards prior to construction, change in use or during normal operations unless specifically exempted. All existing uses shall comply with the following operational standards (i.e., dust and dirt, fumes, glare, etc.) as determined applicable by the Director:

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|---|---------------------------------|
| 1. Access | 13. Lighting |
| 2. Antennae | 14. Noise Attenuation |
| 3. Design Considerations | 15. Odor |
| 4. Dust and Dirt | 16. Projections into Setbacks |
| 5. Environmental Assessment | 17. Radioactivity |
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| 7. Fences, Walls, Hedges and
Corner Obstructions | 19. Security Doors/Gates |
| 8. Fire Protection | 20. Solar Energy |
| 9. Fumes, Vapor and Gases | 21. Storage |
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| 11. Hazardous Material | 23. Trash/Recyclable Materials |
| 12. Height Determination | 24. Undergrounding of Utilities |
| | 25. Vibration |

These standards apply to more than one zoning district, and therefore, are combined in this Section. Also, these standards shall be considered in conjunction with the standards located in the specific zoning district Sections.

1. ACCESS

Every structure or use shall have frontage upon a public street or permanent means of access to a public street by way of a public or private easement (with a minimum width of 12 feet for access serving only one residential unit and 20 feet for access serving 2 or more units), or recorded reciprocal access agreement. The minimum width for a commercial or manufacturing/industrial use shall be 20 feet.

2. ANTENNAE DEVELOPMENT STANDARDS

This Subsection shall govern the location, construction, installation, maintenance and operation of satellite (residential and non-residential), cellular and amateur radio antennae. Normal/typical television antennae or satellite dishes with a maximum diameter of 18 inches are not regulated by this Subsection.

A. GENERAL STANDARDS

All satellite antennae, including portable units and dish antennae, shall be designed, installed, treated, operated and maintained in the following manner:

1. Plans for an antenna shall be submitted with an application for a Building Permit, which shall include a site plan and elevation drawings indicating the height, diameter, color, setbacks, foundation details, landscaping, and method of screening. The plans shall be subject to the approval of the Director;
2. Generally, no antennae shall be placed or permitted to remain above the roof of any structure or installed anywhere on the ground, so as to be visible from neighboring properties or public rights-of-way;
3. No antennae shall be located within any required front or street side yard setbacks in any zoning district. In addition, no portion of an antenna shall extend beyond the property lines;
4. The antennae and supporting structure shall be painted a single, neutral, non-glossy color (i.e., earthen tones [off-white, creme, beige, green]) in order to blend with the adjacent improvements on site and, to the extent possible, to be compatible with the appearance and character of the surrounding neighborhood;
5. All electrical and antennae wiring shall be placed underground whenever possible; and

6. All antennae, appurtenances, landscaping and screening shall be maintained in good condition and in compliance with all of the requirements of this Subsection.

B. RESIDENTIAL ZONING DISTRICT STANDARDS

In any residential zoning district, all satellite antennae shall be subject to the following standards:

1. Only ground-mounted antennae shall be permitted and the antennae shall be located in the rear of the parcel. This provision may be modified by the Director if strict compliance would result in no/poor satellite reception. However, the maximum diameter of a non-ground-mounted antenna shall be 3 feet;
2. The location and height of the antenna shall comply with all requirements of the underlying zoning district for accessory structures;
3. Only one antenna may be permitted on any parcel;
4. The antenna shall be separated from adjacent properties by at least a 6 foot high solid wall or fence or by natural plants or trees of equal minimum height and planted to provide maximum screening, subject to approval of the Director;
5. The diameter of the ground-mounted antennae shall not exceed 10 feet;
6. The antennae shall be sited to ensure compatibility with surrounding development and not adversely effect the neighborhood; and
7. The antenna shall be used for private, noncommercial, purposes only.

C. NON-RESIDENTIAL ZONING DISTRICT STANDARDS

In any non-residential zoning district, satellite antennae may be roof or ground-mounted. These antennae shall be subject to the following standards:

1. If roof-mounted, the antennae shall be screened from ground view by a parapet or other type of appropriate screening. The minimum height and design of the parapet, wall, or screening shall be subject to approval of the Director;

2. If ground-mounted, the antennae shall not be located between a structure and a front parcel line and shall be screened from public view and adjacent properties by at least a 6 foot high solid wall or fence or by natural plants or trees of equal minimum height and planted to provide maximum screening subject to approval of the Director;
3. The location and height of the antenna shall comply with all requirements of the underlying zoning district. The height provision may be modified by the Director if strict compliance would result in no/poor satellite reception and a site specific visual analysis would support a taller installation;
4. If the subject parcel abuts a residential zoning district/use, all antennae shall be placed a minimum of 15 feet from any property line abutting the residential district/use; and
5. The diameter of the ground-mounted antennae shall not exceed 12 feet.

D. CELLULAR RADIOTELEPHONE COMMUNICATION FACILITIES

All cellular radiotelephone communication facilities shall be designed, constructed, installed, treated, operated and maintained in the following manner:

1. A cellular radiotelephone communication facility is the equipment, including towers and antennae, necessary to accommodate a cellular communications system as defined by the Federal Communications Commission (FCC) and which is regulated by the State Public Utilities Commission (PUC);
2. Plans for the facility shall be submitted with an application for a Development Permit, which shall include a site plan and elevation drawings indicating the height, diameter, color, setbacks, foundation details and landscaping. The plans shall be subject to the approval of the Director;
3. All City agencies, special districts and utility providers shall be encouraged to permit co-location of cellular equipment on appropriate existing structures/towers subject to reasonable engineering requirements;
4. No equipment shall be located within any required front or street side yard setbacks in any zoning district. In addition, no portion of the equipment shall extend beyond the property lines;

5. The maximum height of ground-mounted equipment (antennae/tower) shall not exceed 35 feet in a residential zoning district and 65 feet in a non-residential zoning district. This provision may be modified by the Director if strict compliance would result in no/poor service.
6. The maximum height of the equipment (antennae/ tower) located on the roof of a structure shall not exceed 25 feet or the setback from the nearest roof edge, whichever is less. This provision may be modified by the Director if strict compliance would result in no/poor service.
7. The maximum height of the equipment (antennae without a tower) located on the structure's facade shall not exceed 10 feet above the height of the structure or the height of the structure plus the horizontal distance from the antennae to the edge of the roof, whichever is less. This provision may be modified by the Director if strict compliance would result in no/poor service.
8. If the subject parcel abuts a residential zoning district/use, all equipment shall be placed a minimum of 25 feet from any parcel line abutting the residential district/use, and properly screened subject to the approval of the Director;
9. Identification signs, including emergency phone numbers of the cellular service provider, shall be posted at all equipment/tower sites;
10. Landscaping, fencing and other improvements required by the Director shall be installed prior to the issuance of an Occupancy Clearance;
11. The equipment and supporting structure shall be painted a single, neutral, non-glossy color (i.e., earthen tones [off-white, cream, beige, green]) in order to blend with the adjacent improvements on site and, to the extent possible, to be compatible with the appearance and character of the surrounding neighborhood;
12. All electrical and equipment wiring shall be placed underground whenever possible;
13. All equipment, appurtenances and landscaping shall be maintained in good condition and in compliance with all of the requirements of this Subsection; and
14. All unused/obsolete equipment/towers shall be removed from the site within 6 months after their need/operation has ceased.

E. AMATEUR RADIO ANTENNAE STANDARDS

Single pole/tower amateur radio antennae shall be installed in the following manner:

1. The maximum height shall not exceed 35 feet in a residential zoning district and 50 feet in a non-residential zoning district measured from the finished grade of the parcel. This provision may be modified by the Director if strict compliance would result in no/poor reception and a site specific visual analysis would support a taller installation;
2. The boom or any component shall not exceed 30 feet in length; and
3. The antennae may be roof or ground-mounted.

F. EFFECTS OF DEVELOPMENT ON ANTENNA RECEPTION

The City shall not be held liable if subsequent development impairs antenna reception.

G. VARIANCES FROM STANDARDS

Antennae not complying with the requirements of this Subsection may be authorized only in compliance with the granting of a Variance, in compliance with Section 6.04.64. Any Variance so granted is revocable for failure by the applicant or property owner to comply with the conditions imposed, as well as the other findings outlined in Subsection 6.04.6425. A Variance may be issued for an antenna only if it meets the following findings/standards, in addition to those outlined in Subsection 6.04.6425:

1. Locating the antenna in conformance with the specifications of this Subsection would obstruct the antenna's reception window (i.e., the area within the direct line between the satellite antenna and those orbiting communication satellites carrying available programming, other cellular facilities within the same cell/grid, etc.) or otherwise excessively interfere with the reception, and the obstruction or interference involves factors beyond the applicant's control; or, the cost of meeting the specifications of this Subsection is excessive, as determined by the Director, given the cost of the proposed antenna;

2. The Variance application includes a certification that the proposed installation is in compliance with applicable Building Code regulations. Furthermore, the application shall contain written documentation of this compliance, including load distributions within the support structure and certified by a registered engineer; and
3. If it is proposed that the antenna will be located on the roof, where possible, the antenna shall be located on the rear portion of the roof with appropriate screening consistent with the architectural character/style and materials of the structure.

3. DESIGN CONSIDERATIONS

The following standards are in addition to the specific development standards contained in the individual zoning district Sections:

- A. The proposed development shall be of a quality and character which is consistent with any adopted design guidelines and policies including, but not limited to, bulk, colors, compatibility, height, materials, roof pitch, scale and the preservation of privacy;
- B. The project design shall improve community appearance by avoiding excessive variety and monotonous repetition;
- C. Proposed signs and landscaping shall be integral design elements which do not overwhelm or dominate the project;
- D. Lighting shall be energy efficient, stationary, shielded and directed away from all adjacent properties and public rights-of-way;
- E. Mechanical equipment, storage, trash areas, and utilities shall be located out of public view or architecturally screened to the satisfaction of the Director;
- F. Site access, parking, loading and drive aisles shall be designed in a safe and efficient manner;
- G. The proposed project shall be designed to protect sensitive land uses by promoting a harmonious and compatible transition in terms of scale/character between areas of different land uses/zoning districts;
- H. All structure elevations shall be architecturally treated/enhanced appropriate to the structure's use;
- I. Accessory structures shall be architecturally compatible with both the primary (on-site) and adjacent/surrounding structures;

- J. Both sides of all perimeter walls or fences shall be architecturally treated;
- K. Nearly vertical roofs (A-frames) and piecemeal mansard roofs (used only on a portion of the structure perimeter) are prohibited. Mansard roofs shall wrap around the entire structure perimeter whenever a freestanding structure is proposed;
- L. Additions/alterations to existing structures shall be substantially the same in appearance (or an improvement, if determined necessary by the Director) as the original, to the greatest extent possible, especially use of exterior color, materials and roof line(s); and
- M. Except for single-family dwellings, no portion of a parcel shall be unimproved at the time of occupancy. All unpaved areas shall be graded, planted and properly maintained at all times in compliance with Section 6.04.28 (Landscaping Standards).

4. DUST AND DIRT

All land use activities (i.e., construction, grading gardening and operation) shall be conducted so as to create as little dust or dirt emission beyond any boundary line of the parcel as possible. To ensure that this occurs, appropriate grading procedures shall include, but are not limited to, the following:

- A. Schedule all grading activities to ensure that repeated grading will not be required, and that implementation of the desired land use (i.e., construction, paving or planting) will occur as soon as possible after grading;
- B. Do not perform any grading activities when the wind speed exceeds 25 miles per hour;
- C. Disturb as little native vegetation as possible;
- D. Water graded areas as often as necessary or hydro seed and install a temporary irrigation system, subject to the approval of the Director;
- E. Revegetate graded areas as soon as possible to minimize dust and erosion; and
- F. Construct appropriate walls or fences to permanently contain the dust and dirt within the parcel, subject to the approval of the Director.

5. ENVIRONMENTAL RESOURCES/CONSTRAINTS

All development proposals shall be evaluated in compliance with the California Environmental Quality Act (CEQA).

6. EXTERIOR STRUCTURE WALLS

The following standards shall apply to all exterior structure wall construction:

- A. Since structure walls tend to be the main architectural and visual feature in any major development, restraint shall be exercised in the number of permissible finish materials. The harmony of materials and particularly color treatment is essential to achieve unity in the project;
- B. The following elements are deemed unacceptable in any development and shall be prohibited:
 - 1. Nonanodized and unpainted aluminum finished window frames, unless it can be demonstrated, to the satisfaction of the Review Authority, that these elements are consistent with the structure's overall design character, as well as the character of the surrounding area;
 - 2. Metal grilles and facades. However, grilles and facades of unique design and in keeping with the general decor of the development and neighborhood may be allowed subject to the approval of the Review Authority; and
 - 3. Aluminum or other metal panels, or reflective "mirror" type glass windows/panels, unless it can be demonstrated, to the satisfaction of the Review Authority, that these elements are consistent with the structure's overall design character, as well as the character of the surrounding area, and do not adversely affect the pedestrian/vehicular environment.
- C. Exterior walls shall be constructed, treated and maintained in compliance with Municipal Code Chapter 15.25 (Graffiti).

7. FENCES, WALLS, HEDGES AND CORNER OBSTRUCTIONS

The following standards shall apply to the installation of all fences, walls and hedges:

- A. On a corner parcel, no fence, wall, hedge, sign or other structure, shrubbery, mounds of earth, or other visual obstruction over 36 inches in height above the nearest street curb elevation shall be erected, placed, planted, or allowed to grow within a traffic safety-sight area.

This provision shall not apply to public utility poles; trees trimmed (to the trunk) to a line at least 6 feet above the elevation of the intersection; saplings or plant species of open growth habits and not planted in the form of a hedge, which are so planted and trimmed as to leave, at all seasons, a clear and unobstructed crossview; supporting members of appurtenances to permanent structures existing on the date that this Ordinance becomes effective; and official warning signs or signals;

- B. A maximum 6 foot (or 8 foot when required by the Director) high fence, wall, or hedge may be located anywhere on a parcel except in a traffic safety-sight area, required front setback or street-side setback. The maximum height in these locations shall be 36 inches or as required by other provisions of this Ordinance;
- C. When there is a difference in the ground level between 2 adjoining parcels, the height of any fence/wall constructed along the common property line shall be determined by using the finished grade of the highest contiguous parcel;
- D. Perimeter fences/walls shall have articulated planes by providing at a minimum for every 100 feet of continuous wall a 5 foot deep by 6 foot long landscaped recession. The design may include an appropriate mix of materials and finish subject to the approval of the Director;
- E. The provisions of this Subsection shall not apply to a fence/wall required by any law or regulation of the City, State, or any agency thereof;
- F. The use of barbed wire, electrified fence, or razor wire fence in conjunction with any fence, wall, or hedge, or by itself is allowable only in the MPD zoning district, subject to the approval of the Director and is prohibited within any other zoning district, unless required by any law or regulation of the City, State, or any agency thereof;

- G. Chain link fencing is permitted only in the RPD, MPD and P-F zoning districts as follows:
1. Generally, the chain link fencing may only be located along the side property line, behind the front yard setback, and along the rear property line when planted with vegetation of sufficient density and height to screen the fence from adjacent parcels and public areas. Additionally, chain link fencing with neutral colored wooden slats may be used for outdoor storage areas if the fence would not be readily visible from any public rights-of-way;
 2. In the RPD zoning districts chain link fencing may be allowable within the front yard setback, to a maximum height of 4 feet, subject to the approval of the Director;
 3. In the MPD and P-F zoning districts the chain link fence design/construction is subject to the approval of the Director; and
 4. Chain link fencing may be used in conjunction with swimming pools and tennis courts, private and commercial, and where it is required by any law or regulation of the City, State, or any agency thereof.
- H. Six foot high (8 foot high when required/approved by the Director) fencing/walls are required to be installed adjacent to individual dwellings when adjoining public parks, open spaces and/or major rights-of-way. The permanent fencing/walls are to be provided by the applicant prior to the completion of construction, and the design/construction shall be subject to the approval of the Director; and
- I. Fences and walls shall be constructed, treated and maintained in compliance with Municipal Code Chapter 15.25 (Graffiti).

8. FIRE PROTECTION

All structures and uses shall meet the requirements of the Fire Department.

9. FUMES, VAPOR, GASES, AND OTHER FORMS OF AIR POLLUTION

If any existing or proposed use produces emissions which can cause damage to human health, animals, vegetation or other forms of property in quantities that can or may be readily detectable at any point along or outside the boundary lines of the subject parcel, the use responsible shall have the source of the contaminant properly controlled in order to prevent, to the maximum extent feasible, the issuance, continuance or recurrence of any emission detectable beyond the boundary lines of the subject parcel. All emissions shall be in compliance with the Ventura County Air Pollution Control District, the Ventura County Environmental Health Department and Regional Water Quality Control Board permits/regulations.

10. GLARE AND HEAT

Any existing or proposed use that emits glare or heat which constitutes or may be considered a nuisance/hazard on any adjacent property (i.e., arc welders, acetylene torches, furnaces or similar equipment) shall incorporate a shield or control all sources of glare or heat in order to prevent the issuance, continuance or recurrence of the nuisance/hazard.

11. HAZARDOUS MATERIALS

The following standards are intended to ensure that the use, handling, storage and transportation of hazardous substances comply with all applicable State laws (Government Code Section 65850.2 and Health and Safety Code Section 25505, et. seq.). It is not the intent of these provisions to impose additional restrictions on the management of hazardous wastes, which would be contrary to State law, but only to require reporting of information to the City that shall be provided to other public agencies.

For the purposes of this Subsection, "hazardous substances" shall include all substances on the comprehensive master list of hazardous substances compiled and maintained by the California Department of Health Services.

- A. A Conditional Use Permit shall be required for any new commercial, industrial, institutional or accessory use, or major addition (over 25%) to an existing use, that involves the manufacture, storage, handling, or processing of hazardous substances in sufficient quantities that would require permits as hazardous chemicals under the Uniform Fire Code, with the following exceptions:
 - 1. Underground storage of bulk flammable and combustible liquids; and
 - 2. Hazardous substances in container sizes of 10 gallons or less that are stored or maintained for the purpose of retail or wholesale sales.
- B. All businesses required by State law (Health and Safety Code, Chapter 6.95) to prepare hazardous materials release response plans shall submit copies of these plans, including any revisions, to the Director at the same time these plans are submitted to the Fire Department which is responsible for administering these provisions;

- C. Underground storage of hazardous substances shall comply with all applicable requirements of State law (Health and Safety Code, Chapter 6.7; and Section 79.113(a) of the Uniform Fire Code.) Any business that uses underground storage tanks shall comply with the following notification procedures:
 - 1. Notify the Fire Department of any unauthorized release of hazardous substances immediately after the release has been detected and the steps taken to control the release; and
 - 2. Notify the Fire Department and the Director of any proposed abandoning, closing or ceasing operation of an underground storage tank and the actions to be taken to dispose of any hazardous substances.
- D. Above-ground storage tanks for any flammable liquids shall be allowed only at refinery or bulk storage plant locations, subject to the approval of the Fire Department; and
- E. All structures subject to the provisions of this Ordinance as well as all newly created parcels shall be designed to accommodate a setback of at least 100 feet from any existing natural gas or petroleum pipeline. This setback may be reduced, only if the Director can make one or more of the following findings:
 - 1. The structure would be protected from the radiant heat of an explosion by berming or other physical barriers;
 - 2. A 100 foot setback would be impractical or unnecessary because of existing topography, streets, parcel lines or easements; or
 - 3. A hazardous liquid containment system or other mitigating facility shall be constructed, and the City Engineer finds that a leak would accumulate within the reduced setback area. The design of the system shall be subject to the approval of the City Engineer.

For the purpose of this Subsection, a pipeline is defined as follows:

- 1. A pipe with a nominal diameter of 6 inches or more, that is used to transport hazardous liquid, but does not include a pipe used to transport or store hazardous liquid within a refinery, storage or manufacturing facility; or
- 2. A pipe with a nominal diameter of 6 inches or more operated at a pressure of more than 275 pounds for each square inch that carries gas.

A subdivider of a development within 500 feet of a pipeline shall notify a new/potential owner at the time of purchase and at the close of escrow of the location, size and type of pipeline.

12. HEIGHT DETERMINATION (STRUCTURES)

All structures shall meet the following standards relating to height:

- A. The structure's height shall not exceed the standard for the zoning district in which it is located. The structure height shall be determined from the "finished grade" of the parcel (at a point within 5 feet of the exterior wall[s] of the structure) to the highest ridgeline of the structure, excluding architectural features not exceeding a height of 3 feet, including towers, spires, chimneys, machinery, penthouses, scenery lofts, cupolas, water tanks, radio aerials, television antennas and similar architectural and utility structures;
- B. Final pad elevations shall be reviewed and approved by the Director based on the following criteria:
 - 1. Flood control;
 - 2. Site drainage;
 - 3. View shed protection from both public and private property;
 - 4. Protection of privacy of surrounding parcels including consideration of the location of balconies, decks, doors and windows;
 - 5. Structure setback in relationship to structure height and property lines;
 - 6. Sightline and structure envelope analysis;
 - 7. Sewer line grade and location;
 - 8. Necessary slopes and retaining walls; and
 - 9. General visual relationship between site and surrounding areas.
- C. Perimeter fences/walls, shall not exceed 6 feet (or 8 feet when required by the Director) in height in compliance with Subsection 6.04.1805(7).
- D. Architectural walls integral to the structure design, and attached to the structure, may exceed 6 feet in height, subject to the approval of the Director; and
- E. Free-standing, ground mounted flag poles may not exceed 35 feet in height.

13. LIGHTING

Exterior lighting shall be energy-efficient and shielded or recessed so that direct glare and reflections are confined, to the maximum extent feasible, within the boundaries of the parcel, and shall be directed downward and away from adjoining properties and public rights-of-way. No lighting shall blink, flash, or be of unusually high intensity or brightness. All lighting fixtures shall be appropriate in scale, intensity, and height to the use they are serving. Security lighting shall be provided at all entrances/exits except in the RPD R&L zoning districts.

14. NOISE ATTENUATION

Certain noise levels are detrimental to the health and safety of individuals and are considered a public nuisance. The City strongly discourages unnecessary, excessive, or annoying noises from all sources.

A. EXCESSIVE NOISE PROHIBITED

It shall be unlawful for any person to willfully make or continue, or willfully cause to be made or continued, any loud, unnecessary, or unusual noise which disturbs the peace or quiet of any neighborhood or district or constitutes a public nuisance.

B. EXTERIOR NOISE STANDARDS

Each developer/operator shall be responsible for the attenuation/mitigation of noise produced by the use or operation. The following noise levels (identified as mitigation measures in the 1989 General Plan EIR [page 2-20]) are the maximums permitted in the City.

<u>Time Period</u>	<u>Maximum Noise Level*</u>
7:00 A.M. - 7:00 P.M.	68 dBA
7:00 P.M. - 10:00 P.M.	50 dBA
10:00 P.M. - 7:00 A.M.	45 dBA

* As measured at the property line of the noise source.

Wherever appropriate, consultation with a noise specialist to identify appropriate mitigation measures (i.e., insulation of structure walls, proper equipment footings/base, etc.) may be required by the Director. Additionally, the Department may require specific information and/or a complete noise study to assess a potential noise-producing activity.

Any noise measurement made in compliance with this Subsection shall be made with a sound level meter using the 'A' weighted network (scale). Calibration of the measurement equipment, utilizing an acoustic calibrator, shall be performed immediately prior to recording any noise data.

C. GENERAL REGULATIONS

1. Loading and Unloading

No person shall cause the loading, unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects between the hours of 10:00 P.M. and 7:00 A.M. in a manner which would cause a noise disturbance to a residential zoning district.

2. Vehicle Repairs and Testing

No person shall cause or permit the repairing, rebuilding, modifying, or testing of any motor vehicle, motorcycle, motorboat, or other motorized vehicle in a manner as to cause a noise disturbance between the hours of 8:00 P.M. and 7:00 A.M. within or adjacent to any residential zoning district.

3. Parking and Landscape Areas

Parking and landscape area activities, (i.e., mechanical sweeping, mechanical grass cutting, mechanical blowing, etc.) shall not effect residential uses. No parking area or landscape maintenance shall occur between the hours of 8:00 P.M. and 7:00 A.M. which would cause a noise disturbance to a residential zoning district.

D. RESIDENTIAL DESIGN REQUIREMENTS

1. Whenever a residential project is proposed on a site where the existing exterior ambient noise level exceeds 65 dBA, features shall be incorporated into the design of the structure(s) that will produce interior noise levels below 45 dBA CNEL.
2. All residential developments shall incorporate the following noise mitigation measures whenever appropriate:
 - a. Increase the distance between the noise source and receiver;
 - b. Locate land uses not sensitive to noise (i.e., parking lots, garages, maintenance facilities, utility areas, etc.) between the noise source and the receiver;

- c. Locate bedrooms on the side of the structure away from major public rights-of-way; and
 - d. Create quiet outdoor spaces in multi-family projects by creating a U-shaped development that faces away from the public right-of-way.
3. The minimum acceptable surface weight for a noise barrier is 4 pounds for each sq. ft. (equivalent to 3/4 inch plywood). The barrier shall be of a continuous material that is resistant to sound, and may include the following:
 - a. Masonry block;
 - b. Precast concrete; or
 - c. Earth berm or a combination of earth berm with concrete block.
4. Noise barriers shall interrupt the line-of-sight between the noise source and the receiver.

E. EXCEPTIONS TO PROVISIONS

The following activities shall be exempted from the provisions of this Subsection:

1. Activities conducted on the grounds of any public or private school, or public park/playground;
2. Outdoor gatherings, public dances and shows, provided the events are conducted in compliance with a permit issued by the City;
3. Any mechanical device, apparatus or equipment used, related to or connected with emergency machinery, vehicle or work;
4. Noise sources associated with construction, repair, remodeling, or grading of any real property, provided the activities do not take place between the hours of 8:00 P.M. and 7:00 A.M. on weekdays, including Saturday, or at any time on Sunday or a major State or Federal holiday;
5. Noise sources associated with the maintenance of real property, provided the activities do not take place between 8:00 P.M. and 7:00 A.M. on weekdays, including Saturdays, or earlier than 9:00 A.M. on Sundays and State or Federal holidays; and
6. Any activity that has been preempted by Local, Regional, State or Federal law.

15. ODOR

Any existing or proposed use producing odors or noxious matter in quantities that can or may become a public nuisance/hazard shall have the source of the contaminant controlled in order to prevent the issuance, continuance or recurrence of any emission detectable beyond the boundary lines of the subject parcel.

16. PROJECTIONS/CONSTRUCTION/EQUIPMENT

Standards governing allowable projections into permitted setbacks are outlined in Subsection 6.04.0415(2.A).

17. RADIOACTIVITY OR ELECTRIC DISTURBANCE

Any existing or proposed use that can or may generate any electrical disturbances or produce any radioactive emanations that can or may be considered a nuisance/hazard shall shield or control the source of the electrical/radioactive emanations in order to prevent the issuance, continuance or recurrence of any hazardous or disturbing emanations.

18. SCREENING

Wherever a parcel zoned for commercial or industrial purposes abuts a residential zoning district/use, there shall be erected along the property line abutting the residential zoning district/use a 6 foot high (8 foot high when required/approved by the Director) solid decorative masonry wall. The wall shall be architecturally treated on both sides, subject to the approval of the Director.

Any equipment, whether on the roof, side of structure, or ground, shall be properly screened from public view. The method of screening shall be architecturally compatible in terms of colors, materials, shape, and size. The screening design/construction shall be subject to the approval of the Director and shall blend with the design of the structure and include appropriately installed/maintained landscaping when on the ground.

19. SECURITY DOORS/GATES

A. This Subsection applies only to commercial and industrial zoning districts/uses and not to residential zoning districts/uses. For the purpose of this Subsection, the following definitions shall apply:

1. Accordion Doors/Gates. Security doors/gates used for protection/separation purposes which fold out in a manner similar to an accordion. This type of security door/gate is also known as a "scissor gate";

2. Roll-Up Doors/Gates. Security doors/gates used for protection/ separation purposes which roll up into the ceiling or a hood enclosure; and
 3. Grille Roll-Up Doors/Gates. Security doors/gates used for protection/separation purposes which meet the definition of a roll-up door/gate with the exception that it is composed of horizontal tubes running the full width of the door/gate connected with vertical links to form a mesh. This type of roll-up door/gate shall be a maximum of 20% solid.
- B. Security doors/gates shall be permitted only on the interior of the structure or tenant space, except as follows:
1. Garage roll-up doors/gates shall be permitted on the exterior of the structure only when in conjunction with a vehicle service/repair facility. These doors/gates shall be permitted on the repair bays only; and
 2. Loading roll-up doors/gates shall be permitted on the rear of a structure only. The Director may permit the doors/gates on the front or side if vehicular access is available only on the front or side respectively.
- C. Any security door/gate which is legally or illegally in existence on the effective date of this Subsection, and which does not conform to these provisions, shall be removed or modified to conform to these provisions within 2 years of the effective date of this Subsection; and
- D. All permitted roll-up doors/gates shall be installed so that the hood enclosure is either integrated into the structure or hidden from view from all adjoining public rights-of-way.

20. SOLAR ENERGY DEVELOPMENT STANDARDS

Passive heating and cooling opportunities should be incorporated in all developments in the following manner:

- A. All future structures should be oriented to maximize solar access opportunities;
- B. Lot sizes/configurations should be designed to maximize the number of structures oriented so that the south wall and roof area face within 45 degrees of due south, while permitting the structures to receive cooling benefits from prevailing breezes and existing and proposed shading;
- C. Any pool or spa facilities owned and maintained by a homeowner's association shall be equipped with a solar cover and solar water heating system;
- D. Roof-mounted solar collectors shall be placed in the least conspicuous location without reducing the operating efficiency of the collectors. Wall-mounted and ground-mounted collectors shall be screened from public view, to the maximum extent feasible;

- E. Roof-mounted collectors shall be installed at the same angle or as close as possible to the pitch of the roof;
- F. Appurtenant equipment, particularly plumbing and related fixtures, shall be installed in the attic whenever possible or screened from public view, to the maximum extent feasible;
- G. Exterior surfaces of the collectors and related equipment shall have a matte finish and shall be color-coordinated to harmonize with roof materials and other dominate colors of the structure; and
- H. No structures (building, wall, fence, etc.) should be constructed or vegetation placed or permitted to grow, so as to obstruct solar access on an adjoining parcel.

21. STORAGE

- A. There shall be no visible storage of motor vehicles (parked at the same location for a period exceeding 48 continuous hours), trailers, airplanes, boats, or their composite parts; loose rubbish, garbage, junk, or their receptacles; tents; or building or manufacturing materials on any portion of a parcel, with the exception of recreational vehicles in compliance with Subsection 6.04.3440(5) storage shall occur on any vacant parcel;
- B. No vehicles may be stored or displayed for sale on any vacant parcel or at any vacant or operational non-residential location, except by an employee during normal working hours or as part of a permitted used vehicle sales operation; and
- C. Building materials for use on the same premises may be stored on the parcel only during the time that a valid Building Permit is in effect for construction.

22. TOXIC SUBSTANCES AND WASTES

No use may operate that utilizes toxic substances or produces toxic waste without the approval of a Conditional Use Permit, in compliance with Section 6.04.70. Prior to consideration of an application for a Conditional Use Permit, the operator shall prepare a toxic substance and waste management plan which will provide for the safe use and disposal of these substances. This plan shall be approved with conditions by the Review Authority as part of the permit review process.

23. TRASH/RECYCLABLE MATERIALS STORAGE

The following provisions establish standards for the construction/operation of trash and recyclable material storage areas in compliance with the California Solid Waste Reuse and Recycling Access Act (Public Resources Code Sections 42900 through 42911).

"Recyclable material," also referred to as "recyclables" is reusable material including, but not limited to, glass, metals, paper and plastic which are intended for reuse, remanufacture or reconstitution for the purpose of using the altered form. Recyclable material does not include refuse or hazardous waste or hazardous waste materials. "Trash" is the remaining solid

waste.

The Department shall not issue any ministerial/discretionary permit for new construction/remodeling unless the permit is in compliance with this Subsection. The applicant shall provide a complete set of plans illustrating compliance with the following standards:

A. RESIDENTIAL STRUCTURES

Multi-family residential developments (with 5 or more dwelling units) within all residential zoning districts shall provide trash and recyclable material storage areas as follows:

1. Internal Storage Requirements

Each dwelling unit shall include an area with a minimum of 6 cubic feet designed for the internal storage of trash and recyclable material. A minimum of 3 cubic feet shall be provided for the storage of trash and a minimum of 3 cubic feet shall be provided for the storage of recyclable material; and

2. Exterior Storage Requirements

The following are minimum exterior trash and recyclable material storage area requirements. These requirements apply to each individual structure.

**TRASH AND RECYCLABLE MATERIALS STORAGE REQUIREMENTS
RESIDENTIAL STRUCTURES**

Dwelling Units	Trash	Recyclables	Total Area
2 - 6	2 sq. ft.	12 sq. ft.	24 sq. ft.
7 - 15	24	24	48
16 - 25	48	48	96
26 - 50	96	96	192
51 - 75	144	144	288
76 - 100	192	192	384
101 - 125	240	240	480
126 - 150	288	288	576
151 - 175	336	336	672
176 - 200	384	384	768
201 +	Every additional 25 dwelling units shall require an additional 48 sq. ft. for trash and 48 sq. ft. for recyclables.		

B. NON-RESIDENTIAL STRUCTURES/USES

Non-residential structures/uses within all zoning districts shall provide exterior trash and recyclable storage areas. The following are minimum exterior storage area requirements. These requirements apply to each individual structure.

**TRASH AND RECYCLABLE MATERIALS STORAGE REQUIREMENTS
NON-RESIDENTIAL STRUCTURES**

Structure Size (Sq. Ft.)	Trash	Recyclables	Total Area
0 - 5,000	12 sq. ft.	12 sq. ft.	24 sq. ft.
5,001 - 10,000	24	24	48
10,001 - 25,000	48	48	96
25,001 - 50,000	96	96	192
50,001 - 75,000	144	144	288
75,001 - 100,000	192	192	384
100,001 +	Every additional 25,000 sq. ft. shall require an additional 48 sq. ft. for trash and 48 sq. ft. for recyclables.		

- C. Exterior trash and recyclable material storage shall be adjacent/combined with one another and may only be located on the outside of a structure, or in a designated interior court/yard area with appropriate access, or in rear yards and interior side yards. Exterior storage area(s) shall not be located in any required front yard, street side yard, any required parking/landscaped/open space areas or any area(s) required by the Municipal Code to be maintained as unencumbered;
- D. The storage area(s) shall be accessible to residents and employees. Each storage area within a multi-family residential development shall be no greater than 250 feet from each dwelling unit;
- E. Driveways/aisles shall provide unobstructed access for collection vehicles and personnel and provide at least the minimum clearance required by the collection methods and vehicles utilized by the designated collector/hauler. In all cases where a parcel is served by an alley, all exterior storage area(s) shall be directly accessible to the alley;
- F. The storage area(s), and the individual bins/containers provided within, shall be adequate in capacity, number and distribution to serve the anticipated demand;
- G. The design/construction of the storage area(s) shall:
 - 1. Be compatible with the surrounding structures and land uses;
 - 2. Be properly secured to prevent access by unauthorized persons;
 - 3. Contain a concrete pad within the fenced/walled area(s) and a concrete apron which facilitates the handling of the individual bins/containers; and
 - 4. Protect the areas and the individual bins/containers provided within from adverse environmental conditions which might render the collected materials unmarketable.
- H. Dimensions of the storage area(s) shall accommodate containers consistent with the current methods of collection. The storage area(s) shall be appropriately located and screened from view on at least 3 sides by a solid wall 6 feet in height and on the fourth side by a solid, reinforced gate not less than 6 feet in height. The gate shall be maintained in good working order and shall remain closed except when in use. The design of the wall and gate shall be architecturally compatible with the surrounding structures and subject to the approval of the Director;

- I. A sign clearly identifying each exterior trash and recyclable material storage area and the acceptable material(s) is required. Each sign shall not exceed one square foot in area and shall be posted on the exterior of the storage area, adjacent to all access points; and
- J. Trash receptacles for single-family homes should be stored within the enclosed garage or behind a fence or dense landscaping.

24. UNDERGROUNDING OF UTILITIES

Utilities shall be placed underground in compliance with Chapter 5.12 of the Municipal Code. In the event an above ground electrical transformer is located outdoors on any site, it shall be screened from view with a solid wall and/or landscaping and not located in any sidewalk area. If it cannot be screened to the satisfaction of the Director, it shall be located in an underground vault. The City Manager may waive any portion of this Subsection if topographical, soil, or similar physical or economic conditions make the undergrounding unreasonable/impractical.

25. VIBRATION

Any existing or proposed use generating mechanical vibrations that can or may be considered a nuisance/hazard on any adjacent parcel shall have the source of the vibration muffled or controlled in order to prevent the issuance, continuance or recurrence of the disturbing vibrations.

6.04.1810 APPLICABLE REGULATIONS

All uses shall be subject to the applicable provisions of this Ordinance, including the procedures outlined in the following Sections:

1. Section 6.04.70 Conditional Use Permits
2. Section 6.04.66 Development Permits
3. Section 6.04.28 Landscaping Standards
4. Section 6.04.68 Minor Conditional Use Permits
5. Section 6.04.60 Minor Modifications
6. Section 6.04.62 Minor Variances
7. Section 6.04.32 Off-Street Loading Standards
8. Section 6.04.34 Off-Street Parking Standards
9. Section 6.04.38 Sign Standards
10. Section 6.04.58 Temporary Use Permits
11. Section 6.04.64 Variances

**SECTION 6.04.20
BED AND BREAKFAST ESTABLISHMENTS**

6.04.2001 PURPOSE

To establish standards for the development/operation of Bed and Breakfast establishments.

6.04.2005 APPLICABILITY

Bed and Breakfast (B&B) establishments are permitted in the CBD zoning district and are allowable in the RPD, CBD, CO and CH zoning districts subject to the approval of a Conditional Use Permit. B&B establishments shall be developed/operated in the following manner:

1. The parcel upon which the B&B establishment is to be developed/operated shall conform to all standards of the RPD, CBD, CO and CH zoning districts, respectively;
2. In the RPD zoning districts, the B&B shall be an incidental/secondary use of a primary dwelling unit for business purposes. The intent of these provisions is to ensure that compatibility between the B&B and adjacent residential zoning districts/uses is maintained/enhanced;
3. In the RPD zoning districts, the B&B shall not be located within 300 feet of another B&B so as to preclude the proliferation/concentration of B&B's in a single neighborhood;
4. In the RPD zoning districts, the exterior appearance of the structure housing the B&B shall not be altered from its original single-family character;
5. In the RPD zoning districts, the owner/lessee of the structure housing the B&B shall operate the establishment and reside on site;
6. Service shall be limited to the rental of bedrooms. Meal service shall be limited to the provision of meals for registered guests;

In the RPD-L zoning district, a maximum of 5 bedrooms shall be made available for rent. A B&B having more than 5 bedrooms available for rent may be approved by the Commission if the structure housing the B&B is designated a Historical Landmark;

8. There shall be no additional food preparation areas for the guests;
9. No receptions, private parties or activities, for which a fee is paid or which is allowable as a condition of room rental, shall be permitted;
10. Each guest shall register upon arrival, stating their date of occupancy, name, current residence address and the license plate number of the vehicle that is being used by the guest. The registration form shall be kept by the owner/operator for a period of 2 years and shall be made available for examination by appropriate City representatives upon one day's notice;
11. A current City business license shall be maintained/displayed in compliance with Chapter 7.04 of the Municipal Code;
12. All B&B's shall be subject to the City's Transient Occupancy Tax in compliance with Chapter 3.12 of the Municipal Code;
13. Off-street parking shall be provided at a ratio of one space for each bedroom available for rent in addition to the parking required for the primary dwelling unit. This parking shall not be located within the required front setback;
14. Signs shall be limited to one on-site sign not to exceed 4 sq. ft. in area and shall be installed/maintained in compliance with Section 6.04.38 (Sign Standards). In the event of alley access to a guest parking area, a second sign, not to exceed 2 sq. ft. in area, may be approved by the Director in order to identify the parking area; and
15. The B&B shall meet all of the requirements of the Fire Department.

6.04.2010 APPLICABLE REGULATIONS

All uses shall be subject to the applicable provisions of this Ordinance, including the procedures outlined in the following Sections:

1. Section 6.04.70 Conditional Use Permits
2. Section 6.04.66 Development Permits
3. Section 6.04.54 Home Occupation Permits
4. Section 6.04.28 Landscaping Standards
5. Section 6.04.68 Minor Conditional Use Permits
6. Section 6.04.60 Minor Modifications
7. Section 6.04.62 Minor Variances
8. Section 6.04.32 Off-Street Loading Standards
9. Section 6.04.34 Off-Street Parking Standards
10. Section 6.04.38 Sign Standards
11. Section 6.04.58 Temporary Use Permits
12. Section 6.04.64 Variances

**SECTION 6.04.22
CONGREGATE HOUSING**

6.04.2201 PURPOSE

To establish locational/developmental/operational standards for Congregate Housing facilities.

6.04.2205 APPLICABILITY

Congregate Housing developments, allowable only in the RPD and CBD zoning districts, are subject to the approval of a Conditional Use Permit and shall be located/developed/operated in the following manner:

1. The parcel upon which the Congregate Housing facility is to be established shall conform to all standards of the RPD and CBD zoning districts, as applicable;
2. The congregate care housing facility shall conform with all local, Regional, State, and Federal requirements;
3. The number of residential dwelling units shall not exceed a maximum density of 15 units for each net acre;
4. A "density bonus" may be utilized if the development proposal can be found consistent with the applicable provisions of Subsection 6.04.0415(2.6) (Density Bonus);
5. The minimum floor area for each residential unit shall be as follows:

Studio: 410 square feet

One-bedroom: 510 square feet (if kitchen-dining living areas are combined)

570 square feet (if kitchen-dining living areas are separate)

Two-bedroom: 610 square feet (if kitchen-dining living areas are combined)

670 square feet (if kitchen-dining living areas are separate)

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6. The main entrance to the facility, common areas and all living units shall provide disabled access in compliance with applicable State and Federal law;
 7. Indoor common areas and living units shall be provided with all necessary safety equipment (i.e., safety bars, etc.), as well as emergency signal/intercom systems, subject to the approval of the Director;
 8. Adequate internal and external lighting shall be provided for security purposes. The external lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of an intensity compatible with the surrounding neighborhood;
 9. Common entertainment, recreational and social activity area(s) of a number, size and scale consistent with the number of living units shall be provided;
 10. Common laundry facilities of sufficient number and accessibility, consistent with the number of living units shall be provided;
 11. The development may provide one or more of the following specific common facilities for the exclusive use of the residents:
 - A. Beauty and barber shop;
 - B. Central cooking and dining room(s);
 - C. Exercise room(s); and
 - D. Small scale drug store and/or medical facility (not exceeding 850 sq. ft.).
 12. Off-street parking shall be provided in the following manner:
 - A. Standards relating to off-street parking, number of spaces required, disabled parking, access, surfacing, striping, lighting, landscaping, shading, dimensional requirements, etc. shall be in compliance with the standards outlined in Section 6.04.34 (Off-Street Parking Standards); and
 - B. Adequate and suitably striped or marked paved areas for shuttle parking. Shaded waiting areas shall be provided adjacent to the shuttle stops.
 13. A bus turnout and shelter along the street frontage shall be provided;
 14. Private dial-a-ride transportation shuttles should be provided for Congregate Housing facilities with a minimum of 50 dwelling units; exact number and schedule to be determined by the Review Authority; and

15. The entire project shall be designed to provide maximum security for residents, guests, and employees.

6.04.2210 APPLICABLE REGULATIONS

All uses shall be subject to the applicable provisions of this Ordinance, including the procedures outlined in the following Sections:

1. Section 6.04.70 Conditional Use Permits
2. Section 6.04.66 Development Permits
3. Section 6.04.28 Landscaping Standards
4. Section 6.04.68 Minor Conditional Use Permits
5. Section 6.04.60 Minor Modifications
6. Section 6.04.62 Minor Variances
7. Section 6.04.32 Off-Street Loading Standards
8. Section 6.04.34 Off-Street Parking Standards
9. Section 6.04.38 Sign Standards
10. Section 6.04.58 Temporary Use Permits
11. Section 6.04.64 Variances

SECTION 6.04.23
FARMWORKER CONGREGATE HOUSING
(March 1, 2004 per Ord. 03-774)

6.0402301 PURPOSE

To establish locational/developmental/operational/affordability standards for Farmworker Congregate Housing.

6.04.2305 APPLICABILITY

Farmworker Congregate Housing developments, allowable only in the RPD and CBD zoning districts, are subject to the approval of a Conditional Use Permit and shall be located/developed/operated in the following manner:

1. The parcel upon which the Farmworker Congregate Housing facility is to be established shall conform to all standards of the RPD and CBD zoning districts, as applicable¹;
2. The Farmworker Congregate Housing facility shall conform with all applicable local, Regional, State, and Federal requirements;
3. The number of kitchen facilities to be permitted with each Farmworker Housing facility within the RPD and CBD zoning districts shall determine the residential density for that facility and shall not exceed the maximum residential unit density of the zoning district;
4. The minimum floor area for each living unit shall not be less than that required by the current Uniform Building Code adopted by the City of Fillmore;
5. The main entrance to the facility, common areas and all living units shall provide disabled access in compliance with applicable state and Federal law;
6. Adequate internal and external lighting shall be provided for security purposes, the external lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of intensity compatible with the surrounding neighborhood;
7. Common entertainment, recreational and social activity area(s) of a number, size and scale consistent with the number of living units may be provided;
8. Common laundry facilities of sufficient number and accessibility, consistent with the number of living units shall be provided;
9. The development may provide one or more of the following specific common facilities for the exclusive use of the residents:
 - A. Beauty and barber shop;

¹ All uses in the CBD are subject to the CBD Development Standards in Subsection 6.04.0615(3.D).

- B. Central cooking and dining room(s);
 - C. Exercise room(s); and
 - D. Small scale drug store and/or medical facility (not exceeding 850 sq. ft.)
11. Off-street parking shall be provided in the following manner:
- A. Standards relating to off-street parking, number of spaces required, disabled parking, access, surfacing, striping, lighting, landscaping, shading, dimensional requirements, etc. shall be in compliance with the standards outlined in Section 6.04.34 (Off-Street Parking Standards for Congregate Facilities); and
 - B. Adequate and suitably striped or marked paved areas for shuttle parking. Shaded waiting areas shall be provided adjacent to the shuttle stops.
12. A bus turnout and shelter along the street frontage shall be provided;
13. Private dial-a-ride transportation shuttles should be provided for Farmworker Congregate Housing facilities with a minimum of 50 dwelling units; exact number and schedule to be determined by the Review Authority; and
14. The entire project shall be designed to provide maximum security for residents, guests, and employees.
15. Prior to the issuance of a Building Permit for any living unit within a Farmworker Congregate Housing facility, the applicant shall enter into a written agreement with the City, subject to City Council approval, to guarantee for 30 years the continued use and availability of the living units to farmworkers. The terms and conditions of the agreement shall run with the land, shall be binding upon the successor(s) in interest of the applicant, shall contain a covenant stating that the applicant or the successor(s) in interest shall not sell, rent, lease, sublet, assign, or otherwise transfer any interests without the written approval of the City confirming that the sales price of the units is consistent with the limits established by the State Department of Housing and Community Development for Farmworkers, and shall be recorded in the Office of the Ventura County Recorder.

6.04021306 AGRICULTURAL EMPLOYMENT CRITERIA

In a Farmworker Congregate Housing Complex, living units shall only be rented to, and shall only be occupied by, persons who are principally employed in Agricultural employment as defined in Section 6.04.9610 of the City of Fillmore Zoning Ordinance. A qualified farmworker who has been renting a living unit in a Farmworker Congregate Housing Complex and who subsequently retires or becomes disabled, may continue to reside in the living unit. Members of the farmworker's household, if any, may also occupy said unit.

6.04.2307 ANNUAL VERIFICATION OF AGRICULTURAL EMPLOYMENT

The owner of the property, or his/her designated agent, must submit all City-required verification fees and an annual verification report by May 15th of each year to the City Manager or his/her designee, in a form acceptable to the City Manager, that all living units are being rented to and occupied by persons who meet the Agricultural employment criteria established in Section 6.04.2306.

6.04.2308 ENFORCEMENT OF AGRICUTRAL EMPLOYMENT CRITERIA

The provisions of Section 6.04.2306 and 6.04.2307 shall be enforced through the conditions of approval of the Conditional Use Permit and any other entitlements required for a Farmworker Congregate Housing Complex, and through any necessary contractual agreements and/or deed restrictions implementing such conditions of approval. Violations of sections 6.04.2306 or 6.04.2307 shall be administered in accordance with Section 6.04.86.

6.04.2310 APPLICABLE REGULATIONS

All uses shall be subject to the applicable provisions of this Ordinance, including the procedures outlined in the following Sections:

1. Section 6.04.70 Conditional Use Permits
2. Section 6.04.66 Development Permits
3. Section 6.04.28 Landscaping Standards
4. Section 6.04.68 Minor Conditional Use Permits
5. Section 6.04.60 Minor Modifications
6. Section 6.04.62 Minor Variances
7. Section 6.04.32 Off-Street Loading Standards
8. Section 6.04.34 Off-Street Parking Standards
9. Section 6.04.38 Sign Standards
10. Section 6.04.58 Temporary Use Permits
11. Section 6.04.64 Variances

SECTION 6.04.24
HAZARDOUS WASTE FACILITY SITING

6.04.2401 PURPOSE

To establish uniform standards in order to regulate the location, design, operation and maintenance of hazardous waste facilities and to protect the health, quality of life and the environment of the City, based upon the following policies:

1. Prioritize hazardous waste management strategies as follows:
 - A. Source reduction (First);
 - B. On-Site recycling (Second);
 - C. Off-Site recycling (Third);
 - D. On-Site treatment (Fourth);
 - E. Off-Site treatment (Fifth); and
 - F. Disposal (Sixth).
2. Public participation shall be the highest priority during the process of siting hazardous waste facility projects;
3. The City, other local, Regional, State and Federal agencies shall cooperate with each other to efficiently regulate the management of hazardous materials and waste;
4. Transportation of hazardous waste shall be minimized and regulated to the maximum extent feasible, in order to avoid environmentally sensitive areas and populated, congested and dangerous routes, especially within the City limits; and
5. Strict enforcement of provisions governing the discharge of hazardous wastes into the City sewer system.

6.04.2405 DEFINITIONS

As applied to this Section, the terms: "hazardous waste," "hazardous waste facility" or "facility storage," "hazardous waste facility project," and "specified hazardous waste facility project," are defined by State law (Health and Safety Code Sections 25117, 25117.1, 25199.1 [b], 25199.1 [n], respectively).

6.04.2410 APPLICABILITY

All hazardous waste facilities are limited to the MPD zoning district, and shall require the approval of a Conditional Use Permit, in compliance with Section 6.04.70, in addition to complying with State law (Health and Safety Code Section 25199 et. seq.)

6.04.2415 STANDARDS AND LOCATIONAL CRITERIA

In addition to standards outlined in the Municipal Code and State law, the following shall apply:

1. PROXIMITY TO POPULATIONS

For a residual repository, as defined by State law (Health and Safety Code), the distance from the active portion of the facility to one or more residences shall be a minimum of 2,000 feet. Treatment and storage facilities, as defined by State law (Health and Safety Code), shall comply with all development standards (i.e., setbacks, height, etc.) for the MPD zoning district, unless a greater distance is justified, based upon the findings of a risk assessment;

2. PROXIMITY TO IMMOBILE POPULATIONS

A risk assessment shall be prepared by the operator, and reviewed by the Department as part of the permit process, which details the maximum credible accident resulting from the facility operations and its effect on all immobile populations within the City. The extent of the study shall appropriately address the quantity and types of wastes that could be received at the facility. Additionally, the study shall provide an estimate of the distance over which the effects of a spill or emergency situation would carry, and a variety of options and related procedures for significantly reducing identified risks;

3. CAPABILITY OF EMERGENCY SERVICES

All facilities shall be located in areas where City fire units are able to immediately respond to hazardous materials accidents and where emergency response times have been demonstrated to equal or exceed those established by the Fire Department. In addition, hazardous materials accident response services at the facility may be required, based upon the type of wastes handled or location of the facility;

4. PROXIMITY TO ACTIVE OR POTENTIALLY ACTIVE FAULTS

All facilities shall maintain a minimum setback of 200 feet from a known or recently active earthquake fault;

5. SLOPE STABILITY AND SUBSIDENCE/LIQUEFACTION

Residual repositories are prohibited in areas of potential rapid geological change (i.e., slope stability, subsidence/liquefaction). All other facilities shall avoid locating in areas of potential rapid geologic change unless containment structures are designed, constructed, and permanently maintained to preclude failure;

6. AQUEDUCTS AND RESERVOIRS

Facilities shall only locate in areas with no threat to the contamination of drinking water sources contained in aqueducts and reservoirs;

7. DISCHARGE OF TREATED EFFLUENT

Facilities generating treated wastewater shall have access to adequate sewer capacity in order to accommodate projected waste water discharge. If sewers are not available, the site shall be evaluated for potential sewer connection;

8. PROXIMITY TO SUPPLY WELLS AND WELL FIELDS

A residual repository shall be located away from the cone of depression created by the test pumping of a well or well field for a minimum of 90 days. Location is preferred where the saturated zone predominantly discharges to non-potable water without any intermediate withdrawals for public water supply. All other hazardous waste facilities shall locate outside the defined cone of depression;

9. DEPTH OF GROUNDWATER

Residual repositories and facilities with subsurface storage and/or treatment are prohibited in areas where the highest anticipated elevation of underlying groundwater is 5 feet, or less from the lowest surface point of the facility. An engineered alternative may be allowed if approved by the City Engineer. At all facilities, the foundation of all containment structures shall be capable of withstanding hydraulic pressure gradients to prevent failure as a result of settlement, compression, or uplift, as certified by a California Registered Civil Engineering Geologist;

10. GROUNDWATER MONITORING

Operators of proposed/existing residual repositories and facilities with subsurface storage and/or treatment shall develop a program that successfully complies with the California Regional Water Quality Control Board permit requirements for groundwater monitoring;

11. MAJOR AQUIFER RECHARGE AREA

Residual repositories are prohibited within any area known to be, or suspected of, supplying principal recharge to a regional aquifer;

12. SOIL PERMEABILITY

Soil permeability requirements for disposal and subsurface treatment and storage facilities shall conform to the current Federal, State or Water Resources Control Board standards. All other surface facilities shall contain engineered structural design features consistent with other similar types of industrial facilities, including spill containment and monitoring systems;

13. EXISTING GROUNDWATER QUALITY

Residual repositories are permitted only where the uppermost waterbearing zone or aquifer is presently mineralized (by natural or human-induced conditions) to the extent that future potential beneficial use is not feasible;

14. NON-ATTAINMENT AREA

If locating in a non-attainment area, all facilities emitting air contaminants in excess of established limits shall be subject to pre-construction review under new source review requirements, and shall obtain permits to construct and operate from the Ventura County Air Pollution Control District;

15. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AREA

All facilities classified as major stationary sources under the PSD regulations, shall be subject to pre-construction review and implementation of best available control technology;

16. PROXIMITY TO HABITATS OF THREATENED AND ENDANGERED SPECIES

All facilities are prohibited in habitats of threatened or endangered species, unless the applicant can demonstrate, to the satisfaction of the Commission, that the subject habitat will not be disturbed and the survival of the species will not be threatened;

17. RECREATION, CULTURAL, OR AESTHETIC AREAS

All facilities are prohibited in areas of recreation, cultural, or aesthetic value, as determined by the Commission;

18. AREAS OF POTENTIAL MINERAL DEPOSITS

Residual repositories shall not be located on or near parcels classified as containing mineral deposits of significance by California's Mineral Land Class Maps and Reports;

19. PROXIMITY TO AREAS OF WASTE GENERATION

Subject to other requirements contained in this Section, all facilities shall be located in areas best suited for providing services to the hazardous waste generators within the City. Facilities which intend to primarily serve generators outside the City shall demonstrate, to the satisfaction of the Commission, why the facility cannot be located closer to the sources of hazardous waste to be serviced;

20. PROXIMITY TO NATURAL GAS/PETROLEUM PIPELINE

All facilities shall maintain a minimum setback of 200 feet from a natural gas/petroleum pipeline;

21. DISTANCE FROM MAJOR TRANSPORTATION ROUTES

Distance traveled by trucks to/from the facility on arterial, collector, and local City streets shall be at a minimum. Facility operators shall be required to pay user fees to ensure proper street construction and maintenance necessary to accommodate anticipated increased traffic generated by a facility;

22. STRUCTURES FRONTING ON MINOR ROUTES

All facilities shall be located to minimize the use of arterial, collector, and local City streets by trucks that connect a facility to a State highway or freeway, particularly any City street used primarily by occupants of non-industrial structures (i.e., residences, schools, etc.). The permit review process shall include an evaluation of the "population at risk" based upon Federal Highway Administration guidelines for applying criteria to designate routes for transporting hazardous materials. The population at risk factor should not exceed that for existing facilities and sites in which lower factors are preferred;

23. CAPACITY VS. AVERAGE DAILY TRAFFIC OF ACCESS ROADS

The changes projected by a proposed facility in the ratio of route capacity to annual daily traffic shall be negligible;

24. CHANGES IN EMPLOYMENT/REAL PROPERTY VALUES

The project applicant shall fund an independent study of anticipated changes and facility effect on employment/real property values if the proposed facility is located within the City. The project applicant and the Director shall agree beforehand upon the scope of the study, and how it will be conducted; and

25. DIRECT REVENUE TO THE CITY

The City shall investigate and impose appropriate taxes, fees, and other compensation options related to a proposed facility.

6.04.2420 SAFETY AND SECURITY

The owner/operator shall take all necessary steps to provide for the following on-going safety/security measures:

1. The owner/operator shall prevent the unauthorized entry of persons or animals by providing continual 24-hour surveillance to control entry onto the facility;
2. Perimeter fencing shall be constructed of a material and at a height specified by the Commission; and
3. Consistent with Section 6.04.38, signs with the legend "DANGER HAZARDOUS WASTE AREA-UNAUTHORIZED PERSONNEL KEEP OUT," shall be posted at each entrance to the facility, and at other locations, as specified by the Director. The legend shall be written in both English and Spanish, and shall be legible from a distance of at least 25 feet.

6.04.2425 MONITORING

The owner/operator shall cooperate with the City in complying with all of the following on-going monitoring measures:

1. In compliance with Section 6.04.86, the City shall be authorized to enforce all ordinances and conditions related to the facility, including entry onto the subject property to ensure compliance;
2. The owner/operator shall report quarterly to the Director, the amount, type, and disposition of all wastes processed by the facility. The report shall include clear copies of all manifests showing the exact location (coordinates and elevation) of quantities and types of materials placed in repositories or otherwise stored or disposed on-site;
3. The owner/operator shall immediately distribute copies of all compliance reports as to facility operations, and copies of all inspection reports made by other local, Regional, State or Federal agencies to the Director; and
4. The Emergency Response Plan, as required by Subsection 6.04.2430(7) shall be updated annually, signed by all facility management personnel, and distributed to all local emergency response agencies, as defined by the Director.

6.04.2430 GENERAL CONDITIONS

In addition to the standards and locational criteria contained in Section 6.04.2415, the following conditions and standards should be imposed by the Commission:

1. No hazardous waste facility shall be approved if, by itself or in combination with other similar facilities, it may manage a volume or type of hazardous waste in excess of that generated within the City, unless satisfactory compensation is provided to the City, or as provided by a joint powers agreement;
2. Any proposed modifications to the types and/or quantities of hazardous wastes managed by an approved facility, shall require the filing/approval of an application to amend the original permit, in compliance with Section 6.04.70 (Conditional Use Permits);
3. A proposed hazardous waste facility shall have a Contingency Plan approved by the State Department of Health Services, prior to approval by the Commission. The Contingency Plan shall be maintained at the facility, with clear copies provided to all appropriate City, County, Regional and State agencies, as determined by the Director;

4. The owner/operator of a proposed hazardous waste facility shall, prior to approval by the Commission, submit a written Closure Plan approved by the State Department of Health Services. All subsequent revisions to an approved Closure Plan shall be submitted to the Director for review and approval;
5. Prior to issuance of an Occupancy Clearance, the owner/operator shall document that all financial responsibility requirements imposed by the State Department of Health Services and any other State or Federal agency have been met;
6. The owner/operator shall agree to indemnify, defend, and render the City harmless against all claims, actions, or liabilities relating to permit approval, and the subsequent development/operation of the facility;
7. The owner/operator shall prepare and submit an Emergency Response Plan and annual preparedness report to the Director. The plan/report shall be initialed by each person at the facility who has emergency response assignments;
8. No hazardous waste facility permit shall be approved if it significantly reduces incentives for waste minimization by hazardous waste generators;
9. The owner/operator shall submit an annual air, soil and groundwater monitoring report to the Director;
10. Any storage, treatment, disposal or transportation of "extremely hazardous waste" by, or on behalf of, the owner/operator, as defined by State law (Health and Safety Code Section 25115), shall be reported to the Director;
11. The owner/operator shall be responsible for all costs of responding to a release of hazardous wastes and for compliance with the provisions of this Section; and
12. The City may employ any and all methods permitted by law to enforce the provisions of this Section, and related requirements of the Municipal Code.

6.04.2435 DURATION OF PERMIT APPROVAL

In addition to the provisions of Section 6.04.70 (Conditional Use Permits), an approved permit for a hazardous waste facility shall not exceed a maximum operating time limit of 10 years, with the provision for renewal, and upon initiation of construction, completion of the facility shall be diligently pursued.

6.04.2440 APPLICABLE REGULATIONS

All uses shall be subject to the applicable provisions of this Ordinance, including the procedures outlined in the following Sections:

1. Section 6.04.70 Conditional Use Permits
2. Section 6.04.66 Development Permits
3. Section 6.04.28 Landscaping Standards
4. Section 6.04.68 Minor Conditional Use Permits
5. Section 6.04.60 Minor Modifications
6. Section 6.04.62 Minor Variances
7. Section 6.04.32 Off-Street Loading Standards
8. Section 6.04.34 Off-Street Parking Standards
9. Section 6.04.38 Sign Standards
10. Section 6.04.58 Temporary Use Permits
11. Section 6.04.64 Variances

SECTION 6.04.26
HILLSIDE DEVELOPMENT STANDARDS

6.04.2601 PURPOSE

To regulate the intensity and distribution of both public and private development in harmony with the topographic, geological, and hydrological conditions of the City's hillside areas to ensure protection from landslides, erosion, fire, and water pollution. It is also the purpose of this Section to establish measures to protect the natural and scenic resources of the hillside areas, provide a variety of low density housing opportunities, and to ensure access to the hillsides for future development.

6.04.2605 SPECIFIC OBJECTIVES

In order to achieve the purpose of this Section the following objectives are established:

1. Create opportunities for hillside residential development that are balanced with concerns for safety, geologic hazards, slope stability, drainage patterns, existing vegetation, fire, and the natural beauty of the hillside;
2. Minimize the alteration of landforms by excessive grading and protect natural landforms (i.e., canyons, knolls, rock outcrops, and ridgelines) to the greatest extent possible;
3. Restrict development in areas with unsafe soil conditions and geologically hazardous areas;
4. Preserve and protect views to and from hillside areas and maintain a sense of natural openness whenever feasible;
5. Avoid unwarranted high public maintenance costs for public infrastructure;
6. Permit a variety of housing types, padding techniques, parcel sizes, and structure setbacks in order to create flexibility in overall site design; and
7. Ensure proper fire safety standards.

6.04.2610 APPLICABILITY

The standards contained in this Section apply to all subdivisions, uses, and structures within the foothill area.

The foothill area is defined as that area of 15% or greater slope as shown on the General Plan Land Use map on file at the Department.

6.04.2615 DEVELOPMENT PERMIT REQUIRED

A Development Permit, in compliance with the requirements of Section 6.04.66, shall be required for all development within the foothill area.

A Development Permit shall not be approved if it is inconsistent with the purpose and specific objectives of this Section.

6.04.2620 REQUIRED PLANS/REPORTS

An application for a Development Permit shall include the following documents as determined by the Director:

1. A topographic map of the project site and land and structures within 100 feet of the project boundaries. Sections or elevations may be required where necessary to indicate those residences which may be affected in terms of view obstruction. The map shall be drawn to a scale of not less than one inch equals 100 feet with a maximum contour interval of 10 feet;
2. A site plan of the proposed project, including representations of property lines and recorded and proposed easements and public rights-of-way. Existing structures within 100 feet of the site shall also be shown;
3. Colored maps of existing and final slope, based on the following slope categories: 0-15%; 16-20%; 21-25%; 26+% shall be shown using contrasting colors;
4. A soils engineering report including data regarding the nature, distribution and strengths of existing soils, recommendations for grading procedures, design criteria for identified corrective measures, and recommendations regarding existing conditions and proposed grading. The report shall be prepared by a registered soils engineer;
5. A geology report including the surface and subsurface geology of the site, degree of seismic hazard, recommendations regarding the effect of geologic conditions on the proposed development, and recommended design criteria to mitigate any identified geologic hazards. The report shall be prepared by a registered geologist experienced in the practice of engineering geology;

6. A hydrology report which shall include areas of possible inundation, downstream effects, natural drainage courses, effect of hydrologic conditions on the proposed development, recommendations regarding the adequacy of facilities proposed for the site, and design criteria to mitigate identified hydrologic hazards. The report shall be prepared by a registered civil engineer experienced in hydrology and hydrologic investigation;
7. A preliminary landscaping plan showing disposition of existing trees and the type and extent of proposed landscaping; and
8. Other information or application materials as may be deemed necessary by the Director.

6.04.2625 DEVELOPMENT STANDARDS

1. DENSITY

The maximum number of parcels created by a subdivision or parcel map within the hillside area shall be determined in compliance with the following formula:

<u>Average Slope</u>	<u>Maximum Dwelling Units/Gross Acre</u>
15-20%	1.00
21-25%	0.75
26% and Over	0

The average slope of the land to be divided/developed within the hillside area shall be determined in compliance with the following formula:

$$S = \frac{.00229 IL}{A}$$

Where:

.00229 is the conversion factor for square feet;

I = contour interval in feet;

L = combined length of contour lines within the land to be divided;

A = area of the land to be divided in gross acres.

If any portion of the land to be divided has an average natural slope greater than 25%, the Director shall assign up to one unit for each 5 acres to that portion for the purpose of determining the maximum number of parcels which may be permitted. The number so determined shall be added to the number permissible on the remaining portions of the site to obtain the total number of parcels permitted.

Where the number of parcels computes to a fraction more than a whole number, the number shall be reduced to the next lower whole number.

The computation of the maximum number of parcels is intended solely to establish an absolute maximum. A lesser number of parcels/units may prove to be the maximum permitted based upon compliance with other hillside development and grading requirements.

2. MINIMUM PARCEL SIZE

The minimum parcel size shall be 6,000 square feet. No minimum parcel widths, and depths are specified.

3. SETBACKS

Front, side, and rear setbacks shall be determined during the Development Permit review process based upon the precise development plan and any environmental studies.

4. SETBACKS BETWEEN STRUCTURES AND TOES/TOPS OF SLOPES

- A. On terraced lots having a difference in vertical elevation of 3 feet or more, the required side yard shall be measured from the toe or top of slope to any structure, whichever is nearer.
- B. On terraced lots having a difference in vertical elevation of 6 feet or more, the minimum distance of the rear yard from the toe or top of the slope, whichever is nearer, to any main structure shall be not less than 15 feet. Greater setbacks may be required by the Review Authority when elevation changes greater than 6 feet are proposed.

5. STRUCTURE HEIGHT

The height of any structures in the foothill area shall not exceed 35 feet or 2 stories at any point above the finished grade or natural grade, whichever is less. However, lesser heights may be required where prominent views to or from the hillsides may be affected.

6. OPEN SPACE

All parcels shall provide permanent, non-buildable open space as follows:

<u>Average Slope</u>	<u>Percent to Remain In Natural State</u>
15-20%	50.0%
21-25%	60.0%
26% and over	100.0%

7. GRADING AND DRAINAGE

A. Grading shall be designed to:

1. Minimize cut and fill, and scarring of the hillsides in compliance with the City's Grading Ordinance and as specified by the City Engineer;
2. Conserve natural topographic features and appearances by means of land form grading to blend graded slopes and benches with natural topography; and
3. Retain major natural topographic features (i.e., canyons, knolls, ridgelines, and prominent landmarks.)

B. Grading plans shall identify which slopes are to be landform graded and which are to be conventionally graded. "Landform Grading" shall mean a contour grading method which creates artificial slopes with curves and varying slope ratios in the horizontal plane designed to simulate the appearance of surrounding natural terrain.

C. All graded areas shall be protected from wind and water erosion through acceptable slope stabilization methods (i.e., planting, walls, or netting). Interim erosion control plans shall be required, certified by the project engineer, and reviewed and approved by the City Engineer.

D. Slopes created by grading shall not exceed 50% or 2:1, without a soils report and stabilization study indicating a greater permissible slope and shall not exceed 30 feet in height between terraces or benches. The Review Authority may permit slopes exceeding these dimensions where the slopes will result in a natural appearance and subject to approval of the City Engineer.

8. DESIGN REQUIREMENTS

Within the hillside area the following design requirements/guidelines shall be implemented to the greatest extent feasible:

- A. The project should be designed to fit the hillside rather than altering the hillside to fit the project. Development patterns which form visually protruding horizontal bands or steeply cut slopes for roads shall be avoided;
- B. Cluster development is encouraged as a means of preserving the natural appearance of the hillside and maximizing the amount of open space. Under this concept, dwelling units are grouped in the more level portions of the site, while steeper areas are preserved in a natural state;
- C. Site design should utilize varying setbacks, structure heights, innovative building techniques, and retaining walls to blend structures into the terrain;
- D. Lot lines shall be placed at the top of slope areas to help ensure that the slope will not be neglected by the up-hill owner;
- E. Standard prepared pads which result in grading outside the actual structure footprint and driveway area are discouraged;
- F. Structures should be sited in a manner that will:
 - 1. Fit into the contour of the hillside and relate to the form of the terrain;
 - 2. Retain outward views from each unit;
 - 3. Preserve vistas from public places; and
 - 4. Preserve visually significant rock outcroppings, natural hydrology, native plant materials, and areas of visual significance.
- G. All spaces between the habitable portion of the structure and the finished grade below shall be completely enclosed by architectural materials that are compatible with the overall design of the structure and rated as one-hour fire resistant by the Uniform Building Code;
- H. Streets should follow the natural contours of the hillside to minimize cut and fill to the maximum extent possible. Streets may be split into 2 one-way streets in steeper areas to minimize grading and blend with the terrain. Cul-de-sacs or loop roads are encouraged where necessary to fit the terrain subject to the approval of the City Engineer and Fire Department;

- I. Open space may be preserved by reducing the width of street improvements, reducing sidewalk widths, using common driveways and clustering units subject to the approval of the City Engineer and Fire Department;
- J. The site shall be replanted with self-sufficient trees, shrubs and groundcover that are compatible with existing surrounding vegetation in compliance with Section 6.04.28 (Landscaping Standards); and
- K. Transitional slopes shall be planted to enhance the blending between manufactured and natural slopes.

6.04.2630 APPLICABLE REGULATIONS

All uses shall be subject to the applicable provisions of this Ordinance, including the procedures outlined in the following Sections:

- 1. Section 6.04.70 Conditional Use Permits
- 2. Section 6.04.66 Development Permits
- 3. Section 6.04.28 Landscaping Standards
- 4. Section 6.04.68 Minor Conditional Use Permits
- 5. Section 6.04.60 Minor Modifications
- 6. Section 6.04.62 Minor Variances
- 7. Section 6.04.32 Off-Street Loading Standards
- 8. Section 6.04.34 Off-Street Parking Standards
- 9. Section 6.04.38 Sign Standards
- 10. Section 6.04.58 Temporary Use Permits
- 11. Section 6.04.64 Variances

**SECTION 6.04.28
LANDSCAPING STANDARDS**

6.04.2801 PURPOSE

To establish landscaping standards that are intended to:

1. Enhance the aesthetic appearance of all development throughout the City by providing standards related to the quality, quantity and functional aspects of landscaping;
2. Increase compatibility between abutting land uses and public rights-of-way by providing landscape screening and buffers;
3. Decrease the use of water for landscaping purposes by requiring the efficient use of irrigation, appropriate plant materials, and regular maintenance of landscaped areas; and
4. Protect public health, safety, and welfare by minimizing the effect of physical and visual pollution, controlling soil erosion, screening incompatible land uses, preserving the integrity of neighborhoods, and enhancing pedestrian and vehicular traffic and safety.

6.04.2805 APPLICABILITY

All projects that require the installation of landscaping in compliance with the development standards of this Ordinance shall provide and maintain landscaping in compliance with the provisions of this Section.

6.04.2810 DEFINITIONS

For the purposes of this Section, the following definitions shall apply:

1. **Anti-drain Valve or Check Valve.** A valve located under a sprinkler head to hold water in the system so it minimizes drainage from the lower elevation sprinkler heads.
2. **Application Rate.** The depth of water applied to a given area, usually measured in inches for each hour.

3. **Establishment Period.** The first year after installing the plant in the landscape.
4. **Hydrozone.** A portion of the landscaped area having plants with similar water needs that are served by a valve or set of valves with the same schedule. A hydrozone may be irrigated or non-irrigated. For example, a naturalized area planted with native vegetation that will not need supplemental irrigation once established is a non-irrigated hydrozone.
5. **Infiltration Rate.** The rate of water entry into the soil expressed as a depth of water for each unit of time (inches for each hour).
6. **Plant Factor.** A factor that when multiplied by reference evapotranspiration, estimates the amount of water used by plants. For purposes of this Ordinance, the average plant factor of low water using plants ranges from 0 to 0.3, for average water using plants the range is 0.4 to 0.6, and for high water using plants the range is 0.7 to 1.0.

6.04.2815 SUBMITTAL OF PLANS

1. CONCEPT PLANS

- A. A concept landscaping plan shall be submitted as part of a Development Permit application, in compliance with Section 6.04.78 (Applications and Fees).
- B. The concept landscaping plan shall meet the purpose/intent of this Section by exhibiting a generalized design layout which adequately demonstrates the proposed landscaping program in terms of location, size/scale, function, theme and similar attributes. The concept plan shall provide the Review Authority with a clear understanding of the landscaping program prior to the preparation of a detailed, comprehensive landscaping plan.
- C. The concept landscaping plan shall address the functional aspects of landscaping (i.e., drainage, microclimate/ appropriate planting, erosion control, fire clearance zones, screening, wind barriers, provisions for shade, sound absorption, dust abatement and glare reduction).

2. DETAILED LANDSCAPE PLANS

- A. Detailed landscape plans shall be prepared only after approval of the permit application by the Review Authority. Submittal of detailed plans shall be concurrent with any required grading plan(s) and other documents or reports.

- B. Landscaping plans for projects larger than 20,000 square feet in total site area shall be prepared by a licensed landscape architect registered to practice in the State of California.
- C. Landscaping plans shall emphasize the use of drought-tolerant plant materials whenever/wherever possible.
- D. A fully dimensioned comprehensive landscape/irrigation plan shall include, but not be limited to, the following:
 - 1. List of Plants (Common & Latin);
 - 2. Size of Plants;
 - 3. Location of Plants;
 - 4. Irrigation Plan;
 - 5. Hardscape;
 - 6. Water elements;
 - 7. Property lines;
 - 8. Existing & proposed structures;
 - 9. Adjacent streets & sidewalks;
 - 10. Calculation of total landscaped area as percentage of total site area; and
 - 11. Any other information as required by the Director.

6.04.2820 LANDSCAPE DEVELOPMENT STANDARDS

- 1. All setbacks, parkways, and non-work/storage areas that are visible from a public street or from a parking lot available to the public shall be landscaped. Areas proposed for development in another phase shall be temporarily treated to control dust and soil erosion if the phase will not begin construction within 6 months of completion of the previous phase.
- 2. Trees shall be planted throughout the project in areas of public view, predominantly adjacent to and along structures and street frontages at a rate of at least one tree for each 30 linear feet of structure wall and/or street frontage.

3. Landscape areas shall be a minimum of 4 feet wide (excluding curbs). Narrower landscape areas may be permitted, but shall not be counted toward meeting minimum coverage requirements.
4. Trees and shrubs shall be planted so that at maturity they do not interfere with utility service lines, street lighting, traffic safety sight areas, on-site signs, and basic property rights of adjacent property owners, particularly the right of solar access.
5. Trees planted near public curbs and sidewalks shall have a limited root structure and shall be installed so as to prevent physical damage to public improvements. A root barrier system shall be used.
6. Landscape areas shall have plant material selected and plant methods used that are suitable for the soil and climatic conditions of the site. The use of water-efficient, drought-tolerant plants shall be emphasized in compliance with Subsection 6.04.2825.
7. Sizes of the plant materials shall conform to the following minimum mix:

Trees*

50%, 24 inch box; and
50%, 15 gallon

Shrubs

60%, 5 gallon; and
40%, 1 gallon

Groundcover

100%, coverage within 1 year

*Certain species of trees exhibit preferred growth habits when planted from 5 gallon containers. The Director may approve up to 40% of the 15 gallon trees to be replaced with 5 gallon trees (20% of total trees maximum) if the appropriate species are provided.

8. Mature specimen trees in 36 inch and 48 inch boxes shall be provided in sufficient quantity, subject to the approval of the Director, to provide variety and emphasis at entrances and focal areas within the project.
9. Concrete mow strips are required to separate all turf areas from other landscaped areas.
10. Appropriate shrubbery and creeping vines are required along all walls and fences adjoining public rights-of-way.
11. When inorganic groundcover is used, it shall be in combination with live plants and shall be limited to an accent feature. Artificial plant material is prohibited.
12. Non-irrigated hydromulch seeds are acceptable for natural or undisturbed slopes. Hydromulch seeds should be applied following the first measurable rainfall in the fall of the year or a temporary irrigation method shall be provided to ensure germination and minimum growth. If the natural rainfall fails to provide adequate moisture for germination, supplemental irrigation, and replanting may be required.

13. An organic mulch at least 2 inches deep is an acceptable alternative to groundcover between shrubs and on non-slope areas. Whenever feasible, the origin of this mulch material shall be recycled yard trimmings and other organic wastes of local origin.
14. All single-family residential developments shall be provided with trees, shrubs, groundcover, and automatic irrigation systems of a type and quality generally compatible with single-family homes in the front yard and that portion of the side yards visible from public rights-of-way. The Director may waive this requirement for affordable projects.

6.04.2825 WATER CONSERVATION

1. The use of water-efficient, drought tolerant, and native plant material is strongly encouraged. Invasive plants or "escaped exotics" shall be avoided adjacent to native areas and areas that drain to native areas.
2. Plants with similar water requirements shall be grouped together into hydrozones. Plant locations shall consider slope and sun exposure.
3. The maximum allowable turf area shall be 20% of the total area landscaped except for detached single-family projects.
4. Turf shall not be planted in any area where slope gradient exceeds 4%.
5. To the extent feasible turf shall be combined into a single area to prevent waste and inefficient watering practice.
6. Turf shall not be used in parking islands, roadway medians, or along foundations of structures.
7. Only drought tolerant turfs shall be utilized, except in specialized applications, as approved by the Review Authority.
8. Plants in non-turf areas shall be water-efficient and drought resistant. A list of appropriate plants is available from the Department.
9. A maximum of 10% of the landscaped area (in addition to turfed area) is allowed to be non-drought tolerant species with a plant factor of 0.5 or more (use plant value as guide) but shall be grouped together according to water needs and appropriately located with respect to slope and sun exposure.
10. All decorative water features shall have recirculating water systems.

6.04.2830 IRRIGATION SYSTEM REQUIREMENTS

All landscaped areas shall be watered by an approved automatic irrigation system. Only efficient, water conserving, state-of-the-art irrigation systems shall be used.

1. Landscape materials that have different watering needs (hydrozones) shall be irrigated by

- separate control valves and circuits (examples: full sun/shade, level areas/sloped areas, shrubs/lawn, street trees, etc.).
2. Anti-drain (check) valves shall be installed at strategic points to prevent low-spot drainage, runoff and subsequent erosion from low elevation sprinkler heads.
 3. Sprinkler heads shall be selected for proper area coverage, precipitation rate, operating pressure, adjustment capability and ease of maintenance. Heads or emitters shall have matched precipitation rates within 10% for each control valve circuit. Above ground risers are not allowed next to sidewalks, driveways or curbs and are discouraged anywhere accessible to people. In areas less than 6 feet wide, drip emitters and bubblers shall be used.
 4. All irrigation systems shall be designed to avoid runoff, low head drainage, overspray or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways or structures.
 5. Soil types and the percolation rates shall be considered when designing the irrigation system. The water application rate shall attempt to match the infiltration rate of the soil. Repeat cycles shall be utilized in an effort to avoid runoff.
 6. Rain sensing override devices are required on all irrigation systems for projects over one acre in size.
 7. Plastic (PVC) mainline piping requires placement not less than 18 inch below final grade, with lateral lines requiring 12 inch depth or UVR (Ultra Violet Resistant) above ground pipe. Galvanized lines shall drip or be above ground. Other piping shall be considered for drip or temporary irrigation. Reclaimed water systems shall follow current City, County and State standards for depth and separation.
 8. Automatic sprinkler program controllers are required for each different irrigation need of the landscape. Controllers shall be capable of controlling the operating time for each circuit, the starting time and daily schedule of operation. Each controller shall be able to accommodate multiple schedules and contain 14-day minimum clocks; percentage switches; repeat cycles; the ability to schedule by day of the week; and rain sensing override devices.
 9. Separate landscape water meters shall be installed for all projects except for detached single-family homes or any project with a landscaped area of less than 5,000 square feet.
 10. Quick couplers or hose bibs are required 100 feet apart throughout the project.

6.04.2835 USE OF RECLAIMED WATER

All projects shall install reclaimed water irrigation systems if reclaimed water is available and if installation is determined to be feasible by the City Engineer. If reclaimed water is not currently available, large scale projects (i.e., golf courses) shall be evaluated for reclaimed water irrigation system installation. Consultation with the Public Works Department regarding the feasibility of using reclaimed water shall be required of the applicant and a written statement detailing the consultation shall be provided to the Director as part of the landscape package.

6.04.2840 STREET TREES

On all new construction the Director may require the planting of parkway/street trees, of a variety from the City's Master Tree List. Street trees shall be installed in compliance with the following standards:

1. Minimum spacing requirements:
 - A. Spacing between trees will be determined by the Director during project review; and
 - B. Spacing between trees and various circulation and utility items shall be as follows:
 1. 35 feet from street intersections;
 2. 15 feet from street light and utility poles; and
 3. 10 feet from driveways, sewers, and waterlines.
2. Street tree species shall be selected in compliance with the following standards/criteria:
 - A. New street tree plantings in older areas of the City shall reflect, to the extent feasible, the existing species along the street, and every effort should be made to match or effectively blend with existing plant materials;
 - B. Street trees for a particular street shall generally require a uniform tree variety within a specified area in order to ensure ease of maintenance and maintain general aesthetic appearance;
 - C. Trees that typically grow taller than 20 feet in height and that do not lend themselves to top trimming shall not be considered under utility wires; and
 - D. Trees shall be standard single trunk, not multi-trunked, except for a limited number of specimen trees.
3. A minimum size of 24 inch box with a minimum 2 inch trunk diameter shall be required for each street tree. Each tree shall be 8 to 12 feet tall with a minimum 4 foot wide head at the time of planting;
4. Street trees shall not obstruct the vision of motorists or pedestrians;
5. Where parkways exist between the sidewalk and curb, street trees shall use tree wells with root barriers to mitigate against uprooting of sidewalks and curbs;
6. Where the parkway is located behind the sidewalk, street trees shall be planted 5 feet behind the sidewalk measured from the outer edge of the sidewalk to mitigate sidewalk and curb damage;
7. All trees shall be free of insects, disease, mechanical injuries and other objectional features at the time of planting;

8. Any person/firm contracting to plant street trees shall post a performance bond guaranteeing the faithful performance of all irrigation and tree maintenance for a one-year period. The bond shall be an amount equal to the cost of the planting, irrigation, and maintenance as determined by the City Engineer; and
9. No street tree shall be removed without the approval of the City Engineer.

6.04.2845 MAINTENANCE OF LANDSCAPING

1. Landscape maintenance shall consist of regular watering, mowing, pruning, fertilizing, clearing of debris and weeds, the removal and replacement of dead plants and the repair and replacement of irrigation systems.
2. Prior to the issuance of an Occupancy Clearance, the project proponent shall file, with the Department, a maintenance agreement and easement subject to the approval of the City Attorney. The agreement and easement shall ensure that if the landowner, or subsequent owner(s), fails to maintain the required/installed site improvements, the City will be able to file an appropriate lien(s) against the property in order to accomplish the required maintenance.

6.04.2850 WATER-EFFICIENT MODEL HOME REQUIREMENTS (Per CC Ord. 98-734)

Whenever a new home is built, the homebuyer(s) shall be provided with information about water efficient landscaping by the developer.

6.04.2855 PRESERVATION OF EXISTING TREES

Where a site contains existing trees with trunks 4 inches in diameter or greater measured 4 feet above grade, consideration shall be given to preserving the tree(s) in compliance with the following:

1. A tree report of all existing trees on the site shall be prepared by a licensed landscape architect, arborist, or horticulturalist. The report shall describe the existing trees by species and size, determine their health status, and assign each tree a dollar value. Trees in a healthy condition shall be protected and preserved. If the applicant wishes to remove a tree that has been recommended for preservation, the City may require the applicant to:
 - A. Replace the tree, per its assigned dollar value, in another location;
 - B. Relocate the tree to another location on the site; or
 - C. Contribute the assigned dollar value of the tree to be removed to other specific landscaping improvements on the site as approved by the Director.
2. Trees to be preserved shall be protected during construction operations by the use of barricades or fencing large enough to include everything inside the outer edge or dripline of the tree and conspicuous enough to be seen easily by operators of trucks and heavy equipment. Alternatively, these may be boxed and moved until grading/construction is complete;

3. No grade changes shall be made around existing trees without approval of the Director. Retaining walls shall be used when changing existing grades around specimen trees;
4. Tree roots shall be protected and preserved where possible. Tunneling shall be used to avoid damaging roots where construction in the immediate area is necessary. No trenching of roots within 20 feet of the trunk shall be performed without the approval of the Director; and
5. Trees shall be protected from chemical poisoning, run-off from petroleum products, lime and mortar, fertilizers, pesticides, and soil sterilants. The washing of equipment designed to apply these materials shall be prohibited within the dripline of trees to be preserved.

6.04.2860 APPLICABLE REGULATIONS

All uses shall be subject to the applicable provisions of this Ordinance, including the procedures outlined in the following Sections:

1. Section 6.04.70 Conditional Use Permits
2. Section 6.04.66 Development Permits
3. Section 6.04.68 Minor Conditional Use Permits
4. Section 6.04.60 Minor Modifications
5. Section 6.04.62 Minor Variances
6. Section 6.04.32 Off-Street Loading Standards
7. Section 6.04.34 Off-Street Parking Standards
8. Section 6.04.38 Sign Standards
9. Section 6.04.58 Temporary Use Permits
10. Section 6.04.64 Variances

**SECTION 6.04.30
NONCONFORMING STRUCTURES AND USES**

6.04.3001 PURPOSE

To provide for the administration and orderly termination of legal nonconforming structures and uses in order to promote the public health, safety and general welfare and to bring these structures and uses into conformity with the goals, policies and objectives of the General Plan.

It is understood that nonconformities should be eliminated over time. Accordingly, nonconformities may be properly maintained, but generally not enhanced/expanded. Further, nonconformities which substantially and adversely affect the orderly development and taxable value of other property in the zoning district should be eliminated through amortization. In these cases, the adoption of a reasonable amortization program permits the owner to realize an investment, thereby minimizing loss, while at the same time ensuring the public that the zoning district in which the nonconformity exists will eventually benefit from a substantial uniformity of permitted uses.

It is hereby declared that nonconforming structures and uses within the City are detrimental to both orderly and creative development and the general welfare of the citizens, and should therefore be eliminated as rapidly as possible without unduly infringing upon the constitutional rights of the affected property owners.

6.04.3005 LAND USE PERMITTED

No property in the City shall be used for any purposes except those permitted in the zoning district in which the property has been classified.

**6.04.3010 RESTRICTION ON IMPROVEMENTS OF
NONCONFORMITIES**

Nonconformities may be continued subject to the following conditions/provisions:

1. No nonconforming use may be reestablished after having been abandoned or discontinued for a period of 90 consecutive days or a total of 6 nonconsecutive months. This discontinuance shall cause the use to be deemed to have ceased and the use shall not be reinstated or further continued unless specifically permitted by the Commission after a hearing in compliance with this Section;

The discontinuance or abandonment of the active and continuous occupation/operation of the nonconforming use, or a part or portion thereof, for these periods, is construed/considered to be an abandonment of the nonconforming use, regardless of any reservation of an intent not to abandon or of an intent to resume active operations. If abandonment is evidenced by the actual removal of structures, machinery, furniture, equipment or other components of the nonconforming use, or where there are no business receipts/records (including a City business license, where applicable) available to provide evidence that the use is in continual operation, the abandonment shall be

considered/construed to be completed within a period of less than 90 days and all rights to reestablish or continue the nonconforming use shall terminate;

If a nonconforming use is converted to a conforming use, no nonconforming use may be resumed. No nonconforming use may be established or replaced by another nonconforming use, except as provided in Subsection 6.04.3075;

2. No nonconforming structure may be added to, structurally altered or enlarged in any manner, except as provided in subsection 6;
3. No nonconforming use occupying a conforming/nonconforming structure or portion thereof or occupying any parcel shall be enlarged or extended into any other portion of the structure or parcel;
4. A nonconforming use of a portion of a nonconforming non-residential center/complex may be replaced by another similar nonconforming use subject to the approval of a Minor Conditional Use Permit only if the Director can make all of the following findings, in addition to those outlined in Section 6.04.68 (Minor Conditional Use Permits):
 - A. That the nonconforming use is similar to the uses originally permitted in the center/complex;
 - B. That the nonconforming use will not adversely affect or be materially detrimental to adjoining parcels/ developments; and
 - C. That the use of the entire center/complex has not been vacant or discontinued for a period of 90 consecutive days or a total of 6 nonconsecutive months.
5. Any nonconformity which does not conform to the conditions outlined in this Subsection shall be immediately abated, subject to the Notice and Hearing procedures described in Subsections 6.04.3020 and 6.04.3035; and

6. Where a structure is nonconforming only by reason of inadequate setbacks, yard size or open space, structural additions, alterations or enlargements of the existing structure(s) shall be permitted, provided the additions, alterations or enlargements comply with all current Ordinance provisions/standards relating to the structure's "building envelope" (i.e., setbacks, yards, heights and open space requirements) for the parcel or site. The Director may approve a Development Permit, in compliance with Section 6.04.66, which would allow the new construction (i.e., additions, alterations or enlargements) to be built in compliance with the previous/existing setbacks. In no case shall an addition, alteration or enlargement of a nonconforming structure extend the original termination date, if any, of a nonconformity without an exception/extension granted by the Commission.

6.04.3015 TERMINATION OF NONCONFORMANCE

1. Commencing with the service of notice described in Subsection 6.04.3020 the following nonconformities (structures/uses) shall be discontinued or brought into conformity with this Ordinance. (Single-family residential structures shall be exempt from amortization.) The following amortization schedule shall apply:
 - A. Where the property is unimproved, one year;
 - B. Where the property is unimproved except for structures of a type for which the City Building Code does not require a Building Permit, 2 years;
 - C. Accessory structures, 3 years;
 - D. A nonconforming use conducted in a structure designed to serve a use permitted in the zoning district, 10 years;
 - E. Type I & II structures (fire resistive), 50 years;
 - F. Type III or Type IV structures (heavy timber construction and ordinary masonry), 40 years;
 - G. Type V structures (light incombustible frame and wood frame), 30 years;
 - H. All legal nonconforming signs existing on parcels within the City on the effective date of this Ordinance shall be removed or brought into conformance in compliance with Subsection 6.04.3845 (Abatement of Nonconforming Signs); and
 - I. Any nonconforming structure or use which is not specifically enumerated, 5 years.

2. Owners of property which are in receipt of an official City notice regarding the property's nonconformity prior to the adoption of this Ordinance shall conform with the standards for abatement in effect at the time of original notice; and
3. Any use which does not comply with this Subsection shall be deemed a public nuisance and shall be abated accordingly, unless an exception/extension is granted by the Commission.

6.04.3020 NOTICE

1. Upon determination that the provisions of this Section apply to a given parcel of land, the Director shall send a notice by certified mail, return receipt requested, to the owner as shown on the current tax assessor's rolls/records, shall cause the property to be posted with a similar notice, and shall publish the notice at least once in a newspaper of general circulation;
2. The notice provided for in this Subsection shall state the following:
 - A. That the property in question is a nonconformity;
 - B. The date of abatement established in Subsection 6.04.3015; and
 - C. That the date of abatement may be appealed to the Commission within 30 days of the date indicated on the notice; and
3. The City has no legal obligation to notify subsequent owners of the affected parcels of land.

6.04.3025 APPEAL

The owner of any parcel upon which a nonconforming structure or use is being maintained may appeal the length and/or the classification of the amortization period described in the notice provided in compliance with Subsection 6.04.3020 by submitting an appeal, on a form provided by the Director and accompanied by any required fee in compliance with Section 6.04.78 (Applications and Fees), within 30 days of the date indicated on the notice.

6.04.3030 USE OF HEARING OFFICER

The Council may appoint a hearing officer to conduct the hearing described in Subsection 6.04.3035 and appoint the Commission to conduct the appeal described in Subsection 6.04.3045. If the Council appoints the Commission to hear appeals, there shall be no right of further appeal to the Council.

6.04.3035 HEARING

1. Within 60 days after receipt of an appeal, the Commission shall hold a public hearing to determine whether the nonconformity should be abated as indicated in the notice, or whether a time extension should be granted as provided in Subsection 6.04.3055;
2. Notice of the hearing shall be provided in the same manner as the notice of abatement. In addition, notice shall be provided by mail to the owners and tenants of all abutting parcels;
3. The Commission shall receive written and oral testimony at the hearing relating to the term of abatement. During the hearing, the owner shall be permitted to call witnesses and be represented by counsel;
4. At the close of the hearing, the Commission shall determine whether the nonconformity should be abated, and whether the owner of the parcel can amortize the investment in the term for abatement provided in Subsection 6.04.3015, and if not, what term for abatement should be provided as specified in Subsection 6.04.3025. The burden of proof shall be upon the owner to demonstrate, by a preponderance of the evidence, that the owner is entitled to a longer abatement period than provided for in Subsection 6.04.3015;
5. In the case of a nonconforming use, the Commission shall also determine whether the structure including the nonconforming use can economically be used in its present condition or can successfully be modified for a purpose permitted by the zoning district in which it is located; and
6. The Commission may require reasonable modifications or alterations to any nonconformity to improve the nonconformity's appearance or compliance with this Ordinance, Municipal Code, or State law, except that any modification or alteration which would extend the useful life of the nonconformity is expressly prohibited, unless provided by Subsection 6.04.3065.

6.04.3040 DECISION AND ORDER

The decision of the Commission, and the findings in support thereof, shall be in the form of a written order and shall be served upon the property owner personally or by certified mail, return receipt requested, within 10 days after the decision is rendered. The order shall be binding upon the owner, and the owner's successors, heirs and assignees.

6.04.3045 RIGHT OF FURTHER APPEAL

1. Any interested person may appeal the decision of the Commission to the Council within 10 days of service of the order upon the owner. The appeal hearing shall be noticed in the same manner as the original hearing before the Commission;
2. The appeal shall be accompanied by any documents, information and fee the Director deems necessary to adequately explain and to provide proper notification for the appeal. The appeal shall outline specifically and in detail the grounds for the appeal. The Council may refuse to consider issues not raised in the written appeal of the Commission's decision;
3. When an appeal has been accepted, the Director shall forward to the Council all documents and information on file pertinent to the appeal, together with the minutes or official action of the Commission, and a report on the basis of the decision and the appropriateness of the appeal;
4. The Council shall consider the appeal at a public hearing, including all information and evidence submitted with the original application, and any additional information and evidence the appellant may submit which the Council finds to be pertinent; and
5. The action of the Council shall be to sustain, disapprove, conditionally sustain, or refer the appeal back to the Commission with direction(s), all in compliance with the same requirements and procedures that were applicable to the Commission.

6.04.3050 RECORDATION OF ORDER

At the conclusion of all hearings, notice of the decision and order of the Commission, or the Council in the case of an appeal, shall be recorded in the office of the County Recorder.

6.04.3055 EXTENSION OF TIME

1. The Commission may grant an extension of the time for abatement of a nonconformity where it finds that an unreasonable hardship would otherwise be imposed on the property owner; and
2. The Commission shall base its decision as to the length of the permitted amortization period on any competent evidence presented, including, but not limited to, the following:
 - A. The nature of the use;
 - B. The amount of the owner's investment in improvements;
 - C. The convertibility of improvements to permitted uses;

- D. The character of the neighborhood;
- E. The detriment, if any, caused to the neighborhood by continuance of the nonconforming use;
- F. The amount of time needed to amortize the investment; and
- G. The depreciation schedule attached to the owner's latest Federal income tax return.

6.04.3060 CONDITIONAL USE PERMIT

Any owner of a nonconforming use resulting only from the inclusion of Section 6.04.70 in this Ordinance, pertaining to the requirement for a Conditional Use Permit, shall apply for a Conditional Use Permit within one year of receiving a notice from the Director. The notice shall state that the owner has one year to apply for the permit, and that if the owner does not apply, or if the permit is disapproved, an amortization period will be established in compliance with this Section.

6.04.3065 MAINTENANCE, REPAIRS AND ALTERATIONS OF NONCONFORMING STRUCTURES (Revised May 28, 1996 per Ord. 96-715; Revised February 18, 2004 per Ord. 03-773)

1. Ordinary maintenance, repairs and alterations may be made to a nonconforming structure, provided that no structural alteration shall be made if the expense for the alteration exceeds 50% of the replacement cost of the structure at the time the building is proposed. Single-family residential structures shall be exempt from the provisions of this Subsection.

(Per Ord.03-773) Existing single-family residential structures in the CH Zone are allowed to be rebuilt or expanded provided the property owner enter into an agreement with the City to restrict the residential unit for either a low or very low income family as set forth in Health & Safety Code sections 5093 and 50105. Additionally, existing single-family residential units may deviate from the City of Fillmore Zoning District Standards (6.04.0415) in regards to setbacks, parking, lot coverage, and lot size, pursuant to a Conditional Use Permit (CUP) approved by the Planning Commission. Single-family residential structures in the CH Zone are allowed to be rebuilt or expanded provided that the following requirements are satisfied:

- A. The single-family residential structure was legally established prior to the adoption of this ordinance (11/25/03)
- B. Lot width is less than 40 feet.
- C. Lot size is less than 6,000 sq. ft.
- D. The single-family residential structure is not within the 128 foot Right of Way required for the widening of Highway 126.

2. Any nonconforming structure partially destroyed may be restored provided restoration is started within 90 days of the date of partial destruction and diligently pursued to completion. Whenever a nonconforming structure is damaged in excess of 50% of its replacement cost at the time of damage, the repair or reconstruction of the structure shall conform with all of the current provisions/standards of the zoning district in which it is located and it shall be treated as a new structure and any nonconformity shall be eliminated in compliance with Subsection 6.04.3015;

Rebuilding/reconstruction required to reinforce non-reinforced masonry structures shall be permitted without replacement cost limitations, provided the retrofitting is limited exclusively to compliance with earthquake safety standards;

3. Where any part of a nonconforming structure is acquired for public use, the remainder of the structure may be repaired, reconstructed, or remodeled, with the same or similar materials used in the existing structure;
4. Disagreements with the interpretation of the provisions of this Subsection shall be heard and resolved by the Commission, subject to appeal to the Council. The burden of proof shall be on the owner to demonstrate that the cost of repairs is less than 50% of the replacement cost of the structure; and
5. Nothing in this Subsection shall be construed to excuse any owner, occupant or contractor from rebuilding or repairing any damaged structure in compliance with the requirements of the City Building Code, or any other health or safety requirements imposed by local, Regional, State, or Federal law or regulation in effect at the time of the repair or rebuilding.

6.04.3070 EXPANSION OF NONCONFORMING USE

An existing legal nonconforming use may be minimally expanded subject to the granting of a Minor Conditional Use Permit in compliance with Section 6.04.68. Approval of the minimal expansion shall not extend the termination date established for the original nonconforming use. The permit may be approved only if the Director can make all of the following findings in addition to those listed in Subsection 6.04.6825;

1. That the expansion is minimal as determined by the Director;
2. That the expansion will not adversely affect or be materially detrimental to adjoining properties;
3. That there is a need for relief of overcrowded conditions or for modernization in order to properly operate the use; and
4. That the use is existing and has not been discontinued for a period of 90 consecutive days.

6.04.3075 SUBSTITUTION OF A NONCONFORMING USE

A legal nonconforming use may be replaced by another nonconforming use subject to the granting of a Minor Conditional Use Permit in compliance with Section 6.04.68, provided that the substitute use is no more detrimental to the public welfare and to the property of persons located nearby than is the original nonconforming use. The change of use shall not extend the termination date established for the original nonconforming use.

6.04.3080 PUBLIC NUISANCE

Any nonconformity continuing beyond the date for abatement as established by this Section or as extended by the Commission or Council is a public nuisance.

6.04.3085 TERMINATION - VIOLATION OF LAWS

Any one of the following violations of this Ordinance shall immediately terminate the right to operate a nonconformity, except as otherwise provided in this Section:

1. Changing a nonconforming use to a use not permitted in the zoning district;
2. Addition to a nonconforming use of another use not permitted in the zoning district; or
3. Increasing or enlarging the area, space or volume occupied by or devoted to a nonconformity.

6.04.3090 ILLEGAL NONCONFORMING STRUCTURES AND USES

Nothing contained in this Section shall be construed or implied to allow the continuation of illegal nonconforming structures and uses. Illegal structures and uses shall be removed immediately unless a Minor Conditional Use Permit, in compliance with Section 6.04.68, is approved by the Director which provides for the legalization of an illegal nonconforming structure or use. In order to approve this legalization, the Director shall make all of the following findings and impose the following provisions/standards, in addition to those outlined in Section 6.04.68 (Minor Conditional Use Permits):

1. The illegal structure/use shall have been constructed or initiated operation prior to 1952. If not constructed or initiated before 1952, the structure/use shall remain illegal and shall be removed immediately;
2. The illegal structure/use shall meet the purpose/intent of Section 6.04.68 (Minor Conditional Use Permits);
3. The illegal structure/use shall comply with all Building/ Health/Safety Codes; and
4. If damaged in excess of 50% of its replacement cost at the time of damage, the illegal structure/use "legalized" in compliance with the provisions of this Subsection, shall be treated as all other legal nonconforming structures/uses.

6.04.3095 APPLICABLE REGULATIONS

All uses shall be subject to the applicable provisions of this Ordinance, including the procedures outlined in the following Sections:

1. Section 6.04.70 Conditional Use Permits
2. Section 6.04.66 Development Permits
3. Section 6.04.28 Landscaping Standards
4. Section 6.04.68 Minor Conditional Use Permits
5. Section 6.04.60 Minor Modifications
6. Section 6.04.62 Minor Variances
7. Section 6.04.32 Off-Street Loading Standards
8. Section 6.04.34 Off-Street Parking Standards
9. Section 6.04.38 Sign Standards
10. Section 6.04.58 Temporary Use Permits
11. Section 6.04.64 Variances

**SECTION 6.04.32
OFF-STREET LOADING STANDARDS**

6.04.3201 PURPOSE

To achieve the following:

1. Provide on-site loading facilities in proportion to the needs of the associated use;
2. Provide increased traffic safety while reducing congestion and hazards;
3. Provide accessible, attractive, secure and well-maintained loading and delivery facilities; and
4. Protect adjacent parcels and surrounding neighborhoods from the effects of noise and traffic generated from the anticipated land use.

6.04.3205 APPLICABILITY

Every use which requires the delivery or loading of goods and supplies shall have permanently maintained off-street loading areas in compliance with the provisions of this Section.

6.04.3210 NUMBER OF LOADING SPACES REQUIRED

Off-street loading spaces shall be provided in compliance with the following minimum standards:

1. Commercial, industrial, institutional, hospital, hotel, senior housing, and schools, other than office uses:

<u>Gross Floor Area</u>	<u>Spaces Required</u>
Under 3,000 sq. ft.	None
3,001 to 30,000 sq. ft.	1
30,001 to 90,000 sq. ft.	2
90,001 to 150,000 sq. ft.	3
150,001 to 230,000 sq. ft.	4
230,001 sq. ft. and over	5+ Additional as required by the Review Authority

2. Office uses:

<u>Gross Floor Area</u>	<u>Spaces Required</u>
Under 5,000 sq. ft.	None
5,001 to 25,000 sq. ft.	1
25,001+ sq. ft.	2+ Additional as required by the Review Authority

3. Requirements for uses not specifically listed shall be determined by the Director based upon the requirements for comparable uses and upon the particular characteristics of the proposed use.

6.04.3215 DEVELOPMENT STANDARDS

Off-street loading spaces shall be provided in compliance with the following standards:

1. DIMENSIONS

Loading spaces shall be not less than 12 feet in width, 20 feet in length, with 14 feet of vertical clearance. This is a minimum requirement and larger/longer spaces may be required by the Review Authority based on the nature of the use and the types of deliveries to be made.

2. ACCESS

- A. Loading spaces shall have adequate ingress and egress so that trucks do not back in from or out onto a public right-of-way.
- B. Access to loading spaces shall be provided so that the maneuvering, loading, or unloading of vehicles does not interfere with the orderly movement of traffic and pedestrians on the site or any street.
- C. Exemptions from the above requirements may be granted by the Director if the dimensions of the property prevent an adequate turnaround area cannot be provided; the loading area is accessible to a minor street; and the entrance to the loading area is at least 100 feet from an intersection.

3. LIGHTING

Loading spaces shall have lighting capable of providing adequate illumination for security and safety. Lighting fixtures shall be energy-efficient and in scale with the height and use of the structure(s). Any illumination, including security lighting, shall be directed away from adjoining residential uses and public rights-of-way.

4. LOCATION

Loading spaces shall be located and designed as follows:

- A. Adjacent to, or as close as possible to, the main structure, and limited to the rear 2/3 of the parcel;
- B. Situated to ensure that the loading facility is not visible from any major public right-of-way; and
- C. Situated to ensure that all loading and unloading takes place on-site, and not within other on-site parking and circulation areas.

5. SCREENING

- A. Loading spaces abutting residentially zoned/used parcels shall have a 6 foot high decorative masonry wall, approved by the Director, to properly screen the loading area(s). All wall treatments shall occur on both sides.
- B. Visibility of delivery and service areas from public streets and adjacent properties shall be minimized. Screening shall be accomplished by structure configuration where possible. Where necessary, screening shall be achieved through the use of architecturally integrated walls in combination with appropriate landscaping.

6. STRIPING

Loading spaces shall be striped and shall identify the spaces for "loading only". The striping shall be permanently maintained in a clear and visible manner at all times.

7. LOADING RAMPS AND TRUCK WELLS

All plans involving ramps (or wells) shall be accompanied by a profile drawing showing the ramp, ramp transitions, and overhead and adjacent wall clearances.

6.04.3220 APPLICABLE REGULATIONS

All uses shall be subject to the applicable provisions of this Ordinance, including the procedures outlined in the following Sections:

1. Section 6.04.70 Conditional Use Permits
2. Section 6.04.66 Development Permits
3. Section 6.04.28 Landscaping Standards
4. Section 6.04.68 Minor Conditional Use Permits
5. Section 6.04.60 Minor Modifications
6. Section 6.04.62 Minor Variances
7. Section 6.04.34 Off-Street Parking Standards
8. Section 6.04.38 Sign Standards
9. Section 6.04.58 Temporary Use Permits
10. Section 6.04.64 Variances

**SECTION 6.04.34
OFF-STREET PARKING STANDARDS**

6.04.3401 PURPOSE

To achieve the following:

1. To provide an adequate amount of convenient off-street parking in order to lesson congestion on the public streets;
2. To provide accessible, attractive, secure, properly lighted, and well-maintained and screened off-street parking facilities;
3. To ensure that off-street parking facilities are designed in a manner that will ensure efficiency and safety, and reduce adverse effects on surrounding properties;
4. To ensure the maneuverability of emergency vehicles; and
5. To provide parking facilities in proportion to the needs generated by varying types of land use activities.

6.04.3405 APPLICABILITY

Every use hereafter inaugurated (including a change of use), and every structure hereafter erected or altered, shall have permanently maintained off-street parking areas in compliance with the provisions of this Section.

The requirements of this Section are minimum standards. A developer/builder may find it necessary to exceed the minimum requirements to ensure adequate parking facilities and for a successful development.

6.04.3410 GENERAL REGULATIONS

1. Off-street parking and parking lot improvements shall be provided subject to the provisions of this Section for:
 - A. Any new structure constructed;
 - B. Any new use established or change of use;

- C. Any increase in intensity of use by 25% or more, or expansion of structures or area by 25% or more, beyond that existing at the time of the adoption of this Section;
 - D. Following any discontinuance of a use for 6 or more consecutive months and prior to obtaining Occupancy Clearance; and
 - E. Following destruction or demolition of 50% or more of an existing structure(s) and prior to obtaining Occupancy Clearance.
2. Exceptions to the above requirements are as follows:
- A. In the CBD zoning district, a change of use in a structure of historical importance, as determined by the Director, shall be exempt from providing additional parking as may be required by this Section;
 - B. In the CBD zoning district, where a residential use in a mixed use project occupies up to 50% of the gross floor area of the project, the residential parking requirement may be reduced up to 50% subject to approval of the Review Authority. The Review Authority may waive the requirement for covered parking as long as at least one space can be designated for the sole use of each residential unit; and
 - C. An existing single family residence that has less than the required number of off-street parking spaces may be enlarged without providing additional parking spaces if either of the following apply:
 - 1. The addition is less than 300 square feet gross; or
 - 2. The addition, when combined with the square footage of the existing structure (excluding any garage space) equals less than 1,300 square feet gross.
3. All off-street parking spaces and areas required by this Section shall be designed and maintained to be fully usable for the duration of the use requiring the parking.
4. Required parking areas shall be used exclusively for vehicle parking in conjunction with a permitted use and shall not be reduced or encroached upon in any manner. Except that, required parking areas for approved seasonal or intermittent uses may be used for other activities when not required for the primary use, if specifically approved by the Director.
5. Temporary use of off-street parking spaces for non-parking purposes will not violate this Ordinance if the use is less than 30 days and is specifically approved by the Director.
6. Parking facilities constructed or substantially reconstructed subsequent to the effective date of this Section, whether or not required, shall conform to the design standards outlined in this Section.
7. No existing use of land or structures shall be deemed to be nonconforming solely because of the lack of off-street parking spaces or parking lot improvements required by this Section; provided that facilities being used for off-street parking as of the date of adoption of this Section shall not be reduced in number to less than that required by the provisions of this

Section.

8. If more than one use is located on a site, including multiple uses under single ownership, the number of off-street parking spaces to be provided shall be equal to the sum of the requirements prescribed for each use.
9. Requirements for uses not specifically listed herein shall be determined by the Director based upon the requirements for comparable uses and upon the particular characteristics of the use.
10. Fractional space requirements shall be rounded up to the next whole space.
11. Off-street parking facilities required by this Section for any use shall not be considered as providing parking spaces for any other use except where the use of a joint parking facility is approved by the Review Authority in compliance with the provisions of Subsection 6.04.3445, (Joint Use of Parking Facilities).
12. The use of parking facilities shall be without monetary charge when the parking is required in compliance with this Section except when monetary charges have been established by an approved Transportation Demand Management program in compliance with Section 6.04.40.
13. In multi-use parking facilities, required parking spaces shall not be reserved for a specific business or person, unless the spaces are in excess of the minimum number required.

6.04.3415 NUMBER OF PARKING SPACES REQUIRED

The following minimum number of parking spaces shall be provided for each use (where "sf." refers to square foot and "gfa." refers to gross floor area):

USE**1. Residential**

Single-family detached dwellings	2 spaces within a garage
Single-family attached dwellings	2 spaces within a garage; 1 uncovered guest space for every 3 dwellings.
Mobile home parks	2 spaces for each unit may be in tandem; 1 guest space for every 2 units.
Multi-family residential:	
Efficiency and 1 bedroom	1.5 covered; 1 uncovered guest space for every 3 units.
2 bedrooms	2 covered; 1 uncovered guest space for every 3 units.
3 or more bedrooms	2.5 covered; 1 uncovered guest space for every 3 units.
Residential day care (7 or more children)	1 space for every 7 children, in addition to those required for primary residence.
Congregate facilities	3 spaces for each 4 living units, plus 3 spaces for each 4 living units for guest and employee parking.
Rooming houses and similar facilities with guest rooms	1 space for each sleeping room (in dormitories each 100 sf. is considered a sleeping room).
Second dwelling units	2 spaces in a garage or carport for dwellings 800 sf. and above.
Residential uses in CBD zoning district	1 covered space per dwelling unit.

USE	NUMBER OF REQUIRED SPACES
2. <u>Commercial/Office</u> (Except in CBD Zoning District. See item 3 below.)	
Commercial, retail, and service uses except uses listed below:	1 space for each 250 sf. gfa.
Art/dance studio	1 space per employee, plus 1 space per 4 students at peak attendance.
Automobile repair, painting	1 space per employee or 1 space for each 1,500 square feet of parcel area, whichever is greater; plus 1 space for each service bay.
Automobile and other open air sales	1 space for each employee on largest shift; plus 1 space for each 1,000 sf. of parcel area devoted to display/sales up to 10,000 sf., then 1 space for each 5,000 sf.
Banks, savings and loans, financial	1 space for each 400 sf. gfa. plus 1 lane for each drive up window and/or automatic teller machine with space for 3 vehicles per lane.
Car Wash - self service	2 spaces per stall plus 2 space queuing lane in front of each stall.
Car wash - full service	1 space per every 2 employees on the largest shift plus reserve capacity equal to 2 times the capacity of the washing operation (the length of the conveyor in feet, divided by 20).
Furniture store	1 space for each 750 sf. gfa.
Hotels/motels	1 space for each unit and 1.5 spaces for each unit with kitchen facilities, plus 1 space for each 5 units and 1 space for each 250 sf. gfa. in lobby, office, or commercial use.
Laundry-coin operated	1 space for every 6 washing machines.

USE	NUMBER OF REQUIRED SPACES
Lube-n-tune	1 space per bay, plus 1 space for each employee, plus adequate queuing lanes.
Lumber yards	1 space for each 300 sf. gfa. for indoor sales, plus 1 for each 1,000 sf. of open area devoted to display (partially covered by roof, awning, etc.) or sales.
Mini-warehouse	5 spaces adjacent to the office/ manager's unit and 2 spaces adjacent to all ground level entrances to second story facilities. In addition, a 9 foot wide loading/parking aisle adjacent to structure walls containing storage access doors in addition to the required Fire Department access aisle. In addition, 2 spaces adjacent to all ground level entrances in multi-story facilities.
Offices - general	1 space for each 300 sf. gfa.
Offices - medical/dental	1 space for each 225 sf. gfa.
Restaurants, cafes, bars, public night clubs, and other similar establishments	1 space for each 45 sf. of public seating area, plus 1 for each 250 sf. of all other floor area. For drive-up window with stacking space for 4 vehicles before the menu board.
Restaurant, take out only, no customer seating	1 space for each 250 sf. gfa.
Retail nursery/garden supply	1 space for each 300 sf. of indoor display area, plus 1 space for each 1,000 sf. of outdoor display area.
Service stations	3 spaces plus 2 for each service bay. Additional for mini-mart/retail

USE	NUMBER OF REQUIRED SPACES
Shopping Centers	
10,000 to 30,000 sf. gfa.	1 space for each 225 sf. gfa.
30,000 to 50,000 sf. gfa.	1 space for each 200 sf. gfa.
50,000 sf. gfa. and above	1 space for each 175 sf. gfa.
Storage yard, salvage yard, junk yard, automobile wrecking yard and similar uses	1 space for each employee on largest shift or 1 space for each 5,000 sf. of parcel area whichever is greater.
3. <u>Commercial/Office in CBD Zoning District</u>	
Commercial (retail, service), office (general/medical), eating/drinking establishments/recreation establishments and other non-residential uses	1 space for each 500 sf. gfa.
4. <u>Commercial Recreation Uses</u>	
Bowling alley	2 spaces per lane, plus standard for other associated uses.
Driving range	3 spaces, plus 1 space per tee.
Golf course	8 spaces per hole, plus as required for associated uses (i.e., pro shop, bar, banquet room, etc.).
Golf course, miniature	3 spaces per hole, plus as required for associated uses (i.e., game room, food service, etc.).
Health clubs, gyms	1 space for each 150 sf. gfa. plus as required for associated uses.
Swimming pools	1 space for each 500 sf. area related to pool and associated facilities, plus 1 space for each 100 sf. of pool water area.
Tennis/Racquetball facilities	3 spaces per court, plus as required for associated uses.

USE	NUMBER OF REQUIRED SPACES
5. <u>Educational Uses</u>	
Nursery/pre-school	1 space for each staff member, plus 1 space for each 6 children.
Elementary/Junior High	2 spaces for each classroom.
High School	2 spaces for each classroom, plus 1 space for each 6 students.
Trade schools, commercial schools	1 space for each 3 student capacity business colleges, of each classroom plus, 1 space for each faculty member and other employees.
6. <u>Health Related Uses</u>	
Convalescent/nursing	1 space for each 6 beds, plus 1 homes, sanitariums space for each employee on the largest shift, plus 1 space for each staff doctor.
Hospitals	1.75 spaces for each bed.
7. <u>Industrial Uses</u>	
Industrial, general	1 space for each 500 sf. gfa. plus 1 space for each vehicle used in connection with the use.
Public utility facilities	1 space for each employee on the largest shift, plus 1 space for each vehicle used in connection with the use. 2 spaces per site minimum.
Warehouse	1 space for each 1,000 sf. gfa. up to 5,000 gfa., over 5,000 gfa. 1 space for each 5,000 sf. gfa. Additional spaces required for office uses exceeding 10% of the total gfa.

USE**NUMBER OF REQUIRED SPACES****8. Places of Assembly and Institutional Uses**

Churches, conference/
meeting facilities,
lodges, union halls

1 space for each 4 fixed seats, or
1 space for each 30 sf. of area in auditoriums,
the principle sanctuary, conference space
or auditorium, whichever is greater, plus
1 space for every 250 sf. gfa., in non-seating
area (other than dining area), plus 1 space for
every 50 sf. of dining/ drinking area.

Libraries, museums,
art galleries

1 space for each 300 sf. gfa.

Theaters, movies
(single screen)

1 space per 2 seats, plus 5 for
employees.

Theaters, movies
(multi-screen)

1 space per 3 seats, plus 10 for
employees.

6.04.3420 HANDICAPPED PARKING REQUIREMENTS

Handicapped parking requirements are established by the State and are contained in California Administrative Code Title 24, Part 2, Chapter 2-71, Section 2-7102. Any change in the State's handicapped parking requirements shall preempt the affected requirements in this Subsection.

1. Handicapped parking spaces shall be designed in a manner consistent with the Uniform Building Code, as illustrated below.
2. When less than 5 parking spaces are provided, one space shall be 14 feet wide and striped to provide a 9 foot parking area and an adjacent 5 foot loading and unloading area. However, there is no requirement that the space be reserved exclusively or identified for handicapped use only.
3. Handicapped parking spaces required by this Subsection shall count toward fulfilling off-street parking requirements.

6.04.3425 MOTORCYCLE PARKING REQUIREMENTS

Developments with 30 or more parking spaces shall provide at least one designated parking area for use by motorcycles subject to approval by the Review Authority as to size and location.

6.04.3430 BICYCLE PARKING REQUIREMENTS

All commercial, industrial, and office uses shall provide adequate lockable facilities for bicycle parking at a location convenient to the facility for which they are designated. The number and location of spaces that are provided shall be determined by the Review Authority.

6.04.3435 DEVELOPMENT STANDARDS

Off-street parking areas shall be provided in the following manner:

1. ACCESS

- A. All parking areas shall provide suitable maneuvering room so that all vehicles may enter an abutting street in a forward direction. The Director may approve exceptions for residential projects.
- B. All access driveways shall provide an on-site vehicle stacking distance of 20 feet to the first parking space or circulation aisle.
- C. A minimum unobstructed clearance height of 7 feet 6 inches shall be maintained above all areas accessible to vehicles.

2. DIMENSIONAL REQUIREMENTS

- A. Minimum parking dimensions shall be as indicated in the Table III-1.
- B. For parallel spaces, the minimum width shall be 9 feet, and the minimum length shall be 20 feet. There shall be a space of at least 4 feet between each 2 parallel spaces.

**TABLE III-1
PARKING AREA DIMENSIONS**

A	B	C	D		E		F		G	H
			1-Way	2-Way	1-Way	2-Way	1-Way	2-Way		
Parking Space Angle	Curb Length Per Car	Stall Depth	Back-Up Driveway Width		Single Bay Width		Double Bay Width		Stall Depth To CL	Total Bay Width
0°	25'	9'	12'	20'	21'0"	29'0"	30'	38'0"	9'	18'
30°	18'0"	17'10"	12'	20'	29'10"	37'10"	47'8"	55'8"	13'11"	27'10"
45°	12'9"	20'6"	14'	20'	34'6"	40'6"	55'0"	61'0"	17'4"	34'8"
60°	10'5"	21'10"	18'	20'	39'10"	41'10"	61'8"	63'8"	19'7"	39'2"
90°	9'0"	20'0"	24'	24'	44'0"	44'0"	64'0"	64'0"	17'6"	40'0"

- A - ANGLE OF PARKING
- B - CURB LENGTH PER CAR
- C - STALL DEPTH
- D - BACK UP OR DRIVEWAY WIDTH
- D¹ - DRIVEWAY WIDTHS LEADING TO PARKING AREAS TO BE PER SUBSECTION 46.04.35
- E - TOTAL WIDTH SINGLE BAY ABUTTING WALLS OR OTHER OBSTRUCTIONS (C+D)
- F - TOTAL WIDTH DOUBLE BAY ABUTTING

WALLS OR OTHER OBSTRUCTIONS (2C+D)

G - STALL DEPTH TO CENTER LINE OF
ABUTTING PARKING BAYS (C-H)

H - TOTAL WIDTH OF ABUTTING PARKING
BAYS (2G)

C. Compact parking spaces may be provided up to a maximum of 15% of the total required off-street parking spaces in compliance with the following:

1. Parking Stall Dimensions

Length 17'
Width 8'6"

2. Each compact space shall be clearly marked "COMPACT"; and
3. The parking space length shall be at least 18' for parallel spaces.

3. DRAINAGE

All required off-street parking areas shall be designed so that surface water will not drain over any sidewalk or adjacent parcels.

4. DRIVEWAYS

- A. Driveways providing access to off-street parking spaces for non-residential uses shall be a minimum width of 15 feet for a one-way driveway and 25 feet for a two-way driveway. The maximum driveway width shall be 30 feet, exclusive of any area provided for a median divider at project entries.
- B. Each entrance and exit to a parking lot shall be constructed and maintained so that any vehicle entering or leaving the parking lot shall be clearly visible at a distance of not less than 10 feet by any person approaching the driveway on a pedestrian walk or foot path.
- C. Exits from parking lots shall be clearly posted with "STOP" signs.
- D. Appropriate directional signs shall be maintained where needed and as required by the Director.

5. LANDSCAPING

The following landscaping standards shall be observed for all parking facilities containing 10 or more spaces:

- A. A minimum of 3% of the total off-street parking area shall be landscaped. The parking area shall be computed by adding all areas used for access drives, aisles, stalls, and maneuvering within that portion of the site that is devoted to parking and circulation;

- B. In the CBD zoning district, a minimum of 15% of the parking area shall be landscaped with at least one 24 inch box tree provided for each 8 parking spaces. A landscaping strip shall be provided every 8 parking spaces in a row and at the end of each aisle of parking. This strip shall be a minimum of 4 feet in width;
- C. Where parking areas abut a public right-of-way, a landscaped planting strip shall be established between the public right-of-way and parking area(s) in order to effectively screen the parking area in compliance with the requirements for screening in this Subsection. The width of the landscaped strip shall be as required by the development standards for front setbacks in the various zoning districts. Where no setback is required the planting strip shall be a minimum of 5 feet;
- D. Each parking facility shall provide a perimeter landscaped strip at least 4 feet wide (inside dimension) where the facility adjoins a side or rear property line. The perimeter landscaped strip may include any landscaped yard or landscaped area otherwise required;
- E. Any planting within a traffic safety sight area of a driveway shall not exceed 36 inches in height;
- F. All landscaped areas shall be a minimum of 4 feet in width;
- G. All landscaped areas shall be bordered by a concrete curb that is at least 6 inches high and 6 inches wide. Concrete mow strips at least 6 inches deep and 4 inches wide shall be required to separate turf areas from shrub areas;
- H. Parked vehicles may overhang landscaped areas in front and side yard setback areas adjacent to public rights-of-way; and
- I. Landscaping shall be installed and maintained in compliance with Section 6.04.28 (Landscaping Standards).

6. LIGHTING

- A. Parking areas shall have lighting capable of providing adequate illumination for security and safety. The minimum requirement is one foot candle, maintained across the surface of the parking area. A parking area lighting study with manufacture's performance specifications may be required by the Director.
- B. Lighting fixtures shall be energy-efficient and standards shall be in scale with the height and use of the on-site structure(s).
- C. Any illumination, including security lighting, shall be directed away from adjoining properties and public rights-of-way.

7. LOCATION OF REQUIRED PARKING SPACES

- A. All parking spaces required for residential uses shall be located on the same parcel they are required to serve.

- B. All parking spaces required for multi-family residential developments shall be located within 150 feet from the dwelling unit they are intended to serve. No parking space for a multi-family use shall be located within any required yard setback adjacent to a public right-of-way.
- C. Required parking spaces for non-residential uses shall be located within 300 feet of the public entrance of the use they are required to serve, as measured along the line of travel a pedestrian would normally use. Off-site parking facilities that are not located on the same site as the use they serve shall be secured by ownership or by a lease agreement which shall be approved by the Director and City Attorney.

8. MAINTENANCE

All required parking facilities shall be permanently maintained, free of litter and debris, and may be posted for "parking purposes" only.

9. SCREENING

- A. Commercial, industrial, and public parking facilities abutting residentially zoned/used parcels shall have a 6 foot high, solid, architecturally treated, masonry wall to screen the parking area(s). All wall treatments shall occur on both sides unless waived by the Director.
- B. Parking areas adjacent to public rights-of-way shall provide a 30 inch to 36 inch high landscaped screen across the entire parking frontage except for driveways. Landscape screening may include a combination of low hedge row plantings, landscaped berms, or low decorative masonry walls subject to the approval of the Director.

10. STRIPING AND MARKING

- A. All parking stalls shall be painted with a single 4 inch wide continuous line.
- B. All aisles, entrances and exits shall be clearly marked with directional arrows painted on the parking surface.
- C. All motorcycle parking areas shall be individually labeled with the word "motorcycles" painted on the parking surface of each area.
- D. All handicapped parking stalls shall be individually labeled and signed in compliance with Uniform Building Code and California Vehicle Code standards.

11. PAVING

All parking areas, maneuvering areas, turnaround areas, and any other driveway used for access shall be paved with:

- A. Concrete surfacing to a minimum thickness of 7 inches, including expansion joints as necessary;

- B. Asphalt type surfacing compacted to a minimum thickness of 2 inches, laid over a base of crushed rock, gravel or similar material, compacted to a minimum thickness of 4 inches; or
- C. The Director may approve alternate materials and specifications of greater or lesser standards and may require supporting evidence by a soil engineer.

12. WHEEL STOP/CURBING

Continuous concrete curbing at least 6 inches high and 6 inches wide shall be provided for all parking spaces located adjacent to walls, fences, property lines and structures. All parking lots shall have continuous curbing at least 6 inches high and 6 inches wide around all parking areas and aisle planters. Wheel stops shall not be used in lieu of curbing.

6.04.3440 PARKING/ACCESS DESIGN STANDARDS FOR RESIDENTIAL USES

The following standards shall apply to all residential uses:

1. DRIVEWAYS

- A. Driveways for single-family dwellings which provide access to garages and carports having a setback greater than 24 feet from the street property line shall have a minimum width of 10 feet and a maximum width of 12 feet at the property line except as provided below under Subsection 2, (Driveway Expansions).

- B. Driveways for single-family dwellings which provide access to garages or carports having a setback less than 24 feet from the street property line shall not exceed the total width of the garage door or carport opening plus 2 feet at the property line, except as provided below under Subsection 2, (Driveway Expansions).
- C. Driveways for multi-family projects shall not exceed a maximum width of 20 feet at the street property line.
- D. When a garage, carport, or parking area is perpendicular (90 degrees) to the driveway, a minimum 24 foot deep unobstructed back-out area shall be provided.

2. DRIVEWAY EXPANSIONS

- A. For any single-family use in a residential zoning district, paved expansion areas immediately adjacent to the required access driveway may be used for the parking of operable automobiles. Paved areas shall not exceed a maximum width of 6 feet measured toward the nearest property line and a maximum width of 2 feet on the opposite side measured from the required driveway.
- B. The maximum total width of the expanded driveway shall not exceed 20 feet or 35% of the parcel width, whichever is less.
- C. All unpaved portions of the front yard area shall be improved and maintained with appropriate landscaping.

3. RESIDENTIAL GARAGES/CARPORTS

A minimum unobstructed inside dimension of 20 feet by 20 feet shall be maintained for a 2-car garage or carport. A minimum unobstructed inside dimension of 30 feet by 20 feet shall be maintained for a 3-car garage or carport. The minimum unobstructed ceiling height shall be 7 feet 6 inches.

4. SCREENING

All carports and parking areas in multi-family zoning districts shall be screened from view from the public street by landscaping or a combination of decorative masonry walls and landscaping. Walls shall not be located in setback areas and shall incorporate landscaping on the street side to screen flat wall surfaces subject to the approval of the Director.

5. PARKING LOCATION

- A. Automobiles (excluding recreational vehicles) shall not be parked within the front 50% of the parcel or between the street property line and the front of the residential unit except on a legal driveway, or in a garage or carport.
- B. Recreational vehicles may only be stored within the side or rear yard behind the front line of the residential unit or, in the case of a corner parcel, behind the front or side line facing each street.
- C. Recreational vehicles that are visible from a public right-of-way shall be screened to a height of 6 feet in a manner approved by the Director.
- D. Recreational vehicles may be temporarily parked on driveways in front of residences for not more than 24 continuous hours for the purpose of loading and unloading.

6. TANDEM PARKING

- A. Tandem parking may be used to satisfy parking requirements in residential zoning districts only for mobile home parks, and large family day care centers/homes.
- B. Two parking spaces in tandem shall not have a dimension less than 10 feet by 34 feet.

6.04.3445 JOINT USE OF PARKING FACILITIES

Owners or lessees of property in commercial or industrial zoning districts may provide parking facilities for their joint use in compliance with the provisions of this Subsection.

1. JOINT USE WITH PARKING REDUCTION

- A. Parking facilities for adjoining uses which are reasonably close and whose peak hours of operation are substantially different may be provided jointly or may reduce the total number of parking spaces required subject to:
 - 1. Approval of the Review Authority; and
 - 2. Satisfaction of the following conditions:
 - a. Sufficient evidence shall be submitted demonstrating that no substantial conflict in the principal hours or periods of peak demands of the uses for which the joint use is proposed will exist. A parking study prepared by a qualified traffic engineering firm may be required as evidence to support conclusions;
 - b. The parking facilities designated for joint use shall be reasonably close to the uses served;
 - c. In computing the number of parking spaces required, the unit of measurement which combines the greatest number of parking spaces shall

be used; and

- d. A written agreement, approved by the City Attorney may be required to be executed by all parties concerned and filed in the office of the County Recorder. The agreement shall be a covenant running with the land or other enforceable restriction and shall ensure the continued availability of the number of spaces designated for joint use at the periods of time indicated.
- B. In granting parking reductions for joint use of parking facilities, the Review Authority shall make one or more of the following findings:
1. The information presented justifies the requested parking reduction based upon the presence of 2 or more adjacent land uses which, because of their different operating hours or different peak parking characteristics, will allow joint use of the same parking facilities;
 2. The traffic engineering report indicated that there are public transportation facilities and/or pedestrian circulation opportunities which justify the requested reduction of parking facilities; or
 3. The traffic engineering report finds that because of the clustering of different land uses, because of a reduced number of parking spaces can serve multiple trip purposes to the area being considered.

2. JOINT USE WITHOUT PARKING REDUCTION

If 2 or more adjoining uses are under common ownership, or separate ownership and the respective owners have acquired recordable easements for reciprocal access, the uses may jointly provide the required off-street parking. The total number of required parking spaces shall not be less than the sum of the requirements for the individual uses computed separately.

6.04.3450 APPLICABLE REGULATIONS

All uses shall be subject to the applicable provisions of this Ordinance, including the procedures outlined in the following Sections:

1. Section 6.04.70 Conditional Use Permits
2. Section 6.04.66 Development Permits
3. Section 6.04.28 Landscaping Standards
4. Section 6.04.68 Minor Conditional Use Permits
5. Section 6.04.60 Minor Modifications
6. Section 6.04.62 Minor Variances
7. Section 6.04.32 Off-Street Loading Standards
8. Section 6.04.38 Sign Standards
9. Section 6.04.58 Temporary Use Permits
10. Section 6.04.64 Variances

**SECTION 6.04.36
RECYCLING FACILITIES**

6.04.3601 PURPOSE

To establish standards and procedures for the siting and operation of various types and sizes of commercial recycling facilities.

6.04.3605 APPLICABILITY

Any owner/operator of a recycling facility intending to operate within the City shall comply with all of the following provisions/standards:

1. Recycling facilities are subject to permit review and are allowable only in the CN, CBD, CH and MPD zoning districts in compliance with the following schedule:

<u>Type of Facility</u>	<u>Districts Permitted</u>	<u>Permit Required</u>
Reverse Vending Machine(s)	CN CBD CH MPD	Development Permit for up to 5 reverse vending machines
Small Collection	CN CBD CH MPD	Development Permit
Large Collection	CH MPD	Conditional Use Permit
Light/Heavy Processing	MPD	Conditional Use Permit

For the purpose of this Section, the following definitions shall apply:

- A. Collection Facility.** A center for the acceptance by donation, redemption or purchase of recyclable materials from the general public, which may include the following:
1. Reverse vending machine(s);
 2. Small collection facilities which occupy an area of less than 350 sq. ft. and may include:
 - a. A mobile unit;
 - b. Bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 sq. ft.; and
 - c. Kiosk-type units which may include permanent structures.
 3. Large collection facilities which may occupy an area of more than 350 sq. ft. and may include permanent structures.
- B. Mobile Recycling Unit.** An automobile, truck, trailer or van, licensed by the Department of Motor Vehicles which is used for the collection of recyclable materials, including bins, boxes, or containers transported by trucks, vans or trailers, and used for the collection of recyclable materials;
- C. Convenience Zone.** An area within a 1/2 mile radius of a supermarket;
- D. Supermarket.** A full-service, self-service retail store with gross annual sales of 2 million dollars or more, and which sells a line of dry grocery, canned goods, or non-food items and some perishable items;
- E. Processing Facility.** A structure or enclosed space used for the collection and processing of recyclable materials to prepare for either efficient shipment or to an end-user's specifications by means of baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, remanufacturing or shredding. Processing facilities include the following:
1. A light processing facility occupies an area of under 45,000 sq. ft. of collection, processing and storage area, and averages 2 outbound truck shipments each day. Light processing facilities are limited to baling, briquetting, compacting, crushing, grinding, shredding and sorting of source separated recyclable materials sufficient to qualify as a certified processing facility. A light processing facility shall not bale, compact or shred ferrous metals other than food and beverage containers; and
 2. A heavy processing facility is any processing facility other than a light processing facility.
- F. Recycling Facility.** A center for the collection and/or processing of recyclable materials. A certified recycling facility or certified processor is certified by the California

Department of Conservation as meeting the requirements of State law (California Beverage Container Recycling and Litter Reduction Act of 1986). A recycling facility does not include storage containers located on a residential, commercial or industrial designated parcel used solely for the recycling of material generated on the parcel;

G. Recycling or Recyclable Material. Reusable domestic containers including but not limited to glass, metals, paper and plastic which are intended for reconstitution, remanufacture, reuse or for the purpose of using in altered form. Recyclable material does not include hazardous materials or trash/refuse; and

H. Reverse Vending Machine. An automated mechanical device which accepts at least one or more types of empty beverage containers including, but not limited to, aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by State law. A reverse vending machine may sort and process containers mechanically, provided that the entire process is enclosed within the machine. In order to accept and temporarily store all container types in a proportion commensurate with their relative redemption rates, and to meet the requirements of certification as a recycling facility, multiple grouping of reverse vending machines may be necessary.

A bulk reverse vending machine is a reverse vending machine that is larger than 50 sq. ft., is designed to accept more than one container at a time and will pay by weight instead of by container.

2. All recycling facilities shall comply with the following standards:

A. Reverse vending machine(s) shall not require additional parking spaces for recycling customers, and may be located only in the CN, CBD, CH and MPD zoning districts subject to the approval of a Development Permit and the following standards:

1. Shall be installed as an accessory use to a commercial or industrial use which is in full compliance with all applicable provisions of this Ordinance and the Municipal Code;

2. Shall be located within close proximity to the entrance of the commercial or industrial structure and shall not obstruct pedestrian or vehicular circulation;
 3. Shall not occupy parking spaces required by the primary use;
 4. Shall occupy no more than 50 sq. ft. of space for each installation, including any protective enclosure, and shall be no more than 8 feet in height;
 5. Shall be constructed and maintained with durable waterproof and rustproof material;
 6. Shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative;
 7. Shall have a maximum sign area of 4 sq. ft. for each machine, exclusive of operating instructions;
 8. Shall be maintained in a clean, sanitary, and litter-free condition on a daily basis;
 9. Shall be illuminated to ensure comfortable and safe operation if there are operating hours between dusk and dawn; and
 10. Shall maintain adequate refuse containers on-site for the disposal of non-hazardous waste.
- B. Small collection facilities located within the CN, CBD, CH and MPD zoning districts shall be subject to the approval of a Development Permit and the following standards:
1. Shall be installed as an accessory use to an existing commercial or industrial use which is in full compliance with all applicable provisions of this Ordinance and the Municipal Code;
 2. Shall be no larger than 350 sq. ft. and occupy no more than 3 parking spaces not including space that will be periodically needed for removal of materials or exchange of containers;
 3. Shall be set back at least 10 feet from any public right-of-way, and not obstruct pedestrian or vehicular circulation;

4. Shall accept only glass, metal, plastic containers, papers and reusable items;
5. Shall use no power-driven processing equipment except for reverse vending machines;
6. Shall use containers that are constructed and maintained with durable waterproof and rustproof material, covered when site is not attended, secured from unauthorized entry or removal of material, and shall be of a capacity sufficient to accommodate materials collected and the collection schedule;
7. Shall store all recyclable material in the mobile unit vehicle and shall ensure that materials are not left outside of the unit when attendant is not present;
8. Shall ensure that the site is maintained clean, sanitary and free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis;
9. Noise levels shall be in compliance with Subsection 6.04.1805(14) (Noise Attenuation);
10. Shall not be located within 30 feet of any residential zoning district/use;
11. Collection containers, site fencing and signs shall be of a color and design so as to be both compatible and harmonious with the surrounding uses and neighborhood;
12. Containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation and display a notice stating that no material shall be left outside the recycling enclosure;
13. Signs may be provided as follows:
 - a. Recycling facilities may have identification signs with a maximum area of 15% for each side of a structure or 16 sq. ft., whichever is greater. In the case of a wheeled facility, the side will be measured from the ground to the top of the container;
 - b. Signs shall be consistent with the character of their location; and

- c. Directional signs, consistent with Section 6.04.38 (Sign Standards), bearing no advertising message may be installed with the approval of the Director if found necessary to facilitate traffic circulation or if the facility is not visible from the public right-of-way.
14. The facility shall not impair the landscaping required by Section 6.04.28 (Landscaping Standards) for any concurrent use allowed by this Ordinance;
 15. No additional parking space shall be required for customers of a small collection facility located in the established parking lot of the primary use. One space shall be provided for the attendant, if needed;
 16. Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present;
 17. Occupation of parking spaces by the facility and by the attendant shall not reduce available parking spaces below the minimum number required for the primary use unless a parking study shows that existing parking capacity is not already fully utilized during the time the recycling facility will be on the site;
 18. Small collection facilities located within 500 feet of an RPD zoning district shall not operate between the hours of 10:00 P.M. and 7:00 A.M.;
 19. Small collection facilities may be subject to landscaping and/or screening as determined by the Director;
 20. Shall maintain adequate refuse containers on-site for the disposal of non-hazardous waste; and
 21. The permit shall be reviewed at the end of one year and again thereafter, as determined by the Director.
- C. A large collection facility, which is larger than 350 sq. ft. or on a separate parcel not accessory to a "primary" use, and which shall have a permanent structure, is allowed only in the CH and MPD zoning districts, subject to the approval of a Conditional Use Permit and the following standards:
1. The facility shall not be located adjacent to any residential zoning district/use;
 2. The facility shall be screened from all public rights-of-way, within an enclosed structure;
 3. Structure setbacks and landscape requirements shall comply with those provided for the CH and MPD zoning districts;
 4. All exterior storage of material shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition at all times. Storage containers for flammable materials shall be constructed of nonflammable materials. Outdoor storage shall be screened by a minimum 6 foot high, solid

decorative masonry wall. No storage, excluding truck trailers, shall be visible above the height of the required wall;

5. The site shall be maintained clean, sanitary and free of litter and any other undesirable materials. Loose debris shall be collected on a daily basis and the site shall be secured from unauthorized entry and removal of materials when attendants are not present;
6. Space shall be provided on-site for 6 vehicles to circulate and to deposit recyclable materials;
7. Four parking spaces for employees plus one parking space for each commercial vehicle operated by the recycling facility shall be provided on-site;
8. Noise levels shall be in compliance with Subsection 6.04.1805(14) (Noise Attenuation);
9. If the facility is located within 500 feet of any residential zoning district/use, it shall not be in operation between the hours of 7:00 P.M. and 7:00 A.M.;
10. Any containers provided for "after hours" donation of recyclable materials shall be permanently located at least 50 feet from any residential zoning district/use, constructed of sturdy, rustproof materials, with sufficient capacity to accommodate materials collected;
11. Donation areas shall be kept free of litter and any other undesirable material and the containers shall be clearly marked to identify the type of material that may be deposited. The facility shall display a notice stating that no material shall be left outside the recycling containers;
12. Signs shall be installed in compliance with Section 6.04.38 (Sign Standards). Additionally, the facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation;

13. No dust, fumes, odor, smoke or vibration above ambient levels shall be detectable from adjacent parcels; and
 14. Shall maintain adequate refuse containers on-site for the disposal of non-hazardous waste.
- D. Light and heavy processing facilities shall be allowed only in the MPD zoning district subject to the approval of a Conditional Use Permit and the following standards:
1. The facility shall not be located adjacent to any residential zoning district/use;
 2. Processors shall only operate within a completely enclosed structure;
 3. Power-driven processing shall be permitted provided all noise levels are in compliance with Subsection 6.04.1805(14) (Noise Attenuation). Light processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials and repairing of reusable materials;
 4. A light processing facility shall be no larger than 45,000 sq. ft., shall have no more than an average of 2 outbound truck shipments of material each day and shall not bale, compact or shred ferrous metals other than food and beverage containers. A heavy processor may exceed 45,000 sq. ft. and 2 outbound truck shipments each day, and may perform those functions not allowed at light processing facilities;
 5. Structure setbacks and landscape requirements shall be in compliance with the MPD zoning district;
 6. All exterior storage of material shall be in sturdy containers or enclosures which are covered, secured and maintained in good condition at all times. Storage containers for flammable materials shall be constructed of nonflammable material. Outdoor storage shall be screened by a solid decorative masonry wall, with a maximum height of 8 feet, subject to the approval of the Director. No storage, excluding truck trailers, shall be visible above the height of the required wall;
 7. The site shall be maintained clean, sanitary and free of litter and any other undesirable materials. Loose debris shall be collected on a daily basis and the site shall be secured from unauthorized entry and removal of materials when attendants are not present;

8. Space shall be provided on-site for the anticipated peak load of customers to circulate, park and deposit recyclable materials. If the facility is open to the public, an on-site parking area shall be provided for a minimum of 10 customers at any one time;
 9. One employee parking space shall be provided on-site for each commercial vehicle operated by the processing center;
 10. Noise levels shall be in compliance with Subsection 6.04.1805(14) (Noise Attenuation);
 11. If the facility is located within 500 feet of any residential zoning district/use, it shall not be in operation between the hours of 7:00 P.M. and 7:00 A.M. The facility shall be administered by on-site personnel during normal business hours;
 12. Any containers provided for "after hours" donation of recyclable materials shall be permanently located at least 100 feet from any residential zoning district/use, constructed of sturdy, rustproof materials, with sufficient capacity to accommodate materials collected;
 13. Donation areas shall be kept free of litter and any other undesirable material and the containers shall be clearly marked to identify the type of material that may be deposited. The facility shall display a notice stating that no material shall be left outside the recycling containers;
 14. Signs shall be installed in compliance with Section 6.04.38 (Sign Standards). Additionally, the facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation;
 15. No dust, fumes, odor, smoke or vibration above ambient levels shall be detectable from adjacent parcels; and
 16. Shall maintain adequate refuse containers on-site for the disposal of non-hazardous waste.
- E. Any permit issued in compliance with this Section (except for small collection facilities in compliance with Subsection 6.04.3605[21]) shall have a maximum term of 3 years. Prior to permit renewal, the City shall take into consideration the permittee's history of compliance with the established conditions of approval, as well as the provisions of this Section and the Municipal Code.

6.04.3610 APPLICABLE REGULATIONS

All uses shall be subject to the applicable provisions of this Ordinance, including the procedures outlined in the following Sections:

1. Section 6.04.70 Conditional Use Permits
2. Section 6.04.66 Development Permits
3. Section 6.04.28 Landscaping Standards
4. Section 6.04.68 Minor Conditional Use Permits
5. Section 6.04.60 Minor Modifications
6. Section 6.04.62 Minor Variances
7. Section 6.04.32 Off-Street Loading Standards
8. Section 6.04.34 Off-Street Parking Standards
9. Section 6.04.38 Sign Standards
10. Section 6.04.58 Temporary Use Permits
11. Section 6.04.64 Variances

SECTION 6.04.38 SIGN STANDARDS

6.04.3801 PURPOSE

To achieve the following:

1. Provide minimum standards to protect the general public health, safety, welfare, and aesthetics of the City;
2. Implement the General Plan by ensuring that signs erected within the City are compatible with their surroundings;
3. Maintain the attractiveness and orderliness of the City's appearance by regulating the number, location, type, height, illumination and maintenance of signs; and
4. Protect business sites from loss of prominence resulting from excessive signs on nearby sites.

6.04.3805 APPLICABILITY

No signs shall be erected, moved, altered, repaired, or maintained within the City except in compliance with the provisions of this Section.

6.04.3810 DEFINITIONS

For the purpose of this Section, unless otherwise apparent from the context, the following definitions shall apply.

Abandoned Sign. Any sign which was lawfully erected, but whose use has ceased or whose supporting structure has been abandoned by the owner thereof for a period of 6 months or more.

A-Frame Sign. A free standing sign usually hinged at the top, or attached in a similar manner, and widening at the bottom to form a shape similar to the letter "A". These signs are usually designed to be portable, hence they are not considered permanent signs.

Animated or Moving Sign. Any sign which uses movement, lighting, or special materials to depict action or create a special effect to imitate movement.

Alteration. Any change of copy, sign face, color, size, shape, illumination, position, location, construction or supporting structure of any sign.

Area of a Sign. See "Sign Area".

Awning, Canopy, or Marquee Sign. A non-electric sign that is painted on, or attached to an awning, canopy or marquee.

Banner, Flag, or Pennant. Any cloth, bunting, plastic, paper, or similar material used for advertising purposes attached to or pinned onto any structure, staff, pole, line, framing, or vehicle, including captive balloons and inflatable signs but not including official flags of the United States, the State of California, and other states of the nation, counties, municipalities, official flags of foreign nations and nationally or internationally recognized organizations.

Billboard or Off-Site Sign. A sign structure advertising an establishment, merchandise, service or entertainment, which is not sold, produced, manufactured or furnished at the property on which the sign is located.

Building Frontage. That building elevation which fronts on a public street, alley, parking lot or pedestrian arcade.

Business Frontage. The portion of a structure occupied by an individual/tenant which fronts on a public street, alley, parking lot or pedestrian arcade.

Building Identification Sign. Sign which identifies the name and address of a multi-tenant structure and contains no further advertisement or names of individual businesses.

Business Identification Sign. Sign which serves to identify only the name, address and lawful use of the premises upon which it is located and depicts no other advertisements or product identification.

Cabinet Sign (Can Sign). A sign which contains all the text and/or logo symbols within a single enclosed cabinet and may or may not be illuminated.

Changeable Copy Sign. A sign designed to allow the changing of copy through manual, mechanical, or electrical means including time and temperature displays.

Channel Letters. Three dimensional individually cut letters or figures, illuminated or unilluminated, affixed to a building or sign structure.

Civic Event Sign/Banner. A temporary sign, other than a commercial sign, posted to advertise a civic event sponsored by a public agency, school, church, civic-fraternal organization or similar noncommercial organization.

Contractor or Construction Sign. A sign which states the name of the developer and contractor(s) working on the site and any related engineering, architectural or financial firms involved with the

project.

Directional Sign. Signs limited to directional messages, principally to direct pedestrian or vehicular traffic (i.e., "one way," "entrance," or "exit").

Directory Sign. A sign for listing the tenants and their suite numbers in a multiple tenant building or center.

Dominant Building Frontage. The principle frontage of a structure where the main entrance is located or which faces the street on which its address is located.

Eave Line. The bottom of the roof eave.

Electronic Reader Board Sign. See "Changeable Copy Sign."

Flashing Sign. A sign that contains an intermittent or sequential interruption of the light source.

Freestanding Sign (Pole Sign). A sign which is supported by one or more uprights, braces, poles, or other similar structural components that is not attached to a structure.

Future Tenant Identification Sign. A temporary sign which identifies the names of future businesses that will occupy a site or structure.

Grand Opening. A promotional activity used by newly established businesses, within 3 months after occupancy, to inform the public of their location and services available to the community. "Grand Opening" does not mean an annual or occasional promotion of retail sales by a business.

Height of Sign. For freestanding signs, the greatest vertical distance measured from the top of the nearest curb to the highest element of the sign. For wall signs, the distance from the finished ground surface directly below the sign to the highest element of the sign.

Holiday Decoration Sign. Temporary signs, in the nature of decorations, clearly incidental to and customarily associated with nationally recognized holidays.

Illegal Sign. A sign which includes any of the following: a sign erected without first complying with all ordinances and regulations in effect at the time of its construction/erection or use; a sign that was legally erected, but whose use has ceased, is not maintained, not used to identify or advertise an ongoing business for a period of not less than 6 months, or the structure upon which the display is placed has been abandoned by its owner; a sign that was legally erected which later became nonconforming as a result of the adoption of an ordinance, the amortization period for the display provided by the ordinance rendering the display nonconforming has expired, and conformance has not been accomplished; a sign which is a danger to the public or is unsafe; a sign which is a traffic hazard not created by relocation of streets or highways or by acts of the City; or a sign that pertains to a specific event and 5 days have elapsed since the termination of the event.

Institutional Sign. A sign identifying the premises of a church, school, hospital, rest home or similar institutional facility.

Monument Sign (Ground Sign). An independent structure supported on the ground having a solid base as opposed to being supported by poles or open braces.

Multi-Tenant Site/Center. A commercial or industrial development consisting of 3 or more separate businesses that share either the same parcel or structure and use common access and parking facilities.

Nonconforming Sign. Sign which was legally constructed/installed under regulations in effect prior to the effective date of this Section or subsequent revisions, but which is now in conflict with the provisions of this Section.

Permanent Sign. A sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.

Projecting Sign. Sign other than a wall sign that is suspended from or supported by a structure and projecting outward.

Portable Sign. A sign that is not permanently affixed to a structure or the ground.

Promotional Sign. A sign erected on a temporary basis to promote the sale of new products, new management, new hours of operation, a new service or to promote a special sale.

Property/Parcel Frontage. The front or frontage is that side of a parcel or development site abutting on a public street.

Real Estate Sign. An on-site sign pertaining to the sale, rent, or lease of the premises.

Roofline. On a sloping roof, the highest ridge line. On a flat roof, the top of the parapet.

Roof Sign. A sign constructed upon or over a roof, or placed so as to extend above the visible roof-line or parapet.

Sign. Any structure, housing, device, figure, statuary, painting, display, message placard, or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, created, intended, or used to advertise, or to provide data or information in the nature of

advertising, to direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images.

Sign Area. The entire area within a perimeter defined by a continuous line composed of right angles which enclose the extreme limits of lettering, logo, trademark or other graphic representation, together with any decorative trim forming an integral part of the display used to differentiate it from the background against which it is placed.

Sign Structure. Any structure which supports any sign.

Special Event Banner. A temporary sign or banner that is intended to inform the public of a unique happening, action, purpose or occasion (i.e., grand opening or community event).

Subordinate Building Frontage. Any frontage other than the dominant frontage.

Temporary Sign. Any sign intended to be displayed for a limited period of time, constructed of non-permanent materials (cloth, plastic fabric, canvas, paper, wood and similar materials) and capable of being viewed from any public right-of-way, parking area or neighboring property.

Under-Canopy Sign. Any sign attached to the underside of a projecting canopy protruding over a private or public sidewalk or right-of-way.

Vehicle Sign. A sign which is attached to or painted on a vehicle which is parked or used in a manner designed to attract attention to a product sold or business located in the vicinity.

Wall Sign. A sign which is attached to the exterior wall of a structure with the display surface of the sign approximately parallel to the structure wall.

Window Sign. Any sign posted, painted, placed, or affixed in or on any window exposed to public view. Any interior sign which faces any window exposed to public view and is located within 3 feet of the window.

6.04.3815 SIGN PERMITS**1. SIGN PERMITS REQUIRED**

To ensure compliance with the regulations contained in this Section, a sign permit shall be required in order to erect, move, alter, change copy on or reconstruct any sign, outdoor advertising, or advertising structure except for signs exempt from permits listed in Subsection 6.04.3820.

2. APPLICATION REQUIREMENTS

The following information is required for submittal of a sign permit application:

- A. A completed application form and fee; and
- B. Plans, to scale, to include the following:
 1. Sign details indicating sign area, dimensions, colors, materials, letter style, proposed copy, letter size and method of illumination;
 2. Site plan indicating the location of all existing and proposed signs with sign area and dimensions for the entire project site;
 3. Structure elevation(s) with proposed signs depicted and dimensioned;
 4. The method of attachment for wall signs, and a foundation plan, sign support and method of attachment for freestanding and monument signs;
 5. The type and method of illumination (interior/ exterior), intensity in lumens and watts, and electrical installation and insulation devices, where applicable;
 6. Freestanding and monument sign applications shall include landscape plans and architectural materials descriptions, as well as indicate any traffic safety sight areas to ensure safe view of motorists and pedestrians; and
 7. Other information as the Director considers appropriate to determine compliance with the provisions of this Section.

3. APPROVAL OF SIGN PERMITS

A sign permit application shall be reviewed and approved by the Director provided that the proposed sign is consistent with the purpose/intent and provisions of this Section and the provisions of any approved sign program as required by Subsection 6.04.3825. In addition, review of the permit shall include consideration of size, shape, color, material, illumination, location, text and illustrations, and other elements of design as outlined in any of the City's adopted design guidelines.

If the proposed sign complies with all applicable regulations of this Ordinance and any applicable design guidelines, a sign permit shall be issued. If the proposed sign(s) can be brought into compliance by modifications, the permit shall be issued subject to conditions requiring the modifications. Otherwise, the application shall be disapproved.

4. REVOCATION OF SIGN PERMITS

The Director shall have the authority to revoke a sign permit which has been granted in compliance with the provisions of this Section if it is found that any sign has been erected, altered, reconstructed or is being maintained in a manner which is inconsistent with the circumstances of the sign approval.

6.04.3820 EXEMPTIONS FROM SIGN PERMITS

Sign permits (including Temporary Sign Permits) shall not be required for the following types of signs:

1. SIGNS WITH NO SIZE LIMITATIONS

- A. Interior signs completely within a structure, not intended to be read from outside the structure.
- B. Official flags of the United States, the State of California, and other states of the Nation, counties, or municipalities. Flag pole location shall be approved by the Director.
- C. Direction, warning or safety information signs required or authorized by law or by City, County, State or Federal authority including public utility signs.
- D. Political signs.
- E. Holiday decorations to celebrate nationally recognized holidays and local celebrations, provided the decorations may be displayed for no more than 60 days and shall contain no commercial advertising messages.

2. SIGNS LIMITED BY MAXIMUM AREAS

The following signs are exempt from the requirements of sign permits subject to the following limitations:

- A. One window sign for each business entrance not exceeding 2 square feet and limited to business identification, hours of operation, address and emergency information;
- B. Vehicle oriented safety and directional signs solely for the purpose of guiding traffic, parking and loading on private property, and not bearing advertising materials or directions to businesses. Maximum sign area shall be 4 square feet. Maximum height shall be 4 feet;
- C. Tenant name plate limited to one name plate for each occupied unit/business not to exceed one square foot;
- D. Incidental signs for auto-related uses, motels, and hotels that show notices of services provided or required by law, trade affiliations, credit cards accepted and the like provided the signs are attached to an otherwise approved freestanding sign or structure. Total area of all signs or notices shall not exceed 2 square feet; and
- E. Menu signs/chalkboards not exceeding 3 square feet when associated with a restaurant use in the CBD zoning district. One sign for each business entrance.

3. TEMPORARY PROMOTIONAL SIGNS

Temporary advertising/promotional signs painted on a window or constructed of paper, cloth, or similar disposable materials and affixed on a window, wall, or structure surface are exempt from the requirements of sign permits subject to the following limitations. Signs exceeding these limitations require the approval of a Temporary Sign Permit in compliance with Subsection 6.04.3830.

- A. The aggregate of all signs in windows shall not cover more than 25% of the total window area;
- B. No sign shall be larger than 20 square feet;
- C. No sign shall be displayed for more than 21 days in a 90 day period;
- D. Signs attached to the exterior of a structure shall have rigid frames on at least 2 sides; and
- E. Temporary signs shall not be attached to awnings or to the exterior of windows or doors except painted-on signs.

4. REAL ESTATE SIGNS

Real estate signs for the sale, rental or lease of property and structures are exempt from the requirements of sign permits subject to the following limitations:

- A. Single-family dwellings offered for sale, rent, or lease, one sign for each street frontage not exceeding 6 square feet each and 7 feet in height. (Refer to Subsection 6.04.3830(4.A) for signs related to the sale of new homes in a subdivision);
- B. Apartment units offered for rent or lease, one unlighted sign for each street frontage not to exceed 12 square feet and 7 feet in height;
- C. Commercial, office, and industrial properties less than 5 acres offered for sale, rent or lease, one sign for each street frontage not exceeding 50 square feet in area and 8 feet in height. Signs shall not interfere with traffic safety sight areas; and
- D. Commercial centers, office structures, and industrial subdivisions over 5 acres offered for sale, rent or lease, 2 signs for each street frontage not to exceed 100 square feet total for each street frontage and 8 feet in height. Signs shall not interfere with traffic safety sight areas.

5. CONSTRUCTION SIGNS

Construction signs providing the names of the architect, engineer, and contractors working on the site, are exempt from the requirements of sign permits subject to the following limitations:

- A. For residential projects with 5 dwelling units or more, and commercial and industrial projects, one sign for each street frontage not to exceed 50 square feet each. Maximum height shall be 8 feet. Signs shall be removed following issuance of the Occupancy Clearance;
- B. For all other projects, one sign not to exceed 16 square feet. Maximum height shall be 6 feet. Signs shall be removed following issuance of the Occupancy Clearance; and
- C. Signs shall not interfere with traffic safety sight areas.

6. FUTURE TENANT SIGNS

Future tenant identification signs that provide information regarding the future use of a commercial or industrial property are exempt from the requirements of sign permits subject to the following limitations:

- A. One sign for each street frontage except where a project has in excess of 600 lineal feet of street frontage, one additional sign is permitted;
- B. Signs shall be limited to a maximum area of 50 square feet and 8 feet in height;
- C. Signs shall be removed following issuance of the Occupancy Clearance; and
- D. Signs shall not interfere with traffic safety sight areas.

6.04.3825 PLANNED SIGN PROGRAM**1. SIGN PROGRAM REQUIRED**

In order to ensure that all signs within multi-tenant developments are in harmony with other on-site signs, structures and surrounding developments, a Planned Sign Program shall be submitted for approval by the Review Authority.

A Planned Sign Program shall be required when any of the following circumstances exist:

- A. Multi-tenant developments of 3 or more separate tenants that share either the same parcel or structure and use common access and parking facilities;
- B. Whenever 5 or more signs are proposed for a development;
- C. Whenever wall signs are proposed on structures over 2 stories in height; or
- D. Whenever a sign is proposed that incorporates the use of changeable copy.

2. INTENT OF THE SIGN PROGRAM

The intent of a Planned Sign Program is to integrate signs with structure and site design into a unified architectural statement. Also, to provide a means of flexible application of the sign regulations so as to encourage maximum incentive and latitude in the design and display of signs in order to achieve, not circumvent, the intent of this Section. This may be achieved by:

- A. Incorporating sign colors that are compatible with structure color. In general, limit the number of primary colors on any sign to no more than 2 with a secondary color used for accent or shadow detail;
- B. Using the same type of cabinet supports or method of mounting for signs of the same type; by using the same type of construction material for components (i.e., sign copy, cabinets and supports); or by using dissimilar signing that is determined by the Review Authority to be compatible;

- C. Using the same form of illumination for all signs, or by using varied forms of illumination that have been determined by the Review Authority to be compatible;
- D. Permitting an increase in the number of signs and types of signs normally allowed provided that the design and placement of the signs provides a visual enhancement to the project and that the total allowable sign area is not increased; and
- E. Ensuring that the sign program accommodates future sign modifications that may be required because of changes in tenants.

3. APPLICATION REQUIREMENTS

The following information is required for submittal of a Planned Sign Program:

- A. A completed sign permit application form and fee;
- B. Plans, to scale, to include the following:
 - 1. Sign details indicating sign area, dimensions, colors, materials, letter style, proposed copy letter height and method of attachment and illumination;
 - 2. Site plan indicating the location of all existing and proposed signs with sign area dimensions; and
 - 3. Structure elevation(s) with sign location depicted and dimensioned.
- C. Any supplemental information as required by the Director.

4. APPROVAL OF PLANNED SIGN PROGRAMS

A Planned Sign Program shall be approved in compliance with the requirements and procedures of Subsection 6.04.3815 (Sign Permits).

5. REVISIONS TO PLANNED SIGN PROGRAMS

- A. A revision to a Planned Sign Program may be approved by the Director if it is determined that the revision is minor in nature and that the intent of the original approval, and any conditions attached thereto, are not affected.
- B. For any revisions which are determined to be significant by the Director because they are counter to the intent of the original approval, a new Sign Permit application shall be filed and approved.

6.04.3830 PERMITS FOR TEMPORARY SIGNS

1. TEMPORARY SIGN PERMIT REQUIRED

To ensure compliance with the regulations outlined in this Section, a Temporary Sign Permit

shall be required in order to erect and maintain any temporary sign, banner, poster, balloon, flag or similar device.

2. APPLICATION REQUIREMENTS

The following information is required for submittal of a Temporary Sign Permit application:

- A. A completed application form and fee;
- B. Plans indicating the sign type, area, dimensions, proposed copy, colors, materials, method of attachment and method of illumination, if any;
- C. Site plan (where appropriate) indicating the location and height of the proposed sign on the subject property; and
- D. Other pertinent information as required by the Director.

3. APPROVAL

Temporary Sign Permits shall be reviewed by the Director. The Director may approve, conditionally approve or disapprove applications for Temporary Sign Permits based on compliance with the regulations of this Section. Each permit shall be approved for a specific period of time with possible extensions of time periods upon written request/justification.

4. SIGNS REQUIRING A TEMPORARY SIGN PERMIT

The following types of signs shall require the approval of a Temporary Sign Permit. In addition, a Temporary Sign Permit shall also be required for any temporary sign listed in Subsection 6.04.3820 (Exemptions from Sign Permits), if the proposed sign exceeds any of the standards provided in that Subsection.

A. SUBDIVISION IDENTIFICATION/DIRECTIONAL SIGNS

A Temporary Sign Permit is required prior to the placement of off-site and on-site subdivision identification/directional signs. Signs shall comply with the following standards:

1. Signs may contain only the name of the subdivision, name of the developer and/or agent, an identification emblem, sales price, and directional message;
2. No more than 3 off-site signs may be located within the City limits for each subdivision;
3. No more than 3 on-site signs may be located within the project;
4. The total area of each sign shall not exceed 100 square feet;
5. The height of each sign shall not exceed 15 feet;
6. Signs shall not be illuminated;
7. Signs may be displayed during the 2 years following date of recordation of the final map, or until 100% of the units have been sold, whichever occurs first. Small apartment complexes (29 units or less) may display directional signs during construction and for a period of one year following the issuance of the Occupancy Clearance; and
8. Apartment and group housing complexes of 30 units or more shall be considered within the definition of a subdivision for the purpose of this Subsection.

B. SPECIAL EVENT BANNERS, BALLOONS, FLAGS, AND PENNANTS

A Temporary Sign Permit is required before any special event banner, poster, balloon, flag or pennant may be displayed. Signs shall comply with the following standards:

1. A business or a multi-tenant center may be granted a permit to display a special event banner, balloons or flags up to 4 times each year for a maximum of 21 days for each period; or up to 2 times each year for a maximum of 42 days each period;
2. A civic organization may be granted a permit to display a civic event sign/banner 2 times for each year for a maximum of 30 days each period;
3. In the case where the use is temporary, in compliance with Section 6.04.58 (Temporary Use Permits) signs may be approved as part of the Temporary Use Permit;
4. Banners shall have rigid frames on at least 2 sides;
5. Balloons shall not exceed 2 feet in length on the long axis;

6. Flags shall not exceed more than one for each 50 feet of street frontage, or one for each light pole on the subject property; and
7. Pennants shall not be permitted, except antenna pennants on vehicles in vehicle sales lots.

7. EXCEPTIONS

Temporary signs that are exempt from Temporary Sign Permits are listed in Subsection 6.04.3820 (Exemptions From Sign Permits).

6.04.3835 ABATEMENT OF ILLEGAL AND ABANDONED SIGNS

1. PUBLIC NUISANCE

Every illegal, abandoned, and improperly maintained sign shall be deemed to be a public nuisance and may be subject to procedures outlined in Chapter 1.08 of the Municipal Code for the abatement of public nuisances.

2. AUTHORITY TO ABATE

The Director is authorized to abate all illegal, abandoned, and improperly maintained signs in compliance with the procedures of the Municipal Code for the abatement of public nuisances.

3. ILLEGAL SIGNS IN THE PUBLIC RIGHT-OF-WAY

Illegal signs displayed within the public right-of-way or upon public property may be removed by the Director without notice or hearing. Signs shall be retained by the City for a period of not less than 30 days. Thereafter, any unclaimed signs may be discarded.

4. RECOVERY OF COSTS

Should the City be required to remove any illegal or abandoned sign in compliance with this Subsection, the reasonable cost of the removal may be assessed against the owner of the sign(s). The cost of removal shall be determined by resolution of the Council.

6.04.3840 NONCONFORMING SIGNS

1. A legal nonconforming sign may be allowed continued use through its amortization period, except that the sign shall not be:
 - A. Structurally altered so as to extend its useful life;
 - B. Expanded, moved, or relocated;
 - C. Re-established after a business has been abandoned for 6 months or more; or
 - D. Re-established after damage or destruction of more than 50% of its value, and the

destruction is other than facial copy replacement and the sign cannot be repaired within 30 days of the date of its destruction, as determined by the Director.

2. Existing legal nonconforming signs shall not prevent the installation of new conforming signs provided that the aggregate area of all signs does not exceed the maximum number or size permitted by this Ordinance.

6.04.3845 AMORTIZATION OF NONCONFORMING SIGNS

Any sign that is nonconforming with the requirements of this Ordinance, either by a Variance previously granted or by conformance to the sign regulations in effect at the time the initial approval was granted, shall either be removed or brought into conformance within 10 years from the effective date of this Ordinance.

6.04.3850 PROHIBITED SIGNS

The following signs are inconsistent with the purpose/intent of establishing this Section and are therefore prohibited throughout the City:

1. Any sign not in compliance with the provisions of this Ordinance;
2. Abandoned signs and sign structures;
3. Animated, moving, flashing, blinking, reflecting, and similar signs, except signs in the CBD zoning district that are determined through Design Review to be in character with the architectural design established for the area;
4. Banner signs for the sale, rental, or lease of property;
5. Cabinet/can signs with plastic/plexiglass faces within the CBD zoning district except "scribed can signs" in which the can is not square or rectangular and the outer contour of the sign follows the sign text or logo(s);
6. Bench signs, except at approved bus passenger loading areas;
7. Chalkboards or blackboards, except for restaurants in the CBD zoning district;
8. Changeable copy signs either electronically or manually controlled, except as approved for a religious facility, movie theater, time/temperature display, or gasoline pricing sign;
9. Inflatable signs;
10. Light bulb strings, except in the CBD zoning district and for temporary uses (i.e., Christmas tree lots, carnivals, and similar uses) subject to approval of a Temporary Use Permit;
11. Off-site signs, except those specifically permitted by the provisions of this Section;
12. Painted signs on fences or roofs, except in the CBD zoning district;

13. Pole signs in the CBD zoning district;
14. Portable signs or A-frame signs;
15. Roof signs extending above the roof eave or parapet line of a structure except in the area bounded by Main, Mountain View, Santa Clara and the extension of Fillmore Street;
16. Signs on public property, except for traffic regulatory, informational signs or signs required by a governmental agency;
17. Signs emitting audible sounds, odors, or visible matter;
18. Signs erected in a manner that any portion of its surface or supports interfere in any way with the free use of any fire escape, exit, or standpipe or obstructs any door, stairway or window above the first story; and
19. Vehicle signs when parked or stored on property or public streets to identify a nearby business or promote a product available nearby.

6.04.3855 GENERAL PROVISIONS FOR ALL SIGNS

1. MAINTENANCE OF SIGNS

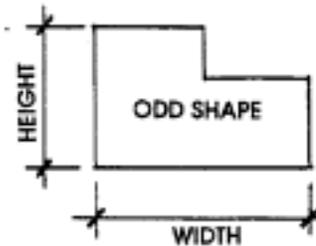
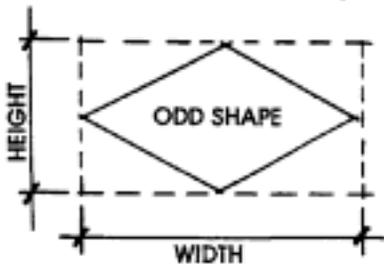
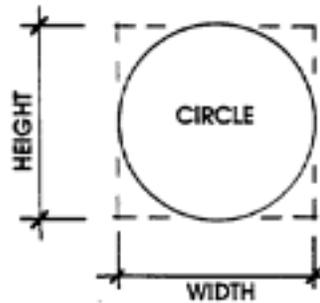
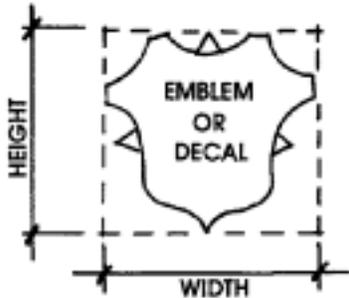
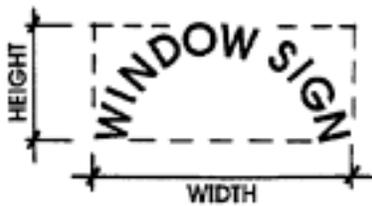
All signs including temporary signs, shall be maintained in good repair and functioning properly at all times. All repairs shall be equal or better in quality of materials and design as the original sign.

The Director shall have the authority for determining the maintenance status of all signs. Signs which are not properly maintained are deemed to be a public nuisance, and shall be abated in compliance with Subsection 6.04.3835.

2. MEASUREMENT OF SIGN AREA

A. ALL SIGNS EXCEPT AWNING SIGNS

1. The surface area of a sign shall be calculated by enclosing the extreme limits of any writing, logo, or emblem, together with any frame, background area, trim or other material forming an integral part of the background of the sign or used to differentiate the sign from the backdrop or surface against which it is placed, within a single continuous perimeter composed of squares or rectangles.



SIGN AREA= WIDTH X HEIGHT

2. Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area.
3. If the sign consists of more than one section or module, all of the area, including the area between the sections or modules, shall be included in the computation of sign area.
4. Double-faced freestanding and monument signs with (back-to-back) surfaces shall be regarded as a single sign only if the distance between each parallel sign face does not exceed 2 feet.
5. Where a sign consists of one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture or statue-like trademarks) the sign area is the smallest rectangle within which the object(s) can be enclosed.

B. AWNING OR CANOPY SIGNS

1. The surface area of a canopy or awning sign shall be calculated by enclosing the extreme limits of any writing, logo, representation, emblem, border or other display within a single continuous perimeter composed of squares or rectangles.
2. If more than one surface of the awning or canopy is utilized for signs or if an under-canopy sign is attached to the main canopy, the aggregate sign area shall be calculated by totaling the sign area on each surface.

6.04.3860 ADDRESS NUMBERS REQUIRED

All non-residential structures shall have address numbers a minimum of 6 inches in height and of a contrasting color. For multi-family, commercial, institutional, and industrial uses address numbers shall be illuminated. For multi-tenant structures/projects, each individual tenant space shall also be addressed, and a site plan directory should be provided.

6.04.3865 ILLUMINATION OF SIGNS

All sign illumination shall be either from the interior of a sign, behind individually cut letters (back lighting), or a shielded indirect lighting source. Care shall be taken in the design and placement of all signs to ensure that no lighting source creates negative effects on surrounding properties or public rights-of-way.

6.04.3870 USE OF EXPOSED NEON TUBING

The use of neon (exposed gaseous light tubing) shall be allowed in commercial zoning districts only. Any use of neon requires the approval of a Sign Permit in compliance with Subsection 6.04.3815. In addition, the following requirements shall apply:

1. Neon signs and linear tubing shall be UL (Underwriters Laboratories) listed with a maximum 20 amps for each circuit;
2. Neon manufacturer shall be registered with Underwriters Laboratories;
3. Neon tubing shall not exceed 1/2 inch in diameter;
4. Neon lighting adjacent to residential uses shall not exceed 1/2 footcandle measured at the commercial property line;
5. Neon tubing shall not be combined with any reflective materials (i.e., mirrors, polished metal, highly glazed tiles or other similar materials);
6. When used as an architectural element, neon tubing shall be used only to reinforce specific architectural elements of the structure and shall be concealed from view through the use of parapets, cornices, ledges or similar devices; and
7. Neon signs, together with other permitted window signs, shall not occupy more than 25% of the total window area.

6.04.3875 WALL SIGNS

1. Wall signs shall be located only on structure frontages, except directional signs.
2. Wall signs shall not project from the surface upon which they are attached more than required for construction purposes.
3. Wall signs shall not project above the eaveline of a structure, or a sill of a second story window.
4. Wall signs shall be placed within the center 80% of a structure frontage. Signs which are placed outside this area shall be subject to a 25% reduction in total allowable sign area.

6.04.3880 PROJECTING SIGNS

1. All projecting signs shall be double-faced.
2. Projecting signs shall be located only on structure frontages, except directional signs.
3. Only projecting signs that are proposed to be attached to structure frontages located within one foot of a property line abutting a public street may be considered for possible encroachment into a public right-of-way.
4. Projecting signs may project over public spaces, public sidewalks, or structure lines as far as, but not beyond, the line marked "A" indicated in Exhibit III-1 provided in this Section.
5. Signs that project over a public right-of-way shall require the approval of an encroachment permit.
6. No signs shall project above the eaveline of a structure with a sloping roof or above the parapet on a flat roof.
7. The maximum thickness of a projecting sign shall not exceed that required for construction purposes.
8. All signs shall have a minimum vertical clearance of 8 feet from the ground to the bottom of the sign or sign structure.

6.04.3885 SIGNS ON AWNINGS

1. Signs on awnings are limited to the valance area only.
2. The maximum letter height for awning signs shall be 5 inches.

6.04.3890 FREESTANDING AND MONUMENT SIGNS

1. Signs are permitted only for property frontages adjoining a public street.
2. There shall be a minimum of 75 feet between any 2 freestanding signs on adjoining sites whenever possible in order to ensure adequate visibility for all signs.
3. Signs are subject to all required setbacks and shall not project over any public rights-of-way.
4. Signs shall identify only the center's name and up to 2 major tenants; or 3 major tenants and no center name.
5. Landscaping shall be provided at the base of the supporting structure equal to twice the area of one face of the sign (i.e., 30 sq. ft. sign area = 60 sq. ft. landscaped area).
6. The height of freestanding signs shall be measured from the lowest finished grade at the bottom of the sign.

6.04.3891 PORTABLE SIDEWALK SIGNS (per Ord. 98-726 adopted 3/10/98)

1. Signs are permitted in the Central Business District, Commercial Highway zone and Commercial Neighborhood zone only.
2. Signs located in the Commercial Highway zone shall be located on private property.
3. Portable sidewalk signs shall not be permitted in the street.
4. Each business is permitted one portable sidewalk sign.
5. Signs in the COD, CH and CN zones shall be located directly in front of the business.
6. Maximum sign width is 24 inches.
7. Maximum sign height is 4 feet.
8. Signs shall receive a sign permit from the Planning Director.
9. Signs in COD, CH and CN zones shall be located on sidewalks adjacent to the curb or promenade and provide for not less than a 5-foot wide access between the sign and the business to allow for pedestrian movement.
10. Signs shall be removed daily by the business operator at the close of business hours from the public right-of-way and relocated within the subject business.
11. Signs shall comply with the Downtown Specific Plan, Central Business District Core Sign Guideline 1.C, *Figurative Signs* as determined by the Community Development Director.
12. Signs shall be maintained in good condition.
13. The Community Development Director has the authority to deviate from the portable sign standards in the interest of safety as it relates to size, location and stability.
14. Portable sidewalk signs must be designed and constructed to prevent tripping hazards and constructed to prevent wind from blowing over the sign.
15. A-Frame signs are not permitted. But, A-Frame signs are permitted on a temporary basis at 15 day periods for non-businesses to announce special events or noticing.
16. Signs shall not have any moving parts or electrical illumination.

17. Failure to comply with the above conditions as determined by the Community Development Director and after five (5) day notice to comply will result in removal of sign and revocation of sign permit.

6.04.3892 OFF-SITE TOURIST SIGNS (per Ord. 98-728)

1. Tourist attractions as defined in Section 6.04.9610 are permitted off-site signs.
2. No more than one off-site sign per tourist attraction may be located along Ventura Street within the city for each direction of travel. Each sign may be double faced.
3. Sign designs shall comply with the Ventura Street Design Guidelines as determined by the Community Development Director.
4. Off-site signs shall display the Heritage Valley logo as directed from the Community Development Director.
5. The owner of the subject property must approve, in writing, the sign location.
6. A permit is required.
7. Signs shall be maintained
8. Tourist cluster businesses, i.e., restaurants antique store etc., are permitted no more than one-sign per cluster for each direction of travel along Ventura Street.
9. Developed properties along Ventura Street may permit one tourist attraction off-site sign per the following requirements:
 - a. Off-site sign shall be a monument sign.
 - b. Freestanding signs are not permitted.
 - c. The maximum area of each sign shall not exceed 25 square feet per sign face.
 - d. The height of the sign shall not exceed 6 feet if there is no front setback from the property line.
 - e. The height of the sign shall not exceed 8 feet if there is more than a 15-foot setback from the property line.
10. Undeveloped properties along Ventura Street may permit one tourist attraction off-site sign per the following requirements:
 - a. Freestanding signs are permitted.
 - b. The maximum area of freestanding signs shall not exceed 100 square feet per sign face.

6.04.3895 SIGN REGULATIONS BY ZONING DISTRICT

Table III-2 identifies the numbers and sizes of signs permitted in each zoning district.

EXHIBIT III-1
ALLOWABLE CLEARANCE AND PROJECTION OF PROJECTING SIGNS

**TABLE III-2
SIGN REGULATIONS BY ZONING DISTRICT**

CLASS	TYPE	MAXIMUM NUMBER	MAXIMUM SIGN AREA	MAXIMUM SIGN HEIGHT	LOCATION	ILLUM.	REMARKS
A. SIGNS PERMITTED IN THE RPD (RESIDENTIAL) ZONING DISTRICTS							
1. Name Plate	Wall or door	1 per dwelling unit.	2 s.f. each	Below roofline	Wall or door	No	Shall identify only the name and/or address of the occupant.
2. Apartment Identification	Wall or monument	1 per street frontage	10 s.f. each	Below roofline for wall sign and 6 ft. for monument sign.	5 ft. setback from property lines.	Yes	a.Signs shall not be internally lighted. b.Copy limited to name of complex, address, manager's phone number.
3. Institutional Signs	Wall or monument	1 per street frontage	20 s.f. each	Below roofline for wall sign and 4 ft. for monument sign.	10 ft. setback from front and 5 ft. setback from side property line.	Yes	a.Name of institution only. b.May incorporate changeable copy. c.Shall not be internally

lighted

<p>4.Mobile Home Park Identification</p>	<p>Wall or monument</p>	<p>2 per major entrance</p>	<p>20 s.f. each</p>	<p>Below roofline for wall sign and 4 ft. for monument sign.</p>	<p>At main entrance to park</p>	<p>Yes</p>	<p>a.Shall identify only the name of the mobile home park and address. b.Shall not be internally illuminated.</p>
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5. Temporary Signs - The following temporary signs are permitted in any RPD zoning district.

a.Subdivision Identification (on-site)	Freestanding	3 signs per project	100 s.f. each	15 ft.	5 ft. setback from property lines. Located on the project site.	No	Refer to Subsection 6.04.3830(A)
b.Subdivision Directional (off-site)	Freestanding	3 signs per project	100 s.f. each	15 ft.	5 ft. setback from property lines.		Refer to Subsection 6.04.3830(A)
c.Real Estate (single-family)	Wall or Freestanding	1 per street frontage.	7 s.f. each	6 ft.	Within the subject property.	No	Copy limited to the sale, rent, or lease of the subject property.
d.Rental/Lease (multi-family)	Wall or Freestanding	1 per street frontage	16 s.f. each	7 ft.	5 ft. setback from property lines.	No	a.Copy limited to project name and rental/lease information. b.Use of banners is prohibited.
e.Construction Signs	Wall or Freestanding	1 per street frontage	20 s.f. each	8 ft.	5 ft. setback from property lines.	No	a.Copy limited to names of architect, engineer, contractor, builder, etc. b.Refer to

Subsection
6.04.3820(5).

f.Special Event Signs - Refer to Subsection 6.04.3830(B)

**TABLE III-2
SIGN REGULATIONS BY ZONING DISTRICT (CONTINUED)**

CLASS	TYPE	MAXI MUM NUMBER	MAXI MUM SIGN AREA	MAXI MUM SIGN HEIGHT	LOCATION	ILLUM	REMARKS
B. SIGNS PERMITTED IN THE CO (COMMERCIAL OFFICE) ZONING DISTRICT							
1. Business Identification (Single-Tenant)	Wall and/or monument	1 each per building frontage.	.05 s.f. of sign area per lineal foot of building frontage. 50 s.f. max..	Below roofline for wall sign and 6 ft. for monument.	Monument signs shall be setback 3 ft. from property lines.	Yes	Allowable aggregate sign area includes all wall and monument signs.
2. Building Identification (Multi-Tenant)	Wall or monument	1 per street frontage.	.05 s.f. of sign area per lineal foot of building fronting on a street. 50 s.f. max..	Below roofline for wall sign and 6 ft. for monument.	Monument signs shall be setback 3 ft. from property line.	Yes	Copy shall pertain only to the name of the building/project.
3. Business Identification (Multi-Tenant)	Wall	1 per tenant.	10 s.f. each	Below roofline	Wall or canopy	Yes	Copy shall pertain only to name of business/tenant.
4. Pedestrian Business Directory (Multi-Tenant)	Tenant) Wall or Freestanding	Freestanding	To be determined by the Director.	15 s.f. each	6 ft.	May not be located in any required	setback.

Yes	To identify tenants and provide directions to individual tenants.				
5. Name Plate	Wall	1 per tenant.	4 s.f. each	Adjacent to primary entrance of each tenant.	Copy limited to name and address of each tenant.
6. Window Signs	Window	1 per window.	20% of window area.		Only individual letters/logos/symbols painted or applied to window surfaces are permitted.
7. Awning Signs	Awning	1 per building frontage.	10 s.f. max.	On awning valance only.	Letter height shall not exceed 5 in.

**TABLE III-2
SIGN REGULATIONS BY ZONING DISTRICT (CONTINUED)**

CLASS	TYPE	MAXI MUM NUMBER	MAXI MUM SIGN AREA	MAXI MUM SIGN HEIGHT	LOCATION	ILLUM	REMARKS
C. SIGNS PERMITTED IN CN AND CH (COMMERCIAL) ZONING DISTRICTS							
1. Single-Tenant Sites - Not part of a center							
a. Business Identification	Wall and/or awning	2 per building frontage. Max. 3 signs per project.	1 s.f. of sign area per each lineal foot of building frontage. 50 s.f. max.	May not project above the roofline or eave line.	May be located on parapet or canopy.	Yes	Allowable aggregate sign area includes all wall, canopy and projecting signs.
b. Business Identification	Projecting	1 double face sign per street frontage.	6 s.f. per face in CN; 10 s.f. per face in CH.	Refer to Subsection 6.04.3880.	Center 40% of building.	Yes	Allowable aggregate sign area includes all wall, canopy, and projecting signs.
c. Business Identification	Window (permanent)	1 sign per window.	25% of window area.		Lettering permitted on interior or exterior of window.	No, except neon signs.	

2 neon signs per

ction 6.04.3870.

d. Business Identification	Monument	1 per site with min. 100 ft of street frontage.	25 s.f. per face.	6 ft. without setback, 8 ft. with 15 ft. setback.	Center 80% of frontage.	Yes	
e. Business Identification	Freestanding	1 per site with min. 300 ft. of street frontage.	70 s.f. per face.	25 ft.	Center 80% of frontage		Authorized in lieu of a monument sign.

2. Multi-Tenant Sites - Shopping Centers

a. Business Identification	Wall or awning	1 per tenant per building frontage.	1 s.f. of sign area per each lineal foot of building frontage. Not to	exceed 50 s.f. max.	May not project above the roofline or eave line.	May be located on parapet or canopy.	Yes
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All multi-tenant projects shall develop a coordinated sign program for all tenants and uses in compliance with Subsection 6.04.3825.

b. Business Identification	Window (permanent)	25% of window area.	Window lettering permitted on interior or exterior of glass window or door.	No, except neon signs.	Permanent window signs are intended to identify the business name. Signs shall not advertise products or sales.
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**TABLE III-2
SIGN REGULATIONS BY ZONING DISTRICT (CONTINUED)**

CLASS	TYPE	MAXI MUM NUMBER	MAXI MUM SIGN AREA	MAXI MUM SIGN HEIGHT	LOCATION	ILLUM	REMARKS
c. Business Identification	Under canopy or marquee	1 per entrance (double face)	4 s.f. per face.		Beneath canopy or marquee with min. 7 ft. clearance below sign.		

uniform in color and design for all tenant identification within the center.

- b. May be in addition to window and

d. Business Identification	Monument	1 per site with min. 100 ft. of street frontage.	25 s.f. per face. (See remarks)	4 ft. without setback, 6 ft. with 15 ft. setback. (See remarks)	Center 80% of frontage. Shall not created hazard at drive-ways or corners.	Yes
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a. On Ventura St. max. area shall be: 25 s.f. with up to 199 ft. of street frontage; 40 s.f. with 200 ft. or more.

b. On Ventura St. max. height shall be: 10 ft. with up to 199 ft. of street frontage; 12 ft. with 200 ft. or more.

not exceed 8 ft. and

Section 6.04.3890.

e. Business
Identification

Freestanding

1 per site with
min. of 300 ft.
street frontage.

70 s.f. per face.

25 ft.

Shall not
create hazard
at driveways
or corners.

Yes

sign is allowed.

a. Either a monument or freestanding

n requirements.

ction 6.04.3890.

f. Business Identification (Additional)	Additional Monument	1 each per site with min. 500 ft. of street frontage.	Yes	Same requirements as for monument sign above.
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3. Service Stations

a. Service Station Identification and Pricing	Wall	2 per street frontage.	10% of building face not to exceed 30 s.f. total per face.	Not above roofline.		Yes	
b. Service Station Identification and Pricing	Monument	1 per use.	30 s.f. per face.	5 ft.	Shall not create hazard at driveways or corners.	Yes	Signs shall be designed to include the identification of the station and gasoline prices. No other price signs are allowed.

c. Special Service Signs	Wall	1 for each pump island, not to exceed a total of 4 per station.	2 s.f. each.	8 ft.		No	Special service signs shall be limited to "self serve," "full serve," "air," "water," "cashier" and similar information.
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**TABLE III-2
SIGN REGULATIONS BY ZONING DISTRICT (CONTINUED)**

CLASS	TYPE	MAXI MUM NUMBER	MAXI MUM SIGN AREA	MAXI MUM SIGN HEIGHT	LOCATION	ILLUM	REMARKS
1. Building identification on the dominant building frontage, first floor	Wall, awning, projecting, and/or window		12 s.f. with frontage less than 25 linear feet; 25 s.f. with frontage less than 50 linear feet; 30 s.f. with frontage more than 50 linear feet.		First floor of dominant frontage.	Yes	a. Letter height shall not exceed 10 in. for all signs except awning which shall not exceed 5 in.

are limited to 25% of

2. Business identification on the dominant building frontage, second floor

Wall, awning, projecting, and/or window

1/2 the allowable area for first floor businesses.

First floor of dominant frontage.

Yes

a. Letter height shall not exceed 10 in.
for all signs except awning signs which shall not exceed 5 in.

are limited to 25% of

3. Business identification on the subordinate building frontage, first floor.

Wall, awning, projecting, and/or window.

6 s.f. with frontage less than 25 linear feet; 12 s.f. with frontage less than 50 linear feet; 15 s.f. with frontage more than 50 linear feet.

First floor on subordinate frontage.

Yes

for all signs except awning signs which shall not exceed 5 in.

a. Letter height shall not exceed 10 in.

the window area.

b. Window signs are limited to 25% of

4. Business identification on the subordinate building frontage, second floor.

Wall, awning, projecting, and/or window

1/2 the allowable area for first floor businesses.

Second floor of subordinate frontage.

Yes

a. Letter height shall not exceed 10 in.
for all signs except awning signs which shall not exceed 5 in.

b. Window signs are limited to 25% of the window area.

5. Institutional Signs

Wall and/or monument

2 per building.

.05 s.f. of sign area per each lineal foot of building frontage. Not to exceed 25

s.f. total.

6 ft. for monument sign.

Below roofline for wall sign.

Yes

ation only.

- b. May incorporate changeable copy.
- c. Shall not be internally lit.

e for monument sign

6. Information Kiosk

Kiosk

As determined by the Review Authority

Public or private property.

Yes

Only for the posting of public information. No

advertising
allowed.

**TABLE III-2
SIGN REGULATIONS BY ZONING DISTRICT (CONTINUED)**

CLASS	TYPE	MAXI MUM NUMBER	MAXI MUM SIGN AREA	MAXI MUM SIGN HEIGHT	LOCATION	ILLUM .	REMARKS
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E. SIGNS PERMITTED IN THE MPD (INDUSTRIAL) ZONING DISTRICT

1. Single-Tenant Sites

a. Business
Identification

Wall and/or Monument	1 each per street frontage.	.05 s.f. of sign area per each lineal foot of building frontage. 75 s.f. max.	Wall signs shall not project above roofline. Monument signs, 4 ft. max.	Shall not be located so as to create traffic hazard for driveway or corner radius.	Yes	Combination of wall and monument signs shall not exceed the maximum sign area per street frontage.	
b. Advisory/ Directional	Wall or Freestanding	Minimum number necessary to provide adequate information.	3 s.f. each	4 ft.	Minimum 3 ft. setback from property lines.	Yes	Copy limited to directional information ("entrance" or "receiving") but no directions to individual businesses or business names.
2. Multi-Tenant Sites							
a. Center or Project Identification	Monument	1 per street frontage.	20 s.f. each	4 ft.	Shall not be located so as to create traffic hazard for driveway or corner.	Yes	Shall contain only the name of the center or project, no tenant information.

b. Business Identification (Primary)	Wall or canopy	1 per tenant.	.05 s.f. of sign area per each lineal foot of lease space frontage. 75 s.f. max.	May not project above roofline.	On primary building frontage.	Yes	Shall contain only the name and/or product of the company.
c. Business Identification (Secondary frontage)	Wall or canopy	1 per tenant	.05 s.f. of sign area per each lineal foot of lease space frontage. 25 s.f. max.	May not project above roofline	On secondary building frontage.	Yes	corner buildings.
					a. Permitted only for single-tenant		
							product of the company.
					b. Shall contain only the name and/or		

d. Business Directory	Wall or Freestanding	As determined by Director.	25 s.f. each	6 ft.	Not in any setback area.	Yes	Intended to list only the names and locations of on-site tenants.
e. Advisory/ Directional	Wall or Freestanding	Minimum number necessary to provide adequate information.	3 s.f. each	4 ft.	Minimum 3 ft. setback from property lines.	Yes	Copy limited to directional information ("entrance" or "receiving") but no directions to individual businesses or business names.

6.04.3899 APPLICABLE REGULATIONS

All uses shall be subject to the applicable provisions of this Ordinance, including the procedures outlined in the following Sections:

1. Section 6.04.70 Conditional Use Permits
2. Section 6.04.66 Development Permits
3. Section 6.04.54 Home Occupation Permits
4. Section 6.04.28 Landscaping Standards
5. Section 6.04.68 Minor Conditional Use Permits
6. Section 6.04.60 Minor Modifications
7. Section 6.04.62 Minor Variances
8. Section 6.04.32 Off-Street Loading Standards
9. Section 6.04.34 Off-Street Parking Standards
10. Section 6.04.58 Temporary Use Permits
11. Section 6.04.64 Variances

SECTION 6.04.40
TRANSPORTATION DEMAND MANAGEMENT

6.04.4001 PURPOSE

To achieve the following:

1. Mitigate the effects that new and expanding land uses may have on traffic congestion and air quality within the City and surrounding region;
2. Promote transportation demand management strategies that encourage employers to utilize both the existing and planned transportation infrastructure in an efficient manner through a variety of trip reduction techniques;
3. Specify responsibilities of applicants proposing non-residential development within the City to consider transportation demand management strategies which incorporate design standards and other strategies that reduce single-occupant vehicle trips;
4. Require the implementation of strategies that reduce transportation demand through the City's permit review process;
5. Support development of facilities that promote the use of alternative, energy-conserving transportation modes; and
6. Implement State law (Government Code Section 65088, Congestion Management).

6.04.4005 DEFINITIONS

For the purposes of this Section, the following definitions shall apply:

1. **Alternative Transportation Modes.** Any mode of travel that serves as an alternative to a single occupant vehicle, including all forms of ridesharing (i.e., carpooling, vanpooling), public transit, bicycling, walking, etc.
2. **Applicable Development.** Any development project that is determined to meet or exceed the project size threshold criteria contained in this Section.

3. **Buspool.** A vehicle carrying 16 or more passengers commuting on a regular basis to and from work with a fixed route, according to a fixed schedule.
4. **Carpool.** Two to 6 persons traveling together in a single vehicle.
5. **Development.** The construction or addition of new structure square footage. All calculations shall be based on gross square footage.
6. **Employee Parking Area.** The portion of total required parking at a development used by on-site employees.
7. **Preferential Parking.** Parking spaces designated or assigned, through use of a sign or painted space markings for Carpool and Vanpool vehicles carrying commute passengers on a regular basis that are provided in a location more convenient to a place of employment than parking spaces provided for single occupant vehicles.
8. **Property Owner.** The legal owner of a parcel(s) subject to the provisions of this Section, ultimately responsible for complying with the provisions of this Section.
9. **Ridesharing.** The cooperative effort of 2 or more people traveling together for the purpose of getting to work. Utilization of carpools, vanpools, buspools, taxipools, trains and bus and rail transit are all examples of ridesharing.
10. **Telecommuting.** A work arrangement for performing work electronically, where employees work at a location other than the primary work location (i.e., at home or in a subordinate office).
11. **Teleconferencing.** Telephone or video multi-access link for group communication.
12. **Teleservices.** Automatic information services (i.e., automatic teller machines, telephone information services, telephone banking/transactions, computer mail, computer modem, facsimile).
13. **Tenant.** The lessee of facility space at an applicable development project.
14. **Transportation Demand Management.** The implementation of programs, policies, or permit approvals designed to encourage changes in individual travel behavior, including emphasis on alternative travel modes to single occupant vehicle use (i.e., carpools, vanpools and public transit, reduction or elimination of vehicle trips, shifts in peak hour vehicle commuting, etc.).
15. **Trip Reduction.** Reduction of the number of work related trips taken during peak-hours in single occupant vehicles.
16. **Vanpool.** A vehicle occupied by 7 or more persons commuting together to and from work on a regular basis.

6.04.4010 APPLICABILITY

Any new or expanded non-residential project, or change of use whose total employment exceeds, or will exceed, the thresholds provided in Subsection 6.04.4015 shall provide, as a minimum, all applicable transportation demand management and trip reduction measures in compliance with this Section.

6.04.4015 TRANSPORTATION DEMAND MANAGEMENT PROGRAM REQUIREMENTS

All applicable projects subject to this Section shall prepare and implement a Transportation Demand Management (TDM) Program which will encourage increased ridesharing and the use of alternative transportation modes. A TDM Program shall include all of the requirements of this Subsection and may include the optional requirements provided in Subsection 6.04.4020.

1. PROJECTS WITH 50 EMPLOYEES AND MORE

All non-residential projects/uses with 50 employees and more shall provide a bulletin board, display case, or kiosk displaying transportation information located where the greatest number of employees are likely to see it. Information displayed shall include, but is not limited to, the following:

- A. Current maps, routes and schedules for public transit routes serving the site;
- B. Telephone numbers for referrals on transportation information including numbers for the regional ridesharing agency and local transit operators;
- C. Ridesharing promotional material supplied by commuter-oriented organizations;
- D. Bicycle route and facility information, including regional/local, bicycle maps and bicycle safety information; and
- E. A listing of facilities available for carpoolers, vanpoolers, bicyclists, transit riders and pedestrians at the site.

2. PROJECTS WITH 100 EMPLOYEES AND MORE

All non-residential projects/uses with 100 employees and more shall provide all of the measures outlined above in addition to the following:

A. CARPOOL/VANPOOL PREFERENTIAL PARKING

Parking spaces shall be designated/reserved for carpool/vanpool vehicles in compliance with the table below. The spaces shall be marked "Carpool Only." Carpool spaces shall be used only by carpool vehicles in which at least 2 of the persons are employees or tenants of the project. Carpool spaces shall be located near the structure's employee entrance(s) or other preferential locations within the employee parking areas as approved by the Director.

<u>Type Of Use</u>	<u>Percentage Of Parking Spaces Reserved For Carpool/Vanpool Parking</u>
Office uses (excluding medical/dental offices)	.085%
Hospital and medical/ dental offices	.060%
Commercial uses	.030%
Industrial and Warehousing	.095%

A statement that preferential carpool/vanpool spaces for employees are available and a description of the method for obtaining the spaces shall be included on the required transportation information board.

B. BICYCLE PARKING

Bicycle racks or other secure bicycle parking shall be provided for use by employees and tenants, located in a secure location in close proximity to employee entrances. The minimum number of bicycle parking spaces to be provided shall be 5 spaces for each 100 employees or fraction thereof. This requirement is in addition to bicycle parking requirements for the public as provided in Section 6.04.34 (Off-Street Parking Standards).

C. PEDESTRIAN ACCESS

Sidewalks and other paved pathways shall be provided on-site to connect off-site pedestrian and bicycle circulation systems, for both existing and proposed development.

D. COMMUTER MATCHING SERVICE

Commuter matching services shall be provided to all employees, on an annual basis, and all new employees upon hiring.

3. PROJECTS WITH 150 EMPLOYEES AND MORE

All non-residential projects/uses with 150 employees and more shall provide all of the measures outlined in 1 and 2 above in addition to the following:

A. CARPOOL/VANPOOL LOADING ZONES

A safe and convenient zone in which carpool/vanpool vehicles may deliver or board their passengers shall be provided near employee entrances.

B. TRANSIT WAITING SHELTERS

Bus pullouts, bus pads, and bus shelters may be required by the Review Authority for projects located along high traffic volume streets and established or proposed bus routes.

The City will consult with local bus service providers in determining appropriate improvements. Structure entrances shall be designed to provide safe and efficient access to nearby transit stations/stops.

C. JOINT ACCESS AND SHARED PARKING

For applicable projects, as determined by the Review Authority, joint access and shared parking across multiple parcels may be required to implement the intent of this Section.

6.04.4020 MISCELLANEOUS OPTIONAL MEASURES

The following measures may be incorporated into a project in order to further implement the intent of this Section. Larger projects (150+ employees) shall provide these measures to the extent feasible and practical.

1. Shower and locker facilities provided on-site for use by employees/tenants who commute to the site by bicycle/walking;
2. On-site daycare facilities;
3. On-site lunch room/cafeteria facilities; and
4. Telecommunication facilities (teleconferencing, teleservices, or telecommuting) to be available for exchange or shared use.

6.04.4025 MONITORING

1. All facilities required in compliance with this Section shall be included in the building plans and submitted to the Department for review.
2. Prior to the issuance of an Occupancy Clearance by the Department, all requirements of this Section shall be in place at the site.

6.04.4030 APPLICABLE REGULATIONS

All uses shall be subject to the applicable provisions of this Ordinance, including the procedures outlined in the following Sections:

1. Section 6.04.70 Conditional Use Permits
2. Section 6.04.66 Development Permits
3. Section 6.04.28 Landscaping Standards
4. Section 6.04.68 Minor Conditional Use Permits
5. Section 6.04.60 Minor Modifications
6. Section 6.04.62 Minor Variances
7. Section 6.04.32 Off-Street Loading Standards
8. Section 6.04.34 Off-Street Parking Standards
9. Section 6.04.38 Sign Standards
10. Section 6.04.58 Temporary Use Permits
11. Section 6.04.64 Variances