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# **City of Grass Valley Development Code**

**March 6, 2007**

**City of Grass Valley  
125 East Main Street  
Grass Valley, California 95945**

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# City of Grass Valley

## Development Code Amendments

<u>Date</u>	<u>Number</u>	<u>Ordinance</u>
November 13, 2007	682	Historical Combining District
May 12, 2009	701	Automatic Project Extensions (terminated April 8, 2011)
June 9, 2009	706	Multiple Text Amendments
September 28, 2010	717	Idaho-Maryland Rd./E. Main St.
January 25, 2011	723	Medical Marijuana Cooperatives
February 8, 2011	724	Backyard Chickens
February 22, 2011	725	Time and Temperature Signs
February 14, 2012	733	Automatic Entitlement Extensions
April 10, 2012	734	Multiple Zoning Text Amendments
September 11, 2012	742	Historic Preservation Ordinance
July 28, 2015	756	Automatic Entitlement Extensions
September 22, 2015	759	Multiple Text Amendments
April 25, 2017	784	Multiple Text Amendments
April 24, 2018	792	Multiple Text Amendments
April 23, 2020	798	Multiple Text Amendments
April 23, 2020	799	Vacant Storefront Windows

CITY OF GRASS VALLEY  
**DEVELOPMENT CODE**

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## **CHAPTER 17.10 - PURPOSE AND APPLICABILITY OF DEVELOPMENT CODE**

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- 17.10.020 - Authority for the Development Code
- 17.10.030 - Responsibility for Administration
- 17.10.040 - Applicability of the Development Code
- 17.10.050 - Rules of Interpretation

### **17.10.010 - Purposes of the Development Code**

The City of Grass Valley Development Code carries out the policies of the Grass Valley General Plan by classifying and regulating the uses of land and structures within the City, consistent with the General Plan. This Development Code is adopted to protect and promote the public health, safety, comfort, convenience, prosperity, and general welfare of residents, and businesses in the City. More specifically, the purposes of this Development Code are to:

- A. Provide standards and guidelines for the continuing orderly growth and development of the City that will assist in protecting the historical small town character and community identity of Grass Valley;
- B. Conserve and protect the City's natural beauty and setting, including scenic vistas, cultural and historic resources, hills and trees;
- C. Ensure that proposed development and new land uses conserve energy and natural resources;
- D. Create a comprehensive and stable pattern of land uses upon which to plan transportation, water supply, sewerage, energy, and other public facilities and utilities;
- E. Ensure that development is of human scale, primarily pedestrian-oriented, and designed to create attractive streetscapes and pedestrian spaces;
- F. Minimize vehicle traffic by providing for a mixture of land uses, pedestrian-oriented development, compact community form, safe and effective traffic circulation, and adequate on- and off-street parking facilities;
- G. Provide neighborhoods with a variety of housing types to serve the needs of a diverse population; and
- H. Ensure compatibility between different types of development and land uses.

### **17.10.020 - Authority for the Development Code**

This Development Code is enacted based on the authority vested in the City of Grass Valley by the State of California, including but not limited to: the California Constitution; the Planning and Zoning Law (Government Code Sections 65000 et seq.); and the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.).

**17.10.030 - Responsibility for Administration**

- A. Responsible bodies and individuals.** This Development Code shall be administered by: the Grass Valley City Council, hereafter referred to as the "Council;" the Planning Commission, referred to as the "Commission;" the Community Development Director, referred to as the "Director;" and the Grass Valley Community Development Department, hereafter referred to as the "Department." See also Chapter 17.80 (Subdivision Ordinance Applicability and Administration).
- B. Exercise of discretion.** In the event that a provision of this Development Code allows the Review Authority to exercise discretion in the application of a specific standard or requirement, but does not identify specific criteria for a decision, the following criteria shall be used in exercising discretion:
1. The proposed project complies with all applicable provisions of this Development Code;
  2. The exercise of discretion will act to ensure the compatibility of the proposed project with its site, surrounding properties, and the community; and
  3. The decision is consistent with the General Plan.

**17.10.040 - Applicability of the Development Code**

This Development Code applies to all land uses, subdivisions, and development within the City of Grass Valley, as follows.

- A. New land uses or structures, changes to land uses or structures.** It shall be unlawful, and a violation of this Development Code for any person to establish, construct, reconstruct, alter, or replace any use of land or structure, except in compliance with the requirements of Section 17.20.020 (General Requirements for Development and New Land Uses), and Chapter 17.90 (Nonconforming Uses, Structures, and Parcels). No Planning Permit, Building Permit or Grading Permit shall be issued by the City unless the proposed construction complies with all applicable provisions of this Development Code.
- B. Subdivisions.** Any subdivision of land proposed within the City after the effective date of this Development Code shall be consistent with the minimum lot size requirements of Article 2 (Zones, Allowable Land Uses, and Zone Standards) Article 8 (Subdivision Regulations and Procedures), and all applicable requirements of this Development Code.
- C. Minimum requirements.** The provisions of this Development Code shall be minimum requirements for the promotion of the public health, safety, and general welfare. When this Development Code provides for discretion on the part of a City official or body, that discretion may be exercised to impose more stringent requirements than set forth in this Development Code, as may be determined by the Review Authority to be necessary to promote appropriate land use and development, environmental resource protection, and the other purposes of this Development Code.
- D. Conflicting requirements:**
1. **Development Code requirements.** If different requirements within this Development Code conflict, the provisions of Article 3 control over Article 2, the provisions of Article 4 control over Articles 2 and 3, and the provisions of Article 5 control over Articles 2, 3, and 4.
  2. **Development Code and Municipal Code provisions.** If a conflict occurs between requirements of this Development Code and requirements of the Grass Valley Municipal Code, or other regulations of the City, the most restrictive shall apply.



## **Purpose and Applicability of Development Code**

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3. **Development agreements or specific plans.** If a conflict occurs between the requirements of this Development Code and standards adopted as part of any development agreement or applicable specific plan, the requirements of the development agreement or specific plan shall apply.
4. **Private agreements.** This Development Code applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction (for example, CC&Rs), without affecting the applicability of any agreement or restriction.

### **E. Effect of Development Code changes on projects in progress.**

1. A planning permit application that has been accepted by the Department as complete in compliance with Section 17.70.070 (Initial Application Review) before the effective date of this Development Code, or any amendment, shall be processed in compliance with the requirements in effect when the application was accepted as complete.
2. A project that has been approved by the City but is not yet under construction on the effective date of this Development Code or any amendment need not be changed to satisfy any new or different requirements of this Development Code, provided that the approved use of the site shall be established, including the completion of all structures and other features of the project as shown on the approved permit, before the expiration of the permit, or applicable time extension.
3. A project that is under construction on the effective date of this Development Code or any amendment need not be changed to satisfy any new or different requirements of this Development Code, provided that the approved use of the site shall be established, including the completion of all structures and other features of the project as shown on the approved permit, before the expiration of the permit, or applicable time extension.

### **F. Other requirements may apply.** Nothing in this Development Code eliminates the need for obtaining any other permits required by the City, or any permit, approval or entitlement required by any other applicable special district or agency, and/or the regulations of any State, or Federal agency.

## **17.10.050 - Rules of Interpretation**

- A. **Authority.** The Director has the authority to interpret any provision of this Development Code. Whenever the Director determines that the meaning or applicability of any Development Code requirement is subject to interpretation, the Director may issue an official interpretation. The Director may also refer any issue of interpretation to the Commission for their determination.
- B. **Language.** When used in this Development Code, the words "shall," "must," "will," "is to," and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended; and "may" is permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise. The words "includes" and "including" shall mean "including but not limited to . . .".
- C. **Time limits.** Whenever a number of days is specified in this Development Code, or in any permit, condition of approval, or notice provided in compliance with this Development Code, the number of days shall be construed as consecutive calendar days. A time limit shall extend to 5 p.m. on the following working day where the last of the specified number of days falls on a weekend or holiday.
- D. **Zoning Map boundaries.** See Section 17.12.020 (Zoning Map and Zones).

## **Purpose and Applicability of Development Code**

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- E. Allowable uses of land.** See Section 17.20.030 (Allowable Land Uses and Planning Permit Requirements).
- F. State law requirements.** Where this Development Code references applicable provisions of State law (for example, the California Government Code, Subdivision Map Act, or Public Resources Code), the reference shall be construed to be to the applicable State law provisions as they may be amended from time to time.
- G. Conflicting requirements.** See Section 17.10.040.D (Conflicting requirements).

## **CHAPTER 17.12 - ZONING MAP AND ZONES**

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### **Sections:**

- 17.12.010 - Purpose
- 17.12.020 - Zoning Map and Zones

### **17.12.010 - Purpose**

This Chapter establishes the zones applied to property within the City and adopts the City's Zoning Map.

### **17.12.020 - Zoning Map and Zones**

The Council hereby adopts the City of Grass Valley Zoning Map (hereafter referred to as the "Zoning Map"), which is on file with the Department. The Zoning Map is hereby incorporated into this Development Code by reference as though it were fully included here.

- A. Zones established.** The City of Grass Valley shall be divided into zones that implement the Grass Valley General Plan. The zones shown in Table 1-1 are hereby established, and shall be shown on the Zoning Map.
- B. Interpretation of zone boundaries.** If there is uncertainty about the location of any zone boundary shown on the official Zoning Map, the location of the boundary shall be determined by the Director as follows.
  - 1. Where a zone boundary approximately follows a lot line, alley, or street line, the lot line, street or alley centerline shall be construed as the zone boundary, as applicable;
  - 2. If a zone boundary divides a parcel and the boundary line location is not specified by distances printed on the Zoning Map, the location of the boundary will be determined by using the scale appearing on the Zoning Map; and
  - 3. Where a public street or alley is officially vacated or abandoned, the property that was formerly in the street or alley will be included within the zone of the adjoining property on either side of the vacated or abandoned street or alley.

## Zoning Map and Zones

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**TABLE 1-1 - ZONES**

<b>Zone Symbol</b>	<b>Name of Zone</b>	<b>General Plan Designation Implemented by Zone</b>
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**Traditional Community Development Zones**

TC	Town Core	Commercial
NC	Neighborhood Center	Commercial
NC-Flex	Neighborhood Center Flex	Commercial
NG-3	Neighborhood General 3 - Transitional	Urban Medium Density (UMD)
NG-2	Neighborhood General 2 - Traditional	Urban Medium Density (UMD)
NG-1	Neighborhood General 1 - Subdivision	Urban Low Density (ULD)

**Residential Zones**

RE	Residential Estate	Urban Estate Density (UED)
R-1	Single-Family Residential	Urban Low Density (ULD)
R-2	Two-Family Residential	Urban Low Density (ULD) Urban Medium Density (UMD)
R-2A	Medium Density Residential	Urban Medium Density (UMD)
R-3	Multiple Dwelling Residential	Urban High Density (UHD)

**Commercial and Industrial Zones**

C-1	Community Business District	Commercial
C-2	Central Business District	Commercial
C-3	Heavy Commercial	Commercial
OP	Office Professional	Office and Professional
CPB	Commercial Business Park	Office and Professional Business Park
M-1	Light Industrial	Manufacturing-Industrial
M-2	General Industrial	Manufacturing-Industrial

**Special Purpose Zones**

OS	Open Space	Parks and Recreation
REC	Recreation	Parks and Recreation
P	Public	Public, Institutional, Non-governmental, School, Utilities
SP	Specific Plan	Specific Plan

**TABLE 1-1 - ZONES**

<b>Zone Symbol</b>	<b>Name of Zone</b>	<b>General Plan Designation Implemented by Zone</b>
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**Combining Zones**

D	Design	All
H	Historical	All
MH	Mobile Home and Mobile Home Park	All residential
MR	Mining and Reclamation	All



## ARTICLE 2

### Zones, Allowable Uses, and Zone Standards

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## CHAPTER 17.20 - DEVELOPMENT AND LAND USE APPROVAL REQUIREMENTS

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### Sections:

- 17.20.010 - Purpose
- 17.20.020 - General Requirements for Development and New Land Uses
- 17.20.030 - Allowable Land Uses and Planning Permit Requirements
- 17.20.040 - Exemptions from Planning Permit Requirements
- 17.20.050 - Temporary Uses

### 17.20.010 - Purpose

This Chapter describes the City's requirements for the approval of proposed development and new land uses. The permit requirements established by this Development Code for specific land uses are in Chapters 17.21 through 17.28.

### 17.20.020 - General Requirements for Development and New Land Uses

Each land use and/or structure shall be established, constructed, reconstructed, altered, moved or replaced in compliance with the following requirements.

- A. **Allowable use.** The land use shall be allowable by this Development Code in the zone applied to the site. The basis for determining whether a use is allowable is described in Section 17.20.030 (Allowable Land Uses and Planning Permit Requirements).
- B. **Permit and approval requirements.** Any planning permit or other approval required by Section 17.20.030 (Allowable Land Uses and Planning Permit Requirements) shall be obtained before the issuance of any required grading, building, or other construction permit, and before the proposed use is constructed, otherwise established or put into operation, unless the proposed use is listed in Section 17.20.040 (Exemptions from Planning Permit Requirements).
- C. **Development standards, conditions of approval.** Each land use and structure shall comply with the development standards of this Chapter, applicable standards and requirements in Articles 3 (Site Planning and Project Design Standards), 4 (Standards for Specific Land Uses), 5 (Resource Management), and 6 (Site Development Regulations), and any applicable conditions imposed by a previously granted planning permit.
- D. **Legal lot.** The site of a proposed development or new land use shall be a lot that was legally created in compliance with the Subdivision Map Act and Article 8 (Subdivision Regulations and Procedures).

### 17.20.030 - Allowable Land Uses and Planning Permit Requirements

- A. **Allowable land uses.** The uses of land allowed by this Development Code in each zone are listed in tables of allowable land uses in Chapters 17.21 through 17.26, together with the type of planning permit required for each use. Each land use listed in the tables is defined in Article 10 (Glossary).
  - 1. **Establishment of an allowable use.**
    - a. Any one or more land uses identified by the tables in Chapters 17.21 through 17.26 as being allowable within a specific zone may be established on any lot within that zone, subject to the planning permit requirements of Subsection B., and compliance with all applicable requirements of this Development Code.

## Development and Land Use Approval Requirements

- b. Where a single lot is proposed for development with two or more of the land uses listed in the tables at the same time, the overall project shall be subject to the highest permit level required by Subsection B. for any individual use. For example, a site proposed for development or occupancy with one use that is listed as permitted, and another use that is listed as requiring Use Permit approval shall require Use Permit approval for all development and uses.
- 2. **Use not listed.**
  - a. A land use that is not listed in the tables in Chapters 17.21 through 17.26 and is determined by the Director to not be included in Article 10 (Glossary) under the definition of a listed land use, is not allowed within the City, except as otherwise provided Subsection A.3, or Section 17.20.040 (Exemptions from Planning Permit Requirements).
  - b. A land use that is not listed in the tables within a particular zone is not allowed within that zone, except as otherwise provided Subsection A.3, or Section 17.20.040 (Exemptions from Planning Permit Requirements).
- 3. **Similar and compatible use may be allowed.** The Director may determine that a proposed use not listed in this Article is allowable as follows:
  - a. **Required findings.** The Director may determine that a proposed use is similar to and compatible with a listed use and may be allowed, only after first making all of the following findings with the determination:
    - (1) The characteristics of, and activities associated with the use are similar to one or more of the listed uses, and will not involve a greater intensity than the uses listed in the zone;
    - (2) The use will be consistent with the purposes of the applicable zone;
    - (3) The use will be consistent with the General Plan, and any applicable specific plan;
    - (4) The use will be compatible with the other uses allowed in the zone; and
    - (5) The use is not listed as allowable in another zone.

A determination that a use qualifies as a similar and compatible use, and the findings supporting the determination shall be in writing.
  - b. **Applicable standards and permit requirements.** When the Director determines that a proposed, but unlisted, use is similar and compatible to a listed use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required, and what other standards and requirements of this Development Code apply.
  - c. **Referral for determination.** The Director may refer the question of whether a proposed use qualifies as a similar and compatible use directly to the Commission for a determination at a public meeting.
  - d. **Appeal.** A determination of similar and compatible use may be appealed in compliance with Chapter 17.91 (Appeals).

## Development and Land Use Approval Requirements

**B. Permit requirements.** The tables listing allowable land uses in Chapters 17.21 through 17.26 provide for land uses that are:

1. Permitted subject to compliance with all applicable provisions of this Development Code. These are shown as "P" uses in the tables;
2. Allowed subject to the approval of a Minor Use Permit (Section 17.72.060), and shown as "MUP" uses in the tables;
3. Allowed subject to the approval of a Use Permit (Section 17.72.060), and shown as "UP" uses in the tables;
4. Allowed subject to the type of City approval required by a specific provision of Chapter 17.44 (Standards for Specific Land Uses), and shown as "S" uses in the tables; and
5. Not allowed in particular zones, and shown as "C" in the tables.

**Note:** a permitted land use, or a use authorized through the approval of a Minor Use Permit or Use Permit may also require a Development Review Permit (Section 17.72.030), a Building Permit, and/or other permit required by the Municipal Code.

### 17.20.035 – Prohibition of Medical Marijuana Cooperatives

**A. Purpose.** It is the purpose and intent of this Chapter to preclude the opening, establishment and operation of Medical Marijuana Cooperatives and Collectives in the City.

**B. Definitions.** The words and phrases included in the Section shall have the following meanings, unless it is clearly apparent from the context that another meaning is intended:

1. "Medical marijuana" means marijuana authorized in strict compliance with Health and Safety Code §§ 11362.5, 11362.7 et seq., or as such sections may be amended from time to time.
2. "Medical marijuana cooperative or collective" means a collective, cooperative, dispensary, operator, establishment, provider, association or similar entity that cultivates, distributes, dispenses, stores, exchanges, processes, delivers, makes available, transmits and/or gives away marijuana in the City for medicinal purposes to qualified patients, persons with an identification card or primary caregivers pursuant to Health and Safety Code §§ 11362.5, 11362.7 – 11362.83 and/or the guidelines, or as these laws may be amended from time to time.

**C. Medical Marijuana Cooperatives and Collectives Prohibited.**

1. Medical Marijuana Cooperative or Collective is not a permitted use and is prohibited in all zones throughout the City. No permit or any other applicable license or entitlement for use, nor any business license, shall be approved or issued for the establishment, maintenance or operation of a Medical Marijuana Cooperative or Collective within the City.
2. The establishment, maintenance or operation of a Medical Marijuana Cooperative or Collective within the City is declared to be a public nuisance and may be abated by the City either pursuant to the Grass Valley Municipal Code or any other available legal remedies, including but not limited to declaratory relief and civil injunctions.

**D. Violation and Enforcement.** The establishment, maintenance or operation of a Medical Marijuana Cooperative or Collective in violation of or in non-compliance with any of the requirements of this Chapter or applicable provisions of Title 17 (Development Code) or Grass Valley Municipal Code shall be subject to any enforcement remedies available under the law and/or the Grass Valley Municipal Code. In addition, the City may enforce the violation of this Chapter by means of civil enforcement through a restraining order, a preliminary or permanent injunction or by any other means authorized by the law.

## Development and Land Use Approval Requirements

### 17.20.040 - Exemptions from Planning Permit Requirements

The planning permit requirements of this Development Code do not apply to the land uses, structures, and activities identified by this Section. These are allowed in all zones subject to compliance with this Section.

- A. General requirements for exemption.** The land uses, structures, and activities identified by Subsection B. below are exempt from the planning permit requirements of this Development Code only when:
1. The use, activity or structure is established and operated in compliance with the setback requirements, height limits, and all other applicable standards of this Article (Zones, Allowable Uses, and Zone Standards), and Articles 3 (Site Planning and Project Design Standards), 4 (Standards for Specific Land Uses), 5 (Resource Management), 6 (Site Development Regulations) and, where applicable, Chapter 17.90 (Nonconforming Uses, Structures, and Parcels); and
  2. Any permit or approval required by regulations other than this Development Code is obtained (for example, a Building Permit).
- B. Exempt activities and land uses.** The following are exempt from the planning permit requirements of this Development Code when in compliance with Subsection A. above.
1. **Decks, paths and driveways.** Decks, platforms, on-site paths, and driveways that are not required to have a Building Permit or Grading Permit.
  2. **Fences and walls.** See Section 17.30.040 (Fences, Walls, and Screening).
  3. **Interior remodeling.** Interior alterations that do not increase the gross floor area of the structure, or change the permitted use of the structure.
  4. **Repairs and maintenance.**
    - a. **Single dwellings.** Ordinary repairs to, and maintenance of single dwellings.
    - b. **Multi-family, and non-residential structures.** Ordinary repairs to, and maintenance of multi-family residential and non-residential structures, if:
      - (1) The work does not change the approved land use of the site or structure, or add to, enlarge or expand the land use and/or structure; and
      - (2) Any exterior repairs employ the same materials and design as the original construction.
  5. **Small, portable residential accessory structures.** A single portable structure per lot or unit, including pre-manufactured storage sheds or other small structures in residential zones, that are exempt from Building Permit requirements in compliance with the Municipal Code and the Uniform Building Code. Additional structures may be approved in compliance with Section 17.44.020 (Accessory Structures and Uses), where allowed by the applicable zone.
  6. **Solar collectors.** The addition of solar collectors to the roof or side of a building, provided that the collectors comply with applicable height limit requirements; and ground-mounted solar collectors that comply with the setback requirements and height limitations of the applicable zone and are not visible from off the site.
  7. **Spas, hot tubs, and fish ponds.** Portable spas, hot tubs, and constructed fish ponds, and similar equipment and structures that do not: exceed 120 square feet in total area including related equipment; contain more than 2,000 gallons of water; or exceed three feet in depth.
  8. **Utilities.** The erection, construction, alteration, or maintenance by a public utility or public agency of utilities intended to service existing or nearby approved developments shall be permitted in any zone. These include: water; gas; electric; supply or disposal systems; including wires, mains, drains, sewers, pipes, conduits, cables, fire-alarm boxes, police call boxes, traffic signals, hydrants, etc., but not including new transmission lines and structures. Satellite and wireless communications antennas are not exempt, and are instead subject to Chapter 17.46 (Telecommunications Facilities).

### 17.20.050 - Temporary Uses

Requirements for establishing a temporary use (for example, a construction yard, seasonal sales lot, special event, temporary office trailer, etc.) are in Section 17.72.040 (Limited Term Permits).

## CHAPTER 17.21 - TRADITIONAL COMMUNITY DEVELOPMENT ZONES

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### Sections:

- 17.21.010 - Purpose
- 17.21.020 - Applicability of Standards
- 17.21.030 - Purposes of the Traditional Community Development Zones
- 17.21.040 - Town Core (TC) Standards
- 17.21.050 - Neighborhood Center (NC) Standards
- 17.21.060 - Neighborhood Center Flex (NC-Flex) Standards
- 17.21.070 - Neighborhood General 3 (NG-3) Standards
- 17.21.080 - Neighborhood General 2 (NG-2) Standards
- 17.21.090 - Neighborhood General 1 (NG-1) Standards
- 17.21.100 - Frontage Type Standards

### 17.21.010 - Purpose

This Chapter lists the land uses that may be allowed within the Traditional Community Development zones established by Section 17.12.020 (Zoning Map and Zones), determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.

### 17.21.020 - Applicability of Standards

Development and new land uses proposed within the Traditional Community Development zones shall comply with the standards in this Chapter for the applicable zone, as follows.

- A. **Building placement.** Each proposed structure shall comply with the build-to line, setback, and buildable area requirements in Sections 17.21.040 through 17.21.090 as required for the applicable zone, except as provided by Section 17.30.030 (Build-to-Line and Setback Requirements and Exceptions), and except for the encroachments allowed in each zone by Sections 17.21.040 through 17.21.090.
- B. **Use.** Only the land uses allowed by Sections 17.21.040 through 17.21.090 shall be established in the applicable zone in compliance with Chapter 17.20 (Development and Land Use Approval Requirements).
- C. **Height.** No structure shall exceed the height limit established by Sections 17.21.040 through 17.21.090 for the applicable zone, except as provided by Section 17.30.050 (Height Limits and Exceptions).
- D. **Parking.** On-site parking shall be provided and located in compliance with Sections 17.21.040 through 17.21.090 for the applicable zone, and designed in compliance with Chapter 17.36 (Parking and Loading).
- E. **Frontage types.** Only the frontage types allowed by Sections 17.21.040 through 17.21.090 shall be constructed in the applicable zone, in compliance with Section 17.21.100 (Frontage Type Standards).

### 17.21.030 - Purposes of the Traditional Community Development Zones

- A. Town Core (TC).** The primary intent of this zone is to strengthen the mixed-use, pedestrian-oriented nature of the existing historic downtown. The secondary intent is to establish secondary mixed-use, pedestrian-oriented centers within large, regional districts that are likely to redevelop in the mid and long term. These areas include large, auto-oriented commercial districts. The redeveloped centers will encourage compact development, provide a wide range of housing opportunities, including work force housing, and promote walkable and bikeable communities. The TC zone may be applied to areas previously designated with the C-2 and C-2-A zoning districts, provided that:
1. Shopfront-related frontage types only with ground floor commercial are required;
  2. The zone will continue to promote a mix of residential, commercial, civic, and institutional uses;
  3. The zone will focus on the existing downtown area; and
  4. This zone may also be an option for auto-oriented commercial districts to allow them to evolve into mixed-use centers as time and economic opportunity allow.
- B. Neighborhood Center (NC).** The primary intent of this zone is to strengthen the existing neighborhood structure of Grass Valley by promoting and enhancing the vitality of existing neighborhood-serving commercial centers and thus promoting pedestrian-oriented neighborhoods. The secondary intent is to create additional mixed-use centers/nodes, for instance along corridors, that will provide focal points for mixed-use infill development. This will provide opportunities for redevelopment in a manner that will convert such corridors from their current nondescript and uniform character into vibrant pedestrian-oriented neighborhoods that strengthen the character of Grass Valley. The NC zone may be applied to properties previously designated in a number of existing zoning districts, provided that:
1. The zone can be expanded to use name of Neighborhood (e.g. "NC-Sunrise Hill");
  2. Shopfront frontage types only are required (at a smaller scale than Core); and
  3. The zone is intended to encourage mixed-use buildings that are compatible in size, shape, and scale with existing residential neighborhoods.
- C. Neighborhood Center-Flex (NC-Flex).** The primary intent of this zone is to work in combination with the NC zone to promote the vitality of corridors and centers within different neighborhoods. This zone intends to promote flexibility of use, allowing the market to determine ground floor character while establishing the built form in order to ensure neighborhood compatibility. The nature of development within these zones will be informed by and will enhance the character of existing conditions within historic neighborhoods. The South Auburn corridor is a good example of an area appropriate for the application of this zone. The NC-Flex zone standards may apply to properties designated with a variety of existing zoning districts, including OP, R-1, C-1, C-2, and R-3, provided that the zone:
1. May use the name of the applicable neighborhood or area (e.g. "NC-Flex-S. Auburn Corridor");
  2. Allows for medium/high density housing near mixed-use centers to help support the centers and promote a walkable neighborhood;
  3. Allows residential or commercial on ground floors; and
  4. Anticipates that frontages are likely to vary (between 0 feet and 12 feet) by specific area based on existing conditions.

- D. Neighborhood General-3 (NG-3).** The intent of this zone is to reinforce the character of the existing neighborhood fabric while encouraging additional housing to be provided. This zone will require well-designed density in the form of larger buildings that maintain a compatible size, shape, and scale with existing neighborhood architecture. Good examples of the scale and character of this housing should be large historic homes within the City that have been divided into multiple apartments. The NG-3 zone may be applied to properties previously designated in the R-2A and R-3 zoning districts, provided that the zone:
1. May include the name of the applicable neighborhood or area (e.g. "NG-3-Ohio Heights");
  2. May be applied to areas that have historically been single-family but have been designated to evolve into higher density housing due to location within neighborhoods and near centers; and
  3. The development standards will reinforce the character of the existing historic fabric along the street, but in a way that may encourage additional housing to be provided.
- E. Neighborhood General-2 (NG-2).** The primary intent of this zone is to strengthen the character of existing historic neighborhoods within Grass Valley. It seeks to protect and enhance the unique character of existing neighborhoods, particularly in locations where this character may be most susceptible to change. The NG-2 zone may be applied to properties previously designated within the R-1 and R-2 zoning districts, provided that the zone:
1. May include use name of the applicable neighborhood or area (e.g. "NG-2-Sunrise Hill");
  2. Will work in coordination with existing preservation standards or guidelines; and
  3. May designate specific areas within historic neighborhoods that have atypical existing conditions, such as extremely small lots or houses, within which specific development standards may be created to preserve the character.

**17.21.040 - Town Core (TC) Standards**









**17.21.050 - Neighborhood Center (NC) Standards**







**17.21.060 - Neighborhood Center-Flex (NC-Flex) Standards**









**17.21.070 - Neighborhood General-3 (NG-3) Standards**







**17.21.080 - Neighborhood General-2 (NG-2) Standards**









**17.21.090 - Frontage Type Standards**

## CHAPTER 17.22 - RESIDENTIAL ZONES

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### Sections:

- 17.22.010 - Purpose
- 17.22.020 - Purposes of the Residential Zones
- 17.22.030 - Residential zone Allowable Land Uses and Permit Requirements
- 17.22.040 - Residential Zone Site Planning and Building Standards
- 17.22.050 - RE Zone Minimum Lot Area Requirements

### 17.22.010 - Purpose

This Chapter lists the land uses that may be allowed within the Residential zones established by Section 17.12.020 (Zoning Map and Zones), determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.

### 17.22.020 - Purposes of the Residential Zones

The purposes of the individual residential zones and the manner in which they are applied are as follows.

- A. **RE (Residential Estate) zone.** The RE zone is applied to areas of the City that are appropriate for single dwellings, but where infrastructure limitations and/or environmental constraints limit the ability for development to achieve urban densities. This zone is also used to facilitate annexation to the City. The RE zone is consistent with and implements the Urban Estate Density (UED) designation of the General Plan.
- B. **R-1 (Single Residential) zone.** The R-1 zone is applied to areas of the City that are appropriate for neighborhoods of single dwellings on standard urban lots, surrounding the more densely developed City core. The R-1 zone is consistent with and implements the Urban Low Density (ULD) designation of the General Plan.
- C. **R-2 (Two-Family Residential) zone.** The R-2 zone is applied to areas of the City that are appropriate for a mixture of both single and two-family dwellings. The R-2 zone is consistent with and implements the Urban Low Density (ULD) and Urban Medium Density (UMD) designations of the General Plan.
- D. **R-2A (Medium Density Residential) zone.** The R-2A zone is applied to areas of the City that are appropriate for neighborhoods with a variety of housing types located in proximity to parks, schools, and public services. The R-2A zone is consistent with and implements the Urban Medium Density (UMD) designation of the General Plan.
- E. **R-3 (Multiple Dwelling Residential) zone.** The R-3 zone is applied to areas of the City that are appropriate for a variety of higher density housing types, located in proximity to parks, schools, and public services. The R-3 zone is consistent with and implements the Urban High Density (UHD) designation of the General Plan.

### **17.22.030 - Residential Zone Allowable Land Uses and Permit Requirements**

- A. General permit requirements.** Table 2-7 identifies the uses of land allowed by this Development Code in each residential zone, and the planning permit required to establish each use, in compliance with Section 17.20.030 (Allowable Land Uses and Planning Permit Requirements).
- B. Requirements for certain specific land uses.** Where the last column in Table 2-7 ("Specific Use Regulations") includes a section number, the referenced section may affect whether the use requires a Minor Use Permit or Use Permit, and/or may establish other requirements and standards applicable to the use.

## Residential Zones

TABLE 2-7 Allowed Land Uses and Permit Requirements for Residential Zones		P	Permitted Use				
		MUP	Minor Use Permit required				
		UP	Use Permit required				
		P/UP	Permitted use if shown in the General Plan or applicable specific plan, Use Permit required otherwise				
		S	Permit requirement determined by specific use regulations				
		—	Use not allowed				
LAND USE TYPE (1)		Permit Required by Zone					Specific Use Regulations
		R-E	R-1	R-2	R-2A	R-3	
AGRICULTURAL & RESOURCE USES							
	Agricultural accessory structure	P	P	—	—	—	
	Animal keeping	UP	UP	UP	UP	—	
	Backyard Chickens	P	P	—	—	—	17.44.030
	Crop production, horticulture, orchard, vineyard	P	P	P	—	—	
RECREATION, EDUCATION & PUBLIC ASSEMBLY							
	Equestrian facility	UP	—	—	—	—	
	Golf course, country club	UP	UP	UP	UP	UP	
	Library, museum, art gallery	P/UP	P/UP	P/UP	P/UP	P/UP	
	Meeting facility, public or private	UP	UP	UP	UP	UP	
	Park, playground	P/UP	P/UP	P/UP	P/UP	P/UP	
	School, private	UP	UP	UP	UP	UP	
	School, public	P/UP	P/UP	P/UP	P/UP	P/UP	
RESIDENTIAL							
	Dwelling - Multi-family - Duplex, triplex, fourplex	—	—	P	P	P	17.44.160
	Dwelling - Multi-family - Rowhouse	—	—	—	P	P	17.44.160
	Dwelling - Single	P	P	P	P	P	17.44.210
	Home occupation	P	P	P	P	P	17.44.100
	Mobile Home Parks	—	UP	UP	UP	UP	17.44.150
	Residential accessory use or structure	P	P	P	P	P	17.44.020
	Residential care, 6 or fewer clients, in a home	P	P	P	P	P	
	Residential care, 7 or more clients	UP	UP	UP	UP	UP	
	Rooming or boarding house	—	UP	UP	UP	MUP	
	Second unit or carriage house	P	P	P	P	P	17.44.190
	Transitional and Supportive housing	P	P	P	P	P	
SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL							
	Medical services - Extended care	UP	UP	UP	UP	UP	
SERVICES - GENERAL							
	Cottage Food Operations	P	P	P	P	P	
	Day care - Child or adult day care center	UP	UP	UP	UP	UP	17.44.060
	Day care - Large family day care home	MUP	MUP	MUP	MUP	MUP	17.44.060
	Day care - Small family day care home	P	P	P	P	P	
	Hosted short term rental units	—	P	—	—	—	17.44.205 B
	Vacation rental unit	—	MUP	—	—	—	17.44.205 C
	Public safety facility	P/UP	P/UP	P/UP	P/UP	P/UP	
TRANSPORTATION, COMMUNICATIONS, INFRASTRUCTURE							
	Utility facility	UP	UP	UP	UP	UP	

## 17.22.040 - Residential Zone Site Planning and Building Standards

Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and established in compliance with the requirements in Tables 2-8 and 2-9, in addition to the applicable standards (e.g., landscaping, parking and loading, etc.) in Article 3.

**TABLE 2-8 - RE, R-1, AND R-2 ZONE DEVELOPMENT STANDARDS**

Development Feature	Requirement by Zone		
	RE Rural Estate	R-1 Single Residential	R-2 Low Density Residential
<b>Lot size</b>	Minimum area and width required for each lot in a new subdivision, provided that overall subdivision density shall also comply with the General Plan.		
Minimum area	1 acre	6,000 sf	5,000 sf
Minimum width	120 ft average frontage	60 ft for interior lot; 70 ft for corner lot.	
<b>Density</b>	Maximum number of dwelling units allowed on a site. The actual number of units allowed will be determined by the City through subdivision or planning permit approval.		
	1 unit per lot		8 units/acre, 5,400 sf of site area per unit
	One second unit may also be allowed on a lot with a single dwelling in compliance with Section 17.44.190 (Second Units).		
<b>Setbacks</b>	Minimum setbacks required. See Section 17.30.030 for exceptions, reductions, and encroachments. See Chapter 17.44 for setback requirements applicable to a specific land use.		
Front	50 ft from a local street centerline; 20 ft plus 2 the ultimate ROW from the centerline of a street shown in the Circulation Element or a specific plan.	15 ft for the building facade, 5 ft for a front porch; or the average of the two adjacent primary dwellings; or the same as the adjacent primary dwelling if only one adjacent lot is developed.	
Side - Interior (each)	5 ft		
Side - Street side	40 ft from a local street centerline; 10 ft plus 2 the ultimate ROW from the centerline of a street shown in the Circulation Element or a specific plan.	20% of lot width, to a maximum requirement of 15 ft.	
Rear	20 ft	20% of lot depth, with a minimum of 10 ft and a maximum requirement of 20 ft.	
Garage front	5 ft back from street-facing facade of primary structure		
Accessory structures	See 17.44.020 (Accessory Uses and Structures)		



## Residential Zones

**TABLE 2-8 - RE, R-1, AND R-2 ZONE DEVELOPMENT STANDARDS (Continued)**

Development Feature	Requirement by Zone		
	RE Rural Estate	R-1 Single Residential	R-2 Low Density Residential
Site coverage	Maximum percentage of the total lot area (excluding pools) that may be covered by structures and pavement.		
Maximum coverage	40%; 60% with Use Permit approval	50%	
Height limit	Maximum allowable height of structures. See Section 17.30.050 for height measurement requirements, and height limit exceptions.		
Maximum height	35 ft	35 ft, 2 stories	
Fencing	See Section 17.30.040 (Fences, Walls, and Screening)		
Landscaping	See Chapter 17.34 (Landscaping Standards)		
Parking	See Chapter 17.36 (Parking and Loading)		
Signs	See Chapter 17.38 (Signs)		

**TABLE 2-9 - R-2A AND R-3 ZONE DEVELOPMENT STANDARDS**

Development Feature	Requirement by Zone	
	R-2A Medium Density Residential	R-3 Multi-Unit Residential
<b>Lot size</b>	<i>Minimum area and width required for each lot in a new subdivision.</i>	
Minimum area	10,000 sf	
Minimum width	70 ft for interior lot; 75 ft for corner lot.	
<b>Density</b>	<i>Maximum number of dwelling units allowed on a site. The actual number of units allowed will be determined by the City through subdivision or planning permit approval.</i>	
	3,500 sf of site area per unit.	2,000 sf of site area per unit.
<b>Setbacks</b>	<i>Minimum setbacks required. See Section 17.30.030 for exceptions, reductions, and encroachments. See Chapter 17.44 for setback requirements applicable to a specific land use.</i>	
Front	15 ft for the building facade, 5 ft for a front porch; or the average of the two adjacent primary dwellings; or the same as the adjacent primary dwelling if only one adjacent lot is developed.	15 ft for the building facade, 5 ft for a front porch; or the average of the two adjacent primary dwellings; or the same as the adjacent primary dwelling if only one adjacent lot is developed.
Side - Interior (each)	5 ft	
Side - Street side	20% of lot width to a maximum requirement of 15 ft.	

**TABLE 2-9 - R-2A AND R-3 ZONE DEVELOPMENT STANDARDS (Continued)**

Development Feature	Requirement by Zone	
	R-2A Medium Density Residential	R-3 Multi-Unit Residential
Rear	N.A.	20% of lot depth, with a minimum of 10 ft and a maximum requirement of 20 ft.
Garage front	5 ft back from street-facing facade of primary structure	
Accessory structures	See 17.44.020 (Accessory Uses and Structures)	
Site coverage	Maximum percentage of the total lot area (excluding pools) that may be covered by structures and pavement.	
Maximum coverage	40%	50%
Height limit	Maximum allowable height of structures. See Section 17.30.050 for height measurement requirements, and height limit exceptions.	
Maximum height	35 ft, 3 stories*	
Fencing	See Section 17.30.040 (Fences, Walls, and Screening)	
Landscaping	See Chapter 17.34 (Landscaping Standards)	
Parking	See Chapter 17.36 (Parking and Loading)	
Signs	See Chapter 17.38 (Signs)	
* All heights measured from finished grade to eaves or base of parapet		

## CHAPTER 17.24 - COMMERCIAL AND INDUSTRIAL ZONES

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### Sections:

- 17.24.010 - Purpose
- 17.24.020 - Purposes of Commercial and Industrial Zones
- 17.24.030 - Commercial and Industrial Zone Land Uses and Permit Requirements
- 17.24.040 - Commercial and Industrial Zone Site Planning and Building Standards

### 17.24.010 - Purpose

This Chapter lists the land uses that may be allowed within the Commercial and Industrial Zones established by Section 17.12.020 (Zoning Map and Zones), determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.

### 17.24.020 - Purposes of Commercial and Industrial Zones

The purposes of the individual commercial zones and the manner in which they are applied are as follows:

- A. **C-1 (Community Business District) zone.** The C-1 zone is applied to areas of the City that are appropriate for small-scale facilities providing convenience shopping and services. The C-1 zone implements and is consistent with the Commercial land use designation of the General Plan.
- B. **C-2 (Central Business District) zone.** The C-2 zone is applied to areas of the Downtown not covered by the TC (Town Core) zone in Chapter 17.21 (Traditional Community Development Zones), where existing auto-oriented development is expected to be maintained. The C-2 zone implements and is consistent with the Commercial land use designation of the General Plan.
- C. **C-3 (Heavy Commercial) zone.** The C-3 zone is applied to areas of the City that are intended to provide for heavier and auto-oriented land uses that are inappropriate in C-1 areas and within the Downtown. The C-3 zone implements and is consistent with the Commercial land use designation of the General Plan.
- D. **OP (Office Professional) zone.** The OP zone is applied to areas of the City that are intended to serve the office and institutional needs of the community that cannot be accommodated within the downtown. Other related and office-supporting uses may also be allowed. The OP zone implements and is consistent with the Office and Professional land use designation of the General Plan.
- E. **CBP (Corporate Business Park) zone.** The CBP zone is applied to areas of the City appropriate for employment with a "campus" type character, which includes landscaped open space between buildings, screened service areas, uniform sign and street lighting standards and maintenance of a landscape theme throughout. Existing uses that become nonconforming when the zone is established may remain but are expected to eventually phase into conforming uses. This zone will provide opportunities for corporate administrative offices and medium size research and development firms to locate in Grass Valley within a high quality development. Land uses within the zone should be compatible with adjacent residential uses and buffered from them. High standards of appearance and design will be required and maintained with restrictions on outdoor storage and activities with obnoxious characteristics. The CBP zone implements and is consistent with the Office and Professional and Business Park designations of the General Plan.
- F. **M-1 (Light Industrial) zone.** The M-1 zone is applied to areas appropriate for a range of light industrial uses. The M-1 zone implements and is consistent with the Manufacturing-Industrial designation of the General Plan.

- G. M-2 (General Industrial) zone.** The M-2 zone is applied to areas appropriate for a range of heavy industrial activities including manufacturing, assembly and processing, the storage and distribution of raw materials, aggregate plants, and related industrial uses that are generally compatible with and require locations removed from residential and visitor serving uses. The M-2 zone implements and is consistent with the Manufacturing-Industrial designation of the General Plan.

### **17.24.030 - Commercial and Industrial Zone Land Uses and Permit Requirements**

- A. General permit requirements.** Table 2-10 identifies the uses of land allowed by this Development Code in each commercial and industrial zone, and the planning permit required to establish each use, in compliance with Section 17.20.030 (Allowable Land Uses and Planning Permit Requirements).
- B. Requirements for certain specific land uses.** Where the last column in Table 2-10 ("Specific Use Regulations") includes a section number, the referenced section may affect whether the use requires a Minor Use Permit or Use Permit, and/or may establish other requirements and standards applicable to the use.

## Commercial and Industrial Zones

TABLE 2-10 Allowed Land Uses and Permit Requirements for Commercial and Industrial Zones		P Permitted Use MUP Minor Use Permit required UP Use Permit required P/UP Permitted use if shown in the General Plan or applicable specific plan, Use Permit required otherwise S Permit requirement determined by specific use regulations — Use not allowed							
LAND USE TYPE (1)		Permit Required by Zone							Specific Use Regulations
		C-1	C-2	C-3	OP	CBP	M-1	M-2	
AGRICULTURAL & RESOURCE USES									
Agricultural accessory structure		P	P	P	—	—	P	P	
Animal keeping		MUP	MUP	MUP	—	—	MUP	MUP	
Crop production, horticulture, orchard, vineyard		P	P	P	—	P	P	P	
Mining operations, surface or underground		—	—	—	—	—	—	UP	
INDUSTRY, MANUFACTURING & PROCESSING									
Concrete, gypsum, and plaster product manufacturing		—	—	—	—	—	—	P	
Construction, farm and heavy equipment sales and rentals		—	—	P	—	—	P	P	
Furniture and fixtures manufacturing, cabinet shop		—	—	—	—	—	P	P	
Laboratory - Medical, analytical		—	—	—	P	P	—	—	
Laundry, dry cleaning plant		—	UP	UP	—	—	P	P	
Lumber and wood product manufacturing		—	—	—	—	—	—	P	
Manufacturing/processing - Heavy		—	—	—	—	—	—	UP	
Manufacturing/processing - Light		—	—	—	—	P	P	P	
Manufacturing/processing - Medium intensity		—	—	—	—	—	P	P	
Media production		—	UP	P	—	P	P	P	
Metal products fabrication, machine or welding shop		—	—	—	—	—	P	P	
Petroleum product storage and distribution		—	—	—	—	—	P	P	
Printing and publishing		—	P	P	—	—	P	P	
Recycling - Large collection facility		—	—	—	—	—	P	P	
Recycling - Processing facility		—	—	—	—	—	UP	UP	
Recycling - Reverse vending machine		—	P	P	—	—	P	P	
Recycling - Scrap or junk yard		—	—	—	—	—	UP	UP	
Recycling - Small collection facility		—	—	P	—	—	P	P	
Research and development		—	—	—	P	P	P	P	
Stockyard		—	—	—	—	—	—	UP	
Storage - Contractor storage yard		—	—	—	—	—	P	P	
Storage - Outdoor		—	—	—	—	—	UP	UP	17.44.170
Storage - Personal storage facility		—	—	—	—	—	P	—	
Storage - Warehouse, indoor storage		—	—	P	—	—	P	P	
Wholesaling and distribution		—	—	P	—	—	P	P	
Notes:									

## Commercial and Industrial Zones

TABLE 2-10								
Allowed Land Uses and Permit Requirements for Commercial and Industrial Zones	P	Permitted Use						
	MUP	Minor Use Permit required						
	UP	Use Permit required						
	P/UP	Permitted use if shown in the General Plan or applicable specific plan, Use Permit required otherwise						
	S	Permit requirement determined by specific use regulations						
—	Use not allowed							
LAND USE TYPE (1)	Permit Required by Zone							Specific Use Regulations
	C-1	C-2	C-3	OP	CBP	M-1	M-2	

### RECREATION, EDUCATION & PUBLIC ASSEMBLY

Campground, recreational vehicle (RV) park	—	—	—	—	UP	—	—	
Commercial recreation facility - Indoor	—	UP	P	—	—	P	P	
Commercial recreation facility - Outdoor	—	UP	UP	—	UP	—	—	
Conference/convention facility	—	UP	—	—	UP	—	—	
Equestrian facility	—	—	—	—	UP	—	—	
Fitness/health facility	MUP	MUP	MUP	—	P	—	—	
Golf course, country club	—	—	—	—	UP	—	—	
Guest ranch	—	—	—	—	UP	—	—	
Library, museum, art gallery	P/UP	P/UP	P/UP	UP	—	—	—	
Meeting facility, public or private	UP	UP	P	UP	UP	P	P	
Park, playground	P/UP	P/UP	P/UP	—	UP	—	—	
School, private	UP	UP	UP	UP	UP	—	—	
School, public	P/UP	P/UP	P/UP	UP	UP	—	—	
School, specialized education and training	UP	P	P	P	UP	P	P	
Shooting range, gun club	—	—	—	—	UP	—	—	
Sports and active recreation facility	—	—	—	—	UP	—	—	
Sports and entertainment assembly	—	—	—	—	UP	—	—	
Studio - Art, dance, martial arts, music, etc.	P	P	P	P	—	P	P	
Theater, cinema or performing arts	—	MUP	MUP	—	—	P	P	
Trail	UP	UP	UP	UP	UP	—	—	

### RESIDENTIAL

Dwelling - Caretaker	—	—	—	—	P	—	—	
Emergency Shelters	—	UP	P	—	—	UP	—	
Home occupation	P	P	P	UP	—	—	—	17.44.100
Live/work unit	P	P	P	P	—	—	—	17.44.130
Mixed use project residential component	P	P	—	P	UP	—	—	17.44.140
Residential accessory use or structure	P	P	P	UP	—	—	—	17.44.020
Residential care, 6 or fewer clients, in a home	P	P	P	UP	—	—	—	
Residential care, 7 or more clients	UP	UP	UP	UP	UP	—	—	
Rooming or boarding house	UP	UP	UP	UP	—	—	—	
Second unit or carriage house	UP	UP	—	—	—	—	—	17.44.190
Transitional and Supportive housing	UP	UP	UP	UP	UP	—	—	

## Commercial and Industrial Zones

TABLE 2-10 Allowed Land Uses and Permit Requirements for Commercial and Industrial Zones				P Permitted Use MUP Minor Use Permit required UP Use Permit required P/UP Permitted use if shown in the General Plan or applicable specific plan, Use Permit required otherwise S Permit requirement determined by specific use regulations — Use not allowed						
LAND USE TYPE (1)				Permit Required by Zone						
				C-1	C-2	C-3	OP	CBP	M-1	M-2
RETAIL										
	Adult oriented business			—	—	—	—	—	UP	UP
	Antique or collectable store			—	P	P	P	—	P	P
	Artisan shop			—	P	P	MUP	—	P	P
	Auto and vehicle sales and rental			—	UP	P	—	—	P	P
	Bar, tavern, night club			—	UP	—	—	—	—	—
	Building and landscape materials sales - Indoor			—	P	P	—	—	P	P
	Building and landscape materials sales - Outdoor			—	UP	UP	—	—	UP	UP
	Farm supply and feed store			—	—	P	—	—	P	P
	Fuel dealer			—	—	UP	—	—	UP	UP
	Furniture, furnishings, and appliance store			—	P	P	—	—	—	—
	Gas station			UP	UP	P	—	—	P	P
	General retail, except with any of the following features:			P	P	P	—	—	P	P
	Alcoholic beverage sales			MUP	MUP	MUP	—	—	—	—
	Drive-through facility			—	UP	UP	—	—	—	—
	Floor area (single tenant) over 10,000 sf			UP	UP	UP	—	—	—	—
	On-site production of items sold			MUP	MUP	MUP	—	—	—	—
	Operating between 9:00 pm and 7:00 am			UP	UP	UP	—	—	—	—
	Second hand or thrift store			—	P	P	—	—	P	P
	Mobile home, boat, and RV sales			—	UP	P	—	—	P	P
	Neighborhood market			P	P	P	—	P	P	P
	Office-supporting retail			P	P	P	UP	P	P	P
	Pharmacy			P	P	P	P	—	P	P
	Restaurant, café, coffee shop			P	P	P	UP	P	P	P
	Warehouse retail			—	—	—	—	P	—	—
	Notes:									

## Commercial and Industrial Zones

TABLE 2-10 Allowed Land Uses and Permit Requirements for Commercial and Industrial Zones				P Permitted Use MUP Minor Use Permit required UP Use Permit required P/UP Permitted use if shown in the General Plan or applicable specific plan, Use Permit required otherwise S Permit requirement determined by specific use regulations — Use not allowed							
LAND USE TYPE (1)				Permit Required by Zone							Specific Use Regulations
				C-1	C-2	C-3	OP	CBP	M-1	M-2	
SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL											
ATM				P	P	P	P	P	P	P	
Bank, financial services				—	P	P	P	—	P	P	
Business support service				—	P	P	P	—	P	P	
Catering service				—	—	P	—	—	P	P	
Medical services - Clinic, urgent care				P	P	P	P	P	P	P	
Medical services - Doctor office				P	P	P	P	P	P	P	
Medical services - Extended care				UP	—	—	UP	UP	—	—	
Medical services - Hospital				—	—	—	UP	UP	—	—	
Office - Business, service				P	P	P	P	P	P	P	
Office - Government				P	P	P	P	P	P	P	
Office - Headquarters				—	—	—	P	P	—	—	
Office - Processing				—	—	P	P	P	P	P	
Office - Professional, administrative				P	P	P	P	P	P	P	
SERVICES - GENERAL											
Day care - Child or adult day care center				UP	UP	—	P	UP	—	—	17.44.060
Day care - Large family day care home				—	—	—	—	—	—	—	
Day care - Small family day care home				—	P	—	—	—	—	—	
Kennel, animal boarding				—	UP	UP	—	—	UP	P	6.20.010
Lodging - Bed & breakfast inn (B&B)				—	P	P	—	—	P	P	17.44.040
Lodging - Hotel				UP	P	P	UP	UP	P	P	
Maintenance service - Client site services				—	—	—	—	—	P	—	
Mortuary, funeral home				—	P	P	UP	—	P	P	
Personal services				P	P	P	UP	UP	P	P	
Personal services - Restricted				—	—	MUP	—	—	—	—	
Public safety facility				UP	UP	UP	UP	UP	UP	UP	
Repair service - Equipment, appliances, etc., as primary use				—	—	P	—	—	P	P	
Social service organization				—	P	—	P	—	—	—	
Vehicle services - Major repair/body work				—	UP	UP	—	—	P	P	
Vehicle services - Minor maintenance/repair				—	UP	P	—	—	P	P	
Veterinary clinic, animal hospital - Small animals				—	UP	UP	—	—	P	P	
Notes:											
(1) See Article 10 (Glossary) for land use definitions.											



## Commercial and Industrial Zones

TABLE 2-10									
Allowed Land Uses and Permit Requirements for Commercial and Industrial Zones	P	Permitted Use							
	MUP	Minor Use Permit required							
	UP	Use Permit required							
	P/UP	Permitted use if shown in the General Plan or applicable specific plan, Use Permit required otherwise							
	S	Permit requirement determined by specific use regulations							
	—	Use not allowed							
LAND USE TYPE (1)	Permit Required by Zone							Specific Use Regulations	
	C-1	C-2	C-3	OP	CBP	M-1	M-2		

### TRANSPORTATION, COMMUNICATIONS, INFRASTRUCTURE

Ambulance, taxi, or limousine storage	—	—	UP	—	—	UP	UP	
Freight terminal	—	—	—	—	—	P	P	
Parking facility, public or commercial	UP	UP	UP	—	—	—	—	
Utility facility	UP	UP	UP	UP	UP	UP	UP	
Wireless telecommunications facility	UP	UP	UP	UP	UP	UP	UP	17.46

Notes:

(1) See Article 10 (Glossary) for land use definitions.

**17.24.040 - Commercial and Industrial Zone Site Planning and Building Standards**

Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Tables 2-11, 2-12, and 2-13, in addition to the applicable development standards (e.g., landscaping, parking and loading, etc.) in Article 3.

**TABLE 2-11 - C-1, C-2, AND C-3 ZONE DEVELOPMENT STANDARDS**

Development Feature	Requirement by Zone		
	C-1 Community Business	C-2 Central Business District	C-3 Heavy Commercial
<b>Lot size</b>	<i>Minimum area and width required for each lot in a new subdivision.</i>		
Minimum area, width	No minimum required unless designated on the Zoning Map		
<b>Residential density</b>	<i>Maximum number of dwelling units allowed on a site. The actual number of units allowed will be determined by the City through subdivision or planning permit approval.</i>		
Maximum density	15 units per acre	15 units per acre	15 units per acre
<b>Setbacks</b>	<i>Minimum setbacks required. See Section 17.30.030 for exceptions, reductions, and encroachments. See Chapter 17.44 for setback requirements applicable to a specific land use.</i>		
Front	None required	None required	None required
Side - Interior (each)	10 ft on a site abutting a residential use, none elsewhere	10 ft on a site abutting a residential use, none elsewhere	10 ft on a site abutting a residential use, none elsewhere
Side - Street side	None required	None required	None required
Rear	25 ft abutting residential; 15 ft elsewhere.	25 ft abutting residential; 12 ft where loading is proposed. Building may project over rear setback provided that 14 ft of clear vertical distance from the ground is maintained.	25 ft abutting residential; 12 ft where loading is proposed. Building may project over rear setback provided that 14 ft of clear vertical distance from the ground is maintained.
<b>Site coverage</b>	<i>Maximum percentage of total lot area to be covered by structures and pavement.</i>		
Maximum coverage	No limitation other than as required for landscaping.		
<b>Height limit</b>	<i>Maximum allowable height of structures. See Section 17.30.060 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.</i>		
Maximum height	35 ft, and 2 stories including mezzanine	50 ft, 4 stories	50 ft, 4 stories
<b>Fencing</b>	See Section 17.30.040 (Fences, Walls, and Screening)		
<b>Landscaping</b>	See Chapter 17.34 (Landscaping Standards)		
<b>Parking</b>	See Chapter 17.36 (Parking and Loading)		
<b>Signs</b>	See Chapter 17.38 (Signs)		
<b>Additional zone standards</b>	None	None	None

## Commercial and Industrial Zones

**TABLE 2-12 - OP AND CPB ZONE DEVELOPMENT STANDARDS**

Development Feature	Requirement by Zone	
	OP Office Professional	CBP Corporate Business Park
<b>Lot size</b>	<i>Minimum area and width required for each lot in a new subdivision.</i>	
Minimum area, width	None required	1.5 acres, width determined through subdivision review process
<b>Residential density</b>	<i>Maximum number of dwelling units allowed on a site. The actual number of units allowed will be determined by the City through subdivision or planning permit approval.</i>	
Maximum density	15 units per acre	8 units per acre
<b>Setbacks</b>	<i>Minimum setbacks required. See Section 17.30.030 for exceptions, reductions, and encroachments. See Chapter 17.44 for setback requirements applicable to a specific land use.</i>	
Front	15 ft	<b>From Major Street:</b> Buildings - 20 ft from back of curb Parking - 40 ft from back of curb <b>From Local Street:</b> Buildings - 10 ft from back of curb Parking - 15 ft from back of curb
Side - Interior (each)	10 ft on a site abutting a residential use; none elsewhere	20 ft
Side - Street side	20% of lot width, to a maximum requirement of 15 ft.	30 ft from back of curb
Rear	10 ft on a site abutting a residential use; none elsewhere	10 ft on a site abutting a residential use; none elsewhere
<b>Site coverage</b>	<i>Maximum percentage of total lot area to be covered by structures and pavement.</i>	
Maximum coverage	No limitation other than as required for landscaping.	
<b>Height limit</b>	<i>Maximum allowable height of structures. See Section 17.30.060 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.</i>	
Maximum height	35 ft, 2 stories	35 ft, except as provided in 17.24.050.C.
<b>Fencing</b>	See Section 17.30.040 (Fences, Walls, and Screening)	
<b>Landscaping</b>	See Chapter 17.34 (Landscaping Standards)	
<b>Parking</b>	See Chapter 17.36 (Parking and Loading)	
<b>Signs</b>	See Chapter 17.38 (Signs)	
<b>Additional zone standards</b>	See 17.24.050.B	See 17.24.050.C

TABLE 2-13 - M-1 AND M-2 ZONE DEVELOPMENT STANDARDS

Development Feature	Requirement by Zone	
	M-1 Light Industrial	M-2 General Industrial
<b>Lot size</b>	<i>Minimum area and width required for each lot in a new subdivision.</i>	
Minimum area, width	1 acre, width determined through subdivision review.	1 acre, width determined through subdivision review.
<b>Residential density</b>	<i>Maximum number of dwelling units allowed in a project. The actual number of units allowed will be determined by the City through subdivision or planning permit approval, as applicable.</i>	
Maximum density	None allowed.	None allowed.
<b>Setbacks</b>	<i>Minimum and, where noted, maximum setbacks required for primary structures. See Section 17.30.030 for exceptions to these requirements.</i>	
Front	<b>From Major Street:</b> Buildings - 20 ft from back of curb Parking - 20 ft from back of curb <b>From Local Street:</b> Buildings - 30 ft from back of curb Parking - 15 ft from back of curb	<b>From Major Street:</b> Buildings - 20 ft from back of curb Parking - 20 ft from back of curb <b>From Local Street:</b> Buildings - 30 ft from back of curb Parking - 15 ft from back of curb
Side - Interior (each)	10 ft	10 ft
Side - Street side	15 ft from back of curb	15 ft from back of curb
Rear	10 ft	10 ft
<b>Height limit</b>	<i>Maximum allowable height of structures. See Section 17.30.060 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.</i>	
Maximum height	50 ft, 4 stories.	50 ft, 4 stories.
<b>Fencing</b>	See Section 17.30.040 (Fences, Walls, and Screening)	
<b>Landscaping</b>	See Chapter 17.34 (Landscaping Standards)	
<b>Parking</b>	See Chapter 17.36 (Parking and Loading)	
<b>Signs</b>	See Chapter 17.38 (Signs)	
<b>Additional Zone Standards</b>	None	None

## Commercial and Industrial Zones

### 17.24.050 - Additional Commercial and Industrial Zone Standards

- A. **C-2 zone standards.** A Use Permit for a dwelling shall be approved only if the lot area per dwelling unit is at least 2,000 square feet, exclusive of any portion of the lot used for commercial purposes.
- B. **OP zone standards.** All sales, displays and storage in the OP zone shall be conducted within an enclosed building, unless open sales, display and storage is specifically approved on the site plan or within the provisions of this Chapter.
- C. **CBP zone standards.** Proposed development and new land uses within the CBP zone shall comply with the following standards in addition to those in Section 17.24.040 (Commercial and Industrial Zone Site Planning and Building Standards).
  - 1. **Height limit exceptions.** Heating, cooling, other roof equipment and fire storage facilities may extend above the 35-foot height limit established by Section 17.24.040, provided that they are screened and integrated into the architecture of the building; except when no equipment is mounted on the roof (e.g., all mechanical equipment is enclosed under and does not penetrate the roof), the maximum height of the building may be increased to 45 feet subject to Design Review approval.
  - 2. **Mechanical equipment.** Outdoor mechanical equipment, transformers, utility vaults and meters, fire protection apparatus, and other utilities shall be treated as an integral part of the building design. When it is necessary to locate the equipment between the front of the building and the street, it shall be screened from view.
  - 3. **Solar access and energy conservation guidelines.** Buildings should be designed and oriented to maximize solar access and minimize heating and cooling requirements. Where appropriate, energy conservation methods such as glazed/double paned windows, recessed entryways, awnings and solar collectors should be utilized as appropriate.
  - 4. **Location of manufacturing activities.** All manufacturing activities shall be located within an entirely enclosed building.



## **CHAPTER 17.26 - SPECIAL PURPOSE ZONES**

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### **Sections:**

- 17.26.010 - Purpose
- 17.26.020 - Purposes of Special Purpose Zones
- 17.26.030 - Special Purpose Zone Land Uses and Permit Requirements
- 17.26.040 - Special Purpose Zone General Development Standards
- 17.26.050 - OS Zone Requirements
- 17.26.060 - P Zone Requirements
- 17.26.070 - REC Zone Requirements
- 17.26.080 - SP Zone Requirements

### **17.26.010 - Purpose**

This Chapter lists the land uses that may be allowed within the special purpose zones established by Section 17.12.020 (Zoning Map and Zones), determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.

### **17.26.020 - Purposes of the Special Purpose Zones**

The purposes of the individual special purpose zones and the manner in which they are applied are as follows:

- A. OS (Open Space) zone.** The OS zone is applied to properties that are largely unimproved and used for the preservation of natural resources and habitats, passive outdoor recreation, scenic resources, and/or for the protection of public health and safety (e.g., preservation of flood plains). Allowable uses are limited to those that support maintenance and/or recreational uses. The OS zone implements and is consistent with the Parks and Recreation land use designation of the General Plan.
- B. REC (Recreation) zone.** The REC zone is applied to the sites of public parks and recreational facilities. Allowable uses are limited to recreational uses, and the structures needed to support those uses, and facility and site maintenance. The REC zone implements and is consistent with the Parks and Recreation land use designation of the General Plan.
- C. P (Public) zone.** The P zone is applied to the sites of existing and proposed Federal, State, and local government uses, and non-profit community service uses. The P zone implements and is consistent with the Public, Institutional, Non-governmental, School, and Utilities land use designations of the General Plan.
- D. SP (Specific Plan) zone.** The SP zone is intended to accommodate various types of development such as professional and administrative offices, industrial parks, commercial service centers, neighborhood and district shopping centers, multi-family housing developments, single dwelling residential developments and any other use or combination of uses. The zone is intended to encourage the flexibility of design and development of land to promote the most appropriate use, to support high standards, to preserve the natural features and qualities of the site, to counteract the effects of urban congestion and monotony, to increase economy in provision of streets and utilities, to create attractive, identifiable centers for work, commercial services and residential development in Grass Valley.

**17.26.030 - Special Purpose Zone Land Uses and Permit Requirements**

- A. General permit requirements.** Table 2-14 identifies the uses of land allowed by this Development Code in each Special Purpose zone, and the planning permit required to establish each use, in compliance with Section 17.20.030 (Allowable Land Uses and Planning Permit Requirements).
- B. Requirements for certain specific land uses.** Where the last column in Table 2-14 ("Specific Use Regulations") includes a section number, the referenced section may affect whether the use requires a Minor Use Permit, or Use Permit, and/or may establish other requirements and standards applicable to the use.



## Special Purpose Zones

TABLE 2-14  Allowed Land Uses and Permit Requirements for Special Purpose Zones	P	Permitted Use		
	MUP	Minor Use Permit required		
	UP	Use Permit required		
	P/UP	Permitted use if shown in the General Plan or applicable specific plan, Use Permit required otherwise		
	S	Permit requirement determined by specific use regulations		
	—	Use not allowed		
LAND USE TYPE (1)	Permit Required by Zone			Specific Use Regulations
	OS	REC	P	

### AGRICULTURAL AND RESOURCE USES

Agricultural accessory structure	MUP	—	—	
Crop production, horticulture, orchard, vineyard	MUP	P	—	

### RECREATION, EDUCATION & PUBLIC ASSEMBLY

Campground, recreational vehicle (RV) park	—	UP	—	
Commercial recreation facility - Outdoor	—	UP	—	
Conference/convention facility	—	UP	—	
Equestrian facility	UP	UP	—	
Golf course, country club	UP	UP	—	
Guest ranch	—	UP	—	
Library, museum, art gallery	—	—	UP	
Meeting facility, public or private	—	UP	P	
Park, playground	P	UP	UP	
School, public	—	—	UP	
School, specialized education and training	—	—	UP	
Sports and active recreation facility	—	UP	UP	
Sports and entertainment assembly	—	UP	UP	
Studio - Art, dance, martial arts, music, etc.	—	P	UP	
Shooting range, gun club	—	UP	—	

### RESIDENTIAL

Dwelling - Caretaker	UP	P	UP	
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### RETAIL

Restaurant, café, coffee shop	UP(3)	UP(3)	UP(3)	
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### SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL

ATM	—	P	—	
Medical services - Hospital	—	—	UP	
Office - Government	—	—	P	

#### Notes:

- (1) See Article 10 (Glossary) for land use definitions.
- (2) May be approved only on a second or upper floor.
- (3) Must be accessory to a primary open space, recreational, and/or public facility use on the same site.

## Special Purpose Zones

TABLE 2-14  Allowed Land Uses and Permit Requirements for Special Purpose Zones	P	Permitted Use		
	MUP	Minor Use Permit required		
	UP	Use Permit required		
	P/UP	Permitted use if shown in the General Plan or applicable specific plan, Use Permit required otherwise		
	S	Permit requirement determined by specific use regulations		
LAND USE TYPE (1)	—	Use not allowed		
	Permit Required by Zone			Specific Use Regulations
	OS	REC	P	

### SERVICES - GENERAL

Day care - Child or adult day care center	—	UP	—	17.44.050
Personal services	—	UP	—	
Public safety facility	—	UP	P	

### TRANSPORTATION, COMMUNICATIONS, INFRASTRUCTURE

Heliport	—	—	UP	
Maintenance facility	—	—	P	
Parking facility, public or commercial	—	—	UP	
Utility facility	—	UP	UP	
Wireless telecommunications facility	UP	UP	UP	17.46

Notes:

(1) See Article 10 (Glossary) for land use definitions.

## Special Purpose Zones

### 17.26.040 - Special Purpose Zone Site Planning and Building Standards

Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Table 2-15 in addition to the applicable development standards (e.g., landscaping, parking and loading, etc.) in Article 3.

**TABLE 2-15 - OS, REC, AND P ZONE DEVELOPMENT STANDARDS**

Development Feature	Requirement by Zone		
	OS Open Space	REC Recreation	P Public
Lot size	Minimum area and width required for each lot in a new subdivision.		
Minimum area	Determined through Site Design Approval. See 17.26.050.	1.5 acres (except in a Planned Development).	See Section 17.26.060
Minimum width		100 ft	
Residential density	Maximum number of dwelling units allowed on a site. The actual number of units allowed will be determined by the City through subdivision or planning permit approval.		
Maximum density	1 caretaker unit	1 caretaker unit	1 caretaker unit
Setbacks	Minimum setbacks required. See Section 17.30.030 for exceptions, reductions, and encroachments. See Chapter 17.44 for setback requirements applicable to a specific land use.		
Front	Determined through Site Design Approval. See 17.26.050.	20 ft from ultimate road ROW, with mean average of 30 ft.	See Section 17.26.060
Side - Interior (each)		30 ft; 15 ft if lot is < 1 acre	
Side - Street side		Same as interior side	
Rear		Same as interior side	
Site coverage	Maximum percentage of total lot area to be covered by structures and pavement.		
Maximum coverage	N.A.	25%	N.A.
Height limit	Maximum allowable height of structures. See Section 17.30.060 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.		
Maximum height	25 ft, 2 stories	45 ft; or as allowed by Use Permit approval.	See Section 17.26.060.
Fencing	See Section 17.30.040 (Fences, Walls, and Screening)		
Landscaping	See Chapter 17.34 (Landscaping Standards)		
Parking	See Chapter 17.36 (Parking and Loading)		
Signs	See Chapter 17.38 (Signs)		
Additional zone standards	See 17.26.050	See 17.26.070	See 17.26.060

## Special Purpose Zones

### 17.26.050 - OS Zone Requirements

No new structure shall be erected or structurally enlarged within the OS zone unless the Commission has approved the plans and drawings filed in compliance with this Section.

**A. Plan and drawing requirement.** The owner shall submit two copies of each of the following drawings to the Department for Commission review when applying for a Building Permit.

1. **Site plan.** A site plan, drawn to scale showing:
  - a. The proposed layout of the structures and other improvements including driveways, pedestrian walks, off-street parking and off-street loading areas, landscaped areas, fences, walls and prominent natural terrain features;
  - b. The locations of entrances and exits and the direction of traffic flow into and out of off-street parking and off-street loading areas, the location of each parking space and each loading berth, and areas for turning and maneuvering vehicles; and
  - c. How utilities and drainage are to be provided.
2. **Landscape plan.** A landscape plan, drawn to scale, showing the locations of existing trees and other plant material on the site and surrounding area, the trees and other planting material proposed to be removed or retained on the site, and the location and proposed design of landscaped areas and the varieties and sizes of plant materials to be provided.
3. **Architectural drawings.** Architectural drawings drawn to scale, including floor plans in sufficient detail to permit computation of parking or yard requirements, and showing all elevations of the proposed structures as they will appear upon completion. All exterior surfacing materials and colors shall be specified.
4. **Sign drawings.** Scale drawings of all signs showing size, location, material, colors, and illumination if any.
5. **Additional information.** The Commission may require additional information if necessary to determine whether the purposes of this Section are being carried out, or may authorize omission of any or all of the drawings required by this Section if they are not necessary.

**B. Criteria for approval.** Commission approval shall require that the project complies with all applicable City policies and standards, and the following standards.

1. Adequate traffic and pedestrian circulation and access way shall be provided, dedicated and improved as necessary to avoid congestion and to prevent adverse affects on neighboring property.
2. All buildings or structures shall be arranged to permit convenient access for the City's emergency and service equipment. The applicant may be required to install and maintain fire hydrants, stand pipes and other fire protection devices.
3. All buildings and landscaping shall have the scale and proportions which are appropriate to their size, to surrounding areas, and to the intent of the OS zone.
4. Building elevations shall be compatible with the characteristics of the surrounding areas and the intent of the OS zone, as determined by the review authority.
5. Landscaping, exterior lighting, walls, fences and screened planting shall be compatible with the characteristics of the surrounding areas, and the intent of the OS zone.

## Special Purpose Zones

### 17.26.060 - P Zone Requirements

- A. Applicability.** The requirements of this Section apply to proposed development within the P zone in addition to the standards in Section 17.26.040 (Special Purpose Zone Site Planning and Building Standards).
- B. Site planning and design requirements.** Site planning and design requirements in P zones shall be determined through Use Permit review and approval, or through the site plan review process provided by this Section where 17.26.030 (Special Purpose Zone Land Uses and Permit Requirements) does not require Use Permit approval. No use shall be commenced and no building permit shall be issued for any structure within the P zone until a site plan has been approved in compliance with this Section.
- C. Site plan preparation and review.**
- 1. Application requirements.** The required site plan shall specify and show, as applicable:
    - a. Lot dimensions;
    - b. All proposed structures, including their location, dimensions, heights, and proposed uses;
    - c. Walls and fences, including their location, height, and materials;
    - d. Off-street parking, including its location, number of spaces, and dimensions of parking areas, and their internal circulation patterns;
    - e. Access to and on the site, including pedestrian, vehicular, service, points of ingress and egress;
    - f. Signs, including their location, size, height, and type;
    - g. Loading areas including their location, dimensions, number of spaces, and internal circulation;
    - h. Lighting, including its location and type, and measures to ensure compliance with Section 17.30.060 (Outdoor Lighting);
    - i. Landscaping and irrigation, including its location and proposed plant and tree varieties;
    - j. The location, dimensions and method of improvement of all property to be dedicated to the public or to public utilities; and
    - k. Plans or reports detailing the proposed treatment of disposal of sewage and/or industrial waste.
  - 2. Site plan review.** Each site plan shall be submitted to and approved by the Commission after a public hearing in compliance with Chapter 17.92 (Public Hearings).
    - a. A site plan may be approved, modified and approved or approved subject to conditions, or rejected.
    - b. After approval, a site plan may be amended in the same manner as a site plan as first approved in compliance with this Section.
    - c. If the Commission determines that a proposed site plan may unreasonably interfere with

## Special Purpose Zones

the use or enjoyment of property in the vicinity or endanger the public peace, health, safety, or general welfare, the Commission may reject the plan, or modify or condition the approval of the plan to address the problems.

- d. A site plan may be required prior to recommending a change of zone, and the Commission may approve a site plan subject to securing a change in zone.

**D. Effect of site plan approval.** No person shall fail to comply with any approved site plan or any applicable conditions of approval, nor shall a Building Permit be issued for a structure that would not comply with the applicable approved site plan.

### 17.26.070 - REC Zone Requirements

- A. Applicability.** The requirements of this Section apply to proposed development within the REC zone in addition to the standards in Section 17.26.040 (Special Purpose Zone Site Planning and Building Standards).
- B. Landscaping.** Significant landscaping shall be incorporated into the required front setback, as determined by the review authority.
- C. Open space.** Open space shall be maintained on each site, including the following environmentally sensitive areas: 100 year flood plains as delineated on FEMA maps, environmentally sensitive wetlands, slopes in excess of 30 percent, lakes and ponds. In preserving these environmentally sensitive areas, emphasis shall be placed on maintaining the natural characteristics of the property while insuring that any proposed development is harmonic with the terrain and provides buffer yards for neighboring land uses. Areas designated as environmentally sensitive shall remain in their natural and undisturbed state and shall be maintained in such a manner as to not create a fire hazard.

### 17.26.080 - SP Zone Requirements

- A. Applicability.**
  - 1. Area of application.** An SP zone may be established by an amendment to this Development Code, or as a rezoning for any area within the boundary of the General Plan. Each SP zone shall be a logical geographical unit and may include one or more parcels. An SP zone may be broken down into subareas for the purpose of assigning specific development standards and regulations.
  - 2. Development standards.** Site requirements, uses permitted and all other conditions on development shall be determined as part of the adoption of an SP zone and may be incorporated into the Zoning Ordinance by reference.
  - 3. General Plan consistency.** An SP zone shall conform to the policies of the applicable General Plan designation.
  - 4. Minimum site area.** The minimum size for an SP zone shall be five acres. Smaller parcels may be combined in an application to meet minimum qualification for land area.
  - 5. Establishment of an SP zone.** The rezoning of property to apply an SP zone shall include the adoption of the following requirements:
    - a. Identification of geographical area where district standards and subarea standards apply;
    - b. Description of the intent and character of area development;

## Special Purpose Zones

- c. Identification of environmental mitigation measures and important features to be preserved;
  - d. Identification of uses permitted and uses requiring Use Permits;
  - e. Identification of street and right-of-way standards and easements for provisions of utilities and pathways; and
  - f. Identification of standards for height and bulk, set-back, parking, lot size, percentage of open space and type of landscaping.
- B. Rezoning procedure.** The procedure for designating property with the SP zone shall comply with the requirements for rezoning in Chapter 17.94 (Amendments).
- C. Amendments to SP zone.** An SP zone as applied to property may be amended only as follows.
  - 1. Determination of amendment type.** The Director will be responsible for determining whether an amendment proposal is major or minor. A major amendment shall follow the procedure required by Subsection B. for new districts. A minor amendment may be approved or denied by the Director. The decision shall be made in writing and in event of a denial, the applicant may appeal the decision to the Commission. The appeal shall be in writing filed with the Secretary of the Commission within 15 days after the Director's decision.
  - 2. Criteria for determination.** The Director shall apply the following criteria when determining whether a proposal is a major or minor amendment:
    - a. Introduction of land uses not discussed previously;
    - b. Major changes in layout of land uses;
    - c. Alteration of circulation concepts;
    - d. Changes in densities or design standards; and
    - e. Changes in plan which may create or increase environmental impacts.
  - 3. Findings required for approval.** The following findings shall be considered by a review authority prior to a recommendation for approval.
    - a. Changes have occurred in the community since the Specific Plan was adopted.
    - b. The amendment will benefit the Specific Plan Area or the community.
    - c. The amendment is consistent with the General Plan.
    - d. The change will not adversely affect adjacent properties and can properly be serviced.
    - e. There are physical constraints associated with the property that make the amendment warranted.
- D. Development Map requirements.** The purpose of a Development Map is to insure the requirements, standards and intent of the Specific Plan zone are met for sites within the Specific Plan Area.

## Special Purpose Zones

### 1. **Applicability and application requirements.**

- a. No construction or building permit may be approved on a site in the SP zone without the review and approval of a Development Map by the Director/Commission to ensure its consistency with the requirements of the zone.
- b. A Development Map application shall be submitted on the form provided by the Department, and shall include the fee required by the City's fee schedule, and all documents and materials specified by the Director.

### 2. **Adoption of Development Map.** A development map shall be reviewed and approved as follows:

#### a. **Responsibilities of Director.** The Director shall:

- (1) Determine that the application is complete;
- (2) Review the Development Map for compliance with the General Plan, the SP zone, applicable environmental mitigation measures and other City requirements;
- (3) Circulate copies of the Development Map and related information to appropriate departments and agencies for review. (This may occur concurrently with environmental review and subdivision review);
- (4) Hold a Development Map conference with the applicant and commentary agencies prior to the Commission hearing; and
- (5) Prepare a report for the Commission including comments from other agencies, environmental determination and a recommendation.

#### b. **Responsibilities of Commission.** The Commission shall:

- (1) Hold a public hearing on the Development Map following the notice procedure in Chapter 17.92 (Public Hearings); and
- (2) Approve, deny or modify the Development Map. The decision of the Commission may be appealed to the Council.

### 3. **Amendment of Development Map.** A Development Map may be amended only as follows.

- a. Development map changes may be approved by the Director provided the Director first determines that they do not conflict with the intent of initial Development Plan approval or with the SP zone.
- b. If the Director determines that changes in the Development Map may conflict with its initial approval, the application shall be decided by the Commission.

## E. **Annexation of SP zone.** The procedure for annexation shall be as follows:

1. The SP zone must be adopted by the Council.
2. Following adoption, lands in the area that are contiguous to the existing city boundary will be eligible to apply for annexation.



## **Special Purpose Zones**

3. Annexations will be processed through LAFCO and will be considered on the basis of the City's adequacy to provide services.

## **Special Purpose Zones**

## CHAPTER 17.28 - COMBINING ZONES

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### Sections:

- 17.28.010 - Purpose
- 17.28.020 - Applicability of Combining Zones
- 17.28.030 - Design (D) Combining Zone
- 17.28.040 - Historical (H) Combining Zone
- 17.28.050 - Mobile Home and Mobile Home Park (MH) Combining Zone
- 17.28.060 - Mining and Reclamation (MR) Combining Zone
- 17.28.070 - Hills Flat Business District (HFBD) Combining Zone

### 17.28.010 - Purpose

The provisions of this Chapter regulate development and new land uses in the combining zones established by Section 17.12.020 (Zoning Map and Zones), and provide guidance for development within the Combining zones in the form of standards that apply to proposed development in addition to the standards and regulations of the primary zone, where important site, environmental, safety, compatibility, or design issues require particular attention in project planning.

### 17.28.020 - Applicability of Combining Zones

The provisions of this Chapter apply to proposed land uses and development in addition to all other applicable requirements of this Development Code. Any perceived conflict between the provisions of this Chapter and any other provision of this Development Code shall be resolved in compliance with Section 17.10.050 (Rules of Interpretation).

#### A. Mapping of Combining zones.

1. **Zoning Map symbols.** The applicability of any combining zone to a specific site is shown by the combining Zoning Map symbol established by Section 17.12.020 (Zoning Map and Zones), being appended as a suffix to the symbol for the primary zone on the Zoning Map. The combining zones are applied to property through the rezoning process (Chapter 17.94).
2. **Symbols for modification of standards.** A combining zone may modify the required building site area or width, or the permitted building height from that required by the primary zone if so specified on the Zoning Map. These specifications may be in excess or be less than the requirements of the primary zone, and shall be shown as follows.
  - a. A number preceding and connected by a hyphen with the zone symbol shall designate the minimum required building site width in feet. Example: 200-C1.
  - b. A number following and connected by a hyphen with the zone symbol shall designate the minimum required building site area. Where the number is greater than 100, it shall indicate the area in square feet; where the number is less than 100, it shall indicate the area in net acres. Example: C1-20,000 or C1-1.
  - c. A number following the zone symbol, and enclosed by parenthesis, shall designate the minimum number of square feet of land area required for each dwelling unit. Example: R3 (4,300).

## **Combining Zones**

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- d. A combining zone may modify the maximum building height otherwise required by the primary zone with a number shown below and separated by a line from the primary zone symbol; the number shall designate the maximum allowed height for a building or structure in feet. Example: C1/65.
- e. The preceding symbols may be used in any combination to show minimum site, width, minimum site area, minimum area per dwelling unit or maximum height. Example: 100-C1- 15,000/65 or 100-R3-20,00 (4,000)/40.
- f. The letter "X" following the primary zone symbol requires that the minimum building site area shall be as shown on the Final Map or Parcel Map of record. Example: R1-X.

**B. Allowed land uses, permit requirements, development standards.** Except as may be otherwise provided by this Chapter for a specific combining zone:

- 1. Any land use normally allowed in the primary zone by this Article may be allowed within a combining zone, subject to any additional requirements of the combining zone;
- 2. Development and new land uses within a combining zone shall obtain the zoning approvals required by this Article for the primary zone; and
- 3. Development and new land uses within a combining zone shall comply with all applicable development standards of the primary zone, all other applicable provisions of this Development Code (e.g., Article 3 - Site Planning and Project Design Standards), and the City's Design Guidelines to the extent determined by the review authority and/or specific provisions of the Design Guidelines.

### **17.28.030 - Design (D) Combining Zone**

**A. Purpose.** The -D (Design) combining zone is intended to provide to provide controls and safeguards to preserve and enhance areas of historical, civic or cultural value to the City. Recognizing that Grass Valley is endowed with these areas and that the protection and preservation of these sites will maintain the quality of life, enhance the tourism industry, the regulations of this combining zone will be of benefit to the economy and enrichment of the City.

**B. Rezoning requirements.**

- 1. **Criteria for area and standards.** The following criteria shall be used in establishing regulations for an area to be rezoned with the -D combining zone, and the selection of the area to be rezoned:
  - a. Areas of special or unique natural beauty and aesthetic interest forming a basic resource in the economy of the City, the preservation of which would enhance the tourism industry; and
  - b. Places, sites, structures or uses which have special historical interest.
- 2. **Findings for rezoning.** The following finding or findings shall be made a part of a rezoning ordinance to apply the -D combining zone to property:
  - a. The specific special and unique natural beauty and aesthetic interest of the place, site, structure or use; and/or
  - b. The specific special historic interest of the place, site, structure or use.

## **Combining Zones**

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- C. Architectural standards.** So that buildings, structures, signs, landscaping, etc., will be keeping with the findings stipulated in Subsection B.2, the Commission shall take the following items under consideration in approving plans for a site within the -D combining zone.
1. The height, bulk and area of buildings;
  2. Setbacks from property lines;
  3. The color, textures and materials of the exterior walls;
  4. The type, pitch and material of roofs;
  5. The type, size and location of signs;
  6. Landscaping and parking lot layout;
  7. The relationship to other buildings and/or uses in the area;
  8. The architectural treatment as related to any historical buildings or structures; and
  9. The location and treatment of the site as related to its natural setting, including grading, cuts and fills and preservation of trees and natural ground cover.
- D. Commission review of proposed plans.** No Building Permit shall be issued for construction within the -D combining zone until the proposed plans have been approved or conditionally approved by the Commission.
1. **Application requirements.** The applicant shall submit required data on the items to be considered in Subsection C. for Commission approval.
  2. **Referral for advice.** In its review of plans, the Commission may seek the advice of any person or organization, who, in the opinion of the Commission is qualified to give the advice. The person or organization must be devoid of any and all financial interest in the development under consideration.
  3. **Changes to project.** If the Commission finds that the proposed structure or uses are incompatible to the purpose and intent of the -D combining zone, the Commission or its designated representative shall endeavor to have the plans changed to conform to the purpose and intent of the combining zone.
  4. **Appeal.** If the applicant is not satisfied with the Commission's or its representative's action, they may appeal the decision to the Council in compliance with Chapter 17.91 (Appeals).
- E. Destruction or alteration of historical buildings.** No historical building in the -D combining zone shall be moved or relocated, torn down, demolished, destroyed, altered, improved or otherwise changed in exterior appearance except as follows.
1. If any historical building is damaged by an act of God, including earthquake or fire, the owner may repair the building if he secures a Permit from the Commission or its authorized representative.
  2. An owner making any alteration to the exterior of a historical building or intending to move or relocate the building shall submit plans and secure approval from the Commission or its authorized representative prior to construction and/or issuance of a Building Permit.

### 17.28.040 - Historical (H) Combining Zone

- A. Purpose.** The -H (Historical) combining zone is intended to identify important cultural resource sites and structures in the City, to ensure that any proposal to alter the state of the site or structure is carefully considered prior to implementation.
- B. Applicability.** All proposed construction, demolition, exterior alteration, addition, modification of a structure or part of a structure or sign within the -H combining zone shall comply with all applicable requirements of this Section.
- C. Historic review.**
- 1. When required.** Historic review in compliance with this Section shall be required prior to:
    - a. The issuance of a Building Permit for any new construction, demolition, or exterior alterations, additions, or modifications of a structure or part of a structure, or sign
  - 2. Exempt activities.** The activities listed below are exempt from the provisions of this section. All construction or improvement activities seeking an exemption shall be submitted to and reviewed by the Department to ensure that such work is in compliance with this section:
    - a. Repainting of a building or sign with a color listed on a paint company's historic color palette and consistent with color patterns established by other buildings in the Historic combining zone; or
    - b. Signs that comply with the following criteria:
      - i. Meet the size, number, and type standards listed in table 3-11.
      - ii. Suspended signs shall be at least ¾ inch MDO, wood or similar material and include a trim element (paint or wood) around the edge of the sign.
      - iii. Projecting or suspended signs shall be pedestrian oriented.
      - iv. The style, color, and design shall be consistent with the character and themes of other signs in the Historical Combining Zone.
      - v. No signs shall be located above the awning, unless previously existing.
      - vi. Door signs are exempt from the total of three permitted signs only if they include a small logo or name of business, hours of operation, and phone number.
    - c. Modifications to the structure which exposes and restores original architectural features such as exterior materials, windows and openings.
  - 3. Application requirements.** An application for historic review shall include the materials and information required by the Department.
  - 4. Consultation.** In reviewing plans, the Development Review Committee shall consult with the Planning Commission and the Grass Valley Historical Commission, the Nevada County Landmarks Commission, the Nevada County Historical Society, and other persons and agencies and organizations knowledgeable in the history of Grass Valley.
  - 5. Timing of review.** The Development Review Committee shall review submitted plans at its next regular or special meeting and report its approval, conditional approval or denial to the applicant and the Building Official within 30 days.
  - 6. Public hearing.** The Development Review Committee may call for public hearings as it may deem necessary or desirable prior to approving submitted plans. If a public hearing is to be held, notice shall be provided and the hearing shall be conducted in compliance with Chapter 17.92 (Public Hearings).

7. **Criteria for application approval.** In reviewing a project within the -H combining zone, the Development Review Committee shall consider its relationship to nearby buildings, the general character of the area within the zone, and the proposed conformity with the Design Criteria in the "Design Manual, Downtown Historic Area, Grass Valley, California," prepared by WPM Planning Team, Inc., in December 1981, on file in the City Clerk's office and described from time-to-time by Resolution of the City Council.

**D. Standards for awnings, canopies, unroofed porches and similar structures.** Building materials and construction in "-H" Districts shall conform to applicable City Codes in force except that in areas where awnings or similar structures are allowed, the following shall apply:

**1. Dimensional requirements.**

- a. Awnings, marquees, canopies and unroofed porches may extend over public property in zones where there are no setback requirements.
- b. Awnings may extend over public property not more than seven feet from the face of a building not within two feet of the curb line measured horizontally. All portions of awnings shall have at least eight feet of clearance above public walkways.
- c. Marquees, canopies, and unroofed porches shall have at least nine feet minimum clearance above the paved roadway or sidewalks surface whichever is higher. No structure shall extend beyond the curb line.
- d. Marquees, canopies, and unroofed porches shall be provided with gutters and downdrains concealed in supports or walls and made to drain under walkways.
- e. Posts supporting canopies and unroofed porches on the street side of walkways shall be at least one foot back of the curb line to the face of the post and the canopy or unroofed porch designed so that it will be supported if any one post is removed. A greater curb line to post face may be required by the Building Inspector if the slope of the adjacent street will cause vehicles to lean into posts.

**2. Construction materials.**

- a. Awnings shall have non-combustible covering supported on non-combustible frames attached to the building.
- b. Canopy and unroofed porch posts shall be of reinforced concrete, steel or other non-combustible materials supported by concrete footings.
- c. Marquees, canopies, and unroofed porches shall be provided with an automatic sprinkling system if one-hour fire resistive construction is not provided. Complete fire-retardant treated wood, in locations protected from contact with rain water may be used in conjunction with one-hour fire-resistive construction on the remainder of the structure. Roofs shall be fire-retardant.

### **17.28.050 – Mobile Home and Mobile Home Park (MH) Combining Zone**

The -MH combining zone may be combined through rezoning with other zones applicable to specific property to translate the requirements of the regulations of section 17.44.150 Mobile/Manufactured Homes and Mobile Home Parks.

### 17.28.060 - Mining and Reclamation (MR) Combining Zone

The -MR (Mining and Reclamation) combining zone may be combined through rezoning with other zones applicable to specific property, excluding residential zones, to translate the requirements of the regulations of Chapter 17.42 (Mining and Reclamation) into the development/mining of a selected site.

### 17.28.070 – Hills Flat Business District (HFBD) Combining Zone

- A. Purpose.** The Hills Flat Business District (HFBD) combining zone applies to an area around the Idaho-Maryland Road /East Main Street intersection. This combining zone is intended to implement several programs from the Idaho-Maryland Road /East Main Street Redevelopment Study adopted in March 2010. This combining zone also establishes additional use restrictions and design regulations through the implementation of the City's Community Design Guidelines.
- B. Use Restrictions.** All uses in Table 2-10 are allowed as noted with the exception of drive-through restaurants, which are prohibited. The City has determined this type of use is not appropriate for this area due to traffic-related impacts.
- C. Development Standards.** Besides the development standards required in the applicable C-2 or C-3 zone, any new structures and alterations shall comply with the following standards:
1. All outdoor storage use shall be screened as viewed from public right-of-ways to the extent feasible. The City recognizes full screening may not be obtained due to the elevation changes on local roads and highways. Any proposal for outdoor storage shall include a plan for screening as part of the Development Review process. The screening shall include a decorative finish that complements the existing or proposed building. The review authority may consider a solid landscaped hedge in conjunction with the fence or wall.
  2. To the extent feasible, street facades must be built to the property line of every corner. The City recognizes there are several parcels in this area that have curved street frontages. In those instances, the building shall include additional architectural elements in order to have as much of the building along the property line as practicable.
  3. All street facades shall have a primary ground-floor entrance.
  4. Buildings shall be a minimum of sixteen feet (16') in height.
  5. Rear-facing buildings, loading docks, overhead doors, and other service entrances are prohibited on street frontages.
  6. Canopies, awnings, and balconies may encroach over the property line on the street.
- D. Project Review and Streamlining.** An additional objective of the redevelopment study and implementation of this combining zone is to encourage attractive redevelopment of this area. This can be accomplished by encouraging new buildings to front the street and placing parking behind the building. Creative use of landscaping can also assist in the enhancement of the study area.

If development projects comply with the base zone standards and standards listed above, the City will streamline the processing of applications by allowing development review permits to be reviewed and decided upon as follows:

1. New buildings or additions of 2,000 square feet or less – Community Development Director approval;
2. New buildings or additions between 2,001-10,000 square feet – Development Review Committee approval;
3. New buildings or additions greater than 10,001 square feet – Planning Commission approval.



## ARTICLE 3

# Site Planning and Project Design Standards

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## CHAPTER 17.30 - STANDARDS FOR ALL DEVELOPMENT AND LAND USES

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### Sections:

- 17.30.010 - Purpose and Applicability
- 17.30.020 - Building Site and Minimum Lot Area Requirements
- 17.30.030 - Build-to-Line and Setback Requirements and Exceptions
- 17.30.040 - Fences, Walls, and Screening
- 17.30.050 - Height Limits and Exceptions
- 17.30.060 - Outdoor Lighting
- 17.30.070 - Performance Standards
- 17.30.080 - Public Improvement Requirements
- 17.30.090 - Solid Waste and Recyclable Materials Storage

### 17.30.010 - Purpose and Applicability

- A. **Purpose.** This Chapter expands upon the zone standards of Article 2 by addressing additional details of site planning, project design, and the operation of land uses. These standards are intended to ensure that proposed development is compatible with existing and future development on neighboring properties, and produces an environment of desirable character, consistent with the General Plan and any applicable specific plan.
- B. **Applicability.** The requirements of this Chapter shall apply to all proposed development and new land uses, except as specified in Chapter 17.90 (Nonconforming Uses, Structures, and Parcels), and shall be considered in combination with the standards for the applicable zone in Article 2 (Zones, Allowable Land Uses, and Zone Standards) and those in Articles 4 (Standards for Specific Land Uses), and 5 (Resource Management). If there is a conflict between any standards, the provisions of Article 3 control over Article 2, the provisions of Article 4 control over Articles 2 and 3, and the provisions of Article 5 control over Articles 2, 3, and 4.

### 17.30.020 - Building Site and Minimum Lot Area Requirements

Proposed development shall occur only on a lot that complies with the minimum lot size requirements of the applicable zone, and no subdivision shall be approved except in compliance with the minimum lot size requirements of the applicable zone, except that any lot of record existing prior to the date of first publication of the Grass Valley Zoning Ordinance shall be considered a building site.

### 17.30.030 - Build-to-Line and Setback Requirements and Exceptions

- A. **Purpose.** This Section explains the applicability of build-to-line requirements established by certain zones in Article 2; and provides standards for the location, required size and allowable uses of setbacks.
  - 1. **Build-to-lines.** A build-to-line specifies the required location of a new structure in relation to the street frontages of a site, so that a proposed building will effectively assist in shaping the public space of streets, to enhance the comfort and convenience of the pedestrian experience.
  - 2. **Setbacks.** Setback standards provide open areas around structures for: visibility and traffic safety; access to and around structures; access to natural light, ventilation and direct sunlight; separation between potentially conflicting activities; and space for privacy, landscaping and recreation.

- B. Build-to-line requirements.** Each proposed structure shall comply with any build-to-line requirement established by the applicable zone by having the minimum percentage of the length of its street-facing facade required by the zone abutting the build-to-line. The review authority may waive build-to-line requirements for a project with more than one building, where the project street frontage is occupied by one or more buildings in compliance with applicable build-to-line requirements, and secondary buildings are placed on the site to the rear of the front buildings.

**C. Setback requirements.**

- 1. Minimum setbacks for all structures.** Each structure shall comply with the front, interior side, street side, and rear setback requirements of the applicable zone, except:

- a. Where a front or street-side build-to-line requirement is established by the applicable zone, in which case a proposed structure shall instead comply with the build-to-line requirement;
- b. Additions to nonconforming structures that maintain the existing setbacks and comply with applicable building and fire codes.
- c. Where a setback requirement is established for a specific land use by Article 4;
- d. In the case of development near a waterway, which shall comply with the setback requirements established by Chapter 17.50 (Creek and Riparian Resource Protection); and
- e. As otherwise provided by this Section.

No portion of any structure, including eaves or roof overhangs, shall extend beyond a property line, or into an access easement or street right-of-way, except as provided by this Section.

- 2. Exemptions from setback requirements.** The minimum setback requirements of this Development Code do not apply to the following:

- a. A building feature that encroaches into a required setback as allowed by Article 2 or Subsection F;
- b. Additions to nonconforming structures that maintain the building's existing setbacks and comply with applicable building and fire codes;
- c. A fence or wall six feet or less in height, when located outside of a required front or street side setback;
- d. A deck, earthwork, step, patio, free-standing solar device in other than a front setback, or other site design element that is placed directly upon grade and does not exceed a height of 18 inches above the surrounding grade at any point;
- e. A sign in compliance with Chapter 17.38 (Signs); or
- f. A retaining wall less than 30 inches in height above finished grade.

**D. Measurement of setbacks.** Setbacks shall be measured as follows, except that the Director may require different setback measurement methods where the Director determines that unusual parcel configuration makes the following infeasible or ineffective. See Figure 3-1.

1. **Front setback.** A front setback shall be measured at right angles from the nearest point on the public right of way at the front of the parcel (or edge of access easement on a private street) to the nearest point of the wall of the structure, except as follows. The front property line is the most narrow dimension of a lot adjacent to a street.

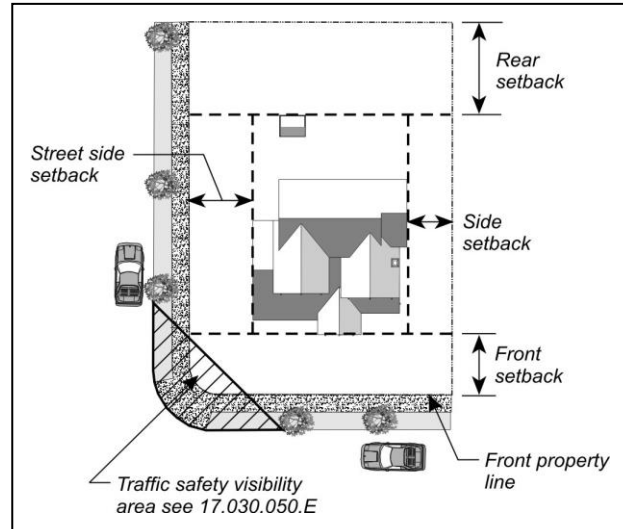


Figure 3-1 - Locations and Measurements of Setbacks

- a. **Developed residential block.** In a block where 40 percent or more of the parcels along the block face (the street frontage between two intersecting streets or the end of a dead-end street) within 200 feet of the site have been improved with residential buildings, the required front setback for a new building may be the average of the actual front setbacks of the existing buildings along the same block face within 200 feet of the site, instead of the setback required by the applicable zone, but not less than 10 feet.
- b. **Mapped street with future improvements.** If the City has established a plan that identifies a right-of-way for the future construction of a new street or the widening of an existing street, a required front or street side setback shall be measured from the line shown on the plan.
- c. **Infill development on a parcel within a previously approved project.** Where the City has established specific setback requirements for individual single-dwelling parcels through the approval of a specific plan, subdivision map, or other entitlement, prior to the effective date of this Development Code, those setbacks shall apply to infill development within the approved project instead of the setbacks required by this Development Code.
- d. **Flag lot.** The front setback on a flag lot (a parcel with a fee ownership strip extending from a street or right-of-way to the building area of the parcel) shall be measured from the nearest point of the wall of the structure to the point where the access strip meets the bulk of the parcel; establishing a setback line parallel to the lot line nearest to the public street or right-of-way. See Figure 3-2. Standards for new flag lots are in Section 17.88.030.F.5.d

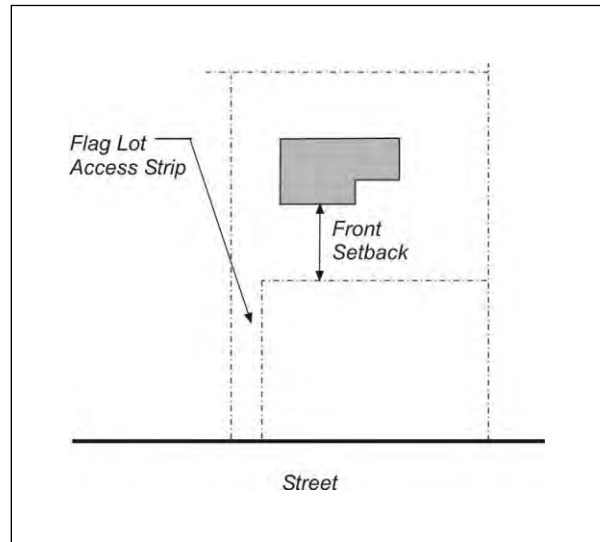


Figure3-2 - Flag Lot Front Setback

(Subdivision Layout Standards - Flag lots).

- e. **Corner lot.** The front setback shall be measured from the nearest point of the wall of the structure to the nearest point of the most narrow street frontage property line. If the property lines on both street frontages are of the same length, the property line to be used for front setback measurement shall be determined by the Director.
- f. **Double-frontage lots.** A double-frontage lot is considered to have two front lot lines, and a required front setback shall be provided from both front lot lines.
  - (1) Vehicular access onto a double frontage lot shall generally be from the street with the lowest existing and projected traffic volumes, but with each proposed building designed so that its primary facade faces the higher volume street.
  - (2) The review authority may authorize alternative access locations where appropriate because of localized traffic conditions, and/or nearby residential areas that would be adversely affected by increased traffic.

See Section 17.88.030.F.5.b regarding the limited circumstances where new double-frontage lots are allowed.

- 2. **Side setback.** The side setback shall be measured at right angles from the nearest point on the side property line of the parcel to the nearest point of the wall of the structure; establishing a setback line parallel to the side property line, which extends between the front and rear setbacks. See Figure 3-1.
- 3. **Street side setback.** The side setback on the street side of a corner parcel shall be measured from whichever of the following points results in the greatest setback from an existing or future roadway:
  - a. The nearest point on the side property line bounding the street;
  - b. The edge of an easement for a private road;
  - c. The inside edge of the sidewalk; or
  - d. The boundary of a planned future right-of-way established as described in Subsection D.1.b.
- 4. **Rear setback.** The rear setback shall be measured at right angles from the nearest point on the rear property line to the nearest part of the structure, establishing a setback line parallel to the rear property line. See Figure 3-1.
  - a. In the case of a double-frontage lot, the Director shall determine which frontage is the front and which is the rear, for the purpose of measuring front and rear setbacks.

- b. Where a parcel has no rear lot line because its side lot lines converge to a point, an assumed line 10 feet long within the parcel, parallel to, and at a maximum distance from the front lot line, shall be deemed to be the rear lot line for the purpose of determining the depth of the required rear setback. See Figure 3-3.

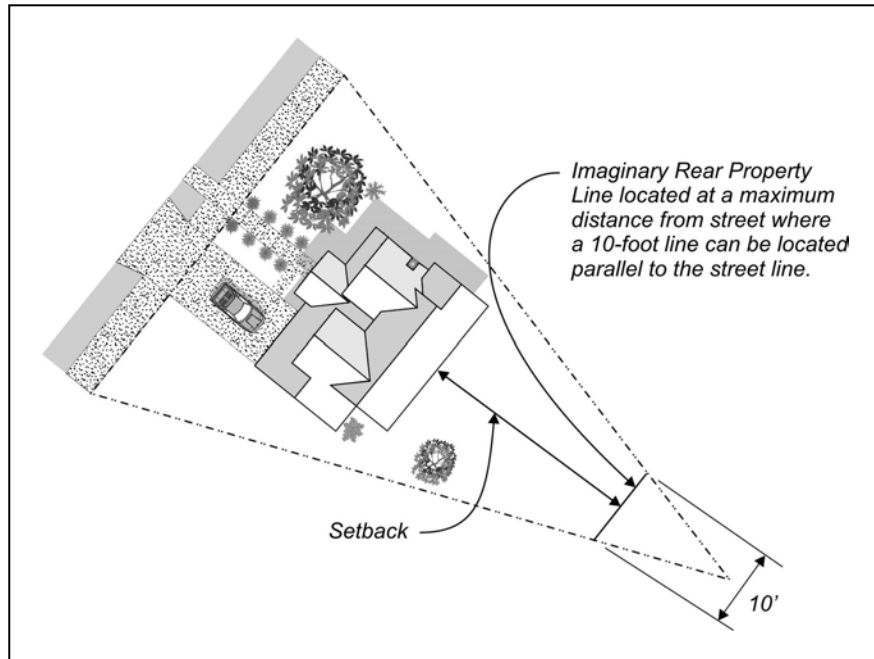


Figure 3-3 - Rear setback on irregular lot

**E. Limitations on the use of setbacks.**

1. **Structures.** A required setback area shall not be occupied by structures other than:
  - a. The fences and walls permitted by Section 17.30.040 (Fences, Walls, and Screening); and
  - b. The projections into setbacks allowed by Subsection F. and the applicable zone.
2. **Storage of materials.** No front or street side setback shall be used for the storage of building materials, scrap, junk, machinery, indoor furniture, or similar materials, except for building materials required during an on-site construction project with a valid Building Permit.
3. **Vehicle parking and storage.** No required parking space shall be located within a required setback, except as provided by Section 17.36.090.C (Location of Parking). No front or side setback shall be used for parking a motor vehicle, recreational vehicle (RV), boat, trailer, farm equipment, or other vehicle, except that an operable automobile or truck of one-ton capacity or less, in regular use, may be parked within a paved driveway. A garage, carport, or any other structure for sheltering parking space within a residential or neighborhood zone shall comply with the setback requirements of the applicable zone, and the requirements of Section 17.44.020.F.2 (Accessory Structures and Uses - Garages).

- F. Allowed encroachments into setbacks.** An architectural feature attached to a primary structure may extend beyond the wall of the structure and into a required front, side, or rear setback in compliance with Table 3-1. See also Figure 3-4. These requirements do not apply to accessory structures, which are instead subject to Section 17.44.020 (Accessory Structures and Uses).

**TABLE 3-1 - ALLOWED PROJECTIONS INTO SETBACKS**

Projecting Feature	Allowed Projection into Specified Setback		
	Front or Street Side Setback	Side Setback	Rear Setback
Attached deck, landing, porch, stairway - Uncovered, unenclosed, and less than 30 in. above grade	25% of setback to a maximum of 5 ft	May project to property line	
Balcony, attached deck, landing, porch, stairway - Which may be roofed but is otherwise unenclosed	25% of setback to a maximum of 5 ft	20% of side setback (1)	20% of setback (1)
Balcony, attached deck, landing, porch, stairway - Covered and enclosed	Not allowed in setback		
Balcony, attached deck, landing, porch, stairway - Uncovered and unenclosed, 30 in. or more above grade	5 ft	36 in (1)	5 ft (1)
Bay window, or similar projecting feature	36 in	20% of setback (1)	36 in
Chimney/fireplace, 6 ft. or less in breadth	24 in	24 in (1)	24 in (1)
Cornice, eave, awning, roof overhang	24 in	30 in (1)	5 ft (1)

**Notes:**

- (1) Feature may project no closer than 36 inches to any side or rear property line.



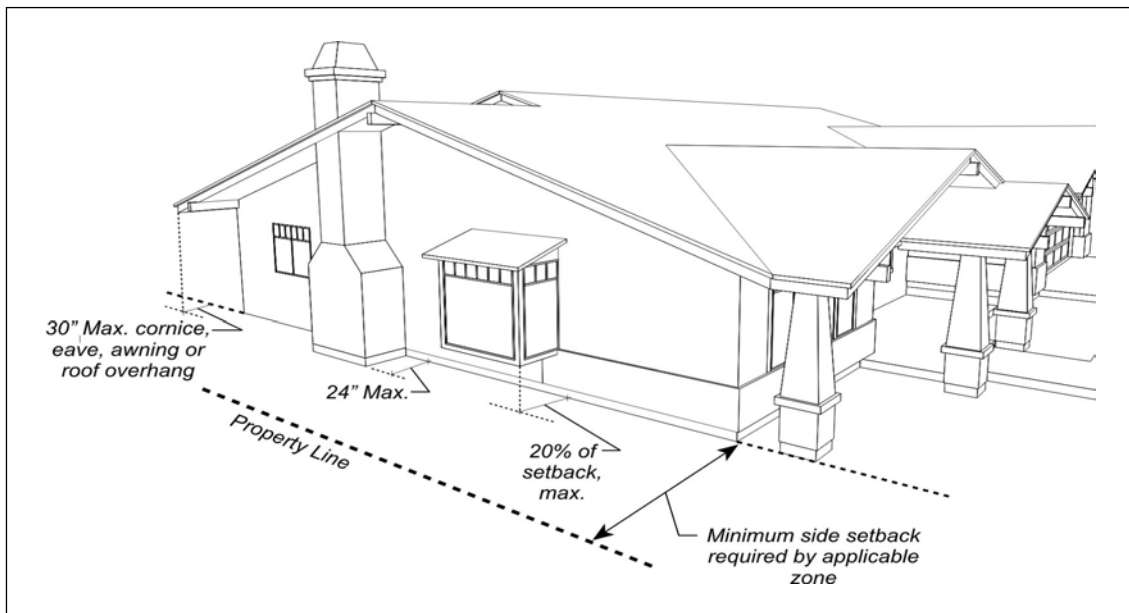


Figure 3-4 - Examples of allowed projections into side setback

**G. Setback requirements for specific structures.**

1. **Accessory structures.** See Section 17.44.020 (Accessory Structures and Uses).
2. **Fences.** See Section 17.30.040 (Fences, Walls, and Screening).
3. **Detached decks and other site design elements.** A detached deck, freestanding solar device, steps, terrace, or other site design element that is placed directly upon the grade, and that exceeds a height of 18 inches above the surrounding grade at any point, shall comply with the setback requirements of this Development Code for detached accessory structures in Section 17.44.020 (Accessory Structures and Uses).
4. **Swimming pool, hot tub, etc.** A swimming pool, hot tub, or spa shall be set back a minimum of five feet from side and rear property lines, and shall not be located within a front setback.
5. **Mechanical equipment.** Outdoor ground-mounted mechanical equipment shall comply with the setback requirements of the applicable zone. Examples of this equipment include: swimming pool pumps and filters, heating, ventilation, and air conditioning, and similar equipment; and transformers, cable television distribution boxes, and similar equipment that is allowed to be installed above ground.

**17.30.040 - Fences, Walls, and Screening**

**A. Applicability.** The requirements of this Section apply to all fences and walls unless otherwise stated.

1. **Fences or wall in flood hazard area.** A fence or wall in an area subject to flooding identified on a Federal Flood Insurance Rate Map (FIRM) on file in the Department shall require a Building Permit, and shall comply with all requirements of the City Engineer in addition to the requirements of this Section.

2. **Exemptions.** These regulations do not apply to fences or walls required by regulations of a State or Federal agency, or by the City for reasons of public safety.

- B. Height limits.** Each fence or wall shall comply with the height limits shown in Table 3-2.

**TABLE 3-2 - MAXIMUM HEIGHT OF FENCES OR WALLS**

Location of Fence or Wall	Maximum Height
Within front or street side setback	36 in
Within interior side or rear setback	6 ft (1)
Outside of a required setback	6 ft (1)

**Notes:**

- (1) A fence or wall up to eight feet in height may be allowed when the portions above six feet are of an open design (e.g., lattice, wrought iron or grille work); or where a solid fence up to eight feet is authorized by Minor Use Permit. A Building Permit also may be required.

- C. Measurement of fence and wall height.** Fence height shall be measured as the vertical distance between the finished grade at the base of the fence and the top edge of the fence material.

- D. Specific fence and wall requirements.**

1. **Fencing between different land uses.** Fencing between different land uses shall be provided in compliance with Subsection F. (Screening).
2. **Outdoor equipment, storage, and work areas.** Nonresidential outdoor uses and equipment adjacent to a residential use shall be fenced and/or screened in compliance with Subsection F. (Screening).
3. **Retaining walls.** An embankment to be retained on the site of a multi-unit residential project or non-residential use that is over 48 inches high shall be benched so that no individual retaining wall exceeds a height of six feet except where the review authority determines that topography requires a wall of greater height, and each bench is a minimum width of 36 inches.
4. **Swimming pools, spas, and similar features.** Swimming pools/spas and other similar water features shall be fenced in compliance with Uniform Building Code (UBC) requirements, regardless of the other requirements of this Section.
5. **Temporary fencing.** Temporary fencing may be necessary to protect archaeological or historic resources, trees, or other similar sensitive features during site preparation and construction. This fencing shall be approved by the Director.

- E. Prohibited materials.** The following fencing materials are prohibited in all zones except where they are required by a State or Federal law or regulation, and except as noted.

1. Razor or concertina wire in conjunction with a fence or wall, or by itself, and chain link fencing within a front or street side setback; and
2. Barbed wire, or electrified fence; except where approved by the Director for animal control.

**F. Screening.** This Subsection establishes standards for the screening and separation of adjoining residential and nonresidential land uses, equipment and outdoor storage areas, and surface parking areas.

**1. Screening between different land uses.** A commercial or industrial land use proposed on a site adjacent to a zone that allows single dwellings shall provide screening at the parcel boundary as follows. Other nonresidential uses adjacent to a residential use may also be required by the review authority to comply with these requirements.

- a. The screen shall consist of plant materials and a solid, decorative wall of masonry or similar durable material, six feet in height (up to eight feet may be allowed in compliance with Subsection B. (Height limits). Openings or pedestrian connections may be required at the discretion of the review authority.
- b. The decorative wall shall be architecturally treated on both sides, subject to the approval of the review authority.
- c. A landscaping strip with a minimum width of five feet shall be installed adjacent to a screening wall, except that 10 feet of landscaping shall be provided between a parking lot and a screening wall, in compliance with Chapter 17.34 (Landscaping Standards).
- d. The review authority may waive or approve a substitute for the requirements of this Subsection F.1 if the review authority first determines that:
  - (1) The relationship of the proposed uses make the required screening unnecessary;
  - (2) The intent of this Section can be successfully met by means of alternative screening methods;
  - (3) Physical constraints on the site make the required screening infeasible; or
  - (4) The physical characteristics of the site or adjoining parcels make the required screening unnecessary.

**2. Mechanical equipment, loading docks, and refuse areas.**

- a. Roof or ground mounted mechanical equipment shall be screened from public view from adjoining public streets and rights-of-way and adjoining areas zoned for residential uses. This equipment includes air conditioning, heating, ventilation ducts, and exhaust vents, loading docks, refuse storage areas, and utility services, electrical transformers, gas meters, etc.
- b. The colors, materials, and architectural style of screening shall be architecturally compatible with other on-site development.

**3. Outdoor storage and work areas.** See Section 17.44.170 (Outdoor Displays, Sales, and Storage).

### **17.30.050 - Height Limits and Exceptions**

- A. **Purpose.** This Section describes the required methods for measuring the height of structures in compliance with the height limits established by this Development Code, and exceptions to those height limits.
- B. **Maximum height of structures.** The height of each structure shall not exceed the height limit established for the applicable zone by Article 2 (Zones, Allowable Land Uses, and Zone Standards), except as otherwise provided by this Section, and by Section 17.54.040.E (Hillside and Ridgeline Protection - Height Limits) for sloping lots.

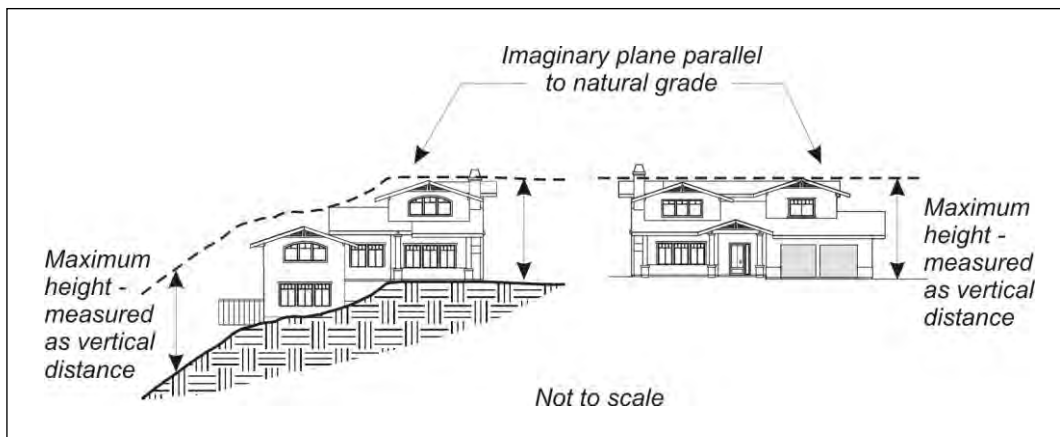


Figure 3-5 - Height measurement

- C. **Height measurement.** The maximum allowable height shall be measured as the vertical distance from the natural grade of the site to an imaginary plane located the maximum allowed number of feet above and parallel to the grade. See Figure 3-5. The location of natural grade shall be determined by the Director, and shall not be artificially raised to gain additional building height.
- D. **Exceptions to height limits.** The following structures and structural features may exceed the height limits of this Development Code as noted:
1. **Architectural features.** A chimney, cupola, monument, mechanical equipment, or vent may exceed the height limit by a maximum of three feet. A spire, theater scenery loft, or tower, may exceed the height limit by 25 feet.
  2. **Telecommunications facilities.** The height of telecommunications facilities, including antennas, poles, towers, and necessary mechanical appurtenances shall comply with Chapter 17.46 (Telecommunications Facilities).
- E. **Height limit at street corners.** Development proposed adjacent to any public or private street or alley intersection in other than the TC, NC, and NC-Flex zones shall be designed to provide a traffic safety visibility area for pedestrian and traffic safety. See Figure 3-6.
1. **Measurement of visibility area.** A traffic safety visibility area is a triangle measured as follows, and may include private property and/or public right-of-way.
- The visibility area shall be defined by measuring 35 feet from the intersection of the extension of the front and street side curb lines (or the right-of-way lines where there is no curb) and connecting the lines across the property. The review authority may reduce the 35 foot requirement where it determines a narrow parcel frontage would excessively reduce buildable area.

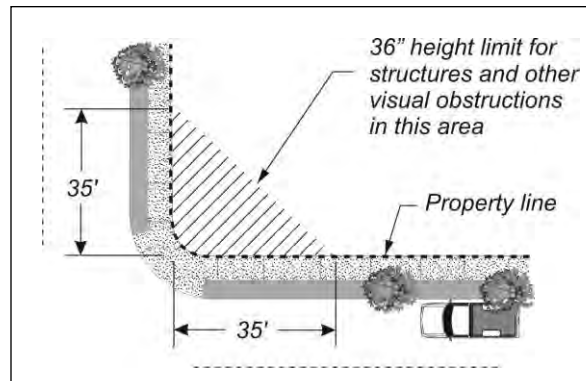


Figure 3-6 - Required traffic safety visibility area

2. **Height limit.** No structure, sign, or landscape element shall exceed 36 inches in height within the traffic safety visibility area, unless approved by the City Engineer, except for trees with their canopy trimmed to a minimum of eight feet above grade.

### 17.30.060 - Outdoor Lighting

New outdoor lighting on private property other than the site of a single dwelling or duplex shall comply with the following requirements. It is the policy of the City and the intent of these standards that outdoor lighting be limited to the minimum necessary for safety and security.

- A. An outdoor light fixture shall be limited to a maximum height of 14 feet or the height of the nearest building, whichever is less except adjacent to or within a residential area where the height shall be reduced to 8 feet. A fixture between 14 and 20 feet in height may be approved by the Development Review Committee where it first determines that the additional height will provide lighting that still complies with all other requirements of this Section.
- B. Outdoor lighting shall utilize energy-efficient (high pressure sodium, low pressure sodium, hard-wired compact florescent, or other lighting technology that is of equal or greater energy efficiency) fixtures/lamps.
- C. Lighting fixtures shall be shielded or recessed to minimize light bleed to adjoining properties, by:
  1. Ensuring that the light source (e.g., bulb, etc.) is not visible from off the site; and
  2. Confining glare and reflections within the boundaries of the site to the maximum extent feasible.

Each light fixture shall be directed downward and away from adjoining properties and public rights-of-way, so that no on-site light fixture directly illuminates an area off the site.

- D. No lighting on private property shall produce an illumination level greater than one footcandle on any property within a residential or neighborhood zone, except on the site of the light source.
- E. No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness, as determined by the Director.

**17.30.070 - Performance Standards**

- A. **Purpose.** This Section provides performance standards that are intended to minimize various potential operational impacts of land uses and development within the City, and promote compatibility with adjoining areas and land uses.
- B. **Applicability.** The provisions of this Section apply to all new and existing land uses, including permanent and temporary uses in all zones, unless an exemption is specifically provided. Uses existing on the effective date of this Section shall not be altered or modified thereafter to conflict with these standards.
- C. **Air emissions.** No visible dust, gasses, or smoke shall be emitted, except as necessary for the heating or cooling of structures, and the operation of motor vehicles on the site.
- D. **Combustibles and explosives.** The use, handling, storage, and transportation of combustibles and explosives shall comply with the Uniform Fire Code, and California Code of Regulations Title 19.
- E. **Dust.** Activities that may generate dust emissions (e.g., construction, grading, commercial gardening, and similar operations) shall be conducted to limit the emissions beyond the site boundary to the maximum extent feasible. Appropriate methods of dust management shall include the following, subject to approval by the City Engineer.
1. **Scheduling.** Grading shall be designed and grading activities shall be scheduled to ensure that repeat grading will not be required, and that completion of the dust-generating activity (e.g., construction, paving or planting) will occur as soon as possible.
  2. **Operations during high winds.** Clearing, earth-moving, excavation operations or grading activities shall cease when the wind speed exceeds 25 miles per hour averaged over one hour.
  3. **Limiting the area of disturbance.** The area disturbed by clearing, demolition, earth-moving, excavation operations or grading shall be minimized at all times.
  4. **Dust control.** Fugitive dust emissions shall be controlled by watering a minimum of two times each day, paving or other treatment of permanent on-site roads and construction roads, the covering of trucks carrying loads with dust content, and/or other dust-preventive measures (e.g., hydroseeding, etc.).
  5. **Revegetation.** Graded areas shall be revegetated as soon as possible, but within no longer than 30 days, to minimize dust and erosion. Disturbed areas of the construction site that are to remain inactive longer than three months shall be seeded and watered until grass cover is grown and maintained; and
  6. **Fencing.** Appropriate fences or walls shall be constructed to contain dust within the site as required by the City Engineer.
- F. **Ground vibration.** No ground vibration shall be generated that is perceptible without instruments by a reasonable person at the property lines of the site, except for vibrations from temporary construction or demolition activities, and motor vehicle operations.
- G. **Light and glare.** Outdoor lighting shall comply with the requirements of Section 17.30.060 (Outdoor Lighting).
- H. **Liquid waste.** No liquid shall be discharged into a public or private body of water, sewage system, watercourse, or into the ground, except in compliance with applicable regulations of the Regional Water Quality Control Board.

## Standards for All Development and Land Uses

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- I. Noise.** The City's noise standards are in Municipal Code Chapter 8.28.
- J. Odor.** No obnoxious odor or fumes shall be emitted that are perceptible without instruments by a reasonable person at the property line of the site.
- K. Radioactivity, electrical disturbance or electromagnetic interference.** None of the following shall be emitted:
  - 1. Radioactivity, in a manner that does not comply with all applicable State and Federal regulations; or
  - 2. Electrical disturbance or electromagnetic interference that interferes with normal radio or television reception, or with the function of other electronic equipment beyond the property line of the site; or that does not comply with all applicable Federal Communications Commission (FCC) and other applicable State and Federal regulations.

### 17.30.080 - Public Improvement Requirements

The development of an approved project shall include the construction of improvements to each public street frontage of the site if required by the review authority and City public improvement standards. These on-site and/or off-site improvements may include the widening of an existing street, and/or the installation or reinstallation of curb, gutter, and sidewalk; the installation of street trees and other landscaping within the public right-of-way; the installation of drainage facilities as required by the City Engineer, and/or other improvements determined by the review authority to be reasonably related to the needs for pedestrian and vehicle circulation, and community infrastructure demands created by the project. See also Municipal Code Chapter 12.44.

### 17.30.090 - Solid Waste/Recyclable Materials Storage

- A. Purpose.** This Section provides standards which recognize the City's support for and compliance with the California Solid Waste Reuse and Recycling Access Act (Public Resources Code Sections 42900 through 42911).
- B. Applicability.** These requirements apply to new multi-family residential development, nonresidential development, and changes to existing multi-family residential or nonresidential development that increase gross floor area by 25 percent or more.
- C. Extent of storage area required.** Solid waste and recyclables storage areas shall be provided in the number, dimensions, and types required by the Department or review authority. Additional storage areas may be required, as deemed necessary by the Director.
- D. Enclosure requirements.** Storage areas shall be fully enclosed by a six-foot high decorative masonry wall or other solid enclosure that is architecturally compatible with adjacent structures. Gates shall be solid and continuously maintained in working order. A concrete apron shall be installed. Landscaping shall be provided to soften and screen the enclosure in compliance with Chapter 17.34 (Landscaping Standards). See Figure 3-7.

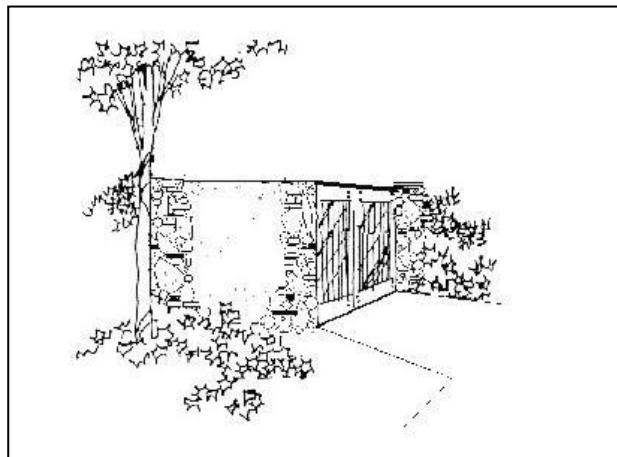


Figure 3-7 - Solid waste enclosure





## **CHAPTER 17.32 - AFFORDABLE HOUSING DENSITY BONUSES AND INCENTIVES**

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### **Sections:**

- 17.32.010 - Purpose
- 17.32.020 - Eligibility for Bonus, Incentives, or Concessions
- 17.32.030 - Allowed Density Bonuses
- 17.32.040 - Allowed Incentives or Concessions
- 17.32.050 - Parking Requirements in Density Bonus Projects
- 17.32.060 - Bonus and Incentives for Housing with Child Care Facilities
- 17.32.070 - Continued Availability
- 17.32.080 - Location and Type of Designated Units
- 17.32.090 - Processing of Bonus Requests
- 17.32.100 - Density Bonus Agreement
- 17.32.110 - Control of Resale
- 17.32.120 - Judicial Relief, Waiver of Standards

### **17.32.010 - Purpose**

As required by Government Code Section 65915, this Chapter offers density bonuses, and incentives or concessions for the development of housing that is affordable to the types of households and qualifying residents identified in Section 17.32.020 (Eligibility for Bonus, Incentives, or Concessions), below. This Chapter is intended to implement the requirements of Government Code Section 65915, et seq., and the Housing Element of the General Plan.

### **17.32.020 - Eligibility for Bonus, Incentives, or Concessions**

In order to be eligible for a density bonus and other incentives or concessions as provided by this Chapter, a proposed housing development shall comply with the following requirements, and satisfy all other applicable provisions of this Development Code, except as provided by Section 17.32.040 (Allowed Incentives or Concessions).

- A. Resident requirements.** A housing development proposed to qualify for a density bonus shall be designed and constructed so that it includes at least any one of the following:
1. 10 percent of the total number of proposed units are for lower income households, as defined in Health and Safety Code Section 50079.5;
  2. Five percent of the total number of proposed units are for very low income households, as defined in Health and Safety Code Section 50105;
  3. The project is a senior citizen housing development as defined in Civil Code Sections 51.3 and 51.12, or is a mobile home park that limits residency based on age requirements for housing older persons in compliance with Civil Code Sections 798.76 or 799.5; or
  4. 10 percent of the total dwelling units in a common interest development as defined in Civil Code Section 1351 are for persons and families of moderate income, as defined in Health and Safety Code Section 50093, provided that all units in the development are offered to the public for purchase.

## **Affordable Housing Density Bonuses and Incentives**

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- B. Applicant selection of basis for bonus.** For purposes of calculating the amount of the density bonus in compliance with Section 17.32.030 (Allowed Density Bonuses), below, the applicant who requests a density bonus shall elect whether the bonus shall be awarded on the basis of Subsections A.1., 2., 3., or 4., above.
- C. Bonus units shall not qualify a project.** A density bonus granted in compliance with Section 17.32.030 (Allowed Density Bonuses), below, shall not be included when determining the number of housing units that is equal to the percentages required by Subsection A.
- D. Minimum project size to qualify for density bonus.** The density bonus provided by this Chapter shall be available only to a housing development of five or more dwelling units.
- E. Condominium conversion projects.** A condominium conversion project for which a density bonus is requested shall comply with the eligibility and other requirements in Government Code Section 65915.5.

### **17.32.030 - Allowed Density Bonuses**

The amount of a density bonus allowed in a housing development shall be determined by the Council in compliance with this Section. For the purposes of this Chapter, "density bonus" means a density increase over the otherwise maximum allowable residential density under the applicable zone and designation of the Land Use Element of the General Plan as of the date of application by the applicant to the City.

- A. Density bonus.** A housing project that complies with the eligibility requirements in Subparagraphs 17.32.020.A.1, 2., 3., or 4., shall be entitled to density bonuses as follows, unless a lesser percentage is proposed by the applicant.
- 1. Bonus for units for lower income households.** A housing development that is eligible for a bonus in compliance with the criteria in Section 17.32.020.A.1 (10 percent of units for lower income households) shall be entitled to a density bonus calculated as follows.

<b>Percentage of Low-Income Units Proposed</b>	<b>Percentage of Density Bonus</b>
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
17	30.5
18	32
19	33.5
20	35

2. **Bonus for units for very low income households.** A housing development that is eligible for a bonus in compliance with the criteria in Section 17.32.020.A.2 (Five percent of units for very low income households) shall be entitled to a density bonus calculated as follows.

Percentage of Very Low-Income Units Proposed	Percentage of Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

3. **Bonus for senior citizen development.** A housing development that is eligible for a bonus in compliance with the criteria in Section 17.32.020.A.3 (Senior citizen development or mobile home park) shall be entitled to a density bonus of 20 percent.
4. **Bonus for moderate income units in common interest development.** A housing development that is eligible for a bonus in compliance with the criteria in Section 17.32.020.A.4 (10 percent of units in a common interest development for persons and families of moderate income) shall be entitled to a density bonus calculated as follows.

Percentage of Moderate-Income Units Proposed	Percentage of Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15

## **Affordable Housing Density Bonuses and Incentives**

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21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

## Affordable Housing Density Bonuses and Incentives

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5. **Density bonus for land donation.** When an applicant for a tentative map, parcel map, or other residential development approval donates land to the City in compliance with this Subsection, the applicant shall be entitled to a density bonus for the entire development, as follows; provided that nothing in this Subsection shall be construed to affect the authority of the City to require a developer to donate land as a condition of development.
- a. **Basic bonus.** The applicant shall be entitled to a 15 percent increase above the otherwise maximum allowable residential density under the applicable General Plan Land Use Element designation and zoning for the entire development, and an additional increase as follows.

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



## **Affordable Housing Density Bonuses and Incentives**

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be interpreted, in and of itself, to require a General Plan amendment, Zoning Map amendment, or other discretionary approval.

- E. Location of bonus units.** The developer may locate density bonus units in the housing project in other than the areas where the units for the lower income households are located.

### **17.32.040 - Allowed Incentives or Concessions**

**A. Applicant request and City approval.**

1. An applicant for a density bonus in compliance with this Chapter may submit to the City a proposal for the specific incentives or concessions listed in Subsection C. (Type of incentives), below, that the applicant requests in compliance with this Section, and may request a meeting with the Director. The applicant may file their request either before an application for City approval of the proposed project, or concurrently with the application for project approval. The Council shall grant an incentive or concession request that complies with this Section unless the Council makes either of the following findings in writing, based upon substantial evidence:
  - a. The incentive or concession is not required to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5, or for rents for the targeted units to be set as specified in Section 17.32.070.B. (Unit cost requirements); or
  - b. The incentive or concession would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment, or on any real property listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households.
2. The applicant shall show that a waiver or modification of development standards is necessary to make the housing units economically feasible.

**B. Number of incentives.** The applicant shall receive the following number of incentives or concessions.

1. **One incentive or concession.** One incentive or concession for a project that includes at least 10 percent of the total units for lower income households, at least five percent for very low income households, or at least 10 percent for persons and families of moderate income in a common interest development.
2. **Two incentives or concessions.** Two incentives or concessions for a project that includes at least 20 percent of the total units for lower income households, at least 10 percent for very low income households, or at least 20 percent for persons and families of moderate income in a common interest development.
3. **Three incentives or concessions.** Three incentives or concessions for a project that includes at least 30 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a common interest development.

- C. Type of incentives.** For the purposes of this Chapter, concession or incentive means any of the following:
1. A reduction in the site development standards of this Development Code (e.g., site coverage limitations, setbacks, reduced parcel sizes, and/or parking requirements (see also Section 17.32.050 [Parking Requirements in Density Bonus Projects]), or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission in compliance with Health and Safety Code Section 18901 et seq., that would otherwise be required, that results in identifiable, financially sufficient, and actual cost reductions;
  2. Approval of mixed-use zoning not otherwise allowed by this Development Code in conjunction with the housing development, if nonresidential land uses will reduce the cost of the housing development, and the nonresidential land uses are compatible with the housing project and the existing or planned development in the area where the project will be located;
  3. Other regulatory incentives proposed by the applicant or the City that will result in identifiable, financially sufficient, and actual cost reductions; and/or
  4. In its sole and absolute discretion, a direct financial contribution granted by the Council, including writing-down land costs, subsidizing the cost of construction, or participating in the cost of infrastructure.
- D. Effect of incentive or concession.** The granting of a concession or incentive shall not be interpreted, in and of itself, to require a General Plan amendment, Zoning Map amendment, or other discretionary approval.

### **17.32.050 - Parking Requirements in Density Bonus Projects**

- A. Applicability.** This Section applies to a development that meets the requirements of Section 17.32.020 (Eligibility for Bonus, Incentives, or Concessions), above, but only at the request of the applicant. An applicant may request additional parking incentives or concessions beyond those provided in this Section in compliance with Section 17.32.040 (Allowed Incentives or Concessions), above.
- B. Number of parking spaces required.**
1. At the request of the applicant, the City shall require the following vehicular parking ratios for a project that complies with the requirements of Section 17.32.020 (Eligibility for Bonus, Incentives, or Concessions), above, inclusive of handicapped and guest parking.
    - a. Zero to one bedrooms: One on-site parking space.
    - b. Two to three bedrooms: Two on-site parking spaces.
    - c. Four and more bedrooms: Two and one-half on-site parking spaces.
  2. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number.
- C. Location of parking.** For purposes of this Section, a development may provide on-site parking through uncovered parking, but not through on-street parking.



### **17.32.060 - Bonus and Incentives for Housing with Child Care Facilities**

A housing development that complies with the resident and project size requirements of Subsections 17.32.020.A., and B., above, and also includes as part of that development a child care facility other than a large or small family day care home, that will be located on the site of, as part of, or adjacent to the development, shall be subject to the following additional bonus, incentives, and requirements.

**A. Additional bonus and incentives.** The City shall grant a housing development that includes a child care facility in compliance with this Section either of the following:

1. An additional density bonus that is an amount of floor area in square feet of residential space that is equal to or greater than the floor area of the child care facility; or
2. An additional incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

**B. Requirements to qualify for additional bonus and incentives.**

1. The City shall require, as a condition of approving the housing development, that:
  - a. The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable in compliance with Section 17.32.070 (Continued Availability), below; and
  - b. Of the children who attend the child care facility, the children of very low income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or families of moderate income in compliance with Subsection 17.32.020 A (Resident requirements), above.
2. The City shall not be required to provide a density bonus for a child care facility in compliance with this Section if it finds, based upon substantial evidence, that the community has adequate child care facilities.

### **17.32.070 - Continued Availability**

The units that qualified the housing development for a density bonus and other incentives and concessions shall continue to be available as affordable units in compliance with the following requirements, as required by Government Code Section 65915(c). See also Section 17.32.110 (Control of Resale).

**A. Duration of affordability.** The applicant shall agree to, and the City shall ensure the continued availability of the units that qualified the housing development for a density bonus and other incentives and concessions, as follows.

1. **Low-, and very low-income units.** The continued affordability of all low- and very low income qualifying units shall be maintained for 30 years, or a longer time if required by the construction or mortgage financing assistance program, mortgage insurance program, rental subsidy program, or by City policy or ordinance.
2. **Moderate income units in common interest development.** The continued availability of moderate income units in a common interest development shall be maintained for a minimum of 10 years, or a longer time if required by City policy or ordinance.

## **Affordable Housing Density Bonuses and Incentives**

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- B. Unit cost requirements.** The rents and owner-occupied costs charged for the housing units in the development that qualify the project for a density bonus and other incentives and concessions, shall not exceed the following amounts during the period of continued availability required by this Section:
- 1. Lower income units.** Rents for the lower income density bonus units shall be set at an affordable rent as defined in Health and Safety Code Section 50053; and
  - 2. Owner-occupied units.** Owner-occupied units shall be available at an affordable housing cost as defined in Health and Safety Code Section 50052.5.
- C. Occupancy and resale of moderate income common interest development units.** An applicant shall agree to, and the City shall ensure that the initial occupant of moderate income units that are directly related to the receipt of the density bonus in a common interest development as defined in Civil Code Section 1351, are persons and families of moderate income, as defined in Health and Safety Code Section 50093, and that the units are offered at an affordable housing cost, as defined in Health and Safety Code Section 50052.5. The City shall enforce an equity sharing agreement unless it is in conflict with the requirements of another public funding source or law. The following requirements apply to the equity sharing agreement.
- 1.** Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation.
  - 2.** The City shall recapture any additional subsidy and its proportionate share of appreciation, which shall then be used within three years for any of the purposes described in Health and Safety Code Section 33334.2(e) that promote home ownership. For the purposes of this Section:
    - a.** The City's initial subsidy shall be equal to the fair market value of the home at the time of initial sale, minus the initial sale price to the moderate-income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value; and
    - b.** The City's proportionate share of appreciation shall be equal to the ratio of the initial subsidy to the fair market value of the home at the time of initial sale.

### **17.32.080 - Location and Type of Designated Units**

- A. Location/dispersal of units.** As required by the Council in compliance with Section 17.32.090 (Processing of Bonus Request), below, designated units shall be reasonably dispersed throughout the project where feasible, shall contain on average the same number of bedrooms as the non-designated units in the project, and shall be compatible with the design or use of remaining units in terms of appearance, materials, and finished quality.
- B. Phasing.** If a project is to be phased, the density bonus units shall be phased in the same proportion as the non-density bonus units, or phased in another sequence acceptable to the City.

**17.32.090 - Processing of Bonus Request**

- A. Permit requirement.** A request for a density bonus and other incentives and concessions shall be evaluated and decided through Use Permit approval in compliance with Section 17.72.060 (Use Permits and Minor Use Permits).
- B. Findings for approval.** In addition to the findings required by Section 17.72.060 for the approval of a Use Permit, the approval of a density bonus and other incentives and concessions shall require that the review authority first make all of the following additional findings:
1. The residential development will be consistent with the General Plan, except as provided by this Chapter for density bonuses, and other incentives and concessions;
  2. The approved number of dwellings can be accommodated by existing and planned infrastructure capacities;
  3. Adequate evidence exists to indicate that the project will provide affordable housing in a manner consistent with the purpose and intent of this Chapter; and
  4. There are sufficient provisions to guarantee that the units will remain affordable for the required time period.

**17.32.100 - Density Bonus Agreement**

- A. Agreement required.** An applicant requesting a density bonus shall agree to enter into a density bonus agreement (referred to as the "agreement") with the City in the City's standard form of agreement.
- B. Agreement provisions.**
1. **Project information.** The agreement shall include at least the following information about the project:
    - a. The total number of units approved for the housing development, including the number of designated dwelling units;
    - b. A description of the household income group to be accommodated by the housing development, and the standards and methodology for determining the corresponding affordable rent or affordable sales price and housing cost consistent with HUD Guidelines;
    - c. The marketing plan for the affordable units;
    - d. The location, unit sizes (square feet), and number of bedrooms of the designated dwelling units;
    - e. Tenure of the use restrictions for designated dwelling units of the time periods required by Section 17.32.070 (Continued Availability);
    - f. A schedule for completion and occupancy of the designated dwelling units;
    - g. A description of the additional incentives and concessions being provided by the City;
    - h. A description of the remedies for breach of the agreement by the owners, developers, and/or successors-in-interest of the project;
    - i. Other provisions to ensure successful implementation and compliance with this Chapter;

and

- j. An audit of the developer's financial information or proforma of the project to substantiate that the requested concessions and incentives are required in order to make the dwelling units economically feasible in compliance with this Chapter.

**2. Minimum requirements.** The agreement shall provide, at minimum, that:

- a. The developer shall give the City the continuing right-of-first-refusal to lease or purchase any or all of the designated dwelling units at the appraised value;
- b. The deeds to the designated dwelling units shall contain a covenant stating that the developer or successors-in-interest shall not assign, lease, rent, sell, sublet, or otherwise transfer any interests for designated units without the written approval of the City;
- c. When providing the written approval, the City shall confirm that the price (rent or sale) of the designated dwelling unit is consistent with the limits established for low and very low income households, as published by HUD;
- d. The City shall have the authority to enter into other agreements with the developer, or purchasers of the designated dwelling units, to ensure that the required dwelling units are continuously occupied by eligible households;
- e. Applicable deed restrictions, in a form satisfactory to the City Attorney, shall contain provisions for the enforcement of owner or developer compliance. Any default or failure to comply may result in foreclosure, specific performance, or withdrawal of the Certificate of Occupancy;
- f. In any action taken to enforce compliance with the deed restrictions, the City Attorney shall, if compliance is ordered by a court of competent jurisdiction, take all action that may be allowed by law to recover all of the City's costs of action including legal services; and
- g. Compliance with the agreement will be monitored and enforced in compliance with the measures included in the agreement.

**3. For-sale housing conditions.** In the case of for-sale housing developments, the agreement shall provide for the following conditions governing the initial sale and use of designated dwelling units during the applicable restriction period:

- a. Designated dwelling units shall be owner-occupied by eligible households, or by qualified residents in the case of senior housing; and
- b. The initial purchaser of each designated dwelling unit shall execute an instrument or agreement approved by the City which:
  - (1) Restricts the sale of the unit in compliance with this Chapter, or other applicable City policy or ordinance, during the applicable use restriction period;
  - (2) Contains provisions as the City may require to ensure continued compliance with this Chapter and State law; and
  - (3) Shall be recorded against the parcel containing the designated dwelling unit.

**4. Rental housing conditions.** In the case of a rental housing development, the agreement shall

## **Affordable Housing Density Bonuses and Incentives**

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provide for the following conditions governing the use of designated dwelling units during the use restriction period:

- a. The rules and procedures for qualifying tenants, establishing affordable rent, filling vacancies, and maintaining the designated dwelling units for qualified tenants;
- b. Provisions requiring owners to annually verify tenant incomes and maintain books and records to demonstrate compliance with this Chapter;
- c. Provisions requiring owners to submit an annual report to the City, which includes the name, address, and income of each person occupying the designated dwelling units, and which identifies the bedroom size and monthly rent or cost of each unit; and
- d. The applicable use restriction period shall comply with the time limits for continued availability in Section 17.32.070 (Continued Availability), above.

### **C. Execution of agreement.**

1. Following Council approval of the agreement, and execution of the agreement by all parties, the City shall record the completed agreement on the parcels designated for the construction of designated dwelling units, at the County Recorder's Office.
2. The approval and recordation shall take place at the same time as the final map or, where a map is not being processed, before issuance of Building Permits for the designated dwelling units.
3. The agreement shall be binding on all future owners, developers, and/or successors-in-interest.

## **17.32.110 - Control of Resale**

In order to maintain the availability of for-sale affordable housing units constructed in compliance with this Chapter, the following resale conditions shall apply.

- A. **Limits on resale price.** The price received by the seller of an affordable unit shall be limited to the purchase price plus an increase based on the Sacramento metropolitan area consumer price index, an amount consistent with the increase in the median income since the date of purchase, or the fair market value, whichever is less. Before offering an affordable housing unit for sale, the seller shall provide written notice to the City of their intent to sell. The notice shall be provided by certified mail to the Director.
- B. **Units to be offered to the City.** Home ownership affordable units constructed, offered for sale, or sold under the requirements of this Section shall be offered to the City or its assignee for a period of at least 90 days from the date of the notice of intent to sell is delivered to the City by the first purchaser or subsequent purchasers. Home ownership affordable units shall be sold and resold from the date of the original sale only to households as determined to be eligible for affordable units by the City in compliance with this Section. The seller shall not levy or charge any additional fees nor shall any "finders fee" or other monetary consideration be allowed other than customary real estate commissions and closing costs.
- C. **Declaration of restrictions.** The owners of any affordable unit shall attach and legally reference in the grant deed conveying title of the affordable ownership unit a declaration of restrictions provided by the City, stating the restrictions imposed in compliance with this Section. The grant deed shall afford the grantor and the City the right to enforce the declaration of restrictions. The declaration of restrictions shall include all applicable resale controls, occupancy restrictions, and prohibitions required by this Section.
- D. **City to monitor resale of units.** The City shall monitor the resale of ownership affordable units. The City or its designee shall have a 90-day option to commence purchase of ownership affordable units

after the owner gives notification of intent to sell. Any abuse in the resale provisions shall be referred to the City for appropriate action.

**17.32.120 - Judicial Relief, Waiver of Standards**

- A. Judicial relief.** As provided by Government Code Section 65915(d)(3), the applicant may initiate judicial proceedings if the City refuses to grant a requested density bonus, incentive, or concession.
- B. Waiver of standards preventing the use of bonuses, incentives, or concessions.**
1. As required by Government Code Section 65915(e), the City will not apply a development standard that will have the effect of precluding the construction of a development meeting the criteria of Subsection 17.32.020 A (Resident requirements), above, at the densities or with the concessions or incentives allowed by this Chapter.
  2. An applicant may submit to the City a proposal for the waiver or reduction of development and zoning standards that would otherwise inhibit the utilization of a density bonus on a specific site, including minimum parcel size, side setbacks, and placement of public works improvements.
  3. The applicant shall show that the waiver or modification is necessary to make the housing units economically feasible.
- C. City exemption.** Notwithstanding the provisions of Subsections A. and B., above, nothing in this Section shall be interpreted to require the City to:
1. Grant a density bonus, incentive, or concession, or waive or reduce development standards, if the bonus, incentive, concession, waiver, or reduction, would have a specific, adverse impact, as defined in Government Code Section 65589.5(d)(2), upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact; or
  2. Grant a density bonus, incentive or concession, or waive or reduce development standards, that would have an adverse impact on any real property that is listed in the California Register of Historical Resources.

## CHAPTER 17.34 - LANDSCAPING STANDARDS

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### Sections:

- 17.34.010 - Purpose
- 17.34.020 - Landscaping Required
- 17.34.030 - Parking Lot Landscaping
- 17.34.040 - Landscaping Standards
- 17.34.050 - Screening
- 17.34.060 - Visual Obstructions
- 17.34.070 - Trees
- 17.34.080 - Solar Access
- 17.34.090 - Irrigation System Requirements
- 17.34.100 - Plan Review Responsibilities
- 17.34.110 - Changes to Approved Landscape Plans
- 17.34.120 - Statement of Surety
- 17.34.130 - Installation
- 17.34.140 - Maintenance of Landscape Areas

### 17.34.010 - Purpose

California Government Code Section 65590 et seq. requires that the City take the proper steps to ensure that water conservation methods are incorporated in landscape standards. Therefore, the purposes of this Chapter are to:

- A. Establish water efficiency standards for the design, installation, and maintenance of landscaping and irrigation systems to ensure avoidance of excessive water use and to maintain healthy plant growth in new development projects; and
- B. Improve the physical appearance of property within the City, and to provide appropriate landscape buffers where necessary.

### 17.34.020 - Landscaping Required

For purposes of this Chapter, landscaping shall mean the placement of materials (e.g., berms, decorative fences and walls, flowers, grass, ground cover, hedges, shrubs, and trees) within a designated area.

- A. **Where required.** All parts of a site not devoted to decks, patios, structures, and similar improvements, driveway and/or parking improvements, lighting, sidewalks, signs, and solid waste/recyclable materials collection and storage shall be landscaped in compliance with this Chapter and this Development Code.
- B. **Native plant materials encouraged.** To conserve water, the installation of native and/or drought-tolerant landscape materials is strongly encouraged.
- C. **Native vegetation restoration.** Steep slope areas (those in excess of 25 percent slope) shall be landscaped to maximize opportunities for native vegetation restoration in compliance with this Chapter and this Development Code.

### 17.34.030 - Parking Lot Landscaping

Each required parking area of more than six spaces shall be landscaped as follows whenever there is an expansion of a structure (e.g., enlargement or increase in capacity by adding floor area or seats), or a change in use (e.g., a higher use is proposed) related to an existing parking lot, or the establishment of a new structure and/or use.

- A. **Required landscape materials.** Landscaping shall be provided throughout the parking lot as a combination of ground cover, shrubs, and trees.
- B. **Curbing required.** Areas containing plant materials shall be bordered by a concrete curb in compliance with Subsection 17.34.040 B. (Protective curbing), below.
- C. **Perimeter landscaping required.** All surface parking areas shall be screened from streets and adjoining properties, and the open areas between the property line and the public street right-of-way shall be landscaped.

#### 1. Adjacent to streets.

- a. A parking area for a non-residential use adjoining a public street shall be designed to provide a landscaped planting strip between the street right-of-way and parking area equal in depth to the setback required by the applicable zone or 10 feet, whichever is greater; except that the required width of the landscape strip may be reduced by the review authority where it determines that overall site area is insufficient to accommodate allowable structures and required parking along with a landscape strip of the otherwise required width.

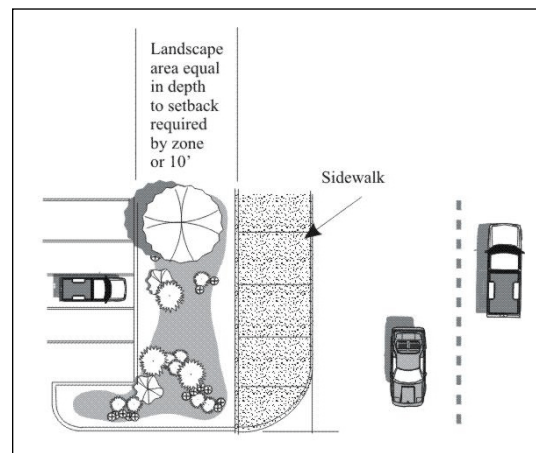


Figure 3-8 - Parking lot perimeter landscaping

- b. A parking area for a residential use, except for a single dwelling, shall be designed to provide a landscaped planting strip between the street right-of-way and parking area equal in depth to the setback required by the applicable zone.
- c. The landscaping shall be designed and maintained to screen cars from view from the street to a minimum height of 36 inches, but shall not exceed any applicable height limit for landscaping within a setback.
- d. Screening materials may include a combination of plant materials, earth berms, raised planters, solid decorative masonry walls, or other screening devices which meet the intent of this requirement.

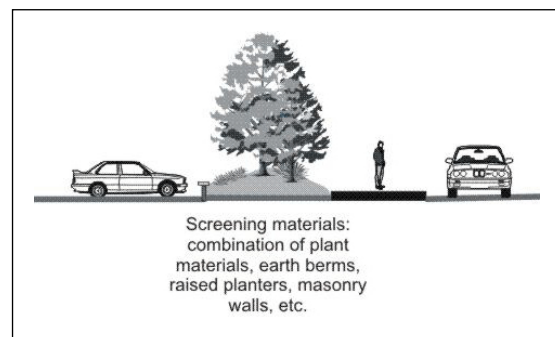


Figure 3-9 - Parking lot screening



- e. Shade trees shall be provided at a minimum rate of one for every 25 linear feet of landscaped area, or other spacing as determined by the review authority to be appropriate to the site and surrounding development.
  - f. Plant materials, signs, or structures within a traffic safety sight area of a driveway shall comply with Section 17.30.040 (Fences, Walls, and Screening).
2. **Adjacent to side or rear property lines.** Parking areas for non-residential uses shall provide a perimeter landscape strip at least six feet wide (inside dimension) where the parking area adjoins a side or rear property line. The required width of the landscape strip may be reduced by the review authority where it first determines that certain factors would justify the reduction (e.g., the overall site area is insufficient to accommodate the allowable structures and required parking along with a landscape strip of the otherwise required width or that the otherwise required width would be inconsistent with the existing development patterns on adjacent properties). The requirement for a landscape strip may be satisfied by a setback or buffer area that is otherwise required. Trees shall be provided at the rate of one for each 25 linear feet of landscaped area, or other spacing as determined by the review authority to be appropriate to the site and surrounding development.
3. **Adjacent to structures.** When a parking area is located adjacent to a non-residential structure, a minimum six-foot wide (inside dimension) landscape strip shall be provided adjacent to the structure, exclusive of any building entries, or areas immediately adjacent to the wall of the structure that serve as pedestrian access ways. The required width of the landscape strip may be reduced by the review authority where it first determines that certain factors would justify the reduction (e.g., the overall site area is insufficient to accommodate the allowable structures and required parking along with a landscape strip of the otherwise required width or that the otherwise required width would be inconsistent with the existing development patterns on adjacent properties).
4. **Adjacent to residential use.** A non-residential parking area abutting a residential use shall provide a landscaped buffer setback with a minimum of 10-foot between the parking area and the property line of the residential use; provided that the review authority may reduce this requirement where it determines that site area is severely constrained.
- a. A six-foot high solid decorative masonry wall or fence, except for approved pedestrian access, and landscape buffer shall be provided along the property line to address land use compatibility issues (e.g., light/glare and nuisance noise) as determined by the review authority.
  - b. Trees shall be provided at the rate of one for each 25 linear feet of landscaped area, or other spacing as determined by the review authority to be appropriate to the site and surrounding development.

### D. Interior parking lot landscaping.

1. **Amount of landscaping.** Multi-family, commercial, and industrial uses shall provide landscaping within each outdoor parking area at a minimum ratio of 10 percent of the gross area of the parking lot (including all drive and parking aisles). The review authority may grant an exception for small, infill parking lots where compliance with this standard is not feasible without significantly reducing the number of parking spaces. Trees not less than five feet in height and 15-gallon container in size shall be planted throughout the parcel and along any street frontage. At a minimum, one shade tree shall be provided for every five parking spaces.

## **Landscaping Standards**

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2. **Location of landscaping.** Landscaping shall be evenly dispersed throughout the parking area, as follows.
  - a. Orchard-style planting (the placement of trees in uniformly-spaced rows) is encouraged for larger parking areas.
  - b. Parking lots with more than 50 spaces shall provide a concentration of landscape elements at primary entrances, including, at a minimum, specimen trees, flowering plants, enhanced paving, and project identification.
  - c. Landscaping shall be located so that pedestrians are not required to cross unpaved landscaped areas to reach building entrances from parked cars. This shall be achieved through proper orientation of the landscaped fingers and islands, and by providing pedestrian access through landscaped areas that would otherwise block direct pedestrian routes.
3. **Groundwater recharge.** The design of parking lot landscape areas shall consider, and may, where appropriate, be required to include provisions for the on-site detention of stormwater runoff, pollutant cleansing, and groundwater recharge.

### **17.34.040 - Landscaping Standards**

- A. **Minimum dimensions.** Each area of landscaping shall have a minimum interior width of six feet within the residential and commercial zones, and five feet in the industrial zones. These dimensions may be reduced where the review authority determines they are infeasible because of limited site area. Wherever this Development Code requires a landscaped area of a specified width, the width shall be measured within any curb or wall bordering the landscaping area.
- B. **Protective curbing.** Required landscaping shall be protected with a minimum six-inch high concrete curb, except adjacent to bicycle paths, or where otherwise deemed unnecessary by the Director.
- C. **Safety requirements.** Landscape materials shall be located so that at maturity they do not:
  1. Interfere with safe sight distances for bicycle, pedestrian, or vehicular traffic;
  2. Conflict with overhead lights, utility lines, or walkway lights; or
  3. Block bicycle or pedestrian ways.
- D. **Use of lawns or turf.** Lawns or turf shall be limited to 20 percent of the total landscaped area on the site and only where the applicant provides calculations approved by the Director that demonstrate that the irrigation requirements will not exceed standard low water usage. No lawns or turf shall be allowed:
  1. In any area of 10 feet or less in width. Lawns or turf may be allowed on narrower areas where the review authority first determines that certain factors would justify the reduction (e.g., the ability to achieve a specified theme); or
  2. On any slope exceeding 15 percent (25 percent, where other project water-saving techniques compensate for the increased runoff). A level buffer zone of 18 inches shall be provided between bermed lawn or turf areas and any hardscape (e.g., any street, walkway, or similar feature).
- E. **Water features.** Decorative water features (e.g., fountains, ponds, waterfalls) shall have recirculating water systems.

**F. Maximum amount of single dwelling paving allowed.**

1. Paving shall be limited to no more than 50 percent of the front or street side setback areas in order to limit the amount of hardscape paving in these areas; except that the review authority may reduce this requirement where it determines that an irregularly shaped or small lot lacks sufficient area for adequate driveway and pedestrian access.
2. Increases in the maximum amount of allowable hardscape paving may be approved by the Director if necessary to provide safe ingress and egress for the site.
3. No parking shall be allowed in the landscaped areas.
4. Single dwelling front and street side setback areas shall only be used for the temporary parking of motor vehicles. Storage of vehicles in these areas shall not be allowed.
5. No vehicles shall be parked in the front and/or street side setback areas other than on a paved driveway.

**G. Community Design Guidelines.** Landscaping and irrigation system design shall consider the Community Design Guidelines water conservation landscape and irrigation provisions.

### 17.34.050 - Screening

See Section 17.30.040 (Fences, Walls, and Screening).

### 17.34.060 - Visual Obstructions

- A. Obstruction of clear vision prohibited.** When placed within or immediately adjacent to a dedicated public right-of-way, no landscape material shall be allowed to obstruct the vision of motorists or pedestrians so as create a potential traffic hazard.
- B. Landscaping designed for screening.** Landscaping that is primarily intended or designed for fencing and screening purposes shall not be allowed to exceed three feet in height within a required front setback area.
- C. Landscaping within the traffic safety visibility area.** On the street sides of a corner parcel, no landscaping shall be allowed to exceed three feet in height above the top of the existing or proposed street curb within the traffic safety visibility area required by Section 17.30.040 (Fences, Walls, and Screening), above.

### 17.34.070 - Trees

- A. Five-gallon or larger size containers required.** In order to achieve a more immediate effect, all trees planted on the street sides of a newly developed parcel shall be transplanted from five-gallon or larger size containers.
- B. Tree proposed to replace mature specimen trees.** A tree proposed to replace an existing mature specimen tree shall be transplanted from a minimum 24-gallon size container in compliance with the City's Tree Preservation and Protection Ordinance.
- C. Street trees required.** At least one street tree shall be properly installed for each 30-foot length of right-of-way and shall be maintained in compliance with Section 17.34.140 (Maintenance of Landscape Areas), below. The review authority may modify this requirement depending on the chosen tree species and its typical spread at maturity.

- D. Tree supports required.** All trees shall be adequately supported when planted. The supports shall be maintained until the trees are capable of withstanding the force of wind on their own.
- E. Trees required to be preserved.** Where existing trees are required to be preserved, all new development shall be designed in a manner which respects the current drip lines in compliance with the City's Tree Preservation and Protection Ordinance.

### **17.34.080 - Solar Access**

When trees are incorporated into an approved landscaping plan, they shall be planted in a manner which maximizes the provision of sunlight to nearby windows and/or solar collectors situated on-site or on an adjoining property.

### **17.34.090 - Irrigation System Requirements**

All landscaped areas, except those approved for maintenance with intentionally unirrigated native plants, shall include an automatic irrigation system designed and installed in compliance with the following.

- A. Water-efficient systems required.** Water-efficient systems (e.g., bubbler-type, drip, mini-spray, or similar system) shall be used unless infeasible. Low-flow sprinkler heads with matched precipitation rates shall be used when spray or rotor-type heads are specified for watering shrubs and ground cover areas. Lawn or turf areas shall be sized and shaped so they can be efficiently irrigated. Spray or run-off onto paved areas shall be avoided.
- B. Dual or multi-program controllers required.** Dual or multi-program controllers with separated valves and circuits shall be used when the project contains more than one type of landscape treatment (e.g., ground cover, lawn or turf, shrub, tree areas), or a variety of solar aspects. Soil moisture-sensing devices and rain sensors shall be used on larger projects (15,000 plus square feet of landscaped area) to minimize or eliminate over-watering.
- C. Minimal wind conflict and evaporation loss.** Watering shall be scheduled at times of minimal wind conflict and evaporation loss.
- D. Matched precipitation rates required.** Sprinkler heads shall have matched precipitation rates within each valve zone.
- E. Check valves required.** Check valves are required where elevation differential may cause low head drainage.

### **17.34.100 - Plan Review Responsibilities**

- A. Review and approval of conceptual plans.** The review authority shall be primarily responsible for the review and approval of the conceptual landscape plans and related improvements within the City.
- B. Prior approval required.** All new construction shall receive prior approval of all landscape plans from the Development Review Committee (DRC).
- C. Review and approval of final plans.** The final landscape plans and related improvements shall be reviewed and approved by the Department, unless review and approval has been requested by the review authority.

### 17.34.110 - Changes to Approved Landscape Plans

The Director may authorize minor changes from the requirements of this Chapter.

- A. **Definition of minor change.** For purposes of this Section, minor changes shall be defined as changes to the landscaping plans that are not visible and do not effect the theme or character established for the subject development project.
- B. **Failure to comply with definition of minor.** If the Director determines that a requested change does not comply with the definition of minor specified in Subsection A., above, the requested change may only be approved by the review authority that originally approved the landscaping plans.

### 17.34.120 - Statement of Surety

When required by the Director, surety in the form of cash, letter of credit, performance bond, or instrument of credit, in an amount equal to 150 percent of the total value of all plant materials, irrigation, installation, and maintenance shall be posted with the City for a two-year period in compliance with Section 17.74.050 (Performance Guarantees). The Director may require statements of surety for phased development projects, a legitimate delay in landscape installation due to seasonal requirements (including adverse weather conditions), and similar circumstances where it may not be advisable or desirable to install all approved landscaping and irrigation before occupancy of the site.

### 17.34.130 - Installation

- A. **Professional oversight required.** Each landscaping and irrigation system shall be installed under the supervision and inspection of a qualified professional.
- B. **Timing of Installation.** Landscaping and irrigation systems shall be installed in compliance with the approved plans before final building inspection.
- C. **Extensions of time.** An extension of time for the completion of landscaping and irrigation system installation may be granted by the Building Official if implementation is secured by an agreement or posting of adequate bond or cash deposit to guarantee performance under the agreement as required by the Building Official, in compliance with Section 17.34.120 (Statement of Surety).
- D. **Certification of landscaping and irrigation installation.** Before final inspection or issuance of a Certificate of Occupancy by the Building Official, a letter signed by a licensed landscape architect, or the landscape contractor who performed the installation shall be submitted to the Department and the Building Official certifying that the landscaping and irrigation for the project has been installed in compliance with the approved plans.

**17.34.140 - Maintenance of Landscape Areas**

**A. Maintenance required.**

1. All landscaping (e.g., ground cover, hedges, lawns, shrubs, and trees) shall be maintained in a healthful and thriving condition at all times.
2. Irrigation systems and their components shall be maintained in a fully functional manner consistent with the originally approved design and the provisions of this Chapter.
3. Regular maintenance shall include checking, adjusting, and repairing irrigation equipment; resetting automatic controllers; aerating and dethatching lawn or turf areas; adding/ replenishing mulch, fertilizer, and soil amendments; mowing, pruning, and trimming, in compliance with acceptable horticultural practices; and watering all landscaped areas.
4. The landscaping shall regularly be kept clean and free of debris, litter, and weeds.
5. All dead or decaying material shall be replaced with new material within 30 days upon notice of the Department.
6. All fences and walls which have been incorporated into an approved landscaping plan shall regularly be maintained in an attractive and safe manner.

**B. Maintenance agreement required.** If required by the review authority, and before final inspection or occupancy, and before the recordation of a final subdivision map where applicable, the applicant shall enter into a landscape maintenance agreement with the City to guarantee proper maintenance in compliance with Subsection A. (Maintenance required), above. The form and content of the agreement shall be approved by the City Attorney and the Director.

**C. Water waste prohibited.** Water waste in existing developments resulting from inefficient landscape irrigation leading to excessive runoff, low head drainage, overspray, and other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, or structures is prohibited.

**D. Enforcement.** Failure to maintain landscape areas in compliance with this Section shall be deemed a public nuisance, and shall be subject to abatement in compliance with Chapter 9.28 of the Municipal Code, and/or the applicable planning permit may be revoked in compliance with Chapter 17.98 (Enforcement).

## CHAPTER 17.36 - PARKING AND LOADING

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### Sections:

- 17.36.010 - Purpose
- 17.36.020 - Applicability
- 17.36.030 - General Parking Regulations
- 17.36.040 - Number of Parking Spaces Required
- 17.36.050 - Disabled Parking Requirements
- 17.36.060 - Bicycle Parking
- 17.36.070 - Motorcycle Parking
- 17.36.080 - Reduction of Parking Requirements
- 17.36.090 - Parking Design and Development Standards
- 17.36.100 - Driveways and Site Access
- 17.36.110 - Loading Space Requirements
- 17.36.120 - Parking In-Lieu Fees

### 17.36.010 - Purpose

The requirements of this Chapter are intended to ensure that suitable off-street parking and loading facilities are provided for all uses and developments, and that the facilities are properly designed, attractive, and located to be unobtrusive while meeting the needs of the specific use.

### 17.36.020 - Applicability

- A. **Off-street parking and loading required.** Each land use and structure, including a change or expansion of a land use or structure, shall provide suitable off-street parking and loading facilities in compliance with this Chapter.
- B. **Timing of improvements.** A land use shall not be commenced and a structure shall not be occupied until the parking and loading improvements required by this Chapter are completed and approved by the Director.
- C. **Common, shared, or municipal parking.** Where common or shared parking has been duly authorized or where parking can be provided through a municipal parking lot, the parking requirements required by this Chapter shall not apply.
- D. **Parking district.** The parking requirements required by this Chapter shall not apply in those areas where a parking district has been duly established.

### 17.36.030 - General Parking Regulations

- A. **Parking and loading spaces to be permanent.** Each parking and loading space shall be permanently available, marked, and maintained for parking or loading purposes for the use it is intended to serve; provided, that the approval of a Limited Term Permit (Section 17.72.040) may allow the temporary use of a parking or loading space for other purposes.
- B. **Parking and loading to be unrestricted.** A lessee, owner, tenant, or other person having control of the operation of a premises for which parking or loading spaces are required by this Chapter shall not prevent, prohibit, or restrict authorized persons from using the spaces without the prior approval of the Director.

**C. Vehicles for sale.** No vehicle, trailer, or other personal property shall be parked on private property for the purpose of displaying the vehicle, trailer, or other personal property for hire, rental, or sale, unless the applicable zone allows the use, and the person or business at that location is licensed to sell vehicles, trailers, or other personal property.

**D. Recreational vehicle (RV) parking.**

1. The storage (parking for any period longer than 72 hours) of a recreational vehicle (RV) and/or boat in a residential zone shall be allowed only when all portions of the vehicle or boat are located entirely within the property boundaries and do not extend into the public right-of-way.
2. Parking within setback areas shall also comply with Section 17.30.030 (Build-To Line and Setback Requirements and Exceptions).

### **17.36.040 - Number of Parking Spaces Required**

Each land use shall be provided the number of off-street parking spaces required by this Section. See Sections 17.36.060 and 17.36.070 for off-street parking requirements for bicycles and motorcycles, respectively.

**A. Parking requirements by land use.**

1. Each land use shall provide the number of off-street parking spaces required by Table 3-3, except where a greater number of spaces is authorized through Minor Use Permit or Use Permit approval in compliance with Section 17.72.060.
2. A land use not specifically listed in Table 3-3 shall provide parking as required by the Director. The Director shall use the requirements in Table 3-3 as a guide in determining the appropriate number of off-street parking spaces required for the use (e.g., similar uses, similar parking demands, with or without specific parking studies). The Director may refer the determination to the Commission.
3. In any case where Table 3-3 expresses a parking requirement based on floor area in square feet (for example: 1 space for each 1,000 sf), Asf@ shall mean square feet of gross interior leasable floor area, unless stated otherwise (e.g., ground area).
4. A single use with accessory components shall provide parking for each component. For example, a hotel with a gift shop shall provide the parking spaces required by Table 3-3 for a hotel (e.g., the guest rooms), and for a gift shop.

**B. Requirements for traditional community development zones.** See Chapter 17.21 (Traditional Community Development Zones) for off-street parking and drive requirements applicable to the TC, NC, NC-Flex, NG-1, NG-2, and NG3 zones.

**C. Expansion of structure, change in use.** See Subsection M. (Nonconforming parking), below.

**D. Multi-tenant sites.**

1. A site with multiple tenants (e.g., two or more ) shall provide the aggregate number of parking spaces required for each separate use (e.g., sum of the separate requirements for each use), except where the site is developed as an integrated shopping center with shared parking and no spaces reserved for a particular use. In this instance, the parking shall be provided as required by Table 3-3 for a shopping center.



## **Parking and Loading**

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2. When a multi-tenant center includes one or more uses that will need more parking than retail uses (e.g., a health/fitness facility, restaurant, or theater) additional parking shall be required for the non-retail use unless a parking reduction is approved in compliance with 17.36.080 (Reduction of Parking Requirements), below.
- E. Alternate use of parking areas prohibited.** Off-street parking areas shall not be used for the repair, servicing, or storage of vehicles or materials, or any other work area. Use of off-street parking areas for the sale of any goods or services may only be allowed with the approval of a Limited Term Permit in compliance with Section 17.72.040.
- F. No reduction of parking facility allowed.** No off-street parking facility shall be reduced in capacity or in area without sufficient additional capacity or additional area being provided in order to comply with the parking regulations of this Chapter, subject to the approval of the Director.
- G. Recreational vehicle (RV) parking spaces.** Off-street recreational vehicle (RV) parking spaces shall be provided as follows for retail uses, shopping centers, and visitor attractions that are required by this Chapter to provide 100 or more off-street parking spaces.
1. **Number of RV spaces required.** RV parking spaces shall be provided at a minimum ratio of one RV space for each 100 off-street vehicle parking spaces, or fraction thereof, required by this Chapter.
  2. **RV stall dimensions.** Each RV parking space shall be designed as a pull-through space with a minimum width of 12 feet and a minimum length of 40 feet, with 14 feet of vertical clearance.
  3. **Modifications by Director.** The Director may modify the provisions of this Subsection through a Minor Variance granted in compliance with Section 17.72.070.
- H. Excessive parking.**
1. The City discourages a land use being provided more off-street parking spaces than required by this Chapter in order to avoid the inefficient use of land, unnecessary pavement, and excessive storm water runoff from paved surfaces.
  2. The provision of off-street parking spaces in excess of 20% of the requirements in Table 3-3 is allowed only with Minor Use Permit approval in compliance with Section 17.72.060, and only when additional landscaping, pedestrian amenities, and necessary storm drain improvements are provided to the satisfaction of the review authority.
- I. Rounding of calculations.** If a fractional number is obtained in calculations performed in compliance with this Chapter, one additional parking space shall be required for a fractional unit of 0.50 or above, and no additional space shall be required for a fractional unit of less than 0.50.
- J. Bench or bleacher seating.** Where fixed seating is provided as benches, bleachers, pews, or similar seating, a seat shall be defined as 24 inches of bench space for the purpose of calculating the number of parking spaces required by Table 3-3.
- K. Parking based on employees.** Whenever parking requirements are based on the number of employees, calculations shall be based on the largest number of employees on duty at any one time.
- L. Use of on-street parking - exception.** Available on-street parking spaces cannot be used to meet the off-street parking requirements identified in this Chapter. An exception to this provision may be granted for a large family day care home, subject to the same Minor Use Permit required for the facility in compliance with Section 17.72.060.

1. The Minor Use Permit may be issued if it meets all of the following criteria, in addition to the findings identified in Section 17.72.060:
  - a. The exception shall be granted only for uses in an existing structure. It shall not be granted for any expansion of gross floor area to a structure, for new construction, or where the use of an existing structure has been intensified by subletting portions of the structure for additional uses;
  - b. The maximum amount of parking which is feasible shall be provided on-site; and
  - c. The exception shall only be granted in situations where the City Engineer has determined that the exception will not result in potentially unsafe conditions for vehicles or pedestrians.
2. Each Minor Use Permit that grants an exception to off-street parking requirements shall be reviewed on an annual basis and, if it is found that the use of on-street parking spaces by the facility is creating a nuisance, the City may initiate proceedings to revoke the Minor Use Permit in compliance with Section 17.98.030 (Revocations and Modifications).

**M. Nonconforming parking.** A use or structure with nonconforming off-street parking (e.g., insufficient off-street parking to meet the current land use requirements in compliance with Table 3-3 [Parking Requirements by Land Use], below) may be physically enlarged (e.g., expansion of structure or outdoor land use) or undergo a change in use in compliance with the following provisions.

1. **Residential uses.** No additional parking spaces shall be required; provided, the change does not increase the number of dwelling units, nor eliminate the only portion of the site that can be used for the required or existing parking or access.
2. **Non-residential uses.**
  - a. The number of existing parking spaces shall be maintained on the site and additional parking spaces shall be provided in compliance with this Chapter and Subparagraph.
  - b. If the use is enlarged (e.g., expansion of structure or outdoor land use) so that it requires more parking than the previous use, only the number of parking spaces required for the enlargement shall be required to be added to the existing parking spaces.
  - c. If the use of the structure is changed to one that requires more parking than the previous use, only the difference between the number of parking spaces required for the previous use and those required for the new use shall be required to be added to the existing parking spaces.
  - d. The change shall not eliminate the only portion of the site that can be used for the required or existing parking or access.
3. **Waiver by Director.** The Director may waive parking requirements when a nonconforming structure is proposed for rehabilitation (e.g., no enlargement or change/intensification of the land use) if the Director determines that the existing structure location, parcel size, or topography renders the requirement unreasonable.

**N. Parking requirements for density bonus projects.** A residential development project that complies with the requirements of Section 17.32.020 (Eligibility for Bonus, Incentives, or Concessions) may have parking requirements approved in compliance with Section 17.32.050 (Parking Requirements in Density Bonus Projects).

**TABLE 3-3 - PARKING REQUIREMENTS BY LAND USE**

<b>Land Use Type: Manufacturing Processing and Warehousing</b>	<b>Vehicle Spaces Required</b>
All manufacturing, industrial, and processing uses, except the following.	1 space for each 200 sf of office area; 1 space for each 500 sf of floor and/or ground area devoted to other than office use; 1 space for each 5,000 sf of open storage.
Media production	1 space for each 300 sf.
Recycling facilities	
Heavy or light processing facilities	Determined by Use Permit.
Large collection facilities	Determined by Use Permit.
Scrap/dismantling yards	1 space for each 300 sf, plus 1 space for each 10,000 sf of gross yard area.
Small collection facilities	Determined by Minor Use Permit.
Wholesaling and distribution	1 space for each 500 sf.
Clubs, community centers, lodges, and meeting halls	1 space for each 100 sf.
Commercial recreation facilities - Indoor, except for the following:	1 space for each 400 sf.
Arcades	1 space for each 200 sf.
Bowling alleys	5 spaces for each lane.
Pool and billiard rooms	2 spaces for each table.
Commercial recreation facilities - Outdoor	Determined by Use Permit.
Conference/convention and sports/entertainment facilities	1 space for each 200 sf.
Equestrian facilities	1 space for each 5 horses boarded.
Golf	
Golf courses and country clubs	4 spaces per hole, plus as required by this table for accessory uses (e.g., banquet room, bar, pro shop, restaurant, etc.).
Golf driving range	1 space for each tee.
Health/fitness facilities	1 space for each 200 sf.
Library, gallery, and museum	1 space for each 400 sf.
Schools (private or public)	
Kindergarten and nursery schools	1 space per employee plus 1 space for each 10 children.
(Middle) Elementary/junior highs	1 space per employee plus 1 space for each 10 students.
(Secondary) High schools	1 space per employee plus 1 space for each 10 students.

**TABLE 3-3 - PARKING REQUIREMENTS BY LAND USE (Continued)**

<b>Land Use Type: Residential (1)</b>	<b>Vehicle Spaces Required</b>
Colleges and universities (including trade, business, and art/music/dancing schools)	1 space per employee plus 1 space for each 5 students.
Studios (art, dance, martial arts, music, etc.)	1 space for each 200 sf.
Theaters, auditoriums , and places of assembly	1 space for each 4 seats or 1 space for each 100 sf of assembly area, whichever would yield more spaces.
Condominiums and condominium conversions	Same as multi-unit housing below.
Live/work unit (live/residential portion only)	2 spaces for each unit.
Mobile home	
Outside of mobile home park	1 covered space for each unit.
Within a mobile home park	2 covered spaces for each mobile home (tandem parking allowed in an attached carport), plus 1 guest parking space for each 4 units. Recreational vehicle parking shall be provided at the rate of 1 space for every 5 units.
Multi-unit housing (2 units or more)	
Studio and 1 bedroom units	1 covered space for each unit, plus 1 space for each 5 units for guest parking.
2 bedroom and larger units	2 covered spaces for each unit, plus 1 space for each 5 units for guest parking.
Residential care facility	1 space for each 2 residential units, plus 1 space for each 4 units for guests and employees.
Residential second unit (Accessory Dwelling Unit = ADU)	Parking for ADUs may: <ol style="list-style-type: none"> <li>1. Be located in front and side yard setback areas;</li> <li>2. Be accommodated through tandem parking;</li> </ol> Additional parking shall not be required when: <ol style="list-style-type: none"> <li>1. Located within one-half mile of public transit;</li> <li>2. Located within the City's Historical District</li> <li>3. The ADU is part of an existing primary residence or an existing accessory structure.</li> </ol>
Senior housing	1 space for each unit with half the spaces covered, plus 1 guest parking space for each 10 units.
Single dwelling enlargements (e.g., enlargement of an existing dwelling)	
0 B 1,200 sf (in addition floor area)	No additional parking requirement.
1,201 B 1,800 sf	2 spaces, at least 1 covered.
1,801 sf and larger	2 covered spaces.
Single dwelling	2 spaces, at least 1 covered.

**Notes:**

- (1) See Chapter 17.21 (Traditional Community Development Zones) for the off-street parking space and drive requirements for the TC, NC, NC-Flex, NG-1, NG-2, and NG-3 zones.

**TABLE 3-3 - PARKING REQUIREMENTS BY LAND USE (Continued)**

<b>Land Use Type: Retail (1)</b>	<b>Vehicle Spaces Required</b>
All "Retail Trade" and general retail uses listed in Section 17.24.030, Table 2-x, except for the following:	1 space for each 250 sf of floor area, plus 1 space for each 300 sf of outdoor sales area.
Auto, RV, and vehicle sales and rental	1 space for each 400 sf of floor area for the showroom and offices, plus 1 space for each 2,000 sf of outdoor display area, plus spaces as required by this Section for parts sales ("retail trade," above), and vehicle services.
Bar, cocktail lounge, night club, tavern	1 space for each 4 seats; or 1 space for each 200 sf of floor area, whichever would yield more spaces.
Building and landscape materials and furniture stores	1 space for each 500 sf of indoor display area for the first 10,000 sf, 1 space for each 1,000 sf of indoor display area over 10,000; 1 space for each 1,000 sf of outdoor display area.
Convenience store	1 space for each 250 sf of floor area.
Restaurant, café, coffee shop	1 space for each 60 sf of dining area.
Service station	1 space for each 300 sf of floor area, plus 3 spaces for each service bay.
Shopping center	1 space for each 250 sf of floor area.

**TABLE 3-3 - PARKING REQUIREMENTS BY LAND USE (Continued)**

<b>Land Use Type: Services (1)</b>	<b>Vehicle Spaces Required</b>
Banks and financial services	1 space for each 200 sf of floor area, plus 4 tandem stacking spaces for each drive-up teller or teller station.
Child day care	
Large family day care home	3 spaces minimum; may include spaces provided to fulfill residential parking requirements and on-street parking so long as it abuts the site.
Child/adult day care center	1 space for each employee, plus 1 space for each 10 children.
Equipment rental	1 space for each 300 sf of floor area; none required for outdoor storage and rental area; provided, sufficient area is provided within the yard to accommodate all customer vehicles entirely on-site.
Freight terminal	1 space for each 1,000 sf of lot area, plus 1 space for each commercial vehicle.
Laundry - Dry cleaning pick-up facilities and Laundromats	1 space for each 300 sf of floor area.
Laundry - Laundries and dry cleaning plants	1 space for each 1,000 sf of floor area.
Lodging	
Bed and breakfast inn; hosted short term rental units; vacation rental home	1 space for each guest room, plus 2 spaces for the manager or owner. For vacation rental home, - if owner or manager do not occupy home – 1 space per each guest room
Hotel or motel	1 space for each unit, plus 2 spaces for the manager or owner, plus required spaces for accessory uses.
Medical services	
Clinic, laboratory, urgent care, doctor office	1 space for each 250 sf of floor area or 4 spaces for each doctor, whichever would yield more spaces.
Extended care	1 space for each 3 beds or patients the facility is licensed to accommodate.
Hospitals	1 space for each bed, plus 1 space for each 500 sf of floor area.
Mortuaries and funeral homes	1 space for each 250 sf of floor area within the facility or 1 space for each 3 seats in the sanctuary, whichever would yield more spaces.
Offices	
Business, service, government	1 space for each 250 sf of floor area.
Processing and corporate	1 space for each 150 sf of floor area.
Professional/administrative	1 space for each 250 sf of floor area.
Personal services and personal services - restricted	

**TABLE 3-3 - PARKING REQUIREMENTS BY LAND USE (Continued)**

<b>Land Use Type: Service Uses (Continued) (1)</b>	<b>Vehicle Spaces Required</b>
All personal service uses except the following	1 space for each 250 sf of floor area.
Barber/beauty shops	2 spaces for each barber or beautician, with a minimum of 4 spaces.
Storage	
Cold storage facilities or ice plants	1 space for each 500 sf of floor area.
Outdoor storage	1 space for each 3,000 sf of lot area.
Personal storage facilities (mini-storage)	4 spaces for the manager's office.
Warehousing	1 space for each 500 sf of floor area.
Vehicle services (major and minor repair)	4 spaces for each service or wash bay, plus spaces for any office as required by this Section for offices.
Veterinary clinics, animal hospitals, boarding, or kennels	1 space for each 250 sf of floor area.
Boarding or kennels separate from other veterinary facilities	1 space per employee, plus 2 spaces.

**Notes:**

- (1) See Chapter 17.21 (Traditional Community Development Zones) for the off-street parking space and drive requirements for the TC, NC, NC-Flex, NG-1, NG-2, and NG-3 zones.

**17.36.050 - Parking for the Disabled**

Parking spaces required for the disabled shall be provided in compliance with all applicable State and Federal requirements. All spaces for the disabled shall be located so that:

- A. The spaces provide easy access from the closest parking area to the major entrances of the use for which they are provided;
- B. The disabled individual is not compelled to wheel or walk behind parked cars other than his or her own; and
- C. A pedestrian way accessible to physically disabled persons shall be provided from each parking space to related facilities including curb cuts and/or ramps.

**17.36.060 - Bicycle Parking**

Each use or development which requires off street parking spaces in compliance with this Chapter may substitute bicycle spaces for vehicle spaces at the rate of eight bicycle spaces for one vehicle space, up to a maximum of 10 percent of the required vehicle spaces, subject to Development Review Committee (DRC) approval.

### **17.36.070 - Motorcycle Parking**

A commercial or other non-residential development may substitute motorcycle spaces for required auto spaces at the rate of one motorcycle space for each 25 auto spaces, up to a maximum of 10 percent of the required vehicle spaces, subject to Development Review Committee (DRC) approval.

### **17.36.080 - Reduction of Parking Requirements**

#### **A. Shared on-site parking.**

1. Where two or more uses on the same site or adjacent parcels have distinct and differing peak parking usage periods (e.g., a theater and a bank), a reduction in the required number of parking spaces may be allowed in the following manner:
  - a. Upon approval of a Minor Use Permit, in compliance with Section 17.72.060, the Director may reduce the total parking space requirement by up to a maximum of 20 percent; or
  - b. Upon approval of a Use Permit, in compliance with Section 17.72.060, the Commission may reduce the total parking space requirement by 20 percent or more.
2. Approval shall also require a recorded covenant running with the land, recorded by the owner of the parking lot, guaranteeing that the required parking will be maintained exclusively for the use served for the duration of the use.

**B. Reduction of required parking.** The review authority may reduce the number of parking spaces required by Section 17.36.040 (Number of Parking Spaces Required), above, through the granting of a Use Permit or Minor Use Permit (depending on the amount of reduction requested) in compliance with Section 17.72.060, based on quantitative information provided by the applicant that documents the need for fewer spaces (e.g., sales receipts, documentation of customer frequency, information on parking standards required for the proposed land use by other cities, etc.).

### **17.36.090 - Parking Design and Development Standards**

Required parking areas shall be designed, constructed, and properly maintained in compliance with the following requirements. Except where noted, the Director may modify the requirements of this Section through Minor Use Permit approval (Section 17.72.060).

**A. Access to parking.** Access to parking areas shall be provided as follows for all parking areas other than garages for individual dwelling units.



## Parking and Loading

1. Parking areas shall provide suitable maneuvering area so that vehicles enter from and exit to a public street in a forward direction only.
  - a. Parking lots shall be designed to prevent access at any point other than at designated access drives.
  - b. Single dwellings and multi-family dwellings units (up to a maximum of four units) are exempt from this requirement, unless specifically required by conditions of a discretionary permit.

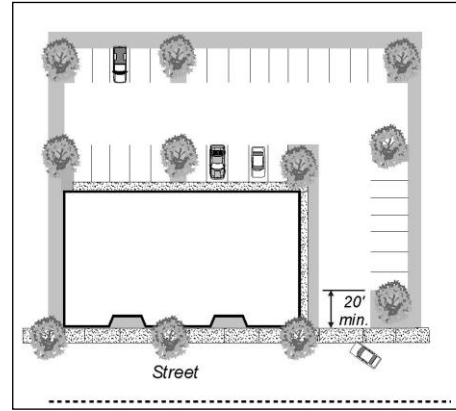


Figure 3-10 - Queuing area

- c. This requirement does not apply to alleys, unless so specified in a specific zone.

2. A non-residential development that provides 50 or more parking spaces shall have access driveways that are not intersected by a parking aisle, parking space, or another access driveway for a minimum distance of 20 feet from the street right-of-way, to provide a queuing or stacking area for vehicles entering and exiting the parking area. See Figure 3-10.
3. A minimum unobstructed clearance height of 14 feet shall be maintained above areas accessible to vehicles within non-residential developments.

### B. Access to adjacent sites.

#### 1. Non-residential developments.

- a. Applicants for non-residential developments are encouraged to provide on-site vehicle access to parking areas on adjacent non-residential properties to provide for convenience, safety, and efficient circulation.
- b. A joint access agreement running with the land shall be recorded by the owners of the abutting properties, as approved by the Director, guaranteeing the continued availability of the shared access between the properties.

2. **Residential developments.** Shared pedestrian access between adjacent residential developments is also strongly encouraged.

### C. Location of parking. Parking areas shall be located as follows:

1. **Residential.** Residential parking shall be located on the same parcel as the uses served.
2. **Non-residential.**
  - a. Non-residential parking shall be located on the same parcel as the uses served, except in the case of shared parking approved in compliance with Section 17.36.080 (Reduction of Parking Requirements).
  - b. Upon approval of a Minor Use Permit in compliance with Section 17.72.060, the Director may allow the parking to be located within 300 feet of the parcel if shared parking, in compliance with Subsection 17.36.080.A (Shared on-site parking), above, or public parking facilities are used to meet the parking requirements.

### 3. Within required setbacks.

- a. Non-residential parking shall not be located within a required front setback.
- b. Parking may be located within a required side or rear setback; provided that it is separated from the side or rear property line by a minimum five-foot wide landscaped area.

### D. Parking space and lot dimensions.

1. **Minimum parking space and driveway dimensions.** Each parking space, driveway, and other parking lot features shall comply with the minimum dimension requirements in Tables 3-4 and 3-5, below, and as illustrated in Figures 3-11 and 3-12. The Director shall not reduce these requirements.

**TABLE 3-4 - MINIMUM STANDARD PARKING SPACE CONFIGURATION**

Minimum Standard Space Requirements	
Width	Length
9 ft	18 ft

**TABLE 3-5 - STANDARD VEHICLE SPACE REQUIREMENTS**

Angle	Space Width	Space Depth*	Space Length	Aisle Width	
				One-Way	Two-Way
Parallel	9 ft	9 ft	22 ft	12 ft	24 ft
30E	9 ft	18 ft	20 ft	12 ft	N/A
45E	9 ft	20 ft 6 in	20 ft	14 ft	N/A
60E	9 ft	22 ft	20 ft	18 ft	N/A
Perpendicular	9 ft	18 ft	18 ft	24 ft	24 ft

\* Measured perpendicular to aisle

2. **Space width abutting a column, fence, or wall.** When the length of a parking space abuts a column, fence, wall, or other obstruction, the required width of the entire parking space shall be increased by at least one foot.
3. **Vehicle overhanging landscaped area or walkway prohibited.** The required length of a parking space shall not provide for a vehicle overhanging a landscaped area (other than landscaped areas planted with grass or groundcover), sidewalk or walkway. The entire length shall be composed of a surfacing material in compliance with Subsection H. (Proper grading, surfacing, and maintenance of parking lots required), below.

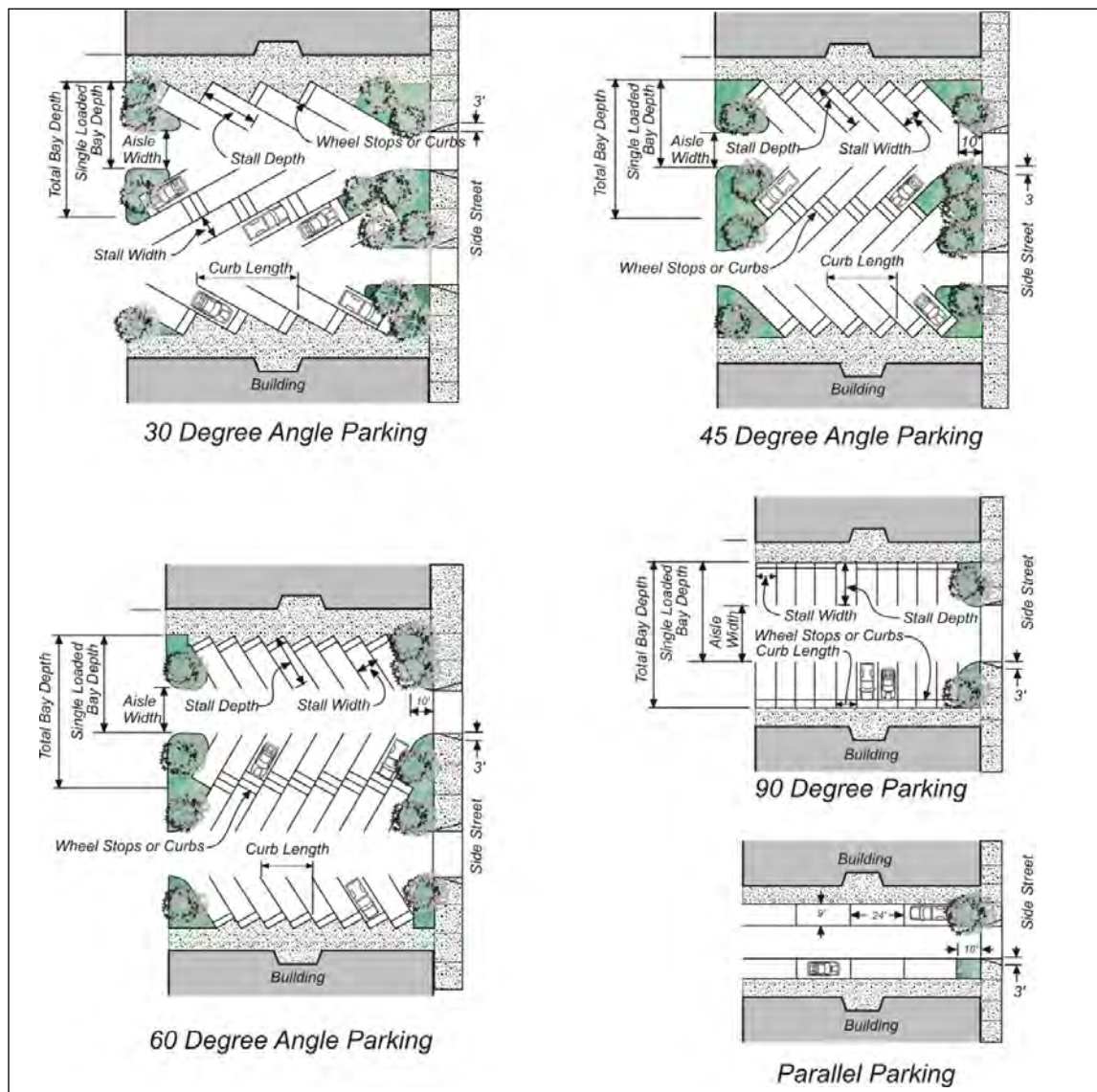


Figure 3-11 - Parking lot dimensions

#### 4. Use of compact vehicle spaces.

##### a. Allowable use of compact vehicle spaces.

- (1) The first 10 spaces of any project shall be standard sized spaces.
- (2) In multi-family residential projects, up to 20 percent of the required uncovered parking spaces may be compact spaces.
- (3) For non-residential projects, up to 20 percent of the required parking spaces may be compact spaces.

- b. Compact spaces shall be clearly labeled for compact cars@ in compliance with the sign standards established by Chapter 17.38 (Signs), and grouped together in one or more locations or at regular intervals so that only compact vehicles can easily maneuver into the space.
- c. Existing non-residential developments that wish to utilize this Subparagraph to create additional parking spaces (e.g., either by adding land area to an existing parking lot or modifying an existing parking lot to gain more spaces) shall first apply for Minor Use Permit approval in compliance with Section 17.72.060.
- d. For each compact vehicle space provided as allowed by this Subparagraph, 35 square feet of additional landscaped area shall be provided within the parking lot area.
- e. Design techniques (e.g., use of lampposts and/or extra landscaped areas at the front of compact spaces) shall be incorporated into the parking lot plan to preclude the parking of standard size vehicles in compact vehicle spaces, subject to the approval of the Director.
- f. The minimum off-street parking dimensions for compact vehicle spaces shall be as identified in Table 3-6 (Minimum Compact Parking Space Configuration), below.

**TABLE 3-6 - MINIMUM COMPACT PARKING SPACE CONFIGURATION**

Minimum Compact Space Requirements	
Width	Length
8 ft	16 ft

**TABLE 3-7 - COMPACT VEHICLE SPACE REQUIREMENTS**

Angle	Space Width	Space Depth*	Space Length	Aisle Width	
				One-Way	Two-Way
Parallel	8 ft	8 ft	18 ft	12 ft	24 ft
30E	8 ft	15 ft 6"	16 ft	12 ft	N/A
45E	8 ft	17 ft	16 ft	14 ft	N/A
60E	8 ft	18 ft	16 ft	18 ft	N/A
Perpendicular	8 ft	16 ft	16 ft	24 ft	24 ft

\* Measured perpendicular to aisle

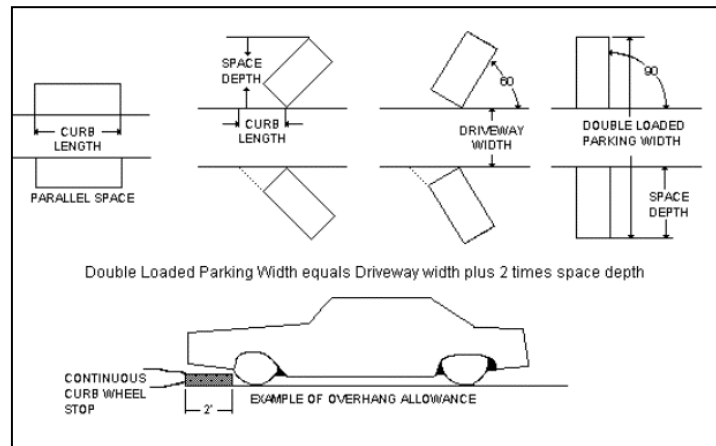


Figure 3-12 - Parking space dimensions

- g. When the length of a compact parking space abuts a column, fence, wall, or other obstruction, the required width of the entire parking space shall be increased by at least one foot.
- E. **Landscaping.** Landscaping shall be provided in compliance with Section 17.34.040 (Landscaping Standards).
- F. **Lighting.** Lighting shall be provided in compliance with Section 17.30.060 (Outdoor Lighting).
- G. **Striping and identification.**
  - 1. Parking spaces shall be clearly outlined with four-inch wide lines painted on the parking surface.
  - 2. The striping shall be continuously maintained in a clear and visible manner in compliance with the approved plans.
- H. **Proper grading, surfacing, and maintenance of parking lots required.**
  - 1. All grading plans relating to the parking facilities shall be reviewed and approved by the City Engineer before any work can commence.
    - a. All off-street parking facilities shall be properly graded and drained so as to dispose of all surface water accumulated within the area of the parking lot.
    - b. In no instance shall a storm drainage facility be designed to allow the flow of water into abutting property.
  - 2. All parking spaces and maneuvering areas shall be properly surfaced with not less than two inches of asphaltic concrete, or three and one-half inches of Portland cement concrete, or comparable material (e.g., pervious surfaces) as determined by the City Engineer, and shall be continually maintained in a clean and orderly manner and kept in good repair at all times.
- I. **Tandem parking prohibited.** Use of tandem parking (when one space is located directly behind another) shall not be allowed to satisfy the off-street parking requirements of this Chapter. The Director may not modify this prohibition.

**J. Wheel stops/curbing.**

1. Continuous concrete curbing at least six inches high and six inches wide shall be provided for parking spaces located adjacent to fences, walls, property lines, landscaped areas, and structures.
2. Individual wheel stops may be provided in lieu of continuous curbing only when the parking is adjacent to a landscaped area, and the drainage is directed to the landscaped area.
3. When provided, wheel stops shall be placed to allow for two feet of vehicle overhang area within the dimension of the parking space.

**K. Continuous curb cuts prohibited.** Access to an off-street parking lot shall not be allowed to occur through the use of a continuous curb cut (e.g., where most or all of the street frontage is provided as a curb cut for access purposes).

**L. Parking areas within a commercial structure.** No parking area located within the interior of a non-residential structure shall be counted in meeting the off-street parking requirements of this Chapter, except when located within a parking garage available to employees and/or the general public.

**M. Entrance or exit adjacent to side property line prohibited.** No entrance or exit, including driveways, to off-street parking areas shall be situated closer than three feet from a side property line, except in the case of a driveway serving more than one parking lot (e.g., a shared driveway), which shall be subject to the approval of the Director.

**N. Deviation from standards requires a detailed study.** No proposed parking layout which deviates from the standards identified in this Section and which could create a safety hazard(s) shall be allowed unless the developer provides a detailed, stamped report or study prepared by a registered transportation engineer which demonstrates to the satisfaction of the City Engineer, the Director, and the Commission that the parking layout is a viable alternative and is consistent with the purpose of this Chapter.

### **17.36.100 - Driveways and Site Access**

**A. Compliance with the City Improvement Standards required.** Each driveway providing site access from a street, alley, or other public right-of-way shall be designed, constructed, and properly maintained in compliance with the City Improvement Standards.

**B. Clearance from obstructions.**

1. The nearest edge of a driveway curb cut shall be at least three feet from the nearest property line, the centerline of a fire hydrant, light standard, traffic signal, utility pole, or other similar facility.
2. Street trees shall be a minimum of 10 feet from the driveway access, measured at the trunk.
3. A driveway shall have an overhead clearance of 14 feet in height except within a parking structure, which may be reduced to seven feet, six inches.

**C. Traffic safety visibility areas.** Structures or landscaping over three feet in height shall not be allowed within a traffic safety visibility area, with the exception of trees with the canopy trimmed to a minimum of six feet in height. See Section 17.30.050.E (Height limit at street corners).

**D. Surfacing.**

1. Within all zones, driveways shall be paved and permanently maintained with asphalt, concrete, or approved paving units.
2. Within other zones (e.g., single dwelling), driveways may be constructed with the use of other all-weather surfacing as determined to be appropriate by the City Engineer, where it is first determined that a surface other than asphalt or concrete is consistent with the driveways of similar properties in the vicinity, and that the alternate surface will not impair accessibility for emergency vehicles.
3. A driveway with a slope of 10 percent or more shall be paved with rough surface concrete in all cases.

**17.36.110 - Loading Space Requirements**

Off-street loading spaces shall be provided as required by this Section. The Director may modify these requirements through Minor Use Permit approval (Section 17.72.060), where the Director first determines that the operating, shipping, and delivery characteristics of the use do not require the number or type of loading spaces required by this Section.

**A. Number of loading spaces required.** Non-residential uses shall provide off-street loading spaces in compliance with Table 3-8 (Required Off-street Loading Spaces), below.

1. Where Table 3-8 expresses a loading requirement based on floor area in square feet (for example: 5,000 to 10,000 sf), "sf" means square feet of gross interior leaseable floor area, unless stated otherwise.
2. Loading docks instead of loading spaces shall be required at large retail stores, home improvement centers, and large shopping centers, as determined by the Director.
3. Loading spaces, rather than loading docks, shall be required for convenience stores, offices, restaurants, small shopping centers where truck deliveries occur on a regular basis, but where the Director determines that a loading dock is not necessary.
4. Interior loading facilities are strongly encouraged wherever determined to be feasible.

**TABLE 3-8 - REQUIRED OFF-STREET LOADING SPACES**

Total Gross Floor Area	Loading Spaces Required
Under 15,000 sf.	None required; except a grocery store greater than 5,000 sf. requires 1 space.
15,000 to 50,000 sf.	1 space.
Over 50,000 sf.	2 spaces.

**B. Standards for off-street loading areas.** Off-street loading areas shall comply with the following standards.

1. **Minimum dimensions.** The dimensions of off-street loading spaces shall comply with Table 3-9 (Minimum Loading Space Configuration), below.

**TABLE 3-9 - MINIMUM LOADING SPACE CONFIGURATION**

Minimum Loading Space Requirements		
Width	Length	Vertical Clearance
12 ft	40 ft	14 ft

2. **Lighting.** Loading areas shall have lighting capable of providing adequate illumination for security and safety; lighting shall also comply with the requirements of Section 17.30.060 (Outdoor Lighting).
3. **Location.** Loading spaces shall be:
  - a. As near as possible to the main structure and limited to the rear two-thirds of the parcel, if feasible;
  - b. Situated to ensure that the loading facility is screened from adjacent streets;
  - c. Situated to ensure that loading and unloading takes place on-site and in no case faces a public street, or is located within a required front or street side setback, adjacent public right-of-way, or other on-site traffic circulation areas;
  - d. Situated to ensure that all vehicular maneuvers occur on-site. The loading areas shall allow vehicles to enter from and exit to a public street in a forward motion only;
  - e. Situated so that trucks parking in them will not encroach onto the public right-of-way or into required parking spaces or driveways. Loading spaces designed for larger trucks shall have appropriately larger access to allow maneuvering without encroaching into landscaped areas; and
  - f. Situated to avoid adverse impacts upon neighboring residential properties. The review authority may restrict times allowed for loading and deliveries for loading spaces that are located closer than 100 feet to a residential zone.
4. **Loading ramps.** Plans for loading ramps or truck wells shall be accompanied by a profile drawing showing the ramp, ramp transitions, and overhead clearances.
5. **Screening.** Loading areas shall be screened from abutting parcels and streets with a combination of dense landscaping and solid masonry walls with a minimum height of six feet.
6. **Striping.**
  - a. Loading spaces shall be striped, and identified for "loading only."
  - b. The striping and "loading only" notations shall be continuously maintained in a clear and visible manner in compliance with the approved plans.



### **7. Surfacing.**

- a. All loading areas shall be surfaced with asphalt, concrete pavement, or comparable material as determined by the City Engineer and shall be graded to dispose of all surface water to the satisfaction of the City Engineer.
- b. All grading plans relating to the loading facilities shall be reviewed and approved by the City Engineer before any work can commence.

### **17.36.120 - Parking In-Lieu Fees**

- A. Compliance with Ordinance No. 350.** In compliance with Ordinance No. 350, any person who applies for a permit for the alteration or construction of a non-residential structure or proposes to change the use of an existing non-residential structure within the City's Downtown Area and environs shall provide the number of off-street parking spaces required by Section 17.36.040 (Number of Parking Spaces Required), above, or pay to the City an in-lieu fee for parking improvements in compliance with Council Resolution No. 84-276, as that resolution may be amended from time to time.
- B. Criteria for determining amount of payment.** In addition to the costs associated with land acquisition, the projected costs of providing all of the following services and improvements, based upon 350 square feet of site area for each parking space, shall be used in determining the amount of the required in-lieu payment:
  1. Asphalt surfacing;
  2. Drainage;
  3. Engineering, inspection, and contingencies;
  4. Grading;
  5. Landscaping/screening;
  6. Sand and grease traps;
  7. Striping and wheel stops; and
  8. The cost of maintaining the space for 10 years.
- C. Establishment of value of off-street parking facilities.** In compliance with Council Resolution No. 84-276, as that resolution may be amended from time to time, the Council shall establish the value of off-street parking facilities in the City's Downtown Area and environs on a per-parking-space basis. Initially, the in-lieu fee shall be \$2,000.00 for each parking space. Funds collected by the City from the payments shall be deposited into a special fund and shall be used by the City only for the purpose of acquiring and/or developing future off-street parking facilities.
- D. Municipal parking lot plan.** A parking in-lieu fee may be accepted by the City only after it has been determined that payment of a fee will lead to the provision of conveniently located off-street parking facilities which are consistent with a currently adopted municipal parking lot plan. The plan shall determine, at a minimum, areas of need, potential parking lot locations, and proposed parking capacities.

## **Parking and Loading**

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- E. Parking facilities which are provided by the City.** All off-street parking facilities which are provided by the City shall, in addition to benefitting the employees, guests, and/or patrons of the subject property, be made available for use by members of the general public. In no instance shall a publicly developed parking facility provide parking for less than eight to 10 vehicles.
- F. Optional forms of financing.** When it has been determined that parking in-lieu fees are unable to generate the revenues necessary to provide adequate off-street parking facilities in both a timely fashion and in a manner which contributes to the alleviation of traffic congestion, the City may choose to sell bonds or provide other forms of financing as an added means of providing the required moneys.
- G. Five-year capital improvements program.** The City shall provide for the establishment of parking lot facilities through the adoption and/or amendment of a five-year capital improvements program.

## CHAPTER 17.38 - SIGNS

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### Sections:

- 17.38.010 - Purpose
- 17.38.020 - Applicability
- 17.38.030 - Sign Permit Requirements
- 17.38.040 - Exemptions from Sign Permit Requirements
- 17.38.050 - Prohibited Signs
- 17.38.060 - General Requirements for All Signs
- 17.38.070 - Zoning District Sign Standards
- 17.38.080 - Standards for Specific Sign Types
- 17.38.090 - Nonconforming Signs
- 17.38.100 - Public Nuisance, Abatement, and Violation
- 17.38.110 - Judicial Review

### 17.38.010 - Purpose

- A. **Purpose of Chapter.** The regulations established by this Chapter are intended to appropriately limit the number, placement, size, and type of signs allowed within the City, and to require the proper maintenance of signs.
- B. **Purpose of limitations.** The purposes of these limitations and requirements are to:
  - 1. Avoid traffic safety hazards to bicyclists, motorists, and pedestrians, caused by visual distractions and obstructions;
  - 2. Promote the aesthetic and environmental values of the community by providing for signs that do not impair the attractiveness of the City as a place to live, work, and shop;
  - 3. Provide for signs as an effective channel of communication, while ensuring that signs are aesthetically proportioned in relation to adjacent structures and the structures to which they are attached;
  - 4. Safeguard and protect the public health, safety, and general welfare; and
  - 5. Advance the community design standards and safety standards identified in the General Plan.

### 17.38.020 - Applicability

- A. **Signs regulated.** The requirements of this Chapter shall apply to all signs in all zones.
- B. **Applicability to sign content.** The provisions of this Chapter do not regulate the message content of signs (sign copy), regardless of whether the message content is commercial or non-commercial.
- C. **Definitions.** Definitions of the specialized terms and phrases used in this Chapter may be found in Article 10 (Glossary) under the term "Sign."

## 17.38.030 - Sign Permit Requirements

### A. Sign permit required.

1. **Approval required.** No sign shall be constructed, installed, or modified, unless a sign permit is first obtained in compliance with this Section, or the sign is allowed without a sign permit by Section 17.38.040 (Exemptions from Sign Permit Requirements), below.
2. **Sign permit application required with development application.** All sign permit applications associated with a proposed development shall be submitted and reviewed concurrently with the development permit application. Both applications shall be reviewed and approved or denied by the review authority.
3. **Compliance with standards required.** No sign permit shall be approved for an existing or proposed sign unless the sign is in compliance with all applicable requirements of this Chapter.
4. **Need for Building Permits.** Sign permit applications shall be routed to the Building Official. When, in the Building Official's determination, a separate electrical, plumbing, or structure permit is required, the applicant shall be notified and the sign permit shall not be issued until all other required permits are first obtained from the Building Department.
5. **Temporary signs.** Temporary signs shall comply with Sections 17.38.040 C. (Temporary signs), and Section 17.38.080 (Standards for Specific Sign Types), below.

**B. Master Sign Program required.** A Master Sign Program reviewed and recommended by the Development Review Committee (DRC) and approved by the Commission shall be required for any site with two or more tenants or five or more total signs. As part of Master Sign Program approval, the Commission may grant exceptions to the standards of this Chapter for the maximum number and size of signs, based on design features including architectural style, building mass, proportion to landscaping, and site visibility.

**C. Review authority.** Table 3-9 (Sign Permit Review Authority) identifies the responsible review authority for each type of sign approval.

**TABLE 3-9 - SIGN PERMIT REVIEW AUTHORITY**

Type of Action	Role of Review Authority			
	Director	Development Review Committee	Planning Commission	City Council
Master Sign Programs, murals, and Sign Exception Permits (1).	Recommend	Recommend	Decision	Appeal
All monument signs and signs within specified areas.	Recommend	Issue	Appeal	Appeal
All other Sign Permits	Issue		Appeal	Appeal

Note:

- (1) A Sign Exception Permit allows the Commission to approve a sign which exceeds the sign standards specified in this Chapter.

- D. Application requirements.** An application for a sign permit shall be filed and processed in compliance with Chapter 17.70 (Permit Application Filing and Processing). The application shall be accompanied by detailed and fully dimensioned plans, architectural drawings and sketches, and data/materials identified in the Department application for sign permits, and any applicable fees. It is the responsibility of the applicant to establish evidence in support of the findings required by Subsection E., (Findings for approval), below.
- E. Findings for approval.** The approval of a sign permit shall require that the review authority first make all the following findings, as relevant to the specific application.
1. The proposed sign complies with the standards of Sections 17.38.070 (Zone Sign Standards) and 17.38.080 (Standards for Specific Sign Types), and are of the minimum height and size necessary to enable pedestrians and motorists to readily identify the facility or site from a sufficient distance to safely and conveniently access the facility or site;
  2. The placement of the sign on the site is appropriate to its height, whether the sign is a freestanding or projecting;
  3. A proposed flush or projecting sign relates to the architectural design of the structure. Signs that cover windows, or that spill over and/or cover architectural features shall be prohibited;
  4. The proposed sign does not unreasonably block the sight lines of existing signs on adjacent properties;
  5. The placement and size of the sign will not impair pedestrian or vehicular safety;
  6. The design, height, location, and size of the sign is visually complementary and compatible with the scale, and architectural style of the primary structures on the site, any prominent natural features on the site, and structures and prominent natural features on adjacent properties on the same street; and
  7. The proposed sign is in substantial compliance with the design criteria in Subsection 17.38.060 F. (Sign design criteria and guidelines), below and the City's Design Guidelines.
- F. Expiration and extension of sign permit approval.**
1. A sign permit shall expire 12 months from the date of approval unless the sign has been installed, or a different expiration date is stipulated at the time of approval. Before the expiration of a sign permit, the applicant may apply to the Department for an extension of up to an additional 12 months from the original date of expiration.
  2. The expiration date of the sign permit shall be automatically extended to concur with the expiration date of the companion Building Permit or other applicable permits for the project.

### 17.38.040 - Exemptions from Sign Permit Requirements

The following signs, and sign-related maintenance and modification activities, are allowed without sign permit approval; provided, they comply with Section 17.38.060 (General Requirements for All Signs), below, and any required Building Permit is obtained.

**A. Nonstructural modifications and maintenance.**

1. Modifications to sign copy on conforming signs, or changes to the face or copy of conforming changeable copy signs; and
2. The normal maintenance of conforming signs, except as identified in Subsection 17.38.060 I. (Sign maintenance), below.

**B. Identification signs.** Street identification and house identification signs not exceeding two square feet.

**C. Temporary signs.** The following temporary signs are allowed without a sign permit.

1. **Real estate signs.** Real estate signs are allowed without a sign permit in compliance with California Civil Code Section 713, and subject to the following requirements.
  - a. **Commercial, industrial, and other non-residential zones.** Properties within commercial, industrial, and other non-residential zones shall be allowed one real estate sign of no more than 16 square feet, with a maximum height for freestanding signs of six feet, for each parcel street frontage.
  - b. **Residential zones.** One non-illuminated real estate sign not more than four square feet in area, including riders, advertising the lease, rent, or sale of a parcel or structure, may be located on the property it advertises.
2. **Political signs.** Political signs are allowed in compliance with the following requirements.
  - a. No political sign shall be erected prior to 90 days before the election to which the sign pertains.
  - b. In commercial, industrial, and other non-residential zones, each political sign and the total of all political signs on a parcel shall not exceed 32 square feet in total sign area.
  - c. In residential zones, no political sign shall exceed four square feet in total sign area.
  - d. No political sign shall be located within a public right-of-way.
  - e. All political signs shall be removed within 5 days after the election to which the signs pertain.
3. **Window signs.** Temporary window signs are allowed without a sign permit in compliance with Section 17.38.080 J. (Window signs), below, and the area of the signs shall not count towards the maximum allowable sign area.

**D. Governmental signs.** Signs installed by the City, County, or a Federal or State governmental agency, because of their responsibilities for the protection of public health, safety, and general welfare, include the following:

1. Emergency and warning signs necessary for public safety or civil defense;

## **Signs**

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2. Traffic signs erected and maintained by an authorized public agency;
3. Legal notices, licenses, permits, and other signs required to be displayed by law;
4. Signs showing the location of public facilities (e.g., public telephones, restrooms, and underground utilities); and
5. Any sign, posting, notice, or similar sign placed by or required by a governmental agency in carrying out its responsibility to protect the public health, safety, and general welfare.

### **E. Miscellaneous signs.**

1. Address numbers not exceeding 12 inches in height.
2. Directional signs less than four (4) square feet in size.
3. Official flags of national, State, or local governments, or nationally recognized fraternal, public service, or religious organizations; provided, the length of the flag shall not exceed one-fourth the height of the flag pole, and the flag is not used for commercial advertising.
4. Illumination, patterns, pictures, and/or symbols approved as architectural ornamentation or decoration by the review authority.
5. Historical plaques erected and maintained by non-profit organizations, memorials, building cornerstones, and date-constructed stones; provided, that none of these exceed four square feet in area.
6. Service station price signs required by State law, not exceeding the number and area required by State law. The signs shall not be internally illuminated.
7. Signs or displays located entirely inside of a structure and not clearly visible from public view.
8. Signs created by landscaping (e.g., all of the letters and/or symbols are composed entirely of approved landscape elements).
9. Small, temporary signs, otherwise in compliance with the duration, number, and size requirements of this Chapter, that address non-commercial issues.

### **17.38.050 - Prohibited Signs**

**A. Types of prohibited signs.** All signs not expressly allowed by this Chapter shall be prohibited.

**B. Examples of prohibited signs.** Examples of prohibited signs include the following:

1. A-board and other portable sidewalk signs;
2. Abandoned signs;
3. Animated signs, including electronic message display signs, and variable intensity, blinking, or flashing signs, or signs that emit a varying intensity of light or color, including time and temperature displays;
4. Billboards and any other off-premise signs, except as allowed by Civil Code Section 713 (See Section 17.38.080 I. - Tourist oriented directional signs, above);
5. Digital monument signs and internally illuminated canopy signs in the Historical Combining Zone (H);

## **Signs**

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6. Flags, except as specifically allowed by Subparagraph 17.38.040 E. 2. (Official flags), above;
7. Freeway oriented signs, unless the sign meets the criteria listed in Subsection 17.38.080 D;
8. Illegal signs;
9. Inflatable or tethered signs or devices;
10. Internally illuminated signs, except where authorized by a Sign Exception Permit, and determined by the review authority to constitute a design element that is integrated with and enhances building architecture;
11. Moving signs, and other similar signs that are stationary but contain moving parts;
12. Obscene signs;
13. Pennants and streamers, except in conjunction with an athletic event, carnival, circus, or fair, or as allowed in Subsection 17.38.080 H. (Temporary signs), below;
14. Pole signs, unless the sign meets the criteria listed in subsection 17.38.080 C;
15. Reader board signs;
16. Roof signs;
17. Because of the City's compelling interest in ensuring traffic safety, signs that simulate in color, size, or design, any traffic control sign or signal, or that make use of characters, symbols, or words in a manner that interferes with, misleads, or confuses pedestrian or vehicular traffic;
18. Second story or higher awning and window signs;
19. Signs in the form or shape of a directional arrow, or otherwise displaying a directional arrow, except as may be approved by the review authority, or as may be required for safety and convenience and for control of pedestrian or vehicular traffic within the premises of the subject use;
20. Signs attached to or suspended from a boat, float, vehicle, or other movable objects parked within a public right-of-way, or in a location on private property that is visible from a public right-of-way, except a sign painted directly upon, magnetically affixed to, or permanently affixed to the body or other integral part of the vehicle;
21. Signs burned, cut, or otherwise marked on or otherwise affixed to a hillside or tree;
22. Signs with reflective material;
23. Signs within the public right-of-way, except for signs installed or maintained by a government agency for traffic safety and directional purposes, in compliance with Subsection 17.38.060 E. (Signs placed within the public right-of-way), below;
24. Signs in residential zones, except as specifically allowed in this Chapter;
25. Signs held or supported by human beings; except for non-commercial signs;
26. Signs in storage or in the process of assembly or repair, located outside on premises other than that advertised in the signs, that are visible from a public right-of-way; and
27. Temporary and portable signs, except as specifically allowed by Subsection 17.38.080 M. (Temporary signs), below.



### 17.38.060 - General Requirements for All Signs

The following rules shall govern the computation of sign area and height measurements.

A. **Sign area measurement.** Measurements to determine compliance with the sign area limitations of this Chapter shall occur as follows.

1. **Surface area.** The surface area of a sign shall be calculated by enclosing the extreme limits of all emblem, framing, logo, representation, writing, or other display within a single continuous perimeter composed of squares or rectangles with no more than eight perimeter lines. See Figure 3-13.
2. **Sign structure.** Supporting bracing or framework that is determined by the Director to be clearly incidental to the display itself shall not be included in the calculation of total sign area.

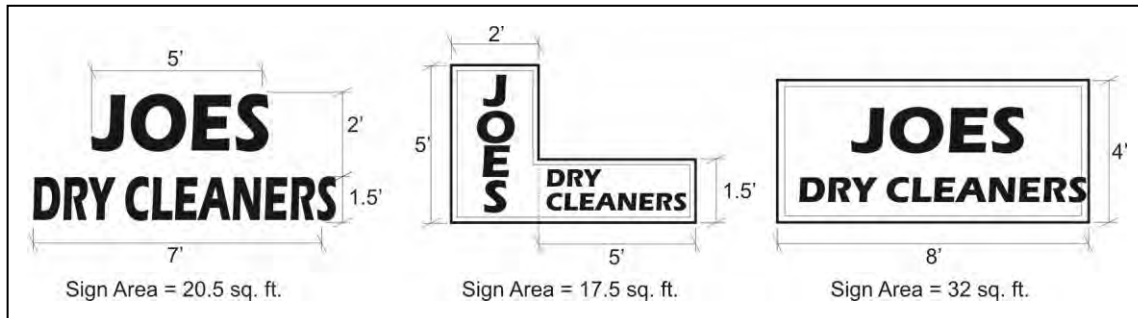


Figure 3-13 - Sign area measurement

3. **Multi-faced signs.** The area of a double-faced sign shall be calculated for one face only, unless the two faces are not back-to-back, parallel, and/or are separated by more than 12 inches.
4. **Three-dimensional objects.** The area of a sign consisting of one or more three-dimensional objects (e.g., balls, cubes, clusters of objects, sculpture, or statue-like trademarks), shall be measured as their maximum projection upon a vertical plane. See Figure 3-14.

B. **Sign height measurement.** The height of a sign shall be computed as the vertical distance from the lowest point of the base of the sign at normal grade, to the top of the highest attached component of the sign. See Figure 3-15. Normal grade shall be construed to be the lower of either the:

1. Existing grade before construction; or
2. Newly established grade after construction, exclusive of any berming, filling, mounding, or excavating solely for the purpose of locating the sign.

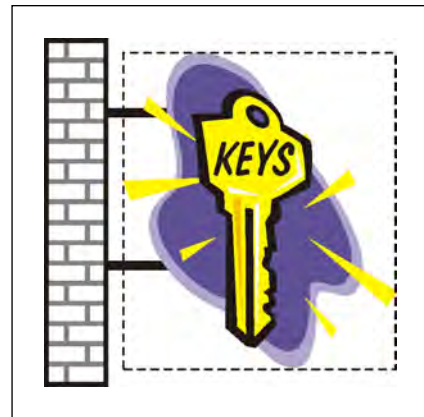


Figure 3-14 - 3-D sign area measurement

### C. Sign height limitations.

#### 1. Maximum height for freestanding monument style signs.

- a. A freestanding sign shall not exceed a height of six feet above normal grade in all zones. Sloped sites may allow for a height of eight feet with a six-foot average height.
- b. Normal grade shall be construed in compliance with Subsection B. (Sign height measurement), above.

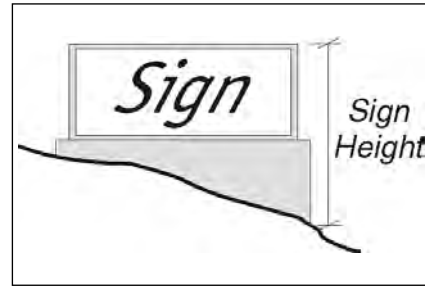


Figure 3-15 - Sign height

#### 2. Maximum height for signs on structures. The top of a sign mounted on a structure shall not extend higher than the lesser of:

- a. The top of the wall to which the sign is attached, in the case of a one-story structure;
- b. The window sills of the second floor, in the case of a multi-story structure; or
- c. Twenty feet above normal grade.

### D. Sign location requirements. Each sign shall be located in compliance with the following requirements, and all other applicable provisions of this Chapter.

1. Each sign shall be located on the same site as the subject of the sign, except as otherwise allowed by this Chapter.
2. No sign shall project over public property or into the public right-of-way, except where the City has granted an Encroachment Permit in addition to a sign permit. Any sign within the public right-of-way shall be in compliance with Subsection E. (Signs placed within the public right-of-way), below.
3. No sign shall be placed so as to interfere with the operation of a door, fire escape, or window.

### E. Signs placed within the public right-of-way.

1. No sign shall be allowed within the public right-of-way, except for the following:
  - a. Bus stop signs installed by a public transit company;
  - b. Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized work within the public right-of-way;
  - c. Informational signs of a public utility regarding its lines, pipes, poles, or other facilities;
  - d. Projecting signs, including marquee signs and suspended signs, which shall comply with the following requirements:
    - (1) The minimum clearance between the lowest point of a sign and the grade immediately below shall be eight feet;
    - (2) The minimum horizontal clearance between a sign and the curb line shall be two feet. The maximum projection over a public sidewalk shall be two-thirds the width of the sidewalk or six feet, whichever is less; and

(3) The top of a projecting sign shall not exceed the height of the face of the structure by which it is supported nor be located above the top of the second floor of the structure.

- e. Public signs erected by or on behalf of a governmental agency to convey public information, identify public property, post legal notices, or direct or regulate pedestrian or vehicular traffic; or
- f. Tourist oriented directional signs, when erected and/or installed in compliance with Subsection 17.38.080 I. (Tourist oriented directional signs), below.

**F. Sign design criteria and Guidelines.** The following design criteria, as well as the City's Design Guidelines, as they may be amended from time to time, shall be used in reviewing the design of individual signs. Substantial compliance with each of the following design criteria and the adopted Design Guidelines shall be required before a sign permit or Building Permit can be approved.

1. **Color.** Colors on signs and structural members should be harmonious with one another and relate to the dominant colors of the other structures on the site. Contrasting colors may be utilized if the overall effect of the sign is still compatible with the structure colors and prevailing colors in the surrounding neighborhood (where a theme can be identified).
2. **Design and construction.** The intent of this Subsection is to ensure public safety, achieve signs of careful construction, neat and readable copy, and durability, to reduce maintenance costs, and to prevent dilapidation.
  - a. Each sign shall be designed by a professional (e.g., architect, artist, building designer, landscape architect, interior designer, or another whose principal business is the design, manufacture, or sale of signs), or others who are capable of producing professional results.
  - b. Each permanent sign shall be constructed by persons whose principal business is building construction or a related trade including sign manufacturing and installation businesses, or others capable of producing professional results.
3. **Materials and structure.**
  - a. Sign materials (including framing and supports) shall be representative of the type and scale of materials used on the primary on-site structure and on other on-site signs.
  - b. The materials of a permanent sign shall be durable and capable of withstanding weathering over the life of the sign with reasonable maintenance.
  - c. The size of the structural members (e.g., braces, columns, and crossbeams) shall be proportional to the sign panel they are supporting. In general, fewer larger supporting members are preferable to many smaller supports.
  - d. The use of individual letters incorporated into the design of a structure is encouraged, rather than signs with background and framing other than the structure wall.

4. **Street address.** The review authority may require that a sign include the site street address, where it determines that public safety and emergency vehicle response would be more effectively served than if the street address were displayed solely on one or more structures on the site.
- G. **Copy design guidelines.** The City does not regulate the message content (copy) of signs; however, the following are principles of good copy design and layout that can enhance the readability and attractiveness of signs. Copy design and layout consistent with these principles is encouraged, but not required.
1. Sign copy should relate only to the name and/or nature of the business or commercial center.
  2. Permanent signs that advertise continuous sales, special prices, or include phone numbers, etc. should be avoided.
  3. Information should be conveyed briefly or by logo, symbol, or other graphic manner. The intent should be to increase the readability of the sign and thereby enhance the identity of the business.
  4. The area of letters or symbols should not exceed 40 percent of the background area in commercial, industrial, and other non-residential zones or 60 percent in residential zones.
  5. Freestanding signs should contain the street address of the parcel or the range of addresses for a multi-tenant center.
- H. **Sign lighting.** Sign lighting shall be designed to minimize light and glare on surrounding rights-of-way and properties in compliance with Section 17.30.060 (Outdoor Lighting) and the following.
1. External light sources shall be directed and shielded so they do not produce glare on any object other than the sign, and/or off the site of the sign.
  2. The light illuminating a sign shall not be of a brightness or intensity that will interfere with the reasonable enjoyment of residential properties.
  3. Sign illumination shall not blink, flash, flutter, or change light brightness, color, or intensity.
  4. Colored lights shall not be used at a location or in a manner so as to be confused or construed as traffic control devices.
  5. Neither the direct nor reflected light from primary light sources shall create hazards for pedestrians or operators of motor vehicles.
  6. Reflective-type bulbs and incandescent lamps that exceed 15 watts shall not be used so as to expose the face of the bulb or lamp to a public right-of-way or adjacent property.
  7. Light sources shall utilize hard-wired fluorescent or compact fluorescent lamps, or other lighting technology that is of equal or greater energy efficiency.
  8. Permanently installed illuminated panels, visible tubing, and strings of lights outlining all or a portion of a structure, other than lighting that is primarily for indirectly illuminating architectural features, signs, or landscaping, shall be deemed Asigns@ subject to this Chapter and shall be counted as part of the allowed maximum sign area. Each line of tubing or lights shall be deemed to have a minimum width of at least six inches for the purpose of calculating sign area.

### I. Sign maintenance.

1. Each sign and supporting hardware, including temporary signs, shall be maintained in good repair and functioning properly at all times.
2. A repair to a sign shall be of equal or better quality of materials and design as the original sign.
3. A sign that is not properly maintained and is dilapidated shall be deemed a public nuisance, and may be abated in compliance with the Municipal Code.
4. When an existing sign is removed or replaced, all brackets, poles, and other supports that are no longer required shall be removed.
5. Unpainted areas shall be painted to match the adjacent portion of the structure or the sign support structure.

### 17.38.070 - Zone Sign Standards

Each sign shall comply with the sign area, height, number, type, and other requirements of this Section, except as otherwise provided in Section 17.38.080 (Standards for Specific Sign Types).

- A. **Residential zones.** Each sign in a residential zone shall comply with the following requirements.

**TABLE 3-10 - SIGN STANDARDS FOR RESIDENTIAL ZONES**

Allowed Sign Types	Maximum Sign Height	Maximum Number of Signs Allowed per Parcel	Maximum Sign Area Allowed per Parcel
<b>Residential Use</b>			
Freestanding monument style (1)	6 ft (8 ft average)	1 sign	24 sf
<b>Identification or Non-Commercial Use</b>			
Wall or freestanding	Wall signs: below edge of roof; Freestanding: 6 ft	1 of either allowed sign type	12 sf
<b>Non-Residential - Institutional Use</b>			
Wall or freestanding	Wall signs: below edge of roof; Freestanding: 6 ft	1 of either allowed sign type	24 sf

Note:

- (1) Allowed only to identify the name of the applicable subdivision or multi-family development.

- B. **Commercial and industrial zones.** Each sign in the commercial, office, industrial, and other non-residential zones established by Section 17.12.020 (Zoning Map and Zones) shall comply with the requirements in Table 3-11, in addition to the provisions of Section 17.38.080 (Standards for Specific Sign Types), below, as applicable.

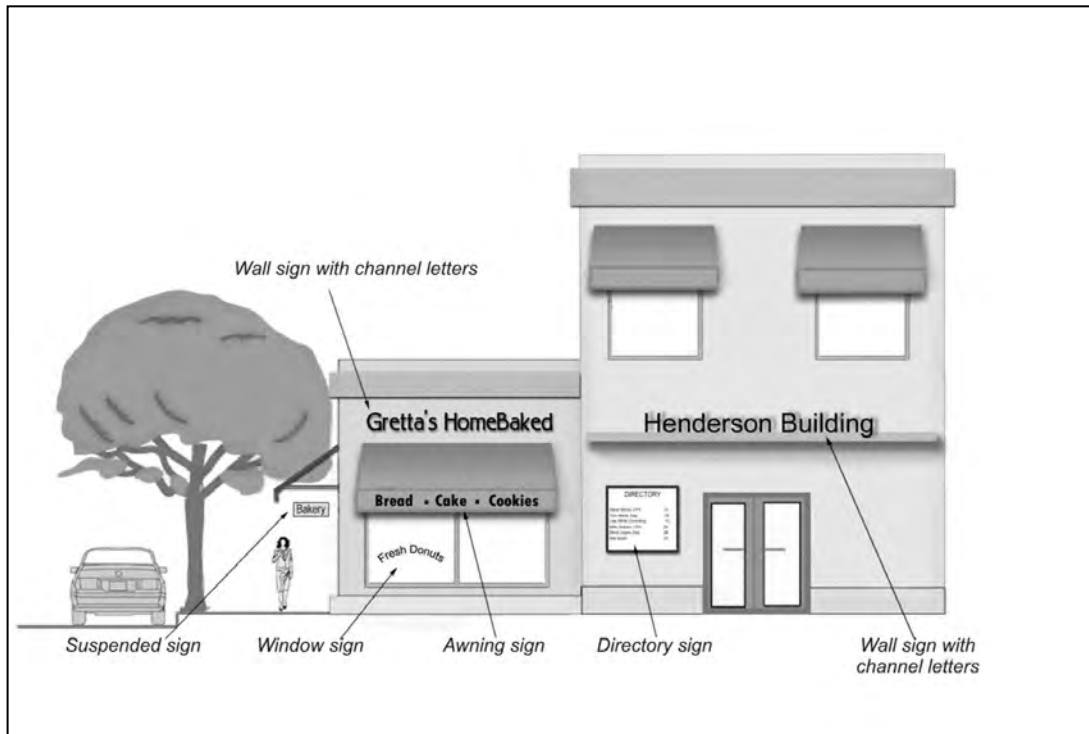


Figure 3-16 - Examples of sign types

**TABLE 3-11 - SIGN STANDARDS FOR COMMERCIAL AND INDUSTRIAL ZONES**

Allowed Sign Types	Maximum Sign Height	Maximum Number of Signs Allowed per Tenant	Maximum Sign Area Allowed per Tenant
Ground-mounted and Ground-floor Signs			
Awning (17.38.080 A)	Below roof (1)	3 of any combination of allowed sign types per primary tenant frontage. 1 of any allowed sign type for a secondary tenant frontage.	<b>Maximum sign area per tenant.</b> The sign area shall comply with the following requirements.  1. 1 sf. for each linear foot of primary tenant frontage. 2. 0.5 additional sf. for each linear foot of secondary tenant frontage. 3. Each site is allowed a total sign area of at least 25 sf. regardless of frontage length.  <b>Maximum sign area per tenant frontage.</b> The total area of all signs on a primary frontage shall not exceed 100 sf.; the total area of all signs on a secondary frontage shall not exceed 50 sf.
Freestanding (17.38.080 B 17.38.080 C)	6 ft. (8 ft. average on sloped sites)		
Projecting, Wall (17.38.080 H 17.38.080L)	Below roof (1)		
Suspended (17.38.080 H)	Below eave/ canopy; at least 8 ft. above a walking surface		
Shopping centers (17.38.080 I)	20 ft.	<b>Site with 5 or more tenants:</b> Allowed one freestanding identification sign for each frontage, not to exceed 100 sf. in total sign area.	
Temporary	See Section 17.38.080 J		
Window	See Section 17.38.080 M		
Second Floor Signs			
Awning, Projecting, Wall	Below roof (1)	1 per tenant space	12 sf. for each tenant. 1 directory sign not to exceed 12 sf. is also allowed to identify upper floor occupants.
Window	See Section 17.38.080.K		
Indoor Signs, and Outdoor Signs Not Visible from a Street (2)			
Awning, Freestanding, Projecting, Suspended, Wall, Window	Below roof (1)	See Section 17.38.080, as applicable	

**Notes:**

- (1) At least one foot below the top of a parapet, the sill of a second floor window, and/or the lowest point of any cornice or roof overhang.
- (2) (The signs are located within an internal portion of the site or center, and are not visible from the public right-of-way.)

### 17.38.080 - Standards for Specific Sign Types

Proposed signs shall comply with the following standards applicable to the specific sign type. Each sign type listed in this Section shall be included in the calculation of the total sign area allowed on a parcel by Section 17.38.070 (Zone Sign Standards), above, unless this Section explicitly provides otherwise. Each sign shall also comply with the sign area, height, and other requirements of Section 17.38.060 (General Requirements for All Signs), above, and all other applicable provisions of this Chapter. Any non-commercial message may be substituted for the copy on any commercial sign allowed by this Chapter.

- A. **Awning signs.** The following standards apply to awning signs in all zones where allowed by Section 17.38.070 (Zone Sign Standards), above. See Figure 3-17.

1. Signs on awnings are limited to ground level or second story occupancies only.
2. Awnings shall not be internally illuminated. Direct exterior lighting may be allowed.
3. Translucent awning materials are prohibited.



Figure 3-17 - Awning sign

- B. **Freestanding monument signs.** The following standards apply to freestanding monument style signs in all zones where allowed by Section 17.38.070 (Zone Sign Standards), above. See Figure 3-18.

1. Multiple signs shall be separated by a minimum of 75 feet to ensure adequate visibility for all signs. The review authority may modify this requirement where the locations of existing signs on adjacent properties would make the 75-foot separation impractical.
2. A sign shall not project over public property, vehicular easements, or rights-of-way, and shall not obstruct a traffic safety sight area, as determined by the review authority.
3. To assist emergency response personnel in locating the site, freestanding signs shall contain an externally illuminated street address plate. Numbers shall be a minimum of six inches in height. Street address numbers not exceeding 12 inches in height shall not be included in calculations of allowed maximum sign area.
4. The sign shall be set back a minimum of five feet from a street or interior property line and a minimum of 10 feet from the edge of a driveway.
5. To ensure the readability of the sign, the minimum letter size allowed shall be 4 inches. Sign copy shall not be located closer than one half-letter height to the sign edge or other line of copy.
6. The design of each sign shall be compatible with and enhance the architectural design of the structures on the site.
7. Landscaping with automatic irrigation shall be provided at the base of the supporting structure equal to twice the area of one face of the monument style sign or 75 square feet, whichever is greater. For example, 40 sq. ft. of sign area = 80 sq. ft. of landscaped area. The review authority may waive or modify this requirement on a case-by-case basis to take into account existing site conditions.



Figure3-18 - Freestanding monument sign



**C. Freestanding pole signs.** Freestanding pole signs shall be permitted if the following criteria are met:

1. Allowed only in NC-Flex (Neighborhood Center-Flex) Zoning District.
2. Must match character and style of the primary building.
3. Sign area shall not exceed 12 square feet.
4. Sign support posts shall be a minimum of 2 inches in diameter.
5. Sign height shall not exceed 5 feet.
6. Sign shall be set back a minimum of 5 feet from rear of sidewalk.

**D. Freeway oriented signs.** Freeway oriented signs shall only be permitted if all the following criteria are met:

1. The property shall be zoned for, and used as, commercial/retail use.
2. The property contains at least 300 feet of freeway frontage.
3. The property abuts Highways 20 and/or 49.
4. There can be only one freeway sign per tenant.
5. The sign shall be either a freestanding sign or a wall sign.
6. Multiple tenants must share the freestanding sign, or each tenant can have a separate wall sign.
7. A freestanding monument style sign can be up to 10 feet in height, but no higher than 6 feet above the immediately adjacent freeway travel lane.
8. A freestanding sign shall incorporate the architectural style and features of the building.
9. The freestanding sign shall have a minimum setback of 15 feet from the highway right-of-way.
10. The signs shall be externally illuminated.
11. The maximum number of signs and sign area are still limited to the standards in Table 3-11.

**E. Historic signs.**

1. **Signs within the Historic (H) zone.** All signs within the Historic (H) zone shall require review and approval by the Director in compliance with Section 17.28.040.C2. Signs within this zone shall contribute to the historical theme and design character of their setting. The DRC may allow types of signs other than those allowed in the zone standards within this special district when the signs are part of a unified design plan which furthers the purpose and intent of this Chapter.
2. **Designation of historic signs.** The designation of a sign as a historic sign is intended to allow nonconforming signs that otherwise would be required to be removed in compliance with Section 17.38.090 (Nonconforming Signs), below, to remain if the sign or the establishment associated with the sign are determined to have historical or local identity significance to the City in compliance with the standards established in this Section.
3. **Application and review authority.** Application for historic sign status may be submitted by

the business owner, property owner, or the City. All applications for historic status shall be reviewed and recommended by the Historic Commission and approved or denied by the DRC in compliance with this Section.

**4. Historic sign criteria.** The DRC may designate a sign as a historic sign if the sign is the type of sign that would be subject to removal as a nonconforming sign and the sign meets both of the following criteria:

- a. **Historically significant.** A sign is historically significant if the sign was created or erected at least 35 years ago and is either representative of a significant sign-making technique or style of a historic era or represents entities or establishments that are an important part of the City's history; and
- b. **Visually significant.** The sign is visually significant in at least two of the following regards:
  - (1) The sign possess a uniqueness and charm because it has aged gracefully;
  - (2) The sign remains a classic example of craftsmanship or style of the period when it was constructed and uses materials in an exemplary way;
  - (3) The sign compliments its architectural surroundings or is particularly well integrated into the structure; and/or
  - (4) The sign is an inventive representation of the use, name, or logo of the business or structure.

**5. Procedure for designation of historic signs.**

- a. The Director shall review each application for historic sign status on a case-by-case basis to assess whether the sign meets the criteria for designation as a historic sign.
- b. Based on this review, the Director shall prepare findings and recommendations to the DRC regarding their assessment and the application's merit regarding the designation.
- c. The DRC shall review the findings and recommendations at a noticed public hearing.
- d. The DRC may ask the Director to undertake additional analysis to assess whether a sign should receive historic sign status.
- e. The DRC may also ask the Director to undertake additional analysis of any sign already designated as a historic sign.
- f. The Director's additional analyses and recommendations shall be available for public review and comment before the DRC's subsequent meeting for review and action on a historic sign.
- g. Upon due consideration of the findings and recommendations plus all public testimony and comment, the DRC may approve or deny designation of historic sign status.

**6. Alteration of historic signs.**

- a. Designated historic signs may not be physically altered, except for routine cleaning and general maintenance.
- b. Cleaning and maintenance shall be consistent with the preservation of the character or defining features of the sign in all respects.
- c. A designated historic sign may be removed if desired.

- d. If a designated historic sign is removed, its historic status shall be revoked.
    - e. If the character or defining features of a designated historic sign are altered, its designation as a historic sign shall be revoked and the sign shall be removed.
    - f. Where applicable, the sign may be modified to conform to the requirements of this Chapter.
  - 7. **Maintenance in a functioning condition required.** All parts of the exempted historic sign including neon tubes, incandescent lights and shields, and sign faces, shall be maintained in a functioning condition as historically intended for the sign to the greatest degree possible.
  - 8. **Signs originally designed to flash or move.** Parts of historic signs originally designed to flash or move may be allowed to continue to flash or move. There shall be no alterations to the historic pattern, speed, or direction of flashing or moving elements.
  - 9. **Alteration of wording or image.** The wording or image of a historic sign may be altered only if the alterations do not substantially change the historic dimensions, height, scale, style, or type of materials of the historic sign.
  - 10. **Failure to maintain.** Failure to maintain a historic sign as required above shall be grounds for disallowing an exemption from the requirements of this Chapter. The sign shall thereafter be brought into compliance with the requirements of this Chapter subject to a determination by the Director.
- F. **Murals.** A mural placed on the wall of a structure may be allowed in any commercial, industrial, and other non-residential zone subject to the following requirements. All murals shall be subject to the review and recommendation by the Development Review Committee (DRC) and approval by the Commission.
- 1. A mural without text visible from a public right-of-way may be approved in addition to (not counted as part of) the sign area allowed by Section 17.38.070 (Zone Sign Standards), above; a mural with text shall comply with the sign area limitations applicable to the site.
  - 2. Murals that illustrate the local setting, history, or cultural significance as sources of inspiration are encouraged.
  - 3. The approval of a mural shall require that the review authority first find that the colors, placement, and size of the mural are visually compatible with the structure's architecture, and that the mural will serve to enhance the aesthetics of the City.
- G. **Neon signs and architectural lighting.** The use of neon tubes for signs or architectural elements shall be allowed in commercial zones only subject to the following requirements.
- 1. Neon lighting, if used, should be limited in application to proper architectural period and/or building styling.
  - 2. Neon signage in the Historical District Combining Zone (H) should be limited to replacements, maintenance and/or enhancement to existing signs. Neon on historical buildings is generally prohibited unless the building period and/or styling are designed to accommodate neon features.
  - 3. Any new neon signage or neon building features shall be subject to separate review and approval by the Development Review Committee.
  - 4. The use of neon window signs in the Historical District Combining Zone (H) is prohibited.

5. Neon signage or neon building features should be used as an enhancement to the building and related architecture.
6. The use of red, yellow or green neon is discouraged where these colors could be confused with traffic signals.

**H. Projecting, overhead, or suspended signs.** The following standards apply to projecting, overhead, or suspended signs in all zones where allowed by Section 17.38.070 (Zone Sign Standards), above. See Figure 3-19.

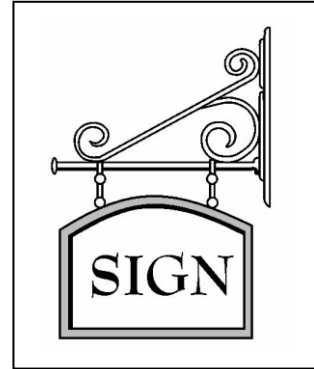


Figure 3-19 - Projecting Sign

1. The minimum horizontal clearance between a sign and the curb line shall be two feet. The maximum projection over a public sidewalk shall be two-thirds the width of the public sidewalk below or six feet, whichever is less. Any projection over a public right-of way shall require an Encroachment Permit.
2. The top of a projecting sign shall not exceed the lesser of 14 feet, eave height, parapet height, or sill height of a second floor window. No portion of the sign shall project above the eave line of a sloped roof or the top of the parapet on a flat roof.
3. A projecting sign shall maintain a minimum clearance of eight feet from the bottom of the sign to the finished grade immediately below.
4. Icon signs using shapes or symbols uniquely suited to the business, creative shapes, and three-dimensional signs are encouraged. See Figure 3-20.
5. Each sign shall be graphically designed for pedestrians, with a maximum area of eight square feet on each sign face, regardless of the length of the building frontage.

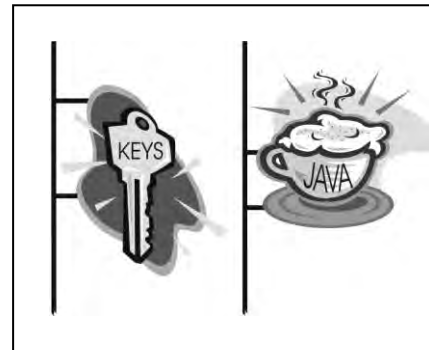


Figure 3-20 - Use of icons/symbols

6. Sign supports shall be well-designed and compatible with the design of the sign.

**I. Shopping center identification signs.** In addition to the signs allowed for individual tenants or businesses, a shopping center with five or more tenants and a minimum of 50,000 square feet of gross floor area may have one overall identification sign as follows.

1. One identification sign may be approved for each frontage, not to exceed 100 square feet in total sign area or 20 feet in height.
2. An identification sign shall not be included in the maximum sign area or size calculations for the individual tenants or businesses.

**J. Temporary signs.** Temporary signs are allowed subject to the following requirements.

1. **Banners and pennants.** Temporary banners and pennants on private property shall comply with the following requirements.
  - a. The use of a banner or pennants may be allowed only for a licensed business for a period not to exceed 30 days per year. A temporary sign permit may be issued for not less than two consecutive days, up to 30 days. A business can secure multiple temporary sign

permits but the combined time period cannot exceed 30 days per year. This is in addition to the 30 days allowed for a business grand opening banner. The maximum size of the banner is 24 square feet.

- b. The application for a temporary sign permit for banners or pennants shall include the dates proposed by the applicant for scheduled banner use.
  - c. A bond may be required by the Director for a temporary sign permit for banners or pennants. The bond may be revoked if the temporary banner or pennants are not removed within two days following their scheduled use.
- 2. **Subdivision signs.** Signs advertising land subdivisions in any zone shall be limited to one two-sided sign of 32 square feet in area placed at a right angle to the street, or two one-sided signs of 32 square feet in area each facing the street. The signs shall be at least 200 feet apart and shall be placed only on the subdivision site, or on land leased by the subdivider. The signs shall be removed within 30 days after the final lot of the subdivision is sold. The signs shall be non-illuminated.
- 3. **Construction signs.** Construction identification signs may be allowed in all zones in compliance with the following standards.
  - a. The number, placement, size, and type of signs shall comply with the sign requirements of Section 17.38.070 (Zone Sign Standards), above, for the applicable zone.
  - b. The signs shall be removed before final building inspection or the issuance of a Certificate of Occupancy.
- 4. **Other temporary signs.** Temporary signs may be authorized by the Director, upon submittal of a sign application, plan for removal, and the fees required by the City's Planning Fee Schedule.
  - a. **Maximum sign area.** In a residential zone, the combined area of temporary signs shall not exceed four square feet. In a commercial, industrial, and other non-residential zone, the combined area of temporary signs shall not exceed that allowed for the non-corner lots in the zone in which the sign will be placed.
  - b. **Maximum number of signs.** No more than one temporary sign shall be erected on a premise at a time.
  - c. **Sign placement.** Temporary signs shall be subject to the same placement and height restrictions as permanent signs for the applicable zone.
  - d. **Time limits.** Temporary signs shall not be allowed for more than 30 consecutive days. Temporary signs shall not be allowed for a combined total of more than 60 days in a 12-month period. Signs advertising a particular event shall be removed within 10 days after the event.
- K. **Tourist oriented directional signs.** The following standards apply to tourist oriented off-site directional signs (e.g., providing directions to local wineries and other locations of interest) in all zones where allowed by Section 17.38.070 (Zone Sign Standards), above.
  - 1. The signs shall be smaller in size, each not exceeding four square feet in sign area.
  - 2. The signs shall be non-illuminated in order to be compatible with their generally rural surroundings.
  - 3. The signs shall be hand crafted, generally made of wood or other natural materials.
  - 4. The signs shall be subject to the issuance of an Encroachment Permit.

**L. Wall signs.** The following standards apply to wall signs in all zones where allowed by Section 17.38.070 (Zone Sign Standards), above. See Figure 3-21.

1. One wall sign may be located on a primary structure frontage, and on one secondary structure frontage.
2. The area of a wall sign shall not exceed one square foot for each linear foot of primary tenant frontage and 0.5 additional square foot for each linear foot of secondary tenant frontage or 10 percent of the area of the building facade on which the sign is mounted or painted, whichever is less. The total area of all signs on a primary frontage shall not exceed 100 square feet and the total area of all signs on a secondary frontage shall not exceed 50 square feet.



Figure 3-21 - Wall sign

3. A wall sign shall not project more than 12 inches from the surface to which it is attached.

**M. Window signs.** The following standards apply to permanent window signs where allowed by Section 17.38.070 (Zone Sign Standards), above. See Figure 3-22.

1. **Maximum sign area.** Permanent window signs shall not occupy more than 15 percent of the total window area. The window sign area shall count towards the maximum allowable sign area.
2. **Sign location.** Signs shall be allowed only on windows located on the ground level and second story of a structure frontage.
3. **Sign materials.** Signs shall consist of individual letters, logos, or symbols applied to, stenciled on, or etched into the glass surface; however, neon signs with transparent backgrounds may be hung inside the window glass.
4. **Unobstructed observation.** The lowermost portion of the entire window (a minimum of 24 inches) shall be clear of any signs in order to allow for unobstructed observation by security personnel (e.g., City police, private security, etc.).

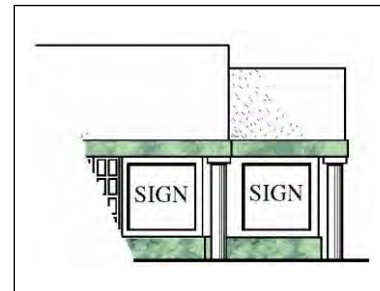


Figure 3-22 - Window sign

### 17.38.090 - Nonconforming Signs

A nonconforming sign is any permanent or temporary sign that was legally established and maintained in compliance with the provisions of all applicable laws in effect at the time of original installation, but does not now comply with the requirements of this Development Code. A nonconforming sign shall not be altered, moved, or replaced except in compliance with this Development Code, or as exempt in compliance with this Section.

**A. General requirements.**

1. A nonconforming sign shall not be:
  - a. Changed to another nonconforming sign;
  - b. Structurally altered to extend its useful life;
  - c. Enlarged;
  - d. Re-established after a business is discontinued for 90 days;
  - e. Re-established after damage or destruction exceeding 50 percent of the replacement cost of the sign immediately before the damage or destruction, or its components, as determined by the Building Official; or
  - f. Re-installed after facade improvements that required the removal of the sign during construction.
2. An interruption in the use of a nonconforming sign that continues for 90 days or more shall be deemed to be an abandonment of the sign. Subsequent use shall comply with this Chapter. Non-occupation or non-operation of the building or business advertised on the sign shall be deemed an interruption of the use of the sign.

**B. Exemptions.** The following signs shall be exempt from the requirements and limitations of this Section:

1. Any sign covered by a Master Sign Program previously approved by the City, or by the County prior to annexation; and
2. Any sign within a shopping center previously approved by the City or County, except for:
  - a. Pole signs; and
  - b. Shopping center identification signs that exceed the allowable sign area allowed by this Chapter.

**C. Historic sign exemptions.** A sign granted historic sign status in compliance with Subsection 17.38.080 C. (Historic signs), above, is exempt from the requirements of this Section.

**D. Exceptions.** The Commission may grant an exception to the requirements of Subsection A. (General requirements) provided that the Commission first finds that:

1. The new proposed sign is significantly more conforming in area and/or height than the existing sign; and
2. The approval and installation of the new sign will eliminate the existing nonconforming sign.

**E. Removal of certain types of nonconforming signs.** The following nonconforming signs shall be

removed or altered to be conforming within 15 years of the effective date of this Chapter, unless an earlier removal is required by Subsection F. (Removal of nonconforming signs).

1. Oversized awning signs, building signs, freestanding signs, projecting signs, wall signs, and window signs that exceed the maximum sign area allowed by this Chapter.
2. Billboards and other off-premise signs.
3. Freeway oriented signs.
4. Internally illuminated signs with a translucent face.
5. Moving signs.
6. Pole signs.
7. Roof signs, where no other opportunity for a sign exists.

**F. Removal of nonconforming signs.** A nonconforming sign shall be removed if the sign is:

1. More than 50 percent destroyed, and the destruction is other than facial copy replacement. A nonconforming sign shall be deemed to be more than 50 percent destroyed if the estimated cost of reconstruction or repair exceeds 50 percent of the replacement cost as determined by the Building Official;
2. Remodeled, unless the sign is remodeled to comply with this Chapter;
3. Located on a structure that is enlarged or expanded, if the nonconforming sign is affected by the construction, enlargement, expansion, or remodel. An enlargement, expansion, or remodel of the portion of the structure upon which the nonconforming sign is located or that is more than 50 percent of the building area shall be deemed to affect the nonconforming sign; or
4. The nonconforming sign is temporary.

**G. Deactivation of flashing features.** The owner of a sign that contains flashing features shall permanently deactivate the flashing features.

**H. Continuance of nonconforming signs.** Except as provided in Subsections E. and F., above, a nonconforming sign may be continued and shall be maintained in good condition as required by these regulations, but it shall not be:

1. Structurally changed to another nonconforming sign, although its copy and pictorial content may be changed;
2. Structurally altered to prolong the life of the sign, except to meet safety requirements; or
3. Altered or expanded in any manner that increases the degree of nonconformity.

**I. Repairing and repainting.** Nonconforming signs shall only be painted and repaired in place and shall not be removed from their existing location, except for building remodeling, unless removal of the sign for painting or repair is part of the sign's customary maintenance and repair.

**J. Change of business ownership.** Upon a change of ownership, the new owner of a nonconforming sign may change sign copy so long as there is no change in the structure or configuration of the sign.

**K. Maintenance and allowed changes.** Sign copy and face changes, non-structural modifications, and



non-structural maintenance (e.g., painting, rust removal) are allowed without a sign permit up to a maximum of 50 percent of the replacement cost of the sign, as determined by the Building Official. Face changes not including copy, and any non-structural modifications exceeding 50 percent of the replacement cost of the sign, and any structural changes shall comply with all applicable standards of this Chapter and shall require a sign permit.

### **17.38.100 - Public Nuisance, Abatement, and Violation**

#### **A. Signs on vacated buildings.**

1. Any sign located on a site that has been vacated for 90 days or more, and any sign located on a multi-tenant building advertising a business that has been vacated for 90 days or more shall be immediately removed by the owner after the expiration of the 90-day period.
2. The Director may issue a notice to remove the sign after the expiration of the 90-day period.
3. The notice to remove shall specify a 15-day period during which the sign shall be removed.
4. If the owner does not remove the sign during the 15-day period, the Director may have the sign removed at costs borne by the City.
5. The City will bill the property owner for all costs related to removal and storage. Costs not paid to the City shall be recovered in compliance with Chapter 17.98 (Enforcement).

#### **B. Abatement or conformance when required.** A sign that does not comply with this Chapter, but lawfully existed and was maintained before the effective date of this Development Code, shall be removed or made to conform within 60 days after written notice by the Director, when:

1. The use of the premises changes and/or the exterior of the structure or other site conditions are to be altered; or
2. The sign is damaged by any cause resulting in replacement or repair costs equal to or greater than 50 percent of its replacement value at the time the damage occurs, as determined by the Building Official.

#### **C. Violation, abatement, and penalties.** A sign within the City that fails to comply with the requirements of this Chapter, other applicable State statutes or City ordinances, or for which a sign permit has not been obtained in compliance with this Chapter, shall be subject to abatement in compliance with Chapter 17.98 (Enforcement).

### **17.38.110 - Judicial Review**

Any permit issued or denied in compliance with this Chapter shall be subject to expedited judicial review to the extent provided by the time limits identified in Code of Civil Procedure Section 1094.6 et seq.

## ARTICLE 4

# Standards for Specific Land Uses

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## CHAPTER 17.40 - ADULT-ORIENTED BUSINESS REGULATIONS

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### Sections:

- 17.40.010 - Intent and Purpose
- 17.40.020 - Definitions
- 17.40.030 - Adult Business Location Requirements
- 17.40.040 - Permit Requirements

### 17.40.010 - Intent and Purpose

- A. **Intent.** It is the intent of this Chapter and Municipal Code Chapter \_\_\_\_ to provide special design guidelines, standards, and development regulations to regulate the time, place, and manner of the operation of Adult-Oriented Businesses in order to minimize the negative secondary effects associated with these businesses including, but not limited to, increased crime, decreased property values, and the deterioration of neighborhoods which can be brought about by the concentration of Adult-Oriented Businesses in close proximity to each other or proximity to other incompatible uses, including religious facilities, parks, playgrounds, schools, and residentially zoned districts or uses. The Council finds that it has been demonstrated in various communities that the concentration of Adult-Oriented Businesses causes an increase in the number of transients in the area, and an increase in crime, and in addition to the effects described above can cause other businesses and residents to move elsewhere.
- B. **Purpose.** It is, therefore, the purpose of this Chapter to:
1. Establish reasonable and uniform regulations to prevent the concentration of Adult-Oriented Businesses or their close proximity to incompatible uses, while allowing the location of Adult-Oriented Businesses in certain areas; and
  2. Regulate Adult-Oriented Businesses in order to promote the health, safety, and general welfare of the citizens of the City.
- C. **Restriction on content and access not intended.** The provisions of this Chapter and Municipal Code Chapter \_\_\_\_ have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult-oriented materials. Similarly, it is neither the intent nor effect of this Chapter to restrict or deny access by adults to adult-oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of adult-oriented entertainment to their intended market. Neither is it the intent nor effect of this Chapter to condone or legitimize the distribution of obscene material.

### 17.40.020 - Definitions

Definitions of the technical terms and phrases used in this Chapter are under "Adult Oriented Business" in Article 10 (Glossary).

**Adult-Oriented Business Regulations**

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**17.40.030 - Adult Business Location Requirements**

- A. **Allowed zones.** Subject to the limitations set forth in this Chapter, Adult-Oriented Businesses may be established where allowed by Article 2 (Zones, Allowable Uses, and Zone Standards).
- B. **Specified distance separation requirements.** Notwithstanding the above, no Adult-Oriented Business shall be established or located within certain distances of certain specified land uses or zones as set forth below. No Adult-Oriented Business shall be established or located within:
1. A 1,000-foot radius from any existing residential zone or use. The distance between a proposed Adult-Oriented Business use and a residential zone or use shall be measured from the nearest exterior walls of the facilities housing the Adult-Oriented Business use or proposed Adult-Oriented Business use to the nearest property line included within a residential zone or property in current residential use, along a straight line extended between the two points; or
  2. 1,000 feet of any other Adult-Oriented Business as defined in this Chapter which is located either inside or outside the jurisdiction of the City. The distance between the two Adult-Oriented Business uses shall be measured between the nearest exterior walls of the facilities housing the Adult-Oriented Business use and proposed Adult-Oriented Business use along a straight line extended between the two uses; or
  3. 1,000 feet of any public or duly licensed private school attended primarily by minors which is located either inside or outside the jurisdiction of the City of Grass Valley. The distance between a proposed Adult-Oriented Business use and school use, shall be measured from the nearest exterior wall of the facility housing the Adult-Oriented Business use or proposed Adult-Oriented Business use to the nearest property line where the school use is located, along a straight line extended between the two points; or
  4. 1,000 feet of any developed park, public playground or recreational facility frequented or utilized by minors, of any public library, or of any church or other religious facility that conducts religious education classes for minors. The distance between a proposed Adult-Oriented Business use and park, public playground or recreational facility frequented or utilized by minors, of any public library, or of any church or other religious facility that conducts religious education classes for minors, shall be measured from the nearest exterior wall of the facility housing the Adult-Oriented Business use or proposed Adult-Oriented Business use to the nearest property line where the park, public playground or recreational facility frequented or utilized by minors, of any public library, or of any church or other religious facility that conducts religious education classes for minors is located, along a straight line extended between the two points.
- C. **Separation requirements also apply to specified uses or districts outside of the City.** The above distance limitations shall also apply to residential districts or uses and parks, playgrounds, schools, and church uses or property so designated in the General Plan Land Use Element of an adjacent jurisdiction.

**17.40.040 - Permit Requirements**

The establishment of an adult-oriented business shall first require the approval by the City of an Adult-Oriented Business Permit in compliance with Municipal Code Chapter \_\_\_\_.

## CHAPTER 17.41 – VACANT STOREFRONT WINDOWS

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### Sections:

- 17.41.010 - Purpose and Applicability
- 17.41.020 - Administration
- 17.41.030 - Action Plan
- 17.41.040 - Window Displays for Vacant Commercial Spaces
- 17.41.050 - Updated Designs for Window Displays
- 17.41.060 - Enforcement

### 17.41.010 Purpose and Applicability

- A. **Purpose.** This Chapter mandates window displays for vacant commercial spaces within the Town Core zone and provides for the submission of action plans to the Director for approval of window displays before they are installed.
- B. **Applicability.** This Chapter applies to all structures in the Town Core zone unless otherwise stated, including, but not limited to, properties that have been the subject of a foreclosure sale wherein title has been transferred to the beneficiary of a deed of trust, and to any properties transferred under a deed in lieu of foreclosure or sale. All responsible parties as to such structures shall comply with this Chapter.

### 17.41.020 Administration

The Director shall administer this Chapter and may adopt administrative rules and regulations consistent with its terms to aid in doing so. He or she shall give notices of such rules or regulations as required for an ordinance of the City and such rules or regulations shall take effect upon such notice or at such later times as they may specify.

### 17.41.030 Action Plan

- A. A responsible party shall contact the Director within 30 days of the date the space becomes vacant commercial space to coordinate any future requirements for tenant improvements and to coordinate with the Grass Valley Downtown Association. Within 10 days of the conclusion of this contact, the responsible party shall submit an action plan to the Director. The action plan shall describe:
  - 1. The proposed window display;
  - 2. How the proposed window display falls within one or more of the types of displays described in section 17.41.040(A)-(D);
  - 3. The name, address, and daytime and evening telephone numbers of each responsible party as to the vacant commercial space;
  - 4. How long the commercial space is expected to remain vacant; and
  - 5. Any other information the Director reasonably requests to aid the administration of this Chapter.
- B. The Director shall approve or deny action plans in writing. If the Director denies an action plan, he or she shall provide the reasons for denial and describe modifications which would make the action plan comply with this Chapter.
- C. If the Director approves an action plan, a responsible party shall install the proposed window display within 30 days of the Director's decision.
- D. If the Director denies an action plan, a responsible party shall either:

## **Vacant Storefront Windows**

1. Implement the action plan with the Director's proposed modifications within 30 days of the Director's decision; or
  2. Submit a revised action plan within 10 days of the Director's decision.
- E. If the Director approves a revised action plan, a responsible party shall install the proposed window display within 20 days of the Director's decision on the revised action plan.
- F. If the Director denies a revised action plan, a responsible party must implement the original action plan with the Director's proposed modifications within 20 days of the Director's decision on the revised action plan.
- G. This Chapter shall not apply to a vacant commercial space if the window display area space is the subject of an active, valid building permit for repair or rehabilitation and a responsible party provides proof to the Director, such as receipts, invoices or executed contracts, that the repair or rehabilitation is proceeding without significant delay.

### **17.41.040 Window Displays for Vacant Commercial Spaces**

Each responsible party as to a vacant commercial space shall maintain at least one of the following types of displays on or inside all ground-floor windows visible from public rights-of-way or public places:

- A. Faux window dressings containing goods or services with the appearance of a vibrant business using background panels or other methods to screen views of the vacant commercial space from public rights-of-way and public places;
- B. Works of art, including paintings or sculptures or other displays of cultural, historical, or educational value, utilizing colorful and vibrant materials, and using background panels or other methods to screen views of the vacant commercial space from public rights of-way and public places
- C. Paintings applied directly to the window surface featuring visually appealing, colorful, vibrant scenes, shapes, or images visible from public rights-of-way and public places; or
- D. Other measures approved by the Director in writing that achieve the purposes of this Chapter to avoid visual blight in the Town Core zone and to enliven pedestrian experiences there.

Displays should occupy at least 80% of window area.

No window display is required for a vacant commercial space when a responsible party has submitted an action plan or revised action plan for that vacant commercial space, and is otherwise in compliance with implementation requirements described in section 17.41.040 of this Code.

### **17.41.050 Updated Designs for Window Displays**

A responsible party shall submit a renewed action plan every six months while the space remains vacant. Each renewed action plan shall propose a new window display design for the vacant commercial space that complies with section 17.41.040 of this chapter so as to freshen its appearance from public rights-of-way and public places.

### **17.41.060 Enforcement**

- A. **Violations; Penalties.** The following steps are intended to provide a streamlined compliance process for responsible parties violating this Chapter. To the extent the provisions of this Chapter conflict with provisions elsewhere in the Grass Valley Development Code, the provisions in this Chapter shall control and take precedence.

## Vacant Storefront Windows

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- a. **Violations and noncompliance.** Failure by a responsible party to comply with any requirement imposed by this Chapter constitutes a violation of this Chapter and shall be grounds for the imposition of penalties as set forth in subdivision 5 below.
  - b. **Notice of Violation.** Upon discovery that a violation exists, the Director shall issue a Notice of Violation to a responsible party as to that vacant commercial space. The Notice shall describe the nature of the violation and the date on which it occurred. Said Notice shall be personally served or sent by U.S. certified mail. The responsible party has 10 days of the date of the Notice to correct the violation(s).
  - c. **Right to Appeal.** The responsible party has the right to appeal the Notice within 10 days of the date of the Notice. If the tenth day falls on a day that City Hall is closed, then the time to appeal expires on the next business day. An appeal shall be filed with the City Clerk and be accompanied by the filing fee identified in the City's Planning Fee Schedule.
  - d. **Appeal Hearing and Rules of Evidence.**
    - i. The City Manager shall hold the hearing during the ordinary business hours in City Hall.
    - ii. Oral evidence shall be taken only under oath or affirmation. The City Manager has the authority to administer oaths and to receive and rule on admissibility of evidence.
    - iii. Formal rules governing presentation and consideration of evidence do not apply.
  - e. **Penalties.**
    - i. Each day in which the property is used in violation of any part of this ordinance is a separate violation;
    - ii. Any person who violates any provision of this Chapter is guilty of an infraction punishable under Chapter 1.12 of this Code.
    - iii. The penalties set forth herein are cumulative and in addition to all other remedies, violations and penalties set forth in this code or any other provisions of law including, without limitation, administrative enforcement pursuant to Chapter 1.14 of this Code.
- B. Responsible Party.** If no responsible party performs an act this Chapter requires a responsible party to perform as to a vacant commercial space, then each and every responsible party as to that vacant commercial space shall be liable for that failure. All responsible parties are jointly and severally responsible to comply with this Chapter and for any payments required by it, including, but not limited to, costs of enforcement, including reasonable attorneys' fees and costs. If a commercial space is subject to a written lease or license, the Director may enforce this Chapter against any or all owner(s), tenant(s), or licensee(s).



## **CHAPTER 17.42 - MINING AND RECLAMATION**

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### **Sections:**

- 17.42.010 - Purpose, Intent and Findings
- 17.42.020 - Applicability
- 17.42.030 - Definitions
- 17.42.040 - Incorporation of State Laws and Regulations
- 17.42.050 - Permit and Reclamation Plan Requirements
- 17.42.060 - Review Procedures
- 17.42.070 - Required Findings
- 17.42.080 - Financial Assurance for Reclamation
- 17.42.090 - Reclamation Plan Amendments
- 17.42.100 - Inspections
- 17.42.110 - Time Limit for Commencing Operations
- 17.42.120 - Idle Mines
- 17.42.130 - Annexation
- 17.42.140 - Public Records
- 17.42.150 - Successors in Interest
- 17.42.160 - Violations and Penalties

### **17.42.010 - Purpose, Intent and Findings**

This Chapter is adopted in compliance with the California Surface Mining and Reclamation Act of 1975 (Public Resources Code Section 2710 et seq.), as amended, referred to in this Chapter as SMARA; Public Resource Code Section 2207, and California Code of Regulations Section 3500 et seq. The Council hereby finds and declares that:

- A. The continued and potential extraction of minerals is important to the economic well-being of the City and the needs of society; therefore, reclamation of mined lands is necessary to prevent or minimize adverse affects on the environment and to protect the public health and safety; and
- B. Surface mining takes place in diverse areas where the geologic, topographic, climatic, biological and social conditions are significantly different and that reclamation operations and the specifications therefore may vary accordingly.

### **17.42.020 - Applicability**

The requirements of this Chapter apply to all surface mining operations, except for activities that meet the following criteria:

- A. Excavations or grading conducted for farming or on-site construction, or to restore land following a flood or natural disaster;
- B. Prospecting for, or extracting minerals for commercial purposes and the removal of overburden in a total amount of less than 1,000 cubic yards in any one location of one acre or less;
- C. Surface mining operations required by federal law to protect a mining claim, if the operations are conducted solely for that purpose;
- D. Other mining operations that the City determines to be of an infrequent nature and that involve only minor surface disturbances consistent with SMARA Sections 2714(d) and 2758(c).

This Chapter shall be continuously reviewed and revised as necessary to ensure that it is in compliance with State requirements for mined land reclamation.

### 17.42.030 - Definitions

Definitions of the technical terms and phrases used in this Chapter are under "Mining and Reclamation" in Article 10 (Glossary).

### 17.42.040 - Incorporation of State Laws and Regulations

The provisions of the California Surface Mining and Reclamation Act of 1975 (SMARA - Public Resources Code Section 2710 et seq.), Public Resources Code Sections 2207 and California Code of Regulations 3500 et seq., as either may be amended from time to time, are made a part of this Chapter by reference with the same force and effect as if they were fully set forth here, except that when a provision of this Chapter is more restrictive than a conflicting State provision, this Chapter shall prevail unless the requirements of this Chapter prevent compliance with Public Resources Code Sections 2207 and 2710 et seq., or California Code of Regulations Section 3500 et seq.

### 17.42.050 - Permit and Reclamation Plan Requirements

- A. Requirements for surface mining.** Except as provided in SMARA Section 2776, any person who proposes to engage in surface mining operations shall, prior to the commencement of operations:
1. **Use Permit approval.** The approval of a Use Permit in compliance with Section 17.72.060 (Use Permits and Minor Use Permits);
  2. **Reclamation Plan approval.** The approval of a reclamation plan in compliance with this Chapter; and
  3. **Financial assurances.** Provide related financial assurances in compliance with this Chapter and SMARA Article 5.
- B. Reclamation requirement.** A reclamation plan, consistent with SMARA standards, is required for all mining operations. Reclamation shall:
1. Prevent, mitigate or minimize adverse effects on the environment.
  2. Encourage the production and conservation of minerals.
  3. Provide for the protection and subsequent beneficial use of mined and reclaimed land.
  4. Eliminate residual hazards to the public health and safety.
  5. Ensure that mined lands are reclaimed on a timely basis to a usable condition that is readily adaptable for alternative land uses.
  6. Avoid the environmental and legal problems created by improperly abandoned mines.

## Mining and Reclamation

- C. Exemption for vested right operations.** No person who has obtained a vested right to conduct a surface mining operation prior to January 1, 1976, shall be required to secure a permit in compliance with this Chapter as long as the vested right continues, provided that no substantial change is made in that operation except in compliance with this Chapter; however, reclamation plans and related financial assurances shall be required for the mining operations in compliance with Subsection D., and Section 17.42.080 (Financial Assurance for Reclamation). A person shall be deemed to have a vested rights if, prior to January 1, 1976, the person has, in good faith and in reliance upon a permit or other authorization as required, diligently commenced surface mining operations and incurred substantial liabilities for work and materials necessary therefore. Expenses incurred in obtaining the enactment of an ordinance in relation to a particular operation or the issuance of a permit shall not be deemed liabilities for work or materials.
- D. Reclamation plan required.** A person who has obtained a vested right to conduct surface mining operations prior to January 1, 1976, shall submit to the Department and receive, within a reasonable time, approval of a reclamation plan for operations to be conducted after January 1, 1976 (in compliance with Public Resources Code Section 2770(b)). Nothing in this Chapter shall be construed as requiring the filing of a reclamation plan for, or reclamation of, mined lands on which surface mining operations were commenced and terminated prior to January 1, 1976.
- E. Notification of Department of Conservation.** The Director of the California Department of Conservation shall be notified of all filings, approvals, alterations, or changes to related permit applications.

### 17.42.060 - Review Procedures

- A. Application requirements.** An application for a Use Permit for surface mining, and/or reclamation plan approval shall comply with Chapter 17.70 (Permit Application Filing and Processing), and Section 17.72.060 (Use Permits and Minor Use Permits), and SMARA Section 2772.
- 1. Multiple applications.** If an application for a mining permit and reclamation plan is submitted by the same applicant on the same property or properties, the Planning Department may, combine both the applications and the review into one public hearing.
  - 2. Referrals.** Within 30 days of receiving a complete permit application, the Department shall route for comment pertinent application information on the proposed mining operation and reclamation plan to the following.
    - a. The Director of the Department of Conservation, who shall also receive for review all documentation on financial assurances submitted to the County in compliance with Section 17.42.080 (Financial Assurance for Reclamation).
    - b. The California Department of Transportation shall be notified of the filing of permit applications for mining and reclamation projects that are proposed in a 100-year flood plain (based on Zone A of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs)) and/or within one mile upstream or downstream of any state highway bridge.

A minimum 45-day review and comment period shall be provided for state agency review. The comment period may be combined with the environmental review of the project in compliance with CEQA.
  - 3. SCS review.** Use permit application review and processing may include the possible involvement of the U.S. Soil Conservation Service (SCS), or the hiring of an outside consultant retained by the City at the applicant's expense, as determined by the Director.
- B. Review procedures.** The review of and a decision on a Use Permit for surface mining and/or a reclamation plan shall comply with the procedures in Chapter 19.70 (Permit Application Filing and

## **Mining and Reclamation**

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Processing), and 17.72.060 (Use Permits and Minor Use Permits), and Chapter 17.92 (Public Hearings), as applicable.

1. **Compliance with CEQA.** Prior to approving a Use Permit application for mining and/or reclamation plans environmental review shall be completed in accordance with the California Environmental Quality Act Guidelines.
2. **Public notice.** Public noticing for a Use Permit and/or reclamation plan application scheduled for review by the Commission shall require notification of all residents, businesses and property owners located within a minimum of 1,000 feet from the perimeter of the property upon which the proposed activity is to occur.

### **17.42.070 - Required Findings**

The approval of a reclamation plan shall require that the review authority first find that

- A. The reclamation plan complies with SMARA Sections 2772, 2773 and 2773.1 and any other applicable requirements;
- B. The reclamation plan complies with applicable requirements of the California Code of Regulations Section 3500 et seq.;
- C. The reclamation plan and potential use of reclaimed land in compliance with the Plan are consistent with this Chapter, the General Plan, and any other applicable resource plan or element;
- D. All significant adverse environmental impacts associated with the surface mining operation will be mitigated to the extent feasible through implementation of the reclamation plan;
- E. Operations as proposed will not adversely affect properties or occupants in zones allowing single or multiple dwellings;
- F. The reclamation plan restores the mined lands to a usable condition that is readily adaptable for alternative land uses consistent with the applicable zone; and
- G. The reclamation plan considers applicable policies and actions of the Mineral Management Element of the General Plan.

### **17.42.080 - Financial Assurance for Reclamation**

Where the City Engineer determines that the cost of the reclamation of the mined lands in compliance with the reclamation plan requires financial assurances to the City, the following procedure shall be followed.

- A. Each year, prior to a specified date, the mine operator shall submit to the City Engineer a map or written description of the approximate area to be disturbed during the following year, and an estimate of the cost of the reclamation of that area in compliance with the approved or amended reclamation plan. The estimate of cost shall be subject to review and confirmation by the City Engineer.
- B. A corporate surety bond, trust fund, irrevocable letter of credit from an accredited financial institution, a certificate of time deposit as part of an approved trust fund, or other method acceptable to the City and as adopted by the Mining and Geology Board, conditioned upon the faithful performance of the following year's reclamation, and in a form approved by the City Attorney, shall be filed with the City. The surety shall be executed in favor of the City and the Department of Conservation, and shall be maintained in an amount equal to the confirmed cost estimate. Financial assurances shall be submitted for review by the Director of the Department of Conservation at least 45 days prior to City approval of the reclamation plan.
- C. Prior to acceptance of financial assurance, the City Engineer shall determine whether the prior year's

## **Mining and Reclamation**

reclamation has been accomplished in compliance with the approved or amended reclamation plan. Consideration shall be given to the phasing of reclamation in an area where operations are to extend beyond a year.

- D. The financial assurance shall be released upon written notification by the City. In compliance with SMARA Section 2773.1(c), notification of any release of financial assurance shall be forwarded to the operator and the Director of the Department of Conservation specifying that the reclamation plan has been completed in accordance with the approved plan.

### **17.42.090 - Reclamation Plan Amendments**

- A. **Types of amendments.** An amendment involves a change in the area or scope of operation, the reclamation plan, the ultimate physical condition of the site, or the proposed use of the land. The City Engineer shall determine whether the change is a minor deviation (minor amendment) or a substantial change (major amendment) to the original permit or plan.
  - 1. **Minor amendment.** A minor amendment to the permit and/or plan shall not be undertaken until change has been filed with, and approved by the Director and the City Engineer.
  - 2. **Major amendment.** A major amendment to the plan or permit shall not be undertaken until such amendments have been filed with, and approved by, the Planning Commission by the same procedure as set forth in Section 14G-06 of this Chapter.
- B. **Time for filing request.** Any amendment to an approved reclamation plan and/or related financial assurance shall be forwarded to the Director for review at least 45 days prior to the approval of the amendment.

### **17.42.100 - Inspections**

- A. **Timing of inspections.** As a condition of approval for the permit or reclamation plan, or both, a schedule of periodic inspections of the site shall be established to evaluate continuing compliance with the Use Permit and the reclamation plan. Inspections shall be made at least once a year.
- B. **Inspection form and personnel.** Each inspection shall be conducted using a form provided by the State Mining and Geology Board. Each inspection shall be conducted by a state-registered geologist, state-registered civil engineer, state-licensed landscape architect, state-registered forester, or other qualified specialist, as selected by the City Engineer but, shall not be conducted by the operator or a person who has been employed by the operator or surface mining operation in any capacity during the previous 12 months.
- C. **City Engineer's inspection.** The City Engineer, within six months of receiving the inspection report, shall conduct an inspection of the project site to verify the accuracy of the inspection report.
- D. **Financial guarantee for inspections.** The applicant/operator shall post a bond or other financial guarantee to cover the costs of all inspections. Failure by the permittee to allow inspections shall constitute grounds for revocation of the permit.
- E. **Financial guarantee and change of ownership.** If the mining operation is sold, or ownership is otherwise transferred, the existing financial assurance shall remain in force and shall not be released by the lead agency until new financial assurances are secured by the new owner and have been approved by the City and the Director of the Department of Conservation.

### **17.42.110 - Time Limit for Commencing Operations**

Unless otherwise specified in the Use Permit, the time limit for commencing a surface mining operation shall be one year from the date of approval of the Use Permit.

### **17.42.120 - Idle Mines**

Within 90 days after a mining operation becomes idle, the operator shall submit to the City Engineer for review and approval an interim management plan in compliance with SMARA Section 2770. The interim management plan shall include details of how the mine will be managed for the period that the mine remains idle. Within 60 days of the receipt of a complete interim management plan, the City shall take action to approve or deny the plan. The processing of the interim management plan shall be the same as an amendment to a reclamation plan in compliance with Section 17.42.090 (Reclamation Plan Amendments).

### **17.42.130 - Annexation**

When property annexed into the City has an active mining operation and reclamation plan approved by the County, the City shall become and accept all lead agency responsibilities as defined in SMARA. All related documents, agreements and financial assurances obligations shall be transferred from the County to the City by agreement, approved as to the form required by the State Mines and Geology Board, between the operator, the County the City and the Director of the Department of Conservation. Existing financial assurances for reclamation plan performance shall be amended to name the City and the California Department of Conservation as payees. The agreement shall be executed prior to certification of the annexation by the Nevada County Local Agency Formation Commission.

### **17.42.140 - Public Records**

- A. Exception to public records.** Reclamation plans, reports, applications and other documents submitted in compliance with this Chapter are public records unless it can be demonstrated to the satisfaction of the City that the release of the information, or part of the information, would reveal production, reserves, or rate of depletion entitled to protection as proprietary information.
- B. Information to be provided to the Division of Mines and Geology.** The City shall furnish a copy of all permits, reclamation plans, reports, applications and other documents submitted in compliance with this Chapter, including proprietary information, to the District Geologist of the State Division of Mines and Geology.
- C. Proprietary information.** Proprietary information shall be made available to persons other than the State Geologist only when authorized by the mine operator and by the mine owner in compliance with SMARA Section 2778.

### **17.42.150 - Successors in Interest**

Whenever an operator succeeds to the interest of another in any incomplete surface mining operations by sale, assignment, transfer, conveyance, exchange, or other means, the successor shall be bound by the provisions of the approved reclamation plan and the provisions of this Chapter.

### **17.42.160 - Violations and Penalties**

If the City Engineer, based upon an annual inspection or otherwise confirmed by an inspection of the mining operation, determines that a surface mining operation is not in compliance with this Chapter or the related financial assurance requirements, the applicable permit and/or the reclamation plan, the City shall follow the procedures in SMARA Sections 2774.1 and 2774.2 regarding violations and penalties, including the provisions of Chapter 17.98 (Enforcement) of this Development Code for revocation of a Use Permit.

## CHAPTER 17.44 - STANDARDS FOR SPECIFIC LAND USES

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### Sections:

- 17.44.010 - Purpose and Applicability
- 17.44.020 - Accessory Structures and Uses
- 17.44.030 – Backyard Chickens
- 17.44.040 - Bed and Breakfast Inns (B&Bs)
- 17.44.060 - Child Day Care Facilities
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- 17.44.180 - Recycling Facilities
- 17.44.190 - Second Units
- 17.44.200 - Service Stations
- 17.44.210 - Single Dwellings
- 17.44.220 - Warehouse Retail

### 17.44.010 - Purpose and Applicability

- A. **Purpose.** This Chapter provides site planning, development, and/or operating standards for certain land uses that are allowed by Article 2 (Zones, Allowable Land Uses, and Zone Standards) within individual or multiple zones, and for activities that require special standards to ensure their compatibility with site features, and existing uses and structures in the site vicinity.
- B. **Applicability.** The land uses and activities covered by this Chapter shall comply with the provisions of the Sections applicable to the specific use, in addition to all other applicable provisions of this Development Code.
  - 1. **Where allowed.** The uses that are subject to the standards in this Chapter shall be located only where allowed by Article 2 (Zones, Allowable Land Uses, and Zone Standards).
  - 2. **Planning permit requirements.** The uses that are subject to the standards in this Chapter are allowed only when authorized by the planning permit required by Article 2, except where a planning permit requirement is established by this Chapter for a specific use.
  - 3. **Development standards.** The standards for specific uses in this Chapter supplement and are required in addition to those in Articles 2 (Zones, Allowable Land Uses, and Zone Standards), 3 (Site Planning and Project Design Standards), 5 (Resource Management), and Article 6 (Site Development Regulations).
    - a. The applicability of the standards in this Chapter to the specific land uses listed is determined by Chapter 17.20 (Development and Land Use Approval Requirements).
    - b. In the event of any conflict between the requirements of this Chapter and those of Articles 2 or 3, the requirements of this Chapter shall control.

### 17.44.020 - Accessory Structures and Uses

This Section provides standards for residential accessory uses and structures, where allowed by Article 2 (Zones, Allowable Land Uses, and Zone Standards). These requirements do not apply to residential second units, which are instead regulated by Section 17.44.190 (Second Units).

- A. Limitation on number.** Only one residential accessory structure shall be allowed on any parcel in addition to a detached garage, except where a site is two times or more the minimum lot area required for a new parcel in the applicable zone.
- B. Relationship to primary use.** An accessory use and/or structure shall be incidental to the primary residential use of the site, and shall not alter the character of the primary use.
- C. Timing of installation.** A residential accessory structure shall only be constructed concurrent with or after the construction of the primary structure on the same site.
- D. Attached structures.** An accessory structure attached to the primary structure shall comply with all zone requirements applicable to the primary structure, including height limits, site coverage, and setbacks; and shall also comply with any applicable requirements of Subsection F.
- E. Detached structures.** An accessory structure detached from the primary structure shall comply with the following standards, except where Subsection F. establishes a different requirement for a specific type of accessory structure.

#### 1. Setbacks.

- a. Front setback.** An accessory structure shall not be located within a required front setback.
- b. Side and rear setbacks.** An accessory structure shall maintain side and rear setbacks of at least five feet. Second units shall instead comply with the requirements of Section 17.44.190 (Second Units).
- c. Separation between structures.** An accessory structure shall maintain at least a five-foot separation from other accessory structures and the primary dwelling unit.
- d. Double-frontage lot.** An accessory structure shall not occupy the front half of a lot, or the front one-fourth of a double-frontage lot (see Section 17.30.030 [Build-to-Line and Setback Requirements and Exceptions] regarding the location of required setbacks on a double-frontage lot).
- e. Garage accessible from an alley.** Where an accessory garage is accessible to vehicles from an alley, it shall be located at least 25 feet from the opposite side of the alley.

- 2. Height limit.** The height of an accessory structure other than a detached garage shall not exceed 15 feet, except for parcels located within any zone identified in Chapter 17.21 (Traditional community Development Zones) or except where a greater height is authorized through Minor Use Permit approval.
- 3. Coverage and size limitations.** Where permitted, the aggregate coverage of accessory structures in required side and rear setbacks shall not exceed 500 square feet. The maximum site coverage for all structures on a parcel shall comply with the requirements of the applicable zone.



**F. Standards for specific accessory uses and structures.** The following requirements apply to the specific types of accessory structures listed, in addition to the requirements of Subsection A., as applicable.

1. **Antennas.** Antennas shall comply with the requirements of Chapter 17.46 (Telecommunications Facilities).
2. **Garages.** A garage for a single-family dwelling shall comply with the following requirements. A garage for a multi-family project shall comply with the requirements of Section 17.44.160 (Multi-Family Projects).
  - a. **Limitation on number.** A single parcel shall have only one attached or detached garage, except that this limitation shall not apply to a site that is two times or more the minimum lot area required for a new parcel in the applicable zone.
  - b. **Front setback.** A garage shall comply with the garage front setback requirements of the applicable zone.
  - c. **Side setbacks.** When a maintenance easement is granted by the owner of the adjacent parcel to the approval of the Director, a garage may be built to the side property line on that side (i.e., zero lot line development), but shall be located at least eight feet from the other side property line. Otherwise, a garage shall be set back a minimum of five feet from side property lines.
  - d. **Rear setback.** A garage shall be set back a minimum of five feet from the rear property line.
  - e. **Facade width, parking orientation.** The facade of any garage facing a street shall not exceed a width of 25 feet.
3. **Greenhouses.** An accessory greenhouse may occupy up to 400 square feet for each dwelling unit in the R-E zone; and 1,000 square feet or five percent of the parcel area, whichever is smaller, in the R-1 zone. Accessory greenhouses are not allowed in other residential or neighborhood zones.
4. **Guest houses.** Guest houses shall comply with the requirements for second units in Section 17.44.190.
5. **Patio covers.** A patio cover that is attached to or detached from the primary dwelling, and open on at least three sides, may be located within the required rear setback subject to the following:
  - a. The five-foot separation from the primary dwelling unit required by Subparagraph E.1.c (Separation between structures), above does not apply;
  - b. The structure shall comply with the coverage and size limitations of Subparagraph E.3 (Coverage and size limitations), above; and
  - c. No part of the patio cover shall be closer than five feet to a property line.
6. **Swimming pools.** Non-commercial swimming pools are an allowed accessory use in any zone subject to the following requirements:
  - a. **Setbacks.** No swimming pool shall be located within a required front or side setback, or within five feet of any property line; and
  - b. **Fence or wall.** No swimming pool shall be located within three feet of a fence or wall.

## Standards for Specific Land Uses

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7. **Tennis and other recreational courts.** Non-commercial outdoor tennis courts and courts for other sports, including basketball and racquetball, accessory to a residential use shall comply with the following requirements:
  - a. **Setbacks.** No court shall be located within a required setback, or within 10 feet of a property line; and
  - b. **Fencing.** Court fencing shall comply with Section 17.30.040 (Fences, Walls, and Screening); and
  - c. **Lighting.** Court lighting shall require Minor Use Permit approval, and shall not exceed a maximum height of 20 feet, measured from the court surface. The lighting shall be directed downward, shall only illuminate the court, and shall not illuminate adjacent property, in compliance with Section 17.30.060 (Outdoor Lighting).
8. **Workshops or studios.** An accessory structure intended as a workshop or studio for artwork, crafts, light hand manufacturing, or hobbies, is subject to the following standards:
  - a. **Limitation on use.** The use of an accessory structure as a studio shall be limited to: non-commercial hobbies or amusements; maintenance of the primary structure or setbacks; artistic endeavors, including painting, photography, or sculpture; or for other similar purposes. Any use of an accessory workshop for any commercial activity shall comply with Section 17.44.100 (Home Occupations); and
  - b. **Floor area.** A workshop footprint shall not occupy an area larger than 25 percent of the building footprint of the primary residence; except where a workshop is combined with a garage. See Subsection F.2. (Garages), above.

### 17.44.030 – Backyard Chickens

The Section provides requirements and performance standards for the raising and keeping of backyard chickens, where allowed by Article 2 (Zones, Allowable Land Uses and Zone Standards):

- A. **Additional Permitted Zones.** The keeping of backyard chickens may also be allowed within the NC-Flex, NG-2, NG-3, R-2 and R-3 zones.
- B. **Minimum Lot Size.** The minimum parcel size for the keeping of backyard chickens is 5,000 square feet in size and there shall be no more than one residence on the parcel.
- C. **Limitation on Number of Chickens.** No more than four (4) chickens shall be kept on any property zoned for such use. Roosters are not permitted.
- D. **Use Requirements.** The raising of backyard chickens shall only be allowed on properties containing a single family dwelling with a fenced rear yard area. Backyard chickens and their eggs are to be used for domestic uses only; no commercial sales are allowed at the property.
- E. **Shelter Requirement.** The backyard chickens shall be kept in a secured coop or pen to protect the backyard chickens from predators (raccoons, dogs, bears, etc.). The coop must be located within the rear yard and meet the side and rear yard setbacks of the established district.
- F. **Feed Storage.** All feed for the chickens shall be stored within an enclosed container to prevent the attraction of vermin.
- G. **Manure Management.** All chicken manure produced from the backyard chickens shall be managed in a manner that prevents odors, flies and pests.

### **17.44.040 - Bed and Breakfast Inns (B&Bs)**

Where allowed by Article 2 (Zones, Allowable Land Uses, and Zone Standards), a bed and breakfast inn shall comply with the requirements of this Section.

- A. Permit requirement.** If permitted by right in the Zone District, no permit is required. The Director may issue a Minor Use Permit, if required by the Zone District, for the conversion of an existing dwelling into a bed and breakfast inn in compliance with this Section.
- B. Standards for bed and breakfast inns.**
  - 1. If required by the Zone District, the property owner that seeks to convert an existing dwelling into a bed and breakfast inn shall obtain approval of a Minor Use Permit pursuant to Section 17.72.060 of the Grass Valley Municipal Code;
  - 2. A bed and breakfast inn shall require a business license;
  - 3. A bed and breakfast inn shall pay applicable transient occupancy taxes pursuant to Chapter 3.16 of the Grass Valley Municipal Code;
  - 4. The owner or manager shall occupy and reside in the bed and breakfast inn;
  - 5. Food services provided to guests shall comply with County Environmental Health requirements;
  - 6. A bed and breakfast inn with 5 guest rooms or more, or the capacity for 10 or more total occupants, including the permanent residents, shall meet current fire and building codes, and accessibility requirements;
  - 7. Off-street parking shall be provided as required by Section 17.36.040 (Number of Parking Spaces Required) for a bed and breakfast inn; and
  - 8. The bed and breakfast inn shall operate without unduly interfering with the surrounding residential neighborhood.

### **17.44.060 - Child Day Care Facilities**

- A. Applicability.** Where allowed by Article 2 (Zones, Allowable Land Uses, and Zone Standards) Child day care facilities shall comply with the standards of this Section. These standards apply in addition to the other provisions of this Development Code and requirements imposed by the California Department of Social Services (DSS). DSS Licensing is required for all facilities.
- B. Definitions.** Definitions of the child day care facilities regulated by this Section are in Article 10 (Glossary) under "Day Care."
- C. Standards for large family day care homes.** As required by State law, a Minor Use Permit for a large family day care home shall be approved if it complies with the following standards.
  - 1. **Location requirements.** In order to avoid the concentration of intensive, non-residential land uses in residential neighborhoods, maintain residential character, and compatibility with adjacent residential uses, no large family day care home shall be located within 300 feet of an existing large family day care home, or child day care center. In no case shall a residential property be directly abutted by a large family day care center on two or more sides.

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### 2. Parking, drop-off area.

- a. At least two off-street parking spaces shall be provided exclusively for dropping off and picking up children. The driveway may be used to provide the off-street parking required by Section 17.36.040 (Number of Parking Spaces Required) for a single-family dwelling, if the parking will not obstruct any required drop-off and pick up areas nor block any sidewalks or other public access. Alternative parking and drop-off arrangements may be required by the review authority based on traffic and pedestrian safety considerations.
- b. A home located on a street with a speed limit of 30 miles per hour or greater shall provide a drop-off/pick-up area designed to prevent vehicles from backing onto the street (e.g., circular driveway).

### 3. Outdoor activity areas.

- a. Any side or rear setback areas intended for day care use shall be enclosed with a fence or wall to separate the children from neighboring properties.
- b. Outdoor recreation equipment over eight feet in height shall not be located within a required side setback, and shall be set back a minimum of five feet from a rear property line.

### 4. Noise. Noise generated from the large family day care home shall not exceed the limitations in the City's Noise Ordinance.

### 5. Additional standards. Each large family day care home shall comply with applicable building and fire codes, and standards adopted by the State, and Social Services Department licensing requirements (California Code of Regulations, Title 22, Division 2).

## D. Standards for child day care centers.

### 1. Parking and loading.

- a. Off-street parking shall be provided as required through the Minor Use Permit process, but shall be a minimum of one space per employee on the largest shift, plus one space for each 10 children authorized by the State license. An exception to these off-street parking requirements may be granted if the facility complies with the following criteria:
  - (1) The exception shall be granted only for uses in an existing building, and shall not be granted for any expansion of gross floor area or new construction;
  - (2) Off-street parking shall be provided on the site in the maximum amount feasible;
  - (3) The exception shall only be granted in a situation where the City Engineer has determined that the exception will not result in potentially unsafe conditions for vehicles or pedestrians;
  - (4) Each Minor Use Permit that grants an off-street parking exception shall be reviewed annually, and if it is found that the use of on-street parking spaces by the facility is creating a nuisance, the City may initiate proceedings to revoke the Minor Use Permit.
- b. Picking up and dropping off of children shall not create unsafe conditions. Loading and unloading of children from vehicles shall only be allowed in the driveway or in an approved parking area.

### 2. Noise. Potential noise sources shall be identified during the Minor Use Permit process, and

noise attenuation and sound dampening shall be addressed by the review authority.

### 17.44.080 - Condominium Conversions

**A. Purpose.** The purposes of this Chapter are to:

1. Establish criteria for the conversion of existing multiple-family rental housing to condominiums, community apartments, stock cooperatives, and any other subdivision, except for mobile home parks, which is a conversion of existing rental housing;
2. Reduce the impact of such conversions on residents in rental housing who may be required to relocate due to the conversion of apartments to condominiums by providing for procedures *for* notification and adequate time and assistance for relocation;
3. Ensure that purchasers of converted housing have been properly informed as to the physical condition of the structure which is offered for purchase;
4. Ensure that converted housing achieves a high degree of appearance, quality, and safety and is consistent with the goals of the City;
5. Provide a reasonable balance of ownership and rental housing in the City and a variety of choices of tenure, type, price, and location of housing; and
6. Maintain a supply of rental housing for low- and moderate-income persons.

**B. Permit requirement.** Use Permit and, where applicable, subdivision approval are required for the conversion of an existing apartment unit for sale, transfer, or conveyance as a condominium, townhouse condominium, stock cooperative, or community apartment, collectively referred to in this Chapter as a community housing project.

**C. Application requirements.** An application for conversion of an apartment shall include a tentative subdivision map, a development plan consisting of all materials normally required by the City for a Use Permit, and a physical elements report detailing the condition of the property in a form established by the Director. The physical elements report is to ensure that the units offered for sale conform to a reasonable level of soundness and repair. The physical elements report shall be prepared by a registered civil or structural engineer, licensed general contractor or architect and include all of the following:

1. The condition of all elements of the property, including foundations, ventilation, utilities, walls, roofs, windows, mechanical equipment, appliances which will be sold with the units, common facilities and parking areas. For each element: the date of construction, the condition, the expected useful life, the cost of replacement, and any variations from the zoning regulations in effect when the last building permit was issued for the structures. The report shall identify all defective or unsafe elements or those that may impair the use and enjoyment of the property, and explain the proposed corrective measures to be used;
2. A report from a licensed pest-control operator describing in detail the presence and effects of any wood-destroying organisms;
3. A report of any known soil or geological problems. Reference shall be made to any previous soil reports for the site; and
4. A site plan which shall include at least the following:
  - a. The location, number of stories, number of all dwellings, and proposed uses for each

## Standards for Specific Land Uses

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structure to remain and for each proposed new structure;

- b. The location, use and type of surfacing for all open storage areas, driveways, pedestrian ways, vehicle parking areas and curb cuts;
- c. The location, height and type of materials for walls or fences;
- d. The location of all landscaped areas, the type of landscaping, method of irrigation, and a statement specifying private or common maintenance;
- e. The location and description of all recreational facilities;
- f. The location, size and number of parking spaces to be used in conjunction with each unit;
- g. The location, type, and size of all drainage pipes and structures;
- h. Existing contours, building pad elevations and percent slope for all driveways and parking areas; and
- i. Any other information the Director determines to be necessary to assist in determining whether the proposed project will be consistent with the purposes of this Chapter.

**D. Copy to buyers.** Prior to the execution of an agreement to purchase a unit, stock, or exclusive right to lease in the community housing project, the subdivider shall provide each purchaser with a copy of all reports (in their final, acceptable form). The developer shall provide the purchaser with sufficient time to review such reports. Copies of the reports shall be made available at all times at the sales office.

**E. Hearing.** Prior to any tentative subdivision map and/or special Use Permit approval of a conversion, the Commission shall hold a noticed public hearing at which both the Tentative Map and a Use Permit shall be considered. In addition to the standard notice requirements for tentative maps and Use Permits, a 10-day notice shall be given by mail to the present tenants of the building proposed for conversion.

**F. Nonconforming uses or structures.** No apartment building that is a nonconforming use or a nonconforming structure because of parking, setback, height, interior yard space and/or other standards of this Development Code shall be eligible for conversion.

**G. Physical standards for conversions.** The Commission shall require that all conversions conform to all applicable requirements of the Municipal Code and this Development Code in effect at the time of the tentative map approval, except as otherwise provided in this Section. All applicable requirements of the Grass Valley Municipal Code must be met and nonconformity corrected prior to the approval of the final map, unless adequate security is provided, as approved by the City Attorney, to assure completion of the corrective work prior to the closing of any escrow of any unit in the community housing project.

**1. Mandatory physical standards.** The Commission shall require conformance with the standards of this Section in approving the Use Permit.

a. **Building regulations.** Except as provided in this Section, the project shall comply with: applicable standards of the City Housing Code; the Americans with Disabilities Act; the Building Code, including requirements for fire walls between dwelling units; the plumbing code, mechanical code and electric code as adopted Municipal Code Title 16 in effect on the date that the last building permit was issued for each structure prior to the conversion application.

b. **Fire prevention.**

- (1) **Smoke detectors.** Each living unit shall be provided with approved detectors of the products of combustion other than heat, conforming to the latest UBC standards.
    - (2) **Maintenance of fire protection systems.** All fire hydrants, fire alarm systems, portable fire extinguishers and other fire protective appliances shall be maintained in an operable condition at all times.
    - (3) **Maintenance of emergency vehicle access/fire lanes.** All emergency vehicle access and established fire lanes shall be maintained at all times.
  - c. **Sound transmission.**
    - (1) **Shock mounting of mechanical equipment.** All permanent mechanical equipment, such as motors, compressors, pumps and compactors, which is determined by the city's building official or engineer to be a source of structural vibration of structure-borne noise shall be shock-mounted with inertial blocks or base and/or vibration insulators in a manner approved by the building official.
    - (2) **Noise standards.** The structure shall conform to all interior and exterior sound transmission standards then in effect in the city.
  - d. **Utility metering.** Each dwelling unit shall be separately metered for gas, water and electricity.
  - e. **Landscape maintenance.** All landscaping shall be restored as necessary and maintained to achieve a good appearance and high quality.
  - f. **Condition of equipment and appliances.** The developer shall provide written certification and 90-day warranty to the buyer of each unit at the close of escrow that any dishwashers, garbage disposals, stoves, refrigerators, hot water tanks and air conditioners that are provided are in operable working condition as of the close of escrow. At the time the homeowner's association takes over management of the development, the developer shall provide written certification and ninety day warranty to the association that any pool and pool equipment (filter, pumps, chlorinator, and any appliances and mechanical equipment to be owned in common by the association) is in operable working condition.
  - g. **Refurbishing and restoration.** All main buildings, structures, fences, patio enclosures, carports, accessory buildings, sidewalks, driveways, landscaped areas and additional elements as required by the Commission shall be refurbished and restored as necessary to achieve a good appearance, high quality and high degree of safety. A report from a licensed pest control operator describing in detail the presence and effects of any wood destroying organisms shall be prepared and filed with the City.
  - h. **Laundry facilities.** A laundry area shall be provided in each unit.
  - i. **Private open space.** Each proposed unit shall be provided a minimum of 150 square feet of outdoor open space for the exclusive use of the unit.
2. **Advisory physical standards.** In addition to the above, the proposed community housing project shall meet any mandatory development standards and shall substantially conform to any advisory standards for the construction of new community housing projects, which standards have been accepted by the Council and are in effect at the time of the review.

## **H. Tenant provisions.**

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1. **Notice of intent.** Prior to the filing of the application for approval of a tentative map, the subdivider shall give a written notice of intent to convert to each tenant and shall furnish proof of service of such notice in the application. The form of the notice shall be as approved by the community development department and shall contain not less than the following:
    - a. Name and address of current owner;
    - b. Name and address of the proposed subdivider;
    - c. Approximate date on which the conversion is to be completed;
    - d. Approximate date on which the unit is to be vacated by non-purchasing tenants;
    - e. A clear and full statement to the tenant's:
      - (1) Right to purchase, including but not limited to, period of time in which exercisable, estimated price range, method of exercising right;
      - (2) Right of a least 120-day notification to vacate; and
      - (3) Right of termination of the lease.
    - f. Other necessary information which may be required for an adequate and fair disclosure.
  2. **Tenants right to purchase.** As provided in Government Code Section 66421.1(b), any present tenant or tenants of any unit shall be given a nontransferable right of first refusal to purchase the unit occupied at a price no greater than the price offered to the general public. The right of first refusal shall extend for at least 60 days from the date of issuance of the subdivision public report or commencement of sales, whichever date is later.
  3. **Vacation of units.** In addition to any legally required notice to terminate a lease, each non purchasing tenant, not in default under the obligations of the rental agreement or lease under which he or she occupies his or her unit, shall be given one hundred twenty-day written which provides a specific date for vacating the unit, and by which he or she must find substitute housing for relocation. The notified vacation date shall be at least 120 days from the filing date of the final subdivision map or parcel map.
  4. **Notice to new tenants.** After submittal of the tentative map, any prospective tenants shall be notified in writing of the Intent to convert prior to leasing or renting any unit.
- I. Effect upon low and moderate income housing supply.** In reviewing requests for conversion, the Planning Commission shall consider:
1. Whether the amount and impact of the displacement of tenants caused by the conversion would be detrimental to the health, safety, or general welfare of the community;
  2. The role that the housing structure plays in the existing housing rental market; and
  3. The conversion of "very low", and "other low" income rental units to market rate units should not be allowed unless it can be demonstrated that the City can meet it's "Fair Share Allocation" of affordable housing, after the conversion is complete. The City shall rely upon the "Fair Share Allocation" shown in the General Plan Housing Element and mandated by the Department of Housing and Community Development.
- J. Required findings.** An application for condominium conversion shall not be approved unless the



review authority first finds that:

1. All submittal and procedural requirements of this Chapter are met;
2. The proposed conversion is consistent with the General Plan;
3. The proposed conversion will conform to the City's codes in effect at the time of Tentative Map approval, except as otherwise provided in this Chapter;
4. The overall physical condition of the condominium conversion substantially meets the city's design criteria to achieve a good appearance, high quality and high degree of safety;
5. The proposed conversion will not displace a significant percentage of low and moderate income or senior citizen tenants, and will not delete a significant number of low and moderate income rental units from the city's housing stock;
6. The project as approved or conditionally approved will meet all mandatory development standards and will substantially comply with the adopted advisory standards for new condominiums construction, which standards are In effect at the time of approval;
7. Each dwelling unit provides a commonly accepted expectation for safety convenience and amenities for owner-occupied residences; and
8. Vacancies in the project have not been intentionally increased for the purpose of preparing the project for conversion.

### 17.44.090 - Drive-Through Facilities

This Section establishes standards for the development and operation of drive-through facilities where allowed by Article 2 (Zones, Allowable Land Uses, and Zone Standards).

- A. **Design objectives.** A drive-through facility shall only be permitted if the review authority first determines that the design and operation will avoid congestion, excessive pavement, litter, and noise.
- B. **Limitation on location.** The drive-through facility shall only be located along a building facade away from a street frontage.
- C. **On-site circulation standards.** The drive-through facility shall be provided internal circulation and traffic control as follows.
  1. **Aisle design.**
    - a. The entrance/exit of any drive aisle shall be a minimum of 50 feet from an intersection of public rights-of-way (measured at the closest intersecting curbs) and at least 25 feet from the edge of any driveway on an adjoining parcel.
    - b. The drive aisle shall be designed with a minimum 10-foot interior radius at curves and a minimum 10-foot width.
  2. **Stacking area.** A clearly identified area shall be provided for vehicles waiting for drive-up or drive-through service that is physically separated from other on-site traffic circulation.
    - a. The stacking area shall accommodate a minimum of three cars for each drive-up or drive-through window in addition to the vehicle receiving service.
    - b. The stacking area shall be located at and before the service window (e.g., pharmacy, teller, etc.).

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- c. Separation of the stacking area from other traffic shall be by concrete curbing or paint striping on at least one side of the lane.
    - d. Stacking areas adjacent and parallel to streets or public rights-of-way shall be prohibited.
  - 3. **Walkways.** An on-site pedestrian walkway shall not intersect a drive-through aisle.
  - 4. **Exceptions.** The review authority may approve alternatives to the requirements of Subsections C.1, through C.3 where it first finds that the alternate design will, given the characteristics of the site, be equally effective in ensuring on- and off-site pedestrian and vehicular traffic safety and minimizing traffic congestion.
  - 5. **Visual buffer.** The drive-through aisle shall be screened from the sidewalk or street with landscaping or walls and berms.
- D. **Signs.** Each entrance to, and exit from, a drive-through aisle shall be clearly marked to show the direction of traffic flow by signs and pavement markings or raised curbs. Signage shall also be provided to indicate whether the drive-through facility is open or closed.

### 17.44.100 - Home Occupations

The following standards for home occupations are intended to provide reasonable opportunities for employment within the home, while avoiding changes to the residential character of a dwelling that accommodates a home occupation, or the surrounding neighborhood, where allowed by Article 2 (Zones, Allowable Land Uses, and Zone Standards).

- A. **Business License required.** A home occupation shall require a City Business License.
- B. **Limitations on use.** The following are examples of business activities that may be approved as home occupations, and uses that are prohibited as home occupations.
- 1. **Uses allowed as home occupations.** The following and other uses determined by the Director to be similar may be approved by the Director in compliance with this Section.
    - a. Art and craft work (ceramics, painting, photography, sculpture, etc.);
    - b. Tailors, sewing, etc.;
    - c. Office-only uses, including an office for an architect, attorney, consultant, counselor, insurance agent, planner, tutor, writer, etc., and electronic commerce; and
    - d. Pet grooming may be conducted as a home occupation within the RE and R-1 zone when in compliance with this Section, and with Minor Use Permit approval; provided that no pet involved in the pet grooming home occupation shall be kept overnight on the premises.
  - 2. **Uses prohibited as home occupations.** The following are examples of business activities that are not incidental to or compatible with residential activities, and are, therefore, prohibited as home occupations:
    - a. Adult entertainment activities/businesses;
    - b. Animal hospitals and boarding facilities;
    - c. Automotive and other vehicle repair and service (body or mechanical), painting, storage, or upholstery, or the repair, reconditioning, servicing, or manufacture of any internal

combustion or diesel engines, or of any motor vehicle, including automobiles, boats, motorcycles, or trucks;

- d. Construction contractor facilities and storage (an office-only use is allowed in compliance with Subsection B.1.c above), and other outdoor storage;
- e. Dismantling, junk, or scrap yards;
- f. Fitness/health facilities (except that one-on-one personal trainers may be allowed);
- g. Medical clinics, laboratories, or doctor's offices;
- h. Personal services as defined in Article 10 (Glossary), except that licensed massage therapy and physical therapy may be allowed as home occupations in compliance with this Section;
- i. Parking on, or dispatching from the site any vehicle used in conjunction with an automobile wrecking or towing service, or with a taxi or similar passenger or delivery service, whether based on the site or elsewhere;
- j. On-site sales, except that mail order businesses may be allowed where there is no stock-in-trade on the site;
- k. Uses that require explosives or highly combustible or toxic materials;
- l. Welding and machine shop operations;
- m. Wood cutting businesses; or
- n. Other uses the Director determines to be similar to those listed above.

**C. Operating standards.** Home occupations shall comply with all of the following operating standards.

- 1. **Accessory use.** The home occupation shall be clearly secondary to the full-time use of the property as a residence.
- 2. **Location of home occupation activities.** All home occupation activities shall not occupy more than 25 percent of the gross floor area of the ground floor. A garage or other enclosed accessory structure may be used for home occupation purposes only if required off-street parking spaces are continually maintained. Horticulture activities may be conducted outdoors, but only on the rear one-third of the site.
- 3. **Visibility.** The use shall not require any exterior modification to the structure not customarily found in a dwelling, nor shall the home occupation activity be visible from a public right-of-way, or from neighboring residential properties.
- 4. **Signs.** There shall be no advertising signs, other than one name plate, not exceeding one square foot in area, and only if attached flush to a wall of the structure.
- 5. **Safety.** Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises. The use shall not employ the storage of explosive, flammable, or hazardous materials beyond those normally associated with a residential use.
- 6. **Off-site effects.** No home occupation activity shall create dust, electrical interference, fumes, gas, glare, light, noise, odor, smoke, toxic/hazardous materials, vibration, or other hazards or nuisances as determined by the Director.

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7. **Outdoor display or storage.** There shall be no window display or outdoor storage or display of equipment, materials, or supplies associated with the home occupation.
  8. **Employees.** A home occupation shall have no on-site employees other than full-time residents of the dwelling; except that up to two non-resident employees may be allowed with Use Permit approval.
  9. **Client/customer visits.** The home occupation shall be operated so as to not require more than eight vehicle trips per day of clients, customers, visitors, and/or service visits to the residence. On-site presence of clients or customers shall be limited to one client or family at a time, and only between the hours of 9:00 a.m. and 8:00 p.m.
  10. **Motor vehicles.** There shall be no motor vehicles used or kept on the premises, except residents' passenger vehicles, and/or one pickup truck, van, or similar vehicle not exceeding 1.5 ton carrying capacity. The home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises in a manner different from normal residential usage, except for FedEx, UPS, or USPS-type home deliveries/pick-ups. The Commission may authorize other types and/or additional vehicles with Use Permit approval.
  11. **Utility service modifications.** No utility service to the dwelling shall be modified solely to accommodate a home occupation, other than as required for normal residential use.
- D. **Home working operations.** Small-scale commercial wood and metal working may be authorized by Minor Use Permit as a home occupation, provided that the review authority may require conditions of approval limiting hours of operation, noise levels, and/or any other aspect of the operation, to ensure compatibility with on-site and adjacent residential uses.

### 17.44.110 - Elder Care

- A. **Purpose.** It is the intent of the Council in adopting this Section to ensure affordable care for lower income elderly persons and address the transportation needs of all residents of elder care facilities within the city of Grass Valley. It is the further intent of the Council, and the Council so finds that:
1. The health, safety and welfare of the residents living in these facilities requires the installation of generators with an electrical output capable of ensuring that the facilities have adequate emergency/back-up electric power sources sufficient to maintain basic security lighting, elevator access and any necessary life support equipment for its residents in the event of a power failure.
  2. This Section will ensure low income elderly citizens access to such facilities and provide needed transportation.
  3. This Section will provide minimum standards for the installation and maintenance of emergency/back-up electric power sources in existing and future facilities and the imposition of conditions of approval for any application for the construction of the facilities.
- B. **Permit requirement.** Use Permit approval is required for an elder care facility.
- C. **General standards.**
1. **Affordable units.** A minimum of 10 percent of all living units in an elder care facility shall be set aside and be made available at an affordable rent for lower income elderly persons; that is, those in need of Supplemental Security Income, Medi-Cal or who are living at or below the lower annual income limits for Nevada County as published by the California Department of Housing and Community Development - Division of Housing Policy Development.
    - a. Additionally, a minimum of 10 percent of all living units of an elder care facility shall be set aside and be made available at an affordable rent for those at or below the annual

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median income limits for Nevada County as published by the California Department of Housing and Community Development - Division of Housing Policy Development.

- b. The elderly care facility rent for housing, utilities and board charged shall not exceed two-thirds of the applicable lower or median annual income limit of a qualified elderly person. The owner shall provide, at a minimum, semi-annual reports to the Department to verify compliance with this standard.

The Director shall develop, monitor and administer a reporting program to assure compliance with this requirement as well as the other requirements of this Section. Failure of the operator/owner of any facility to continuously maintain, make a report upon request or otherwise comply with the written directives of the Director shall constitute grounds for revocation of the Use Permit.

2. **Transportation services and facilities.** The operators of any elder care facility with more than 30 units shall provide or contract for accessible transit services for the residents of the project. All such services shall be maintained, operated, contracted for and / or funded by the operators for a minimum of 30 hours each week. A public transit turnout shall be included within the projects design of an elder care facility.
3. **Patient assistance.** The operators of an elder care facility should provide proper equipment or staff to assist residents or shall call the local ambulance service directly to assist residents in non-emergency situations. Calls to 911 shall be restricted to emergencies only.

- D. **Application of requirements to new and existing facilities.** A new elder care facility or an existing facility proposing a substantial expansion of its operation shall be required to obtain a Use Permit and comply with the requirements of this Section. Elder care facilities existing as of the effective date of this Section are exempt from these requirements until a substantial expansion of either the use or facility is proposed, for which a Use Permit is required.

1. The new units of an existing facility that is being substantially expanded shall comply immediately with the requirements of this Section.
2. The remainder of the units of an existing facility that is being substantially expanded shall have one year in which to bring the entire facility into compliance with the requirements of this Section.

For the purposes of this Section, substantial expansion is defined as an increase of 20 percent or more of the number of dwelling units of an elder care facility.

### **17.44.130 - Live/Work Units**

- A. **Purpose.** This Section provides standards for the development of new live/work units and for the reuse of existing commercial and industrial structures to accommodate live/work opportunities where allowed by Article 2 (Zones, Allowable Land Uses, and Zone Standards). A live/work unit shall function predominantly as work space with incidental residential accommodations that meet basic habitability requirements. The standards of this Section do not apply to mixed use projects, which are instead subject to Section 17.44.140 (Mixed Use Projects).

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- B. Application requirements.** In addition to the information and materials required for a Use Permit application by this Development Code, the review authority may require a Use Permit application for a live/work unit to include a Phase I Environmental Assessment for the site, including an expanded site investigation to determine whether lead based paint and asbestos hazards are present in an existing structure proposed for conversion to live/work. The purpose of this requirement is to assess whether there are any hazardous or toxic materials on the site that could pose a health risk to the residents. If the Phase I assessment shows potential health risks, a Phase 2 Environmental Assessment shall be prepared and submitted to the Department in order to determine if remediation may be required.
- C. Limitations on use.** The nonresidential component of a live/work project shall only be a use allowed within the applicable zone. A live/work unit shall not be established or used in conjunction with any of the following activities:
1. Adult-oriented businesses;
  2. Vehicle maintenance or repair (e.g., body or mechanical work, including boats and recreational vehicles), vehicle detailing and painting, upholstery, etc.);
  3. Storage of flammable liquids or hazardous materials beyond that normally associated with a residential use;
  4. Welding, machining, or any open flame work; and
  5. Any other activity or use, as determined by the Director to not be compatible with residential activities and/or to have the possibility of affecting the health or safety of live/work unit residents, because of the potential for the use to create dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or would be hazardous because of materials, processes, products, or wastes.
- D. Residential density.** Live/work units shall not exceed a maximum density of 15 units per acre. This standard shall not apply in the Traditional Community Development Zones.
- E. Occupancy requirement.** The residential space within a live/work unit shall be occupied by at least one individual employed in the business conducted within the live/work unit.
- F. Design standards.**
1. **Floor area requirements.** The floor area of the work space shall be at least 30 percent of the total floor area. All floor area other than that reserved for living space shall be reserved and regularly used for working space.
  2. **Separation and access.** Each live/work unit shall be separated from other live/work units or other uses in the structure. Access to each live/work unit shall be provided from a public street, or common access areas, corridors, or halls. The access to each unit shall be clearly separate from other live/work units or other uses within the structure.
  3. **Facilities for commercial or industrial activities, location.** A live/work unit shall be designed to accommodate commercial or industrial uses as evidenced by the provision of flooring, interior storage, ventilation, and other physical improvements of the type commonly found in exclusively commercial or industrial facilities used for the same work activity. The ground floor of a live/work unit shall be used only for non-residential purposes.
  4. **Integration of living and working space.** Areas within a live/work unit that are designated as living space shall be an integral part of the live/work unit. The living space of a live/work unit shall be accessed only by means of an interior connection from the work space, and shall have no exterior access except as required by the Building Code.
  5. **Mixed occupancy structures.** If a structure contains mixed occupancies of live/work units and

other nonresidential uses, occupancies other than live/work shall meet all applicable requirements for those uses, and proper occupancy separations shall be provided between the live/work units and other occupancies, as determined by the Building Official.

6. **Parking.** Each live/work unit shall be provided with at least two off-street parking spaces. The review authority may modify this requirement for the use of existing structures with limited parking.

### G. Operating requirements.

1. **Sale or rental of portions of unit.** No portion of a live/work unit may be separately rented or sold as a commercial or industrial space for any person not living in the premises or as a residential space for any person not working in the same unit.
2. **Notice to occupants.** The owner or developer of any structure containing live/work units shall provide written notice to all live/work occupants and users that the surrounding area may be subject to levels of dust, fumes, noise, or other effects associated with commercial and industrial uses at higher levels than would be expected in more typical residential areas. State and Federal health regulations notwithstanding, noise and other standards shall be those applicable to commercial or industrial properties in the applicable zone.
3. **On-premises sales.** On-premises sales of goods is limited to those produced within the live/work unit; provided, the retail sales activity shall be incidental to the primary production work within the unit. These provisions shall allow occasional open studio programs and gallery shows.
4. **Nonresident employees.** Up to two persons who do not reside in the live/work unit may work in the unit, unless this employment is prohibited or limited by the Use Permit. The employment of three or more persons who do not reside in the live/work unit may be allowed, subject to Use Permit approval, based on an additional finding that the employment will not adversely affect parking and traffic conditions in the immediate vicinity of the unit. The employment of any persons who do not reside in the live/work unit shall comply with all applicable Uniform Building Code (UBC) requirements.
5. **Client and customer visits.** Client and customer visits to live/work units are allowed subject to any applicable conditions of the Use Permit to ensure compatibility with adjacent commercial or industrial uses, or adjacent residentially-zoned areas.

- H. **Changes in use.** After approval, a live/work unit shall not be converted to either entirely residential use or entirely business use unless authorized through Use Permit approval. No live/work unit shall be changed to exclusively residential use in any structure where residential use is not allowed, where two or more residential units already exist, or where the conversion would produce more than two attached residential units.

- I. **Required findings.** The approval of a Use Permit for a live/work unit shall require that the review authority first make all of the following findings, in addition to those findings required for Use Permit approval by Section 17.72.060 (Use Permit and Minor Use Permit):

1. The proposed use of each live/work unit is a bona fide commercial or industrial activity consistent with Subsection C. (Limitations on use);
2. The establishment of live/work units will not conflict with nor inhibit commercial or industrial uses in the area where the project is proposed;

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3. The structure containing live/work units and each live/work unit within the structure has been designed to ensure that they will function predominantly as work spaces with incidental residential accommodations meeting basic habitability requirements in compliance with applicable regulations; and
4. Any changes proposed to the exterior appearance of the structure will be compatible with adjacent commercial or industrial uses where all adjacent land is zoned for commercial or industrial uses.

### 17.44.140 - Mixed Use Projects

This Section provides standards for the design of mixed use projects, where allowed by Article 2 (Zones, Allowable Land Uses, and Zone Standards). A mixed use project combines residential and nonresidential uses on the same site, with the residential units typically located above the nonresidential uses (vertical mixed use). Residential units may be allowed at ground level behind street-fronting nonresidential uses (horizontal mixed use) only under the limited circumstances specified by this Section. Upper floors may also be occupied by office uses.

- A. Design considerations.** A mixed use project shall be designed to achieve the following objectives.
1. The design shall provide for internal compatibility between the residential and non-residential uses on the site.
  2. Potential glare, noise, odors, traffic, and other potential nuisance conditions for residents shall be minimized to allow a compatible mix of residential and nonresidential uses on the same site.
  3. The design shall take into consideration existing and potential future uses on adjacent properties and shall include specific design features to minimize potential impacts.
  4. The design shall ensure that the residential units are of a residential character, and that appropriate privacy between residential units and other uses on the site is provided.
  5. Site planning and building design shall provide for convenient pedestrian access from the public street into the nonresidential portions of the project, through such means as courtyards, plazas, walkways, and street furniture.
  6. Site planning and building design shall be compatible with and enhance the adjacent and surrounding residential neighborhood in terms of building design, color, exterior materials, landscaping, lighting, roof styles, scale, and signage.
- B. Mix of uses.** A mixed use project may combine residential uses with any other use allowed in the applicable zone by where allowed by Article 2 (Zones, Allowable Land Uses, and Zone Standards); provided, that where a mixed use project is proposed with a use that is required to have Minor Use Permit or Use Permit approval in the applicable zone, the entire mixed use project shall be subject to that permit requirement.
- C. Maximum density.** The residential component of a mixed use project shall not exceed a maximum density of 15 units per acre. This standard shall not apply in the Traditional Community Development Zones.
- D. Site layout and project design standards.** Each proposed mixed use project shall comply with the property development standards of the applicable zone, and the following requirements.
1. **Location of units.** Residential units shall not occupy ground floor street frontage space adjacent to a public or private street. The ground floor street frontage space within a mixed use building shall be reserved for commercial uses, except for a lobby or other entry feature providing access to the residential units.



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2. **Parking.** In order to encourage the development of residential uses in existing and new commercial areas, the use of shared parking provisions shall be incorporated into mixed use projects in compliance with Section 17.36.080 (Reduction of Parking Requirements).
3. **Loading areas.** Commercial loading areas shall be located away from residential units and shall be screened from view from the residential portion of the project to the maximum extent feasible.
4. **Refuse and recycling areas.** Areas for the collection and storage of refuse and recyclable materials shall be located on the site in locations that are convenient for both the residential and nonresidential uses.
5. **Laundry facilities.** Each residential unit in a mixed-use project shall be provided laundry facilities.
6. **Open space.** A mixed-use project shall be designed to provide residential with public or private outdoor space, which may be in the form of roof gardens, individual balconies, or other means acceptable to the review authority.

### **E. Performance standards.**

1. **Lighting.** Lighting for commercial uses shall be appropriately shielded to limit impacts on the residential units.
2. **Noise.** Each residential unit shall be designed and constructed to minimize nonresidential project noise levels, in compliance with the City's Noise Ordinance.
3. **Hours of operation.** A mixed use project proposing a commercial component that will operate outside of the hours from 8:00 a.m. to 6:00 p.m. shall require Use Permit approval to ensure that the commercial uses will not negatively impact the residential uses within the project, or any adjacent residential uses.

## **17.44.150 - Mobile/Manufactured Homes and Mobile Home Parks**

This Section provides requirements and development standards for the use of mobile homes and manufactured homes as single-family dwellings outside of mobile home parks, and for mobile home parks, where allowed by Article 2 (Zones, Allowable Land Uses, and Zone Standards).

- A. **Mobile/Manufactured home outside of a mobile home park.** See Section 17.44.210 (Single Dwellings).
- B. **Mobile home park standards.** The site for the mobile home park shall comply with the following requirements.
  1. **Planning and design objectives.** The City intends that each mobile home park be designed and landscaped to be compatible with adjacent residential and other uses. These standards are intended to provide a means of achieving an environment of stable, desirable character not out of harmony with the surrounding area.
  2. **Allowable uses.** Use Permit approval for a mobile home park may authorize the following uses in addition to individual mobile homes.
    - a. Accessory uses, limited to awnings, portable, demountable or permanent carports, fences or windbreakers, garages, porches, and storage cabinets.
    - b. A golf course, lake, park, playground, riding and hiking trails, equestrian facilities, other

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similar recreational structures and facilities, clubhouses, community centers, laundries, and similar uses; provided that all of these are not allowed on the individual mobile home lots within the mobile home park.

- c. Public utility and public service uses and structures.

**4. Standards.** This Section identifies standards for mobile home park development, recognizing the dual need for moderately priced housing, and standards that will adequately protect residents of the parks and the City as a whole.

- a. **Phased development.** Development may be in phases, so long as each phase complies with the minimum standards of this Section, and no mobile home is occupied in any phase until at least 10 mobile home lots are developed and improved on a minimum of two acres, and authorized by a permit for occupancy in compliance with Health and Safety Code Section 18505.
- b. **Density.** The Commission shall determine the allowable density for each mobile home park, based on the following criteria:
  - (1) The provision of the space necessary for compliance with this Section;
  - (2) Individual mobile home lots shall be a minimum of 2,000 square feet; and
  - (3) In no case shall the density of a mobile home park exceed the maximum density of the General Plan and zone designation for the subject site.
- c. **Building lines.** Each structure and mobile home shall have a minimum setback of 15 feet from all exterior property lines; and a minimum setback of 20 feet from the right-of-way of any street adjoining the mobile home park. The resulting setback area shall be landscaped and continually maintained, in compliance with Chapter 17.34 (Landscaping Standards).
- d. **Parking.** Off-street parking shall be provided at a ratio of two covered spaces for each mobile home (tandem parking allowed in an attached carport), plus one guest parking space for each four units. Recreational vehicle parking shall be provided at the rate of one space for every five units.
- e. **Utilities.** All utility distribution facilities (including cable television, communication and electric lines and boxes) within a mobile home park shall be placed underground. The developer is responsible for complying with the requirements of this Subparagraph, and shall make the necessary arrangements with the utility companies for the installation of the required facilities.
- f. **Tenant storage.** A minimum of one 75 cubic foot storage cabinet shall be provided on each mobile home site. Adequate solid waste and recyclable materials storage enclosures shall be provided in compliance with Section 17.30.090.
- g. **Accessory uses.** Accessory uses are those that are incidental to the planned residential use, exist for the sole purpose of service to the residents, are customarily found in multi-family developments, and do not alter the character of the residential use.
  - (1) Any structure used for an accessory use shall meet all requirements for a primary structure.
  - (2) Allowable accessory uses include a management facility, laundry facility, swimming facilities, recreation room, recreational vehicle storage areas, vending machines, and other uses that, in the opinion of the Commission, are of a similar

nature.

- (3) A mobile home park may contain accessory retail and service uses for park residents as authorized by Use Permit approval, and in compliance with Section 17.44.020 (Accessory Structures and Uses).
- h. **Travel trailers.** An occupied travel trailer, camper, motor coach, motor home, trailer coach, or any similar vehicle not certified under the National Mobile Home Construction Safety Standards Act of 1974 (42 USC Section 4401 et seq.) shall not be allowed within a mobile home park. Unoccupied trailers and other recreational vehicles may be stored in an approved on-site storage area where authorized by Use Permit.
- i. **Fencing.** A solid masonry wall, fence, or other decorative landscape screening of the maximum height allowed by this Development Code shall be installed as required by the review authority as part of the Use Permit approval for the mobile home park.
- j. **Landscaping.** Landscaping shall be provided in compliance with Chapter 17.34 (Landscaping Standards).
- k. **Signs.** A mobile home park may be allowed one externally illuminated identification sign not exceeding six feet in height or 24 square feet in area. The sign shall be integrated into the mobile home park landscaping, at a location specified in the Use Permit approval.
- l. **Skirting.** Skirting shall be provided along all sides of each mobile home.
- m. **Internal streets.** Internal street design shall comply with State law standards at minimum; unless different standards are required by the review authority.

### 17.44.160 - Multi-Family Projects

New or remodeled multi-family projects shall comply with the standards of this Section, where allowed by Article 2 (Zones, Allowable Land Uses, and Zone Standards). For the purposes of this Section, the term "remodeled" means the reconstruction or remodeling of at least 50 percent of the gross floor area of the original structure.

- A. **Accessory structures.** Accessory structures and uses (e.g., bicycle storage, garages, laundry rooms, recreation facilities, etc.) shall be designed and constructed with an architectural style, exterior colors and materials similar to the structures in the project containing dwelling units.
- B. **Building facades adjacent to streets.** A multi-family project of three or more dwelling units shall be designed so that at least 75 percent of the facade of each building adjacent to a public street is occupied by habitable space with windows. Each facade adjacent to a street shall have at least one pedestrian entry into the structure.
- C. **Front setback pavement.** No more than 40 percent of the front setback area shall be paved for walkways, driveways, and/or other hardcover pavement.
- D. **Parking location.** Off-street parking for a multi-family structure of three or more units shall be located so that it is not visible from the street fronting the parcel. A garage providing parking for a duplex may be located in compliance with the following standards, in addition to the requirements of Chapter 17.36 (Parking and Loading).
  - 1. **Front setback.** A garage shall be set back from the front property line at least 10 feet further than the facade of the dwelling, to reduce visual impact from the street.

2. **Side setback.** When a maintenance easement is granted by the owner of the adjacent parcel to the approval of the Director, a garage may be built to the side property line on that side, but shall be located at least eight feet from the other side property line. Otherwise, a garage shall be set back a minimum of five feet from each side property line.
  3. **Rear setback.** A garage shall be set back a minimum of five feet from a rear property line.
  4. **Facade width, parking orientation.** The front facade of a garage shall not exceed a width of 25 feet. Tandem parking is allowed.
- E. **Open space.** Each multi-family residential project, except a duplex, shall include permanently maintained outdoor open space for each dwelling unit (private space), and for all residents (common space), except where the review authority determines that existing public park or other usable public open space is within convenient walking distance, or that the residential units are part of a mixed use project and/or located in a commercial zone. This standard shall not apply in the Traditional Community Development Zones.
1. **Area required.** Private and common open space shall be provided as required by Table 4-1.

**TABLE 4-1 - MULTI-FAMILY PROJECT OPEN SPACE REQUIREMENTS**

Project Size	Minimum Common Open Space Required per Unit	Minimum Private Open Space Required per Unit
3 or 4 units	200 sf	150 sf for each unit
5 to 10 units	500 sf	
11 and more units	100 sf per unit	

2. **Configuration of open space.** Required open space areas shall be designed and located as follows. Landscaping shall comply with the requirements of Chapter 17.34 (Landscaping Standards).
  - a. **Common open space.** All required open space shall be: easily accessible; continuous, usable site elements; separated from parking areas; safe and secure. Each common open space area shall have a minimum dimension of 12 feet for three and four unit projects, and 20 feet for projects with five or more units.
  - b. **Private open space.** Private open space shall be at the same elevation as, and immediately accessible from within the unit. Each private open space area shall have a minimum dimension of eight feet; except that the review authority may authorize different minimum dimensions for upper-floor units where the private open space is provided as a balcony or upper floor court. Where balconies are approved as required private open space, they shall have a minimum depth of four feet and a minimum width of six feet.

The review authority may allow required open space to be in different locations and/or with different dimensions where it determines that the alternative approach will provide open space of equivalent utility and aesthetic quality.

3. **Maintenance and control of common open space.** Required common open space shall be controlled and permanently maintained by Home Owners Association (HOA), or by the property owner of a rental project. Provisions for control and maintenance shall be included in property covenants of all common interest developments.

- F. Outdoor lighting.** Outdoor lighting shall be installed and maintained along all vehicular access ways and major walkways, in compliance with 17.30.070 (Outdoor Lighting). The lighting shall be directed onto the driveways and walkways within the development and away from adjacent properties. Lighting of at least one foot candle shall also be installed and maintained within all covered and enclosed parking areas and shall be screened to minimize glare onto public sidewalks. Lighting fixtures/lamps shall be the most energy efficient available. All proposed lighting shall be shown on the required landscape plan.
- G. Storage.** A minimum of 100 cubic feet of lockable storage area shall be provided for each dwelling outside of the unit, with no dimension less than 30 inches.
- H. Television antennas.** Exterior television antennas, other than satellite dishes less than 39 inches in diameter, are not allowed, except for a single common, central antenna, with underground cable service to each dwelling unit. This restriction shall be included in any property covenants of a common interest development.
- I. Window orientation.** Where one or more windows are proposed 10 feet or less from a side lot line, or 10 feet from another residential structure on the same site, Design Review shall ensure, to the extent feasible, that the windows are located and/or screened to provide privacy for residents of both structures.

### 17.44.170 - Outdoor Displays, Sales, and Storage

- A. Applicability.** The provisions of this Section apply to temporary and permanent facilities for outdoor display, sales (e.g., garden supply sales, news and flower stands, and similar uses where merchandise is displayed for sale), and outdoor eating areas, where allowed by Article 2 (Zones, Allowable Land Uses, and Zone Standards).
- B. Temporary outdoor displays and sales.** See Section 17.72.040 (Limited Term Permits).
- C. Permanent outdoor displays and sales.** The permanent outdoor display and sale of merchandise is allowed subject to the following standards.

  - 1. The outdoor display of merchandise shall not exceed a height of six feet above finished grade, unless a greater height is allowed through Minor Use Permit approval.
  - 2. Outdoor display and sales areas shall not encroach into required setback areas or the public right of way. In zones where no setback area is required, the outdoor sales area shall be set back a minimum of 10 feet from adjoining property lines unless otherwise allowed through Minor Use Permit approval.
  - 3. Displayed merchandise shall occupy a fixed, specifically approved, location that does not disrupt the normal function of the site or its circulation, and does not encroach upon driveways, landscaped areas, required parking spaces, or pedestrian walkways. A display shall not obstruct intersection visibility or otherwise create hazards for pedestrian or vehicle traffic.
  - 4. The outdoor display and sales area shall be directly related to a business occupying a permanent structure on the subject parcel.
  - 5. The Director may require that outdoor sales and activity areas other than vehicle sales lots, produce stands, and nursery product sales be screened from the view of adjoining public rights-of-way by decorative walls, fences, or landscaping.
  - 6. Additional signs shall not be provided for the outdoor display and sales area beyond those normally allowed for the primary use.

### C. News and flower stands.

1. **Location requirements.** A news or flower stand shall:
  - a. Be located parallel and adjacent to the wall of a structure. A freestanding news or flower stand is allowed only as a roofed kiosk;
  - b. In the case of a privately owned stand, not be located within:
    - (1) The public right-of-way unless authorized by Use Permit; or
    - (2) Within three feet of a display window of any structure abutting the sidewalk, or so as to interfere with or restrict the reasonable use of the window for display purposes.
2. **Design and construction requirements.**
  - a. A stand shall be soundly constructed of wood, metal, or other suitable permanent material, and designed in a manner and color to be compatible with the adjacent structures whether the stand is opened or closed. Security doors shall be designed as an integral part of the structure.
  - b. Shelving shall not exceed eight feet in height nor two feet in depth.
3. **Maintenance.** Each news or flower stand shall be maintained in a clean and neat condition and in good repair, at all times.
4. **Signs.** A stand shall not be used for advertising or publicity purposes. Signs shall be for identification only, with size and design in compliance with Chapter 17.38 (Signs).
5. **Additional product sales.** In addition to the sale of newspapers, magazines, and other periodicals, for newsstands, and flowers and plants, for flower stands, the owners or operators may sell other related accessory products, not to exceed 10 percent of the total merchandise displayed.

### E. Outdoor dining areas.

1. An outdoor dining area may be allowed accessory and incidental to a restaurant with indoor eating area on the same site; provided, the outdoor eating area shall also comply with the parking requirements of Section 17.36.040 (Number of Parking Spaces Required) for restaurants or as specified in the Traditional Community Development Zones.
2. Signs shall comply with Chapter 17.38 (Signs).

### F. Outdoor storage.

An outdoor storage or work area shall comply with the following requirements, where allowed by Article 2 (Zones, Allowable Land Uses, and Zone Standards).

1. **Enclosure and screening required.** Outdoor storage areas shall be entirely enclosed by a solid wall or fence as approved by the review authority with a minimum height of six feet and a maximum height of eight feet.
2. **Maximum height of stored materials.** The materials within the storage area shall not be higher than the fence, except where authorized by the Use Permit for the storage area.

3. **Landscaped setback.** In any case where an outdoor storage area abuts a street right-of-way, the required screening wall or fence shall be set back from the right-of-way as required by the applicable zone, and the set back area shall be landscaped to the approval of the Director, and in compliance with Chapter 17.34 (Landscaping Standards).
4. **Cargo containers.** The location and use of cargo containers outdoors is prohibited within the City, except on a limited term use for construction activities pursuant to section 17.72.040.E.7, and for retail sales in the M-1 Zoning District with no more than two containers being stacked on one another. For the purposes of this Section, "cargo container" is a metal "Seatrain" or similar rectangular shipping container that is otherwise carried on rail cars, truck beds, and/or cargo ships.

### 17.44.180 - Recycling Facilities

This Section establishes standards and procedures for the siting and operation of various types and sizes of commercial recycling facilities, where allowed by Article 2 (Zones, Allowable Land Uses, and Zone Standards).

- A. **Reverse vending machines.** Reverse vending machines shall comply with the following standards.
  1. **Accessory use only.** Each machine shall be installed only as an accessory use to an allowed primary use.
  2. **Location requirements.** If located outside of a structure, a machine shall not occupy parking spaces required by the primary use.
  3. **Signs.** Sign area shall not exceed four square feet for each machine, exclusive of operating instructions. The sign area shall be subject to the overall site sign area limitations in Section 17.38.070 (Zone Sign Standards).
  4. **Lighting.** Each machine shall be illuminated to ensure comfortable and safe operation if the machine is accessible between dusk and dawn. The light source shall be shielded so that glare and reflections are confined within the boundaries of the site.
- B. **Small collection facilities.** A small collection facility shall comply with the following standards.
  1. **Location requirements.** A small collection facility shall:
    - a. Not be located within 50 feet of any parcel zoned or occupied for residential use; and
    - b. Be set back at least 10 feet from any public right-of-way, and not obstruct pedestrian or vehicular circulation.
  2. **Maximum size.** A small collection facility shall not occupy more than 350 square feet nor three parking spaces, not including space that would be periodically needed for the removal of materials or exchange of containers.
  3. **Appearance of facility.** Collection containers and site fencing shall be of a color and design that is compatible and harmonious with the surrounding uses and neighborhoods.
  4. **Operating standards for small collection facilities.** Small collection facilities shall:
    - a. Not use power-driven processing equipment, except for reverse vending machines;
    - b. Accept only glass, metal, or plastic containers, paper, and reusable items;

- c. Use containers that are constructed with durable waterproof materials, secured from unauthorized removal of material, and shall be of a capacity sufficient to accommodate materials collected and the collection schedule; and
  - d. Be screened where determined by the review authority to be necessary because of excessive visibility.
- 5. **Signs.** Non-illuminated signs may be provided as follows:
  - a. Identification signs are allowed with a maximum area of 15 percent for each side of the structure or 12 square feet, whichever is greater. In the case of a wheeled facility, the side shall be measured from the ground to the top of the container;
  - b. Additional directional signs, consistent with Chapter 17.38 (Signs), may be approved by the Director if found necessary to facilitate traffic circulation, or if the facility is not visible from the public right-of-way.
- 6. **Parking requirements.**
  - a. 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 additional space shall be provided for the attendant, if needed.
  - b. Use of parking spaces by the patrons and the attendant shall not reduce available parking spaces below the minimum number required for the primary use unless a parking study, determined to be acceptable by the Director, shows that existing capacity is not fully utilized during the time the recycling facility would be on the site.
- C. **Large collection facilities.** A collection facility that is larger than 350 square feet, or on a separate parcel not accessory to a primary use, shall comply with the following standards.
  - 1. **Location requirements.** The facility shall not abut a parcel zoned for residential use.
  - 2. **Container location.** Any containers provided for "after hours" donation of recyclable materials shall be permanently located at least 100 feet from any residential zone, constructed of sturdy, have sufficient capacity to accommodate materials collected, and be secured from unauthorized entry or removal of materials.
  - 3. **Screening.** The facility shall be screened from public rights-of-way, by solid masonry walls or located within an enclosed structure.
  - 4. **Setbacks, landscaping.** Structure setbacks and landscaping shall be provided as required for the applicable zone.
  - 5. **Outdoor storage.** Exterior storage of material shall be in sturdy containers that are secured and maintained in good condition. Storage shall not be visible above the height of the required solid masonry walls.
  - 6. **Operating standards.**
    - a. The site shall be maintained clean, sanitary, and free of litter and any other trash or rubbish, shall be cleaned of loose debris on a daily basis, and shall be maintained free from rodents and other disease vectors.
    - b. Dust, fumes, odor, smoke, or vibration, above ambient levels, shall not be detectable on adjoining parcels.



**D. Processing facilities.** Processing facilities shall comply with the following standards:

1. **Location requirements.** The facility shall not abut a parcel zoned or occupied for residential use;
2. **Limitation on activities.** Allowed activities are limited to baling, briquetting, compacting, crushing, grinding, shredding, and sorting of source-separated recyclable materials and repairing of reusable materials. The facility shall not bale, compact, or shred ferrous metals, other than beverage and food containers. Outbound truck shipments from the site shall not exceed an average of two each day;
3. **Maximum size.** The facility shall not exceed 45,000 square feet of floor or ground area;
4. **Container location.** Containers provided for "after hours" donation of recyclable materials shall be permanently located at least 100 feet from any residential zone, constructed of sturdy, rustproof materials, have sufficient capacity to accommodate materials collected, and be secured from unauthorized entry or removal of the materials;
5. **Screening.** The facility shall be screened from public rights-of-way, by solid masonry walls or located within an enclosed structure;
6. **Outdoor storage.** Exterior storage of material shall be in sturdy containers or enclosures that are secured and maintained in good condition. Storage shall not be visible above the height of the required solid masonry walls; and
7. **Operating standards.** Dust, fumes, odor, smoke, or vibration, above ambient levels, shall not be detectable on adjoining parcels.

### 17.44.190 - Second Units

**A. Purpose.** This Section is intended to allow the creation of new second residential units on existing lots in residential zones that already contain one legally created unit, where allowed by Article 2 (Zones, Allowable Land Uses, and Zone Standards).

**B. Method of creating a second unit.** A second unit may be created by:

1. Alteration of an existing dwelling whereby kitchen and bathroom facilities are not shared in common;
2. Conversion of an attic, basement, garage, or other previously uninhabited portion of a residential structure.
3. Addition of separate unit onto an existing residential structure; or,
4. Construction of a separate structure on a lot in addition to an existing dwelling.

A mobile home, recreational vehicle, or other movable habitable space that does not comply with the Building Code shall not be used as a second unit. A manufactured or modular unit placed on a permanent foundation may be used as a second unit in compliance with this section.

**C. Second unit design and development standards.** Except as described herein, each second unit shall comply with the development standards of the applicable zone, including setback requirements, height and lot coverage limits, but excluding density standards. Each second unit shall also comply with all of the following standards.

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1. Number of units allowed. Only one second unit shall be permitted on a lot. However, pursuant to Government Code section 65852.2, the City shall ministerially approve applications for building permits to create multiple accessory dwelling units within portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to: storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with applicable state building standards.
2. Required facilities. A second unit shall contain separate kitchen and bathroom facilities; an attached second unit shall have an entrance separate from the primary dwelling.
3. Maximum floor area. Second units may consist of any of the following:
  - a. A minimum square footage for an efficiency unit, defined as a unit for occupancy by no more than two persons with a minimum floor area of 150 square feet and which may have partial kitchen or bathroom facilities.
  - b. A one-bedroom second unit that is less than 850 square feet or, for a second unit that provides more than one bedroom, 1,000 square feet.
  - c. A detached second unit that is up to 800 square feet and 16 feet in height with four-foot side and rear yard setbacks that is constructed in compliance with all other local development standards.
  - d. Except as provided above in 17.44.190 C. 3. a – c, a second unit shall not exceed 1,200 square feet, or 50 percent of the floor area of the primary dwelling, whichever is less.
4. Conversion of existing primary unit. An existing dwelling may be converted to a second unit and a new, larger primary unit constructed if the resulting second unit complies with all applicable requirements of this Section.
5. Building Code requirements. Each second unit shall be constructed in compliance with all applicable Building Code requirements. The approval of a second unit attached to an existing dwelling shall require that the entire structure be improved to comply with current Building Code requirements.
6. Parking requirement. Except as provided in Table 3 – 3, one accessible off-street parking space shall be provided for each studio or one-bedroom second unit in addition to the two off-street parking spaces required for the primary dwelling. A second unit with more than one bedroom shall require two off-street parking spaces. Required parking may be tandem. Replacement parking is not required if a garage, carport or covered parking structure is demolished in conjunction with construction of a second unit or is converted to a second unit.
7. Exterior design. Each second unit shall be constructed so as to be compatible with the existing primary dwelling, as well as the surrounding neighborhood in terms of design, form, height, materials, and landscaping, and shall comply with the standards for single-family dwellings in Section 17.44.210 (Single Dwellings).
8. Building separation for detached unit. A detached second unit shall be separated from the primary dwelling by a minimum distance of 10 feet.
9. Setback requirements. No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to a second unit or to a portion of a second unit. Four-foot setbacks from the side and rear lot lines shall be required for a second unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

**D. Procedure for legalizing other existing second units.**

1. A second unit legally existing at the time of adoption of the Grass Valley Zoning Ordinance No. 69 N.S. (December 26, 1965) may be continued as a nonconforming use in compliance with Chapter 17.90 (Nonconforming Uses, Structures, and Parcels).
2. A second unit legally reestablished by Variance or Use Permit for a nonconforming use after the adoption of the Grass Valley Zoning Ordinance No. 69 N.S. (December 26, 1965) may be continued in compliance with all applicable conditions of approval of the Variance or Use Permit.
2. A second unit legally established by Use Permit in compliance with Ordinance No. 332 N.S., adopted December 27, 1983, may be continued in compliance with the conditions of the Use Permit.

**E. Separate sale of second unit prohibited.** No second unit shall be created for sale or financing through a condominium plan, community apartment plan, housing cooperative or other subdivision. A second unit may be rented.

**F. Sale of ADU by Qualified Nonprofit.** An ADU may be sold or conveyed separately from the primary residence to a qualified buyer of low or moderate income if the following conditions are met:

1. The property was built or developed by a qualified nonprofit corporation with a tax exemption for properties intended to be sold to low-income families who participate in a special no-interest loan program.
2. There is a recorded contract between the buyer and nonprofit ensuring that the property is preserved for affordable housing.
3. The property is held pursuant to a recorded tenancy-in-common agreement that requires the buyer to occupy the property as the buyer's principal residence, gives the option of first offer of sale to the non-profit, and includes an affordable restriction that ensures the property is preserved as low-income housing for at least 45 years for owner-occupied housing units that can only be sold or resold to a qualified buyer.

**G. Development and Utility Fees.** The City shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

### 17.44.200 - Service Stations

This Section establishes standards for the development and operation of motor vehicle service stations, where allowed by Article 2 (Zones, Allowable Land Uses, and Zone Standards).

- A. Permit requirements.** A service station shall require Development Review in compliance with Section 17.72.030, in addition to the planning permit required by Article 2.
- B. Application requirements.** Each application for a new or remodeled service station shall include a photometric plan identifying all proposed light sources and their illumination levels, to assist in evaluating compliance with the outdoor lighting requirements of Subsection D.6 and Section 17.30.060 (Outdoor Lighting). The City may require an applicant to pay the cost for a lighting consultant engaged by the City to evaluate photometric plans and recommend alternatives to proposed lighting.

### C. Limitations on location.

1. **Prohibited locations.** A service station site shall not abut a neighborhood zone, a residential zone, or residential use.
2. **Separation between stations.** A service station shall not be closer than 500 feet to another service station. The distance shall be measured in a straight line from the nearest property line of the sites for each service station. No more than one service station shall be located at a street intersection.

### D. Site planning standards. The layout of a service station site and its site features shall comply with the following standards.

#### 1. Site access and driveways.

- a. Curb cuts for service station driveways shall be separated by a minimum of 30 feet from edge-to-edge.
- b. A driveway shall not be located closer than 50 feet to the end of a curb corner nor closer than 25 feet to an interior property line.
- c. The width of a driveway shall not exceed 20 feet, measured at the sidewalk.
- d. Each pump island shall be provided a stacking area that can accommodate one waiting vehicle.

#### 2. Setback requirements.

- a. Pump islands shall be located a minimum of 15 feet from any property line to the nearest edge of the pump island.
- b. A canopy or roof structure over a pump island shall be a minimum of 10 feet from any property line.

#### 3. Building orientation. A service station building containing a convenience store or vehicle service facilities (where allowed by Article 2) shall be located at the back of the sidewalk on a street corner site, with a prominent pedestrian entrance to the building from the public sidewalk.

#### 4. Pavement. A service station site shall be paved with a permanent surface of concrete or asphalt material and shall contain drainage facilities in compliance with all Federal, State, and local requirements. Any unpaved portion of the site shall be landscaped and separated from the paved area by curbs or other barrier approved as part of the Development Review for the site.

#### 5. Landscaping. Landscaping, consisting of trees, ground cover, shrubs, vines, and/or other plant materials approved by the review authority shall be installed, permanently maintained and, if necessary, replaced, in compliance with the following standards, and the requirements of Chapter 17.34 (Landscaping Standards).

- a. A minimum of 15 percent of the entire site shall be landscaped.
- b. Boundary landscaping is required along all property lines abutting streets, except for driveways and where a pedestrian-oriented building facade is located at the back of the sidewalk.

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- c. Landscaped areas shall have a minimum width of eight feet, and shall be separated from abutting vehicular areas by a wall or curbing at least six inches higher than the abutting pavement.
    - d. Additional landscaping may be required by the Commission to screen the service station from adjacent properties.
    - e. All landscaping on the site shall be placed and maintained to provide safe sight distances for pedestrians and drivers.
  - 6. **Lighting.** Exterior lights, including canopy, perimeter, and flood shall be stationary, and shielded or recessed within the roof canopy to ensure that all light is directed downward and away from adjacent properties and public rights-of-way.
    - a. Lighting shall not be of a high intensity so as to cause a traffic hazard, be used as an advertising element, or adversely affect adjacent properties, in compliance with Section 17.30.060 (Outdoor Lighting).
    - b. Lighting fixtures/lamps shall be the most energy efficient available, including florescent, compact florescent, low pressure sodium, high pressure sodium, or other lighting technology that is of equal or greater energy efficiency.
  - 7. **Signs and banners.** Signs, banners, and promotional flags shall comply with Chapter 17.38 (Signs).
  - 8. **Solid waste and recyclables storage.** The storage and disposal of solid waste and recyclable materials, including used or discarded motor vehicle parts or equipment, and fluids, shall comply with all applicable Federal, State, and local requirements. Outdoor solid waste and recyclable storage areas shall be screened by a solid masonry wall with a height of six feet, or as approved by the review authority. The wall design, materials, and colors shall be compatible with the primary structures on the site, as determined by the review authority.
- E. **Building design standards.** Each new service station shall comply with the following standards.
- 1. **Architectural character.** Subject to the requirements of Development Review, service station architecture shall fit with the existing or intended character of the surrounding area as determined by the review authority.
  - 2. **Bay orientation.** No service bay opening shall face a public street.
  - 3. **Pump island canopies.** Any pump island canopies shall be attached to the building.
  - 4. **Restrooms.** Each service station shall maintain one or more restrooms available for use by the general public without charge. Restroom entrances shall be screened from the view of the public right-of-way.
- G. **Accessory uses.** The following appurtenant uses are prohibited unless specifically allowed as part of Use Permit approval.
- 1. **Restriction on outdoor activities.** Outdoor activities on a service station site shall be limited to fueling, replenishing air, water, oil and similar fluids, and the replacement of minor parts (e.g., lamp bulbs, wiper blades, and other similar items) requiring only the use of small hand tools while a vehicle is being serviced at the pump island. Where minor auto repair is permitted by Article 2, all repair activities shall occur entirely within an enclosed structure.
  - 2. **Outdoor storage, display, and vending.** There shall be no outdoor display of equipment or

merchandise, except that one or more outdoor storage and display cabinets or enclosures other than the primary structure may be approved by the review authority, provided that their combined total area shall not exceed 50 square feet. The construction and finish of storage and display cabinets shall be compatible with the primary structures on the site, as determined by the review authority. Outdoor storage and display cabinets may be used only for the display and sale of brake fluid, gasoline additives, oil, transmission fluid, windshield wipers and fluid, and other similar merchandise. The outdoor storage of tires shall be prohibited. No outdoor vending machines are allowed.

3. **Vehicle parking.** Vehicles shall not be parked on sidewalks, parkways, driveways, or alleys.
4. **Tow truck operations.** Where tow truck operations are approved as part of a service station by the review authority, no abandoned, disabled, junked, wrecked, or otherwise non-operational motor vehicles shall remain on site for more than five days, and shall be stored entirely within an enclosed structure.
5. **Convenience sales - Parking.** Where allowed, convenience shopping (the sale of beer and wine, other drinks, food, and/or other merchandise) shall be provided off-street parking in compliance with Chapter 17.36 (Parking and Loading).
6. **Prohibited accessory uses.** The following uses are prohibited.
  - a. The rental, sale, or storage of garden supplies, tools, trailers, travel trailers, vehicles, and other similar materials and merchandise, except the short term storage of vehicles allowed in compliance with Subsection G.4 (Tow truck operations), above.
  - b. Incidental uses such as pinball or video game machines, pool tables, or laundry facilities.
  - c. The display of vehicles for sale.

- H. **Removal of tanks upon cessation or change of use.** If, for any reason, a service station ceases to sell gasoline for more than 115 out of 120 days, all gasoline pumps and signs shall be removed from the site and all gasoline storage tanks shall be removed or treated in compliance with Federal and State regulations, subject to the approval of the Fire Department.

### 17.44.205 – Short Term Rentals

This Section provides standards for short term rentals where allowed by Article 2 (Zones, Allowable Land Uses, and Zone Standards).

- F. **Purpose.** This Section provides standards for vacation rental homes and hosted short term rental units as an alternative to hotels, motels, and bed and breakfast inns and establishes a Minor Use Permit requirement and permit procedures for vacation rental homes. The intent of this Section is to minimize impacts on surrounding residential areas and to protect the residential character of the neighborhoods.

G. **Standards for hosted short term rental units.**

1. No more than two (2) rooms per property shall be rented at the same time;
2. A hosted short term rental unit shall require a business license;
3. The owner or manager of a hosted short term rental unit shall be subject to applicable transient occupancy taxes, pursuant to Chapter 3.16 of the Grass Valley Municipal Code;

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4. The owner or manager shall reside in the home and shall occupy the hosted short term rental unit during rental periods;
5. The owner or manager shall post up-to-date information in the rented room to assist renters in dealing with natural disasters, power outages, and other emergencies;
6. Food services provided to renters shall comply with County Environmental Health requirements;
7. No exterior signs advertising the business shall be allowed on the property;
8. Off-street parking shall be provided as required by Section 17.36.040 (Number of Parking Spaces Required) for a hosted short term rental unit;
9. Renters shall comply with the noise regulations in Chapter 8.28 of the Grass Valley Municipal Code; and,
10. The hosted short term rental shall operate without unduly interfering with the surrounding residential neighborhood.

### **H. Standards for vacation rental homes.**

1. The property owner of a vacation rental home shall obtain approval of a Minor Use Permit pursuant to Section 17.72.060 of the Grass Valley Municipal Code.
2. A vacation rental home shall require a business license;
3. The owner or manager of a vacation rental home shall be subject to applicable transient occupancy taxes, pursuant to Chapter 3.16 of the Grass Valley Municipal Code;
4. The owner or manager must live within 30 miles of the vacation rental home. The owner shall provide to the City as part of the Minor Use Permit, the name and telephone number of the local contact person who shall be responsible for responding to questions or concerns about the operations of the vacation rental home. The local contact person shall be available to accept and immediately respond to telephone calls on a 24-hour basis at all times the vacation rental home is rented or occupied;
5. The owner shall post up-to-date information in the rented room to assist renters in dealing with natural disasters, power outages, and other emergencies;
6. No exterior signs advertising the business shall be allowed on the property;
7. Off-street parking shall be provided as required by Section 17.36.040 (Number of Parking Spaces Required) for a vacation rental home;
8. A vacation rental home with five or more guest rooms, or capacity for 10 or more total occupants, including permanent residents, shall meet current fire and building codes, and accessibility requirements;
9. Renters shall comply with the noise regulations in Chapter 8.28 of the Grass Valley Municipal Code; and,

10. The vacation rental home shall operate without unduly interfering with the surrounding residential neighborhood.

**I. Violations; Revocation of Permit; Penalties.** The following steps are intended to provide a streamlined compliance and permit revocation process for persons violating the provisions of this Section. This process is intended to protect residential neighborhoods from conditions that can negatively impact the general health, safety and welfare of the City's residents that are created when persons fail to abide by the rules, requirements, and regulations of their Minor Use Permit and the Municipal Code. To the extent the provisions of this Section conflict with provisions elsewhere in the Grass Valley Development Code, the provisions in this Section shall control and take precedence.

1. Violations and noncompliance. Failure by the permittee to comply with any requirement imposed by this Section or any requirement or condition imposed by the Minor Use Permit ("MUP") shall constitute a violation of the MUP and shall be grounds for its suspension, non-renewal, and/or revocation, in the city manager's discretion, depending on the nature or severity of the violation, the permittee's failure to correct a noticed violation, or on repeated violations by the permittee, even if such violations are corrected.
2. Notice of Violation. Upon discovery that a violation exists, , the city manager shall issue a Notice of Violation to the Permittee, which Notice shall describe the nature of the violation and the date on which it occurred and cite the specific Permit requirement or Code Section is alleged to have been violated. Said Notice of Violation shall be personally served or sent by U.S. certified mail. The Permittee shall have ten (10) days of the date of the Notice within which to correct the violation(s), unless in the discretion of the, the nature of the violation requires the Permit be immediately suspended.
3. Right to Appeal. The right to appeal shall terminate on the tenth calendar day after the date of the Notice or, if the tenth day falls on a day that City Hall is closed, on the next business day. An appeal shall be filed with the City Clerk and be accompanied by the filing fee identified in the City's Planning Fee Schedule.
4. Appeal Hearing and Rules of Evidence -
  - a. The city manager or designee shall hold the hearing during ordinary business hours in a room in City Hall;
  - b. Oral evidence shall be taken only under oath or affirmation. The city manager or designee shall have authority to administer oaths and to receive and rule on admissibility of evidence;
5. Following a hearing with the city manager where a permit is revoked, the owner may reapply for a new permit no sooner than one (1) year after the date of revocation. Revocation shall not constitute a waiver of the fees and taxes due under the MUP at time of revocation.
6. Penalties.
  - a. Each day in which the property is used in violation of any part of this ordinance shall be considered a separate violation;
  - b. Any person who violates any provision of this Section is guilty of a misdemeanor.
  - c. Any short term rental establishment operated, conducted or maintained contrary to the provisions of this Section shall be unlawful and declared to be a public nuisance, and the city may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings, for the abatement, removal and enjoinder thereof, in the manner provided by law, and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such short term rental establishments and restrain and enjoin any person from operating,



conducting or maintaining a short term rental establishment contrary to the provisions of this Section.

- d. The penalties set forth herein are cumulative and in addition to all other remedies, violations and penalties set forth in this chapter, or in any other ordinances, laws, rules or regulations of the City of Grass Valley, Nevada County and the State of California, including, without limitation, administrative enforcement pursuant to Chapter 1.14 of this Code.

### 17.44.210 - Single Dwellings

Single dwellings, including mobile/manufactured homes permitted in compliance with Government Code Section 65852.3 in residential and neighborhood zones shall comply with the following design standards. These requirements do not apply to mobile/manufactured homes within mobile home parks, unless these requirements are included in the conditions of approval of a mobile home park.

#### A. Design and development standards.

1. **Facade width.** The street-facing facade of each single dwelling shall be a minimum of 20 feet wide, exclusive of garage.
2. **Exterior materials.** Exterior materials shall conform to the standards of the Grass Valley Building Code.
3. **Foundations.** Foundations shall be along the perimeter of the structure and be of concrete or masonry material. Exterior materials shall extend to the foundation.
4. **Roof design and materials.**
  - a. Roofing materials shall comply with the Building Code.
  - b. Each roof shall have a pitch of no less than three inches of vertical rise for each 12 inches of horizontal run.
  - c. Each roof shall have eave and overhangs of not less than one foot measured from the vertical side of the structure.
5. **Parking requirements.** Each single dwelling shall provide off-street parking in compliance with Chapter 17.36 (Parking and Loading Standards). A carport or garage shall be constructed with exterior materials and treatment similar to the primary structure.
6. **Infill facade design.** Exterior facades for infill development shall be visually compatible with the dominant architectural theme of the neighborhood, as determined by the review authority.
7. **Landscaping.** Landscaping shall be compatible with the surrounding neighborhood, as determined by the review authority.

- B. **Determination of compatibility.** The determination of compliance with the standards of this Section shall be by the Director, who shall issue a certificate of compatibility prior to issuance of the Building Permit. In the event that one or more of the standards of this Section are not met, the applicant may submit an example of a substitute treatment for review. The Director shall then determine whether the alternative is compatible with the subject neighborhood, and if an affirmative finding is made, the certificate of compatibility shall be issued. If the alternative is rejected, the Director's decision may be appealed to the Commission.

### 17.44.220 - Warehouse Retail

Warehouse retail uses shall comply with the following standards, where allowed by Article 2 (Zones, Allowable Land Uses, and Zone Standards).

- A. **Site planning.** Project site planning shall emphasize pedestrian-oriented features, even though most customer trips to these facilities may be by auto.
  - 1. The layout of buildings and parking on the site shall emphasize a strong relationship to adjoining streets, and encourage pedestrian circulation and access between the buildings and the street. Buildings shall be placed at the back of the sidewalk on streets with traffic speed limits less than 35 miles per hour and a pedestrian orientation, but may be located farther from a street with a curb-to-curb width greater than 45 feet. The placement of buildings shall also consider solar orientation, and the protection of outdoor pedestrian areas from wind.
  - 2. Site planning shall include an outdoor use area or focal point adjacent to major building entrance. The area shall provide public amenities such as a water feature, benches, landscaped areas, public square, etc. Projects with two or more structures shall group the buildings to define this space.
  - 3. Building walls visible from State highways shall be stepped instead of appearing as a single continuous plane, and allow for clusters of evergreen trees and other extensive plantings in the foreground.
- B. **Application requirements.** An application for a store proposed to be greater than 20,000 square feet shall include an economic analysis to evaluate and document market demand for the facility and potential impacts on existing businesses within the City.
- C. **Parking areas.** Parking lots shall be designed to be equally pedestrian and vehicular oriented, as follows.
  - 1. **Location and design of parking.** Parking shall not be the dominant visual element of a site. Large, expansive paved areas between the building and the street shall be avoided in favor of smaller multiple lots separated by landscaping or buildings, or located to the sides and rear of buildings. Where parking is allowed between a building and the street by Subsection A.1, no more than 25 percent of the parking required for a building may be located between the building and the street.
  - 2. **Landscaping.** Parking areas shall include substantial landscaping, including trees planted in an "orchard" layout. Extensive landscaping throughout parking areas and the site is required because landscaping can soften the appearance of large structures, assist in energy conservation by reducing heat gain by buildings adjacent to large asphalt areas, and make walking on the site more pleasant for pedestrians.
  - 3. **Pedestrian routes.** Safe and direct pedestrian routes shall be provided through parking areas to primary entrances, and designed as noted under "Pedestrian Circulation."
  - 4. **Overflow and employee parking.** Where appropriate because of site characteristics, surrounding land uses, and project site planning, parking areas intended for employees and peak-season overflow may be allowed to have screening perimeter landscaping only, with no internal plantings, provided that these parking areas are located behind the main structures and not readily visible from streets or residential areas.
  - 5. **Shopping carts.** Parking areas shall include shopping cart corrals where carts can be dropped-off without obstructing vehicle, bicycle, or pedestrian traffic movement, or being left in landscape planter areas.

### D. Pedestrian circulation and amenities.

1. Sidewalks at least eight feet in width shall be provided along all sides of the lot that abut a public street.
2. Sidewalks shall be provided along the full length of the building along any facade with a customer entrance, and along any facade abutting a parking area. The sidewalks shall be located at least six feet from the facade to provide area for landscaping, except where the facade incorporates pedestrian-oriented features such as pedestrian entrances or ground floor windows. Sidewalks shall be eight feet wide, exclusive of any area planned for outdoor display or storage. The sidewalks shall have wells for canopy trees at 30-foot intervals along the sidewalk edge adjacent to parking areas or vehicle access ways, so that the combination of building wall, sidewalk, and trees provide an enhanced pedestrian experience.
3. Pedestrian walkways within the site shall be provided a weather protection feature such as an awning within 15 feet of all customer entrances, which shall also cover nearby short-term bicycle parking.
4. Pedestrian walkways within the site shall be distinguished from driving surfaces through the use of special pavers, bricks, or colored/textured concrete to enhance pedestrian safety and the attractiveness of the walkways. Pedestrian circulation in parking areas shall be parallel to traffic flow toward building entrances, and separated from drive aisles within 50 feet of entrances. Sidewalk landings shall be provided and extended between parking spaces where needed to connect pedestrians to walkways.
5. Clearly demarcated and direct pedestrian routes shall extend from peripheral public sidewalks and transit stops to the sidewalks that front commercial outlets. These routes shall be distinguished from driving surfaces by using contrasting pavement materials.

### E. Building design. Building design shall be site-specific, and incorporate design themes and features reflecting Grass Valley's character and history. Building details shall relate to the scale of pedestrians as well as passing motorists.

1. **Entrances.** Each side of a principal building facing a public street shall provide at least one customer entrance. Where a principal building directly faces more than two abutting streets, this requirement shall apply only to two sides of the building. The use of a corner entrance will satisfy the entrance requirement for only one side of the building. Customer entrances shall be clearly defined and highly visible, with features such as canopies or porticos, arcades, arches, wing walls, and integral planters.
2. **Exterior wall materials.** Predominant exterior building materials shall be of high quality. Examples of these materials include brick, wood, stone, tinted/textured stucco, and tile accents. Smooth or split-faced concrete masonry units, tilt-up concrete panels, or prefabricated steel panels shall generally be avoided for expansive wall surfaces, but may be appropriate in limited areas as building accents.
  - a. Building walls shall incorporate the same quality and level of detail of ornamentation on each elevation visible from a public right-of-way.
  - b. Building facade details and materials shall be authentic, and integrated into building design, and shall not be or appear as artificial "glued/tacked-on" features, such as trellises that do not support plant materials, encouraging the perception of low quality.

See also Subsection D.3.c below regarding wall design details.

3. **Wall design.** All building walls, especially those visible from public roadways or residential areas shall be designed to break up the appearance of a box-like structure.
  - a. **Facade articulation.** Include extensive facade articulation in the form of horizontal and vertical design elements to provide variations in wall plane and surface relief, including providing a variety of surface textures, recesses and projections along wall planes. Facades greater than 100 feet in length shall incorporate recesses or projections at least 20 feet deep along at least 30 percent of the length of the facade. These recesses or projections shall accommodate secondary uses/liner shops, and/or reflect the different internal functions of the store.
  - b. **Ground floor windows.** Ground floor windows are required, which may either provide pedestrians with views into the building, or be display windows.
  - c. **Design details.** A variety of building and wall features shall be used, in ways that avoid a cluttered appearance. These may include varying colors, reveals, an external wainscot or bulkhead at the building base to reduce apparent bulk, cornices and parapet details, and moldings. The features shall employ a variety of materials as appropriate for the architectural style. See also Subsection D.2 above regarding exterior materials.

Bulkheads shall be constructed of a durable material other than stucco, such as tile, brick, rock, or pre-cast concrete. Windows, awnings, and arcades shall total at least 60 percent of the facade length abutting a street.
  - d. **Corporate identification.** Colors or logos identified with an individual company shall be employed as building accent features, and not used as the main or dominant architectural feature of any wall.
4. **Vertical wall articulation.** The height of building walls facing streets or on-site pedestrian areas shall be varied so that the vertical mass is divided into distinct, human-scaled elements.
  - a. Except on a pedestrian-oriented public street where buildings are at the back of the sidewalk, structures over 20 feet in height (typical for structures of two stories or more) shall step-back the building mass at least five feet for the portions of the structure above 14 feet (or the height where an actual second story begins) to provide visual variation.
  - b. The facade of the areas stepped-back above the actual or apparent first floor shall include detailed building articulation with windows, eaves, and decorative details such as tiles, wood trim, etc. as appropriate.
5. **Roof lines.** The roof lines shall also be varied to break up the mass of the building. Pitched roofs with roof overhangs proportional to the scale of the adjoining building wall are encouraged. Major roof-mounted equipment shall not be visible from off the site. Cornices and decorative parapets shall be utilized to conceal flat roofs and to screen any roof-mounted mechanical equipment. The height of mechanical equipment shall not exceed that of the parapets or other roof features intended to screen the equipment. The Director may require enclosures, blinds, or other architectural treatment to screen roof equipment visible from residences or public areas.
6. **Location of secondary uses.** Secondary uses or departments including pharmacies, photo finishing/development, snack bars, dry cleaning, offices, storage, etc., shall be oriented to the outside of the building by projecting them outward or recessing them inward. This includes providing the individual uses with separate entrances and windows facing the outside of the building. The intent is to break up the appearance of the large, primary building with more human-scale elements. Food courts/bars shall provide indoor and sheltered outdoor eating areas with tables, chairs, umbrellas, etc.

7. **Design continuity.** Large-scale retail projects shall incorporate elements to visually unify the buildings and signage without creating monotony. Buildings on separate pads shall maintain the overall architectural character of the site.
- F. **Loading areas.** Loading docks, trash collection areas, outdoor storage, and similar facilities shall be incorporated into the overall design of the building and landscaped, so that the visual and acoustic impacts of these functions are fully contained, and out of view from adjacent properties and streets. Any screening materials shall be of the same quality and appearance as those used on the building itself.
- G. **Landscaping.** Landscaping that complements and is in scale with the building shall be provided adjacent to structures. Landscaping shall include evergreen trees, shrubs and ornamental landscaping (and berms where appropriate) with all landscape areas having a minimum width of six feet. Landscaping shall be used to create a focal point near front building entrances. Sidewalks and other walkways shall also be integrated with landscape areas around building base and in parking lot areas. Trees shall be planted in notable clusters within larger planting areas, and not exclusively in lines along building facades.

## **CHAPTER 17.46 - TELECOMMUNICATIONS FACILITIES**

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### **Sections:**

- 17.46.010 - Purpose
- 17.46.020 - Definitions
- 17.46.030 - Applicability
- 17.46.040 - Permit Requirements
- 17.46.050 - Limitations on Location
- 17.46.060 - Facility Design and Development Standards
- 17.46.070 - Operation and Maintenance Standards
- 17.46.080 - Discontinuance and Removal, Financial Security

### **17.46.010 - Purpose**

This Chapter establishes development standards consistent with Federal law to: regulate the placement and design of communication facilities so as to preserve the unique visual character of the City, promote the aesthetic appearance of the City, and to ensure public safety and welfare; pursue additional benefits from the facilities to the public by encouraging the leasing of publicly owned properties where feasible for the development of communication facilities; and to acknowledge and provide the community benefit associated with the provision of advanced communication services within the City.

### **17.46.020 - Definitions**

The technical terms and phrases used in this Chapter are defined in Article 10 (Glossary) under "Telecommunications Facilities."

### **17.46.030 - Applicability**

The location, permit requirements, and other provisions of this Chapter shall apply to all communications facilities within the City, except the following, which are exempt from this Chapter. All communication facilities shall also comply with all applicable requirements of State and Federal law.

- A. Replacement or modification of previously permitted facilities or equipment determined by the Director to be of a minor nature that does not increase the number or height of antennas or significantly change or enlarge the ancillary related equipment at the site.
- B. An antenna that is one meter (39.37 inches) or less in diameter or diagonal measurement, that is designed:
  - 1. To receive direct broadcast satellite service, including direct-to-home satellite service, as defined by Section 207 of the Telecommunications Act of 1996, Code of Federal Regulations Title 47, and any interpretive decisions thereof issued by the Federal Communications Commission; or
  - 2. For subscribing to a multipoint distribution service.
- C. A satellite earth station (SES) antenna of two meters (78.74 inches) or less in diameter or diagonal measurement, located in a commercial or industrial zone, that is designed to transmit or receive radio communications by satellite or terrestrial communications antenna. These antennas may require a Building Permit and approval of the placement by the Director to ensure maximum safety is maintained. In order to avoid tripping hazards and the creation of an attractive nuisance, these antennas shall be placed whenever possible, on the top of buildings as far from the edge of rooftops as possible.

### **17.46.040 - Permit Requirements**

**A. Use Permit or Minor Use Permit.** Use Permit approval is required for all communication facilities subject to this Chapter, except for the following, which shall require Minor Use Permit approval. The Director shall ensure through the Minor Use Permit approval that each of the following facilities complies with all applicable requirements of this Chapter. The Director may also choose to defer action and refer any of the following facilities to the Commission for consideration as a Use Permit application.

1. An antenna that is installed and maintained on an existing structure and is:
  - a. Under the roofline or above, behind, and below an existing approved roof screen and does not extend above the highest point of the structure; or
  - b. Camouflaged within an existing structure so as not to be visible from a public right-of-way or other property; or
  - c. Architecturally blended into the structure.
2. A communication facility in which the antenna is mounted on a mast less than 10 feet high, is not located on an historic structure, and is not visible from a public right-of-way.
3. An antenna that is co-located on an existing telecommunications tower.
4. An amateur and/or citizens band antenna operated by a person holding a license issued by the FCC in compliance with 47 C.F.R. Part 97, and used solely in connection with that license, and which shall be subject to the "minimum practicable regulation to accomplish the local authority's legitimate purpose," in keeping with the order of the FCC known as "PRB-1," FCC 85-506, released September 19, 1985; provided that there shall be no more than one antenna support structure on a single parcel and that the antenna structure complies with the height limits of the applicable zone.

**B. Application requirements.** In addition to the information required for Use Permit or Minor Use Permit application by Chapter 17.70 (Permit Application Filing and Processing) the application for a communication facility shall include:

1. **Map of future service needs.** A map showing planned and/or anticipated future needs of wireless communication services within and throughout the County. In addition to the map, the applicant shall explain the basis for the projected service requirements. To the extent feasible, planned and anticipated needs for future wireless communication facilities shall be forecasted for a minimum of two years following the date of application for a new wireless communication facility. An applicant not able to submit planned and/or anticipated needs forecasted for two years shall explain why it is not feasible to do so. The applicant shall also supply a "search ring" within which their new facilities and associated communications equipment must be sited, and shall explain the criteria used to establish the "search ring" and the constraints of siting facilities outside of it.
2. **An alternative site analysis.** An alternative site analysis detailing the specific steps undertaken to determine the applicant's selection of a particular project site and its relationship to the location preferences prescribed in this Chapter. The analysis shall include a radio propagation model for each carrier, or carriers if the monopole/towers are for multiple users. The alternative analysis shall include the following information:
  - a. A topographical map of the proposed local service area and which identifies the local network facilities with which the proposed site will interconnect;

## Telecommunications Facilities

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- b. Identification of all other existing structures which might provide an opportunity for attached antenna facilities;
  - c. Identification of service gaps in the proposed service area, or areas of high usage requiring in-fill of existing service areas; and
  - d. A technical report discussing why alternatives would not be feasible for use as a communications site. This may include construction, interconnect, utility or other factors precluding development of the property or facility as a suitable site.
3. **Certification of compliance with standards.** Certification acceptable to the Director that the proposed facility will at all times comply with all applicable health requirements and standards pertaining to electromagnetic and/or radio frequency radiation.
4. **Report on potential interference with emergency service provider communications.** A report, as required by the Police Department, to evaluate the potential for interference (e.g., HF, UHF, VHF, 800 MHz). The applicant shall be responsible for paying any costs incurred by the City, including the costs of retaining consultants, to review and analyze the report.
- C. **Master Use Permit.** A service provider who intends to establish multiple wireless telecommunications facilities within the City is encouraged to apply for the approval of all facilities under a Master Use Permit. Under this approach, all proposed facilities may be acted upon by the City as a single application, ensuring feasibility of long range company projections.
- D. **Communications consultant may be required.** In the event that the City needs assistance in understanding the technical aspects of a particular proposal, the services of a communications consultant may be requested to determine the engineering or screening requirements of establishing a specific wireless communications facility. This service will be provided at the applicant's expense.
- E. **Required findings for approval.** The approval of a Use Permit or Minor Use Permit for a communication facility shall require that the review authority first make the following findings, in addition to those required for Use Permit approval by Section 17.72.060 (Use Permit and Minor Use Permit):
  1. The height of the tower is the minimum necessary to meet the technical requirements of the proposed wireless communication system;
  2. The applicant has agreed to accept proposals from future applicants to co-locate at the approved site;
  3. The project as proposed is necessary for the provision of an efficient wireless communication system;
  4. The communication facility will not adversely impact the character and aesthetics of any public right-of-way; and
  5. The communication facility complies with all applicable requirements of this Chapter.

### 17.46.050 - Limitations on Location

- A. **Zone priorities.** A communication facility shall be not be approved or located within other than the P (Public) zone; except that the review authority may approve a facility within a commercial, industrial open space or recreation zone if it first determines that the applicant has demonstrated that all P zone options are infeasible, and that there is no site within a P zone where the communication facility would provide adequate coverage.



- B. Co-location required.** A new communication facility shall be co-located with existing facilities and with other planned new facilities unless it is determined not to be feasible, and whenever determined by the review authority to be aesthetically desirable. A service provider shall co-locate a new communication facility with non-communications facilities (e.g., light standards, water tanks, and other utility structures) where the review authority determines that this collocation will minimize the overall visual impact.
1. A service provider shall exhaust all reasonable measures to co-locate their communications facilities on existing towers or with or within existing ancillary support equipment facilities before applying for a new communication facility site.
  2. Each service provider shall provide the City with evidence that they have contacted all other potential providers who have, or who are reasonably likely to be installing facilities within the vicinity of the proposed facility and have offered to participate in a joint installation project on reasonable terms.
  3. In order to facilitate collocation, Use Permit conditions of approval for a new facility shall require each service provider to cooperate in the siting of equipment and antennas to accommodate the maximum number of operators at a given site where determined by the review authority to be feasible and aesthetically desirable.
- C. Public or utility property.** A communication facility shall not adversely affect the public health, peace, safety or welfare. In order to best benefit the citizens of Grass Valley from this necessary community impact, the Commission shall always consider publicly owned or public/private utility sites as the highest priority for the location of communication facilities.

### 17.46.060 - Facility Design and Development Standards

Each proposed communication facility shall comply with the following standards; except that any standard may be modified or waived by the review authority upon a determination that effective signal reception and transmission will not occur if the facility complies with these standards.

- A. Facility placement.**
1. **Standards for all facilities.**
    - a. A roof-mounted antenna on a structure that complies with applicable height limits shall be set back from the nearest roof edge the equivalent of the height of the tower or a minimum of 10 feet, whichever is greater.
    - b. A ground-mounted communication facility (including towers and antennas) shall be located as far as possible from all property boundaries, and set back from the property line at a ratio of 1.5 horizontal feet for every one foot of height, where feasible.
    - c. A tower or antenna shall be set back from all property and public right-of-way lines by a minimum of 25 feet. No part of any tower shall extend into a required front setback or beyond a property line of the site.
    - d. Communication facilities other than towers and antennas shall be located either within a structure, underground, in a rear yard (not visible from a public right-of-way), or on a screened roof top area. Communications equipment may be located within a front or side setback or within a public right-of-way only if it is underground. See also Subsection D. (Visibility and screening), below.

## Telecommunications Facilities

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2. **Facilities within commercial and industrial zones.** Within an industrial zone, a minimum distance of 500 feet shall be provided between towers, and there shall be no more than two towers on a single Assessor's parcel or developed site, unless the towers are located on a public facility as described in A.1, above.

### B. Height limitations.

1. All ground mounted communication equipment, antennas, poles, or towers shall be of a minimum functional height.
2. The height of a communications tower shall be the minimum necessary to meet the technical requirements of the proposed communication system. A technical report and/or radio propagation model shall be submitted with each application and in compliance with Section 17.46.040.B.
3. The height of a communications facility located on a structure other than a dedicated support tower shall not exceed 20 feet above the highest point of the structure and shall at no time exceed the height allowed by the applicable zone.
4. An antenna mounted on the side of a structure shall not extend above the structure's parapet so that it is visible from below against the sky.

### C. Colors and materials.

1. All antennas, poles, towers, or equipment, including ancillary support equipment, shall have a non-reflective finish and shall be painted or otherwise treated to match or blend with the primary background and minimize visual impacts.
2. Antennas attached to a structure shall be painted or otherwise treated to match the exterior of the structure or the antenna's background color.
3. A new freestanding tower shall be designed to appear as a native pine tree to the extent feasible.
4. All ground-mounted equipment shall be covered with a clear anti-graffiti type material of a type approved by the Director or shall be adequately secured to prevent graffiti.

- D. Visibility and screening.** All ground mounted equipment shall be sited in compliance with Subsection A.1.d above, and so that it will be screened by existing development, topography, or vegetation. Ground mounted facilities shall be located within structures, underground, or in areas where substantial screening by existing structures or vegetation can be achieved. The applicant shall use the smallest and least visible antennas possible to accomplish the owner/operator's coverage objectives.

- E. Additional screening and landscaping.** As part of project review, the Director, the Commission, or the Council (on appeal) may require additional screening and/or landscaping, undergrounding, an alternative color scheme, or relocation of a tower or ancillary equipment to a less obtrusive area of the site where it would have a less prominent visual presence due to slope, topography, size, or relationship to public right-of-ways.

- F. Power lines.** All power lines to and within a communication facility site shall be underground.

- G. Backup power supplies.** A backup power supply (i.e., generator) located in an industrial zone shall be enclosed within a structure and operated in compliance with Section 17.46.060.D (Visibility and screening). In any zone, ancillary power supplies and fuel storage tanks to support backup power supplies shall require Use Permit approval.

### **17.46.070 - Operation and Maintenance Standards**

- A. Contact and site information.** The owner or operator of any facility shall submit and maintain current at all times basic contact and site information. The applicant shall notify the City of any changes to the information submitted within 30 days of any change, including change of the name or legal status of the owner or operator. This information shall include the following:
1. Identity, including name, address, and telephone number, and legal status of the owner of the facility including official identification numbers and FCC certification, and if different from the owner, the identity and legal status of the person or entity responsible for operating the facility;
  2. Name, address, and telephone number of a local contact person for emergencies;
  3. Type of service provided; and
  4. Identification signs, including emergency phone numbers of the utility provider, shall be posted at all communication facility sites.
- B. Facility maintenance.** All communication facilities and related equipment, including lighting, fences, shields, cabinets, and poles shall be maintained in good repair, free from trash, debris, litter, graffiti, and other forms of vandalism, and any damage from any cause shall be repaired as soon as reasonably possible so as to minimize occurrences of dangerous conditions or visual blight. Graffiti shall be removed by the service provider from any facility or equipment as soon as practicable, and in no instances more than 48 hours from the time of notification by the City.
- C. Landscaping maintenance.** All trees, foliage, and other landscaping elements on a communication facility site, whether or not used as screening, shall be maintained in good condition at all times in compliance with the approved landscape plan. The facility owner or operator shall be responsible for replacing any damaged, dead, or decayed landscaping as promptly as reasonably possible. Amendments or modifications to the landscape plan shall require approval by the Director. The Commission may also require a landscape maintenance agreement.
- D. Noise.** Each communication facility shall be operated so as to minimize the generation of noise that is audible from off the site. Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 10:00 p.m. and 7:00 a.m. At no time shall equipment noise from any source exceed an exterior noise level of 60 dB at the property line.
- E. Site inspection required.** Each owner or operator of a facility shall routinely and regularly inspect each site to ensure compliance with the standards identified in this Chapter.
- F. Exterior lighting.** Any exterior lighting shall be manually operated and used only during night maintenance or emergencies, unless otherwise required by applicable Federal law or FCC rules. The lighting shall be constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Light fixtures shall be low wattage, hooded, and downward directed.

**17.46.080 - Discontinuance and Removal, Financial Security**

The carrier and/or successor in interest shall properly maintain and ultimately remove the approved wireless communication facilities as required, in compliance with this Chapter and any conditions of permit approval.

- A. Inoperative facility removal required.** All equipment associated with an approved communication facility shall be removed within 30 days of the discontinuance of the use and the site shall be restored to its original pre-construction condition, subject to the approval of the Director. The service provider shall provide the City with a notice of intent to vacate a site a minimum of 30 days before site vacation. This removal requirement, and appropriate bonding requirements shall be included in the terms of a lease for a facility on public property. A private lease for a facility located on private property is encouraged to include terms for equipment removal, because the property owner shall be ultimately responsible for removal of the equipment.
- B. Financial security requirement.** The carrier shall post a financial security acceptable to the City to ensure that approved facilities are properly maintained, and guarantee that the facilities are dismantled and removed from the premises and the site reclaimed if it has been inoperative for a one-year period, or upon expiration of the permit. Financial assurance shall be an amount determined by a California licensed engineer, and approved by the Commission, and shall cover the costs associated with the demolition, removal, and reclamation of the facility site in the event the carrier abandons operations.

CITY OF GRASS VALLEY MUNICIPAL CODE - TITLE 17 - DEVELOPMENT CODE

## ARTICLE 5

### Resource Management

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## CHAPTER 17.50 - CREEK AND RIPARIAN RESOURCE PROTECTION

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### Sections:

- 17.50.010 - Purpose
- 17.50.020 - Applicability
- 17.50.030 - Streambed Analysis Required
- 17.50.040 - Development Standards

### 17.50.010 - Purpose

This Chapter provides standards for the protection of watercourse and riparian resources within the City, including provisions for adequate buffer areas between watercourses and adjacent development, to retain the watercourses as valuable natural amenities as appropriate.

### 17.50.020 - Applicability

The provisions of this Chapter apply to proposed development on any site adjacent to or crossed by any creek shown as a blue line on any current United States Geological Survey (USGS) 7.5 minute topographic quadrangle map, and the following: Magenta Ravine, Peabody Creek, and Slide Ravine. Proposed development shall also comply with Municipal Code Chapter 15.52 (Flood Prevention Damage). This Chapter does not apply to the above watercourses which have been previously channelized. Channelized as used in this section means watercourses lying within underground pipes or culverts or exposed concrete culverts. Projects adjacent to Nevada Irrigation District canals shall provide an analysis to establish appropriate protection measures based on the factors of the canal abutting the project. These measures will include provisions for fencing, elimination of runoff into the canal, establishment of the appropriate setbacks, notification procedures for seepage issues, and other improvements to protect the canal.

### 17.50.030 - Streambed Analysis Required

Each planning permit application for a project that is subject to this Chapter shall include a site-specific streambed analysis prepared by a hydrologist, civil engineer, or other qualified professional approved by the City to identify the precise boundary/top of bank of the watercourse. The Director may waive the requirement for a streambed analysis if it is determined that the project, because of its size, location, or design will have no impact on the watercourse, or that sufficient information already exists and further analysis is not necessary. The streambed analysis is not required if the project is outside the 100-year floodplain. A required streambed analysis shall include all information and materials required by the Department.

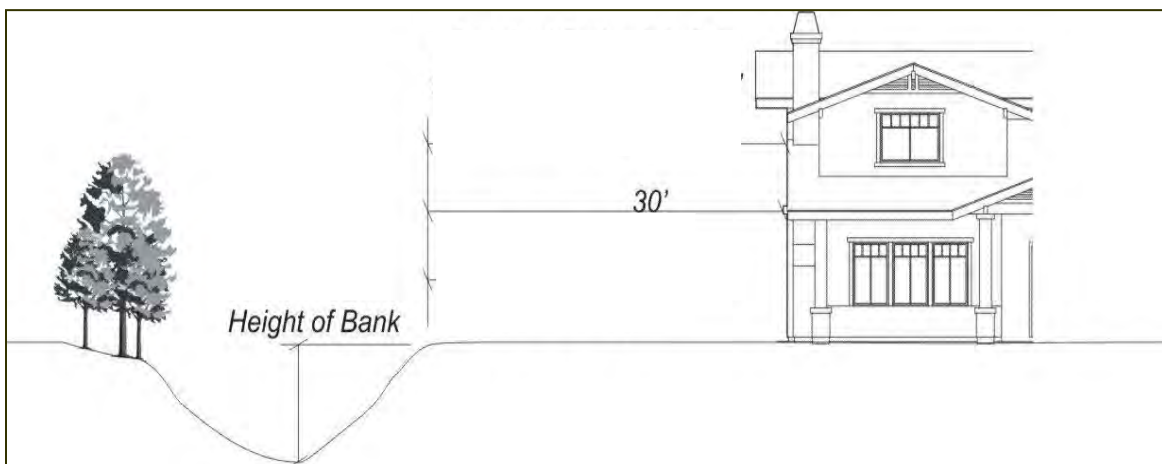
### 17.50.040 - Development Standards

- A. **Watercourse setback requirement.** Each proposed structure shall be set back 30 feet from the top of the bank (see Figure 1).

1. The following setbacks apply to properties being annexed into the City:

Lots with an average lot depth of less than 155 feet	30 feet
Lots with an average lot depth between 156-175 feet	40 feet
Lots with an average lot depth between 176-225 feet	60 feet
Lots with an average lot depth of more than 226 feet	100 feet

2. The review authority may grant an exception to the setback requirement:
  - a. Where an existing structure is being replaced and is not within a 100-year floodplain, or where the application of the setback would be inconsistent with the urbanized character of the site and adjacent parcels. See Section 17.90.030 (Restrictions on Nonconforming Uses and Structures); or
  - b. When a legal lot of record has not been developed with a structure or developed to the extent permitted by the zoning and the application of the watercourse setback would preclude any structure on the property or subdivision and subsequent development of the property to the extent permitted by zoning.
  - c. Any application for an exception noted in “b” above shall include a Resource Management Plan prepared by a qualified biologist or botanist on the City-approved list. The Resource Management Plan shall include measures which will minimize impacts to the watercourse and enhance runoff filtration. These measures should include: enhancement and/or restoration of the riparian vegetation area; removal of non-native vegetation; decompaction of soils and/or incorporation of organic material to improve runoff filtration; incorporation of bioswales in drainage plans to filter parking areas; and, incorporation of other Best Management Practices (BMP’s) which provide long-term protection of the water quality.



**Figure 1- Watercourse Setback Requirement**

- B. **Top of bank defined.** The "top of bank" shall mean the upper elevation of land, having a slope not exceeding 10 percent, which confines the channel waters flowing in the watercourse in their normal winter flow.
- C. **Use of required setback.** A path or trail may be within a watercourse setback; however, no other structure, road, parking access or space, paved area, or swimming pool shall be constructed within a watercourse or watercourse setback.



## Creek and Riparian Resource Protection

- D. Alteration of natural features.** No grading or filling, planting of exotic/non-native or non-riparian plant species or removal of native vegetation shall occur within a watercourse or watercourse setback area, except:
1. The review authority may grant an exception where the work is authorized for flood control purposes by permits issued by the California State Department of Fish and Game, and/or all other applicable local, State, and Federal agencies having authority over the creek; and
  2. As otherwise provided by this Section.
- E. Design of drainage improvements.** Where daylighted drainage improvements are approved, they shall be placed in the least visible locations and naturalized through the use of river rock, earthtone concrete, and landscaping with native plant materials.
- F. Bank stabilization.** Development or land use changes that increase impervious surfaces or sedimentation may result in channel erosion. Therefore, the City Engineer may require measures to stabilize watercourse banks.
1. Rehabilitation is the preferred method of stabilization, with the objective of maintaining the natural character of the watercourse and riparian area. Rehabilitation may include enlarging the channel at points of obstruction, clearing obstructions at points of constriction, limiting uses in areas of excessive erosion, and restoring riparian vegetation.
  2. Concrete channels and other mechanical stabilization measures shall not be allowed unless no other alternative exists.
  3. If bank stabilization requires other than rehabilitation or vegetative methods, hand-placed stone or rock rip-rap are the preferred methods.
- G. Physical and visual access.** Proposed subdivisions and other development shall provide public access to watercourses as follows, and as required by the review authority.
1. **Map Act requirements.** A proposed subdivision shall comply with the public access requirements of Map Act Chapter 4, Article 3.5 (Public Access to Public Resources).
  2. **Streets.** A proposed subdivision shall provide public access and visibility to watercourses through the use of single-loaded frontage roads adjacent to creeks, but outside of the watercourse setback. Where a single-loaded street is not possible, frequent access to trails along the watercourse and public open space should be provided at least every 300 feet, and may occur at the end of dead-end streets.
  3. **Trails.** The review authority may require subdivisions and other proposed development to provide multipurpose creekside trails.
- H. Open space areas.**
1. Open space areas within watercourse setbacks shall include planting for riparian enhancement with native shrubs and trees.
  2. Open space areas outside of watercourse setbacks may include paths and trails, lighting, benches, play and exercise equipment, and trash receptacles, where appropriate.

## **Creek and Riparian Resource Protection**

## CHAPTER 17.52 - CULTURAL AND HISTORIC RESOURCE PRESERVATION

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### Sections:

- 17.52.010 - Findings and Purpose
- 17.52.020 - Applicability to Residential Properties
- 17.52.030 - Definitions
- 17.52.040 - Grass Valley Historic Commission (GVHC)
- 17.52.050 - Historic Resource Designation
- 17.52.060 - Procedures for Inclusion in Inventory of Historic Resources
- 17.52.070 - Project Evaluation and Review Process
- 17.52.080 - Reserved
- 17.52.090 - Criteria for Determination of Historical Significance
- 17.52.100 - Reserved
- 17.52.110 - Reserved
- 17.52.120 - Appeals

### 17.50.010 - Findings and Purpose

- A. Findings.** The City of Grass Valley has a distinctive physical character and rich history that is reflected in its many cultural resources, such as historic structures and sites located within Grass Valley's 1872 Historic Townsite and delineated on the City of Grass Valley 1872 Historic Townsite Map. These irreplaceable resources are important to the community's economic vitality, quality of life, and sense of place, and deserve protection from deterioration, damage, and inappropriate alteration or demolition.

The California Environmental Quality Act (CEQA) provides specific treatment measures for significant historic resources and the establishment of clear and concise local guidance for the preservation and enhancement of such resources, which inevitably lends clarity and certainty to the review of development applications involving designated or significant historic resources (rated 1-2) within Grass Valley's 1872 Historic Townsite.

- B. Purpose.** This Chapter promotes the public health, safety and welfare through the protection, enhancement and preservation of those properties, structures, sites, artifacts and other cultural resources that represent significant and distinctive elements within the 1872 Historic Townsite. This includes the City's cultural, educational, social, economic, political and architectural history. Specifically, this Chapter, reflective of the 1872 Townsite boundaries, sets forth regulations and procedures to:

1. Preserve and promote the continuing use and upkeep of Grass Valley's historic buildings, structures, sites and districts.
2. Foster the retention and restoration of historic buildings and other cultural resources that promote tourism, economic vitality, sense of place, and cultural diversity.
3. Encourage private stewardship of historic buildings and other cultural resources through incentives where possible.
4. Implement the historic preservation goals and policies of the City of Grass Valley through the existing Historic Context, Historic Design Review Guidelines, General Plan, and Ordinances.
5. Promote the conservation of valuable material and embodied energy in historic structures through their continued use, restoration and repair, and on-going maintenance.

## Cultural and Historic Resource Preservation

6. Promote the knowledge, understanding and appreciation of the City's distinctive character, cultural resources, and history.
7. Establish the policy of the City to pursue all reasonable alternatives to achieve compliance with this Chapter for the protection of historic resources.

### 17.52.020 - Applicability to Residential Properties

The provisions of this Chapter shall apply to new construction, reconstruction, additions, modifications, alterations, rehabilitation, and relocation of properties and structures that meet the following criteria:

1. The property or structure is used primarily for residential purposes; and
2. The property or structure is designated a Priority 1 or 2 resource on the Inventory of Historic Resources;

### 17.52.030 - Definitions

For the purposes of this Chapter, certain terms, words and their derivatives are used as follows:

Accessory Structure: a structure which is subordinate or incidental and directly related to a permitted use or structure on the same parcel, such as a barn, shed, or carriage house. As used in this Chapter, accessory structures may include structures that have achieved historic significance in their own right, as determined through survey and appropriate documentation.

Adverse Effects: effects, impacts, or actions that is detrimental or potentially detrimental to a historic resource's condition, character, or architectural or historical integrity.

Alteration: change, repair, replacement, remodel, modification, or new construction to:

- a. the exterior of an historic resource.
- b. the significant character defining features of an historic resource, including, but not limited to, the structural elements which support the exterior walls, roof, or exterior elements, together with windows, doors, siding, porches, roof shapes, dormers, and ornamentation, such as gingerbread.
- c. other construction on a lot, or
- d. character defining features of the interior of a historic resource if the structure's significance is wholly or partially based on interior features and the resource is publicly-accessible, such as a library or public type building. "Alteration" does not include ordinary landscape maintenance, unless the landscaping is identified as significant at the time a property is determined to be individually significant or a contributing element to a historic district. "Alteration" also does not include ordinary property maintenance or repair that is exempt from a building permit, and is consistent with the Secretary of the Interior Standards for Treatment of Historic Properties.

California Register: California Register of Historical Resources defined in California PRC 5024.1 and in CCR Title 14 Chap 11.5, Sec 4850 et seq. as it may be amended.

California State Historical Building Code: if the building is determined to be historically significant under any State, Federal, Regional or Local criteria, the building shall be subject to the Historical Building Code. Any improvements to the historic structure either on-site or at a relocated site shall be eligible to be evaluated and regulated by the Historical Building Code.

Character Defining Features: as outlined in the City of Grass Valley Design Review Guidelines for the 1872 Historic Townsite (2010) and the U.S. Department of the Interior's National Register Bulletin 15 and Preservation Brief 17: "How to Identify Character Defining Features", the architectural character and general composition of a resource, including, but not limited to, type and texture of building material; type, design,

## **Cultural and Historic Resource Preservation**

and character of all windows, doors, stairs, porches, railings, molding and other appurtenant elements; and fenestration, ornamental detailing, elements of craftsmanship, finishes, etc.

Contributing Historic Resources: a designation that may be applied to buildings, structures, or objects within the Historic 1872 Townsite that maintain their original or attained historic and architectural character, and contribute either by themselves or in conjunction with other buildings or structures to the unique or historic character of a neighborhood(s), district, or to the City as a whole. These properties are designated Priority 1 or 2 in the Inventory of Historic Resources.

Cultural Resource: any prehistoric or historic district, site, landscape, building, structure, or object included in, or potentially eligible for, local, State or National historic designation, including artifacts, records, and material remains related to such a property or resource.

Demolition: for the purpose of this Chapter, “demolition” refers to any act or failure to act that destroys, removes, or relocates, in whole or in part, a historical resource such that its historic or architectural character and significance are materially altered (refer to the Municipal Code Chapter 15.60).

Deterioration: the significant worsening of a structure’s condition and/or architectural or historic integrity, due to lack of maintenance, organisms, neglect, weathering and other natural forces.

Feasible: capable of being accomplished in a successful manner within a reasonable period of time, taking into account cultural, economic, environmental, historic, legal, social and technological factors. Structural feasibility means that a building or other structure can be repaired or rehabilitated so as to be safe and usable without significant loss of historic fabric. Factors to be considered when making this determination include the existence of new technologies that will allow the design of the work and the ability to repair, supplement or replace loadbearing members and the thermal and moisture protection systems required for continued use of the structure, as well as the physical capacity of the structure to withstand the repair and/or rehabilitation process without the danger of further damage.

Grass Valley Design Guidelines for the 1872 Historic Townsite: the City’s design guidelines used to assist property owners in making decisions on the preservation, restoration, and rehabilitation of their property or buildings.

Grass Valley Historic Commission (GVHC): The Grass Valley Historical Commission consists of five (5) members and one (1) alternate, each appointed by the City Council for a four year term. The Commission’s function is to identify and verify historical resources and encourage their preservation.

Historic Building Code: the most recent version of the California Historical Building Code, Title 25, Part, 8, as defined in Sections 18950 to 18961 of Division 12, Part 2.7 of Health and Safety Code (H&SC), a part of California State law.

Historic Context: Historic context are those events or themes in the history of Grass Valley by which a specific occurrence, property, or site is understood and its meaning and significance is made clear, and as defined in the adopted City of Grass Historic Context available through the City of Grass Valley Planning Department.

Historic District/Historical Preservation District: areas or neighborhoods with a collection or concentration of listed contributing historic properties, where historic properties help define the area or neighborhood’s unique architectural, cultural, and historic character or sense of place. Historic districts are delineated on the official Grass Valley Historic District Maps maintained by the City.

Historic Property or Resource: a property, including land and buildings, which possesses aesthetic, architectural, cultural, historic or scientific significance, and which is included in and rated a 1 or 2 in the Grass Valley Historical Resource Inventory of the 1872 Historic Townsite, or otherwise is potentially eligible for local, State or National historic designation.

Historic Status: historic designation of a listed resource or property as approved by the City Council.

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Improvement: any building, structure, fence, gate, landscape, hardscape, wall, work of art, or other object constituting a physical feature of real property or any part of such feature.

Inappropriate Alteration: alterations to historic resources which are inconsistent with these provisions and/or the Historic Preservation Program Guidelines.

In-kind: using materials that are identical in composition, shape, form, and design. This does not preclude the use of modern materials nor does it discourage other materials that are sympathetic or more appropriate to meet energy calculations or structural demands.

Integrity, Architectural or Historical: the ability of a property, structure, site, building, improvement or natural feature to convey its identity and authenticity, including, but not limited to, its original location, period(s) of construction, setting, scale, design, materials, detailing, workmanship, uses and association.

Inventory of Historic Resources: the list of historically designated resources and properties, consisting of the Master List and Contributing Properties List of Historic Resources within the Grass Valley 1872 Historic Townsite, and any properties, objects, sites, gardens, sacred places and resources subsequently added to the inventory, as determined to meet criteria outlined herein and approved by the City Council.

Maintenance: a term that refers to keeping a historic property in a condition that does not result in deterioration or damage to significant architectural features or elements resulting in its degradation to a level that it would not be considered a significant resource.

Major Projects: projects that have the potential to significantly alter the character of a historic property through additions, changes in massing, height, scale, and design elements.

Massing: the spatial relationships, arrangement and organization of a building's physical bulk or volume.

Minor Projects: a smaller scale project that does not involve a major alteration to a significant property.

Minor Restoration: a term that implies maintaining a building to a standard that preserves its historic character.

Modern Contributing Resources: designation which may be applied to properties and resources which are less than 50 years old, but which exemplify or include significant works of architecture or craftsmanship or are associated with a person or event significant to the City's history.

National Register of Historic Places (NRHP): the official inventory of districts, sites, buildings, structures, and objects significant in American history, architecture, engineering, archaeology and culture, which is maintained by the Secretary of the Interior under the authority of the Historic Sites Act of 1935 and the National Historic Preservation Act of 1966.

Neglect: the lack of maintenance, repair or protection of a listed property, resource, site or structure, which results in significant deterioration, as determined by the GVHC, Director, or City Council, based on visual and physical evidence.

Non-Contributing Resource: designation which may be applied to properties and resources in historic districts which are typically less than 50 years old, have greatly diminished integrity, and do not support the prevailing historic character of the district or other listing criteria as outlined herein. These properties are designated Priority 3 or 4 in the Inventory of Historic Resources.

Preservation: the act or process of applying measures necessary to sustain a historic site, building or other structure's historically significant existing form, integrity, and materials through stabilization, repair and maintenance.

Primary Structure: the most important building or other structural feature on a parcel in terms of size, scale, architectural or historical significance, as determined by the Committee.

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Reconstruction: the act or process of recreating the features, form and detailing of a non-surviving building or portion of building, structure, object, landscape, or site for the purpose of replicating its appearance at a specific period of time and in its historic location.

Rehabilitation: the act or process of making possible a compatible use for a property through repair, alterations, and additions, while preserving those portions or features which convey its architectural, cultural, or historic values.

Relocation: removal of a resource from its original site and its re-establishment in essentially the same form, appearance and architectural detailing at another location.

Restoration: the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period.

Scale: the proportions of architectural design that relate to human size or other relative size measure.

Secretary of the Interior's Standards: the Secretary of the Interior's Standards for the Treatment of Historic Properties, as published by the U.S. Department of the Interior and as amended from time to time.

Stabilization: the act or process of applying measures designed to reestablish a weather resistant enclosure and the structural stability of an unsafe or deteriorated property, while maintaining the essential form as it exists at present.

Survey: a systematic process for identifying and evaluating a community's historic resources using established criteria. "Survey" may also refer to the documentation resulting from a survey project.

### 17.52.040 - Grass Valley Historic Commission (GVHC)

A. **Duties.** The duties of the GVHC as it pertains to the implementation of this Chapter include the following:

1. Recommend historic resource preservation program guidelines that implement this Chapter and provide guidance to persons or institutions planning projects subject to City review that involve historic properties within the Grass Valley Historic 1872 Townsite.
2. Make recommendations on alterations or changes to historic districts.
3. Review properties, buildings, and other resources for potential inclusion on the City's Inventory of Historic Resources, including those properties, areas, sites, buildings, structures or other features having significant historical, cultural, architectural, community, scientific or aesthetic value to the citizens of Grass Valley. The commission may also recommend to the Council that such properties be added to the Inventory of Historic Resources.
4. Maintain and update the Inventory of Historic Resources.
5. Consolidate information regarding cultural resources and promotion; participation in, or sponsorship of educational and interpretive programs that foster public awareness and appreciation of cultural resources.
6. Support and promote incentive programs approved by the Council that are directed at preserving and maintaining historic resources.
7. Provide information for property owners preparing local, state and federal historic nominations to utilize preservation incentives, such as the Mills Act and federal tax incentives, including, but not limited to rehabilitation tax credits.

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8. Respond to referrals by the Director, Development Review Committee, Planning Commission and City Council.
  9. Provide interested property owners with advice and information on building design and materials that can maintain the historic character of a building.
- B. GVHC and Role of the City Staff.** The GVHC is assisted by staff of the City, including, but not limited to, the Community Development Department. The Director is responsible for interpreting and implementing this Chapter and assisting the GVHC carry out its duties.

### 17.52.50 - Historic Resource Designation

The City utilizes two classifications to designate historic resources and properties. The two categories of historic significance are the “Contributing” and “Non-Contributing” properties.

- A. Contributing Historical Resources.** The most unique and important resources and properties in terms of age, architectural or historical significance, rarity, or association with important persons or events in the City’s past, which are rated as Priority 1 and 2 properties in the Inventory of Historic Resources.
- B. Non-Contributing Resources.** Buildings, properties and other features in historic districts, which are less than 50 years old, have not retained their original architectural character, or which do not support the prevailing historic character of the district, and are rated as Priority 3 and 4 properties in the Inventory of Historic Resources.

### 17.52.60 – Procedures for Inclusion in the Inventory of Historic Resources

- A. Application for Inclusion.** The property owner may request a resource be designated as a Contributing Historical Resource in the Inventory of Historic Resources by submitting an application to the Director, accompanied by all available information documenting the historic significance and architectural character of the resource. The GVHC, and Planning Commission may also recommend, or the City Council may directly request, the addition of a resource to the Historical Resources Inventory.
- B. Review Process.** The GVHC shall review all applications for inclusion, whether initiated by the City or a property owner, to determine if a property proposed for inclusion meets eligibility criteria as described in this Chapter. The GVHC will review the eligibility criteria for a proposed listing at a noticed public hearing. The Director shall provide notification to the property owner and public, as required by City standards. At the public hearing, or in no case more than 60 days from the hearing date, the GVHC shall forward a recommendation on the application to the City Council. The City Council will take action on the application to add or not add the resource to the Historical Resources Inventory. The decision of the City Council is final.
- C. Removal from Inventory of Historic Resources.** It is the general intention of the City not to remove a property from the Inventory of Historic Resources. Council may, however, rezone a property to remove Historic Overlay Zoning, or remove the property from the Inventory if the structure on the property no longer meets eligibility criteria for inclusion, following the process for inclusion set forth in paragraph B.



## Cultural and Historic Resource Preservation

### 17.52.70 – Project Evaluation and Review Process

- A. Purpose.** The purpose of this section is to encourage property owners to preserve, restore, and rehabilitate their property in a manner that promotes the City's cultural and architectural heritage. The overall goal is to provide property owners with tools that will help retain the historic character, fabric and features of a building as a means to enhance property values. This can be accomplished by using in-kind or compatible building materials and a compatible design, if feasible, when rehabilitating, restoring, or expanding a building within the 1872 Historic Townsite. The City will rely on the adopted City of Grass Valley Design Guidelines for the 1872 Historic Townsite (Guidelines) to accomplish this purpose.
- B. Project Categories.** As used in this chapter, changes to a building fall under three basic categories:
1. **Exempt Projects.** The routine maintenance and restoration of buildings, which includes in-kind replacement of deteriorated or damaged historic fabric and materials;
  2. **Minor Projects.** This includes exterior modifications or alterations that maintain the historic integrity of the building and that comply with the Guidelines; and,
  3. **Major Projects.** This includes exterior modifications that alter the character defining features, such as its shape, elevation, massing, and scale and do not comply with the Guidelines. The Development Review Committee shall review all major projects. If a project is a major project, the City encourages a property owner to first meet with the GVHC prior to formal submittal of an application. The GVHC can provide a property owner with suggestions on design and resource materials that will help maintain the historic character of the building.
- C. Permit Review.** The City's review process established in Section 17.72.030 of the Development Code shall determine the level of review for all projects in the 1872 Historic Townsite. While the focus of this section is on properties rated as a Priority 1 and 2, the City will also encourage property owners with Priority 3 and 4 properties to use the Guidelines.
1. **Projects exempt from a Development Review Permit pursuant to Section 17.72.030.** These projects are reviewed by the Director as part of a building permit review process. This includes exempt and minor projects as defined in this chapter. The Director shall review changes to all buildings within the 1872 Historic Townsite and make recommendations to encourage compliance with the Guidelines.
  2. **Projects subject to a Development Review Permit pursuant to Section 17.72.030.** These projects are reviewed by the Development Review Committee and/or Planning Commission as part of the development review process. These include projects that are defined as a major project as used in this chapter. In reviewing a project in the 1872 Historic Townsite, the Development Review Committee and/or Planning Commission shall consider the Guidelines in its decision and make recommendations to encourage compliance.

### 17.52.80 - Reserved

### 17.52.90 – Criteria for Determination of Historical Significance

For the purpose of determining the historical significance or inclusion in the Inventory of Historic Resources of a building or structure the following criteria shall apply:

1. The building or structure has character, interest or value as a part of the heritage of the City of Grass Valley; or,
2. The location of the building or structure is the site of a significant historic event; or,

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3. The building or structure is identified with a person(s) or group(s) who significantly contributed to the culture and development of the City of Grass Valley; or,
4. The building or structure exemplifies a particular architectural style or way of life important to the City; or,
5. The building or structure exemplifies the best remaining architectural type in a neighborhood; or,
6. The building or structure is identified as the work of a person whose work has influenced the heritage of the City, the State or the United States; or,
7. The building or structure reflects outstanding attention to architectural design, detail, materials or craftsmanship; or,
8. The building or structure is related to landmarks or historic districts and its preservation is essential to the integrity of the landmark or historic district; or,
9. The unique location or singular physical characteristics of the building or structure represent an established and familiar feature of a neighborhood; or,
10. The building, structure or site has the potential to yield historical or archaeological information.

### **17.52.100 – Reserved**

### **17.52.110 – Reserved**

### **17.52.120 – Appeals**

Any person may appeal the decision of the Planning Director or the GVHC pursuant to this Chapter to the Planning Commission. Decisions of the Planning Commission pursuant to this Chapter may be appealed to the City Council. An appeal must be submitted in writing with the required appeal fee (if applicable) to the Community Development Department within fifteen (15) days following the final date of the action for which an appeal is made. The written appeal shall include the reason(s) why the Report should or should not be required; or why the Building Permit should be granted, denied or exempt from the provisions of this Chapter.

## CHAPTER 17.54 - HILLSIDE AND RIDGELINE DEVELOPMENT

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### Sections:

- 17.54.010 - Purpose
- 17.54.020 - Applicability
- 17.54.030 - Hillside Subdivision Standards
- 17.54.040 - Site Planning and Development Standards
- 17.54.050 - Building Design Guidelines

### 17.54.010 - Purpose

The provisions of this Chapter are intended to:

- A. Preserve the City's environmental and scenic resources by encouraging the retention of natural topographic features and vegetation;
- B. Recognize that as the slope of a development site increases so does the potential for environmental degradation including slope failure, and increased storm water runoff that will also increase the potential for erosion, and waterway sedimentation;
- C. Encourage grading practices that are appropriate in hillside areas; and
- D. Encourage structures on hillside parcels to be designed with scale, massing, architectural design and detailing appropriate to maintain the visual character of hillsides as natural and open.

### 17.54.020 - Applicability

- A. **Applicability of Chapter.** The requirements and guidelines in this Chapter apply to subdivisions, and all other proposed development or a new land use on a building site with a slope of 20 percent or greater in an area identified on the City's Protected Ridgelines Map. Proposed hillside development shall also comply with the City's Storm Water Management Program and the City Improvement Standards as they relate to temporary and permanent erosion control for hillside development.
- B. **Limitation on hillside development.** No new grading or other construction shall occur on a slope of more than 30 percent, except where the review authority determines that there is no alternative building site available on an existing parcel with a slope of 30 percent or less. In granting an exception in compliance with this Section, the review authority shall ensure that the proposed project complies with all other standards of this Chapter to the maximum extent feasible.

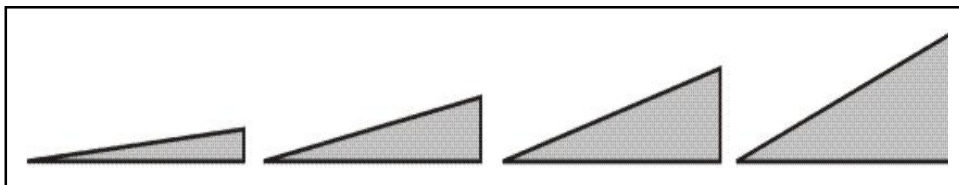


Figure 5-1 - Illustration of Slope

- C. **Permit requirements.** A proposed project that is subject to this Chapter shall require approval through the permit process otherwise required by this Development Code for the project.

**D. Adjustments to standards.** The review authority may grant an adjustment to the standards of this Chapter as part of development review where it first finds that:

1. The adjustment is either necessary to allow a house with reasonable floor area on a site with excessive slope or other environmental constraints; or
2. The adjustment will result in less visual impact than would development in compliance with the standard being adjusted.

### **17.54.030 - Hillside Subdivision Standards**

A proposed subdivision shall comply with the following standards.

**A. Parcel and building site slope.** No parcel other than an open space parcel shall be created:

1. With an overall average slope of 30 percent or more; or
2. Without at least one building site of at least 5,000 square feet that has no slope of 20 percent or more, and that will allow a house to be constructed in compliance with all other applicable provisions of this Chapter.

**B. Roads.** Each new road shall follow natural terrain contours to the maximum extent feasible to minimize grading. Proposed driveways shall comply with the requirements of Section 17.54.040 (Site Planning and Development Standards).

### **17.54.040 - Site Planning and Development Standards**

Each structure shall be located in the most accessible, least visually prominent, most geologically stable, portion or portions of the site, and at the lowest feasible elevation. Structures shall also be aligned with the natural contours of the site. Siting structures in the least prominent locations is especially important on open hillsides where the high visibility of construction should be minimized by placing structures so that they will be screened by existing vegetation, depressions in topography, or other natural features.

**A. Site access.** Each driveway shall follow natural terrain contours to minimize grading, and also shall comply with the following standards.

1. Common driveways that serve more than one parcel are encouraged, and may be required, to reduce the total amount of grading and pavement.
2. Drainage from a driveway shall be directed in a controlled manner to the drainage facilities of the nearest road, subject to the approval of the City Engineer.
3. A driveway shall not have a grade steeper than five percent within 10 feet of a garage or carport entry. Driveway finished grade shall not exceed an average of 20 percent slope for residential uses; a five percent deviation for special construction techniques may be approved by the City Engineer.

## Hillside and Ridgeline Development

- B. Setbacks.** A new structure or addition is prohibited within 50 vertical feet of a ridgeline unless this restriction completely precludes development of the property. An exception may be granted if the review authority first finds that:
- There are no feasible building sites on the parcel that avoid ridgeline development;
  - In the case of a subdivision, the density has been reduced to the minimum standards consistent with the General Plan density range;
  - No new subdivision of parcels is created that will result in ridgeline development; and
  - The development will avoid significant adverse visual impacts due to modifications in structural design including height, bulk, size, foundation, siting, and landscaping.
- C. Side and rear setback from slope.** Where a building site abuts a parcel with an elevation that is three feet or more above or below that of the site, the side and/or rear setback required by the applicable zone shall be measured from the nearest toe or top of slope to the structure, whichever is closer. See Figure 5-3.

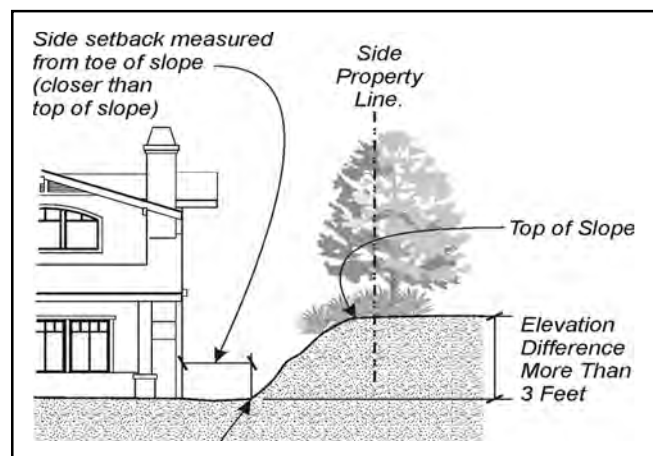


Figure 5-3 - Side Setback Measurement

E. **Height limits.** Each proposed structure shall comply with the following height limits, in addition to the height limit of the applicable zone.

1. **Total height limit.** No structure shall exceed a height of 24 feet, measured in compliance with Section 17.30.050 (Height Limits and Exceptions), and shall not exceed a total height of 35 feet, measured from the lowest elevation on the site where the structure touches the grade, to the highest point of the roof. See Figure 5-4.

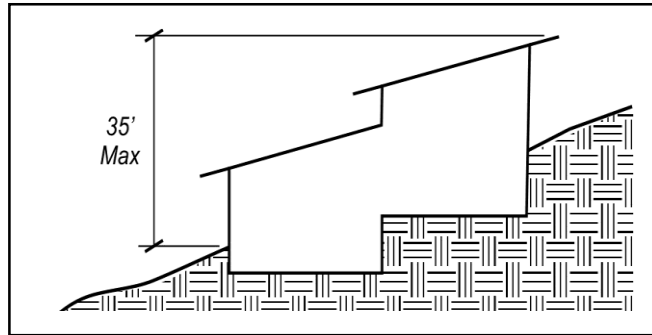


Figure 5-4 - Maximum Height on Sloping Site

2. **Placement of structures.** Proposed structures shall comply with the following standards, to maintain the natural appearance of hillsides and ridgelines.
  - a. Each structure shall be located as follows; provided that the review authority may modify or waive these standards where it determines that a structure on the only feasible building site of an existing parcel cannot comply.
    - (1) No part of a proposed structure shall appear silhouetted against the sky above the nearest ridge or knoll when viewed from a public street. See Figure 5-5.
    - (2) The topmost point of a proposed structure and all site grading shall be at least 30 feet below the top of the nearest ridge or knoll. See Figure 5-6.
  - b. Each structure shall be located to take advantage of existing vegetation for screening, and should include the installation of additional native plant materials to augment existing vegetation, where appropriate.

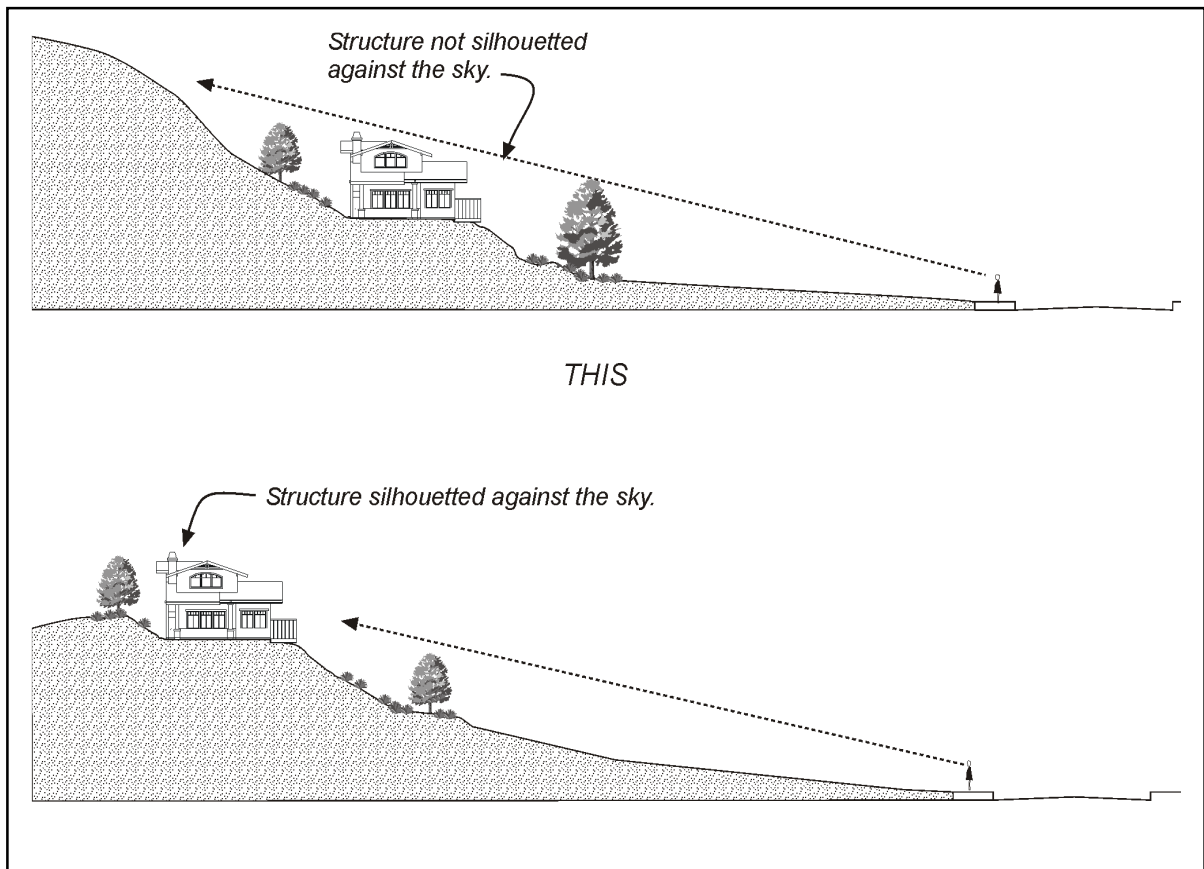


Figure 5-5 - Silhouetted Structure

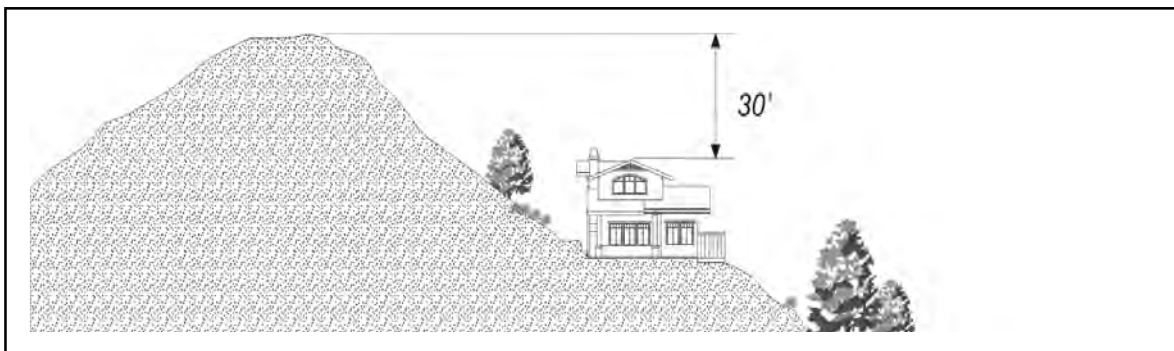


Figure 5-6 - Location of Structure Below Ridgeline

3. **Height limit above ridgeline.** Where the review authority determines that a legal lot existing prior to the effective date of this section contains no feasible building site other than where a structure will extend above the ridgeline, proposed structures shall not exceed a height of 16 feet above the highest point on the ridgeline or hilltop within 100 feet of the proposed structure. See Figure 5-7.

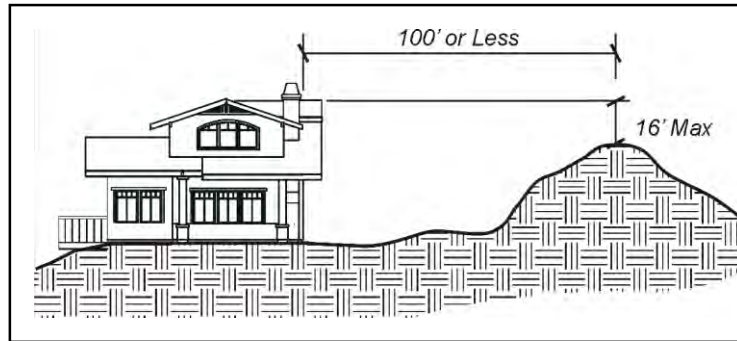


Figure 5-7 - Highest Point Within 100 Feet of Structure

4. **Height of lowest floor level.** The vertical distance between the lowest point where the foundation meets grade and the lowest floor line of the structure shall not exceed six feet (see Figure 5-8).
5. **Downhill building walls.** No single building wall on the downhill side of a house shall exceed 15 feet in height above grade. Additional building height on a downhill side may be allowed in 15-foot increments, where each increment is stepped-back from the lower wall a minimum of 10 feet (see Figure 5-9).

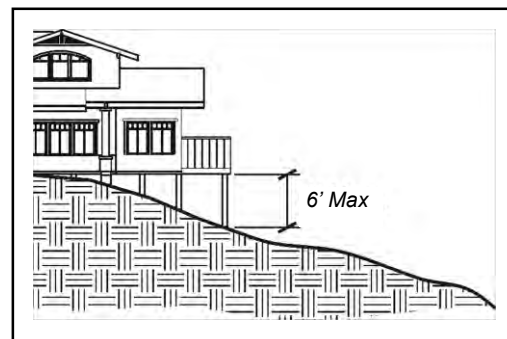


Figure 5-8 - Height Limit for Downhill Building Walls

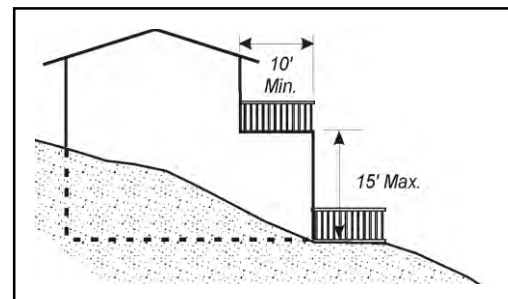


Figure 5-9 - Height Limit for Downhill Building Walls



- F. View protection guidelines.** A proposed structure should be designed and located so that it avoids blocking views from other properties to the maximum extent feasible, as follows. See Figure 5-10.
1. New structures and tall landscaping should not be placed directly in the view of the primary living areas on a neighboring parcel (For the purposes of this Section, "primary living area" means a living room, family room, dining room, master bedroom, or outdoor patio with seating.).
  2. Mechanical equipment may be placed on rooftops or below a deck only if the equipment is not visible from off the site, except for unobtrusive solar collectors that are compatible with the roof line and architecturally integrated with the structure. This equipment shall also comply with the height limits in Subsection E.2.

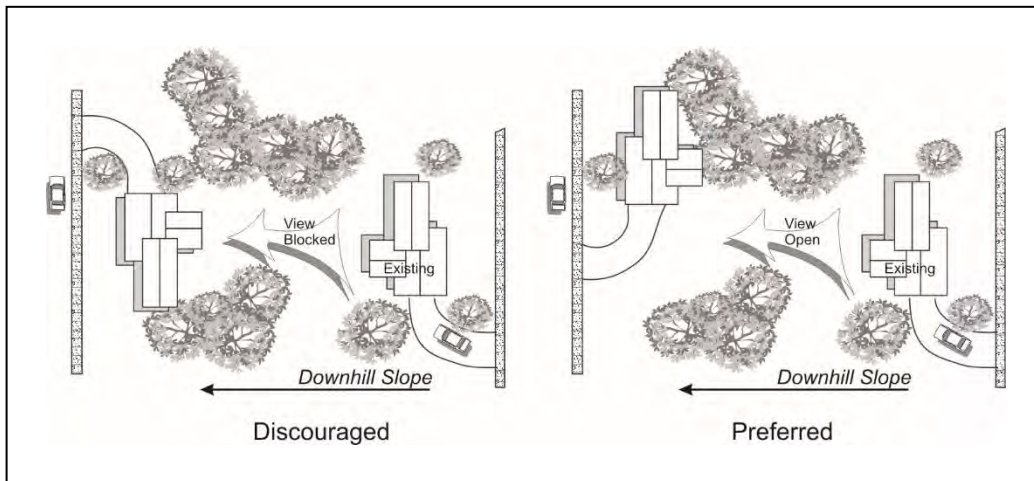


Figure 5-10 - View Protection

- G. Exterior lighting.** See Section 17.30.060 (Outdoor Lighting).

- H. Retaining walls.** An embankment to be retained that is over six feet in height shall be benched above six feet in height so that no individual retaining wall above six feet in height is taller than 36 inches, and each bench is a minimum width of 36 inches. See Figure 5-11.

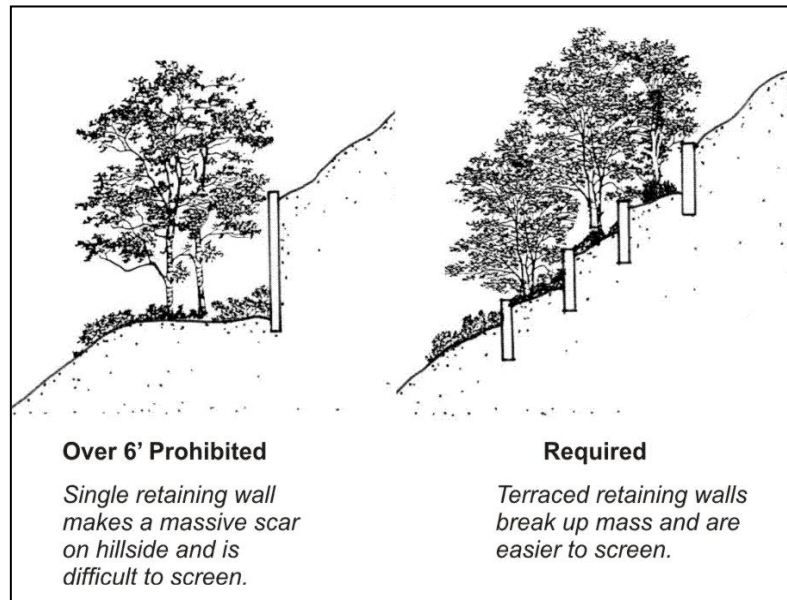


Figure 5-11 - Retaining Wall Design

- I. Support structures.** Support structures (for example, columns, pilings, etc.) below the lowest floor on the downhill side of a house, shall be enclosed unless visible structural members are an integral feature of the architectural design. Support structure wall surfaces shall not exceed six feet in height.

### 17.54.050 - Building Design Guidelines

Building and site design should generally utilize varying setbacks and structure heights, split-level foundations, and low retaining walls to blend structures into the terrain. See Figure 5-12.

- A. Maximum floor area.** The gross floor area of all structures on a parcel should not exceed 30 percent of the areas of the parcel with a slope of less than 15 percent, and zero percent of the areas with slopes in excess of 15 percent.
- B. Windows.** Windows, balconies, and outdoor living areas generally should be located to protect the privacy of adjacent homes and yards. Windows visible from off the site should be glazed with non-glare glass.
- C. Exterior wall surfaces.** The apparent size of exterior wall surfaces visible from off the site should be minimized through the use of single story elements, setbacks, overhangs, roof pitches, landscaping, and/or other means of horizontal and vertical articulation to create changing shadow lines and break up massive forms.

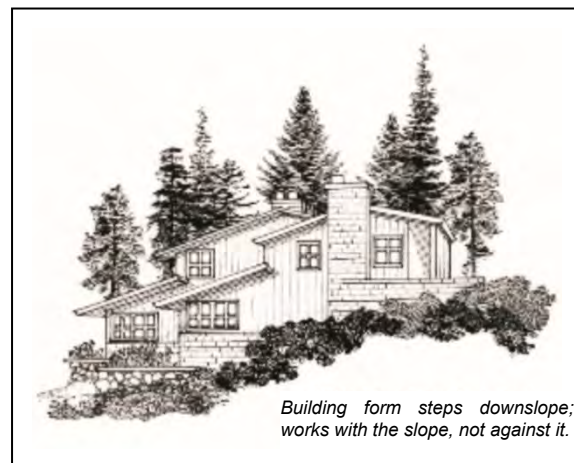


Figure 5-12 - Design Sensitive to Terrain (an example of building form, not intended to show preferred architectural style)

## **Hillside and Ridgeline Development**

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- D. Colors and materials.** A mixture of materials and color should be used to blend structures with the natural appearance of the hillside:
1. Based upon the graphic principle that darker colors are less noticeable than light colors, darker tones, including earth tones should generally be used for building walls and roofs on highly visible sites so that buildings appear to blend in with the natural terrain.
  2. Exterior finish materials should be appropriate to the architectural style of the structure and compatible with the hillside environment.
- E. Roofs.** Roof pitches should be placed to follow the angle of the slope; but with variations to avoid a monotonous appearance. See Figure 5-12.
- F. Landscaping.** See Chapter 17.34 (Landscaping Standards).



## ARTICLE 6

# Site Development Regulations

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**City of Grass Valley Municipal Code - Title 17 - Development Code**

**Contents**

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## **CHAPTER 17.60 - GRADING PERMIT REQUIREMENTS AND PROCEDURES**

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### **Sections:**

- 17.60.010 - Title and Purpose
- 17.60.020 - Applicability of Grading Regulations
- 17.60.030 - Grading Permit Requirements
- 17.60.040 - Grading Permit Application Filing and Processing
- 17.60.050 - Grading Permit Approval and Issuance
- 17.60.060 - Grading Permit Time Limits and Extensions
- 17.60.070 - Security for Performance
- 17.60.080 - Grading Operations and Inspections
- 17.60.090 - Completion of Work

### **17.60.010 - Title and Purpose**

This Chapter and Chapter 17.62 (Grading, Erosion, and Sediment Control Standards) are and may be cited as the City of Grass Valley Grading Ordinance. These provisions supplement the City's Improvement Standards, and are enacted to regulate grading within the City, and establish standards for grading, including filling and excavation activities, to:

- A. Minimize hazards to life and property;
- B. Protect against soil erosion, and the pollution of watercourses with nutrients, sediments, or other earthen materials generated on or caused by surface runoff on or across an area of approved grading;
- C. Protect the safety, use and stability of public rights-of-way and drainage channels;
- D. Protect fish and wildlife habitats, and promote the retention and restoration of riparian vegetation;
- E. Protect the scenic character and value of the City; and
- F. Ensure that the intended use of a graded site is consistent with the General Plan and any applicable specific plan.

### **17.60.020 - Applicability of Grading Regulations**

- A. **Compliance required.** The provisions of this Chapter and Chapter 17.62 (Grading, Erosion, and Sediment Control Standards) apply to all excavation, fill, or other grading activities occurring within the City, unless exempted from permit requirements by Section 17.60.030 (Grading Permit Requirements). The grading standards in Chapter 17.62 apply to all grading activities regardless of whether a permit is required. It shall be unlawful and a violation of this Development Code for any person to:
  - 1. Cause, conduct, allow, or furnish equipment or any labor for any grading activities without first obtaining any planning permit required by this Development Code, and a grading permit when required by Section 17.60.030 (Grading Permit Requirements), and without complying with all applicable grading standards of Chapter 17.62 (Grading, Erosion, and Sediment Control Standards); or
  - 2. Violate or fail to comply with any term or condition of the approval of any grading permit issued in compliance with this Chapter.

## **Grading Permit Requirements and Procedures**

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- B. Prior project approval required.** No grading permit shall be issued and no grading shall occur unless a development project has been first authorized on the site in compliance with Article 7 (Planning Permit Procedures), or Article 8 (Subdivision Regulations and Procedures).
- C. Liability.** Nothing in this Chapter, or the issuance of a grading permit, compliance with the provisions of this Chapter or with any permit conditions shall relieve any person from responsibility for damage to other persons or property, nor impose any liability upon the City, its officers, agents or employees, for damage to other persons or property.
- D. Hazards.** Whenever the Building Official or designee determines that excavations, embankments, or fills on private property constitute a hazard to public safety, endanger property, or adversely affect the safety, use or stability of adjacent property, an overhead or underground utility, or a public way, watercourse, or drainage channel, or could adversely affect the water quality or any water body or watercourse, the owner or other person in control of the site shall be contacted and advised of the problem.
  - 1. Upon receipt of written notice from the Building Official or designee, the property owner shall repair or eliminate the excavation, embankment or fill so as to eliminate the hazard and conform with the requirements of this Chapter and Chapter 17.62 (Grading, Erosion, and Sediment Control Standards) within a reasonably prescribed time period.
  - 2. Any grading performed in violation of this Section shall be deemed a public nuisance and a misdemeanor, and full abatement and restoration may be required and an assessment of cost may be levied in compliance with Chapter 17.98 (Enforcement).

### **17.60.030 - Grading Permit Requirements**

- A. Permit required.** A grading permit shall be required for any of the following grading activities, except where exempted from permit requirements by Subsection C.
  - 1. Any excavation or fill;
  - 2. Dredging activities involving wetlands or riparian areas;
  - 3. Earthwork, paving, surfacing or other construction that alters an existing drainage pattern of surface water leaving the site, including any change in the direction, velocity or volume of flow;
  - 4. Any other grading activity that causes quantities of dirt, soil, rock, debris, or other material substantially in excess of natural levels to be washed, eroded, or otherwise moved from the site, except in compliance with a grading permit.
- B. Grading designation.** Grading in excess of 5,000 cubic yards shall be performed in compliance with an approved grading plan prepared by a California registered civil engineer, and shall be designated "engineered grading." Grading involving less than 5,000 cubic yards shall be designated "regular grading" unless the permittee chooses to have the grading performed as engineered grading, or the City Engineer determines that special conditions or unusual hazards exist, in which case grading shall conform to the requirements for engineered grading.



## **Grading Permit Requirements and Procedures**

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- C. Exemptions from permit requirements.** The following grading activities are exempt from the provisions of this Section and may be conducted without first obtaining a grading permit; provided that all grading shall still be subject to the grading standards of Chapter 17.62 (Grading, Erosion, and Sediment Control Standards), and no exempt grading shall occur until the property owner has obtained a written exemption from the Department.
- 1. Basements and footings.** Where authorized by a valid building permit, excavations below existing or finish grade for basements, and footings of a building, retaining walls or other structures; provided that this shall not exempt any fill using material from the excavation, nor exempt any excavation where the natural slope of the site exceeds 20 percent, or any excavation with an unsupported height greater than five feet after the completion of the structure.
  - 2. Cemeteries.** Routine excavations and fills for graves.
  - 3. Conservation project.** Grading that is a soil or water conservation project regulated by the U.S. Department of Agriculture, Natural Resource Conservation Service, or the California Department of Water Resources.
  - 4. Cultivation.** Agricultural cultivation activities where allowed by Article 2 (Zones, Allowable Uses, and Zone Standards) including preparation of land for cultivation, other than grading for roadwork or pads for structures, and not including any tree removal, where the cultivation activities do not create an excavation greater than two feet in depth, or more than one foot of fill.
  - 5. Exploratory excavation.** An exploratory excavation for the purpose of investigating subsurface geology, soil bearing capacity, etc., affecting or disturbing an area on a single parcel of less than 10,000 square feet and involving the movement of less than 50 cubic yards, under the direction of a soil engineer or engineering geologist.
  - 6. Isolated grading.** Grading in an isolated, self-contained area if there is no danger to public or private property, only when approved by the Building Official or designee.
  - 7. Minor excavation.** An excavation less than two feet in total depth; or that does not create a cut slope greater than five feet in height and steeper than one and one-half horizontal to one vertical, and is:
    - a. Not proposed where the natural slope of the site exceeds 20 percent;
    - b. Less than 50 cubic yards; and
    - c. Not less than 100 feet from any drainage course.
  - 8. Minor fill.** A fill less than one foot in total depth and placed on natural terrain with a slope flatter than five horizontal to one vertical, or less than three feet in depth, not intended to support structures, which does not exceed 50 cubic yards, and is not less than 100 feet from any drainage course.
  - 9. Public project.** Excavations or fill for a public project conducted, or approved and inspected by the Building Official or designee.
  - 10. Road maintenance.** The grading or resurfacing of an existing, approved road for maintenance purposes, where neither the width nor length of the road, nor the height of cuts or the depth of fills is increased.

11. **Wells, pipelines and utilities.** Excavations for wells and tunnels; routine pipeline maintenance practices disturbing areas less than 1,000 square feet; or installation, testing, placement in service, or the replacement of any necessary utility connection between an existing facility and an individual customer or approved development, for utilities regulated by the Public Utilities Commission, including electrical, water, sewage disposal or natural gas lines, on a single site or within a public right-of-way.
- D. **Other permits may be required.** Nothing in this Chapter shall eliminate the need for activities involving grading to also obtain any other planning or construction permits, subdivision approvals, or permits or authorizations required by the Municipal Code, other provisions of this Development Code, or required by State or Federal agencies.
- E. **Issuance of other City permits.** All City departments, officials and employees that are vested with the duty or responsibility to issue permits or licenses shall conform to the provisions of this Chapter and shall issue no permit or license for uses, structures or purposes where they would be in conflict with the provisions of this Chapter, or for a site where a violation of this Chapter exists.
- F. **Underground Service Alert required.** Any excavation or grading requires notification of Underground Service Alert (USA) 48 hours prior to commencement of work or documentation that which verifies all underground utility locations in the project area.

### **17.60.040 - Grading Permit Application Filing and Processing**

- A. **Preparation and filing.** Grading permit applications shall be filed with the Community Development Department on a City application form, together with all fees, plans, maps, reports, and other information prepared as required by the City's Improvement Standards. The plans and reports submitted with the application shall include, but not be limited to, the following, where required by the Building Official or designee.
  1. A grading plan;
  2. A drainage plan with hydrology and hydraulic calculations;
  3. A soils and/or geotechnical report;
  4. An Erosion Control Plan may be incorporated into a grading plan; and/or
  5. Any special reports (e.g., sewer, water, etc.) required by the Building Official or designee.

The preparation of a Grading Permit application shall also comply with the provisions of Sections 17.70.040 (Application Preparation and Filing), and 17.70.050 (Application Fees).
- B. **Environmental review.** As required by the California Environmental Quality Act (CEQA), all grading permit applications shall be subject to environmental review in compliance with this Section and Chapter 17.72, except the following types of applications:
  1. **Categorically exempt projects.** As provided by Section 15304, Title 14, California Code of Regulations, for Class 4 categorical exemptions, any grading on land with a slope of less than 10 percent, that is not within 100 feet of a watercourse, wetland or environmentally sensitive habitat, or is not visible from Highway 1.

2. **Ministerial projects.** It is the intent of the Council that the issuance of a permit for grading (Section 17.60.050 - Grading Permit Approval and Issuance) that would be categorically exempt as provided by Subsection B.1, and which also involves less than 1,500 cubic yards of earth moving on slopes less than 10 percent, shall be a ministerial act in compliance with Section 15268, Title 14, California Code of Regulations, and for these applications this Chapter shall be interpreted, administered and construed in light of this legislative intent.
3. **Previously reviewed projects.** Proposed grading that has already been reviewed in compliance with CEQA as part of the approval of a planning permit required by this Development Code or a subdivision in compliance with Article 8 of this Development Code, shall not require environmental review.

Measures needed to mitigate potentially significant adverse environmental impacts shall be incorporated into the grading permit as conditions of approval.

- C. **Referral to other agencies.** Before approval of a grading permit application in compliance with Section 17.60.050 (Grading Permit Approval and Issuance) the Building Official or designee may refer an application to other interested public agencies for their comments and recommendations.

### **17.60.050 - Grading Permit Approval and Issuance**

The approval of a grading permit application and issuance of a grading permit by the Building Official or designee shall occur as follows:

- A. **Criteria for approval.** The Building Official or designee may approve a grading permit application and issue a permit only when the following requirements are first satisfied:
  1. **Ministerial projects.** Ministerial grading projects as described in Section 17.60.040B shall be approved when the Building Official or designee determines that proposed grading will comply with the following:
    - a. The proposed grading shall comply with all applicable provisions of Chapter 17.62 (Grading, Erosion, and Sediment Control Standards), all other applicable provisions of this Development Code.
    - b. The project for which the grading is intended shall first be authorized a planning permit as required for the proposed use by Article 2 (Zones, Allowable Land Uses, and Development Standards); and
    - c. Any permits required by State or Federal agencies for the proposed grading have been obtained (including streambed alteration permits from the California Department of Fish and Game and "Section 404" permits for grading within wetlands and certain watercourses from the U.S. Army Corps of Engineers), or are required by conditions of approval to be obtained before grading work is started.
    - d. The proposed grading either will not adversely impact an existing public or private easement, or the applicant has obtained the written consent of the easement holder to perform the grading within the easement.
    - e. Proposed grading that will disturb a surface area of one acre or more of soil shall require the filing of a Notice of Intent (NOI) with the State Water Resources Control Board for coverage under the State NPDES Construction Permit. A copy of the NOI and the receipt of notice from the State with a Waste Discharge Identification Number (WDID) shall be filed with the Department.

## **Grading Permit Requirements and Procedures**

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2. **Discretionary projects.** Grading projects that are not ministerial or categorically exempt as provided by Section 17.60.040.B (Environmental review) may be approved only when the Building Official or designee first makes the following findings, in addition to determining that the proposed grading will satisfy the requirements of Subsection A.1, above:

- a. The proposed grading conforms with all applicable provisions of the General Plan, any applicable specific plan, and this Development Code;
- b. The extent and nature of proposed grading is appropriate to the use proposed, and will not create site disturbance to an extent greater than that required for the use;
- c. Proposed grading will not result in erosion, stream sediment, or other adverse off-site effects or hazards to life or property; and
- d. The proposed grading will not create substantial adverse long-term visual effects visible from off-site.

**B. Permit conditions.** In granting a grading permit for a discretionary grading project, the Building Official or designee may impose any condition determined to be necessary to protect public health, safety and welfare, to prevent the creation of hazards to property, and to ensure proper completion of grading. These conditions may include, but shall not be limited to requirements for:

1. Bringing proposed grading into conformity with the provisions of this Development Code, including the findings required by Subsection A.;
2. Mitigation of adverse environmental impacts identified through the environmental review process;
3. Improvement of any existing grading on the site to comply with the standards of this Chapter;
4. Fencing or other protection of grading that would otherwise be hazardous;
5. The control of dust, erosion, sediment, noise, hours of operation and season of work, weather conditions, sequence of work, access roads and haul routes;
6. Safeguarding both natural and constructed watercourses from excessive deposition of sediment or debris in quantities exceeding natural levels, and from the removal of riparian vegetation or the destruction of animal habitats or other sensitive environmental features;
7. Safeguarding or abandoning any areas reserved for on-site sewage disposal;
8. Assurance that any area of proposed grading where habitable structures are proposed is not subject to hazards of landslide, significant settlement or erosion, and that the hazards of flooding can be eliminated or adequately reduced;
9. Safeguarding or abandoning existing water wells;
10. Limitations on the commencement of grading until any permits required by State or Federal agencies are first obtained and copies are submitted to the Building Official or designee;
11. The stockpiling and re-use of topsoil;
12. An encroachment permit prior to any grading being performed within a public easement; and/or
13. Written notice to all easement holders in the event of grading within a private easement.

### **C. Effect of permit and approved plans:**

1. **Compliance with plans required.** All work shall be done in compliance with the approved plans. The grading plans and specifications approved by the issuance of a grading permit shall not be changed without the written approval of the Building Official or designee.
2. **Modifications.** Proposed modifications shall be submitted to the Building Official or designee in writing, together with all necessary soils and geotechnical information and design details. A proposed modification shall be approved only if the Building Official or designee first determines that the modification is in compliance with all applicable subdivision and/or planning permit requirements.

### **D. Distribution and use of approved plans.** Two sets of approved plans and specifications shall be retained by the Building Official or designee and one or more sets of approved and dated plan and specifications shall be provided to the applicant or their engineer. One set of approved plans and the permit shall be retained on the site at all times during the work.

## **17.60.060 - Grading Permit Time Limits and Extensions**

- A. **Grading permit time limits.** Approved grading shall be completed in compliance with an issued grading permit within 12 months from the effective date of the permit, or the permit shall expire, unless an extension has been granted in writing in compliance with Subsection B., below.
- B. **Extension of grading permit.** Any permittee holding an unexpired grading permit may apply for an extension of the time within which grading operations are to be begun or completed. The Building Official or designee may extend the expiration date of the permit for a period not exceeding 180 days per extension request, where the permittee has requested the extension in writing and has shown that circumstances beyond the control of the permittee have prevented grading from being started or completed, and any applicable permit has not expired.

## **17.60.070 - Security for Performance**

Prior to issuance of a grading permit, the applicant shall provide erosion control security and, if needed, tree preservation security, in an amount identified in the conditions of approval. Security will be required and administered in compliance with Section 17.74.050 (Performance Guarantees).

## **17.60.080 - Grading Operations and Inspections**

All grading operations for which a permit is required shall be subject to inspection as required by the Building Official or designee to ensure compliance with the approved plans and any permit conditions.

- A. **Preconstruction consultation.** The Building Official or designee may require a preconstruction consultation meeting between the permittee and designated City staff to review the construction schedule and procedures before the commencement of work, where the Building Official or designee determines that the type or scale of grading operations necessitates this coordination.
- B. **Site access.** The permittee shall provide adequate access to the site for inspection by inspectors designated by the Building Official or designee during the performance of all work and for a minimum of one year after final inspection.

## **Grading Permit Requirements and Procedures**

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- C. Special inspections and certifications.** The Building Official or designee may require special inspections or certifications as deemed necessary to ensure proper completion of grading work, and/or to mitigate or avoid environmental impacts, or hazards to property or the public.
- 1. Type of inspections and certifications.** Special inspections and certifications may include, but shall not be limited to requiring: the permittee to provide a private geotechnical engineer and/or other consultants approved by the Building Official or designee to perform continuous inspection of work in progress and to certify the proper completion of work; inspection and testing by an approved testing agency; and/or the submittal of periodic progress reports.
  - 2. Notification of noncompliance.** Where the use of special inspectors, engineers or consultants is required, these personnel shall immediately report in writing to the Building Official or designee and permittee any instance of work not being done in compliance with this Development Code, other applicable codes, or the approved grading plans, and shall also provide recommendations for corrective measures, if determined by the inspector to be necessary.
  - 3. Transfer of responsibility for approval.** If a required special inspector, engineer or consultant is changed during the course of work, the work shall be stopped until the replacement individual has notified the Building Official or designee in writing of their agreement to accept responsibility for approval of the completed work within the area of their technical competence.
- D. Inclement weather.** The Building Official or designee may require that grading operations and project designs be modified if delays occur that result in weather-generated problems not considered at the time the permit was issued.
- E. Field changes.** After the commencement of grading operations, no change to the extent, volume, or type of proposed grading shall occur without the prior written approval of the Building Official or designee, or the Planning Commission or City Council in the case of a project which received planning permit approval from the Planning Commission or City Council. In the event a permittee wishes to change the volume (cubic yards), cut or fill height of grading in the approved permit, an amendment to the permit shall be obtained. If the Building Official or designee determines that the changes are significant, the Building Official or designee may require that work shall stop, and an amendment to the approved permit shall be filed and approved before work is resumed.
- F. Stop work orders.** The Building Official or designee may order that any grading operations performed contrary to the requirements of this Development Code, other applicable codes, the approved plans and specifications, or any permit conditions, or any grading operations that have otherwise become hazardous to property or the public, be immediately stopped. It shall be unlawful and a violation of this Development Code for any person to resume grading operations that were ordered to be stopped by the Building Official or designee, unless the Building Official or designee has first required and the permittee has agreed to any necessary corrective measures, and the Building Official or designee has authorized resumption of work in writing. A violation of a stop work order shall be punishable in compliance with Chapter 17.98 (Enforcement).
- G. Other responsibilities of permittee.** The permittee shall also be responsible for the following:
- 1. Protection of utilities.** The prevention of damage to any public utility facilities. As required by Government Code Section 4216.2, each permittee shall contact the Underground Service Alert (USA) prior to starting work. Contact shall occur at least two working days, but not more than fourteen calendar days before work starts. If feasible, the excavator shall delineate with white paint, or other suitable markings, the area to be excavated.
  - 2. Protection of adjacent property.** The prevention of damage to adjacent property. No person shall excavate on land close enough to a property line to endanger any adjacent public street,

## **Grading Permit Requirements and Procedures**

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sidewalk, alley, other public or private property, or easement, without supporting and protecting the property from any damage that might result from grading operations.

3. **Advance notice.** The permittee shall notify the Building Official or designee at least 48 hours before starting any work under an approved permit where no preconstruction consultation was required in compliance with Subsection A. above.
4. **Erosion and sediment control.** The permittee shall prevent discharge of sediment from the site in quantities greater than before the grading occurred, to any watercourse, drainage system, or adjacent property and to protect watercourses and adjacent properties from damage by erosion, flooding, or deposition that may result from the permitted grading.

### **17.60.090 - Completion of Work**

- A. **Final reports.** Upon completion of rough grading and at the completion of finish grading work as determined by the Building Official or designee, the Building Official or designee may require the following plans and reports, supplements thereto, or other documentation deemed necessary by the Building Official or designee, prepared by the appropriate professionals in the format required by the Building Official or designee.
  1. **As-built grading plan.** A plan including original ground surface elevations, as- graded ground surface elevations, lot drainage patterns with directional arrows, and locations and elevations of all surface and subsurface drainage facilities.
  2. **Testing records.** A complete record of all field and laboratory tests, including the location and elevation of all field tests.
  3. **Professional opinions.** Professional opinions regarding slope stability, soil bearing capacity, and any other information pertinent to the adequacy of the site for its intended use.
  4. **Development recommendations.** Recommendations regarding foundation design, including soil bearing potential, and building restrictions or setbacks from the top or toe of slopes.
  5. **Declarations about completed work.** Declarations by the special inspectors, a civil engineer, geotechnical engineer, geologist, soils engineer, and other consultants required by the Building Official or designee in compliance with Section 17.60.080.C, that all work was done in substantial compliance with the recommendations contained in the soil or geology reports as approved, and in compliance with the approved plans and specifications.
- B. **Final inspection.** No permittee shall be deemed to have complied with the provisions of this Chapter until a final inspection of the work has been completed and approved by the Building Official or designee. The permittee shall notify the Building Official or designee when the grading operation is ready for final inspection. Final approval shall not be given until all work, including the installation of all drainage facilities and their protective devices, and all erosion and sediment control measures, have been completed in compliance with the approved plans and specifications, and all reports required by Subsection A. have been submitted.





## CHAPTER 17.62 - GRADING, EROSION, AND SEDIMENT CONTROL STANDARDS

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### Sections:

- 17.62.010 - Purpose and Applicability
- 17.62.020 - Dust Prevention and Control
- 17.62.030 - Erosion and Sediment Control
- 17.62.030 - Excavations and Fills
- 17.62.050 - Grading During the Rainy Season
- 17.62.060 - Removal of Native Vegetation
- 17.62.070 - Revegetation and Slope Surface Stabilization
- 17.62.080 - Protection of Watercourses
- 17.62.090 - Setbacks for Cut and Fill Slopes
- 17.62.100 - Storm Drainage and Runoff

### 17.62.010 - Purpose and Applicability

This Chapter provides standards for the proper conduct of grading operations, as well as site development activities not involving grading permits. All grading operations, regardless of size, shall be conducted in a manner consistent with the requirements of this Chapter, regardless of whether a grading permit is required by Section 17.60.030 (Grading Permit Requirements).

### 17.62.020 - Dust Prevention and Control

**A. Applicability.** To protect the health, safety, and general welfare, the permittee shall make all reasonable efforts to prevent or control blowing dust and debris from the construction site.

1. Property owners shall be responsible for maintaining their property in such a manner that dust and other wind borne debris transported to adjacent properties are kept to reasonable minimal levels.
2. In the case of site grading and other construction operations, it will also be the responsibility of the permittee to make all reasonable efforts to control blowing dust and debris onto adjacent properties.
3. When grading operations involve the hauling of dirt from one site to another, it is also the permittee's responsibility to maintain the Public streets in a clean condition and limit any spillage which would generate dust or other blowing debris.

**B. Dust prevention and control plan.** A Dust Prevention and Control Plan shall be submitted in conjunction with a grading plan or other plan involving the movement of dirt. The City Engineer may also require the submittal of a Dust Prevention and Control Plan for other development deemed necessary.

1. **Plan content.** The plan shall demonstrate that the discharge of dust from the construction site will not occur, or can be controlled to an acceptable level depending on the particular site conditions and circumstances.
  - a. The plan shall address site conditions during construction operations, after normal working hours, and during various phases of construction.

## **Grading, Erosion, and Sediment Control Standards**

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- b. The plan shall include the name and the 24 hour phone number of a responsible party in case of emergency.
    - c. If the importing or exporting of dirt is necessary as demonstrated by the cut and fill quantities on the grading plan, the plan shall also include the procedures necessary to keep the public streets and private properties along the haul route free of dirt, dust, and other debris.
    - d. When an entire project is to be graded and the subsequent construction on the site is to be completed in phases, the portion of the site not under construction shall be treated with dust preventive substance or plant materials and an irrigation system.
    - e. All phased projects shall submit a plan demonstrating that dust will not be generated from future phase areas.
  - 2. **Review and use of plan.** The City Engineer shall be responsible for the review and approval of the Dust Prevention and Control Plan. The plan shall be incorporated into the grading plan and constructive notice shall be placed on the grading plan to notify the owner and contractors of the need to comply with the Dust Prevention and Control Plan.
- C. **Inadequate dust prevention and control measures.** In the event that inadequate dust prevention and control measures are provided by the permittee, the City may respond as follows.
- 1. **Site investigation.** If an investigation of the project site indicates that dust prevention and control measures are inadequate, the City Engineer may limit or halt all activities on the site until adequate dust prevention and control measures are achieved. The City Engineer may charge the property owner and /or contractor for reasonable costs related to providing the necessary site inspections to determine the adequacy of the dust control plan.
  - 2. **Time for compliance, enforcement.** If it is determined that a property is in violation of this Section, the property owner and/or contractor will have 24 hours to bring the site into compliance. If after 24 hours, the site is not brought into compliance or an extension of time has not been granted by the City Engineer, the Building Official may, at any time thereafter, determine the site to be a public nuisance and serve a written notice of violation. The City Engineer may then enter the property for the purposes of installing, by City forces or by other means, adequate dust prevention and control measures (the cost of which shall be borne by the property owner), or the City Engineer may cause the owner of the site to be prosecuted as a violator of this Development Code, or the City Engineer may take both actions.
  - 3. **Responsibility for adequate dust prevention and control.** The approval of a Dust Prevention and Control Plan does not relieve the owner or contractors of the responsibility to implement whatever additional measures may be required by the City Engineer to properly prevent and control dust.
- D. **Compliance with NPDES stormwater regulations.** The Dust Prevention and Control Plan and any additional measures that may be necessary for the adequate prevention and control of dust shall comply with the NPDES Stormwater Regulations as adopted by the City.

### 17.62.030 - Erosion and Sediment Control

Drainage improvements for site runoff, including runoff from all roadways and other impervious surfaces, shall be engineered to minimize erosion through the appropriate use of rocked culvert inlets and outfalls, energy dissipaters, check dams, riprap, proper location of culverts, revegetation of exposed slopes (see Section 17.62.070), and minimizing the use of artificial slopes. Erosion and sediment shall be controlled as provided by this Section.

**A. Best management practices for projects under construction.** The following Best Management Practices which address the problem of urban runoff shall apply to all development and proposed land uses. The following requirements shall apply at all times during construction.

- 1. Grading during the rainy season.** Should grading be permitted during the rainy season (see Section 17.62.050), the smallest practicable area of erodible land shall be exposed at any one time during grading operations and the time of exposure shall be minimized.
- 2. Slope surface stabilization.** Temporary mulching, seeding or other suitable stabilization measures approved by the City Engineer shall be used to protect exposed erodible areas during construction. Earth or paved interceptors and diversions shall be installed at the top of cut or fill slopes where there is a potential for erosive surface runoff.
- 3. Use of plastic covering.** Plastic covering may be utilized to prevent erosion of an otherwise unprotected area, along with runoff devices to intercept and safely convey the runoff.
- 4. Placement of excavated soil.** Excavated soil shall be located on the site in a manner that eliminates the possibility of sediments running into the street, adjoining properties, and/or storm drain facilities and waterways. Soil piles shall be covered and contained until the soil is either used or removed.
- 5. Removal of off-site sediments.** Any sediment or other materials which are tracked off the site shall be removed the same day as they are tracked off the site. Where determined necessary by the City Engineer, a temporary sediment barrier shall be installed. Removal shall be by scraping and/or sweeping, collecting, and properly disposing of debris. Street washing is prohibited unless performed in the presence of a City Inspector.
- 6. Prohibition against washing construction vehicles.** No washing of construction or other industrial vehicles shall be allowed adjacent to a construction site. No runoff from washing vehicles on the construction site shall be allowed to leave the site.
- 7. Erosion control devices.** In order to prevent polluting sediment discharges, erosion and sediment control devices shall be installed as required by the City Engineer for all grading and filling. Control devices and measures that may be required include, but are not limited to energy absorbing structures or devices to reduce the velocity of runoff water, detention ponds, sediment ponds, or infiltration pits, or downdrains, chutes or flumes.

**B. Final erosion control measures.** Within 30 days after completion of grading, and no later than October 15, all surfaces disturbed by vegetation removal, grading, haul roads, or other construction activity that alters natural vegetative cover, shall be revegetated to control erosion as provided by Section 17.62.070 (Revegetation and Slope Surface Stabilization) unless covered with impervious or other improved surfaces authorized by approved plans. Erosion controls may include any combination of mechanical, chemical, or vegetative measures, including those described in USDA Soil Conservation Service Bulletin 347.

### **17.62.040 - Excavations and Fills**

- A. General standards.** All excavations and fills shall be designed and constructed in compliance with the following standards.
- 1. Area of cuts and fills.** Cuts and fills shall be limited to the minimum amount necessary to provide stable embankments for required parking areas or street rights-of-way, structural foundations, and adequate residential yard area or outdoor storage or sales area incidental to a non-residential use.
  - 2. Retention of natural features.** Grading operations shall be designed and conducted to maximize retention of natural land forms and features (e.g., rolling hills, ridge tops, areas of extensive vegetation, watercourses, etc.).
  - 3. Final contours.** Contours, elevations and shapes of finished surfaces shall be blended with adjacent natural terrain to achieve a consistent grade and natural appearance.
    - a. Borders of cut slopes and fills shall be rounded off to a minimum radius of five feet to blend with the natural terrain. Large flat planes or sharp angles at intersections with natural terrain shall be prohibited.
    - b. Manufactured slopes in excess of five feet in height and/or 200 feet in length, shall be landform graded, with a variety of slope ratios applied to the cut or fill slopes.
    - c. For individually developed lots, all cut or fill slopes shall be landform graded when a building pad area is more than 4,500 square feet, or when the total graded area of the lot is more than 9,000 square feet. The maximum allowed slope shall be determined for cuts and fills by Subsections B. and C. of this Section.
  - 4. Archeological resources.** In the event archeological resources are unearthed or discovered during any construction activities, construction activities shall cease, the Engineering Department shall be notified, and the proper disposition of resources shall be accomplished as required by Section 17.52 (Cultural and Historic Resource Preservation).
- B. Standards for excavations.** Cuts shall be designed and constructed consistent with the following provisions, except where approved soils engineering and/or engineering geology reports recommend other standards, and except where the City Engineer waives these standards for minor cuts not intended to support structures.
- 1. Slope.** The slope of permanent cut surfaces shall be no steeper than is safe for the intended use, but in no event more than two feet horizontal to one vertical.
  - 2. Drainage and terracing.** Drainage and terracing of cuts shall be provided as required by Subsection D.
- C. Standards for fills.** Fills shall be designed and constructed consistent with the following provisions, except where an approved soils engineering report recommends other standards, and except where the City Engineer waives these standards for minor fills not intended to support structures.
- 1. Fill location.** Fill slopes shall not be constructed on natural slopes steeper than two feet horizontal to one foot vertical.

2. **Preparation of ground.** The ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, topsoil and other unsuitable materials, scarifying to provide a bond with the new fill, and where slopes are steeper than five to one and the height is greater than five feet, by benching into sound bedrock or other competent material as determined by a soils engineer. The bench under the toe of a fill slope steeper than five to one shall be at least 10 feet wide. The area beyond the toe of fill shall be sloped for sheet overflow or a paved drain shall be provided. When fill is to be placed over a cut, the bench under the toe of fill shall be at least 10 feet wide but the cut shall be made before placing the fill and acceptance by the soils engineer or engineering geologist or both as a suitable foundation for fill.
3. **Fill material.** Detrimental amounts of organic material shall not be permitted in fills. No rock or similar irreducible material with a maximum dimension greater than 12 inches shall be buried or placed in fills, except where the City Engineer allows the placement of larger rock when the soils engineer devises a proper method of placement, continuously inspects its placement, and approves fill stability, subject also to the following requirements:
  - a. Potential rock disposal areas shall be shown on the grading plan.
  - b. Rock sizes greater than 12 inches in maximum dimension shall be placed 10 feet or more below grade, measured vertically.
  - c. Rocks shall be placed so as to ensure filling all voids with fines.
4. **Fill placement.** Fills shall be constructed in layers. The loose thickness of each layer of fill material before compaction shall not exceed eight inches. Completed fills shall be stable masses of well-integrated material bonded to adjacent materials and to the materials on which they rest. Fills shall be competent to support anticipated loads and be stable at the design slopes shown on the plans.
5. **Depth of fill.** The depth of fill from the substructure to finished grade across a building pad shall not exceed that specifically recommended by the geotechnical engineer.
6. **Compaction.** All fills shall be compacted to a minimum of 90 percent of maximum density in compliance with the Uniform Building Code, or as determined by a soils or geotechnical engineer or the City Engineer. In-place density shall be determined in compliance with the Uniform Building Code.
7. **Slope.** The slope of permanent fill surfaces shall be no steeper than is safe for the intended use, but not more than two feet horizontal to one vertical unless recommended by a soils/geotechnical engineer and approved by the City Engineer.
8. **Drainage and terracing.** Drainage and terracing of fills shall be provided as required by Subsection D. of this Section.

- D. Drainage and terracing of cuts and fills.** Proper drainage and terracing of cuts and fills shall be constructed as follows, to ensure the continuing integrity of fills. The following requirements apply only to cuts and fills with surface slopes steeper than three feet horizontal to one vertical, except where otherwise required on approved grading plans by the City Engineer. Additional standards applicable to the provision of storm drainage facilities as part of grading projects are established by Section 17.62.100 (Storm Drainage and Runoff).
- 1. Terraces.** Terraces at least six feet in width shall be established at not more than 30-foot vertical intervals on all cut or fill slopes to control surface drainage and debris, except that where only one terrace is required, it shall be at mid-height.
    - a. For all cut or fill slopes greater than 60 feet and up to 120 feet in vertical height, one terrace at approximately mid-height shall be 12 feet in width. Terrace widths and spacing for cut and fill slopes greater than 120 feet in height shall be designed by the civil engineer and approved by the City Engineer. Suitable access shall be provided to permit proper cleaning and maintenance.
    - b. Swales or ditches on terraces shall:
      - (1) Have a minimum gradient of two percent;
      - (2) Be paved with reinforced concrete not less than three inches in thickness or an approved equal paving or reinforcement; and
      - (3) Have a minimum depth at the deepest point of one foot and a minimum paved width of five feet.
    - c. A single run of swale or ditch shall not collect runoff from a tributary area without discharging into a down drain or other approved device.
  - 2. Subsurface drainage.** Cut and fill slopes shall be provided with subsurface drainage as necessary for stability.
  - 3. Disposal.** All drainage facilities shall be designed to carry waters to the nearest practicable drainage way approved by the City Engineer and/or other appropriate jurisdiction as a safe place to deposit the waters. Erosion of ground in the area of discharge shall be prevented by installation of non-erosive downdrains or other approved devices.
  - 4. Building pad drainage.** Building pads shall have a drainage gradient of two percent toward approved drainage facilities.
  - 5. Interceptor drains.** Paved interceptor drains shall be installed along the top of all cut slopes where the tributary drainage area above slopes towards the cut and has a drainage path greater than 40 feet measured horizontally. Interceptor drains shall be paved with a minimum of three inches of concrete or gunite and reinforced. They shall have a minimum depth of 12 inches and a minimum paved width of 30 inches measured horizontally across the drain. The slope of the drain shall be approved by the City Engineer.
  - 6. Drainage facility design.** Non-undergrounded drainage facilities shall be designed with integral color (e.g., muted earth tones, etc.) and materials (e.g., rock, landscaping, etc.) to minimize visibility. Downdrains on highly visible slopes shall be installed underground.

- E. Protection of adjacent property.** Footings that may be affected by any excavation shall be underpinned or otherwise protected against settlement and shall be protected against lateral movement. Fills or other surcharge loads shall not be placed adjacent to any building or structure unless the building or structure is capable of withstanding the additional loads caused by the fill or surcharge. The rights of adjacent affected property owners shall be as set forth in Section 832 of the California Civil Code.

### **17.62.050 - Grading During the Rainy Season**

Grading may only be permitted during the period from October 15 through April 15 if the City Engineer determines that soil conditions at the site are suitable, and adequate and effective erosion and sediment control measures will be in place during all grading operations.

### **17.62.060 - Removal of Native Vegetation**

Grading shall be designed and grading operations shall be conducted to minimize the removal or disturbance of native vegetation to the maximum extent feasible.

- A. Trees not approved for removal in the grading permit shall be protected from damage by proper grading techniques, and by fencing, and conducting no grading or heavy equipment operations within the protected zone of the tree.
- B. The limits of grading shall be clearly defined and marked to prevent damage to native vegetation by grading or construction equipment.
- C. All trees to be removed and retained, and all markings and protective devices shall be inspected and approved by the Engineering, Public Works, and Planning Departments prior to the commencement of grading operations.

### **17.62.070 - Revegetation and Slope Surface Stabilization**

Where natural vegetation has been removed through grading in areas that are not to be occupied by structures, the areas shall be replanted in compliance with the approved revegetation plan and this Section to prevent erosion after construction is completed.

- A. Preparation for revegetation.** Topsoil removed from the surface in preparation for grading and construction shall be stored on or near the site and protected from erosion while grading operations are underway, provided that topsoil storage shall not be located where it would cause suffocation of root systems of trees intended to be preserved. After completion of grading, topsoil shall be restored to exposed cut and fill embankments or areas around building pads to provide a suitable base for seeding and planting.
- B. Methods of revegetation.** Acceptable methods of revegetation include hydro- mulching, or the planting of native plant materials with equivalent germination rates. Where lawn or turf grass is to be established, lawn grass seed or other appropriate landscape cover shall be sown at not less than four pounds to each 1,000 square feet of land area. Other revegetation methods offering equivalent protection may be approved by the City Engineer. Plant materials shall be watered at intervals sufficient to ensure survival and growth. The use of drought tolerant, fire resistive native plant materials is encouraged.

- C. Timing of revegetation measures.** Revegetation for the purpose of erosion and sediment control (Section 17.62.030) shall be installed within 30 days after completion of grading on all surfaces disturbed by vegetation removal, grading, haul roads, or other construction activity that alters natural vegetative cover, or immediately if between October 15 and April 15. Other permanent revegetation or landscaping should begin on the construction site as soon as practical and shall begin no later than six months after achieving final grades and utility emplacements. All revegetation shall occur prior to October 15, to provide sufficient time for seed germination prior to the rainy season.

### **17.62.080 - Protection of Watercourses**

Grading, dredging or diking shall not alter any intermittent or perennial stream, or natural body of water, except as permitted through approval of a grading permit in compliance with this Article, any planning permits required by this Development Code, and any necessary permits from the California Department of Fish and Game, Army Corps of Engineers, and Regional Water Quality Control Board (for example, a Section 1601-1603 permit from the Department of Fish and Game, a Section 404 permit from the Army Corps, and/or a Notice of Intent and Waste Discharge Permit from the Water Quality Control Board, etc.).

- A. Protection standards.** Grading operations within, adjacent to or involving the alteration of watercourses shall be conducted as follows:
1. The flood carrying capacity of any altered or relocated portion of a watercourse shall be maintained.
  2. Watercourses shall not be obstructed unless an alternate drainage facility is approved.
  3. Fills placed within watercourses shall have suitable protection against erosion during flooding.
  4. Grading equipment shall not cross or disturb channels containing live streams without silt and sediment control measures approved by the City Engineer in place.
  5. Excavated materials shall not be deposited or stored in or adjacent to a watercourse where the materials can be washed away by high water or storm runoff.
- B. Required agency notification.** Where the alteration of a watercourse is proposed or allowed within an area determined by the City Engineer to be subject to flooding, any responsible agency shall be notified prior to any alteration or relocation of a watercourse, and evidence of the notification shall be submitted to the Federal Insurance Administration.

### **17.62.090 - Setbacks for Cut and Fill Slopes**

Cut and fill slopes shall be set back from property lines as provided by this Section. The required setback dimensions shall be as shown in Figure 6-1.

- A. Top of cut slope.** Except where otherwise provided by this Section, the top of cut slopes shall be set back from adjacent property lines a distance of at least one-fifth of the vertical height of the cut, with a minimum of two feet and a maximum of 10 feet. Greater distances may be required to accommodate any necessary interceptor drains.



- B. Toe of fill slope.** Except where otherwise provided by this Section, the toe of a fill slope shall be set back from adjacent property lines a distance of at least one-half the height of the slope, with a minimum of two feet and a maximum of 10 feet. Where a fill slope is to be located near a property line and the adjacent property is developed, the City Engineer may require additional precautions to protect the adjacent property from damage as a result of grading. The precautions may include the measures specified in Section 17.62.040.E (Protection of adjacent property), additional setbacks, provisions for retaining or slough walls, mechanical or chemical treatment of the fill slope surface to minimize erosion, or additional provisions for the control of surface waters.
- C. Setback exceptions.** The City Engineer may approve alternatives to the setbacks required by Subsections A. and B. above, based on investigations and recommendations from a qualified engineer or engineering geologist.
- D. Buffers from watercourses and environmentally sensitive habitats.** No grading shall be allowed within 100 feet of any area determined by the City Engineer to be an environmentally sensitive habitat area, or from the top of the bank of a watercourse as determined by the City Engineer, unless the grading is approved as a discretionary project in compliance with Section 17.60.050A.2, and is subject to environmental review in compliance with Section 17.60.040B.

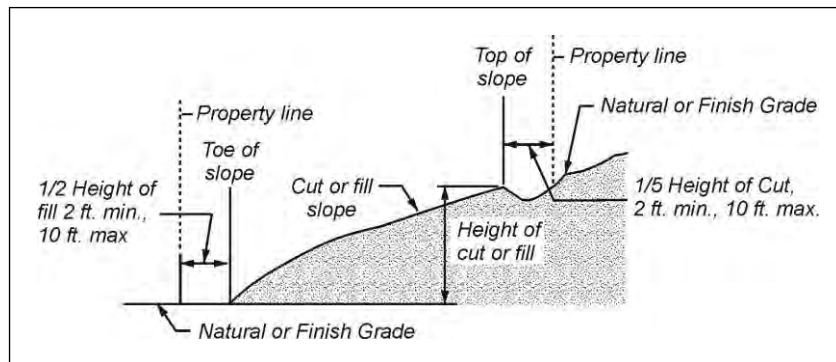


Figure 6-1 – Grading Setback Requirement

### 17.62.100 - Storm Drainage and Runoff

- A. Design and construction.** Drainage systems and facilities shall be designed and constructed in compliance with the City's Storm Water Management Plan, the City Improvement Standards, and all other applicable City drainage requirements. The design and construction of drainage facilities required for cuts and fills are subject to Section 17.62.040.D above.
- B. Natural channels and runoff.** Proposed grading projects shall include design provisions to retain off-site natural drainage patterns, and limit the quantities and velocities of peak runoff to predevelopment levels.

- C. Areas subject to flooding.** Grading or structures are not permitted in an area determined by the City Engineer to be subject to flood hazard by reason of inundation, overflow, high velocity or erosion, except where the grading or structures are in conformity with the standards of Section 17.62.030 (Erosion and Sediment Control), and the following provisions.
- 1. Hazard elimination.** The grading and/or structures shall be designed and constructed to incorporate provisions to eliminate identified hazards to the satisfaction of the City Engineer. These provisions may include providing adequate drainage facilities, protective walls, suitable fill, and/or raising the floor level of buildings or by other means. In the application of this standard the City shall enforce as a minimum the current Federal flood plain management regulations as defined in the National Flood Insurance Program authorized by United States Code Sections 4001-4128 and contained in Title 44 of the Code of Federal Regulations, Part 59 et seq., which are hereby adopted and incorporated into this Chapter by reference as though they were fully set forth here.
  - 2. Letter of Map Revision (LOMR).** Where the City Engineer approves grading and/or structures within an area subject to flooding on the basis of proposed protective measures to eliminate flooding hazards, the applicant shall file a Letter of Map Revision (LOMR) for the applicable Flood Insurance Rate Map (FIRM) with the Federal Emergency Management Agency (FEMA) prior to the issuance of a Certificate of Occupancy or the approval of a final building inspection by the City.

## ARTICLE 7

# Planning Permit Procedures

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## CHAPTER 17.70 - PERMIT APPLICATION FILING AND PROCESSING

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### Sections:

- 17.70.010 - Purpose
- 17.70.020 - Authority for Land Use and Zoning Decisions
- 17.70.030 - Multiple Permit Applications
- 17.70.040 - Application Preparation and Filing
- 17.70.050 - Application Fees
- 17.70.060 - Indemnification
- 17.70.070 - Initial Application Review
- 17.70.080 - Project Evaluation and Staff Reports

### 17.70.010 - Purpose

This Chapter provides procedures and requirements for the preparation, filing, and initial processing of the planning permit applications required by this Development Code.

### 17.70.020 - Authority for Land Use and Zoning Decisions

Table 7-1 (Review Authority) identifies the appropriate review authority responsible for reviewing and making decisions and considering appeals filed on each type of application required by this Development Code.

### 17.70.030 - Multiple Permit Applications

- A. **Concurrent filing.** An applicant for a development project that requires the filing of more than one application (e.g., Tentative Subdivision Map, Use Permit, etc.), shall file all related applications concurrently, together with all application fees required by Section 17.70.050 (Application Fees), unless these requirements are waived by the Director.
- B. **Concurrent processing.** Multiple applications for the same project shall be processed concurrently, and shall be reviewed, and approved or denied by the highest review authority designated by this Development Code for any of the applications (e.g., a project for which applications for Zoning Map amendment and a Use Permit are filed shall have both applications decided by the Council, instead of the Commission acting upon the Use Permit as otherwise provided by Table 7-1).

**TABLE 7-1 - REVIEW AUTHORITY**

Type of Action	Development Code Section	Role of Review Authority (1)		
		Director	Planning Commission	City Council
Administrative and Legislative				
Cultural Heritage-Related Actions	17.52	Recommend	Recommend	Decision
Development Agreements	17.76	Recommend	Recommend (2)	Decision
Development Code Amendments	17.94	Recommend	Recommend (2)	Decision
General Plan Amendments	17.94	Recommend	Recommend (2)	Decision
Interpretations	17.10.050	Decision (3)	Appeal	Appeal
Specific Plans	17.78	Recommend	Recommend (2)	Decision
Zoning Map Amendments	17.94	Recommend	Recommend (2)	Decision
Planning Permits				
Certificates of Occupancy	17.72.020	Issue (4)	Decision	Appeal
Development Review Permits	17.72.030	See Section 17.72.030 D. and Table 7-2		
Extensions of Time	17.74.060	Decision (3)	Appeal	Appeal
Limited Term Permits	17.72.040	Decision (3)	Appeal	Appeal
Lot Line Adjustments	17.84.040	Decision (3)	Appeal	Appeal
Minor Use Permits (MUP)	17.72.060	Decision (3)	Appeal	Appeal
Minor Variances	17.72.070	Decision (3)	Appeal	Appeal
Planned Development Permits	17.72.050	Recommend	Decision	Appeal
Sign Permits				
Master Sign Programs, murals, and Sign Exceptions Permitted  Sign Permits for signs within the Historical Combining Zone that do not comply with Subsection 17.28.040 C.2b, freeway oriented signs, all monument signs, and signs within specified areas.	17.38	Recommend	Decision	Appeal
	17.38	Issued by the Development Review Committee (5)	Appeal	Appeal
	17.38	Issue (3)	Appeal	Appeal
Tentative Maps	17.81	Recommend	Decision	Appeal
Use Permits (UP)	17.72.060	Recommend	Decision	Appeal
Variances	17.72.070	Recommend	Decision	Appeal

**Notes:**

- (1) "Recommend" means that the review authority makes a recommendation to a higher decision-making body; "Decision" means that the review authority makes the final decision on the matter; "Appeal" means that the review authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with Chapter 17.91 (Appeals).

## **Permit Application Filing and Processing**

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- (2) The Commission's recommendation shall be processed in compliance with Section 17.92.050 (Recommendation by Commission).
- (3) The Director may defer action and refer the request to the Commission, so that the Commission may instead make the decision.
- (4) The Building Inspector may issue the Certificate of Occupancy under the direction of the Director.
- (5) See Section 17.72.030 D. (Development Review Committee) regarding the Development Review Committee.

### **17.70.040 - Application Preparation and Filing**

#### **A. Pre-application conference.**

1. An applicant is encouraged to request a pre-application conference before completing and filing a planning permit application. The purpose of this conference is to generally:
  - a. Inform the applicant of City requirements as they apply to the proposed project;
  - b. Review the City's review process, possible project alternatives or modifications; and
  - c. Identify information and materials the City will require with the application, and any necessary technical studies and information relating to the environmental review of the project.
2. Neither the pre-application review nor the provision of information and/or pertinent policies shall be construed as either a recommendation for approval or denial of the application or project by any City staff.
3. Failure by City staff to identify all required studies or all applicable requirements shall not constitute a waiver of those requirements.

#### **B. Application contents.** Each application for a permit, amendment, or other matter pertaining to this Development Code shall be filed with the Department on a City application form, together with required fees and/or deposits, and all other information and materials required by the list of required application contents in the Department handout for the specific type of application. Applicants are encouraged to contact the Department before submitting an application to verify which materials are necessary for application filing.

#### **C. Eligibility for filing.** An application may only be filed by the owner of the subject site, an authorized representative of the owner, or other person with the written consent of the property owner.

#### **D. Rejection of application.**

1. **Application not technically complete.** If the Department determines that an application does not contain all of the required fees and/or deposits, and all other information and materials required by the list of application contents in the Department handout for the specific type of application, the Department shall not accept the application for processing.
2. **Application cannot lawfully be approved.** If the Department determines that an application cannot lawfully be approved by the City (e.g., a request for a Zoning Map amendment or Tentative Map could not be granted in the absence of a concurrent General Plan amendment; or a Use Permit application proposes a use that is not allowed in the applicable zone, etc.), the Department shall not accept the application for processing.

### **17.70.050 - Application Fees**

- A. Fee schedule.** The Council shall establish a schedule of fees for the processing of the applications required by this Development Code, hereafter referred to as the City's Planning Fee Schedule. The fee schedule is intended to allow recovery of all costs incurred by the City in processing permit applications to the maximum extent allowed by the law.
- B. Timing of payment.** No application shall be deemed complete, and processing shall not commence on any application until all required fees or deposits have been paid. Failure to timely pay required fees and/or deposits shall be a basis for denial or revocation of any permit or other requested entitlement, notwithstanding any other provisions of this Development Code.
- C. Refunds and withdrawals.** Application fees cover City costs for public hearings, mailings, staff time, and the other activities involved in processing applications. Therefore, no refund due to a denial shall be allowed. In the case of a withdrawal, the Director may authorize a partial refund based upon the pro-rated costs to-date and the status of the application at the time of withdrawal in compliance with the City's Planning Fee Schedule.

### **17.70.060 - Indemnification**

- A. Applicant agreement.** At the time of submitting an application for a discretionary land use approval, the applicant shall agree as part of the application, to defend (with legal counsel of City's selection), indemnify, and save harmless the City and its agents, attorneys, employees, and officers, from any action, claim, lose, or proceeding brought against the City or its agents, employees, and officers to attack, set aside, void, or annul a discretionary land use approval of the City, which action is brought within the applicable statute of limitations. The required indemnification shall include damages awarded against the City, if any, costs of suit, attorney's fees, and other costs and expenses incurred in connection with the action.
- B. City notification of applicant.** In the event that an action, claim, or proceeding referred to in Subsection A., above is brought, the City shall promptly notify the applicant of the existence of the action, claim, or proceeding and shall cooperate fully in the defense of the action, claim, or proceeding.
- C. City participation in defense.** Nothing in this Section shall prohibit the City from participating in the defense of any action, claim, or proceeding if the City elects to bear its own attorney's fees and costs and defends the action in good faith.

### **17.70.070 - Initial Application Review**

- A. Review for completeness.** The Director shall review each application for a development permit (e.g., Development Review Permit, Limited Term Permit, Planned Development Permit, Use Permit, or Variance, etc.) for completeness and accuracy before it is accepted as complete in compliance with Government Code Section 65943. The Director's determination of completeness shall be based on the City's list of required application contents (see Section 17.70.040.B - Application contents), and any additional written instructions provided to the applicant in any pre-application conference, and/or during the initial application review period.

  - 1. Notification of applicant.** As required by Government Code Section 65943, within 30 calendar days of application filing, the applicant shall be informed in writing, either that the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, specified in the Director's letter, shall be provided.



2. **Appeal of determination.** Where the Director has determined that an application is incomplete, and the applicant believes that the application is complete and/or that the information requested by the Director is not required, the applicant may appeal the Director's determination in compliance with Chapter 17.91 (Appeals).
  3. **Time for submittal of additional information.** When an application is incomplete, the time used by the applicant to submit the required additional information shall not be considered part of the time within which the determination of completeness shall occur. The time available to an applicant for submittal of additional information is limited by following Subsection A.4.
  4. **Expiration of application.**
    - a. If an applicant fails to provide the additional information identified in the Director's letter within 90 days following the date of the letter, the application shall expire and be deemed withdrawn, without any further action by the City.
    - b. The Director may grant one 90-day extension, if the applicant files a written request with the Department before expiration of the original 90-day period.
    - c. After the expiration of an application, future City consideration shall require the submittal of a new, complete application and associated fees.
  5. **Environmental information.** After an application has been accepted as complete, the Director may require the applicant to submit additional information needed for the environmental review of the project in compliance with the City's *Environmental Review Guidelines*.
- B. Referral of application.** At the discretion of the Director, or where otherwise required by this Development Code or State or Federal law, an application may be referred to any public agency that may be affected by or have an interest in the proposed project.

### **17.70.080 - Project Evaluation and Staff Report**

- A. **Staff evaluation.** The Director shall review each discretionary application filed in compliance with this Article to determine whether it complies and is consistent with the requirements of this Development Code, other applicable requirements of the Municipal Code, the General Plan, and any applicable specific plan.
- B. **Staff report.** The Director shall provide a staff report recommending to the Commission and/or Council (as applicable) whether the application should be approved, approved subject to conditions, or denied.
- C. **Report distribution.** Each staff report shall be provided to the applicant at the same time as the review authority before action on the application.



## CHAPTER 17.72 - PERMIT REVIEW PROCEDURES

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### Sections:

- 17.72.010 - Purpose
- 17.72.020 - Certificates of Occupancy
- 17.72.030 - Development Review Permits
- 17.72.040 - Limited Term Permits
- 17.72.050 - Planned Development Permits
- 17.72.060 - Use Permits and Minor Use Permits
- 17.72.070 - Variances and Minor Variances

### 17.72.010 - Purpose

- A. **Permit review procedures.** This Chapter provides procedures for the final review, and approval or denial of the planning permit applications established by this Development Code.
- B. **Subdivision review procedures.** Procedures and standards for the review and approval of subdivision maps are in Article 8 (Subdivision Regulations and Procedures).
- C. **Application filing and initial processing.** Where applicable, the procedures of this Chapter are carried out after those described in Chapter 17.70 (Permit Application Filing and Processing), for each application.

### 17.72.020 - Certificates of Occupancy

- A. **Purpose.** A Certificate of Occupancy is the procedure used by the City to verify that a proposed land use or structure complies with the list of activities allowed in the applicable zone, and the development standards that apply to the use or structure.
- B. **Applicability.** No vacant land in any zone shall be occupied or used except for agricultural purposes and public utility lines, and no structure shall be occupied within any zone until a Certificate of Occupancy has been issued.
- C. **Issuing authority.** The Building Inspector is authorized to issue Certificates of Occupancy under the direction of the Director.
- D. **Application required.** An application for a Certificate of Occupancy for a new or changed use of land, a new structure, or an existing structure that has been altered or moved shall be filed with the Building Inspector before any land or structures shall be occupied or used.
- E. **Inspection and issuance.** A Certificate of Occupancy shall be issued after:
  - 1. Written notice that the premises are ready for use or occupancy; and
  - 2. Inspection confirms that the structure or use is in compliance with this Development Code and other applicable regulations.

**17.72.030 - Development Review Permits**

- A. Purpose.** The Development Review Permit process is intended to promote a visually attractive community; ensure that the appearance each structure will be compatible and harmonious with surrounding properties and community-wide themes; and achieve the purposes of the General Plan, the Municipal Code, and this Development Code.
- B. Definitions.** The following terms are defined for the purposes of this Section.
- 1. Minor and incidental.** Includes minor proposals or construction incidental to an existing project consistent with the regulations, rules, and standards for Development Review which are established from time to time by the Council. See Section 17.74.070 (Changes to an Approved Project) for the definition of the term "minor."
  - 2. Outdoor use area.** An outdoor area used for the display, sale, or storage of goods, materials, or services associated with a primary land use.
- C. Applicability.** The following applications and activities shall require Development Review in compliance with this Section:
1. Building Permits (e.g., exterior changes to the structure);
  2. Minor Use Permits (only if a Building Permit is required);
  3. Minor Variances (only if a Building Permit is required);
  4. Planned Development Permits;
  5. Sign Permits;
  6. Specific plans with architectural elements;
  7. Use Permits (only if a Building Permit is required);
  8. Variances (only if a Building Permit is required); and
  9. Other physical improvements (e.g., landscaping, conversion to, and paving of, parking lots) that do not require a Building Permit.
- D. Development Review Committee (DRC).**
1. The City's Development Review Committee shall be comprised of the following members in compliance with Municipal Code Section 2.30.050 (Development Review Committee - Established):
    - a. Three City employees including the Director, the City Engineer, and the Fire Chief, or their designees;
    - b. One member of the Commission appointed by the Council; and
    - c. One design professional under contract with the City and appointed by the Council.
  2. Review and decisions by the Development Review Committee shall be subject to and comply with the City's design and development ordinances and guidelines then in effect.
  3. Development Review Permits may be granted in compliance with Table 7-2 (Development Review Permit Authority).

**TABLE 7-2 - DEVELOPMENT REVIEW PERMIT AUTHORITY**

Permit Review Threshold Categories	DRC	Commission
Duplex or multi-family unit with no more than four dwellings.	—	
Duplex or multi-family unit with five or more dwellings.		—
Commercial, industrial, nonresidential, or office structure with less than 2,000 square feet of gross floor area including outdoor use areas.	—	
Commercial, industrial, nonresidential, or office structure with 2,000 square feet or greater of gross floor area including outdoor use areas.		—
Addition to an existing lawfully used structure of between 1,000 and 2,500 square feet computed on total gross floor area of the existing structure plus the area of the addition.	—	
Addition to an existing lawfully used structure of 2,501 square feet or more, computed on total gross floor area of the existing structure plus the area of the addition.		—
Replacement of existing structure of the same capacity, size, and use.	—	
Replacement of existing structure resulting in an increase in capacity, size, or use.		—
Minor facade changes and sign permits within the Historic District, unless exempt pursuant to Section 17.28.040. C2, and all monument signs and signs within specified areas.	—	
Sign Exception Permits.		—
Grading activities or use conversion:  Site disturbance in excess of 50 cubic yards of soil and/or more than five feet in depth when determined by the Community Development Director and City Engineer to impact scenic resources, or significantly affect natural topographic features and vegetation.  A proposed use conversion requiring an increase in parking area as required by City ordinance, resolution, or regulation then in effect.		—
The Director shall determine the review authority for proposals that do not meet the threshold criteria identified above.		

- E. Staff review exemptions.** A permit for a single-family dwelling, façade changes or additions of less than 1,000 square feet that comply with the City's design guidelines and are compatible with the existing architecture, or other activity deemed by the Director to be minor and incidental shall be reviewed by Department staff, who shall have final authority to review, and approve or deny the application in compliance with this Section. See Section 17.74.070 (Changes to an Approved Project) for the definition of the term "minor."
- F. Conceptual Development Review.** The Development Review Committee shall conduct conceptual Development Review for projects that are not yet formally filed, but whose applicants desire conceptual or preliminary review of their development project before filing their formal Development Review application. The applicant shall submit an application, fee, site plan, and elevations and the Development Review Committee provides preliminary comments on the site plan and elevations to the applicant.

## Permit Review Procedures

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- G. Project proposed by City or other governmental agency.** The Development Review Committee shall review each Building Permit application (e.g., exterior changes to the structure) for a project proposed by the City, the Redevelopment Agency, and any other local, State, or Federal agency for which review is required in compliance with Subsection C. (Applicability), above. This review shall be advisory only and shall not affect the authority of the Council, the Redevelopment Agency, or any other local, State, or Federal agency, respectively, conducting the project to make any final determination regarding the project.
- H. Application requirements.** An application for a Development Review Permit shall be prepared, filed, and processed in compliance with Chapter 17.70 (Permit Application Filing and Processing). It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection J. (Findings required for approval), below.
- I. Environmental review.** A Development Review Permit may require environmental review in compliance with the California Environmental Quality Act and the City's *Environmental Review Guidelines* prior to approval.
- J. Findings required for approval.** The approval of a Development Review Permit shall require that the review authority first make all of the following findings:
1. The proposed project is consistent with the General Plan and any applicable specific plan;
  2. The proposed project is allowed within the applicable zone and complies with all other applicable provisions of this Development Code and the Municipal Code; and
  3. The design, location, size, and characteristics of the proposed project are in compliance with any project-specific design standards in effect and any standards and guidelines for Development Review Permits which may be established from time to time by the Council.
- K. Final Development Review.**
1. When the review authority for final Development Review completes its review, it shall approve, conditionally approve, or deny the application based on the findings in Subsection J. (Findings required for approval).
  2. A copy of the decision, findings, and any applicable conditions shall be provided to the applicant.
- L. Expiration and extension of approvals.** Permit approval shall expire, and may be extended in compliance with Chapter 17.74 (Permit Implementation, Time Limits, and Extensions).
- M. Project changes.** Changes to an approved Development Review Permit may only be granted in compliance with Section 17.74.070 (Changes to an Approved Project).
- N. Referrals by the Development Review Committee.** If the Development Review Committee determines that a proposed project raises issues that should be resolved by the Commission and/or the Council, the Development Review Committee may suspend its consideration of the application and refer the matter to the Commission and/or Council for a determination.
- O. Conditions of approval.** The review authority may require conditions of approval to ensure that the project will comply with the findings required by Subsection J. (Findings required for approval), above. The violation of any required condition shall constitute a violation of this Section and may constitute grounds for denial of the Certificate of Occupancy and/or revocation of the permit.

## Permit Review Procedures

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- P. Post review procedures.** The procedures and requirements in Chapter 17.74 (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article 9 (Development Code Administration), shall apply following the decision on an application for a Development Review Permit.

### 17.72.040 - Limited Term Permits

- A. Purpose.** This Section establishes procedures and standards for Limited Term Permits for the short-term activities specified in this Section. These are activities that may not comply with particular standards of the applicable zone, but may otherwise be acceptable because of their temporary nature and if reviewed and appropriately conditioned in compliance with this Section.
- B. Applicability.** The activities regulated by this Section shall not be established, operated, or conducted in any manner without the prior approval and maintenance of a Limited Term Permit.
- C. Review authority.** A Limited Term Permit may be reviewed and approved or denied administratively by the Director, in compliance with this Section.
- D. Exempt short-term activities.** The following activities are allowed without a Limited Term Permit. Subsection E. (Allowed short-term activities) identifies short-term activities that may be allowed with Limited Term Permit approval.
- 1. Construction yards - On-site.** On-site contractor's construction yard for an approved construction project. The construction yard shall be removed immediately upon completion of the construction project, or the expiration of the Building Permit authorizing the construction project, whichever first occurs.
  - 2. Emergency shelter or facilities.** Emergency public health and safety needs/land use activities, as determined by the Council.
  - 3. Fund-raising community events or car washes.**
    - a. Community events (e.g., bake sales, yard sales, etc.) conducted on property within a commercial, industrial, or institutional zone, limited to a maximum of two days for each sponsoring organization.
    - b. Car washes conducted on property within a commercial, industrial, or institutional zone, limited to a maximum of two days per month for each sponsoring organization.
    - c. Sponsorship shall be limited to educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, or to tax exempt organizations in compliance with 501(c) of the Federal Revenue and Taxation Code.
  - 4. Garage sales.** See Municipal Code Section 5.44.010.
  - 5. Model homes.** A model home or model home complex may be authorized before the completion of subdivision improvements in compliance with the following standards.
    - a. The sales office and any off-street parking shall be converted back to residential use and/or removed before the issuance of the Final Occupancy Permit or within 14 days from the sale of the last parcel in the subdivision, whichever first occurs.
    - b. The model home complex shall be used to sell only units within the subdivision within which the complex is located.
    - c. Model home permits will be finalized and the model homes will be allowed to be open

## Permit Review Procedures

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to the public only after all subdivision improvements are completed and accepted by the City.

- d. Model home sign permits will be issued only after all subdivision improvements are completed and accepted by the City.
  - e. The review authority may require other conditions of approval deemed reasonable and necessary to protect the public health, safety, and general welfare of persons residing or working in the neighborhood.
6. **Public property or public right-of-way.** Activities conducted on public property that are authorized by an Encroachment Permit, if required.
7. **Public parks.** Activities conducted within public parks which are subject to the issuance of a permit from the Parks and Recreation Department.
8. **Temporary occupancy during construction.**
- a. **Major development projects.** A temporary structure and property may be used during the construction phase of an approved major development project (e.g., residential projects with five or more dwelling units or any commercial or industrial project). The structure or property may be used as offices or for the storage of equipment and/or tools; provided, the temporary structure is located within the City.
  - b. **Minor development projects.** An existing dwelling unit or a temporary structure and property may be used during the construction phase of an approved minor development project (e.g., residential projects with four or fewer dwelling units). The structure or property may be used as a temporary residence, an office, or for the storage of equipment and/or tools.
  - c. **Appropriate operating criteria.** Operation of the use shall comply with the following criteria:
    - (1) Proper provisions for adequate and safe ingress and egress;
    - (2) All work shall be performed on-site;
    - (3) Proper storage of asphalt, concrete, and dirt at designated sites within the subject property; provided, the applicant furnishes a schedule, acceptable to the Director, for the periodic disposal or recycling of these materials;
    - (4) Proper provisions designed to minimize potential conflicts between the work to be performed on-site and the ordinary business and uses conducted within the City;
    - (5) All work areas shall be kept in an orderly, clean, and safe condition; and
    - (6) Only one temporary structure (e.g., trailer) may be placed on-site.
  - d. **Duration of use.** The use may operate for up to 12 months following the issuance of the companion Building Permit, or upon completion of the subject development project, whichever first occurs.



- e. **Condition of site following completion.** All temporary structure and related improvements shall be completely removed from the subject site following expiration of the 12-month period or within 30 days of completion of the development project, whichever first occurs.
- E. **Allowed short-term activities.** A Limited Term Permit may authorize the following short-term activities within the specified time limits, but in no event for more than 12 months. Other activities that are proposed to occur for no more than 12 months, but do not fall within the categories defined below shall instead comply with the planning permit requirements and development standards that otherwise apply to the property.
  - 1. **Construction yards - Off-site.** Off-site contractors' construction yards, for an approved construction project. The construction yard shall be removed immediately upon completion of the construction project, or the expiration of the Building Permit authorizing the construction project, whichever first occurs.
  - 2. **Events.** Art and craft exhibits, carnivals, circuses, concerts, fairs, farmer's markets, festivals, flea markets, food events, open-air theaters, outdoor entertainment/ sporting events, religious revivals, rummage sales, second hand sales, swap meets, and other special events for up to five consecutive days, or four two-day weekends, within a 12-month period, allowed only on non-residentially zoned properties.
  - 3. **Fund-raising community events or car washes.**
    - a. Community events (e.g., bake sales, yard sales, etc.) conducted on property within a commercial, industrial, or institutional zone, limited to a maximum of four days for each sponsoring organization.
    - b. Car washes conducted on property within a commercial, industrial, or institutional zone, limited to a maximum of four days per month for each sponsoring organization.
    - c. Sponsorship shall be limited to educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, or to tax exempt organizations in compliance with 501(c) of the Federal Revenue and Taxation Code.
  - 4. **Location filming.** The temporary use of a specific site for the location filming of commercials, movies, videos, etc., for the time specified by the Director, but not to exceed 180 days.
  - 5. **Model homes.** A model home or model home complex which exceeds any of the criteria identified in Subparagraph D. 5. (Model homes), above.
  - 6. **Seasonal sales lots.** Seasonal sales activities (e.g., Christmas tree lots, Fireworks booths, Thanksgiving pumpkins, etc.) including temporary residence/security trailers, on non-residentially zoned properties, for up to 30 days.
  - 7. **Temporary occupancy during construction.** Temporary structures and property may be used during the construction phase of an approved development project exceeding any of the criteria identified in Subparagraph D. 8. (Temporary occupancy during construction), above, in compliance with the following:
    - a. **Length of permit.** The permit may be approved for up to 18 months following the issuance of the companion Building Permit, or upon completion of the subject development project, whichever first occurs.

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- b. **Extension of permit.** The permit may be extended by the Director if a written request for extension is submitted before expiration of the permit and reasonable reasons are provided by the applicant to justify the requested extension (e.g., the delay was caused by reasons beyond the control of the applicant). The permit may be extended for up to an additional 18 months.
- 8. **Temporary real estate sales offices.** A temporary real estate sales office may be established within the area of an approved subdivision, solely for the first sale of homes. An application for a temporary real estate office may be approved for a maximum of 12 months from the date of approval.
- 9. **Temporary structures.** A temporary classroom, office, or similar structure, including a manufactured or mobile unit, may be approved for a maximum of 12 months from the date of approval, as an accessory use or as the first phase of a development project.
- 10. **Temporary vendor carts/stands.** A temporary cart or stand may be used for the outdoor sales of food and beverages (e.g., fruit, hot dogs, ice cream) and merchandise, when conducted in compliance with the following standards:
  - a. For the purposes of this Section the following terms shall have the following definitions:
    - (1) Itinerant vendor shall mean and include:
      - (a) Any person who has no established place of business within the City and who is engaged in transient business, traveling from place to place for the purpose of selling any goods, merchandise, services, or wares, or for the purpose of taking orders for the sale of any goods, merchandise, services, or wares to be delivered or performed at some future time and date; and
      - (b) Any person who has obtained the proper City licenses, permits, and private permission to engage in a transient business in one location or set up a temporary location for the purpose of selling any goods, merchandise, services, or wares, or for the purpose of taking orders for the sale of any goods, merchandise, services, or wares to be delivered or performed at some future time and date.
    - (2) Street vendor shall mean and include any person who will stand or park any cart or stand from which fruits, goods, merchandise, vegetables, wares, or food stuffs are sold, displayed, or offered for sale.
  - b. The cart or stand may only operate within the confines of private courtyards, patios, plazas, interior gardens, or in parking lots if the applicant and property owner can demonstrate that the cart or stand will not impact parking, and shall complement and enhance the shopping center's retail environment and enliven the streetscape within commercial zones of the City.
  - c. The cart or stand may only operate within the commercial zones within the City.
  - d. Only one cart or stand shall be allowed within a single shopping center.
  - e. The permit for the cart or stand may be approved for up to 12 months. The permit may be extended by the Director if a written request for extension is submitted before expiration of the permit. The permit may be extended for up to an additional 12 months.

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- f. The cart or stand vendor may only operate in compliance with the following limitations. Except as otherwise provided in this Section, no vendor shall operate within the City:
  - (1) Between the hours of 7:00 p.m. and 11:00 a.m. daily;
  - (2) Within 1,000 feet of any park, playground, public recreation facility, or school property;
  - (3) Within 50 feet of any public street intersection;
  - (4) In a manner which constitutes a violation of California Vehicle Code Section 22400 and 22507;
  - (5) In a City parking lot; or
  - (6) Within the Downtown Historic District, unless associated with a seasonal event authorized by a Limited Term Permit issued in compliance with this Section.
- g. The provisions of this Subsection shall not apply to persons delivering articles upon order of or by agreement with a customer from a store or other fixed place of business or distribution.
- h. Each cart or stand shall be freestanding, non-motorized, portable, and limited to the sale of beverages, food, and other like merchandise.
- i. Each cart or stand shall be approved individually as to its design and aesthetic characteristics, location, and size, including signs.
- j. A Business License to operate the cart or stand shall be obtained from the City.
- k. No cart or stand, nor a portion of a cart or stand, shall be located within the public right-of-way, nor impede the normal use of circulation aisles or driveways, nor be located in a manner that encourages customers to stop in the circulation aisle, driveway, or street to obtain vendor service.
- l. The vendor shall be responsible to ensure that the cart or stand, and the area around the cart or stand, shall be kept in a clean, neat, orderly, safe, and sanitary condition at all times.
- m. Each cart or stand operating under the provisions of this Subparagraph and in compliance with the permit issued under this Section shall be equipped with a trash receptacle of a size sufficient to accommodate all of the trash and refuse generated by its vending activities.
- n. All signs associated with the cart or stand shall be in compliance with Chapter 17.38 (Signs).
- o. The vendor shall display the permit on their person at all times while engaged in any vending activities.
- p. The Director may require the vendor to post a cash bond or other surety acceptable to the Director to ensure compliance with any or all of the conditions identified in this Subparagraph. The posting shall be in compliance with Section 17.74.050 (Performance Guarantees).

## **Permit Review Procedures**

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- 11. Temporary work trailers.** A trailer or mobile home used as a temporary work site for employees of a business, provided that:
    - a. The use is authorized by a Building Permit for the trailer or mobile home, and the Building Permit for the permanent structure;
    - b. The use is appropriate because:
      - (1) The trailer or mobile home will be in place during construction or remodeling of a permanent commercial or manufacturing structure for a maximum of 12 months; or
      - (2) The applicant has demonstrated that the temporary work site is a short-term necessity for a maximum of 12 months, while a permanent work site is being obtained.
    - c. The trailer or mobile home is removed before final building inspection or concurrently with the issuance of a Certificate of Occupancy for the permanent structure.
  - 12. Similar short-term activities.** A short-term activity that the Director determines is similar to the other activities listed in this Subsection, and compatible with the applicable zone and surrounding land uses.
- F. Development standards.** The Director shall establish standards based on the type of short-term activity, using the requirements of the applicable zone for guidance.
- G. Application requirements.** An application for a Limited Term Permit shall be prepared, filed, and processed in compliance with Chapter 17.70 (Permit Application Filing and Processing). It is the responsibility of the applicant to establish evidence in support of the findings required by Subsection I. (Findings required), below.
- H. Project review, notice, and hearing.** Before a decision on a Limited Term Permit, the City shall provide notice in compliance with Chapter 17.92 (Public Hearings).
- 1. Public notice.** The notice shall state that the Director will decide whether to approve or deny the Limited Term Permit application on a date specified in the notice, and that a public hearing will be held only if requested in writing by any interested person before the specified date for the decision.
  - 2. If hearing is requested.** If a public hearing is requested, the Director shall schedule the hearing which shall be noticed and conducted in compliance with Chapter 17.92 (Public Hearings).
  - 3. If no hearing is requested.** If no public hearing is requested, the Director shall render a decision on the date specified in the notice referred to in Subsection H.1, above.
- I. Findings required.** The approval of a Limited Term Permit shall require that the Director first find that the proposed short-term activity complies with all applicable requirements of this Section.

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- J. Post review procedures.** The procedures and requirements in Chapter 17.74 (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article 9 (Development Code Administration), shall apply following a decision on a Limited Term Permit application.
- 1. Site condition following short-term activity.** Each site occupied by a short-term activity shall be cleaned of debris, litter, or other evidence of the short-term activity on completion or removal of the activity, and shall thereafter be used in compliance with the provisions of this Development Code. Performance security may be required before initiation of the activity to ensure cleanup after the activity is finished.
  - 2. Performance security for temporary structures.** Before issuance of a Limited Term Permit the applicant shall provide performance security in a form and amount acceptable to the Director to guarantee removal of all temporary structures within 30 days following the expiration of the Limited Term Permit.
  - 3. Performance security requirements.** Any required performance security shall be furnished to the City in compliance with Section 17.74.050 (Performance Guarantees).

### 17.72.050 - Planned Development Permits

- A. Purpose.** The Planned Development Permit process is intended to provide for flexibility in the application of Development Code standards to proposed development under limited and unique circumstances. The purpose is to allow consideration of innovation in site planning and other aspects of project design, and more effective design responses to site features, uses on adjoining properties, and environmental impacts than the Development Code standards would produce without adjustment. The City expects each Planned Development Permit project to be of obvious, significantly higher quality than would be achieved through conventional design practices and standards.
- B. Applicability.**
- 1. Minimum site area.** Planned Development Permit approval may be requested for a residential, commercial, industrial, and/or mixed-use development on a site larger than one acre.
  - 2. Timing of permit.** No Building or Grading Permit shall be issued on a site for which a Planned Development Permit is proposed until the Planned Development Permit has been approved in compliance with this Section.
  - 3. Scope of approval.**
    - a.** Planned Development Permit approval by the Commission, or the Council on appeal, may adjust or modify, where determined by the review authority to be necessary and justifiable, any applicable development standard of this Development Code (e.g., parcel size, parking, setbacks, street layout, structure height, etc.); provided, the approval shall not authorize a land use that is not allowed in the applicable zone by Article 2 (Zones, Allowable Land Uses, and Zone Standards).
    - b.** A project proposing increased residential density may only be approved by the Council in compliance with Chapter 17.32 (Affordable Housing Density Bonuses and Incentives).

- C. **Application requirements.** An application shall be prepared, filed, and processed in compliance with Chapter 17.70 (Permit Application Filing and Processing). It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection F. (Commission's action), below.

1. **Development or site plan required.** Each Planned Development Permit application shall be accompanied by a development or site plan for the entire area of the proposed planned development showing the material specified in Subsection 17.70.040 B. (Application contents) and describing exactly how the proposed project addresses the following items.
  - a. **Provision of affordable workforce housing units and a mix of housing types.** The applicant shall identify the location of all housing units, either attached or detached, which will be available for sale to low-to-moderate income families of Nevada County in compliance with Chapter 17.32 (Affordable Housing Density Bonuses and Incentives). The applicant shall also provide evidence of how the housing unit types have been mixed and integrated within the proposed project.
  - b. **Integration of community design principles of the General Plan.** The applicant shall identify how the project integrates the City's community design principles as the clustering, grouping, or mixing of uses, protecting important natural features, and providing internal pedestrian and bicycle connectivity.
  - c. **Future transportation/infrastructure needs and current project-related deficiencies.** The applicant shall provide an evaluation of how the project addresses and mitigates any existing transportation/infrastructure deficiencies in its immediate area of the community. The evaluation shall also show how the project will address any new demand placed on the City's transportation/infrastructure system through the provision of any on-site and off-site mitigation.
  - d. **Future park/recreation facility needs and maintenance costs.** The application shall identify all proposed park, recreation, or open space amenities proposed for the project and describe how the features meet the park and recreation goals of the General Plan. For all park, recreation, or open space amenities shown on the plan, the applicant shall provide a financing mechanism to cover projected maintenance costs.
  - e. **Future short- and long-term fiscal impacts.** The applicant shall provide information that documents the project's short- and long-term fiscal implications to the City. The information may be presented in the form of a fiscal impact analysis.
  - f. **Consistency with General Plan policies and Sphere of Influence Plan.** The application shall state how the proposed project is consistent with the goals and objectives of the General Plan and Sphere of Influence Plan. If the project is found to be inconsistent with any goal or policy, the applicant shall provide rationale or evidence of why an exception is warranted.
2. **Additional requirements for Planned Development Permits involving annexation.** For any Planned Development Permit that involves an annexation to the City, the following application procedures shall be completed before the City is able to deem the application complete.
  - a. **Definition of annexation boundaries, phasing, and rate of growth.** For all applications involving an annexation, the applicant shall define and provide rationale for how the annexation boundaries were formed, how the project would be phased, and an estimated rate of growth for all development types. The description of the phasing plan shall reference the timing for initiating any site disturbance or grading, installation of infrastructure, construction of any public amenities (e.g., open space, parks, schools, etc.), and development of all uses shown on the development or site plan.

- b. **For annexation applications that are not contiguous to the City limits.** For all annexation applications that are not contiguous to the City limits:
  - (1) The applicant shall request a review of the annexation boundaries by the Council in which the boundaries would be evaluated against the City Sphere of Influence Plan, City Master Utility Plans, and the provision of public services. The Council would provide direction as to the boundaries of annexation, public service issues that should be addressed as part of the application, and the timing or appropriate phasing of the annexation; and
  - (2) The application shall contain written confirmation of at least 51 percent of the registered voters of the intervening parcels of their support or non-opposition of the annexation.
- c. **For annexation applications that are entirely outside of the five-year time horizon.**
  - (1) For annexation applications that are located entirely outside of the immediate five-year time horizon as specified by the City's Sphere of Influence Plan, the application shall be deferred unless authorized by resolution of the Council with concurrence of the Nevada County Local Agency Formation Commission (LAFCo).
  - (2) To initiate a review by the Council of the proposal and its alteration to the Sphere of Influence Plan, a written request shall be filed with the City.
  - (3) The Council may elect to support the application with conditions which involve revising the annexation boundaries, mitigating public service demands, and establishing the timing or appropriate phasing.
  - (4) A request for an exception to this procedure may be made to the Council and granted based on the following:
    - (a) The project's consistencies with General Plan goals, the City Sphere of Influence Plan, City Master Utility Plans, and the provision of public services;
    - (b) The property is presently developed, contiguous to the City, and seeks City services; or
    - (c) The project demonstrates a significant community or public benefit as evidenced by its design, ability to resolve an infrastructure deficiency, or provide an improvement of community-wide benefit.
- d. **Fiscal impact analysis required.** For all annexations, the applicant shall be required to prepare a fiscal impact analysis of the entire annexation area.
- e. **Economic/market analysis required.** For all annexations proposing a change in the land use designations or mix established for the property by the General Plan in the amount of 20 percent or more of its acreage or density, the applicant shall be required to prepare an economic/market analysis that verifies that the project will not impact the existing tax base, jobs/housing balance, and regional market demand.

## Permit Review Procedures

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- D. Review authority.** A Planned Development Permit may be granted by the Commission.
- E. Project review, notice, and hearing.**
- 1. Application review.** Each Planned Development Permit application shall be analyzed by the Director to ensure that the application is consistent with the purpose and intent of this Section. The Director shall submit a staff report and recommendation to the Commission for their consideration.
  - 2. Environmental review.** Each proposed Planned Development Permit shall require environmental review in compliance with the California Environmental Quality Act (CEQA) and the City's *Environmental Review Guidelines*.
  - 3. Public hearing.** The Commission shall conduct a public hearing on an application for a Planned Development Permit before the approval or denial of the permit. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 17.92 (Public Hearings).
- F. Commission's action.** Following a public hearing, the Commission may approve or deny a Planned Development Permit, and shall record the decision and the findings upon which the decision is based.
- 1. Required findings.** Planned Development Permit approval shall require that the Commission first make all of the following findings:
    - a. The project is consistent with the General Plan and any applicable specific plan, and allowed within the applicable zone;
    - b. The project complies with all applicable requirements of this Development Code other than those modified by the Planned Development Permit;
    - c. The approved modifications to the development standards of this Development Code are necessary and appropriate to accommodate the superior design of the proposed project, its compatibility with adjacent land uses, and its successful mitigation of any identified environmental impacts;
    - d. The project complies with all applicable provisions of the City's Design Guidelines;
    - e. The project can be adequately, conveniently, and reasonably served by public facilities, services, and utilities;
    - f. The planning concepts and design features of the project are reasonably suited to the characteristics of the site and the surrounding neighborhood;
    - g. The location, size, planning concepts, design features, and operating characteristics of the project are and will be compatible with the character of the site, and the land uses and development intended for the surrounding neighborhood by the General Plan;
    - h. The site is adequate for the project in terms of size, shape, topography, and circumstances;
    - i. The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use, or detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City;



## Permit Review Procedures

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- j. The project meets standards of density of dwelling units, light and air, open space, and pedestrian and vehicular circulation which are similar to those required by the regulations of the zone in which the development is located; and
    - k. The project permanently establishes undisturbed or replanted land as open space in compliance with the General Plan.
  - 2. **Conditions of approval.** In approving a Planned Development Permit, the Commission may require conditions of approval to ensure that the project will comply with the findings required by Subparagraph F.1 (Required findings), above. The violation of any required condition shall constitute a violation of this Section and may constitute grounds for denial of the Certificate of Occupancy and/or revocation of the permit.
- G. Time limit and expiration.**
- 1. A Planned Development Permit may specify a development completion period acceptable to the Commission.
  - 2. If a time limit is not specified in the permit, the development completion period shall not exceed two years, or the total extensions granted to other associated entitlements (e.g., Tentative Map) by the City in conjunction with the Planned Development Permit, whichever first occurs.
  - 3. If construction of the project has not been completed within the required time limit identified in Subparagraphs 1. or 2., above, the Planned Development Permit shall automatically be terminated and deemed void, with no further action required by the City.
- H. Planned Development Permit amendment.**
- 1. **Commission action on requested changes.** A requested amendment to the Planned Development Permit, other than those allowed by Subparagraph 3., below, shall be submitted to the Commission for review and approval following the same review notice and hearing procedures as for the original approval.
  - 2. **Added conditions.** When considering an amendment to the Planned Development Permit, the Commission may, as a condition of approval, impose added changes or conditions to the amendment as it deems reasonable and necessary to carry out the purpose and intent of the original Planned Development Permit and this Section.
  - 3. **Minor changes by Director.** Minor changes in the Planned Development Permit which do not involve an increase in structure area, an increase in the number of dwelling units, or a change of use may be approved by the Director in compliance with Section 17.74.070 (Changes to an Approved Project).
- I. Post review procedures.** The procedures and requirements in Chapter 17.74 (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article 9 (Development Code Administration), shall apply following a decision on a Planned Development Permit application.

**17.72.060 - Use Permits and Minor Use Permits**

- A. Purpose.** A Use Permit or Minor Use Permit provides a process for reviewing uses and activities that may be appropriate in the applicable zone, but whose effects on a site and surroundings cannot be determined before being proposed for a specific site. Guarantees to ensure compliance with the terms and conditions of the permit may be required by the review authority in compliance with Section 17.74.050 (Performance Guarantees).
- B. Applicability.** A Use Permit or Minor Use Permit is required to authorize proposed land uses identified by Article 2 (Zones, Allowable Land Uses, and Zone Standards) as being allowable in the applicable zone subject to the approval of a Use Permit or Minor Use Permit.
- C. Review authority.**
- 1. Use Permits.** Use Permits shall be approved or denied by the Commission.
  - 2. Minor Use Permits.**
    - a. Minor Use Permits shall be approved or denied by the Director.
    - b. The Director may choose to refer any Minor Use Permit application to the Commission for hearing and decision.
- D. Application requirements.** An application for a Use Permit or Minor Use Permit shall be prepared, filed, and processed in compliance with Chapter 17.70 (Permit Application Filing and Processing). It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection F. (Findings required), below.
- E. Project review, notice, and hearing.** Each application shall be reviewed by the Director to ensure that the proposal complies with all applicable requirements of this Development Code.
- 1. Use Permits.** The Commission shall conduct a public hearing on an application for a Use Permit before a decision on the application. Notice of the hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 17.92 (Public Hearings).
  - 2. Minor Use Permits.** Before a decision on a Minor Use Permit, the City shall provide notice of a public hearing in compliance with Chapter 17.92 (Public Hearings).
    - a. **Public notice.** The notice shall state that the Director will decide whether to approve or deny the Minor Use Permit application on a date specified in the notice, and that a public hearing will be held only if requested in writing by any interested person before the specified date for the decision.
    - b. **If hearing is requested.** If a public hearing is requested, the Director shall schedule the hearing which shall be noticed and conducted in compliance with Chapter 17.92 (Public Hearings).
    - c. **If no hearing is requested.** If no public hearing is requested, the Director shall render a decision on the date specified in the public notice referred to in Subparagraph 2. a., above.

## Permit Review Procedures

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- F. Findings required.** Use Permit or Minor Use Permit approval shall require that the review authority first make all of the following findings:
1. The proposed use is consistent with the General Plan and any applicable specific plan;
  2. The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Development Code and the Municipal Code;
  3. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity; and
  4. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the density, intensity, and type of use being proposed would not endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zone in which the property is located.
- G. Conditions of approval.** In approving a Use Permit or Minor Use Permit, the review authority may impose conditions of approval to ensure that the project will comply with the findings required by Subsection F. (Findings required), above. The violation of any required condition shall constitute a violation of this Section and may constitute grounds for denial of the Certificate of Occupancy and/or revocation of the permit.
- H. Post review procedures.** The procedures and requirements in Chapter 17.74 (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article 9 (Development Code Administration), shall apply following a decision on a Use Permit or Minor Use Permit application.

### 17.72.070 - Variances and Minor Variances

- A. Purpose.** The Variance and Minor Variance provide a process for City consideration of requests to waive or modify certain standards of this Development Code when, because of special circumstances applicable to the property, including location, shape, size, surroundings, topography, or other physical features, the strict application of the development standards otherwise applicable to the property denies the property owner privileges enjoyed by other property owners in the vicinity and in the same zone.
- B. Applicability.** A Variance or Minor Variance may be granted to waive or modify any requirement of this Development Code except: allowed land uses; residential density; specific prohibitions (for example, prohibited signs), or procedural requirements.

**C. Review authority.**

1. **Variance.** A Variance application shall be reviewed, and approved or denied by the Commission.
2. **Minor Variance.** A Minor Variance application shall be reviewed, and approved or denied by the Director.
  - a. The Director may grant a Minor Variance to reduce any of the requirements of this Development Code identified in Table 7-3, below.

**TABLE 7-3 - ALLOWABLE MINOR VARIANCES**

Types of Minor Variances Allowed	Maximum Adjustment
1. <b>Distance between structures.</b> A decrease in the minimum required distance between structures located on the same parcel	15 percent
2. <b>Fence or walls.</b> Fences, gates, pilasters, or walls in the side and rear setbacks that exceed six feet in height.	8 feet maximum
3. <b>Floor area ratio.</b> An increase in the maximum allowable floor area ratio.	15 percent
4. <b>Open space.</b> A decrease in the minimum open space requirements.	20 percent
5. <b>Parcel area.</b> A decrease in the minimum required parcel area or size.	10 percent
6. <b>Parcel coverage.</b> An increase in the maximum allowable parcel coverage.	15 percent
7. <b>Parcel width dimensions.</b> A decrease in the minimum required parcel width dimensions.	10 percent
8. <b>Parking, loading, and landscaping.</b> A decrease in the minimum parking and loading ratio standards and landscaping requirements.	10 percent
9. <b>Parking lot dimensions.</b> A decrease in the minimum parking lot and loading dimensions (e.g., aisle, driveway, and space widths).	15 percent
10. <b>Projections.</b> An increase in the allowable projection of canopies, cornices, eaves, fireplaces, landings, masonry chimneys, overhangs, raised porches, stairways, and steps into a required setback areas, but no closer than 3 feet to any property line.	10 percent
11. <b>Setback areas.</b> A decrease in a required setback.  Front setback  Side setbacks  Rear setback	10 percent
	10 percent
	15 percent
12. <b>Sign regulations.</b> (other than prohibited signs)	10 percent
13. <b>Structure heights.</b> An increase in the maximum allowable structure heights.	10 percent
14. <b>Required Variance.</b> A request which exceeds the limitations identified in this Subsection shall require the filing of a Variance application in compliance with this Section.	

- b. The Director may choose to refer any Minor Variance application to the Commission for hearing and decision.

## **Permit Review Procedures**

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- D. Application requirements.** An application for a Variance or Minor Variance shall be filed and processed in compliance with Chapter 17.70 (Permit Application Filing and Processing). It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection F. (Findings required), below.
- E. Project review, notice, and hearing.** Each application shall be reviewed by the Director to ensure that the proposal complies with this Section, and all other applicable requirements of this Development Code.
- 1. Variance.** The Commission shall conduct a public hearing on an application for a Variance before a decision. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 17.92 (Public Hearings).
  - 2. Minor Variances.** Before a decision on a Minor Variance, the City shall provide notice of a public hearing in compliance with Chapter 17.92 (Public Hearings).
    - a. Public notice.** The notice shall state that the Director will decide whether to approve or deny the Minor Variance application on a date specified in the notice, and that a public hearing will be held only if requested in writing by any interested person before the specified date for the decision.
    - b. If hearing is requested.** If a public hearing is requested, the Director shall schedule the hearing which shall be noticed and conducted in compliance with Chapter 17.92 (Public Hearings).
    - c. If no hearing is requested.** If no public hearing is requested, the Director shall render a decision on the date specified in the public notice referred to in Subparagraph 2. a., above.
- F. Findings required.**
- 1. General findings.** Variance or Minor Variance approval shall require that the review authority first make all of the following findings:
    - a.** There are special circumstances applicable to the property, including location, shape, size, surroundings, and topography, so that the strict application of this Development Code deprives the property of privileges enjoyed by other property in the vicinity and within the same zone;
    - b.** The approval of the Variance or Minor Variance includes conditions of approval as necessary to ensure that the adjustment granted does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and within the same zone; and
    - c.** The granting of the application will not authorize an activity or use which is not otherwise expressly authorized by the zone governing the parcel of property for which the application is made.

2. **Findings for off-site parking Variance.** The approval of a Variance to allow some or all of the parking spaces required for a nonresidential project to be located off-site, or to allow in-lieu fees or facilities instead of the required on-site parking spaces, shall require that the review authority first make both of the following findings in compliance with Government Code Section 65906.5, instead of those required by Subsection F.1, above.
    - a. The Variance will be an incentive to, and a benefit for, the nonresidential development; and
    - b. The Variance will further facilitate access to the nonresidential development by users of public transit facilities, and other modes of transportation (e.g., guideway facilities).
  3. **Finding for reasonable accommodation.** The review authority may also grant a Variance or Minor Variance to the site planning or development standards of this Development Code in compliance with this Section, based on the finding that the Variance or Minor Variance is necessary to accomplish a reasonable accommodation of the needs of a disabled person in compliance with the Americans with Disabilities Act (ADA).
- G. Conditions of approval.** In approving a Variance or Minor Variance, the review authority may impose conditions of approval to ensure that the project will comply with the findings required by Subsection F. (Findings required), above. The violation of any required condition shall constitute a violation of this Section and may constitute grounds for denial of the Certificate of Occupancy and/or revocation of the permit.
- H. Post review procedures.** The procedures and requirements in Chapter 17.74 (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article 9 (Development Code Administration), shall apply following a decision on a Variance or Minor Variance application.

## **CHAPTER 17.74 - PERMIT IMPLEMENTATION, TIME LIMITS, AND EXTENSIONS**

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### **Sections:**

- 17.74.010 - Purpose
- 17.74.020 - Effective Date of Permit
- 17.74.030 - Application Deemed Approved
- 17.74.040 - Permits to Run with the Land
- 17.74.050 - Performance Guarantees
- 17.74.060 - Time Limits and Extensions
- 17.74.070 - Changes to an Approved Project
- 17.74.080 - Resubmittals
- 17.74.090 - Covenants of Easements

### **17.74.010 - Purpose**

This Chapter provides requirements for the implementation or "exercising" of the permits required by this Development Code, including time limits and procedures for granting extensions of time.

### **17.74.020 - Effective Date of Permit**

The approval of a planning permit shall become effective on the 16<sup>th</sup> day following the date of application approval, where no appeal of the approval has been filed in compliance with Chapter 17.91 (Appeals).

### **17.74.030 - Application Deemed Approved**

A planning permit application that is deemed approved by operation of law in compliance with Government Code Section 65956 shall be subject to all applicable provisions of this Development Code, which shall be satisfied by the applicant before a Building Permit is issued or a land use not requiring a Building Permit is established.

### **17.74.040 - Permits to Run with the Land**

A Development Review Permit, Minor Use Permit, Minor Variance, Planned Development Permit, Use Permit, or Variance approval that is granted in compliance with Chapter 17.72 (Permit Review Procedures) shall be deemed to run with the land through any change of ownership of the subject site, from the effective date of the permit, except in any case where a permit expires and becomes void in compliance with Section 17.74.060 (Time Limits and Extensions), below. All applicable conditions of approval shall continue to apply after a change in property ownership.

**17.74.050 - Performance Guarantees**

**A. Deposit of security.**

1. As a condition of approval of a Development Review Permit, Limited Term Permit, Minor Use Permit, Minor Variance, Planned Development Permit, Use Permit, or Variance, upon a finding that the City's health, safety, and welfare warrant, the review authority may require the execution of a covenant to deposit security, and the deposit of security in a reasonable amount to ensure the faithful performance of one or more of the conditions of approval of the Development Review Permit, Limited Term Permit, Minor Use Permit, Minor Variance, Planned Development Permit, Use Permit, or Variance in the event that the obligor fails to perform.
2. The security shall, as required by law or otherwise at the option of the City, be in the form of cash, a certified or cashier's check, or a performance bond executed by the applicant and a corporate surety authorized to do business in California and approved by the City.
3. The security shall remain in effect until all of the secured conditions have been performed to the satisfaction of the City Engineer in conjunction with the Director.
4. Any security required in compliance with this Section shall be payable to the City.

**B. Release of security.** Upon satisfactory compliance with all applicable provisions of this Section, the security deposit shall be released.

**C. Failure to comply.**

1. Upon failure to perform any secured condition, the City may perform the condition, or cause it to be done, and may collect from the obligor, and surety in case of a bond, all costs incurred, including administrative, engineering, legal, and inspection costs.
2. Any unused portion of the security shall be refunded to the obligor after deduction of the cost of the work.
3. To the extent that the Director can demonstrate that the obligor willfully breached an obligation in a manner that the obligor knew, or should have known, would create irreparable harm to the City, the entire amount of the bond or deposit may be withheld.
4. The Director's determination may be appealed directly to the Council by the obligor by filing an appeal with the City Clerk within 15 days after the decision to withhold the bond, in compliance with Chapter 17.91 (Appeals).

**17.74.060 - Time Limits and Extensions**

**A. Time limits.**

1. Unless a condition of approval or other provision of this Development Code establishes a different time limit, any permit or approval not exercised within 12 months of approval shall expire and become void, except where an extension of time is approved in compliance with Subsection B., below.
2. The permit shall not be deemed "exercised" until the permittee has received a Building Permit or has actually commenced the allowed use on the site in compliance with the conditions of approval.



## **Permit Implementation, Time Limits, and Extensions**

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3. After it has been exercised, a planning permit shall remain valid and run with the land in compliance with Section 17.74.040, as long as a Building Permit is active for the project, and after a final building inspection or Certificate of Occupancy has been granted.
  4. If a project is to be developed in approved phases, each subsequent phase shall be exercised within 12 months from the date that the previous phase was exercised, unless otherwise specified in the permit, or the permit shall expire and become void, except where an extension of time is approved in compliance with Subsection B., below. If the project also involves the approval of a Tentative Map, the phasing shall be consistent with the Tentative Map and the permit shall be exercised before the expiration of the Tentative Map, or the permit shall expire and become void.
- B. Extensions of time.** Upon written request by the applicant, the applicable review authority may extend the time for an approved planning permit to be exercised.
1. **Filing and review of request.**
    - a. **Time for filing.** The applicant shall file a written request for an extension of time with the Director before the expiration of the permit, together with the filing fee required by the City's Planning Fee Schedule.
    - b. **Evidence to be provided.** The Director shall determine whether the applicant has made a good faith effort to exercise the permit. The burden of proof is on the applicant to establish, with substantial evidence, that circumstances beyond the control of the applicant (e.g., demonstrated problems with completing the acquisition of the parcel, poor weather during periods of planned construction, etc.) have prevented exercising the permit.
    - c. **Public hearing.** If the original approval required a public hearing, the applicable review authority identified in Table 7-1 (Review Authority) shall hold a public hearing on a proposed extension of time, after providing notice of the public hearing in compliance with Chapter 17.92 (Public Hearings).
  2. **Action on extension request.** A permit may be extended as follows for no more than two additional 12-month periods beyond the expiration of the original approval; provided, the applicable review authority first finds that there have been no changes in the conditions or circumstances of the site or project so that there would have been grounds for denial of the original project.
    - a. **Director's action.** Upon good cause shown, the first 12-month extension may be approved, approved with modifications, or denied by the Director, whose decisions may be appealed to the Commission, in compliance with Chapter 17.91 (Appeals).
    - b. **Commission's action.** One subsequent 12-month extension may be approved, approved with modifications, or denied by the Commission, whose decisions may be appealed to the Council in compliance with Chapter 17.91 (Appeals).
- C. Effect of expiration.** After the expiration of a planning permit in compliance with Subparagraph A.1., above, no further work shall be done on the site until a new planning permit and any required Building Permit or other City permits are first obtained.

### **17.74.070 - Changes to an Approved Project**

Development or a new land use authorized through a planning permit granted in compliance with this Development Code shall be established only as approved by the review authority, and in compliance with any conditions of approval, except where a change to the project is approved in the following manner.

- A. Application.** An applicant shall request a proposed change in writing, and shall also furnish appropriate supporting information and materials explaining the reasons for the request. A change may be requested either before or after construction, or establishment and operation of the approved land use.
- B. No public hearing required.** No public hearing shall be required for the Director's action to approve minor changes in compliance with Subsection C. (Changes approved by the Director), below. However, if the requested changes are not found to be minor, a new permit application shall be processed in compliance with this Development Code, including the requirement for a public hearing in compliance with Chapter 17.92 (Public Hearings).
- C. Changes approved by the Director.**
  - 1. The Director may authorize one or more changes to an approved site plan, architecture, or the nature of the approved land use where the Director first finds that the changes:
    - a. Are consistent with all applicable provisions of this Development Code;
    - b. Do not involve a feature of the project that was a basis for or subject of findings in a Negative Declaration or Environmental Impact Report for the project;
    - c. Do not involve a feature of the project that was specifically addressed or was the subject of conditions of approval for the project or that was a specific consideration by the review authority (e.g., the Director, Commission, or Council) in the project approval; and
    - d. Do not result in an expansion of the land use.
  - 2. The Director may choose to refer any requested change to the original review authority for review and final action.
- D. Changes approved by original review authority.** A proposed change that does not comply with the criteria in Subsection C., above shall only be approved by the original review authority for the project through a new permit application processed in compliance with this Development Code.

### **17.74.080 - Resubmittals**

- A. Resubmittal prohibited within 12 months.**
  - 1. **May be disapproved with prejudice.** An application for a discretionary planning permit, entitlement, or amendment may be denied with prejudice.
  - 2. **Denial with prejudice defined.** An application may be denied with prejudice on the grounds that two or more similar applications for the same parcel have been denied in the past two years, or that another cause exists for limiting the refiling of the application.

3. **Exceptions to 12-month limitation.** For a period of 12 months following the date of denial of a discretionary planning permit, entitlement, or amendment, no application for the same or substantially similar discretionary permit, entitlement, or amendment for the same parcel shall be filed, except if the denial was without prejudice, or on the grounds of substantial new evidence or proof of changed circumstances to an extent that further consideration is deemed warranted.
- B. **No limitation on disapprovals without prejudice.** There shall be no limitation on subsequent applications for a site on which a project was denied without prejudice.
- C. **Director's determination, appeal.** The Director shall determine whether a new application is for a planning permit, or amendment that is the same or substantially similar to a previously approved or denied permit or amendment, and shall either process or reject the application in compliance with this Section. The Director's determination may be appealed to the Commission, in compliance with Chapter 17.91 (Appeals).

#### **17.74.090 - Covenants of Easements**

- A. **Method of creation of easements.** The method of creation of easements authorized by this Section shall be in addition to any other method allowed by law.
- B. **Recorded covenant of easement.** An easement may be created in compliance with this Section by a recorded covenant of easement made by an owner of real property to the City, in compliance with this Section.
- C. **Purposes of easements.** An easement created in compliance with this Section may be for one or more of the following purposes:
  1. Emergency access;
  2. Ingress and egress;
  3. Landscaping;
  4. Light and air access;
  5. Open space; or
  6. Parking.
- D. **Common ownership.** At the time of recording of the covenant of easement, all of the real property benefited or burdened by the easement shall be held in common ownership.
- E. **Contents of covenant.** A covenant of easement recorded in compliance with this Section shall be executed by the owner of the burdened property and shall include the following information:
  1. A legal description of the real property to be subject to the easement;
  2. A legal description of the real property to be benefited by the easement;
  3. Identification of the City approval, designation, or permit which was granted in reliance upon recordation of the covenant, or for which recordation of the covenant is or was a requirement; and
  4. A description of the purpose(s) of the easement.

## **Permit Implementation, Time Limits, and Extensions**

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- F. Acceptance by City Clerk.** The City Clerk may accept an easement as described in this Section on behalf of the City when an easement is required as a condition of a land use approval or permit.
- G. Recordation required.**
1. The covenant of easement shall be recorded in the County Recorder's Office.
  2. A copy of the recorded document shall be provided to the Director.
- H. Effective when recorded.**
1. The covenant of easement shall be effective when recorded and shall act as an easement in compliance with Chapter 3 (commencing with Section 801) of Title 2, Part 2, Division 2 of the Civil Code, except that it shall not merge into any other interest in the real property.
  2. From and after the time of its recordation, the covenant shall impart notice to all persons to the extent afforded by the recording laws of the State.
- I. Enforceability.**
1. Upon recordation, the burdens of the covenant shall be binding upon, and the benefits shall inure to, all successors-in-interest to the affected real property.
  2. Nothing in this Section shall create in any person other than the City and the owner of the real property benefited or burdened by the covenant standing to enforce or to challenge the covenant or any amendment or release.
- J. Action to release covenant.** In compliance with this Section, the Commission, or the Council on appeal, may approve and authorize recordation of a release of a covenant of easement.
- K. Petition for release.**
1. A petition for release of a covenant of easement may be made by any person whether or not that person has title to the real property, and shall be filed in writing with the Director on a form furnished by the Director.
  2. The form of the petition and the information required to be identified in the petition shall be prescribed by the Director.
  3. The Director shall not accept any petition for filing unless:
    - a. All information and data is identified and shown as required by the form;
    - b. The petition is verified by the party making the petition; and
    - c. The filing fee required by Subsection L., below has been paid.
- L. Fees.** The fee for filing a petition for release of a covenant of easement in compliance with this Section shall be as identified in the City's Planning Fee Schedule.

**M. Hearing by the Commission.**

1. Upon filing the petition, payment of the filing fees, and acceptance of the petition as complete by the Director, notice shall be provided and the hearing shall be conducted in compliance with Chapter 17.92 (Public Hearings).
2. The Director shall provide a report and recommendation to the Commission. The Commission may decide to grant the petition, conditionally grant the petition, or deny the petition.
3. The decision of the Commission shall be mailed to all persons entitled to notice in compliance with Chapter 17.92 (Public Hearings).

**N. Appeal to Council.** Any action taken by the Commission under this Section may be appealed to the Council by filing with the Director a written appeal within 16 days after the decision of the Commission. The applicant, or any person, may file an appeal. The appeal shall be filed with the Director on a form furnished by the Director, and the information and data required to be identified in the notice shall be as prescribed by the Director. When the notice has been accepted by the Director for filing:

1. The Director shall, within 10 days file with the City Clerk a copy of the application and the appeal.
2. The Council shall hold at least one public hearing on the matter. The hearing of the Council shall be de novo. The City Clerk shall set the date of the first public hearing by the Council, which date shall not be less than 10 nor more than 60 days after the date on which the appeal was filed with the City Clerk. Notice of the hearing shall be provided and the hearing shall be conducted in compliance with Chapter 17.92 (Public Hearings). Within a reasonable time after the Council has concluded its hearing, it shall, by resolution, identify its findings and decision on the petition for release of the easement.
3. The decision of the Council shall be final. The City Clerk shall mail a certified copy of the decision of the Council to the applicant and the appellant at the addresses shown on the appeal.

**O. Finding required.** The Commission, or the Council on appeal, may grant the petition for release of the covenant of easement only upon a finding that the restriction of the property is no longer necessary to achieve the land use goals of the City.

**P. Release to be recorded.** Within 15 days after action of the Commission, or the Council on appeal, in granting a petition for release, the Director shall cause the recordation of the release in the County Recorder's Office.

## **CHAPTER 17.76 - DEVELOPMENT AGREEMENTS**

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### **Sections:**

- 17.76.010 - Purpose
- 17.76.020 - Application Requirements
- 17.76.030 - Notice and Hearings
- 17.76.040 - Standards of Review, Findings, and Decision
- 17.76.050 - Amendment or Cancellation
- 17.76.060 - Recordation
- 17.76.070 - Periodic Review
- 17.76.080 - Modification or Termination

### **17.76.010 - Purpose**

The purpose of this Chapter is to establish procedures and requirements for the review and approval of development agreements, in compliance with Government Code Section 65864 et seq., and as these sections may be amended from time to time.

### **17.76.020 - Application Requirements**

- A. Contents of application.** An application for a development agreement shall be filed and processed in compliance with Chapter 17.70 (Permit Application Filing and Processing). The application shall be accompanied by the detailed data/materials identified in the Department handout for development agreements. It is the responsibility of the applicant to establish evidence in support of the findings required by Subparagraph 17.76.040 A. 1. (Findings required), below.
- B. Fees.** The applicant shall pay the fees and charges imposed for the filing and processing of each application and document provided for or required under these regulations in compliance with the City's Planning Fee Schedule. Fees and charges shall be paid before a determination by the City that the application is complete.
- C. Qualified as an applicant.** Only a qualified applicant may file an application to enter into a development agreement.
  - 1. A qualified applicant is a person who has legal or equitable interest in the real property, as determined in the sole discretion of the City, which is the subject of the development agreement.
  - 2. The term applicant shall also include an authorized agent of the property owner.
  - 3. The Director may require an applicant to submit proof of interest in the real property and of the authority of the agent to act for the applicant.
  - 4. Before processing the application, the Director shall obtain the opinion of the City Attorney as to the sufficiency of the applicant's interest in the real property to enter into the development agreement.
- D. Proposed form of agreement.**
  - 1. Each application shall be accompanied by the form of development agreement proposed by the applicant.

## **Development Agreements**

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2. This requirement may be met by designating the City's standard form of development agreement, if the City has developed a standard form development agreement, and including specific proposals for changes in or additions to the language of the standard form.

### **E. Review of application.**

1. The Director shall endorse on the application the date it is received. When application fees have been paid, the Director shall review the application and may reject it if it is incomplete or inaccurate for processing. If the Director finds that the application is complete, the Director shall accept it for filing. The Director shall review the application and determine the additional requirements necessary to complete the development agreement.
2. After receiving the required information, the Director shall prepare a staff report and recommendations and shall state whether or not the development agreement proposed, or in an amended form, will be consistent with the General Plan and any applicable specific plan.

## **17.76.030 - Notice and Hearings**

- A. **Director to give notice.** The Director shall give notice of intention to consider adoption of the development agreement and of any other public hearing required by law or these regulations.
- B. **Notice requirements.** Notice for the public hearings to consider adoption of a development agreement shall be given and the hearings shall be conducted in compliance with Chapter 17.92 (Public Hearings).
- C. **Failure to receive notice.** Failure of any person to receive notice, who is otherwise entitled to notice in compliance with State law or these regulations, does not affect the authority of the City to enter into a development agreement.
- D. **Rules governing conduct of hearing.** The public hearing shall be conducted in compliance with the procedural standards adopted under Government Code Section 65804 for the conduct of Zoning Map amendment hearings.
  1. Each person interested in the matter shall be given an opportunity to be heard.
  2. The applicant has the burden of proof at the public hearing on the proposed development agreement.
- E. **Irregularity in proceedings.**
  1. No action, inaction, or recommendation regarding the proposed development agreement shall be held void or invalid or be set aside by a court by reason of any error, informality, irregularity, neglect, or omission ("error") as to any matter pertaining to application, finding, hearing, notice, petition, recommendation, record, report, or any matters of procedure.
  2. The only allowable exception to this rule will be if, after an examination of the entire case, including the evidence, the court is of the opinion that the error complained of was prejudicial and that by reason of the error the complaining party sustained and suffered substantial injury, and that a different result would have been probable if the error had not occurred or existed.
  3. There is not presumption that error is prejudicial or that injury was done if error is shown.

**17.76.040 - Standards of Review, Findings, and Decision**

- A. **Commission's recommendation.** The Commission shall make its recommendation in writing to the Council based on the findings identified in Subsection C., (Findings required), below.
1. **Recommendation for approval.** After a public hearing on the proposed development agreement, and the Commission has recommended approval of the agreement, the recommendation and findings of the Commission shall be forwarded to the Council.
  2. **Recommendation for denial.** After a public hearing on the proposed development agreement, and the Commission has recommended denial of the agreement, the following procedures shall apply.
    - a. **If initiated by the filing of an application.** If the development agreement was initiated by the filing of an application, the Council shall not be required to take any further action unless an interested party requests a hearing by filing a written request with the City Clerk in compliance with Chapter 17.91 (Appeals).
    - b. **If initiated by the City.** If the development agreement was initiated by the City, the recommendation and findings of the Commission shall be forwarded to the Council.
- B. **Mailing of Commission's recommendation.** A copy of the Commission's recommendation shall be mailed to the applicant at the address shown on the application.
- C. **Findings required.** The recommendation shall include the Commission's findings and determination whether or not the development agreement proposed:
1. Is consistent with the objectives, policies, general land uses, and programs specified in the General Plan, any applicable specific plan, and this Development Code;
  2. Is compatible with the uses authorized in, and the regulations prescribed for, the land use and zone in which the real property is located;
  3. Is in conformity with public convenience, general welfare, and good land use practice;
  4. Will be detrimental to the health, safety, and general welfare; and
  5. Will adversely affect the orderly development of property or the preservation of property values.
- D. **Decision by the Council.**
1. After the Council completes the public hearing, it may accept, modify, or deny the Commission's recommendation. It may, but need not, refer matters not previously considered by the Commission during its hearing back to the Commission for report and recommendation. The Commission shall hold a public hearing on matters referred back to it by the Council.
  2. The Council shall not approve the development agreement unless it first makes the findings required by Subsection C., (Findings required), above.
- E. **Approval of development agreement.** If the Council approves the development agreement, it shall do so by the adoption of an ordinance. After the ordinance approving the development agreement takes effect, the City may enter into the development agreement



**17.76.050 - Amendment or Cancellation**

- A. Initiation of amendment or cancellation.** Either party may propose an amendment to or cancellation of, in whole or in part, the development agreement previously entered into.
- B. Procedure.**
  - 1. The procedure for proposing and adoption of an amendment to or cancellation of a development agreement is the same as the procedure for entering into a development agreement in the first instance (See Sections 17.76.020 through 17.76.040, above).
  - 2. Where the City initiates the proposed amendment to or cancellation of a development agreement, it shall first give notice to the property owner of its intention to initiate the proceedings at least 10 calendar days in advance of the giving of notice of intention to consider the amendment or cancellation required by Subsection 17.76.030 B. (Notice requirements), above.

**17.76.060 - Recordation**

- A. Recordation of agreement within 10 days.** Within 10 calendar days after the City enters into the development agreement, the City Clerk shall have the development agreement recorded with the County Recorder's Office.
- B. Recordation of notice to amend or cancel agreement.** If the parties to the agreement or their successors-in-interest amend or cancel the development agreement as provided in Government Code Section 65868 or if the City terminates or modifies the development agreement as provided in Government Code Section 6585.1 for failure of the applicant to comply in good faith with the terms or conditions of the agreement, the City Clerk shall have notice of the action recorded with the County Recorder's Office.

**17.76.070 - Periodic Review**

- A. Time for and initiation of review.** The City shall review a development agreement every twelve months from the date the development agreement is first entered into. The time for review may be modified either by agreement between the parties or by initiation in one or more of the following ways:
  - 1. Recommendation of the Director;
  - 2. Affirmative vote of at least a majority of the members of the Commission present; or
  - 3. Affirmative vote of at least a majority of the members of the Council present.
- B. Notice of periodic review.**
  - 1. The Director shall begin the review proceedings by giving notice that the City intends to undertake a periodic review of the development agreement to the property owner.
  - 2. The Director shall give the notice at least 10 calendar days in advance of the time at which the matter will be considered by the Council.
- C. Public hearing.** The Council shall conduct a public hearing at which the property owner shall demonstrate good faith compliance with the terms of the development agreement. The burden of proof on this issue is upon the property owner.

**D. Determination upon review.** The Council shall determine upon the basis of substantial evidence whether or not the property owner has, for the period under review, complied in good faith with the terms and conditions of the development agreement.

**E. Procedures upon findings.**

1. If the City finds and determines on the basis of substantial evidence that the property owner has complied in good faith with the terms and conditions of the development agreement during the period under review, the review for that period is concluded.
2. If the City finds and determines on the basis of substantial evidence that the property owner has not complied in good faith with the terms and conditions of the development agreement during the period under review, the City may modify or terminate the development agreement in compliance with Section 17.76.080 (Modification or Termination), below.

### **17.76.080 - Modification or Termination**

**A. Proceedings upon modification or termination.** If, upon a finding under Section 17.76.070 E. 2., above, the City determines to proceed with modification or termination of the development agreement, the City shall give notice to the property owner of its intention to do so. The notice shall contain the following information:

1. The time and place of the hearing;
2. A statement as to whether or not the City proposes to modify or terminate the development agreement; and
3. Other information which the City considers necessary to inform the property owner of the nature of the proceeding.

**B. Hearing on modification or termination.**

1. At the time and place set for the hearing on modification or termination, the property owner shall be given an opportunity to be heard.
2. The Council may refer the matter back to the Commission for report and recommendation.
3. The Council may impose those conditions to the action it takes as it considers necessary to protect the interests of the City.
4. The decision of the Council shall be final.

## **Development Agreements**

## **CHAPTER 17.78 - SPECIFIC PLANS**

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### **Sections:**

- 17.78.010 - Purpose
- 17.78.020 - Applicability
- 17.78.030 - Minimum Project Area
- 17.78.040 - Initiation
- 17.78.050 - Preparation and Content
- 17.78.060 - Processing and Review
- 17.78.070 - Adoption of Specific Plan
- 17.78.080 - Implementation and Amendments

### **17.78.010 - Purpose**

This Chapter provides procedures for the preparation, processing, review, adoption, and amendment of specific plans.

### **17.78.020 - Applicability**

- A. When required.** When required by the Council, the General Plan, or this Development Code to systematically implement the General Plan for any part of the City, a specific plan shall be prepared, processed, approved, and implemented in compliance with this Chapter.
- B. Review authority.** An application for a specific plan shall be considered by the Commission, and approved or denied by the Council.
- C. Effect of specific plan.** The regulations provided by an adopted specific plan shall replace those of the applicable zone, and the development standards and design guidelines identified in the specific plan shall take precedence over the general standards contained in this Development Code and any City adopted design guidelines.

### **17.78.030 - Minimum Site Area**

The minimum site area for a specific plan shall be two acres. The site may be one parcel under single ownership or a combination of adjoining parcels subject to a unified planning concept.

### **17.78.040 - Initiation**

A specific plan may be initiated in the following manner:

- A. Council.** By a resolution by the Council;
- B. Commission.** By a resolution by the Commission; or
- C. Application.** The filing of an application with the Department by the owner or authorized agent of property for which the specific plan is sought. If the property is under more than one ownership, all of the owners or their authorized agents shall join in filing the application.

### 17.78.050 - Preparation and Content

The draft specific plan shall include detailed information in the form of text and diagrams, organized in compliance with Government Code Section 65451 and the following.

**A. Required information.** At a minimum, the following information shall be provided:

1. **Proposed land uses.** The distribution, location, and extent of land uses proposed within the area covered by the specific plan, including open space areas;
2. **Infrastructure.** The proposed distribution, extent, intensity, and location of major components of public and private circulation/transportation, drainage, energy, potable water, sewers, solid waste disposal, utilities, and other essential facilities proposed to be located within the specific plan area and needed to support the proposed land uses;
3. **Land use and development standards.** Standards, criteria, and design guidelines by which development would proceed, and standards for the conservation, development, and utilization of natural resources, where applicable;
4. **Implementation measures.** A program of implementation measures, including financing, methods, programs, regulations, and public works projects, necessary to carry out and provide the proposed:
  - a. Development and conservation standards and criteria, infrastructure, and land uses;
  - b. Public services, facilities and utilities, based on a nexus between development exactions being imposed and the development-induced needs being met by those exactions;
  - c. Orderly phasing of the development; and
  - d. Other measures needed to protect the health, safety, and well-being of the community.
5. **Relationship to General Plan.** A discussion of the relationship of the specific plan to the goals, policies, and objectives of the General Plan; and
6. **Additional information.** The specific plan shall contain additional information deemed to be necessary by the Director based on the characteristics of the area to be covered by the plan, applicable goals, policies, and objectives of the General Plan, or any other issue determined by the Director to be relevant.

**B. Development or site plan required.** Additionally, each specific plan application shall be accompanied by a development or site plan for the entire area of the proposed specific plan showing the material specified in Subsection 17.70.040 B. (Application contents) and Subsection A. (Required information), above, describing exactly how the proposed specific plan addresses the following items.

1. **Provision of affordable workforce housing units and a mix of housing types.** The applicant shall identify the location of all housing units, either attached or detached, which will be available for sale to low-to-moderate income families of Nevada County in compliance with Chapter 17.32 (Affordable Housing Density Bonuses and Incentives). The applicant shall also provide evidence of how the housing unit types have been mixed and integrated within the proposed project.

## **Specific Plans**

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2. **Integration of community design principles of the General Plan.** The applicant shall identify how the project integrates the City's community design principles as the clustering, grouping, or mixing of uses, protecting important natural features, and providing internal pedestrian and bicycle connectivity.
  3. **Future transportation/infrastructure needs and current project-related deficiencies.** The applicant shall provide an evaluation of how the project addresses and mitigates any existing transportation/infrastructure deficiencies in its immediate area of the community. The evaluation shall also show how the project will address any new demand placed on the City's transportation/infrastructure system through the provision of any on-site and off-site mitigation.
  4. **Future park/recreation facility needs and maintenance costs.** The application shall identify all proposed park, recreation, or open space amenities proposed for the project and describe how the features meet the park and recreation goals of the General Plan. For all park, recreation, or open space amenities shown on the plan, the applicant shall provide a financing mechanism to cover projected maintenance costs.
  5. **Future short- and long-term fiscal impacts.** The applicant shall provide information that documents the project's short- and long-term fiscal implications to the City. The information may be presented in the form of a fiscal impact analysis.
  6. **Consistency with General Plan policies and Sphere of Influence Plan.** The application shall state how the proposed project is consistent with the goals and objectives of the General Plan and Sphere of Influence Plan. If the project is found to be inconsistent with any goal or policy, the applicant shall provide rationale or evidence of why an exception is warranted.
- C. **Additional requirements for specific plans involving annexation.** For any specific plan proposal that involves an annexation to the City, the following application procedures shall be completed before the City is able to deem the application complete.
1. **Definition of annexation boundaries, phasing, and rate of growth.** For all applications involving an annexation, the applicant shall define and provide rationale for how the annexation boundaries were formed, how the project would be phased, and an estimated rate of growth for all development types. The description of the phasing plan shall reference the timing for initiating any site disturbance or grading, installation of infrastructure, construction of any public amenities (e.g., open space, parks, schools, etc.), and development of all uses shown on the development or site plan.
  2. **For annexation applications that are not contiguous to the City limits.** For all annexation applications that are not contiguous to the City limits:
    - a. The applicant shall request a review of the annexation boundaries by the Council in which the boundaries would be evaluated against the City Sphere of Influence Plan, City Master Utility Plans, and the provision of public services. The Council would provide direction as to the boundaries of annexation, public service issues that should be addressed as part of the application, and the timing or appropriate phasing of the annexation; and
    - b. The application shall contain written confirmation of at least 51 percent of the registered voters of the intervening parcels of their support or non-opposition of the annexation.

3. **For annexation applications that are entirely outside of the five-year time horizon.**
  - a. For annexation applications that are located entirely outside of the immediate five-year time horizon as specified by the City's Sphere of Influence Plan, the application shall be deferred unless authorized by resolution of the Council with concurrence of the Nevada County Local Agency Formation Commission (LAFCo).
  - b. To initiate a review by the Council of the proposal and its alteration to the Sphere of Influence Plan, a written request shall be filed with the City.
  - c. The Council may elect to support the application with conditions which involve revising the annexation boundaries, mitigating public service demands, and establishing the timing or appropriate phasing.
  - d. A request for an exception to this procedure may be made to the Council and granted based on the following:
    - (1) The project's consistencies with General Plan goals, the City Sphere of Influence Plan, City Master Utility Plans, and the provision of public services;
    - (2) The property is presently developed, contiguous to the City, and seeks City services; or
    - (3) The project demonstrates a significant community or public benefit as evidenced by its design, ability to resolve an infrastructure deficiency, or provide an improvement of community-wide benefit.
4. **Fiscal impact analysis required.** For all annexations, the applicant shall be required to prepare a fiscal impact analysis of the entire annexation area.
5. **Economic/market analysis required.** For all annexations proposing a change in the land use designations or mix established for the property by the General Plan in the amount of 20 percent or more of its acreage or density, the applicant shall be required to prepare an economic/market analysis that verifies that the project will not impact the existing tax base, jobs/housing balance, and regional market demand.
- D. **Costs to be borne by the applicant.** The specific plan, and all environmental and fiscal studies required as a result of the specific plan, shall be paid for by the applicant who may be repaid by future developers of other portions of the specific plan area on a pro rata basis.

### **17.78.060 - Processing and Review**

A draft specific plan shall be processed in the same manner as required for general plans by State law, and as follows:

- A. **Public meetings required for City-initiated specific plans.**
  1. Before preparation of the draft specific plan, the City shall hold at least one public/neighborhood meeting to identify potential community impacts and concerns relating to the proposed plan concept.
  2. Before consideration of the draft specific plan by the Commission and Council, the City shall hold at least one public/neighborhood meeting to review the plan with the local community.

## **Specific Plans**

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3. Public notice of the public/neighborhood meetings is required in compliance with Chapter 17.92 (Public Hearings).
- B. Application filing.** The following shall apply if the specific plan is initiated by the filing of a specific plan application:
1. An application for a specific plan shall be filed and processed in compliance with Chapter 17.70 (Permit Application Filing and Processing); and
  2. The application shall be accompanied by the information identified in the Department handout for specific plan applications and Section 17.78.050 (Preparation and Content), above.
- C. Environmental review.** The draft specific plan shall be subject to environmental review in compliance with the City's *Environmental Review Guidelines*;
- D. Staff report.** A written staff report shall be prepared for the draft specific plan which shall include detailed recommendations and proposed findings necessary for adoption of the plan; and
- E. Public hearings.** A proposed specific plan shall be subject to public hearings before both the Commission and Council before its adoption, as follows:
1. **Commission.**
    - a. **Director to schedule hearing.** The Director shall schedule a public hearing on the proposed specific plan.
    - b. **Notice of the hearing.** Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 17.92 (Public Hearings).
    - c. **Commission's recommendation.** The Commission shall make its recommendation in writing to the Council based on the findings identified in Section 17.78.070 (Adoption of Specific Plan), below.
      - (1) **Recommendation for approval.** After a public hearing on the proposed specific plan, and the Commission has recommended approval of the plan, the recommendation and findings of the Commission shall be forwarded to the Council.
      - (2) **Recommendation for denial.** After a public hearing on the proposed specific plan, and the Commission has recommended denial of the plan, the following procedures shall apply.
        - (a) **If initiated by the filing of an application.** If the specific plan was initiated by the filing of an application, the Council shall not be required to take any further action unless an interested party requests a hearing by filing a written request with the City Clerk in compliance with Chapter 17.91 (Appeals).
        - (b) **If initiated by the City.** If the specific plan was initiated by the City, the recommendation and findings of the Commission shall be forwarded to the Council.



- (3) **Mailing of Commission's recommendation.** A copy of the Commission's recommendation shall be mailed to the applicant at the address shown on the application.

### 2. Council.

- a. **City Clerk to schedule hearing.** After receipt of the Commission's recommendation, the City Clerk shall schedule a public hearing on the proposed specific plan.
- b. **Notice of the hearing.** Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 17.92 (Public Hearings).
- c. **Council's action.** After the public hearing, the Council may adopt the specific plan, deny the plan, or adopt the plan with modifications, with appropriate findings in compliance with Section 17.78.070 (Adoption of Specific Plan), below; provided, any substantial modifications to the plan that were not previously considered by the Commission shall be first referred to the Commission for its recommendation, in compliance with Government Code Section 65356.

## 17.78.070 - Adoption of Specific Plan

- A. **Required findings.** The Council may adopt a specific plan only after first finding that:

1. The proposed specific plan is consistent with the General Plan;
2. The design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc. as identified in the proposed specific plan), will ensure that future development will not endanger, jeopardize, or otherwise constitute a hazard to the public health, safety, or general welfare, or be injurious to the property or improvements in the vicinity and base zone in which the property is located;
3. The proposed specific plan will:
  - a. Ensure quality development by encouraging greater creativity and aesthetically pleasing designs for the individual components of the development and the development as a whole;
  - b. Ensure the timely provision of essential public services and facilities consistent with the demand for the services and facilities; and
  - c. Promote a harmonious variety of housing choices and commercial and industrial activities, if applicable; attain a desirable balance of residential and employment opportunities; and result in a high level of amenities and the preservation of the natural and scenic qualities of open space.
4. The subject site is:
  - a. Physically suitable for the proposed land use designations;
  - b. Physically suitable for the type and density/intensity of development being proposed;
  - c. Adequate in shape and size to accommodate the proposed development; and

## **Specific Plans**

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- d. Served by streets adequate in width and pavement type to carry the quantity and type of traffic expected to be generated by the proposed development.
- B. **Adoption.** The specific plan shall be adopted by ordinance, or by resolution of the Council, in compliance with Government Code Section 65453.

### **17.78.080 - Implementation and Amendments**

- A. **Development within specific plan area.** After the adoption of a specific plan, all proposed development and new land uses within the area covered by the specific plan shall be consistent with the specific plan. No City approval (e.g., a public works project, Tentative Map, Parcel Map for which a Tentative Map was not required, a Use Permit, Development Review Permit, etc.), or an amendment to this Development Code may be approved/adopted within an area covered by a specific plan unless it is first found consistent with the specific plan.
- B. **Specific plan fee.** The Council may impose a specific plan fee on development permits within the specific plan area, in compliance with Government Code Section 65456.
- C. **Amendments.**
  - 1. An adopted specific plan may be amended through the same procedure specified by this Chapter for the adoption of a specific plan.
  - 2. The specific plan may be amended as often as deemed necessary by the Council, in compliance with Government Code Section 65453.



# ARTICLE 8

## Subdivisions

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## **CHAPTER 17.80 - SUBDIVISION ORDINANCE APPLICABILITY AND ADMINISTRATION**

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### **Sections:**

- 17.80.010 - Purpose of Article
- 17.80.020 - Authority
- 17.80.030 - Applicability
- 17.80.040 - Definitions
- 17.80.050 - Responsibility for Administration
- 17.80.060 - Advisory Agency
- 17.80.070 - Authority for Subdivision Decisions
- 17.80.080 - Type of Subdivision Approval Required
- 17.80.090 - Applications Deemed Approved
- 17.80.100 - Exceptions to Subdivision Standards
- 17.80.110 - Appeals
- 17.80.120 - Enforcement of Subdivision Regulations

### **17.80.010 - Purpose of Article**

The provisions of this Article constitute the City of Grass Valley Subdivision Ordinance. These provisions are intended to supplement, implement, and work with the Subdivision Map Act, California Government Code Section 66410 et seq. (hereafter referred to as the "Map Act"). This Article is not intended to replace the Map Act, and must be used in conjunction with the Map Act in the preparation of subdivision applications, and the review, approval, and improvement of proposed subdivisions.

### **17.80.020 - Authority**

This Article is adopted in compliance with the Map Act as a "local ordinance," as the term is used in the Map Act. All provisions of the Map Act and future amendments to the Map Act not incorporated into this Article shall, nevertheless, apply to all subdivision maps and proceedings under this Article.

### **17.80.030 - Applicability**

- A. Subdivision approval required.** Each subdivision of land within the City shall be authorized through the approval of a map or other entitlement in compliance with this Chapter.
- B. Conflicts with Map Act.** In the event of any conflicts between the provisions of this Chapter and the Map Act, the Map Act shall control.
- C. Compliance with other regulations required.** The approval or conditional approval of a subdivision map shall not authorize an exception or deviation from any zoning regulation in this Development Code, or as an approval to proceed with any development in violation of other applicable provisions of the Municipal Code or other applicable ordinances or regulations of the City.

### **17.80.040 - Definitions**

Definitions of the technical terms and phrases used in this Article are in Article 10 (Glossary) under "Subdivision."

**17.80.050 - Responsibility for Administration**

The Director and City Engineer are authorized and directed to administer and enforce the provisions of this Article and applicable provisions of the Map Act for subdivisions within the City, except as otherwise provided by this Article.

**17.80.060 - Advisory Agency**

- A. Advisory agency established.** The advisory agency for subdivision review shall be the Planning Commission.
- B. Authority and duties.** The advisory agency shall perform the following duties, and as further detailed in Section 17.80.070 (Authority for Subdivision Decisions):
1. Approve, conditionally approve, or disapprove Tentative Maps;
  2. Recommend to the Council the approval, conditional approval, or disapproval of requests for exceptions to the City's design and improvement standards, in compliance with Section 17.80.100 (Exceptions to Subdivision Standards);
  3. Recommend modifications of the requirements of this Article;
  4. Review and make recommendations concerning proposed subdivisions in compliance with the Map Act; and
  5. Perform additional duties and exercise additional authorities as prescribed by law and by this Article.

**17.80.070 - Authority for Subdivision Decisions**

Table 8-1 (Subdivision Review Authority) identifies the City official or authority responsible for reviewing and making decisions on each type of subdivision application and other decision required by this Article.

**TABLE 8-1 - SUBDIVISION REVIEW AUTHORITY**

Type of Decision	Applicable Development Code Section	Role of Review Authority (1)			
		Director	City Engineer	Commission	Council
Tentative Map	17.81	Recommend	Recommend	Decision	Appeal
Parcel Map	17.82	Recommend	Decision		Appeal
Final Map	17.82	Recommend	Decision		Appeal
Certificate of Compliance	17.84.020		Decision		Appeal
Lot Line Adjustment	17.84.040	Decision			Appeal
Parcel Merger	17.84.050		Decision		Appeal
Reversion to Acreage	17.84.060	Recommend	Decision		Appeal

**Notes:**

- (1) "Recommend" means that the Review Authority makes a recommendation to a higher decision-making body; "Decision" means that the Review Authority makes the final decision on the matter; "Appeal" means that the Review Authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with Chapter 17.91 (Appeals).

### **17.80.080 - Type of Subdivision Approval Required**

The subdivision of an existing parcel into two or more parcels shall require approval by the City in compliance with this Article. In general, the procedure for subdivision first requires the approval of a Tentative Map, and then the approval of a Parcel Map for a subdivision creating four or fewer parcels, or a Final Map for a subdivision creating five or more parcels, to complete the subdivision process. The Tentative Map review process evaluates the compliance of the proposed subdivision with the adopted City standards, and the appropriateness of the proposed subdivision design. Parcel and Final Maps are precise engineering documents that detail the location and dimensions of all parcel boundaries in an approved subdivision and, after approval, are recorded in the office of the County Recorder.

**A. Tentative Map requirements.** The filing and approval of a Tentative Map is required for:

1. A subdivision or resubdivision of four or fewer parcels, as authorized by Map Act Section 66428; and
2. A subdivision or resubdivision of five or more parcels, and all other types of subdivisions required to have Tentative Map approval by Map Act Section 66426.

**B. Parcel and Final Map requirements.** A Parcel or Final Map shall be required as follows:

1. **Parcel Map.** The filing and approval of a Parcel Map (Chapter 17.82) shall be required for a subdivision creating four or fewer parcels, with or without a designated remainder in compliance with Map Act Article 2, Chapter 1, except for the following subdivisions:
  - a. **Public agency or utility conveyances.** Any conveyance of land, including a fee interest, an easement, or a license, to a governmental agency, public entity, public utility or a subsidiary of a public utility for rights-of-way, unless the Director determines based on substantial evidence that public policy necessitates a Parcel Map in an individual case;
  - b. **Rail right-of-way leases.** Subdivisions of a portion of the operating right-of-way of a railroad corporation as defined by Section 230 of the California Public Utilities Code, which are created by short-term leases (terminable by either party on not more than 30 days' notice in writing); or
  - c. **Waived Parcel Map.** A subdivision that has been granted a waiver of Parcel Map requirements in compliance with Section 17.82.030 (Waiver of Parcel Map).
2. **Final Map.** The filing and approval of a Final Map (Chapter 17.82) shall be required for a subdivision of five or more parcels.

**C. Exemptions from subdivision approval requirements.** The types of subdivisions identified by Map Act Sections 66411, 66412, 66412.1, 66412.2, and 66426.5, or other applicable Map Act provision as not being subject to the requirements of the Map Act, and/or not being considered to be divisions of land for the purposes of the Map Act, shall be exempt from the subdivision approval requirements of this Article.



### **17.80.090 - Applications Deemed Approved**

A subdivision application deemed approved in compliance with Government Code Sections 65956, or 66452 et seq., shall comply with all applicable provisions of this Development Code, and any conditions imposed by the Review Authority, which shall be satisfied by the subdivider before any zoning approval or Building Permit is issued. A Parcel or Final Map filed for record after its Tentative Map is deemed approved shall remain subject to all the mandatory requirements of this Article and the Map Act, including Map Act Sections 66473, 66473.5 and 66474.

### **17.80.100 - Exceptions to Subdivision Standards**

An exception to a provision of Chapter 17.88 (Subdivision Standards) may be requested by a subdivider in compliance with this Section. An exception shall not be used to waive or modify a provision of the Map Act, or a provision of this Article that is duplicated or paraphrased from the Map Act.

- A. Application.** An application for an exception shall be submitted on forms provided by the Department together with the required filing fee. The application shall include a description of each standard and requirement for which an exception is requested, together with the reasons why the subdivider believes the exception is justified.
- B. Filing and processing.** A request for an exception shall be filed and processed as follows.

  - 1. An exception shall be processed and acted upon in the same manner as the Tentative Map, concurrently with the Tentative Map if the exception request was filed at the same time.
  - 2. The approval of an exception shall not constitute approval of the Tentative Map and the approval or denial of an exception shall not extend the time limits for the expiration of the map established by Section 17.81.130 (Tentative Map Time Limits and Expiration).
  - 3. An exception request may be filed after the approval of a Tentative Map, but shall be considered by the Tentative Map Review Authority in the same manner (e.g., after a public hearing) as the original Tentative Map.
- C. Approval of exception.** The Council may approve or deny exception requests in compliance with this Section. The Council shall not grant an exception unless all the following findings are first made:

  - 1. For exceptions granting relief of a specified requirement or standard:

    - a. Due to special circumstances or conditions affecting this property, the strict application of Chapter 17.88 would create an unnecessary hardship;
    - b. The exception is consistent with the intent of the requirements of Chapter 17.88 and does not constitute a grant of special privilege;
    - c. The exception would not result in significant increased adverse environmental impacts compared to the strict application of the requirements of Chapter 17.88;
    - d. The granting of the exception will not be detrimental to the public health, safety, convenience and general welfare or injurious to other property in the territory in which said property is situated; and
    - e. The exception will not affect the consistency of the proposed subdivision with the General Plan or any applicable specific plan.

- D. Conditions of approval.** In granting an exception, the Council shall secure substantially the same objectives of the regulations for which the exception is requested and shall impose whatever conditions it deems necessary to protect the public health, safety, general welfare and convenience, and to mitigate any environmental impacts in compliance with CEQA.

### **17.80.110 - Appeals**

Any interested person may appeal any decision of the Director or City Engineer to the Commission, and may appeal any decision of the Commission to the Council, in compliance with Chapter 17.91 (Appeals).

### **17.80.120 - Enforcement of Subdivision Regulations**

- A. Violations.** Any person who violates any provision of this Article shall be subject to the penalties specified by Map Act Division 2, Chapter 7, Article 1 and/or, where applicable, shall be guilty of a misdemeanor or infraction as specified in Chapter 17.98 of this Development Code (Enforcement).
- B. Remedies.** If construction activity on property subject to a Final Map or Parcel Map is occurring contrary to the Map Act, a requirement of the Map, or any other Federal, State, or local law, rule, or ordinance, the City Engineer may order the activity stopped by written notice served on any person responsible for the activity, in addition to the remedies outlined in Map Act Division 2, Chapter 7, Article 2. The responsible person shall immediately stop the activity until authorized by the City Engineer to proceed. For the purposes of this Section, construction activities include grading, earth moving, and/or tree removal.



## **CHAPTER 17.81 - TENTATIVE MAP FILING AND PROCESSING**

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### **Sections:**

- 17.81.010 - Purpose of Chapter
- 17.81.020 - Tentative Map Preparation, Application Contents
- 17.81.030 - Tentative Map Filing, Initial Processing
- 17.81.040 - Evaluation of Application
- 17.81.050 - Planning Commission Review and Decision
- 17.81.060 - Tentative Map Approval or Disapproval
- 17.81.070 - Conditions of Approval
- 17.81.080 - Effective Date of Tentative Map Approval
- 17.81.090 - Changes to Approved Tentative Map or Conditions
- 17.81.100 - Completion of Subdivision Process
- 17.81.120 - Vesting Tentative Maps
- 17.81.130 - Tentative Map Time Limits and Expiration
- 17.81.140 - Extensions of Time for Tentative Maps

### **17.81.010 - Purpose of Chapter**

This Chapter establishes requirements for the preparation, filing, approval or disapproval of Tentative Maps, consistent with the requirements of the Map Act.

### **17.81.020 - Tentative Map Preparation, Application Contents**

Tentative Map submittal shall include the application forms, and all information and other materials prepared as required by the Department and the City Engineer.

### **17.81.030 - Tentative Map Filing, Initial Processing**

- A. General filing and processing requirements.** A Tentative Map application shall be submitted to the Department for processing, and shall be:
1. Reviewed for completeness and accuracy;
  2. Referred to affected agencies;
  3. Reviewed in compliance with the California Environmental Quality Act (CEQA) where applicable; and
  4. Evaluated in a staff report in compliance with Chapter 17.70 (Permit Application Filing and Processing).
- B. Referral to affected agencies.** The procedure provided by this Subsection is in addition to the procedures in Chapter 17.70 (Permit Application Filing and Processing).
1. **Required referrals.** The Director shall refer a Tentative Map application for review and comment to agencies that will be expected to provide service to the proposed subdivision, including, as appropriate, City departments, City agencies, other cities, special districts, and local agencies, public utilities, and state agencies.

2. **Time limits for referrals.** As required by Map Act Sections 66453 through 66455.7, referral shall occur within five days of the Tentative Map application being determined to be complete in compliance with Section 17.70.070 (Initial Application Review). An agency wishing to respond to a referral shall provide the Department with its recommendations within 15 days after receiving the Tentative Map application.

### **17.81.040 - Evaluation of Application**

After completion of the initial processing and the application being deemed complete in compliance with Section 17.70.070, the Director shall:

- A. Review and evaluate each Tentative Map as to its compliance and consistency with applicable provisions of this Development Code, the General Plan, any applicable specific plan, the California Environmental Quality Act (CEQA), and the Map Act in compliance with Map Act Section 66474.2;
- B. Determine the extent to which the proposed subdivision complies with the findings in Section 17.81.060 (Tentative Map Approval or Disapproval); and
- C. Prepare a staff report to the Review Authority describing the conclusions of the evaluations of the map, and recommending to the Review Authority the approval, conditional approval, or denial of the Tentative Map. The staff report shall be mailed to the subdivider (and each tenant of the subject property, in the case of a condominium conversion (Section 17.84.030) at least three days before any hearing or action on the Tentative Map by the Review Authority in compliance with Section 17.81.050 or 17.81.060.

### **17.81.050 - Planning Commission Review and Decision**

After completion of the evaluation and report required by Section 17.81.040, the Commission shall:

- A. Conduct a public hearing on the proposed Tentative Map in compliance with Chapter 17.92 (Public Hearings), and consider the recommendations of the Director, any agency comments on the map, and any public testimony;
- B. Review and evaluate each Tentative Map as to its compliance and consistency with applicable provisions of this Development Code, the General Plan, any Specific Plan, and the Map Act. The evaluation shall be based on the staff report, information provided by an initial study or environmental impact report (EIR), where applicable, and any public testimony received; and
- C. Within 30 days after the filing of the report and recommendation of the Director with the Commission, but no later than 50 days after the Tentative Map application was deemed complete in compliance with Section 17.70.070 (Initial Application Review) approve, conditionally approve, or disapprove the Tentative Map.

Tentative Map approval shall require that the Commission first make all findings required by Section 17.81.060 (Tentative Map Approval or Disapproval). The Commission may require conditions of approval in compliance with Section 17.81.070 (Conditions of Approval). A decision by the Commission to approve, conditionally approve, or deny a Tentative Map may be appealed to the Council, in compliance with Chapter 17.91 (Appeals).

### **17.81.060 - Tentative Map Approval or Disapproval**

In order to approve or recommend the approval of a Tentative Map and conditions of approval, or to disapprove a Tentative Map, the Review Authority shall first make the findings required by this Section. In determining whether to approve a Tentative Map, the City shall apply only those ordinances, policies, and standards in effect at the date the Department determined that the application was complete in compliance with Section 17.81.030 (Tentative Map Filing, Initial Processing), except where the City has initiated General Plan, specific plan or Development Code changes, and provided public notice as required by Map Act Section 66474.2.

- A. Required findings for approval.** The Review Authority may approve a Tentative Map only after first finding that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, and any applicable specific plan, and that none of the findings for denial in Subsection C. can be made. The findings shall apply to each proposed parcel as well as the entire subdivision, including any parcel identified as a designated remainder in compliance with Map Act Section 66424.6.
- B. Supplemental findings.** In addition to the findings required for approval of a Tentative Map by Subsection A. above, the Review Authority shall not approve a Tentative Map unless it can also make the following findings, when they are applicable to the specific subdivision proposal.

  - 1. Construction of improvements.** In the case of a Tentative Map for a subdivision that will require a subsequent Parcel Map, it is in the interest of the public health and safety, and it is necessary as a prerequisite to the orderly development of the surrounding area, to require the construction of road improvements within a specified time after recordation of the Parcel Map.
  - 2. Condominiums.** Any applicable findings required by Section 17.84.030 for condominium conversions.
  - 3. Waiver of Parcel Map.** The findings required by Section 17.82.030 (Waiver of Parcel Map), if waiver of a Parcel Map has been requested with the Tentative Map application.
- C. Findings requiring denial.** A Tentative Map, or a Parcel Map for which a Tentative Map was not required shall be denied if the Review Authority makes any of the following findings, as required by Map Act Sections 66474, and 66474.6.

  - 1.** The proposed map, and/or subdivision design or improvements are not consistent with the General Plan or any applicable specific plan;
  - 2.** The site is not physically suitable for the type or proposed density of development;
  - 3.** The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
  - 4.** The design of the subdivision or type of improvements is likely to cause serious public health or safety problems;
  - 5.** The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large for access through or use of, property within the proposed subdivision. This finding may not be made if the Review Authority finds that alternate easements for access or use will be provided, and that they will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record, or to easements established by judgement of a court of competent jurisdiction, and no authority is hereby granted to the Review Authority to determine that the public at large has acquired easements of access through or use of property within the proposed subdivision; or

6. The discharge of sewage from the proposed subdivision into the community sewer system would result in violation of existing requirements prescribed by the California Regional Water Quality Control Council.
7. The action will not appropriately balance the housing needs of the region against the public service needs of City residents and available fiscal and environmental resources.
8. The design of the subdivision does not provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

### **17.81.070 - Conditions of Approval**

Along with the approval of a Tentative Map, the Council may adopt any conditions of approval deemed necessary to carry out the purposes of this Development Code, provided that all conditions shall be consistent with the requirements of the Map Act.

### **17.81.080 - Effective Date of Tentative Map Approval**

The approval of a Tentative Map shall become effective for the purposes of filing a Parcel or Final Map, including compliance with conditions of approval, upon approval of the Review Authority.

### **17.81.090 - Changes to Approved Tentative Map or Conditions**

A subdivider may request changes to an approved Tentative Map or its conditions of approval before recordation of a Parcel or Final Map in compliance with this Section. Changes to a Parcel or Final Map after recordation are subject to Section 17.82.120 (Amendments to Recorded Maps).

- A. **Limitation on allowed changes.** Changes to a Tentative Map that may be requested by a subdivider in compliance with this Section include major adjustments to the location of proposed lot lines and improvements, and reductions in the number of approved lots (but no increase in the number of approved lots), and any changes to the conditions of approval, consistent with the findings required by Subsection D. of this Section. All other proposed changes shall require the filing and processing of a new Tentative Map.
- B. **Application for changes.** The subdivider shall file an application and filing fee with the Department, using the forms furnished by the Department, together with the following additional information:
  1. A statement identifying the Tentative Map number, the features of the map or particular conditions to be changed and the changes requested, the reasons why the changes are requested, and any facts that justify the changes; and
  2. Any additional information deemed appropriate by the Department.
- C. **Processing.** Proposed changes to a Tentative Map or conditions of approval shall be processed in the same manner as the original Tentative Map, except as otherwise provided by this Section.
- D. **Findings for approval.** The Review Authority shall not modify the approved Tentative Map or conditions of approval unless it first finds that the change is necessary because of one or more of the following circumstances, and that all of the applicable findings for approval required by Sections 17.81.060.A and B. can still be made:
  1. There was a material mistake of fact in the deliberations leading to the original approval;
  2. There has been a change of circumstances related to the original approval; or

3. A serious and unforeseen hardship has occurred, not due to any action of the applicant subsequent to the enactment of this Development Code.
- E. **Effect of changes on time limits.** Approved changes to a Tentative Map or conditions of approval shall not be considered as approval of a new Tentative Map, and shall not extend the time limits provided by Section 17.81.130 (Tentative Map Time Limits and Expiration).

### **17.81.100 - Completion of Subdivision Process**

- A. **Compliance with conditions, improvement plans.** After approval of a Tentative Map in compliance with this Chapter, the subdivider shall proceed to fulfill the conditions of approval within any time limits specified by the conditions and the expiration of the map and, where applicable, shall prepare, file and receive approval of improvement plans in compliance with Chapter 17.88 (Subdivision Standards), before constructing any required improvements.
- B. **Parcel or Final Map preparation, filing and recordation.**
  1. A Parcel Map for a subdivision of four or fewer parcels shall be prepared, filed, processed and recorded in compliance with Chapter 17.82 (Parcel Maps and Final Maps), to complete the subdivision, unless a Parcel Map has been waived in compliance with Section 17.82.030 (Waiver of Parcel Map).
  2. A Final Map for a subdivision of five or more parcels shall be prepared, filed, processed and recorded as set forth in Chapter 17.82 (Parcel Maps and Final Maps), to complete the subdivision.

### **17.81.120 - Vesting Tentative Maps**

The preparation, filing, processing, approval or disapproval, of a Vesting Tentative Map shall comply with Map Act Sections 66452 and 66498.1 et seq.

### **17.81.130 - Tentative Map Time Limits and Expiration**

An approved Tentative Map is valid for 36 months after its effective date (Section 17.81.080), except as otherwise provided by Map Act Sections 66452.6, 66452.11, 66452.13, or 66463.5. At the end of 36 months, the approval shall expire and become void unless:

- A. A Parcel or Final Map, and related security and improvement agreements, have been filed with the City Engineer in compliance with Chapter 17.82 (Parcel Maps and Final Maps); or
- B. An extension of time has been granted in compliance with Section 17.81.140.

Expiration of an approved Tentative Map or vesting Tentative Map shall terminate all proceedings. The application shall not be reactivated unless a new Tentative Map application is filed.

### **17.81.140 - Extensions of Time for Tentative Maps**

When a subdivider has not completed all Tentative Map or Vesting Tentative Map conditions of approval and filed a Parcel or Final Map with the City within the time limits established by Section 17.81.130, time extensions may be granted in compliance with this Section.

- A. **Filing of extension request.** An extension request shall be in writing and shall be filed with the Department on or before the date of expiration of the approval or previous extension, together with the required filing fee.



**B. Approval of extension.** The Review Authority may grant two 36 month extensions to the initial time limit, only after finding that:

1. There have been no changes to the provisions of the General Plan, any applicable Specific Plan or this Development Code applicable to the project since the approval of the Tentative Map;
2. There have been no changes in the character of the site or its surroundings that affect how the policies of the General Plan or other standards of this Development Code apply to the project; and
3. There have been no changes to the capacities of community resources, including but not limited to water supply, sewage treatment or disposal facilities, roads or schools so that there is no longer sufficient remaining capacity to serve the project.

A time extension of more than 6 years may be granted only in compliance with Subdivision Map Act Section 66452.6

## **CHAPTER 17.82 - PARCEL MAPS AND FINAL MAPS**

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### **Sections:**

- 17.82.010 - Purpose of Chapter
- 17.82.020 - Parcel Maps
- 17.82.030 - Waiver of Parcel Map
- 17.82.040 - Parcel Map Form and Content
- 17.82.050 - Filing and Processing of Parcel Maps
- 17.82.060 - Parcel Map Approval
- 17.82.070 - Final Maps
- 17.82.080 - Final Map Form and Content
- 17.82.090 - Filing and Processing of Final Maps
- 17.82.100 - Final Map Approval
- 17.82.110 - Supplemental Information Sheets
- 17.82.120 - Amendments to Recorded Maps

### **17.82.010 - Purpose of Chapter**

This Chapter establishes requirements for the preparation, filing, approval and recordation of Parcel and Final Maps, consistent with the requirements of the Map Act.

### **17.82.020 - Parcel Maps**

As required by Sections 17.80.080 (Type of Subdivision Approval Required), and 17.81.100 (Completion of Subdivision Process), a Parcel Map shall be filed and approved to complete the subdivision process for a subdivision of four or fewer parcels, except when the requirement for a Parcel Map is waived as set forth in Section 17.82.030. A Parcel Map shall be prepared, filed and processed as set forth in Section 17.82.050, et seq.

### **17.82.030 - Waiver of Parcel Map**

A subdivider may request the waiver of the requirement for a Parcel Map, and the waiver may be granted, in compliance with the Map Act Section 66428, provided that the Review Authority shall first find that the proposed subdivision complies with the requirements of this Development Code and the Map Act as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and all other applicable requirements of this Article and the Map Act.

### **17.82.040 - Parcel Map Form and Content**

A Parcel Map shall be prepared by or under the direction of a qualified, registered civil engineer or licensed land surveyor, registered or licensed by the State of California. Parcel Map submittal shall include the application forms, and all information and other materials prepared as required by the Engineering Department.

### **17.82.050 - Filing and Processing of Parcel Maps**

- A. Filing with the City Engineer.** The Parcel Map, together with all data, information and materials required by Section 17.82.040 shall be submitted to the City Engineer. The Parcel Map shall be considered submitted when it is complete and complies with all applicable provisions of this Development Code and the Map Act.

**B. Review of Parcel Map.** The City Engineer shall:

1. Determine whether all applicable provisions of this Development Code and the Map Act have been complied with, that the map is technically correct, and that it is in substantial compliance with the approved Tentative Map; and
2. Obtain verification from the Department that the Parcel Map conforms to the approved Tentative Map and that any conditions of approval for which that office is responsible have been completed.

If the Parcel Map does not conform as required above, the subdivider shall be notified, and given the opportunity to make necessary changes and resubmit the Parcel Map, together with all required data, if the Tentative Map has not expired.

### **17.82.060 - Parcel Map Approval**

After determining that the Parcel Map is in compliance and is technically correct in compliance with Section 17.82.030, the City Engineer shall execute the City Engineer's Certificate, the City Surveyor shall execute the City Surveyor's Certificate, and the Council shall approve, if necessary, the Parcel Map, and the City Engineer shall transmit the map to the County Recorder for filing in compliance with Map Act Section 66450.

### **17.82.070 - Final Maps**

As required by Section 17.80.080 (Type of Subdivision Approval Required), a Final Map shall be filed and approved to complete the subdivision process for a subdivision of five or more parcels. A Final Map shall be prepared, filed and processed in compliance with Section 17.82.080 et seq.

### **17.82.080 - Final Map Form and Content**

A Final Map shall be prepared by or under the direction of a qualified registered civil engineer or licensed land surveyor, registered or licensed by the State of California. Final Map submittal shall include all information and other materials prepared as required by the Engineering Department. A Final Map submittal shall also include a computer drawing file of the Final Map, prepared using computer software and standards specified by the City Engineer, in addition to two copies of the Final Map on double matte mylar.

### **17.82.090 - Filing and Processing of Final Maps**

- A. Filing with City Engineer.** The Final Map, together with all data, information and materials required by Section 17.82.080 shall be submitted to the City Engineer. The Final Map shall be considered submitted when it is complete and complies with all applicable provisions of this Development Code and the Map Act.
- B. Review of Final Map.** The City Engineer shall review the Final Map and all accompanying materials, and shall:
1. Determine whether all applicable provisions of this Development Code and the Map Act have been complied with, that the map is technically correct, and that it is in substantial compliance with the approved Tentative Map; and
  2. Obtain verification from the Department that the Final Map conforms to the approved Tentative Map and that any conditions of approval for which that office is responsible have been completed.

If the Final Map does not conform as required above, the subdivider shall be notified, and given the opportunity to make necessary changes and resubmit the Final Map, together with all required data, if the Tentative Map has not expired.

- C. **Multiple Final Maps.** Multiple Final Maps may be filed if the subdivider included a statement of intention with the Tentative Map that he or she would submit multiple phased Final Maps.

### **17.82.100 - Final Map Approval**

After determining that the Final Map is in compliance with Section 17.82.080, and is technically correct, the City Engineer and City Surveyor shall execute the City Engineer's and City Surveyor's certificates on the map in compliance with Map Act Section 66442, and approve the Final Map as follows.

- A. **Review and approval.** The Council shall approve or disapprove the Final Map as follows.
1. **Criteria for approval.** The City Engineer, City Surveyor, and Council shall approve the Final Map if it conforms to all the requirements of the Map Act, all provisions of this Development Code that were applicable at the time that the Tentative Map was approved, and is in substantial compliance with the approved Tentative Map.
  2. **Waiver of errors.** As required by Map Act Section 66473, the review authority may approve a Final Map that fails to meet any of the requirements of this Development Code or the Map Act applicable at the time of approval of the Tentative Map, when the review authority determines that the failure of the map is a technical or inadvertent error which, in the determination of the review authority does not materially affect the validity of the map.
  3. **Approval by inaction.** As required by the Map Act, if the City does not approve or disapprove the Final Map within the prescribed time or any authorized extension, and the map conforms to all applicable requirements, it shall be deemed approved, and the City Clerk shall certify their approval on the map.
- B. **Map with dedications.** If a dedication or offer of dedication is required on the Final Map, the Council shall review and approve the map in compliance with Subsection A., and shall accept, accept subject to improvement, or reject with or without prejudice any or all offers of dedication, at the same time as it takes action to approve the Final Map. If the City Council rejects the offer of dedication, the offer shall remain open and may be accepted by the City Council at a later date pursuant to Map Act Section 66477.2. Any termination of an offer of dedication shall be processed in compliance with Map Act Section 66477.2 and the street vacation procedure.
- C. **Map with incomplete improvements.** If improvements required by this Development Code, conditions of approval, or other law have not been completed at the time of approval of the Final Map, the Review Authority shall require the subdivider to enter into an agreement with the City as specified in Map Act Section 66462, and Section 17.88.070 (Improvement Agreements and Security), as a condition precedent to the approval of the Final Map.
- D. **Transmittal to Recorder.** After approval, and after the required signatures and seals have been affixed, the City Clerk shall transmit the Final Map to County Recorder for filing.

### **17.82.110 - Supplemental Information Sheets**

In addition to the information required to be included in Parcel Maps and Final Maps (Sections 17.82.040 and 17.82.080, respectively), additional information may be required to be submitted and recorded simultaneously with a Final Map as required by this Section.

- A. Preparation and form.** The additional information required by this Section shall be presented in the form of additional map sheets, unless the Director determines that the type of information required would be more clearly and understandably presented in the form of a report or other document. The additional map sheet or sheets shall be prepared in the same manner and in substantially the same form as required for Parcel Maps by Section 17.82.040 (Parcel Map Form and Content).
- B. Content of information sheets.** Supplemental information sheets shall contain the following statements and information:
- 1. Title.** A title sheet, including the number assigned to the accompanying Parcel or Final Map by the City Engineer, the words "Supplemental Information Sheet;"
  - 2. Explanatory statement.** A statement following the Title sheet that the supplemental information sheet is recorded along with the subject Parcel or Final Map, and that the additional information being recorded with the Parcel or Final Map is for informational purposes, describing conditions as of the date of filing, and is not intended to affect record title of interest;
  - 3. Location map.** A location map, at a scale not to exceed one inch equals 1,000 feet. The map shall indicate the location of the subdivision within the City;
  - 4. Soils or geologic hazards reports.** When a soils report or geological hazard report has been prepared, the existence of the report shall be noted on the information sheet, together with the date of the report and the name of the engineer making the report; and
  - 5. Information required by conditions of approval.** Any information required by the Review Authority to be included on the supplemental information sheets because of its importance to potential successors in interest to the property, including any other easements or dedications.

### **17.82.120 - Amendments to Recorded Maps**

A recorded Parcel or Final Map shall be modified to correct errors in the recorded map or to change characteristics of the approved subdivision only as set forth in this Section.

- A. Corrections.** In the event that errors in a Parcel or Final Map are discovered after recordation, or that other corrections are necessary, the corrections may be accomplished by either the filing of a certificate of correction or an amending map, in compliance with Article 7, Chapter 3 of the Map Act. For the purposes of this Section, "errors" include errors in course or distance (but not changes in courses or distances from which an error is not ascertainable from the Parcel or Final Map), omission of any course or distance, errors in legal descriptions, or any other map error or omission as approved by the City Engineer that does not affect any property right, including but not limited to lot numbers, acreage, street names, and identification of adjacent record maps. Other corrections may include indicating monuments set by engineers or surveyors other than the one that was responsible for setting monuments, or showing the proper character or location of any monument that was incorrectly shown, or that has been changed.
- B. Changes to approved subdivision.** In the event that a subdivider wishes to change the characteristics of an approved subdivision, including but not limited to the number or configuration of parcels, location of streets or easements, or the nature of required improvements, the construction of which has been deferred through the approval of an agreement in compliance with Section 17.88.070 (Improvement Agreements and Security), a new tentative and Parcel or Final Map shall be filed and approved as required by Section 17.80.080 (Type of Subdivision Approval Required).

## **CHAPTER 17.84 - ADDITIONAL SUBDIVISION PROCEDURES**

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### **Sections:**

- 17.84.010 - Purpose of Chapter
- 17.84.020 - Certificates of Compliance
- 17.84.030 - Condominiums and Condominium Conversion
- 17.84.040 - Lot Line Adjustment
- 17.84.050 - Parcel Merger
- 17.84.060 - Reversions to Acreage

### **17.84.010 - Purpose of Chapter**

This Chapter establishes requirements consistent with the Map Act for Certificates of Compliance, Condominiums and Condominium Conversions, Lot Line Adjustments, Parcel Mergers, and Reversion to Acreage.

### **17.84.020 - Certificates of Compliance**

The City shall process and approve or disapprove applications for Certificates of Compliance as provided by Map Act Sections 66499.34 and 66499.35, and as follows.

- A. Application.** An application for the approval of a Certificate of Compliance or Conditional Certificate of Compliance shall be filed with the City Engineer and include the information required by the Director, together with the processing fee specified by the City Fee Schedule.
- B. Review by City Engineer.** The City Engineer and City Surveyor shall review the completed application in the light of public records and applicable law. If the City Engineer is able to determine that the parcel is clearly in compliance with the provisions of this Article and the Map Act, a Certificate of Compliance shall be issued for the parcel and delivered the County Recorder for recordation. If the City Engineer is unable to determine that the parcel is clearly in compliance, the procedures identified in Map Act Section 66499.35 shall apply.

### **17.84.030 - Condominiums and Condominium Conversion**

Condominiums and condominium conversions shall comply with the following requirements, and the limitations and standards in Section 17.44.080 (Condominium Conversions).

- A. Condominiums.** When a residential structure is proposed at the time of construction as a condominium, community apartment project, or stock cooperative, a Tentative Map for the project shall be filed in the same form, have the same contents and accompanying data and reports and shall be processed, approved or denied in the same manner in compliance with Chapter 17.81 (Tentative Map Filing and Processing). Chapter 17.82 (Parcel Maps and Final Maps) determines whether a Parcel or Final Map shall also be filed.
- B. Condominium Conversions.** A condominium conversion is the conversion of real property to a common interest development as defined by Section 1351 of the California Civil Code. A condominium conversion shall comply with the following procedural requirements, in addition to the standards for condominium conversions in Section 17.44.080 (Condominium Conversions).
  - 1. Approvals required.** A conversion shall require the approval of a Tentative Map, and Parcel or Final Map, except where a Parcel Map, or Tentative and Final Map are waived in compliance with Map Act Sections 66428(b) or 66428.1, for the conversion of a mobile home

park. If a Parcel Map is waived, a Tentative Map shall still be required.

2. **Application filing and processing.** A Tentative Map for a condominium conversion shall be filed in the same form, have the same contents and accompanying data and reports and shall be processed, approved or disapproved in the same manner as set forth in Chapter 17.81 (Tentative Map Filing and Processing), except as otherwise provided by the following provisions of this Section.
3. **Application contents.** Condominium conversion applications shall include the same information and materials as Tentative Map applications, except for conversions of residential projects, which shall also include the following information and materials.
  - a. **Tentative Map.** The Tentative Map for a condominium, community apartment project, or the conversion of five or more existing dwelling units to a stock cooperative need not show the buildings or the manner in which the airspace above the property shown on the map are to be divided. However, the applicant shall provide an illustration of how subdivision will occur to enable verification of the accuracy of the legal descriptions on deeds for the transfer of ownership of the units.
  - b. **Verification of stock cooperative vote.** If the development being converted to a condominium is a stock cooperative, the application shall also include verification of the vote required by Map Act Section 66452.10.
  - c. **Relocation assistance program.** A program proposed by the applicant that will assist tenants displaced through the conversion in relocating to equivalent or better housing.
  - d. **Vacancy rate assessment.** An assessment of the vacancy rate in multi-family housing within the City.
4. **Staff report.** The staff report on the Tentative Map for the condominium conversion (Section 17.81.040) shall be provided to the subdivider and each tenant of the subject property at least three days before any hearing or action on the Tentative Map by the Commission or Council.
5. **Public notice.** The following notice shall be provided in addition to that required by Chapter 17.92 (Public Hearings):
  - a. **Tenant notice.** The subdivider shall give notice to all existing or prospective tenants as set forth in Map Act Sections 66452.8 and 66452.9, and shall provide the Department satisfactory proof that the notice was given; and
  - b. **Public hearing notice.** Notice of the public hearing(s) on the Tentative Map shall be provided to all tenants of the subject property, as required by Map Act Section 66451.3.
6. **Approval of conversion, required findings.**
  - a. **Time limit, stock cooperatives.** The approval or disapproval of the conversion of an existing building to a stock cooperative shall occur within 120 days of the application being found complete in compliance with Section 17.81.030 (Tentative Map Filing, Initial Processing). The 120-day time limit may be extended by mutual consent of the subdivider and the City.
  - b. **Conversion findings, residential projects.** Approval of a tentative or Final Map for a subdivision to be created from the conversion of residential real property into a condominium project, community apartment project or stock cooperative shall not be granted unless the findings in Map Act Section 66427.1 are first made.

7. **Completion of conversion.** The filing, approval and recordation of a Parcel Map or Final Map in compliance with Chapter 17.82 (Parcel Maps and Final Maps) shall be required to complete the subdivision process, except where a Parcel Map, or Tentative and Final Map are waived for the conversion of a mobile home park in compliance with Map Act Section 66428(b).

### **17.84.040 - Lot Line Adjustment**

A Lot Line Adjustment is permissible in compliance with Map Act Section 66412(d), and as follows.

- A. **Application requirements.** An application for a Lot Line Adjustment shall be filed with the Director and shall include the information required by the Director, together with the processing fee specified by the City Fee Schedule.
- B. **Lot line adjustment approval.** After consultation with the Department, the City Engineer shall approve a lot line adjustment provided that all criteria identified in Map Act Section 66412(d) are met to the Director's satisfaction. After City approval, the applicant shall be responsible for recording the approval document and paying the necessary fees charged by the County Recorder for recording Lot Line Adjustment approval documents in compliance with the Map Act.

### **17.84.050 - Parcel Merger**

- A. **Procedures for merger of parcels.** Two or more parcels may be merged as follows.
  1. Parcels may be merged in compliance with Map Act Chapter 3, Article 1.5. A parcel or unit may be merged with a contiguous parcel or unit held by the same owner if any one of the contiguous parcels or units held by the same owner does not conform to standards for minimum parcel size as identified by this Development Code applicable to the parcels or units of land, and if all of the requirements of Map Act Section 66451.11 are satisfied.
  2. Parcels may also be merged in compliance with Map Act Sections 66499.20-1/2, or 66499.20-3/4; provided that a merger in compliance with Map Act Section 66499.20-3/4 shall require the recordation of an instrument evidencing the merger in the same manner as required by Map Act Section 66499.20-1/2.
- B. **Requirements for unmerger of parcels.** The unmerger of parcels within the City shall comply with Map Act Chapter 3, Article 1.7.

### **17.84.060 - Reversion to Acreage**

- A. A Reversion to Acreage shall be initiated, processed, reviewed, and approved or denied in compliance with Map Act Chapter 6, Article 1.
- B. An application for reversion submitted by a property owner shall include all information required by the Department, and shall include the fee required by the City Fee Schedule.
- C. A Parcel Map may be filed to revert to acreage land previously subdivided that consists of four or less contiguous parcels, in compliance with Map Act Section 66499.20-1/4.





## CHAPTER 17.86 - DEDICATIONS AND EXACTIONS

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### Sections:

- 17.86.010 - Purpose of Chapter
- 17.86.020 - Applicability
- 17.86.030 - Parkland Dedications and Fees

### 17.86.010 - Purpose of Chapter

This Chapter establishes standards for subdivider dedications of land or payment of fees, in conjunction with subdivision approval.

### 17.86.020 - Applicability

Each proposed subdivision shall comply with the requirements of this Chapter for dedications, reservations, or the payment of fees.

### 17.86.030 - Park Land Dedications and Fees

- A. **Purpose.** This Section provides for the dedication of land and/or the payment of fees to the City for park and recreational purposes as a condition of the approval of a Tentative Map. This Section is enacted as authorized by the provisions of Chapter 4, Article 3 of the Map Act, also known as the "Quimby Act."
- B. **Applicability.**
  - 1. **Land dedication and/or fee payment required.** As a condition of Tentative Map approval, the subdivider shall dedicate land and/or pay a fee, at the option of the Council, in compliance with this Section for the purpose of developing new or rehabilitating existing park or recreation facilities to serve the subdivision.
  - 2. **Exemptions.** The provisions of this Section do not apply to industrial or commercial subdivisions, condominium projects or stock cooperatives which consist of the subdivision of airspace in an existing apartment building which is more than five years old when no new dwelling units are added, or to any other subdivision exempted by Map Act Section 66477.

## **Dedications and Exactions**

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### **C. Amount of parkland required.**

1. **General standard.** It is found and determined that the public interest, convenience, health, welfare, and safety require that five acres of property for each 1,000 persons residing within this City be devoted to neighborhood and community park and recreational purposes.
2. **Dedication requirement for residential subdivisions.** The amount of contiguous acreage required to be dedicated by a residential subdivider for park and recreational purposes shall be based upon the number of dwelling units expected in the subdivision. The required dedication shall be computed using the following formula:

$$X = .005(U)(P)$$

**Where:**

X = Amount of parkland required, in acres.

U = Total number of approved dwelling units in the subdivision.

P = 3.104 for detached single dwellings;

2.438 for attached single dwellings;

1.664 for duplexes, and multi-family dwellings containing four or fewer dwelling units;

2.107 for multi-family dwellings containing five or more units; and

1.738 for mobile homes.

**Example:**

.005 x 50 units x 3.104 = 0.78 acres of parkland required.

### **D. Formula for fees in lieu of land.**

1. If the entire parkland obligation for a proposed residential subdivision is not satisfied by dedication in compliance with Subsection C. above, the subdivider shall pay a fee to the City in lieu of dedication, as a condition of Tentative Map approval. The fee shall equal the acreage of parkland obligation derived from the formula in Subsection C., less the amount of parkland, if any, offered for dedication by the subdivider, times the average per-acre fair market value for the appropriate park planning area, plus 20 percent toward the cost of off-site improvements (e.g., utility line extensions).
2. For purposes of determining the required fee, the term "fair market value" shall mean the market value of the land as determined by the staff of the City, and approved by the Council, immediately prior the receipt of the Final Map by the Council. The subdivider shall notify the City of the expected submittal date of the Final Map at least six weeks prior to the submittal of the Final Map to the Department, to permit the City to select a certified land appraiser and prepare an appraisal. The subdivider shall pay the City's costs for an independent appraiser. If more than one year elapses from the date that the Final Map is approved by the Council and the date the subdivider obtains their first building permit, the City will prepare a new appraisal and will bill the subdivider for the cost of reappraisal. Any in-lieu fees remaining unpaid after the one year period shall be based on the new appraisal.
3. If the subdivider or City staff object to the valuation, they may appeal the determination in compliance with Chapter 17.91 (Appeals); provided that the burden of proof on all issues shall lie with the subdivider.

- E. Fees only.** Only the payment of fees shall be required in subdivisions of 50 parcels or less, except that when a condominium project, stock cooperative, or community apartment project exceeds 50 dwelling units, dedication of land may be required even though the number of actual parcels may be less than 50.

Nothing in this Section prohibits the dedication of land for park and recreation purposes in a

subdivision of less than 50 parcels where the subdivider proposes the dedication voluntarily and the land is acceptable to the City.

**F. Criteria for requiring dedication and fees.** In subdivisions of over 50 parcels, the City may require the subdivider to dedicate both land and pay a fee, as follows:

- 1. Determination of land or fee.** Whether the City accepts land dedication or elects to require payment of a fee in lieu thereof, or a combination of both, shall be determined by consideration of the following:
  - a. The General Plan and/or Park and Recreation Master Plan, and the compatibility of dedication with the General Plan and/or Park and Recreation Master Plan;
  - b. Topography, geology, access, size, shape and the location of land in the subdivision available for dedication;
  - c. Feasibility of dedication; and
  - d. Proximity to and availability of previously acquired park property.

- 3. Procedure for determining land or fee.** The Review Authority shall determine whether the subdivider shall dedicate land, pay in-lieu fees, or provide a combination of both, at the time of Tentative Map approval. The determination of the Review Authority shall be based on a report and recommendation from the Director. The recommendation by the Director and the action of the Review Authority shall consider the factors in Subsection F.1 above, and shall include the following:
  - a. The amount of land required;
  - b. Whether a fee shall be charged in lieu of land;
  - c. Whether land and a fee shall be required;
  - d. The location and suitability (i.e., accessible and usable for park purposes and acceptable to the City) of the park land to be dedicated or use of in-lieu fees; and
  - e. The approximate time when development of the park or recreation facility shall commence.

The determination of the City as to whether land shall be dedicated, or whether a fee shall be charged, or a combination thereof, shall be final and conclusive.

- 4. Land and fees.** A requirement for both land dedication and fee payment shall comply with the following standards.
  - a. When only a portion of the land to be subdivided is proposed in the General Plan or applicable specific plan as the site for a local park, that portion shall be dedicated for local park purposes, and a fee computed as provided by Subsection D. shall be paid for any additional land that would have been required to be dedicated by Subsection C.
  - b. When a major part of the local park or recreational site has been acquired by the City and only a small portion of land is needed from the subdivision to complete the site, the remaining portion shall be dedicated, and a fee computed as provided by Subsection D. shall be paid in an amount equal to the value of the land that would otherwise have been required to be dedicated by Subsection C. The fees shall be used for the improvement of the existing park or recreational facility serving the subdivision.

5. **Credit for improvements.** If the subdivider provides park and recreational improvements on dedicated land, the value of the improvements together with any installed equipment shall be a credit against the required fees or land.

**G. Suitability of land to be dedicated.** Each park site proposed for dedication in compliance with this Section shall be physically suited for the intended use.

1. Land which is made part of a park site for subdivision design purposes, but which is physically unsuited for park use, shall not be considered when calculating the area of the park site provided in compliance with this Section. The park space provided shall be calculated from the road rights-of-way and interior property lines abutting the site, and not from any abutting roadway centerline.
2. Land intended for other than trail use shall have a maximum slope of five percent. If necessary, the site shall be graded by the subdivider to achieve this slope, in compliance with plans approved by the City. Land with an average slope of more than three percent may be counted as part of the park dedication requirement where the Review Authority determines that special circumstances exist that would make the acceptance of the land in the public interest. The amount of credit against the park obligation in these cases shall be calculated as shown in Table 6-2. Greater credit for sites in excess of three percent slope may be granted in the sole discretion of the Review Authority, where the Review Authority determines that a site contains an exceptional visual, biotic, or other natural resource.

**TABLE 6-2 - LIMIT ON CREDIT FOR DEDICATION OF SLOPING PROPERTY**

Park Site Slope	Credit Against Park Obligation
0 to 5%	100%
More than 5%, up to 7.5%	80%
More than 7.5%, up to 10%	60%
More than 10%, up to 15%	20%
Over 15%	0%

3. If the Council determines that any of the land proposed to be dedicated is not suitable for park use, it may reject all or any portion of the land offered, and in that event the subdivider shall instead pay a fee in compliance with Subsection D., above.

**H. Conveyance of land, payment of fees.** Real property being dedicated for park purposes shall be conveyed by the Parcel or Final Map in fee simple absolute, to the City by the subdivider, free and clear of all encumbrances except those which, in the opinion of City Attorney, will not interfere with use of the property for park and recreational purposes, and which the Council agrees to accept. The amount of required fees shall be deposited with the City at the time of submittal of a Parcel or Final Map. The fees shall be held by the City until the map is recorded, or the time for recordation expires. The subdivider shall provide all fees and instruments required to convey the land, and title insurance approved by City Attorney in favor of the City in an amount equal to the value of the land.

## CHAPTER 17.88 - SUBDIVISION STANDARDS

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### Sections:

- 17.88.010 - Purpose of Chapter
- 17.88.020 - Applicability of Design and Improvement Standards
- 17.88.030 - Subdivision Layout Standards
- 17.88.040 - Traditional Neighborhood Subdivision Requirements
- 17.88.050 - Subdivision Improvement Requirements
- 17.88.060 - Installation of Improvements
- 17.88.070 - Improvement Agreements and Security

### 17.88.010 - Purpose of Chapter

This Chapter establishes standards for the design and layout of subdivisions, and the design, construction or installation of public improvements within subdivisions. The purpose of these standards is to ensure, through careful site evaluation and design, the creation of new usable parcels that are consistent with the General Plan and any applicable Specific Plan.

### 17.88.020 - Applicability of Design and Improvement Standards

The requirements of this Chapter apply as follows:

- A. **Extent of required improvements.** Each subdivision of four or fewer parcels, and each subdivision of five or more parcels, shall provide the improvements required by this Chapter, the City's Improvement Standards, Standard Drawings and Construction Specifications, and any additional improvements required by conditions of approval.
- B. **Applicable design standards, timing of installation.** The subdivider shall construct all on- and off-site improvements according to standards approved by the City Engineer. No Final or Parcel Map shall be presented to the Council for approval until the subdivider either completes the required improvements, or enters into a subdivision improvement agreement with the City for the work.
- C. **Subdivision improvement standards - Conditions of approval.** The applicable subdivision improvement and dedication requirements of this Chapter and any other improvements and dedications required by the Review Authority in compliance with Section 17.81.060 (Tentative Map Approval or Disapproval), shall be described in conditions of approval adopted for each approved Tentative Map (Section 17.81.070). The design, construction or installation of all subdivision improvements shall comply with the requirements of the City Engineer.
- D. **Oversizing of improvements.**
  - 1. At the discretion of the Review Authority, improvements required to be installed by the subdivider for the benefit of the subdivision may also be required to provide supplemental size, capacity, number, or length for the benefit of property not within the subdivision, and may be required to be dedicated to the City, in compliance with Article 6, Chapter 4 of the Map Act.
  - 2. In the event that oversizing is required, the City shall comply with all applicable provisions of Map Act Sections 66485 et seq., including the reimbursement provisions of Map Act Section 66486.

3. If a parcel proposed for subdivision is subject to an existing reimbursement agreement, the subdivider shall pay the required reimbursement prior to the recordation of the Final Map, or the issuance of a building permit for construction on the parcel, whichever occurs first.
- E. **Exceptions.** Exceptions to the requirements of this Chapter may be requested and considered in compliance with Section 17.80.100 (Exceptions to Subdivision Standards).

### 17.88.030 - Subdivision Layout Standards

- A. **Purpose.** This Section establishes standards for the design and layout of subdivisions, and the design, construction or installation of public improvements within subdivisions. The purpose of these standards is to ensure, through careful site evaluation and design, the creation of new usable parcels that are consistent with the General Plan and any applicable specific plan.
- B. **Applicability.** Each subdivision shall be designed in compliance with the standards of this Section, except where an exception is granted in compliance with Section 17.80.100 (Exceptions to Subdivision Standards).
- C. **Density of residential development.** The maximum number of dwelling units within a proposed subdivision shall not exceed the density established by the General Plan for the site and the maximum number of dwelling units permitted by the applicable zone.
- D. **Roads and streets.** The layout, design, and construction of proposed roads and streets shall comply with the General Plan, the City's standard specifications and drawings, and the following requirements.
  1. **Interconnected streets.** Streets proposed within a new subdivision shall be interconnected and shall connect with adjacent streets external to the subdivision, to provide multiple routes for pedestrian and vehicle trips from, to, and within the subdivision, as determined by the Review Authority to be appropriate.
  2. **Street extensions and stub streets.**
    - a. **Street extensions.** Where a proposed subdivision adjoins unsubdivided land, streets in the subdivision shall be extended to the adjacent unsubdivided land, as prescribed by the Review Authority, where determined to be appropriate to provide access to the unsubdivided land in the event of its future subdivision.
    - b. **Stub street improvements.** In the case of stub-end streets extending to the boundary of the property, a barricade, of a design approved by the City Engineer, shall be constructed at the end of the stub-end street, pending the extension of the street into adjacent property. Where required by the Review Authority, a temporary connection to another street, or a temporary turnaround, shall be provided by the subdivider.
  3. **Traffic calming.** A subdivision that is subject to the requirements of this Section shall incorporate traffic calming measures in compliance with the City's Improvement Standards as determined by the review authority to be appropriate.
  4. **Pedestrian walkways away from street frontages.** As part of subdivision approval, the City may require dedicated and improved pedestrian walkways in locations away from street frontages where necessary to provide safe and convenient pedestrian access to a public facility or to otherwise provide convenient connections between existing pedestrian routes. Where walkways are required, the City Engineer shall specify standards for their design and construction.

5. **Street dedications.** A street that is not constructed to City standards will not be accepted by the City for dedication as a public street. However, even a street that complies with all applicable City standards may not be accepted for dedication. Acceptance of street dedication is at the discretion of the Council.
  6. **Bicycle paths.** The subdivider shall construct bicycle paths within an approved subdivision as determined by the Review Authority. In the event that the Review Authority determines that bicycle path construction within a subdivision would be infeasible or constitute unsound engineering, the Review Authority may grant the subdivider the option to pay into a bicycle path fund the amount per foot, as determined by the Review Authority.
  7. **Bridges and major thoroughfares.** The City may assess and collect fees as a condition of issuing a building permit for the purpose of defraying the actual or estimated costs of constructing bridges or major thoroughfares in compliance with Map Act Section 66484, after the City has established a master plan for bridge crossings and major thoroughfares by ordinance.
- E. **Public access to public resources.** Each proposed subdivision shall be designed and constructed to provide public access to waterways, lakes, and reservoirs in compliance with Map Act Chapter 4, Article 3.5 (Public Access to Public Resources).
- F. **Parcel design.** The size, shape and arrangement of proposed parcels shall comply with this Section, and with any General Plan policy, specific plan requirement, or other Municipal Code provision that applies to proposed subdivisions.
1. **General parcel design standards.**
    - a. Each proposed parcel shall be determined by the Review Authority to be "buildable" because it contains at least one building site that can accommodate a structure in compliance with all applicable provisions of this Development Code.
    - b. No subdivision shall be designed to leave unsubdivided islands, strips or parcels, or property unsuitable for subdividing, which is not either accepted by the City or other appropriate entity for public use, or maintained as common area within the development.
  2. **Parcel area.** Each proposed parcel shall comply with the minimum area requirements of the applicable zone established by Article 2 (Zones, Allowable Land Uses, and Zone Standards), except as otherwise provided by this Section.
    - a. **Calculation of area.** When calculating the area of a parcel to determine compliance with this Section, Article 2, or the General Plan, the following shall be deducted from the gross area of any parcel, regardless of whether they may be used by the general public or are reserved for residents of the subdivision:
      - (1) A vehicular or non-vehicular access easement through the parcel;
      - (2) An easement for an open drainage course, whether a ditch, natural channel or floodway;
      - (3) Other easement restricting the use of the property;
      - (4) The "flag pole" (access strip) of a flag lot; or
      - (5) Other non-usable areas as determined by the City Engineer or Director.



- b. **Minimum lot area requirements for common interest projects.** The minimum lot area requirements of Article 2 shall not apply to condominiums, condominium conversions, and townhouses, but shall apply to the creation of the original parcel or parcels that are the location of the condominium or townhouse.
- 3. **Dimensions.** The dimensions of each new parcel shall comply with the requirements of the applicable zone established by Article 2 (Zones, Allowable Land Uses, and Zone Standards), or as otherwise required by the Review Authority.
- 4. **Lot line orientation.** Side lot lines shall be at right angles to the street on straight streets and shall be approximately radial on curved streets.
- 5. **Parcel configuration.** The layout of proposed parcels and streets shall be designed to use land efficiently and minimize site disturbance in terms of cuts and fills and the removal of vegetation. See also the lot design provisions regarding energy conservation in Subsection G.

- a. **Street frontage required.** Each proposed parcel shall have frontage on a public or private street. The frontage width shall be at least the minimum lot width required by the applicable zone, except where a flag lot is approved in compliance with Subsection F.5.d (Flag lots).
- b. **Double-frontage lots.** No parcel shall have streets abutting both the front and rear lot lines, except when necessary because of topographical or other physical conditions or where access from one of the roads is prohibited. (An alley is not considered a street for the purposes of this Section.)

Vehicular access onto a double frontage lot shall generally be from the street with the lowest existing and projected traffic volumes, but with each proposed building designed so that its primary facade faces the higher volume street. The Review Authority may authorize alternative access locations where appropriate because of localized traffic conditions, and/or nearby residential areas that would be adversely affected by increased traffic.

- c. **Cul-de-sac lots.** The minimum street frontage width for each lot on a cul-de-sac street shall be 25 feet. The minimum depth of a parcel on a cul-de-sac shall be an average of 90 feet.
- d. **Flag lots.** Flag lots shall generally not be permitted. A flag lot may be approved only where the Review Authority determines that unusual depth or other characteristic of a parcel to be subdivided prevents one or more proposed parcels from having a frontage width equal to the required minimum lot width. Where allowed, the "flag pole" portion of a flag lot shall have a minimum width of 20 feet; provided that the Review Authority may require additional width depending upon the length of the flag pole and traffic safety sight distance considerations. No more than two parcels shall be provided access from a single flag pole.

- G. **Energy conservation.** Each proposed subdivision shall be designed to provide maximum opportunities for energy conservation, including opportunities for passive or natural heating or cooling opportunities, in compliance with Map Act Section 66473.1, as follows.

- 1. **Street layout.** The streets proposed in a subdivision shall be planned in a primarily east-west orientation where feasible.

2. **Lot and building site design.** Proposed lots shall be designed, where feasible, to provide building sites that permit the orientation of structures in east-west alignment for southern exposure, and to take advantage of existing shade or prevailing breezes.
- H. **Walled or gated communities.** No residential development within the City shall be entirely enclosed by a wall or fence, and no residential area shall be provided with gates or other limitations on general public pedestrian or vehicle access to the streets or sidewalks within the development.

### 17.88.040 - Traditional Neighborhood Subdivision Requirements

Each new residential subdivision of 20 or more parcels shall comply with the requirements of this Section in addition to the other requirements of this Chapter, and address how new residential subdivisions shall relate to their surroundings.

- A. **Develop "neighborhoods."** Each new residential subdivision shall be designed to integrate with adjacent development to ensure edges between existing and new development that provide for compatible densities, intensities, and design, as determined by the review authority. Subdivisions in City expansion areas shall be designed so that individual, separately developed projects work together to create distinct neighborhoods, instead of disjointed or isolated enclaves.
- B. **Integrate open space.** New subdivisions adjacent to planned or existing parks or other public open spaces (e.g., creeks, riparian areas), or the landscaped grounds of schools or other public facilities shall maximize visibility and pedestrian access to these areas. Where these facilities are not already planned, the subdivision shall be designed to provide usable public open spaces in the form of parks, linear bicycle and pedestrian trails, squares, and greens, as appropriate.
- C. **Edges.** "Gated communities," and other residential developments designed to appear or that function as walled-off areas, disconnected and isolated from the rest of the community, are prohibited. The security and noise attenuation objectives that may lead to consideration of walls and fences should instead be met by creative design that controls the height and length of walls, develops breaks and variations in relief, and uses landscaping, along with natural topographical changes, for screening.
- D. **Scale.** New residential subdivisions, and groups of subdivisions that, in effect, collectively create a new neighborhood, shall be designed to provide a "walkable" scale, that places all homes within 1/4 mile of neighborhood shopping opportunities, a neighborhood park, or a public facility that can serve as a "center" for the neighborhood. Where feasible, each neighborhood shall have a center that includes all three facilities.
- E. **Site planning.** Residential subdivision and multi-family project site planning shall emphasize the needs of pedestrians and cyclists.
  1. **Street layout.** New public streets and sidewalks shall be aligned with, and be connected to those of adjacent developments to interconnect the community.
    - a. **Pedestrian orientation.** Subdivision design shall emphasize pedestrian connectivity within each project, to adjacent neighborhoods, nearby schools and parks, and to transit stops within 1/4-mile of planned residential areas. All streets and walkways shall be designed to provide safe and pleasant conditions for pedestrians, including the disabled, and cyclists, as determined by the review authority.
    - b. **Block length.** The length of block faces between intersecting streets shall be as short as possible, no more than 400 feet where feasible, to provide pedestrian connectivity.

- c. **Access to open areas.** Single-loaded streets (those with residential development on one side and open space on the other) shall be used to provide public access to, and visibility of natural open spaces, public parks, and neighborhood schools, as well as a means for buffering homes from parks and schools.

Where single-loaded streets are not feasible or desirable, other methods that provide similar access and visibility may be used, including private streets, bike and pedestrian paths, or the placement of private common open space or recreation facilities adjacent to the public open space.

- d. **Cul-de-sac streets.** The use of cul-de-sac streets shall be avoided wherever possible. If cul-de-sacs are necessary, the end of each cul-de-sac shall provide a pedestrian walkway and bikeway between private parcels to link with an adjacent cul-de-sac, street, and/or park, school, or open space area.
- e. **Alleys.** Alleys may be provided for garage access, otherwise individual lots shall be wide enough to accommodate a side yard driveway to a detached garage at the rear of the lot, so that appearance of the street frontage is not dominated by garages and pavement.
- f. **Traffic calming.** A subdivision that is subject to the requirements of this Section shall incorporate traffic calming measures in compliance with the City's Improvement Standards as determined by the review authority to be appropriate.

### **2. Open space and natural features.**

- a. Natural amenities (including views, mature trees, creeks, riparian corridors, rock outcrops, and similar features) shall be preserved and incorporated into proposed development to the greatest extent feasible.
- b. Development adjacent to parks or other public open spaces shall be designed to provide maximum visibility of these areas.
- c. Development on hillsides shall generally follow the natural terrain contour. Stepped building pads, larger lot sizes, and setbacks shall be used to preserve the general shape of natural land forms and to minimize grade differentials with adjacent streets and with adjoining properties.
- d. Public access and visibility to creeks, and the separation of residences and other uses from creeks shall be provided through the use of single-loaded frontage roads in combination with multi-use trails. Pedestrian access to and along creeks and riparian corridors may need to be restricted to flatter areas (e.g. beyond top of bank, natural benches) where grading needs and erosion potential are minimal, and where sensitive environmental resources require protection.

## **17.88.050 - Subdivision Improvement Requirements**

- A. **Private facilities - Maintenance.** A subdivision with common area or private streets shall have conditions, covenants, and restrictions (CC&Rs) or an improvement assessment district approved by the City to provide for the maintenance of the common areas and/or private streets, and establish standards for maintenance.

**B. Public utilities and utility easements.** Each approved parcel shall be provided connections to public utilities, including electricity, gas, water, sewer, and telecommunications services, which shall be installed as part of the subdivision improvements as provided by this Section.

**1. Underground utilities required.** Utilities in new subdivisions shall be installed underground, as follows. These requirements do not apply to utility lines which do not serve the area being subdivided. Telecommunications facilities are also subject to the requirements of Chapter 17.46 (Telecommunications Facilities).

**a. When undergrounding is required.** All existing and proposed utility distribution facilities (including electric, telecommunications and cable television lines) installed in and for the purpose of supplying service to any subdivision shall be installed underground. Equipment appurtenant to underground facilities, including transformers, pedestal mounted terminal boxes and meter cabinets, and ducts, shall also be located underground or entirely within a building, not located with a right-of-way or required setback.

The subdivider is responsible for complying with the requirements of this Section and shall make the necessary arrangements with the affected utility companies for facility installation.

**b. Location of installation.** Underground utility lines may be installed within a public or private street right-of-way or along a lot line, subject to appropriate easements being provided if necessary. When installed within a public street right-of-way, their location and method of installation, insofar as it affects other improvements within the street right-of-way, shall be subject to the approval of the City Engineer.

**2. Utility easements - Minimum width.** The minimum width of easements for public or private utilities, sanitary sewers, or water distribution systems shall be determined by the City Engineer for City facilities, and the recommendations of the applicable utility company, for public or private utilities.

**C. Sewage disposal.** Each parcel within an approved subdivision shall be provided with a connection to the City's sewage collection, treatment, and disposal system, in compliance with the City's improvement standards and specifications. The subdivider shall also pay any required connection fee.

**D. Street signs and street names.**

**1. Street names.** All public and private streets within a proposed subdivision shall be named by the Council. The duplication of an existing street name within the same area shall not be allowed in a new subdivision unless the street is an obvious extension of an existing street.

**2. Street signs.** The subdivider shall provide a minimum of two street name signs in compliance with the City's improvement standards and specifications at each street intersection; with the signs located on the diagonally opposite sides of the intersection. The subdivider shall provide one street name sign at each "T" intersection.

### **17.88.060 - Installation of Improvements**

Subdivision improvements required as conditions of approval of a Tentative Map in compliance with this Chapter (see Section 17.88.050) shall be installed as provided by this Section.

**A. Timing of improvements.** Required improvements shall be constructed or otherwise installed only after the approval of improvement plans in compliance with Section 17.88.070, and before the

approval of a Parcel or Final Map in compliance with Sections 17.82.060 (Parcel Map Approval) or 17.82.100 (Final Map Approval), except where:

1. Improvements are deferred in compliance with Section 17.88.070 (Improvement Agreements and Security); or
2. Improvements are required as conditions on the approval of a subdivision of four or fewer lots, in which case construction of the improvements shall be required:
  - a. When a Building Permit is issued for development of an affected parcel, or
  - b. At the time the construction of the improvements is required in compliance with an agreement between the subdivider and the City, as set forth in Section 17.88.070 (Improvement Agreements and Security), or
  - c. At the time set forth in a condition of approval, when the Review Authority finds that fulfillment of the construction requirements by that time is necessary for public health and safety, or because the required construction is a necessary prerequisite to the orderly development of the surrounding area; or
3. To avoid breaking up street paving, underground utility or service lines required to be installed as part of a subdivision and which are planned to run across or underneath a street or alley right-of-way shall be installed prior to the preparation of subgrade and prior to the surfacing of any streets or alleys. In the event that the development of the subdivision requires the utility company to perform utility construction work, the developer shall pay a deposit satisfactory to the utility company within sufficient time to permit construction work to be performed prior to subgrade preparation. In no event shall subgrade preparation commence before installation of all necessary utilities and laterals.

**B. Inspection of Improvements.** The construction and installation of required subdivision improvements shall occur as follows.

1. **Supervision.** Before starting any work, the contractor engaged by the subdivider shall designate in writing an authorized representative who shall have the authority to represent and act for the contractor in contacts with the City. The designated representative shall be present at the work site at all times while work is in progress. At times when work is suspended, arrangements acceptable to the City Engineer shall be made for any emergency work that may be required.
2. **Inspection procedures.**
  - a. **Inspections required.** The City Engineer shall make any inspections as he/she deems necessary to ensure that all construction complies with the approved improvement plans. Where required by the City Engineer, the developer shall enter into an agreement with the City to pay the full cost of any contract inspection services determined to be necessary by the City Engineer.
  - b. **Access to site and materials.** The City Engineer shall have access to the work site at all times during construction, and shall be furnished with every reasonable facility for verifying that the materials and workmanship are in accordance with the approved improvement plans.
  - c. **Authority for approval.** The work done and all materials furnished shall be subject to the inspection and approval of the City Engineer. The inspection of the work or materials shall not relieve the contractor of any obligations to fulfill the work as prescribed.

- d. **Improper work or materials.** Work or materials not meeting the requirements of the approved plans and specifications may be rejected, regardless of whether the work or materials were previously inspected by the City Engineer. In the event that the City Engineer determines that subdivision improvements are not being constructed as required by the approved plans and specifications, he or she shall order the work stopped and shall inform the contractor of the reasons for stopping work and the corrective measures necessary to resume work. Any work done after issuance of a stop work order shall be a violation of this Chapter.
3. **Notification.** The subdivider shall notify the City Engineer upon the completion of each stage of construction as outlined in this Chapter, and shall not proceed with further construction until authorized by the City Engineer.
4. **Additional inspection requirements.** Conditions of approval and standard general notes from the standard drawings outline additional inspection requirements.

### **17.88.070 - Improvement Agreements and Security**

A subdivider may file, and the City may approve, a Parcel or Final Map before completion of all the public, common area, and other improvements required by this Development Code and conditions of approval of the Tentative Map, only when the subdivider first obtains Council approval of a subdivision improvement agreement executed and submitted for Council review by the subdivider, and provides the City performance security as required by this Section. Improvement agreements and required security shall also comply with Chapter 5 of the Map Act.

- A. **Contents of improvement agreement.** A subdivision improvement agreement shall be submitted on the form provided by the City and approved by City Attorney and shall include the following provisions:
  1. **Description of improvements.** A description of all improvements to be completed by the subdivider, with reference to the approved subdivision improvement plans;
  2. **Time limit for construction.** The period within which all required improvements will be completed to the satisfaction of the City Engineer;
  3. **Completion by City.** Provide that if the subdivider fails to complete all required improvements within the specified time, the City may elect to complete the improvements and recover the full cost and expenses thereof from the subdivider or the surety, including any attorney and legal fees associated with enforcement of the agreement;
  4. **Surety requirement.** Require the subdivider to secure the agreement by furnishing security to insure full and faithful performance and to insure payment to laborers and material suppliers, as specified in Subsection B. The amount of surety shall be based on an engineer's cost estimate submitted by the subdivider and approved by the City Engineer, which covers all public improvements, private improvements for the general use of the lot owners in the subdivision, local neighborhood traffic, and drainage. The total cost of improvements to be guaranteed shall be as provided in the approved engineer's cost estimate; and
  5. **Phased construction.** Provisions for the construction of improvements in units, at the option of the subdivider.

**B. Security required to guarantee improvements.** A subdivision improvement agreement or a subdivision road maintenance and repair agreement shall be secured by adequate surety in a form approved by City Attorney, as follows:

- 1. Type of security.** Improvement security shall be in the amount set forth or authorized in Map Act Section 66499.3.
  - a. If the security is other than a bond or bonds furnished by a duly authorized corporate surety, an additional amount shall be included as determined by the Council as necessary to cover the cost and reasonable attorney's fees, which may be incurred by the City in successfully enforcing the obligation secured.
  - b. The security shall also secure the faithful performance of any changes or alterations in the work, to the extent that such changes or alterations do not exceed 10 percent of the original estimated cost of the improvement.
- 2. Form of security.** The required surety shall consist of one or more of the following forms selected by the City Engineer for the full amounts specified in Subsection B.1 above.
  - a. A deposit, either with the local agency or a responsible escrow agent or trust company, at the option of the local agency, of money or negotiable bonds of the kind approved for securing deposits of public monies;
  - b. A bond or bonds executed by one or more duly authorized corporate sureties;
  - c. An instrument of credit from an agency of the state, federal, or local government when any said agency provides at least 20 percent of the financing for the portion of the act or agreement requiring security, or from one or more financial institutions subject to regulation by the State or Federal government pledging that funds necessary to carry out the act or agreement are on deposit and guaranteed for payment; or a letter of credit issued by such a financial institution;
  - d. A lien upon the property to be divided, created by contract between the owner and the City, where the Review Authority finds that it would not be in the public interest to require the installation of the required improvement sooner than two years after the recordation of the Map; or
  - e. Any form of security, including security interests in real property, which is acceptable to the local agency.

**C. Time extensions.** An extension of time for completion of improvements under a subdivision improvement agreement shall be granted by the Council only as follows:

- 1. Engineering report.** The City Engineer notifies the Council that either the subdivider is proceeding to do the work required with reasonable diligence or is not yet ready to develop the subdivision, and has given satisfactory evidence of being able and willing to complete all required work within the time of the requested extension.
- 2. Agreement by sureties.** The sureties agree in writing to extend for the additional period of time at the original amount of the bond or other surety, or if recommended by the City Engineer, at an increased amount.
- 3. Council action.** The Council approves or denies the extension. As a condition of granting a time extension, the Council may impose whatever additional requirements the Council deems reasonable to protect the public interest.

- D. Acceptance of improvements.** Before acceptance for maintenance or final approval by the Council of subdivision improvements, the City Engineer shall verify that the improvement work has been completed in substantial compliance with the approved plans and specifications.





## ARTICLE 9

# Development Code Administration

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## CHAPTER 17.90 - NONCONFORMING USES, STRUCTURES, AND PARCELS

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### Sections:

- 17.90.010 - Purpose
- 17.90.020 - Definitions
- 17.90.030 - Restrictions on Nonconforming Uses and Structures
- 17.90.040 - Residential Exceptions
- 17.90.050 - Loss of Nonconforming Status
- 17.90.060 - Nonconforming Parcels
- 17.90.070 - Nonconforming Due to Lack of Use Permit

### 17.90.010 - Purpose

- A. **Nonconforming regulations.** This Chapter provides regulations for nonconforming land uses, structures, and parcels that were lawful before the adoption, or amendment of this Development Code, but which would be prohibited, regulated, or restricted differently under the current terms of this Development Code or an amendment that changed the applicable requirements.
- B. **Discourage long-term continuance.** It is the intent of this Development Code to discourage the long-term continuance of nonconformities other than residential uses, generally providing for their eventual elimination, while allowing them to exist under the limited conditions identified in this Chapter.

### 17.90.020 - Definitions

- A. **Nonconforming parcel.** A parcel that was legally created before the adoption of this Development Code or amendment, but does not comply with the current area, width, depth, or other applicable requirements of this Development Code.
- B. **Nonconforming sign.** A sign that lawfully existed before the effective date of this Development Code or amendment, but does not comply with the current sign regulations of this Development Code.
- C. **Nonconforming structure.** A structure that was legally constructed before the adoption or amendment of this Development Code, but does not comply with the current setback, height limit, off-street parking, and/or other applicable requirements of this Development Code.
- D. **Nonconforming use.** A use of land, and/or within a conforming or nonconforming structure that was legally established and maintained before the adoption of this Development Code or amendment, but does not conform to the current Development Code requirements for allowable land uses within the applicable zone.

### **17.90.030 - Restrictions on Nonconforming Uses and Structures**

A nonconforming land use and the use of a nonconforming structure may be continued, including transfers of ownership; provided, their continuation shall comply with the requirements of this Section. See Section 17.90.040. below for exceptions regarding certain residential uses and structures.

#### **A. Nonconforming use of land.**

1. **General rule.** A nonconforming use of land may be continued, including through a transfer of ownership; provided that the use shall not be enlarged or increased, nor be extended to occupy a greater area of land than it lawfully occupied before becoming nonconforming.
2. **Nonconforming use in a conforming structure.** A nonconforming land use within a conforming structure may be expanded or replaced with a similar use with Minor Use Permit approval, as follows:
  - a. **Expansion of use.** A nonconforming use within a portion of a structure may be extended throughout the structure; and
  - b. **Substitution of use.** A nonconforming use within a structure may be changed to another nonconforming use of the same type, or a use that is required by this Development Code to have less parking; except that if a nonconforming use is changed to a conforming use, no nonconforming use may be established thereafter.

#### **B. Nonconforming structure.** A nonconforming structure may continue to be used as follows:

1. **Changes to, or expansion of a structure.** A nonconforming structure may be changed or expanded as follows:
  - a. **Nonresidential or multi-family structure.** A nonconforming structure may be enlarged, extended, reconstructed, or relocated on the site with Minor Use Permit approval, if the changes comply with all applicable provisions of this Development Code; provided that the review authority first finds that the additional work is compatible with neighboring uses and would not adversely impact neighboring properties; and
  - b. **Single dwelling.** A single dwelling, including its garage, that is nonconforming with respect to setback requirements, height limits, or other development standards may undergo interior modifications in compliance with Building Code requirements without limitation by this Chapter. Exterior modifications that go beyond the prior structure footprint may be allowed as follows:
    - (1) The Director may approve an addition to a nonconforming single-family dwelling where the addition complies with applicable setback requirements; and
    - (2) An addition that encroaches into a required setback no further than an existing nonconforming portion of the structure may be allowed with Minor Use Permit approval; provided, the addition is less than 25 percent of the total floor area of the existing structure; it complies with Building Code requirements; and the review authority first determines that the addition will not adversely affect any neighboring property.

2. **Conversion of existing nonconforming structure to residential unit.** Within a residential zone, a nonconforming accessory structure within a rear yard may be converted to a second unit, and a nonconforming residential structure within a rear yard may be rehabilitated and expanded; provided, that:
  - a. The height of the structure does not exceed one story;
  - b. The conversion and/or expansion complies with Subparagraph B.1.b., above; and
  - c. The converted second unit complies with the standards identified in Section 17.44.190 (Second Units).
3. **Ordinary maintenance and repair.** A nonconforming structure may undergo ordinary maintenance and repair.
4. **Seismic retrofitting and Building Code compliance.** A nonconforming structure may undergo alterations, reconstruction, or repair to reinforce unreinforced masonry or to comply with Building Code requirements; provided, the work is exclusively to comply with applicable earthquake safety standards and the Building Code, and does not change the structure's footprint or height.

### **17.90.040 - Residential Exceptions**

- A. **Reconstruction or replacement.** An involuntarily damaged or destroyed single- or multi-unit nonconforming dwelling may be reconstructed or replaced with a new structure with the same footprint, height, and number of dwelling units, in compliance with current Building and Fire Code requirements.
- B. **Substantial expansion, rehabilitation, or renovation.** Substantial expansion, rehabilitation, or renovation of an existing dwelling unit in a zone where residences are a nonconforming use may be allowed with Minor Use Permit and Development Review Permit approval, in compliance with Sections 17.72.060 and 17.72.030.
  1. **Substantial expansion, rehabilitation, or renovation defined.** Substantial expansion, rehabilitation, or renovation occurs when at least 25 percent of the floor area of the existing residential structure is proposed to be added to the structure and/or a Building Permit for construction valued at 50 percent or more of the assessed value of the structure before expansion, rehabilitation, or renovation is requested.
  2. **Protection of community and neighborhood character.** Within the traditional community development zones (Chapter 17.21), the review authority shall ensure that Minor Use Permit and Development Review approval for a substantial expansion, rehabilitation, or renovation shall maintain public health, safety, and welfare, maintain neighborhood character, and encourage mixed-use development.

### **17.90.050 - Loss of Nonconforming Status**

- A. **Termination by discontinuance.**
  1. If a nonconforming use of land or a nonconforming use of a conforming structure is discontinued for a continuous period of 12 months or more, all rights to legal nonconforming status shall terminate.
  2. The Director shall base a determination of discontinuance on evidence including the removal of equipment, furniture, machinery, structures, or other components of the nonconforming use, disconnected or discontinued utilities, or no business records to document continued operation.

3. The Director may grant a Minor Use Permit to allow an extension of the 12-month period for a period not to exceed an additional 12 months if the Director finds that circumstances of a significant or unusual nature prevent or have prevented the timely reestablishment of the use or structure. The applicant shall file an application for the Minor Use Permit for the extension of time before expiration of the original 12-month period in compliance with Section 17.72.060.
4. Once the rights to a legal nonconforming status have terminated, any further use of the site or structure shall comply with the regulations of the applicable zone and all other applicable provisions of this Development Code.

**B. Termination by destruction.** Nonconforming status shall terminate if a nonconforming structure, or a conforming structure occupied by a nonconforming use, is involuntarily damaged or destroyed; except as provided by Section 17.90.040 (Residential Exceptions), above for dwellings, and except as follows.

1. If the cost of repairing or replacing the damaged portion of the structure is 50 percent or less of the assessed value of the structure immediately before damage, the structure may be restored to no more than the same size and use, and the use continued, if the restoration is started within 12 months following the date of damage and is diligently pursued to completion.
2. Minor Use Permit approval shall be required if the cost of repairing or replacing the damaged portion of the structure is more than 50 percent of the assessed value of the structure immediately before the damage. Minor Use Permit approval shall require a finding, in addition to those contained in Section 17.72.060, that the benefit to the public health, safety, or welfare exceeds the detriment inherent in the restoration and continuance of a nonconformity.

### **17.90.060 - Nonconforming Parcels**

**A. Legal building site.** A nonconforming parcel that does not comply with the applicable area, width, or depth requirements of this Development Code shall be considered a legal building site if it meets at least one of the following criteria, as documented to the satisfaction of the Director by evidence furnished by the applicant:

1. **Approved subdivision.** The parcel was created by a recorded subdivision;
2. **Individual parcel legally created by deed.** The parcel is under one ownership, was legally created by a recorded deed before the effective date of the amendment that made the parcel nonconforming, and can be confirmed by a Certificates of Compliance issued in compliance with Section 17.84.020;
3. **Variance or lot line adjustment.** The parcel was approved through the Variance procedure or resulted from a lot line adjustment; or
4. **Partial government acquisition.** The parcel was created in compliance with the provisions of this Development Code, but was made nonconforming when a portion was acquired by a governmental entity so that the parcel size is decreased not more than 20 percent and the yard facing a public right-of-way was decreased not more than 50 percent.

**B. Subdivision of a nonconforming parcel.** No subdivision shall be approved that would increase the nonconformity of an existing parcel.

**17.90.070 - Nonconforming Due to Lack of Use Permit**

- A. Conformity of uses requiring a Use Permit.** A use lawfully existing without the approval of a Use Permit or Minor Use Permit that would otherwise be required by Article 2 (Zones, Allowable Land Uses, and Zone Standards) of this Development Code shall be deemed conforming only to the extent of its previous lawful use (e.g., maintaining the same site area boundaries, hours of operation, etc.).
- B. Previous planning permits in effect.** A use that was authorized by a Use Permit or Minor Use Permit but is not allowed by this Development Code in its current location may continue, but only in compliance with the original Use Permit or Minor Use Permit (e.g., maintaining the same site area boundaries, hours of operation, etc.).



## **CHAPTER 17.91 - APPEALS**

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### **Sections:**

- 17.91.010 - Purpose
- 17.91.020 - Appeal Subjects and Jurisdiction
- 17.91.030 - Filing and Processing of Appeals
- 17.91.040 - Judicial Review of City Decision
- 17.91.050 - Finality of Council Actions

### **17.91.010 - Purpose**

This Chapter establishes procedures for the appeal and review of determinations or final actions of the applicable review authority (e.g., Director, Development Review Committee, Commission, or Council).

### **17.91.020 - Appeal Subjects and Jurisdiction**

- A. Code administration and interpretation.** The following determinations and actions of the Director and Department staff may be appealed to the Commission:
  - 1. Any determination on the meaning or applicability of the regulations contained in this Development Code that are believed to be in error, and cannot be resolved with the Director;
  - 2. Any determination that a permit application or information submitted with the application is incomplete, in compliance with Government Code Section 65943; and
  - 3. Any action of the Director or Department staff regarding an enforcement matter in compliance with Chapter 17.98 (Enforcement).
- B. Director decisions.** Decisions of the Director on a Development Review Permit, Limited Term Permit, Minor Use Permit, Minor Variance, or Sign Permit may be appealed to the Commission.
- C. Development Review Committee decisions.** Decisions of the Development Review Committee, other than a staff level decision, may be appealed to the Commission.
- D. Commission decisions.** Decisions of the Commission may be appealed to the Council.

### **17.91.030 - Filing and Processing of Appeals**

- A. Eligibility.**
  - 1. **Eligible person defined.** An appeal in compliance with this Chapter may be filed by any aggrieved person, except that in the case of a decision on a Use Permit, Variance, and/or other Commission decision that followed a public hearing, an appeal may only be filed by a person who, in person or through a representative, appeared at the public hearing in connection with the decision being appealed, or who otherwise informed the City in writing of the nature of their concerns before the hearing.
  - 2. **Appeal by Council member.** A determination or final action by the Director or Commission in compliance with this Development Code may be appealed by a Council member acting as an individual, but the Council member shall not vote when the appeal is considered by the Council.

## **Appeals**

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**B. Timing and form of appeal.** An appeal shall be submitted in writing and shall specifically state the pertinent facts and the basis for the appeal.

1. **Timing of appeal.** An appeal shall be filed with the Department or City Clerk, as applicable, within 15 calendar days following the date the decision was rendered.
  - a. **Effective date.** A determination or final action shall become effective on the 16<sup>th</sup> day following the date of action by the appropriate review authority, where no appeal of the review authority's action has been filed in compliance with this Chapter.
  - b. **15-day period defined.** The 15-day period (also known as the "appeal" period in compliance with this Chapter) begins the first full day after the date of decision that the City Hall is open for business, and extends to the close of business (5:00 p.m.) on the 15<sup>th</sup> day, or the very next day that the City Hall is open for business.
  - c. **Appeals to the Commission.** Appeals addressed to the Commission shall be filed with the Department.
  - d. **Appeals to the Council.** Appeals addressed to the Council shall be filed with the City Clerk.
2. **Fee required.** An appeal shall be accompanied by the filing fee identified in the City's Planning Fee Schedule.
3. **Effect of filing appeal.** The filing of any appeal under the provision of this Chapter shall stay the effective date of any determination or final action of the Director or Commission until the applicable review authority has acted upon the appeal.
4. **Refund of fee.** The appeal fee may be refunded (either partially or entirely) if the appeal of the applicant is sustained by the Council in compliance with the City's Planning Fee Schedule.

**C. Scope of planning permit appeals.**

1. An appeal of a decision on a planning permit shall be limited to issues raised at the public hearing, or in writing before the hearing, or information that was not known at the time of the decision that is being appealed.
2. The appellant shall have the burden to prove, to the satisfaction of the applicable review authority, that the issues raised in the appeal comply with the limitations identified in Subparagraph 1., above.

**D. Report and scheduling of hearing.**

1. **Director shall prepare a report.** When an appeal has been filed, the Director shall prepare a report on the matter, including all of the application materials in question, and schedule the matter for a public hearing by the appropriate review authority identified in Section 17.91.020 (Appeal Subjects and Jurisdiction), above.
2. **Notice of hearing required.** Notice of the hearing shall be provided, and the hearing shall be conducted, in compliance with Chapter 17.92 (Public Hearings). Any interested party may appear and be heard regarding the appeal.

### **E. Decision.**

1. **Action by review authority.** At a hearing on the appeal the review authority may consider any issue involving the matter that is the subject of the appeal ("de novo"), in addition to the specific grounds for the appeal. The review authority may:
  - a. Affirm, affirm in part, or reverse the action, decision, or determination that is the subject of the appeal, based upon findings of fact about the particular case. The findings shall identify the reasons for the action on the appeal, and verify the compliance or non-compliance of the subject of the appeal with this Development Code;
  - b. Adopt additional conditions of approval, that may address issues or concerns other than the subject of the appeal (e.g., additional mitigation measures identified during the CEQA review by the review authority); or
  - c. Deny the planning permit approved by the previous review authority, even where the appellant only requested a modification or elimination of one or more conditions of approval.
2. **Referral for further consideration.** If new or different evidence is presented on appeal, the Commission or Council may refer the matter to the Director or Commission for further consideration to determine if the new or different evidence would alter the action of the original review authority.
3. **Decision within 60 days.** Within 60 days of the initial public hearing on the appeal, the review authority shall render its decision on the appeal, unless it is continued for good cause (e.g., additional CEQA review is required).
4. **Tie vote.** In the event of a tie vote by the review authority on an appeal, the decision being appealed shall stand.

### **F. Effective date of appeal decision.**

1. **Commission decision.** A decision by the Commission is effective on the 16<sup>th</sup> day after the decision is rendered, as defined in Subparagraph B.1.b, above, when no appeal to the decision has been filed with the Council.
2. **Council decision.** A decision by the Council is final and shall be effective on the date the decision is rendered.

## **17.91.040 - Judicial Review of City Decision**

No person shall seek judicial review of a City decision on a planning permit or other matter in compliance with this Development Code until all appeals to the Commission and Council have been first exhausted in compliance with this Chapter.

**17.91.050 - Finality of Council Actions**

- A. Action shall be commenced within 30 calendar days.** Any action or proceeding to annul, attack, review, set aside, or void any decision or action of the Council in regard to any alteration, amendment, change in zones under, or in regard to an appeal filed in compliance with this Chapter, or concerning any of the acts, determinations, or proceedings done, made, or taken to the decision, or to determine the reasonableness, legality, or validity of any conditions attached thereto, shall not be maintained by any person unless the action or proceeding is commenced within 30 calendar days after the date of the decision or action of the Council.
- B. Final within 30 calendar days.** The action or decision of the Council shall be final, unless an action or proceeding is filed within 30 calendar days after the date of the action or decision.

## CHAPTER 17.92 - PUBLIC HEARINGS

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### Sections:

- 17.92.010 - Purpose
- 17.92.020 - Notice of Hearing
- 17.92.030 - Scheduling of Hearing
- 17.92.040 - Hearing Procedures
- 17.92.050 - Recommendation by Commission
- 17.92.060 - Decision and Notice

### 17.92.010 - Purpose

This Chapter provides procedures for public hearings required by this Development Code. When a public hearing is required, advance notice of the hearing shall be given, and the hearing shall be conducted, in compliance with this Chapter.

### 17.92.020 - Notice of Hearing

When this Development Code requires a public hearing before a decision on a permit, or for another matter, the public shall be provided notice of the hearing in compliance with Government Code Sections 65090, 65091, 65094 and 66451.3, and Public Resources Code 21000 et seq., and as required by this Chapter.

- A. **Content of notice.** Notice of a public hearing shall include all of the following information, as applicable.
1. **Hearing information.** The date, time, and place of the hearing and the name of the review authority; a brief description of the City's general procedure concerning the conduct of hearings and decisions (e.g., the public's right to appear and be heard); and the phone number and street address of the Department, where an interested person could call or visit to obtain additional information.
  2. **Project information.** The name of the applicant; a brief description of the project; the City's file number assigned to the application; a general explanation of the matter to be considered (e.g., Planned Development or Use Permit); a general description, in text and/or by diagram, of the location of the property that is the subject of the hearing.
  3. **Statement on environmental document.** If a proposed Negative Declaration or final Environmental Impact Report has been prepared for the project in compliance with the City's *Environmental Review Guidelines*, the hearing notice shall include a statement that the review authority will also consider approval of the proposed Negative Declaration or certification of the final Environmental Impact Report.
- B. **Method of notice distribution.** Notice of a public hearing required by this Chapter for a planning permit, amendment, or appeal shall be given as follows, as required by Government Code Sections 65090 and 65091.
1. **Mailing.** Notice shall be mailed or delivered at least 10 days before the hearing to the following:
    - a. **Site owners.** The owners of the property being considered in the application, or the owner's agent, and the applicant;

- b. Local agencies.** Each local agency expected to provide schools, water, or other essential facilities or services to the project, whose ability to provide the facilities and services may be significantly affected;
  - c. Nearby property owners.** All owners of real property as shown on the latest County equalized assessment roll, within a radius of 300 feet of the exterior boundaries of the parcel that is the subject of the hearing; and any other person whose property might, in the judgment of the Director, be affected by the proposed project; and
  - d. Persons requesting notice.** Any person who has filed a written request for notice with the Director and has paid the required fee for the notice.
- 2. Additional required notice.** If the notice is mailed as identified in Subparagraph 1., above, then the notice shall also either be:
  - a. Published.** Published at least once in a local newspaper of general circulation within the City at least 10 days before the hearing; or
  - b. Posted.** Posted, at least 10 days before the hearing, along public streets within 300 feet of the subject site's boundaries and in at least three public places in the City, in compliance with the Department's handout on public hearing requirements.
- 3. Alternative to mailing.** If the number of property owners to whom notice would be mailed in compliance with Subparagraph B.1., above is more than 1,000, the Director may choose to provide the alternative notice allowed by Government Code Section 65091(a)(3).
- 4. Additional notice.** In addition to the types of notice required above, the Director may provide any additional notice with content or using a distribution method (e.g., posting on the City's web site) as the Director determines is necessary or desirable.

### 17.92.030 - Scheduling of Hearing

After the completion of any environmental document in compliance with the City's *Environmental Review Guidelines* and a Department staff report, a matter requiring a public hearing shall be scheduled on the next available Director, Commission, or Council agenda (as applicable) reserved for public hearings, but no sooner than any minimum time period established by State law.

### 17.92.040 - Hearing Procedures

- A. Time and place of hearing.** A hearing shall be held at the date, time, and place for which notice was given.
- B. Continued hearing.** Any hearing may be continued from time to time without further notice; provided, the chairperson of the hearing body announces the date, time, and place to which the hearing will be continued before the adjournment or recess of the hearing.
- C. Deferral of final decision.** The review authority may announce, by motion or other proceedings, a tentative decision, and defer their action on a final decision until appropriate findings and/or conditions of approval have been prepared and returned for their consideration.

### **17.92.050 - Recommendation by Commission**

- A. Recommendation for approval.** After a public hearing on a proposed amendment to the General Plan, this Development Code, the Zoning Map, a development agreement, or a specific plan, and the Commission has recommended approval of the application, the recommendation and findings of the Commission shall be forwarded to the Council.
- B. Recommendation for denial.** After a public hearing on a proposed amendment to the General Plan, this Development Code, the Zoning Map, a development agreement, or a specific plan, and the Commission has recommended denial of the application, the following procedures shall apply.
- 1. If initiated by the filing of an application.** If initiated by the filing of an application, the Council shall not be required to take any further action unless an interested party requests a hearing by filing a written request with the City Clerk in compliance with Chapter 17.91 (Appeals).
  - 2. If initiated by the City.** If initiated by the City, the recommendation and findings of the Commission shall be forwarded to the Council.
- C. Mailing of Commission's recommendation.** A copy of the Commission's recommendation shall be mailed to the applicant at the address shown on the application.

### **17.92.060 - Decision and Notice**

- A. Decision.**
1. The review authority may announce and record their decision on the matter being considered at the conclusion of a scheduled hearing, or defer action and continue the matter to a later meeting agenda in compliance with Section 17.92.040 (Hearing Procedure), above.
  2. At the conclusion of a hearing conducted by the Director, the Director may instead refer the matter to the Commission for a determination.
  3. The decision of the Council on any matter shall be final.
- B. Notice of decision.**
- 1. Provision of notice.** Within 10 days of a final decision on an application for a permit or other approval required by this Development Code, the City shall provide notice of its final action to the applicant and to any person who specifically requested notice of the City's final action.
  - 2. Contents of notice.** The notice of the final decision shall contain the summary of action taken, conditions of approval, reporting/monitoring requirements deemed necessary to mitigate any impacts and protect the public convenience, health, interest, safety, or general welfare of the City, and the procedure for appeal.





## **CHAPTER 17.94 - AMENDMENTS**

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### **Sections:**

- 17.94.010 - Purpose
- 17.94.020 - Initiation of Amendment
- 17.94.030 - Processing, Notice, and Hearing
- 17.94.040 - Commission Action on Amendment
- 17.94.050 - Council Action on Amendment
- 17.94.060 - Findings and Decision
- 17.94.070 - Conditions on Zoning Map Amendments
- 17.94.080 - Effective Dates

### **17.94.010 - Purpose**

This Chapter provides procedures for the amendment of the General Plan, this Development Code, and the Zoning Map whenever the Council determines public necessity and general welfare require an amendment.

### **17.94.020 - Initiation of Amendment**

An amendment of the General Plan, this Development Code, or the Zoning Map may be initiated by the Commission or Council, proposed by the Director, or:

- A. General Plan or Zoning Map amendments.** In the case of the General Plan or Zoning Map, an amendment may also be initiated by the filing of an amendment application with the Department by the owner or authorized agent of property for which the amendment is sought. If the property is under more than one ownership, all owners or their authorized agents shall join in filing the application.
- B. Development Code.** In the case of the Development Code, the Council may also adopt an urgency measure as an interim ordinance in compliance with Government Code Section 65858.

### **17.94.030 - Processing, Notice, and Hearing**

- A. Application filing.** If the amendment is initiated by the filing of an amendment application, the application shall be accompanied by the information identified in the Department handout for amendment applications, and any applicable fees. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 17.94.060 (Findings and Decision), below.
- B. Application processing.** After the filing and initial processing of a proposed amendment in compliance with Chapter 17.70 (Permit Application Filing and Processing), the Commission and Council shall each conduct one or more public hearings regarding the amendment.
- C. Notice and hearings.** Notice of a public hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 17.92 (Public Hearings).

### **17.94.040 - Commission Action on Amendment**

- A. Recommendation for approval.** After a public hearing on the proposed amendment to the General Plan, this Development Code, or the Zoning Map, and the Commission has recommended approval of the amendment, the recommendation and findings of the Commission, identified in Section 17.94.060 (Findings and Decision), below, shall be forwarded to the Council.

## **Amendments**

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- B. Recommendation for denial.** After a public hearing on the proposed amendment to the General Plan, this Development Code, or the Zoning Map, and the Commission has recommended denial of the amendment, the following procedures shall apply.
- 1. If initiated by the filing of an application.** If the amendment was initiated by the filing of an application, the Council shall not be required to take any further action unless an interested party requests a hearing by filing a written request with the City Clerk in compliance with Chapter 17.91 (Appeals).
  - 2. If initiated by the City.** If the amendment was initiated by the City, the recommendation and findings of the Commission, identified in Section 17.94.060 (Findings and Decision), below, shall be forwarded to the Council.
- C. Mailing of Commission's recommendation.** A copy of the Commission's recommendation shall be mailed to the applicant at the address shown on the application.

### **17.94.050 - Council Action on Amendment**

- A. Council's action.** Upon receipt of the Commission's recommendation in compliance with Section 17.94.040 (Commission Action on Amendment), above, the Council shall conduct a public hearing and either approve, approve in modified form, or deny the proposed amendment based on the findings identified in Section 17.94.060 (Findings and Decision), below.
- B. Referral to Commission.** If the Council proposes to adopt a substantial modification to the amendment not previously considered by the Commission, the proposed modification shall be first referred to the Commission for its recommendation, in compliance with Government Code Sections 65356 and 65857.

### **17.94.060 - Findings and Decision**

An amendment to the General Plan, this Development Code, or the Zoning Map may be approved only if all of the following findings are made, as applicable to the type of amendment.

- A. Findings for General Plan amendments.**
- 1.** The amendment is internally consistent with all other provisions of the General Plan and any applicable specific plan;
  - 2.** The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and
  - 3.** The affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the proposed or anticipated uses and/or development would not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.

### **B. Findings for Development Code and Zoning Map amendments.**

#### **1. Findings required for all Development Code and Zoning Map amendments:**

- a. The proposed amendment is consistent with the General Plan and any applicable specific plan; and
- b. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

#### **2. Additional finding for Development Code amendments:** The proposed amendment is internally consistent with other applicable provisions of this Development Code.

#### **3. Additional finding for Zoning Map amendments:** The affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the requested zone designation and the proposed or anticipated uses and/or development would not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.

### **17.94.070 - Conditions on Zoning Map Amendments**

The Council may impose conditions on a Zoning Map amendment (e.g., to the land use reclassification of property) where it finds that the conditions are reasonable and necessary to ensure that the Council is able to make the findings identified in Section 17.94.060 (Findings and Decision), above, and that approval of the amendment would not create problems considered harmful to the public health, safety, and general welfare of the City.

### **17.94.080 - Effective Dates**

- A. General Plan.** A General Plan amendment shall become effective immediately upon the adoption of a resolution by the Council.
- B. Development Code/Zoning Map.** A Development Code/Zoning Map amendment shall become effective on the 31st day following the date of adoption of an ordinance by the Council.



## **CHAPTER 17.98 - ENFORCEMENT**

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### **Sections:**

- 17.98.010 - Purpose
- 17.98.020 - Enforcement Procedures
- 17.98.030 - Revocations and Modifications

### **17.98.010 - Purpose**

This Chapter establishes provisions which are intended to ensure compliance with the requirements of this Development Code and any conditions of planning permit or subdivision approval, to promote the City's planning efforts, and for the protection of the public health, safety, and general welfare of the City.

### **17.98.020 - Enforcement Procedures**

- A. Compliance with Development Code required.** All departments, officials, and public employees of the City which are vested with the authority or duty to issue licenses or permits shall comply with the provisions of this Development Code and shall not issue a license or permit for purposes, structures, or uses which would be in conflict with the provisions of this Development Code.
- B. Compliance with Municipal Code Chapters 1.10 through 1.15 required.** The enforcement of this Development Code, and any condition of a planning permit or subdivision approval imposed in compliance with this Development Code, shall comply with Municipal Code Chapters 1.10 through 1.15.

### **17.98.030 - Revocations and Modifications**

- A. Purpose.** Discretionary permits or approvals issued in compliance with this Development Code may be revoked or modified in compliance with this Section.
- B. Procedures.** This Section provides procedures for securing punitive revocation or modification of previously approved permits or approvals.
- C. Revocations.** The City's action to revoke a permit or approval shall have the effect of terminating the permit and denying the privileges granted by the original approval.
- D. Modifications.** City modification of a permit or approval instead of revocation may include any of the operational aspects of the project, including buffers, duration of the permit or entitlement, hours of operation, landscaping and maintenance, lighting, parking, performance guarantees, property maintenance, signs, surfacing, traffic circulation, or any other aspect/condition determined to be reasonable and necessary to ensure that the permit is operated in a manner consistent with the original findings for approval.
- E. Hearings and notice.**
  - 1. The appropriate review authority (e.g., Director, Commission, or Council) that originally granted the permit or approval shall hold a public hearing to revoke or modify a permit or approval granted in compliance with the provisions of this Development Code.
  - 2. Ten days before the public hearing, notice shall be delivered in writing to the applicant for the permit or approval being considered for revocation, and/or owner of the property for which the

permit was granted. The only exception to the 10-day notice provision shall be for Limited Term Permits which, because of their short term nature, shall only require a 24-hour notice.

3. Notice shall be deemed delivered two days after being mailed, certified and first class, through the United States Postal Service, postage paid, to the owner as shown on the County's current equalized assessment roll and to the project applicant, if not the owner of the subject property.

### **F. Review authority action.**

1. **Permits.** A permit or approval may be revoked or modified by the appropriate review authority that originally approved the permit, if the review authority first makes any one of the following findings:

- a. Circumstances under which the permit or approval was granted have been changed by the applicant to an extent that one or more of the findings that justified the original approval can no longer be made, and the public health, safety, and general welfare require the revocation or modification;
- b. The permit or other approval was granted, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application, or in the applicant's testimony presented during the public hearing, for the permit or approval;
- c. One or more of the conditions of the original permit or approval have not been substantially fulfilled or have been violated;
- d. The approved use has ceased to exist or has been suspended for at least 12 months; or
- e. The improvement/use allowed by the permit has become detrimental to the public health, safety, or general welfare, or the manner of operation constitutes or is creating a nuisance as defined in Municipal Code Section 9.28.

2. **Variances.**

- a. A Variance or Minor Variance may be revoked or modified by the appropriate review authority that originally approved the Variance or Minor Variance, if the review authority first makes any one of the following findings, in addition to the findings in Subsection F.1., above:
  - (1) Circumstances under which the original approval was granted have been changed by the applicant to a degree that one or more of the findings contained in the original approval can no longer be made in a positive manner, and the grantee has not substantially exercised the rights granted by the Variance or Minor Variance; or
  - (2) One or more of the conditions of the Variance or Minor Variance have not been met, or have been violated, and the grantee has not substantially exercised the rights granted by the Variance or Minor Variance.
- b. If the grantee has substantially exercised the rights granted by the Variance or Minor Variance as identified in Subsections F.2.a(1) and F.2.a(2) above, the appropriate action would be to modify rather than revoke the Variance or Minor Variance.

3. **Appeal.** The revocation or modification of a permit or approval in compliance with this Section may be appealed in compliance with Chapter 17.91 (Appeals).

ARTICLE 10

Glossary

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## CHAPTER 17.100 - DEFINITIONS

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### Sections:

- 17.100.010 - Purpose of Chapter
- 17.100.020 - Definitions of Specialized Terms and Phrases

### 17.100.010 - Purpose

This Chapter provides definitions of terms and phrases used in this Development Code that are technical or specialized, or that may not reflect common usage. If a definition in this Chapter conflicts with a definition in another provision of the Municipal Code, these definitions shall control for the purposes of this Development Code. If a word is not defined in this Chapter, or in other provisions of the City of Grass Valley Municipal Code, the Director shall determine the correct definition, giving deference to common usage.

### 17.100.020 - Definitions of Specialized Terms and Phrases

As used in this Development Code, the following terms and phrases shall have the meaning given them in this Section, unless the context in which they are used clearly requires otherwise.

#### A. Definitions

**Abut.** Having property lines, street lines, and/or zoning district lines in common.

**Accessory Structure.** A structure that is physically detached from, secondary and incidental to, and commonly associated with a primary structure on the same site. See also "Agricultural Accessory Structure," and "Residential Accessory Uses and Structures."

**Accessory Use.** A use customarily incidental to, related and clearly subordinate to a primary use on the same parcel, which does not alter the primary use nor serve property other than the parcel where the primary use is located.

**Adult Day Care.** See "Day Care."

**Adult Oriented Business.** The following terms and phrases are defined for the purposes of Chapter 17.40 (Adult Oriented Business Regulations).

1. **Adult Arcade.** Any business establishment or concern containing one or more coin or slug operated or manually or electronically controlled still or motion picture projectors, video machines, projector or similar image-producing devices, that are maintained to display images to an individual or group of individuals when those images are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.
2. **Adult Bookstore.** Any establishment which as a regular and substantial course of conduct, displays and/or distributes sexually oriented merchandise, sexually oriented material, books, periodicals, magazines, or other printed materials, or photographs, drawings, sculptures, films, motion pictures, videos, discs, cassettes, slides, tapes, records, or other form of visual or audio representations which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities and/or specified anatomical areas (See "adult-oriented business" for definition of regular and substantial course of conduct).



3. **Adult Cabaret.** A nightclub, bar, lounge, restaurant, or similar business establishment or concern which features as a regular and substantial course of conduct, any type of live entertainment, films, motion pictures, computer generated images, videos, discs, slides, or other photographic reproductions, or other oral, written or visual representations which are distinguished or characterized by an emphasis upon matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.
4. **Adult Dance Studio.** Any business establishment or concern which provides for members of the public a partner for dance where the partner, or the dance is distinguished or characterized by an emphasis upon matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.
5. **Adult Hotel/Motel.** A hotel, motel, or other similar business establishment or concern offering public accommodations for any form of consideration which as a regular and substantial course of conduct provides to its patrons, through the provision of rooms equipped with closed-circuit television, films, computer generated images, motion pictures, videos, discs, slides, other photographic reproductions, or other medium, material which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas and which rents, leases, or lets any room for less than a 12-hour period, or rents, leases, or lets any single room more than once in a 24-hour period.
6. **Adult Modeling Studio.** Any business or premises where there is furnished, provided, or procured, a figure model or models who pose in any manner which is characterized by its emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas where the model(s) is being observed or viewed by any person for the purpose of being sketched, photographed, painted, drawn, sculpted, filmed, or videotaped or otherwise depicted for a fee, compensation, gratuity, or other thing of value as consideration for the right or opportunity to so observe the model or to remain on the premises. "Adult Modeling Studio" does not include any live art class or any studio or classroom which is operated by any public agency, or any private educational institution authorized to issue and confer a diploma or degree in compliance with standards set by the State Board of Education.
7. **Adult-Oriented Business.** Any business establishment or concern which as a regular and substantial course of conduct operates as an adult arcade, adult bookstore, adult cabaret, adult dance studio, adult hotel/motel, adult modeling studio, adult theater; any business establishment or concern which as a regular and substantial course of conduct sells or distributes or offers for sale or distribution sexually oriented merchandise or sexually oriented material; or any other business establishment or concern which as a regular and substantial course of conduct offers to its patrons products, merchandise, services, or entertainment characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas. "Adult-oriented business" does not include those uses or activities, the regulation of which is preempted by State law. For the purposes of this Section, a business establishment or concern has established the provision of products, merchandise, services, or entertainment characterized by an emphasis on matters depicting describing, or relating to specified sexual activities or specified anatomical areas as a regular and substantial course of conduct when one or more of the following conditions exist:
  - a. The area devoted to adult merchandise and/or sexually oriented material exceeds more than 20 percent of the total display or floor space area open to the public;
  - b. The business establishment or concern presents any type of live entertainment which is characterized by an emphasis on specified sexual activity or specified anatomical areas at least four times in any month;
  - c. The regular and substantial course of conduct of the business consists of or involves the sale, trade, display, or presentation of services, products, or entertainment which are

characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

8. **Adult Theater.** A business establishment or concern which, as a regular and substantial course of conduct, presents live entertainment performances, motion pictures, videos, computer images, slide photographs, or other pictures or visual representations or reproductions which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.
9. **Adult-Oriented Business Operator.** A person who supervises, manages, inspects, directs, organizes, controls, or in any other way is responsible for or in charge of the premises of an Adult-Oriented Business or the conduct or activities occurring on the premises thereof. This term shall hereinafter be referred to as "operator."
10. **Applicant.** A person who is required to file an application for a permit under this Chapter, including an individual owner, managing partner, officer of a corporation, or any other operator, manager, employee, or agent of an Adult-Oriented Business.
11. **Bar.** Any commercial establishment licensed by the State Department of Alcoholic Beverage Control to serve any alcoholic beverages on the premises.
12. **Distinguished or characterized by an emphasis upon.** Shall mean and refer to the dominant or essential theme of the object described by the phrase. For instance, when the phrase refers to films "which are distinguished or characterized by an emphasis upon" the depiction or description of specified sexual activities or specified anatomical areas, the films so described are those whose dominant or predominant character or theme are the depiction of the enumerated sexual activities or anatomical areas. See Pringle v. City of Covina (1981) 115 Cal.App.3d 151.
13. **Entertainer.** Any person who dances, models, entertains, and/or performs specified sexual activities or displays specified anatomical areas in an Adult-Oriented Business.
14. **Establishment of an Adult-Oriented Business.** Shall mean and include any of the following:
  - a. The opening or commencement of any Adult-Oriented Business as a new business;
  - b. The conversion of an existing business, whether or not an Adult-Oriented Business, to any Adult-Oriented Business defined herein;
  - c. The addition of any of the Adult-Oriented Businesses defined herein to any other existing Adult-Oriented Business; or
  - d. The relocation of any Adult-Oriented Business.
15. **Figure Model.** Any person who, for pecuniary compensation, consideration, hire, or reward, poses in a modeling studio to be observed, sketched, painted, drawn, sculptured, photographed, or otherwise depicted.
16. **Live Art Class.** Any premises on which all of the following occur: there is conducted a program of instruction involving the drawing, photographing, or sculpting of live models exposing specified anatomical areas; instruction is offered in a series of at least two classes; the instruction is offered indoors; an instructor is present in the classroom while any participants are present; and pre-registration is required at least 24 hours in advance of participation in the class.
17. **Nudity or a state of nudity.** The showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the areola.

18. **Operate an Adult-Oriented Business.** The supervising, managing, inspecting, directing, organizing, controlling, or in any way being responsible for or in charge of the conduct of activities of an Adult-Oriented Business or activities within an Adult-Oriented Business.
19. **Permittee.** The person to whom an Adult-Oriented Business Permit is issued.
20. **Person.** Any individual, partnership, co-partnership, firm, association, joint stock company, corporation, or combination of the above in whatever form or character.
21. **School.** Any child or day care facility, or an institution of learning for minors, whether public or private, offering instruction in those courses of study required by the California Education Code and maintained in compliance with standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education or an institution of higher education, including a community or junior college, college, or university, but it does not include a vocational institution.
22. **Semi-nude.** A state of dress in which clothing covers no more than the genitals, pubic region, buttocks, areola of the female breast, as well as portions of the body covered by supporting straps or devices.
23. **Sexual Encounter Center.** Any business, agency, or person who, for any form of consideration or gratuity, provides a place where three or more persons, not all members of the same family, may congregate, assemble, or associate for the purpose of engaging in specified sexual activities or exposing specified anatomical areas.
24. **Sexually Oriented Material.** Any element of sexually oriented merchandise, or any book, periodical, magazine, photograph, drawing, sculpture, motion picture film, video, disc, computer generated image, or other written, oral or visual representation which, for purposes of sexual arousal, provides depictions which are characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.
25. **Sexually Oriented Merchandise.** Sexually oriented implements and paraphernalia, including, but not limited to, dildos, auto sucks, sexually oriented vibrators, edible underwear, benwa balls, inflatable orifices, anatomical balloons with orifices, simulated and battery or electrically operated vaginas or penises, and similar sexually oriented devices which are designed or marketed primarily for the stimulation of human genital organs or sado-masochistic activity or which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.
26. **Specified Anatomical Areas.** Shall mean and include any of the following:
  - a. Less than completely and opaquely covered human (1) genitals or pubic region; (2) buttocks; and/or (3) female breast below a point immediately above the top of the areola; or
  - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
  - c. Any device, costume, or covering that simulates any of the body parts included in Subparagraphs a. or b., above.

27. **Specified Sexual Activities.** Shall mean and include any of the following, whether performed directly or indirectly through clothing or other covering;
- a. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory function in the context of a sexual relationship, any of the following depicted sexually oriented acts or conduct: anilingus, bestiality, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerastia; or
  - b. Clearly depicted human genitals in a state of sexual stimulation, arousal, or tumescence; or
  - c. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or
  - d. Fondling, or touching of nude human genitals, pubic region, buttocks, or female breast; or
  - e. Masochism, erotic, or sexually oriented torture, beating, or the infliction of pain; or
  - f. Erotic or lewd touching, fondling, or other sexually oriented contact with an animal by a human being; or human excretion, urination, menstruation, vaginal, or anal irrigation; or
  - g. The presence of any person who performs, or appears in a state of nudity or semi nude.

**Affordable and Inclusionary Housing.** The following terms are defined for the purposes of Chapter 17.32 (Affordable Housing Incentives).

- 1. **Affordable Rent.** Monthly housing expenses, including a reasonable allowance for utilities, for rental units reserved for very low or low income households, not exceeding the following calculations:
  - a. **Low Income:** 80 percent of median income as defined by State law (Health and Safety Code Section 500717.5) and the HUD income limits.
  - b. **Very Low Income:** 50 percent of median income as defined by State law (Health and Safety Code Section 50105) and the HUD income limits.
- 2. **Affordable Sales Price.** A sales price at which very low and low income households can qualify for the purchase of designated dwelling units, calculated on the basis of underwriting standards of mortgage financing available for the development.

**Agent.** A person authorized in writing by the property owner to represent and act for a property owner in contacts with City employees, committees, Commissions, and the Council, regarding matters regulated by this Development Code.

**Agricultural Accessory Structure.** A structure for sheltering animals, or agricultural equipment, hay, feed, etc. Examples of these structures include barns, non-commercial greenhouses, coops, corrals, and pens. Does not include pasture fencing, which requires no City approval when in compliance with Section 17.30.040 (Fences, Walls, and Screening).

**Agricultural Product Processing.** The processing of harvested crops to prepare them for on-site marketing or processing and packaging elsewhere. Examples of this land use include the following:

alfalfa cubing	drying of corn, rice, hay, fruits and vegetables
corn shelling	grain cleaning and custom grinding
custom grist mills	hay baling and cubing
custom milling of flour, feed and grain	pre-cooling and packaging of fresh or
dairies (but not feedlots, see instead	farm-dried fruits and vegetables
"Livestock	
Operations, Sales Yards, Feedlots,	sorting, grading and packing of fruits and
	vegetables
Stockyards")	tree nut hulling and shelling

Does not include wineries, which are separately defined.

**Alcoholic Beverage Sales.** The retail sale of beer, wine, and/or distilled spirits for on-premise or off-premise consumption.

**Alley.** A public or private roadway that provides vehicle access to the rear or side of parcels having other public street frontage, that is not intended for general traffic circulation.

**Allowed (Allowed Use).** A land use identified by Article 2 as a permitted or conditional use that may be established with planning permit and, where applicable, Design Review and/or Building Permit approval, subject to compliance with all applicable provisions of this Development Code.

**Altered.** Physical change in the internal arrangement of rooms or the supporting members of a structure, or a change in the external appearance of any structure, not including painting.

**Ambulance, Taxi, or Limousine Storage.** A base facility where multiple taxis and/or limousines are stored until dispatched, and/or where ambulance vehicles and crews not based at a hospital or fire department stand by for emergency calls. May also include dispatch services; but does not include dispatch services that have no on-site vehicle storage, which are instead included under "Office - Professional/Administrative."

**Animal Keeping.** The keeping of farm animals (cows, horses, goats, sheep, hogs and swine, etc., as determined by the Director), fowl or poultry, excluding backyard chickens. Does not include the keeping of common household pets (birds, cats, dogs, fish, etc., as determined by the Director).

**Antique or Collectible Store.** A retail store that sells antiques, curios, gifts and souvenirs, and collectible items including sports cards and comic books. A store that primarily sells books is included under "General Retail." Does not include stores selling other types of second hand items (e.g., clothing), which are instead included in the definition of "Second Hand Store."

**Applicant.** Any person who is filing an application requesting an action who is:

1. The owner or lessee of property;
2. A party who has contracted to purchase property contingent upon that party's ability to acquire the necessary approvals required for that action in compliance with this Development Code, and who presents written authorization from the property owner to file an application with the City; or

3. The agent of either of the above who presents written authorization from the property owner to file an application with the City.

**Approval.** Includes both approval and approval with conditions.

**Arborist.** 1) A person currently certified by the Western Chapter of the International Society of Arboriculture as an expert on the care of trees; 2) a consulting arborist who satisfies the requirements of the American Society of Consulting Arborists; or 3) other qualified professional who the Director determines has gained through experience the qualifications to identify, remove, or replace trees.

**Architectural Feature.** An exterior building feature including roof, windows, doors, porches, etc.

**Artisan Shop.** A retail store selling art glass, ceramics, jewelry, paintings, sculpture, and other handcrafted items, where the store includes an area for the crafting of the items being sold, but where the crafting activity is incidental to retail sales.

**Assessed Value.** The value of a structure as shown in the records of the County Assessor.

**Attic.** The area located between the uppermost plate and the roof or ridge of a structure.

**Auto and Vehicle Sales and Rental.** A retail or wholesale establishment selling and/or renting automobiles, trucks and vans, trailers, motorcycles, and bicycles (bicycle sales are also included under "General Retail"). Vehicles for sale may be displayed outdoors or indoors, as authorized by the required Use Permit.

**Auto Parts Sales.** Stores that sell new automobile parts, tires, and accessories. Establishments that provide installation services are instead included under "Vehicle Services - Repair and Maintenance - Minor." Does not include tire recapping, which is found under "Vehicle Services" or businesses dealing exclusively in used parts, which are included under "Recycling - Scrap and Dismantling Yards."

**Auto Repair.** See "Vehicle Services."

**Automated Teller Machine (ATM).** A computerized, self-service machine used by banking customers for financial transactions, including deposits, withdrawals and fund transfers, without face-to-face contact with financial institution personnel. The machines may be located at or within banks, or in other locations. Does not include drive-up ATMs; see "Drive-Through Services."

**Awning.** Awning is a movable shelter supported entirely from the exterior wall of a building and of a type which can be retracted, folded, or collapsed against the face of a supporting building.

**B. Definitions**

**Bank, Financial Services.** Financial institutions including:

banks and trust companies	other investment companies
credit agencies	securities/commodity contract brokers and dealers
holding (but not primarily operating) companies	security and commodity exchanges
lending and thrift institutions	vehicle finance (equity) leasing agencies

See also, "Automated Teller Machine." Does not include check cashing stores, which are instead defined under "Personal Services - Restricted."

**Balcony.** A platform that is cantilevered from a building wall and is enclosed by a parapet or railing.

**Bar/Tavern.** A business where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a microbrewery ("brew-pub"), and other beverage tasting facilities. Does not include adult oriented businesses.

**Bed and Breakfast Inn (B&B).** See "Lodging."

**Broadcasting Studio.** Commercial and public communications uses including radio and television broadcasting and receiving stations and studios, with facilities entirely within buildings. Does not include transmission and receiving apparatus, including antennas and towers, which are instead defined under "Telecommunications Facilities".

**Build-to Line.** A line parallel to a property line where a structure is required to be located.

**Building and Landscape Materials Sales.** A retail establishment selling hardware, tools, appliances, lumber and other building materials, plants and other landscaping materials. Includes paint, wallpaper, flooring, glass, fixtures, and similar products. Includes these types of stores selling to the general public, even if contractor sales account for a major proportion of total sales. Establishments primarily selling electrical, plumbing, heating, and air conditioning equipment and supplies are classified in "Wholesaling and Distribution."

**Building Frontage.** A building wall adjacent to a parcel boundary that abuts a public rights-of-way. A primary building frontage provides the main pedestrian entrance to the building. A secondary building frontage abuts a side street, rear entrance, or has an entrance from other than a public right-of-way. See Figure 10-1.

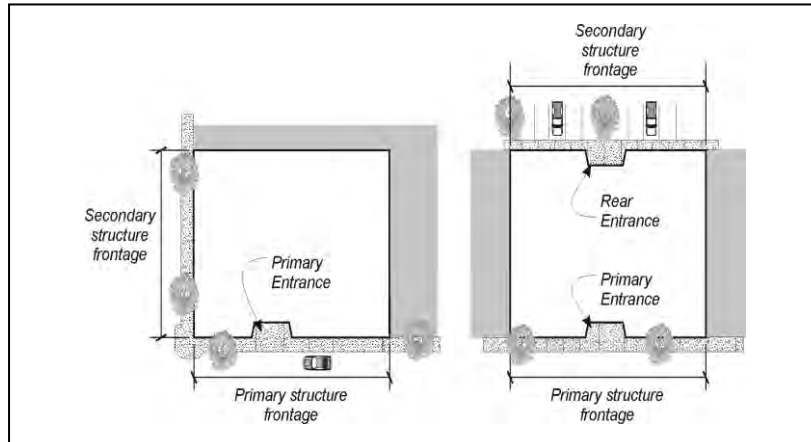


Figure 10-1 - Building Frontages

**Building Height.** See Section 17.30.050 (Height Limits and Exceptions).

**Building Official.** Director of the City's Building Department who is responsible for enforcing Federal, State, and local codes regarding grading, remodeling, and new construction.

**Business Support Service.** An establishment within a building that provides services to other businesses. Examples of these services include:

- blueprinting
- computer-related services (rental, repair) (see also "Maintenance Service - Client Site Services")
- copying and quick printing services
- film processing and photofinishing (retail)
- mailing and mail box services

## C. Definitions

**Cabinet Shop.** See "Furniture and Fixtures Manufacturing, Cabinet Shops."

**California Environmental Quality Act (CEQA).** State law (California Public Resources Code Sections 21000 et seq.) requiring public agencies to document and consider the environmental effects of a proposed action, prior to allowing the action to occur.

**California Public Utilities Commission (CPUC).** The governmental agency which regulates the terms and conditions of public utilities in the State.

**Canopy.** Canopy is a permanent roofed structure supported in part by a wall of the building and by posts or stanchions.

**Caretaker Quarters.** A permanent residence that is secondary or accessory to the primary use of the property, and used for housing a caretaker on the site of a non-residential use where needed for security purposes or to provide 24-hour care or monitoring of people, plants, animals, equipment, or other conditions on the site.

**Carriage House.** See "Second Unit or Carriage House."



**Catering Service.** A business that prepares food for consumption on the premises of a client.

**Change of Use.** The replacement of an existing use on a lot or parcel, or any portion thereof, by a new use, or a change in the nature of an existing use; but does not include a change of ownership, tenancy, or management associated with a use for which the previous nature of the use will remain substantially unchanged.

**Child Day Care Center.** See "Day Care."

**City.** The City of Grass Valley, State of California, referred to in this Development Code as the "City."

**City Council.** The Grass Valley City Council, referred to in this Development Code as the "Council."

**City Engineer.** Director of the City's Engineering Department who is responsible for water service distribution within the City's water service area.

**City Manager.** The City of Grass Valley City Manager, or his or her designee.

**Commercial Recreation Facility - Indoor.** Establishments providing indoor amusement and entertainment services for a fee or admission charge, including:

bowling alleys	electronic game arcades (video games, pinball, etc.)
coin-operated amusement arcades	ice skating and roller skating
dance halls, clubs and ballrooms	pool and billiard rooms as primary uses

This use does not include adult oriented businesses, which are separately defined. Four or more electronic games or coin-operated amusements in any establishment, or a premises where 50 percent or more of the floor area is occupied by amusement devices, are considered an electronic game arcade as described above; three or fewer machines are not considered a land use separate from the primary use of the site.

**Commercial Recreation Facility - Outdoor.** A facility for various outdoor recreational activities, where a fee is charged for use. Examples include:

amusement and theme parks	miniature golf courses
go-cart tracks	skating parks
golf driving ranges	water slides

May also include commercial facilities customarily associated with the above outdoor commercial recreational uses, including bars and restaurants, video game arcades, etc.

**Commercial Space.** Any street-level portion of a structure within the Town Core zone that is vacant or occupied for non-residential purposes including, without limitation, each separately demised space in a building accessible from a public right-of-way or public place.

**Communications Facility.** See "Telecommunications Facilities."

**Community Center.** A multi-purpose meeting and recreational facility typically consisting of one or more meeting or multi-purpose rooms, kitchen and/or outdoor barbecue facilities, that are available for use by various groups for such activities as meetings, parties, receptions, dances, etc.

**Community Garden.** A site used for growing plants for food, fiber, herbs, flowers, and others, which is shared and maintained by community residents.

**Concrete, Gypsum, and Plaster Product Manufacturing.** An establishment that produces bulk concrete, concrete building block, brick, and/or other types of precast and prefabricated concrete products. Also includes ready-mix concrete batch plants, lime manufacturing, and the manufacture of gypsum products, including plasterboard.

**Condominium.** As defined by Civil Code Section 1351(f), a development where undivided interest in common in a portion of real property is coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map or parcel map.

**Conference/Convention Facility.** One or more structures accommodating multiple assembly, meeting, and/or exhibit rooms, and related support facilities (e.g., kitchens, offices, etc.).

**Construction, Farm, and Heavy Equipment Sales and Rental.** Retail establishments selling or renting construction, farm, or other heavy equipment. Examples include cranes, earth moving equipment, tractors, combines, heavy trucks, etc.

**Construction Permit.** A permit issued by the City that authorizes construction activities, including Building Permits, Grading Permits, etc.

**Contractor Storage Yard.** See "Storage - Contractor Storage Yard."

**Cottage Food Operation.** An enterprise that has more than the amount in gross annual sales that is specified in this subdivision, is operated by a cottage food operator, and has not more than one full-time equivalent cottage food employee, not including a family member or household member of the cottage food operator, within the registered or permitted area of a private home where the cottage food operator resides and where cottage food products are prepared or packaged for direct or indirect sale to consumers pursuant to this part. Commencing in 2015, and each subsequent year thereafter, the enterprise shall not have more than fifty thousand dollars (\$50,000) in gross annual sales in the calendar year. A cottage food operation includes both of the following:

1. A "Class A" cottage food operation, which is a cottage food operation that may engage only in direct sales of cottage food products from the cottage food operation or other direct sales revenues described in paragraph (4) of subdivision (b) of H&S Code 110460.

Direct sales means a transaction between the CFO operator and a consumer where the consumer purchases the cottage food product directly from the CFO. Direct sales include, but are not limited to, transactions at holiday bazaars or other temporary events, such as bake sales or food swaps, transactions at permitted farm stands and certified farmers markets, through community-supported agriculture subscriptions and transactions occurring in person in the cottage food operation.

2. A "Class B" cottage food operation, which is a cottage food operation that may engage in both direct sales and indirect sales of cottage food products from the cottage food operation, from direct sales revenues described in paragraph (4) of subdivision (b), from offsite events, or from a third-party retail food facility described in paragraph (5) of subdivision (b) of H&S Code 110460.

Indirect sales means an interaction between a CFO, a third-party retailer, and a consumer, where the consumer purchases cottage food products made by the CFO from a third party retailer that holds a valid permit issued by the local environmental health department to their jurisdiction. Indirect sales include, but are not limited to, sales made to retail shops or to retail food facilities where food may be immediately consumed on the premises.

**Council.** See "City Council."

**County.** The County of Nevada, State of California.

**Court.** See "Sport Court."

**Crop Production, Horticulture, Orchard, Vineyard.** Commercial agricultural production field and orchard uses, including the production of the following, primarily in the soil on the site and not in containers, other than for initial propagation prior to planting in the soil on the site:

field crops	ornamental crops
flowers and seeds	tree nuts
fruits	trees and sod
grains	vegetables
melons	wine and table grapes

Also includes associated crop preparation services and harvesting activities, such as mechanical soil preparation, irrigation system construction, spraying, crop processing and retail sales in the field, not including sales sheds, which are instead defined under "Produce Stand." Does not include greenhouses which are instead defined under "Plant Nursery," and "Residential Accessory Use or Structure," or containerized crop production, which is instead defined under "Plant Nursery." Does not include non-commercial home gardening, which is allowed as an accessory use in all zoning districts without City approval.

## D. Definitions

**Day Care, Adult.** A state-licensed facility that provides non-medical care and supervision for adult clients for periods of less than 24 hours for any client.

**Day Care, Child.** Facilities that provide non-medical care and supervision of minor children for periods of less than 24 hours. These facilities include the following, all of which are required to be licensed by the California State Department of Social Services.

1. **Day Care Center.** Commercial or non-profit child day care facilities designed and approved to accommodate 15 or more children. Includes infant centers, preschools, sick-child centers, and school-age day care facilities. These may be operated in conjunction with a school or church facility, or as an independent land use.
2. **Family Day Care Home.** As defined by Health and Safety Code Section 1596.78, a home that regularly provides care, protection, and supervision for 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family day care home or a small family day care home.
3. **Large Family Day Care Home.** As defined by Health and Safety Code Section 1596.78, a day care facility in a single dwelling where an occupant of the residence provides family day care for seven to 14 children, inclusive, including children under the age of 10 years who reside in the home.
4. **Small Family Day Care Home.** As defined by Health and Safety Code Section 1596.78, a day care facility in a single residence where an occupant of the residence provides family day care for eight or fewer children, including children under the age of 10 years who reside in the home.

**Deck.** A platform attached to a house to provide outdoor living area that may be roofed, but is without walls on at least two sides, and which includes railings where required by the Building Code.

**Density.** The number of housing units per gross acre, unless otherwise stated, for residential uses. See also "Lot Area."

**Density Bonus.** As defined by Government Code Section 65915 et seq.

**Department.** The City of Grass Valley Community Development Department, referred to in this Development Code as the "Department."

**Development.** On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including subdivision in compliance with the Map Act; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure; and the removal or harvesting of major vegetation other than for agricultural purposes.

**Development Agreement.** A contract between the City and an applicant for a development project, in compliance with the Municipal Code, and Government Code Sections 65864 et seq.

**Development Code.** The City of Grass Valley Development Code, Title 17 of the Grass Valley Municipal Code, referred to herein as "this Development Code."

**Director.** The City of Grass Valley Community Development Director, or designee of the Director.

**Discretionary Permit.** A City land use review and entitlement process where the Review Authority exercises discretion in deciding to approve or disapprove the permit. Includes Minor Use Permits, Use Permits, Minor Variances, Variances, Development Review Approval, and Subdivision Maps.

**Drive-Through Retail or Service.** A retail or service business (examples include an automated teller machine (ATM), bank, pharmacy dispensary, or restaurant) where services may be obtained by motorists without leaving their vehicles.

**Duplex.** See "Multi-Family Housing."

**Dwelling, Dwelling Unit, or Housing Unit.** A room or group of internally connected rooms that have sleeping, cooking, eating, and sanitation facilities, but not more than one kitchen, which constitute an independent housekeeping unit, occupied by or intended for one household on a long-term basis.

## E. Definitions

**Easement.** A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

**Emergency Shelter.** A facility for the temporary shelter and feeding of indigents, homeless or disaster victims, operated by a public or non-profit agency.

**Environmental Impact Report (EIR).** An informational document used to assess the physical characteristics of an area and to determine what effects will result if the area is altered by a proposed action, prepared in compliance with the California Environmental Quality Act (CEQA).

**Equestrian Facility.** A commercial facility for horses, donkeys, and/or mules, examples of which include horse ranches, boarding stables, riding schools and academies, horse exhibition facilities (for shows or other competitive events), and barns, stables, corrals and paddocks accessory and incidental to these uses. Does not include the simple pasturing of horses, donkeys, and/or mules.

**Equipment Rental.** A service establishment that may offer a wide variety of household and business equipment, furniture, and materials for rental. Does not include construction equipment rental, which is separately defined.

**Extended Hour Retail.** A business that is open to the public between the hours of 11 p.m., and 6 a.m.

## F. Definitions

**Farm Supply and Feed Store.** A retail business selling supplies for use in soil preparation and maintenance, the planting and harvesting of crops, the keeping and raising of farm animals, and other operations and processes pertaining to farming and ranching. Includes the sale of small animals such as chicks and/or other animals authorized by Use Permit approval. Does not include the sale, rental, or repair of farm machinery and equipment, which is instead included in the definition of "Construction, Farm, and Heavy Equipment Sales and Rental."

**Farmers Market.** The temporary use of a site for the outdoor sales of food and farm produce items, in compliance with California Food and Agriculture Code Sections 1392 et seq.

**Feasible.** Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

**Fence.** A constructed, un-roofed barrier of wood, metal, masonry, or other material as allowed by this Development Code, that is intended to enclose, separate, define, secure, protect, and/or screen one or more areas of a site. Includes masonry walls.

1. **Open Wire Fence.** A fence through which fenced areas remain visible because of the wire mesh used for the fence. Includes chain link fencing, deer fencing, etc.
2. **Safety Fence.** A fence constructed to prevent access to a hazard or hazardous area.
3. **Razor or Concertina Wire.** Sharp fencing materials that are designed to lacerate animals or unauthorized persons attempting to climb or cross the fence through other than a gate.

**Fitness/Health Facility.** A fitness center, gymnasium, health and athletic club, which may include any of the following: sauna, spa or hot tub facilities; indoor tennis, handball, racquetball, archery and shooting ranges and other indoor sports activities. Does not include adult entertainment businesses.

**Flower Stand.** See "News or Flower Stand."

**Freight Terminal.** A transportation facility furnishing services incidental to air, motor freight, and rail transportation. Examples include:

freight forwarding services	packing, crating, inspection and weighing services
freight terminal facilities	postal service bulk mailing distribution centers
joint terminal and service facilities	transportation arrangement services
overnight mail processing facilities	trucking facilities, including transfer and storage

**Frontage Type.** See Section 17.21.090 (Frontage Type Standards).

**Fuel Dealer.** A retail trade establishment that sells fuel oil, butane, propane and liquefied petroleum gas (LPG), bottled or in bulk, to consumers.

**Furniture and Fixtures Manufacturing, Cabinet Shop.** A business that manufactures wood and metal household furniture and appliances; bedsprings and mattresses; all types of office furniture, and partitions, shelving, lockers and store furniture; and miscellaneous drapery hardware, window blinds and shades. Includes furniture re-upholstering businesses, wood and cabinet shops, but not sawmills or planing mills, which are instead included under "Manufacturing - Heavy.

**Furniture, Furnishings and Appliance Store.** A store that primarily sells the following products and related services, that may also provide incidental repair services:

computers and computer equipment	large musical instruments
draperies	lawn furniture
floor coverings	movable spas and hot tubs
furniture	office furniture
glass and chinaware	other household electrical and gas appliances
home appliances	outdoor furniture
home furnishings	refrigerators
home sound systems	stoves
interior decorating materials and services	televisions

## G. Definitions

**Garage, or Carport.** Parking space and shelter for automobiles or other vehicles, where the size of the parking space complies with the provisions of Chapter 17.36 (Parking and Loading).

1. A garage is a completely enclosed attached or detached accessory structure, with an operational door.
2. A carport is an attached or detached accessory structure enclosed on no more than two sides.

**General Plan.** The City of Grass Valley General Plan, including all its elements and all amendments, as adopted by the City Council in compliance with Government Code Section 65300 et seq., and referred to in this Development Code as the "General Plan."

**General Retail.** Stores and shops selling many lines of merchandise. Examples of these stores and lines of merchandise include:

art galleries, retail	jewelry
art supplies, including framing services	luggage and leather goods
bicycles	musical instruments (small), parts and accessories (large instruments are under "Furniture, Furnishings, and Appliance Store")
books, magazines, and newspapers	orthopedic supplies
cameras and photographic supplies	pet stores
clothing, shoes, and accessories	small wares
department stores	specialty shops
drug stores and pharmacies	sporting goods and equipment
dry goods	stationery
fabrics and sewing supplies	toys and games
florists and houseplant stores (indoor sales	variety stores
onlyOutdoor sales are "Building and Landscape Materials Sales")	videos, DVDs, records, CDs, including rental stores
hobby materials	

Does not include adult oriented businesses, antique or collectible stores, furniture and appliance stores, or second hand stores, which are separately defined.

**Grade.** The ground surface immediately adjacent to the exterior base of a structure, typically used as the basis for measuring the height of the structure.

**Groceries, Specialty Foods.** A retail business where the majority of the floor area open to the public is occupied by food products packaged for preparation and consumption away from the store. Includes retail bakeries, where any on-site baking is only for on-site sales. (See also "Catering Service".)

**Gross Lot Area.** See "Lot Area."

**Ground Floor.** The primary floor of a building to which pedestrian access is provided from the fronting street, either at the sidewalk level, or not more than six feet above or below the sidewalk.

**Guest House.** A detached structure accessory to a single dwelling, accommodating living/sleeping quarters, but without kitchen or cooking facilities.

## H. Definitions

**Habitable Space.** Space within a dwelling unit for living, sleeping, eating, cooking, bathing.

**Half Story.** A conditioned space that rests primarily underneath the slope of the roof, and usually has dormer windows. The finished floor must be a maximum of 2' below where the eave meets the wall. See Figure 10-2.

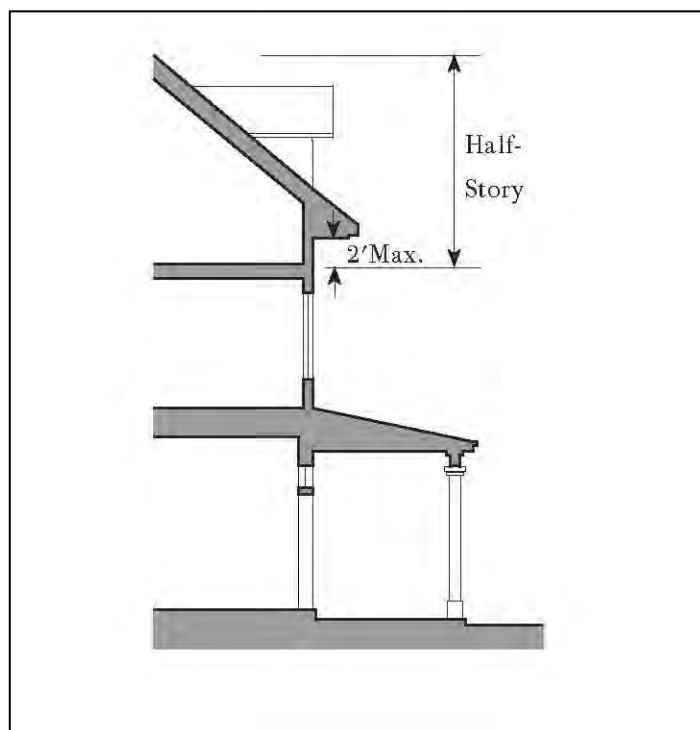


Figure 10-2 - Half-Story

**Height.** See Section 17.30.050 (Height Limits and Exceptions).

**Home Occupation.** The conduct of a business within a dwelling unit or residential site, employing only the occupants of the dwelling, with the business activity being subordinate to the residential use of the property.

**Hotel or Motel.** See "Lodging."

**Household Pets.** The keeping/raising of birds, cats, dogs, or other common household pets, as determined by the Director, incidental to a residential use.

## I. Definitions

**Intensification of Use.** A change in the use of a structure or site that generates more traffic or other level of activity on the site, for example: where the new use is required by this Development Code to have more off-street parking spaces than the former use; or a change in the operating characteristics of a use (for example, hours of operation).

**Interior Property Line.** See "Lot Features."



**J. Definitions**

**Junior Accessory Dwelling Unit.** A unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A Junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.

**K. Definitions**

**Kennel, Animal Boarding.** A commercial facility for the grooming, keeping, boarding or maintaining of four or more dogs (four months of age or older), or four or more cats except for dogs or cats for sale in pet shops, or in animal hospitals. Includes pet day care. See also "Veterinary Clinic, Animal Hospital."

**Key Lot.** See "Lot, or Parcel - Key Lot."

**Kitchen.** A room or space within a building used or intended to be used for the cooking or preparation of food, which includes any of the following: stove, oven, range top, dishwasher, kitchen sink.

**L. Definitions**

**Laboratory - Medical, Analytical.** A facility for testing, analysis, and/or research. Examples of this use include medical labs, soils and materials testing labs, and forensic labs.

**Land Use.** The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained.

**Landing.** The level portion of a stairway.

**Landscaping.** The following terms are defined for the purposes of Chapter 17.34 (Landscaping Standards).

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. **Automatic Controller.** A mechanical or solid state timer, capable of operating valve stations to set the days and length of time of a water application.
3. **Backflow Prevention Device.** A safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.
4. **Dripline.** An area delineated by the projection of the periphery of the crown area of a tree down to the ground surface (e.g., a line drawn on the ground around a tree directly under its outermost branch tips).
5. **Emitter.** A drip irrigation fitting that delivers water slowly from the system to the soil.
6. **Establishment period.** The period at which the plant has established itself and can live without supplemental watering, usually within a period of one to two years of planting.
7. **Irrigated landscaping.** An irrigated surface layer of soil containing landscaping composed of ground cover (e.g., shrubs, trees, and other plants).
8. **Moisture sensor.** A device that connects to the automatic controller, to signal irrigation only when the sensor detects low moisture in the plant root zone.
9. **Mulch.** Organic material (e.g., bark, leaves, or straw) that is applied to the soil surface to reduce evaporation and erosion.
10. **Runoff.** Water that is not absorbed by the soil or landscape to which it is applied and flows from the area and across property lines or into the public right-of-way.
11. **Station.** A planted area served by one valve or by a set of valves that operate simultaneously.
12. **Turf.** A surface layer of soil containing grass with its roots.

**Large Family Day Care Home.** See "Day Care."

**Large-Scale Retail.** See "Warehouse Retail."

**Laundry, Dry Cleaning Plant.** A service establishment engaged primarily in high volume laundry and garment services, including: carpet and upholstery cleaners; diaper services; dry cleaning and garment pressing; commercial laundries; linen supply. These facilities may include accessory customer pick-up facilities. These facilities do not include coin-operated laundries or laundry/dry cleaning pick-up stores without cleaning/processing equipment, which are instead under "Personal Services."

**Library, Museum, Art Gallery.** Public or quasi-public facilities, examples of which include: aquariums, arboretums, art galleries and exhibitions, botanical gardens, historic sites and exhibits, libraries, museums, planetariums, and zoos. May also include accessory retail uses such as a gift/book shop, restaurant, etc.

**Limited Term Permit.** See Section 17.72.040 (Limited Term Permit).

**Live/Work Unit.** An integrated housing unit and working space, occupied and utilized by a single household in a structure, either single-family or multi-family, that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes:

1. Complete kitchen space and sanitary facilities in compliance with the Building Code; and
2. Working space reserved for and regularly used by one or more occupants of the unit.

**Lodging.**

1. **Bed and Breakfast Inn (B&B).** A residential structure with one or more bedrooms rented for overnight lodging, where meals may be provided subject to applicable Environmental Health Department regulations.
2. **Hotel or Motel.** A facility with guest rooms or suites, with or without kitchen facilities, rented to the general public for transient lodging. Hotels typically include a variety of services in addition to lodging; for example, restaurants, meeting facilities, personal services, etc. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, etc.
3. **Hosted Short Term Rental Units.** The rental of no more than 2 bedrooms in a single family dwelling for lodging purposes of less than 30 consecutive days that is occupied by the owner or full-time resident.
4. **Manager.** The owner or agent that manages the short term rental.
5. **Owner.** The record owner of the single family dwelling being used as the short term rental.
6. **Vacation Rental Home.** The rental of a single family dwelling for lodging of less than 30 consecutive days that may or may not be occupied by the owner or full time resident.

**Lot Area.** See Figure 10-4 (Lot Features).

1. **Gross area.** Gross lot area is the total area included within the lot lines of a lot, exclusive of adjacent dedicated street rights of way.
2. **Net area.** Net lot area is the gross lot area, not including of easements that are not for the exclusive use of the lot on which the easement is located.

**Lot, or Parcel.** A recorded lot or parcel of real property under single ownership, lawfully created as required by applicable Subdivision Map Act and City ordinance requirements, including this Development Code. Types of lots include the following. See Figure 10-3 (Lot Types).

1. **Corner Lot.** A lot located at the intersection of two or more streets, where they intersect at an interior angle of not more than 175 degrees. If the intersection angle is more than 175 degrees, the lot is considered an interior lot.
2. **Double-Frontage Lot.** A lot with frontage on two generally parallel streets (see Section 17.88.030.F.5.b regarding the limited circumstances where double-frontage lots are allowed.).

3. **Flag Lot.** A lot having access from the building site to a public street by means of private right-of-way strip that is owned in fee.
4. **Interior Lot.** A lot abutting only one street.
5. **Key Lot.** An interior lot, the front of which adjoins the side property line of a corner lot.
6. **Reverse Corner Lot.** A corner lot with its longest definition oriented perpendicular to the other lots on the longest block face, the rear of which abuts a key lot.

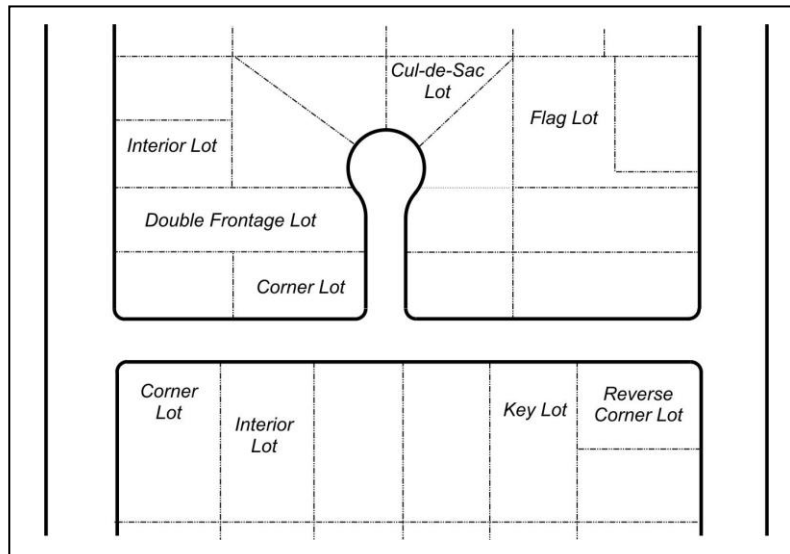


Figure 10-3 - Lot Types

**Lot Coverage.** See "Site Coverage."

**Lot Depth.** The average linear distance between the front and the rear lot lines or the intersection of the two side lot lines if there is no rear line. See Figure 10-4 (Lot Features). The Director shall determine lot depth for parcels of irregular configuration.

**Lot Frontage.** The boundary of a lot adjacent to a public street right-of-way. See Figure 10-4.

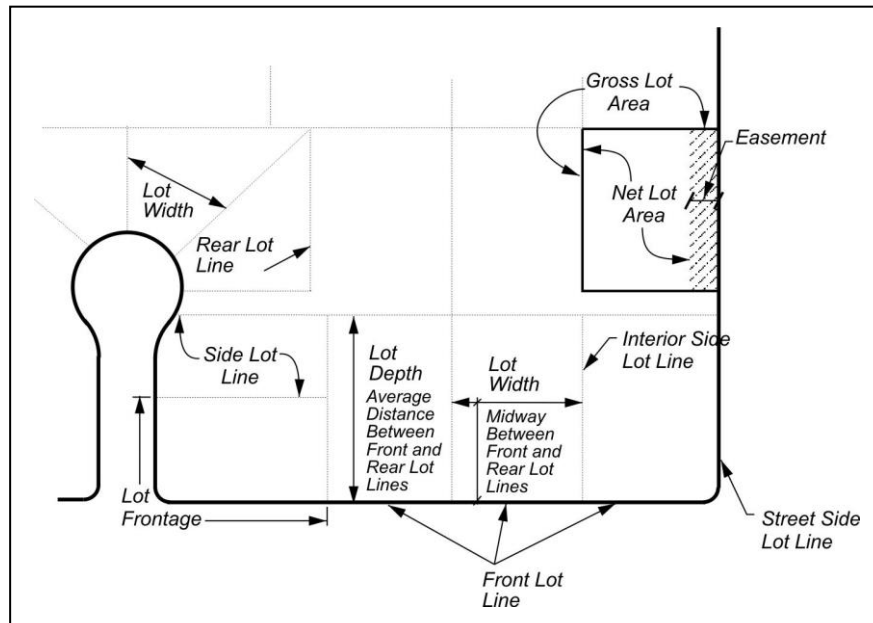


Figure 10-4 - Lot Features

**Lot Line or Property Line.** Any recorded boundary of a lot. Types of lot lines are as follows (see Figure 10-4 (Lot Features)):

1. **Front Lot Line.** On an interior lot, the property line separating the parcel from the street.
  - a. The front lot line on a corner lot is the line with the shortest frontage. If the street-fronting lot lines of a corner lot are equal in length, the front lot line shall be determined by the Director.
  - b. On a double-frontage lot, both lot lines are front lot lines and the lot is considered to have no rear lot line (see Section 17.78.030.F.5.b regarding the limited circumstances where double-frontage lots are allowed.).
2. **Interior Lot Line.** Any lot line not abutting a street.
3. **Rear Lot Line.** A property line that does not intersect the front lot line, which is most distant from and most closely parallel to the front lot line.
4. **Side Lot Line.** Any lot line that is not a front or rear lot line.

**Lot Width.** The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines. See Figure 10-4 (Lot Features). The Director shall determine lot width for parcels of irregular shape.

**Lumber and Wood Product Manufacturing.** Manufacturing, processing, and sales involving the milling of forest products to produce rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes. Includes the following processes and products:

containers, pallets and skids	trusses and structural beams
manufactured and modular homes	turning and shaping of wood products
matches (wood)	wholesaling of basic wood products
milling operations	wood product assembly

Does not include craft-type shops ("Manufacturing - Light - Handcraft Industries and Small-Scale Manufacturing"); other wood and cabinet shops ("Furniture and Fixture Manufacturing, Cabinet Shops"); or the entirely indoor retail sale of building materials, construction tools and equipment ("Building and Landscape Materials Sales").

## M. Definitions

**Maintenance.** See "Repair and Maintenance."

**Maintenance Service - Client Site Services.** Base facilities for various businesses that provide services on the premises of their clients. Includes gardening, janitorial, pest control, water and smoke damage recovery, and similar services; and appliance, computer, electronics, elevator, equipment, HVAC, instrument, plumbing, security systems, and other maintenance and repair services not operating from a retail establishment that sells the products being maintained or repaired. When these services operate from a retail establishment that sells the products being maintained or repaired, they are instead considered part of the retail use.

**Manufacturing/Processing - Heavy.** A facility accommodating manufacturing processes that involve and/or produce basic metals, building materials, chemicals, fabricated metals, paper products, machinery, textiles, and/or transportation equipment, where the intensity and/or scale of operations may cause significant impacts on surrounding land uses or the community. Examples of heavy manufacturing uses include the following.

1. **Chemical Product Manufacturing.** An establishment that produces or uses basic chemicals, and other establishments creating products predominantly by chemical processes. Examples of these products include: basic chemicals, including acids, alkalies, salts, and organic chemicals; chemical products to be used in further manufacture, including synthetic fibers, plastic materials, dry colors, and pigments; and finished chemical products to be used for ultimate consumption, including drugs/pharmaceuticals, cosmetics, and soaps; or to be used as materials or supplies in other industries including paints, fertilizers, and explosives. Also includes sales and transportation establishments handling the chemicals described above, except as part of retail trade.
2. **Glass Product Manufacturing.** An establishment that manufactures glass and/or glass products by melting silica sand or cullet, including the production of flat glass and other glass products that are pressed, blown, or shaped from glass produced in the same establishment. Artisan and craftsman type operations of a larger scale than home occupations are instead included under ("Manufacturing - Light - Handcraft Industries and Small-Scale Manufacturing").

3. **Paving and Roofing Materials Manufacturing.** The manufacture of various common paving and petroleum-based roofing materials, including bulk asphalt, paving blocks made of asphalt, creosote wood, and various compositions of asphalt and tar. Does not include the manufacture of wood roofing materials (shingles, shakes, etc.) ("Lumber and Wood Product Manufacturing").
4. **Petroleum Refining and Related Industries.** Industrial plants for purifying petroleum, and the compounding of lubricating oils and greases from purchased materials. Also includes oil or gas processing facilities, liquified natural gas (LNG) facilities, the manufacture of petroleum coke and fuel briquettes, tank farms, and terminal facilities for pipelines. Does not include petroleum pipeline surge tanks and pump stations ("Public Utility Facilities"), or petroleum product distributors ("Petroleum Product Storage and Distribution").
5. **Plastics, other Synthetics, and Rubber Product Manufacturing.** The manufacture of rubber products including: tires, rubber footwear, mechanical rubber goods, heels and soles, flooring, and other rubber products from natural, synthetic, or reclaimed rubber. Also includes establishments engaged primarily in manufacturing tires; products from recycled or reclaimed plastics or styrofoam; molding primary plastics for other manufacturers, manufacturing miscellaneous finished plastics products, fiberglass manufacturing, and fiberglass application services. Does not include establishments engaged primarily in recapping and retreading automobile tires ("Vehicle Services - Major Repair/Body Work").
6. **Primary Metal Industries.** An establishment engaged in: the smelting and refining of ferrous and nonferrous metals from ore, pig, or scrap; the rolling, drawing, and alloying of metals; the manufacture of castings, forgings, stampings, extrusions, and other basic metal products; and the manufacturing of nails, spikes, and insulated wire and cable. Also includes merchant blast furnaces and by-product or beehive coke ovens.
7. **Pulp and Pulp Product Manufacturing.** An establishment that manufactures pulp, paper, or paperboard. Includes pulp, paper, and paperboard mills. Does not include establishments primarily engaged in converting paper or paperboard without manufacturing the paper or paperboard, including envelope manufacturing, converted paper products, paper coating and glazing, paper bags, assembly of paperboard boxes, wallpaper ("Manufacturing - Light" B Paper Product Manufacturing).

8. **Textile and Leather Product Manufacturing.** An establishment that converts basic fibers (natural or synthetic) into a product, including yarn or fabric, that can be further manufactured into usable items ("Manufacturing - Light - Clothing and Fabric Product Manufacturing"), and industries that transform hides into leather by tanning or curing. Includes:

coating, waterproofing, or otherwise treating fabric	manufacturing of woven fabric, carpets, and rugs from yarn
dressed and dyed furs	preparation of fiber and subsequent manufacturing of yarn, threads, braids, twine cordage
dyeing and finishing fiber, yarn, fabric, and knit apparel	scouring and combing plants
leather-tanned, curried, and finished	upholstery manufacturing
manufacture of knit apparel and other finished products from yarn	yarn and thread mills
manufacture of felt goods, lace goods, non-woven fabrics and miscellaneous textiles	

**Manufacturing/Processing - Light.** A facility accommodating manufacturing processes involving and/or producing: apparel; food and beverage products; electronic, optical, and instrumentation products; ice; jewelry; and musical instruments. Light manufacturing also includes other establishments engaged in the assembly, fabrication, and conversion of already processed raw materials into products, where the operational characteristics of the manufacturing processes and the materials used are unlikely to cause significant impacts on surrounding land uses or the community. Examples of light manufacturing uses include the following.

1. **Artisan/Craft Product Manufacturing.** An establishment that manufactures and/or assembles small products primarily by hand, including jewelry, pottery and other ceramics, as well as small glass and metal art and craft products, where any retail sales are incidental to the manufacturing activity.
2. **Clothing and Fabric Product Manufacturing.** An establishment that assembles clothing, draperies, and/or other products by cutting and sewing purchased textile fabrics, and related materials including leather, rubberized fabrics, plastics and furs. Does not include custom tailors and dressmakers not operating as a factory and not located on the site of a clothing store (see "Personal Services"). See also, "Manufacturing - Heavy - Textile and Leather Product Manufacturing."



3. **Electronics, Equipment, and Appliance Manufacturing.** An establishment that manufactures equipment, apparatus, and/or supplies for the generation, storage, transmission, transformation and use of electrical energy, including:

appliances including stoves/ovens, refrigerators, freezers, laundry equipment, fans, vacuum cleaners, sewing machines	optical instruments and lenses
aviation instruments	photographic equipment
computers, computer components, peripherals	radio and television receiving equipment
electronic components and accessories,	surgical, medical and dental instruments, equipment, and supplies
semiconductors, integrated circuits, related devices	storage media, blank and pre-recorded, including magnetic, magneto-optical, and optical products such as compact disks (CDs), computer diskettes and hard drives, digital versatile disks (DVDs), magnetic tape products, phonograph records, etc.
electrical welding apparatus	
lighting and wiring equipment such as lamps and fixtures, wiring devices, vehicle lighting	surveying and drafting instruments
instruments for measurement, testing, analysis and control, associated sensors and accessories	switch gear and switchboards
miscellaneous electrical machinery, equipment and supplies such as x-ray apparatus and tubes, electromedical and electrotherapeutic apparatus, electrical equipment for internal combustion engines	telephone and telegraph apparatus
motors and generators	watches and clocks

Does not include testing laboratories (soils, materials testing, etc.) (see "Business Support Services"), or research and development facilities separate from manufacturing (see "Research and Development").

4. **Handcraft Industries, Small-Scale Manufacturing.** Establishments manufacturing and/or assembling small products primarily by hand, including jewelry, pottery and other ceramics, as well as small glass and metal art and craft products, and taxidermists. Also includes manufacturing establishments producing small products not classified in another major manufacturing group, including: brooms and brushes; buttons, costume novelties; jewelry; musical instruments; pens, pencils, and other office and artists' materials; sporting and athletic goods; toys; etc.
5. **Paper Product Manufacturing.** An establishment that converts pre-manufactured paper or paperboard into boxes, envelopes, paper bags, wallpaper, etc., and/or that coats or glazes pre-manufactured paper. Does not include the manufacturing of pulp, paper, or paperboard (see "Manufacturing - Heavy - Pulp and Pulp Product Manufacturing").
6. **Photo/Film Processing Lab.** A facility that provides high volume and/or custom processing services for photographic negative film, transparencies, and/or prints, where the processed products are delivered to off-site retail outlets for customer pick-up. Does not include small-scale photo processing machines accessory to other retail businesses.

**Manufacturing/Processing - Medium Intensity.** A facility accommodating manufacturing processes that involve and/or produce building materials, fabricated metal products, machinery, and/or transportation equipment, where the intensity and/or scale of operations is greater than those classified under "Manufacturing - Light," but where impacts on surrounding land uses or the community can typically be mitigated to acceptable levels. Examples of medium intensity manufacturing uses include the following.

1. **Food and Beverage Product Manufacturing.** Manufacturing establishments producing or processing foods and beverages for human consumption, and certain related products. Examples of these uses include:

bottling plants	fats and oil product manufacturing (not animal rendering)
breweries	fruit and vegetable canning, preserving, related processing
candy, sugar and confectionery products	grain mill products and by-products
manufacturing	meat, poultry, and seafood canning, curing, byproduct processing
catering services separate from stores or restaurants	soft drink production
coffee roasting	miscellaneous food item preparation from raw products
dairy products manufacturing	

Does not include: bakeries, which are separately defined; or beer brewing as part of a brew pub, bar or restaurant (see "Bar/Tavern," and "Night Club").

2. **Machinery Manufacturing.** An establishment that makes or processes raw materials into finished machines or parts for machines. Does not include the manufacture of electronics, equipment, or appliances ("Electronics, Equipment, and Appliance Manufacturing").
3. **Motor Vehicles and Transportation Equipment.** Manufacturers of equipment for transporting passengers and cargo by land, air and water, including motor vehicles, aircraft, spacecraft, ships, boats, railroad and other vehicles such as motorcycles, bicycles and snowmobiles. Includes manufacture of motor vehicle parts and accessories; trailers and campers for attachment to other vehicles; self-contained motor homes; and van conversions. Does not include mobile home and modular home assembly (listed under "Lumber and Wood Products").
4. **Stone and Cut Stone Product Manufacturing.** An establishment that cuts, shapes, and/or finishes marble, granite, slate, and/or other stone for construction and miscellaneous uses. Does not include establishments engaged primarily in buying or selling partly finished monuments and tombstones ("Handcraft industries, Small-scale Manufacturing").
5. **Structural Clay and Pottery Product Manufacturing.** An establishment that produces brick and structural clay products, including pipe, china plumbing fixtures, vitreous china articles, and/or fine earthenware and porcelain products. Does not include artist/craftsman uses (see "Handcraft Industries and Small Scale Manufacturing," "Home Occupations").

**Map Act.** See "Subdivision Map Act."

**Marquee.** Marquee is a permanent roofed structure attached to and supported by the building.

**Media Production.** Facilities for motion picture, television, video, sound, computer, and other communications media production.

**Median Income.** The annual, area median income applicable to the County, adjusted for family size in compliance with adjustment factors adopted by the United States Department of Housing and Urban Development (HUD). In the event that HUD no longer establishes median income levels at the time of conveyance of a unit, the City will determine by resolution, by any other recognized method of computing median income, the median income for purposes of this Chapter. The determination by the City shall be final and non-appealable.

**Medical Services - Clinic, Urgent Care.** A facility other than a hospital where medical, mental health, surgical and other personal health services are provided on an outpatient basis. Examples of these uses include:

medical offices with five or more licensed practitioners and/or medical specialties	urgent care facilities
out-patient care facilities	other allied health services

These facilities may also include incidental medical laboratories. Counseling services by other than medical doctors or psychiatrists are included under "Offices - Professional/Administrative."

**Medical Services - Doctor Office.** A facility other than a hospital where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis, and that accommodates no more than four licensed primary practitioners (for example, chiropractors, medical doctors, psychiatrists, etc., other than nursing staff) within an individual office suite. A facility with five or more licensed practitioners is instead classified under "Medical Services - Clinic, Urgent Care." Counseling services by other than medical doctors or psychiatrists are included under "Offices - Professional/Administrative."

**Medical Services - Extended Care.** Residential facilities providing nursing and health-related care as a primary use with in-patient beds. Examples of these uses include: board and care homes; convalescent and rest homes; extended care facilities; and skilled nursing facilities. Long-term personal care facilities that do not emphasize medical treatment are included under "Residential Care."

**Medical Services - Hospital.** Hospitals and similar facilities engaged primarily in providing diagnostic services, and extensive medical treatment, including surgical and other hospital services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. May include on-site accessory clinics and laboratories, accessory retail uses (see the separate definition of "Accessory Retail Uses"), and on-site ambulance dispatch facilities.

**Meeting Facility, Public or Private.** A facility for public or private meetings, including community centers, religious assembly facilities (e.g., churches, mosques, synagogues, etc.), civic and private auditoriums, Grange halls, union halls, meeting halls for clubs and other membership organizations, etc. Also includes functionally related internal facilities such as kitchens, multi-purpose rooms, and storage. Does not include conference and meeting rooms accessory and incidental to another primary use that are typically used only by on-site employees and clients, and occupy less floor area on the site than the offices they support (see "Offices"). Does not include: sports or other commercial entertainment facilities (see "Theater," and "Sports and Entertainment Assembly"); or convention centers (see "Conference/Convention Facility"). Related on-site facilities such as day care centers and schools are separately defined.

**Metal Products Fabrication, Machine or Welding Shop.** An establishment engaged in the production and/or assembly of metal parts, including the production of metal cabinets and enclosures, cans and shipping containers, doors and gates, duct work, forgings and stampings, hardware and tools, plumbing fixtures and products, tanks, towers, and similar products. Examples of these uses include:

blacksmith and welding shops	sheet metal shops
plating, stripping, and coating shops	machine shops and boiler shops

**Minor Use Permit.** See Section 17.72.060 (Use Permit and Minor Use Permit).

**Minor Variance.** See Section 17.72.070 (Variance and Minor Variance).

**Mixed-Use Project.** A project that combines both commercial and residential uses on the same site. See Section 17.44.130 (Mixed Use Projects).

**Mobile Home.** A trailer, transportable in one or more sections, that is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, which is over eight feet in width and 40 feet in length, with or without a permanent foundation and not including recreational vehicle, commercial coach or factory-built housing. A mobile home on a permanent foundation is included under the definition of "Single Dwellings."

**Mobile Home, Boat, or RV Sales.** The retail sale of mobile homes, and/or various vehicles and watercraft for recreational uses. Includes the sales of boats, campers and camper shells, jet skis, motor homes, and travel trailers.

**Mobile Home Park.** Any site that is planned and improved to accommodate two or more mobile homes used for residential purposes, or on which two or more mobile home lots are rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate mobile homes used for residential purposes.

**Mortuary, Funeral Home.** Funeral homes and parlors, where deceased are prepared for burial or cremation, and funeral services may be conducted. Does not include on-site cremation.

**Motel.** See "Lodging."

**Multi-Family Housing.** A structure containing two or more dwelling units. Multi-family dwellings include: duplexes, triplexes, fourplexes (buildings under one ownership with two, three or four dwelling units, respectively, in the same structure); apartments (five or more units under one ownership in a single building); townhouse development (three or more attached dwellings where no unit is located over another unit); rowhouses; and other building types containing multiple dwelling units (for example, condominiums, courtyard housing, stacked flats, etc.).

## N. Definitions

**Natural, or Existing Grade.** The contour of the ground surface before grading.

**Negative Declaration.** A Negative Declaration as defined by the California Environmental Quality Act (CEQA).

**Neighborhood Market.** A neighborhood serving retail store of 3,500 square feet or less in gross floor area, which carries a range of merchandise oriented to daily convenience shopping needs.

**Net Lot Area.** See "Lot Area."

**News or Flower Stand.** A structure for the retail sale of newspapers and magazines, or flowers and related products, that is either freestanding or between a building wall and a sidewalk, with a sales person operating the facility at all times when it is open for business.

**Night Club.** A facility serving alcoholic beverages for on-site consumption, and providing entertainment, examples of which include live music and/or dancing, comedy, etc. Does not include "Adult Oriented Business."

**Nonconforming Parcel.** A parcel that was legally created prior to the adoption of this Development Code or amendment, but does not comply with the current area, width, depth, or other applicable requirements of this Development Code.

**Nonconforming Sign.** A sign that lawfully existed prior to the effective date of this Development Code or amendment, but does not comply with the current sign regulations of this Development Code.

**Nonconforming Structure.** A structure that was legally constructed prior to the adoption or amendment of this Development Code, but does not comply with the current setback, height limit, and/or other applicable requirements of this Development Code.

**Nonconforming Use.** A use of land and/or a structure (either conforming or nonconforming) that was legally established and maintained prior to the adoption of this Development Code or amendment, but does not conform to the current Development Code requirements for allowable land uses within the applicable zoning district.

## O. Definitions

**Occupied.** A commercial space is deemed to be "occupied" when a person is lawfully operating or doing business in that space for at least 30 days and which meets the criteria of section 17.41.030 (F) of this code.

**Off-Sale Liquor Establishment.** Any establishment at which alcohol is sold, served, or given to patrons, to be consumed off-site, except food markets, supermarkets, drugstores, and other retail establishments in which the sale of alcohol for off-site use constitutes less than 20 percent of the total sales.

**Off-Site.** An activity or accessory use that is related to a specific primary use, but is not located on the same site as the primary use.

**Office.** This Development Code distinguishes between the following types of offices. These do not include medical offices (see "Medical Service - Clinic, Laboratory, Urgent Care," and "Medical Service - Doctor Office.")

1. **Accessory.** An office facility for business administration, and/or on-site business and operations management, that is incidental and accessory to another business, sales, and/or service activity on the same site that is the primary use. These are permitted in all zones.
2. **Business/Service.** An establishment providing direct services to consumers. Examples of this use include employment agencies, insurance agent offices, real estate offices, travel agencies, utility company offices, elected official satellite offices, etc. This use does not include "Bank, Financial Services," which are separately defined.
3. **Government.** An administrative, clerical, or public contact and/or service office of a local, state, or federal government agency or service facility. Includes post offices, but not bulk mailing distribution centers, which are under "Truck or Freight Terminal."

4. **Headquarters.** An office for a single business with 100 or more employees that serves as a corporate headquarters or a significant satellite facility.
5. **Processing.** An office-type facility characterized by high employee density, and occupied by businesses engaged in information processing, and other computer-dependent and/or telecommunications-based activities. Examples of these uses include:
- |   |   |
|---|---|
| airline, lodging chain, and rental car company reservation centers                  | insurance claim processing                                |
| computer software and hardware design and development                               | mail order and electronic commerce transaction processing |
| consumer credit reporting   | telecommunications facility design and management         |
| data processing services  | telemarketing   |
| health management organization (HMO) offices where no medical services are provided |   |
6. **Professional/Administrative.** An office facility occupied by a business that provides professional services, or is engaged in the production of intellectual property. Examples of this use include:
- |   |  |
|---|--|
| accounting, auditing and bookkeeping services   | financial management and investment counseling                                       |
| advertising agencies  | literary and talent agencies   |
| attorneys   | management and public relations services   |
| business associations, chambers of commerce   | media postproduction services  |
| commercial art and design services  | news services  |
| construction contractors (office facilities only)   | photographers and photography studios  |
| counseling services   | political campaign headquarters  |
| court reporting services  | psychologists  |
| detective agencies and similar services   | secretarial, stenographic, word processing, and temporary clerical employee services |
| design services including architecture, engineering, landscape architecture, urban planning | security and commodity brokers   |
| educational, scientific and research organizations  | writers and artists offices  |
7. **Temporary.** A mobile home, recreational vehicle or modular unit used as a temporary office facility. Temporary Offices may include: construction supervision offices on a construction site or off-site construction yard; a temporary on-site real estate office for a development project; or a temporary business office in advance of permanent facility construction.

8. **Temporary Real Estate.** The temporary use of a dwelling unit within a residential development project as a sales office for the units on the same site, which is converted to residential use at the conclusion of its office use.

**Office-Supporting Retail.** A retail store that carries one or more types of merchandise that will typically be of frequent interest to and/or needed by the various businesses listed under the definition of "Office," and/or the employees of those businesses. Examples of these types of merchandise include:

Books	Newspapers and magazines
Computer equipment	Office supplies, stationery
Flowers	Photographic supplies and cameras

**On-Sale Liquor Establishment.** Any establishment at which alcohol is sold, served, or given to patrons, to be consumed on-site.

**On-Site.** An activity or accessory use that is related to a specific primary use, which is located on the same site as the primary use.

**On-site Production of Items Sold.** Retail establishments, not defined as general retail, for the repurposing and reusing of products and sale of used goods primarily produced by hand, including but not limited to: jewelry, pottery, and other ceramics, furniture, small glass, metal art, and craft products where no noise, dust, odor, or other nuisances occur and where the production activity is incidental to the retail sales and not defined as manufacturing/processing light.

**Open Fencing.** A barrier constructed of materials including rails, pickets, wrought iron, or wire, with the materials spaced to that leaves at least 50 percent of the surface area open, allowing visibility through the fence.

**Ordinary Maintenance and Repair.** Work for which a Building Permit is not required, the purpose and effect of which is to correct deterioration of, or damage to a structure, and to restore the structure to its condition before the deterioration or damage.

**Outdoor Display and Sales.** The permanent outdoor display of merchandise incidental to an adjacent indoor retail use, and certain independent outdoor retail sales facilities. Includes news and flower stands, and outdoor dining areas. Does not include the sale of automobiles and recreational vehicles ("Auto and Vehicle Sales and Rental"), mobile homes ("Mobile Home, Boat, or RV Sales"), or building or landscape materials ("Building and Landscape Materials Sales - Outdoor). Outdoor display and sales shall comply with the standards for outdoor display, sales, and storage in Section 17.44.170.

**Outdoor Storage.** See "Storage - Outdoor."

## P. Definitions

**Parcel.** See "Lot, or Parcel."

**Park.** An outdoor recreation facility that may provide a variety of recreational opportunities including playground equipment, open space areas for passive recreation and picnicing, and sport and active recreation facilities.

**Parking Facility - Public or Commercial.** Parking lots or structures operated by the City, or a private entity providing parking for a fee. Does not include towing impound and storage facilities, which are instead defined under "Storage - Outdoor."

**Playground.** An area occupied by children's play equipment, including climbing equipment, sandboxes, slides, swings, and/or similar equipment.

**Pedestrian Orientation.** A physical structure or place with design qualities and elements that contribute to an active, inviting and pleasant place for pedestrians that typically includes most of the following elements:

1. Building facades that are highly articulated at the street level, with interesting uses of material, color, and architectural detailing, located directly behind the sidewalk;
2. Visibility into buildings at the street level;
3. A continuous sidewalk, with a minimum of intrusions into pedestrian right-of-way;
4. Continuity of building facades along the street with few interruptions in the progression of buildings and stores;
5. Signs oriented and scaled to the pedestrian rather than the motorist.

Pedestrian orientation may also include: design amenities related to the street level, such as awnings, paseos, and arcades; landscaping and street furniture.

**Pedestrian Oriented Use.** A land use that is intended to encourage walk-in customers and that generally does not limit the number of customers by requiring appointments or otherwise excluding the general public. A pedestrian oriented use provides spontaneous draw from sidewalk and street due to visual interest, high customer turnover, and/or social interaction.

**Person.** Any individual, firm, partnership, corporation, company, association, joint stock association; city, county, state, or district; and includes any trustee, receiver, assignee, or other similar representative thereof.

**Personal Services.** Establishments providing non-medical services to individuals as a primary use. Examples of these uses include:

barber and beauty shops	massage (licensed, therapeutic, non-sexual)
clothing rental	pet grooming with no boarding
dry cleaning pick-up stores with limited equipment	shoe repair shops
home electronics and small appliance repair	tailors
laundromats (self-service laundries)	tanning salons
locksmiths	tattoo and body piercing services (restrictions apply within T-Zone in Historic District)

These uses may also include accessory retail sales of products related to the services provided.



**Personal Services - Restricted.** Personal services that may tend to have a blighting and/or deteriorating effect upon surrounding areas and which may need to be dispersed to minimize their adverse impacts. Examples of these uses include:

check cashing services	pawnshops
fortune tellers	psychics
palm and card readers	spas and hot tubs for hourly rental

**Planning Commission.** The City of Grass Valley Planning Commission, appointed by the Grass Valley City Council in compliance with Government Code Section 65101, referred to throughout this Development Code as the "Commission."

**Planning Permit.** Authority granted by the City to use a specified site for a particular purpose. "Planning Permit" includes Use Permits, Minor Use Permits, Limited Term Permits, Variances, Minor Variances, Design Review, Master Development Plans, and Zoning Clearances, as established by Article 7 (Planning Permit Procedures) of this Development Code.

**Plant Nursery.** A commercial agricultural establishment engaged in the production of ornamental plants and other nursery products, grown under cover either in containers or in the soil on the site, or outdoors in containers. The outdoor production of ornamental plants in the soil on the site is instead included under "Crop Production, Horticulture, Orchard, Vineyard." Also includes establishments engaged in the sale of these products (e.g., wholesale and retail nurseries) and commercial-scale greenhouses (home greenhouses are included under "Residential Accessory Use or Structure"). The sale of house plants or other nursery products entirely within a building is also included under "General Retail."

**Porch.** An covered but otherwise open platform that provides a transition between the interior of a building and the public space of the street.

**Primary Street.** A primary street is a street with the most prominent address within the framework of the town that a majority of buildings along the street front on to.

**Primary Structure.** A structure that accommodates the primary use of the site.

**Primary Use.** The main purpose for which a site is developed and occupied.

**Printing and Publishing.** An establishment engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying; and other establishments serving the printing trade such as bookbinding, typesetting, engraving, photoengraving and electrotyping. This use also includes establishments that publish newspapers, books and periodicals; establishments manufacturing business forms and binding devices. "Quick printing" services are included in the definition of "Business Support Services."

**Private Residential Recreation Facility.** A privately-owned, non-commercial outdoor recreation facility provided for residential project or neighborhood residents, including swimming pools, swim and tennis clubs, sport court facilities. Does not include golf courses and country clubs, which are separately defined.

**Produce Stand.** A temporary business established and operated for a specific time, selling raw, unprocessed fruits, vegetables, nuts, and other produce in its raw or natural state, and that is accessory to an on-site or adjacent agricultural operation.

**Property Line.** See "Lot Line or Property Line."

**Proposed Project.** A proposed new structure, new addition to an existing structure, or area of other new site development; these do not include the alteration of any portion of an existing structure other than an addition.

**Public Safety Facility.** A facility operated by a public agency including fire stations, other fire prevention and firefighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities. May include ambulance dispatch facilities on the same site.

**Q. Definitions**

**Qualifying Resident.** A senior citizen or other person eligible to reside in senior citizen housing.

**R. Definitions**

**Recreational Vehicle (RV).** A motor home, travel trailer, truck camper, carryall, or camp trailer, house car, with or without motive power, originally designed for human habitation for recreational, emergency, or other occupancy, which:

1. Contains less than 320 square feet of internal living room area, excluding built-in equipment, including wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms;
2. Contains 400 square feet or less of gross area measured at maximum horizontal projections;
3. Is built on a single chassis; and
4. Is either self-propelled, truck-mounted, or permanently towable on the highways without a towing permit.

Also includes boats, boat trailers, other types of trailers, golf carts, and busses.

**Recreational Vehicle Park.** A site where one or more lots are used, or are intended to be used, by campers with recreational vehicles or tents. Recreational vehicle parks may include public restrooms, water, sewer, and electric hookups to each lot and are intended as a higher density, more intensively developed use than campgrounds. May include accessory retail uses where they are clearly incidental and intended to serve RV park patrons only.

**Recycling Facility.** A center for the collection and/or processing of recyclable materials. A "certified" recycling or processing facility is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986.

1. **Small Collection Facility.** A center where the public may donate, redeem or sell recyclable materials, which may include the following, where allowed by the applicable zoning district:
  - a. Reverse vending machines; or
  - b. Small collection facilities which occupy an area of 350 square feet or less and may include a mobile unit.
2. **Large Collection Facility.** Large collection facilities which occupy an area of more than 350 square feet and/or include permanent structures.
3. **Mobile Recycling Unit.** An automobile, truck, trailer, or van used for the collection of recyclable materials, carrying bins, boxes, or other containers.
4. **Processing Facility.** A structure or enclosed space used for the collection and processing of recyclable materials for shipment, or to an end-user's specifications, by such means as baling,

briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, re-manufacturing and shredding. Processing facilities include the following types, both of which are included under the definition of "Scrap and Dismantling Yards," below:

- a. Light processing facility occupies an area of under 45,000 square feet of collection, processing and storage area, and averages two 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 shred, compact, or bale ferrous metals other than food and beverage containers; and
  - b. A heavy processing facility is any processing facility other than a light processing facility.
5. **Recycling or Recyclable Material.** Reusable domestic containers and other materials which can be reconstituted, re-manufactured, or reused in an altered form, including glass, metals, paper and plastic. Recyclable material does not include refuse or hazardous materials.
6. **Reverse Vending Machine.** An automated mechanical device which accepts at least one or more types of empty beverage containers 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. These vending machines may accept aluminum cans, glass and plastic bottles, and other containers.

A bulk reverse vending machine is a reverse vending machine that is larger than 50 square feet, is designed to accept more than one container at a time, and issues a cash refund based on total weight instead of by container.

7. **Scrap or Dismantling Yard.** Outdoor establishments primarily engaged in assembling, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap, and the incidental wholesale or retail sales of parts from those vehicles. Includes light and heavy processing facilities for recycling (see the definitions above). Does not include: pawn shops, and other secondhand stores; the sale of operative used cars; or landfills or other waste disposal sites.

**Repair Service - Equipment, Large Appliances, etc.** A service facility where various types of electrical, electronic, and mechanical equipment, and home and business appliances are repaired and/or maintained away from the site of the equipment owner. Does not include vehicle repair or maintenance, which is included under "Vehicle Services", the repair of small home appliances and electronic equipment, which is included under "Personal Services", maintenance and repair activities that occur on the client's site, which are included under "Maintenance Service - Client Site Services," or repair services provided on the site of a retail use that sells the products for which repair services are offered, which are incidental to the on-site sales.

**Repair and Maintenance.** For the purposes of Section 17.20.040 (Exemptions from Planning Permit Requirements) and Chapter 17.90 (Nonconforming Uses, Structures, and Parcels), repair and maintenance includes work on a building or other structure involving: cleaning; interior and exterior painting; re-roofing; the patching of cracks, holes, and other damage to interior and exterior walls; the replacement or repair of electrical or plumbing fixtures and lines; but does not include changes to any structural member.

**Research and Development (R&D).** A facility for scientific research, and the design, development and testing of electrical, electronic, magnetic, optical and computer and telecommunications components in advance of product manufacturing, and the assembly of related products from parts produced off-site, where the manufacturing activity is secondary to the research and development activities, and where no more than 30 percent of the total floor area is office. Includes pharmaceutical,

chemical and biotechnology research and development. Does not include soils and other materials testing laboratories (see "Laboratory"), or medical laboratories (see "Medical Service - Clinic, Laboratory, Urgent Care").

**Residential Accessory Use or Structure.** Any use and/or structure that is customarily a part of, and clearly incidental and secondary to a residence, and does not change the character of the residential use. This definition includes the following detached accessory structures, and other similar structures normally associated with a residential use of property. See also "Agricultural Accessory Structure."

garage	studio
gazebo	swimming pool
greenhouse (non-commercial)	tennis and other on-site sport courts
spa, hot tub	workshop
storage shed	

Also includes the indoor storage of automobiles, personal recreational vehicles and other personal property, accessory to a residential use. Does not include: second units, which are separately defined; guest houses, which are included under the definition of second units; or home satellite dish and other receiving antennas for earth-based TV and radio broadcasts (see "Telecommunications Facilities").

**Residential Care.** A single dwelling or multi-unit facility licensed or supervised by a Federal, State, or local health/welfare agency that provides 24-hour nonmedical care of unrelated persons who are handicapped and in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual in a family-like environment. This use includes transitional housing or supportive housing. Does not include day care facilities, which are separately defined.

**Residential Care Facility for the Elderly (RCFE).** A housing arrangement chosen voluntarily by the residents, or the residents' guardians, conservators or other responsible persons; where 75 percent of the residents are at least 62 years of age, or, if younger, have needs compatible with other residents; and where varying levels of care and supervision are provided, as agreed to at the time of admission or as determined necessary at subsequent times of reappraisal (definition from California Code of Regulations Title 22, Division 6, Chapter 6, Residential Care Facilities for the Elderly). RCFE projects may include basic services and community space.

RCFE projects include assisted living facilities (board and care homes), congregate housing, independent living centers/senior apartments, and life care facilities as defined below.

1. **Assisted Living Facility.** A residential building or buildings that also provide housing, personal and health care, as permitted by the Department of Social Services, designed to respond to the daily, individual needs of the residents. Assisted Living Facilities may include kitchenettes (small refrigerator, sink and/or microwave oven) within individual rooms. Assisted Living Facilities are required to be licensed by the California Department of Social Services, and do not include skilled nursing services.
2. **Independent Living Center/Senior Apartment.** Independent living centers and senior apartments and are multi-family residential projects reserved for senior citizens, where common facilities may be provided (for example, recreation areas), but where each dwelling unit has individual living, sleeping, bathing, and kitchen facilities.

3. **Life Care Facility.** Sometimes called Continuing Care Retirement Communities, or Senior Continuum of Care Complex, these facilities provide a wide range of care and supervision, and also provide health care (skilled nursing) so that residents can receive medical care without leaving the facility. Residents can expect to remain, even if they become physically incapacitated later in life. Life Care Facilities require multiple licensing from the State Department of Social Services, the State Department of Health Services, and the State Department of Insurance.

**Responsible Party.** As defined in section 1.10.030 of this code, means any person, firm, association, club or organization (including informal clubs or organizations), corporation, partnership, trust(ee), or entity, and a parent or legal guardian of any person(s) under eighteen years of age, whose acts or omissions have caused or contributed to a violation of this code, and shall include any owner(s) or occupant(s) of the affected property.

**Restaurant, Café, Coffee Shop.** A retail business selling ready-to-eat food and/or beverages for on- or off-premise consumption. These include eating establishments where customers are served from a walk-up ordering counter for either on- or off-premise consumption ("counter service"); and establishments where customers are served food at their tables for on-premise consumption ("table service"), that may also provide food for take-out.

**Restaurant - Outdoor Dining.** A restaurant, as defined above, where food is served for consumption by customers at seating located outdoors.

**Retail Complex.** A primarily retail commercial site with three or more separate businesses sharing common pedestrian and parking areas.

**Review Authority.** The individual or official City body (the Community Development Director, Planning Commission, or City Council) identified by this Development Code as having the responsibility and authority to review, and approve or disapprove the permit applications described in Article 7 (Planning Permit Procedures).

**Rooming or Boarding House.** A dwelling or part of a dwelling where lodging is furnished for compensation to five or more persons living independently from each other. Meals may also be included. Does not include fraternities, sororities, convents, or monasteries, which are separately defined under "Organizational House."

**Rowhouse.** Two or more attached two-story dwellings fronting a sidewalk that occupy the entire width of their parcels, without side setbacks.

## S. Definitions

**School.** Includes the following facilities.

1. **Elementary, Middle, Secondary.** A public or private academic educational institution, including elementary (kindergarten through 6<sup>th</sup> grade), middle and junior high schools (7<sup>th</sup> and 8<sup>th</sup> grades), secondary and high schools (9<sup>th</sup> through 12<sup>th</sup> grades). May also include any of these schools that also provide room and board.
2. **Specialized Education/Training.** A school that provides education and/or training, including vocational training, in limited subjects. Examples of these schools include:

art school	establishments providing courses by mail
ballet and other dance school	language school
business, secretarial, and vocational school	martial arts
computers and electronics school	music school
drama school	professional school (law, medicine, etc.)
driver education school	seminaries/religious ministry training facility

Does not include pre-schools and child day care facilities (see "Day Care"). See also the definition of "Studio - Art, Dance, Martial Arts, Music, etc." for smaller-scale facilities offering specialized instruction.

**Second Hand Store.** A retail store that buys and sells used products, including clothing, furniture and household goods, jewelry, appliances, musical instruments, business machines and office equipment, tools, motors, machines, instruments, or any similar secondhand articles or objects. Does not include bookstores ("General Retail"); secondhand farm and construction equipment ("Construction, Farm, and Heavy Equipment Sales and Rental"); junk dealers, or scrap/dismantling yards (Recycling Facilities - Scrap and Dismantling Yards); the sale of antiques and collectibles ("Antique or Collectible Store"); the sale of cars and other used vehicles ("Auto and Vehicle Sales and Rental"); or pawnshops ("Personal Services - Restricted").

**Second Unit or Carriage House.** A second permanent dwelling that is accessory to a primary dwelling on the same site. A second unit or carriage house provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, sanitation, and parking, and if attached to the primary dwelling, is provided exterior access separate from the primary dwelling. A carriage house is a second unit located on an upper floor above the detached garage of a single dwelling. Includes guest houses.

**Service Station.** A retail business selling gasoline and/or other motor vehicle fuels, and related products. Where allowed by Article 2 (Community and Project Design), a service station may also include "Vehicle Services," and/or trailer rental ("Auto and Vehicle Sales or Rental"), which are separately defined. Does not include convenience stores, which are separately defined, and regulated by this Development Code as a separate land use type.

**Setback.** The distance by which a structure, parking area or other development feature must be separated from a lot line, other structure or development feature, or street centerline. See also "Yard," and Section 17.30.020 (Build-to Line Requirements and Exceptions).

**Short Term Rental.** See "Lodging".

**Sign.** A structure, device, figure, display, message placard, or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended, or used to advertise, or to provide information in the nature of advertising, to direct or attract attention to an object, person, institution, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Does not include murals, paintings and other works of art that are not intended to advertise or identify any business or product. Types of signs include the following, which are defined for the purposes of Chapter 17.38 (Signs).

1. **A-Board Sign.** A portable "a-frame" or "sandwich board" sign.
2. **Abandoned Sign.** A sign that identifies a business, lessor, owner, product, service or activity that is no longer on the premises where the sign is displayed.
3. **Animated or Moving Sign.** A sign that uses movement, lighting, or special materials to depict action or create a special effect to imitate movement.
4. **Awning Sign.** A sign copy or logo attached to or painted on an awning.
5. **Banner, Flag, or Pennant.** Cloth, bunting, plastic, paper, or similar non-rigid material used for advertising purposes attached to a structure, staff, pole, line, framing, or vehicle, 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.
6. **Bench Sign.** Copy painted on a portion of a bench.
7. **Cabinet Sign (Can Sign).** A sign with its text and/or logo symbols and artwork on a translucent face panel that is mounted within a metal frame or cabinet that contains the lighting fixtures which illuminate the sign face from behind.
8. **Changeable Copy Sign.** A sign designed to allow the changing of copy through manual, mechanical, or electrical means including time and temperature.
9. **Directional Sign.** A sign that is designed and erected solely for the purposes of directing vehicular and/or pedestrian traffic within a project.
10. **Directory Sign.** A sign for listing the tenants and their suite numbers of a multiple tenant structure or center.
11. **Double-Faced Sign.** A sign constructed to display its message on the outer surfaces of two identical and/or opposite parallel planes.
12. **Electronic Reader Board Sign.** A sign with a fixed or changing display composed of a series of lights, but not including time and temperature displays.

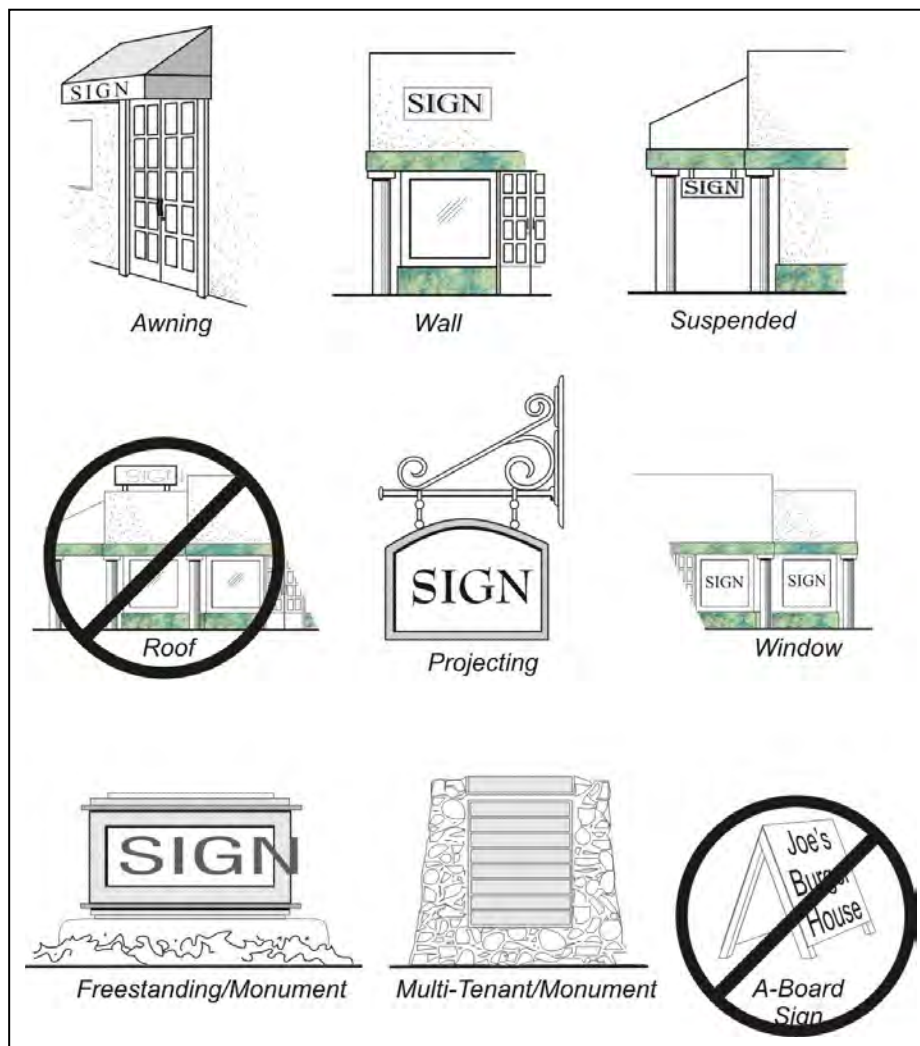


Figure 10-5 - Examples of sign types

13. **Flashing Sign.** A sign that contains an intermittent or sequential flashing light source.
14. **Freestanding Sign.** A sign fixed in an upright position on the ground not attached to a structure other than a framework, pole or device, erected primarily to support the sign.
15. **Freeway Oriented Sign.** A sign which is intentionally directed towards a highway or freeway to provide and intended to provide commercial advertising of the on site business.
16. **Illegal Sign.** A sign that includes any of the following:
  - a. A sign erected without complying with all regulations in effect at the time of its construction or use;
  - b. A sign that was legally erected, but whose use has ceased, the structure upon which the display is placed has been abandoned by its owner, or the sign is not being used to identify or advertise an ongoing business for a period of not less than 90 days;
  - c. 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 conforming has expired, and conformance has not been accomplished;

- d. A sign that was legally erected which later became nonconforming and then was damaged to the extent of 50 percent or more of its current replacement value;
  - e. A sign which is a danger to the public or is unsafe;
  - f. A sign which is a traffic hazard not created by relocation of streets or highways or by acts of the City; or
  - g. A sign that pertains to a specific event, and five days have elapsed since the occurrence of the event.
17. **Indirectly Illuminated Sign.** A sign whose light source is external to the sign and which casts its light onto the sign from some distance.
18. **Internally Illuminated Sign.** A sign whose light source is located in the interior of the sign so that the rays go through the face of the sign, or light source which is attached to the face of the sign and is perceived as a design element of the sign.
19. **Marquee (Canopy) Sign.** A sign which is attached to or otherwise made a part of a permanent roof-like structure which projects beyond the building wall in the form of a large canopy to provide protection from the weather.
20. **Monument Sign.** An independent, freestanding structure supported on the ground having a solid base as opposed to being supported by poles or open braces.
21. **Multi-Tenant Sign.** An identification sign for a commercial site with multiple tenants, displaying the names of each tenant on the site.
22. **Neon Signs/Neon Lighting.** A sign/lighting containing continuous hollow tubing bent in the shape of letters or images, filled with gases that glow when electrical current is passed through the tubing.
23. **Nonconforming Sign.** An advertising structure or sign which was lawfully erected and maintained prior to the adoption of this Development Code, but does not now completely comply with current regulations.
24. **Off-Site Directional Sign.** A sign identifying a publicly owned facility, emergency facility, or a temporary subdivision sign, but excluding real estate signs.
25. **Off-Premise or Off-Site Sign.** A sign identifying a use, facility, service, or product that is not located, sold, or manufactured on the same premise as the sign, or that identifies a use, service, or product by a brand name which, although sold or manufactured on the premise, is not a principal item for sale or manufactured on the premise.
26. **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.
27. **Political or Social Issue Sign.** A sign that addresses:
- a. The passage or defeat of a measure appearing on the ballot in any national, state, or local election;
  - b. The election or defeat of any candidate for any public office in any national, state, or local election; or

- c. An international, national, state, or local political or social issue.
28. **Pole/Pylon Sign.** An elevated freestanding sign, typically supported by one or two poles or columns.
29. **Portable Sign.** A sign that is not permanently affixed to a structure or the ground.
30. **Projecting Sign.** A sign other than a wall sign suspending from, or supported by, a structure and projecting outward.
31. **Real Estate Sign.** A sign indicating that a property or any portion thereof is available for inspection, sale, lease, rent, or directing people to a property, but not including temporary subdivision signs.
32. **Roof Sign.** A sign constructed upon or over a roof, or placed so as to extend above the edge of the roof.
33. **Sign Exception.** An application for a sign not meeting the criteria listed in the Development Code.
34. **Temporary Sign.** A sign intended to be displayed for a limited period of time and capable of being viewed from a public right-of-way, parking area or neighboring property.
35. **Vehicle Sign.** A sign which is attached to or painted on a vehicle which is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or business located on the property.
36. **Wall Sign.** A sign which is attached to or painted on the exterior wall of a structure with the display surface of the sign approximately parallel to the building wall.
37. **Window Sign.** A sign posted, painted, placed, or affixed in or on a window exposed to public view. An interior sign which faces a window exposed to public view and is located within three feet of the window.

**Sign Area.** See Section 17.38.060.A (General Requirements for All Signs - Sign area measurement).

**Sign Height.** See Section 17.38.060.B (General Requirements for All Signs - Sign height measurement).

**Single Dwelling.** A building designed for and/or occupied exclusively by one housekeeping unit. Also includes factory-built, modular housing units, constructed in compliance with the Uniform Building Code (UBC), and mobile homes/manufactured housing units that comply with the National Manufactured Housing Construction and Safety Standards Act of 1974, placed on permanent foundation systems.

**Site.** A parcel or adjoining parcels under single ownership or single control, considered a unit for the purposes of development or other use.

**Site Coverage.** The percentage of total site area occupied by structures and all impervious surfaces. Structure/building coverage is measured from exterior wall to exterior wall.

**Small Family Day Care Home.** See "Day Care."

**Social Service Organization.** A public or quasi-public establishment providing social and/or rehabilitation services, serving persons with social or personal problems requiring special services, the handicapped, and the otherwise disadvantaged. Examples of this land use include: counseling centers,

welfare offices, job counseling and training centers, or vocational rehabilitation agencies. Includes organizations soliciting funds to be used directly for these and related services, and establishments engaged in community improvement and neighborhood development. Does not include day-care services, emergency shelters and "Residential Care," which are separately defined.

**Sport Court.** A basketball, handball, squash, tennis, volleyball, or similar outdoor facility for playing a participant sport. Does not include a basketball hoop on the front of a garage.

**Sports and Entertainment Assembly.** A large-scale indoor or outdoor facility accommodating spectator-oriented sports, concerts, and other entertainment activities. Examples of this land use include amphitheaters, race tracks, stadiums and coliseums.

**Sports and Active Recreation Facility.** Public and private facilities for various outdoor sports and other types of recreation, where the facilities are oriented more toward participants than spectators. Examples include:

athletic/sport fields (e.g., baseball, football, softball, soccer)	swimming pools
health and athletic club outdoor facilities	tennis and other sport courts (e.g., handball, squash)
skateboard parks	

**Stockyard.** A site where cattle or other animals are held or maintained for the purposes of feeding and/or marketing, including feed lots and sales yards.

**Storage - Accessory.** The indoor storage of materials accessory and incidental to a primary use is not considered a land use separate from the primary use.

**Storage - Contractor Storage Yard.** Outdoor storage facilities operated by, or on behalf of a contractor licensed by the State of California for storage of large equipment, vehicles, and/or other materials commonly used in the individual contractor's type of business; storage of scrap materials used for repair and maintenance of contractor's own equipment; and buildings or structures for uses such as repair facilities. May include an accessory office. A contractor's office located away from a storage facility is included under the definition of "Office - Business, Service."

**Storage - Outdoor.** The storage of various materials outside of a structure other than fencing, either as an accessory or primary use.

**Storage - Personal Storage Facility.** A structure containing generally small, individual compartments, stalls or lockers rented as individual storage spaces and characterized by low parking demand.

**Storage - Vehicle.** See "Vehicle Storage."

**Storage - Warehouse, Indoor Storage.** Facilities for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include: warehouse, storage or mini-storage facilities offered for rent or lease to the general public ("Storage - Personal Storage Facility"); warehouse facilities primarily used for wholesaling and distribution (see "Wholesaling and Distribution"); or terminal facilities for handling freight (see "Truck or Freight Terminal").

**Story.** The portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above, the space between the floor and the ceiling above.

**Street.** A public thoroughfare accepted by the City, which affords principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except an alley as defined in this Subsection.

**Structure.** Anything constructed or erected, the use of which requires attachment to the ground, attachment to something located on the ground, or placement on the ground. For the purposes of this Development Code, the term "structure" includes "buildings," and tents, but does not include swimming pools.

**Structure, Primary.** See "Primary Structure."

**Studio - Art, Dance, Martial Arts, Music, etc.** Small scale facilities, typically accommodating one group of students at a time, in no more than one instructional space. Larger facilities are included under the definition of "Schools - Specialized education and training." Examples of these facilities include: individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics instruction, and aerobics and gymnastics studios with no other fitness facilities or equipment. Also includes production studios for individual musicians, painters, sculptors, photographers, and other artists.

**Studio Unit.** A residential unit where living and sleeping space is combined in a single room.

**Subdivision.** The division, by any subdivider, of any unit or portion of land shown on the latest equalized Nevada County assessment roll as a unit or contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way. Subdivision includes the following, as defined in Civil Code Section 1715: a condominium project; a community apartment project; or the conversion of five or more existing dwelling units to a stock cooperative.

1. **Common Interest Development.** A development that is created whenever a separate interest coupled with an interest in the common area or membership in the association is, or has been, conveyed. It includes a condominium, community apartment project, planned development, or stock cooperative, in compliance with Civil Code 1351.
2. **Community Apartment Project.** A development in which an undivided interest in land is coupled with the right of exclusive occupancy of any apartment on the land, as defined in Business and Professions Code Section 11004, and Civil Code 1351(d).
3. **Final Map.** A subdivision map prepared in compliance with Map Act, Article 2, Chapter 2, and approved in compliance with Map Act, Article 4, Chapter 3, that is used to complete the subdivision of five or more parcels.
4. **Lot Line Adjustment.** As provided by Map Act Section 66412(d), a Lot Line Adjustment relocates one or more lot lines between two or more existing adjacent parcels, where land taken from one parcel is added to an adjacent parcel and where no more parcels are created than originally existed.
5. **Parcel Map.** The subdivision map described by the Map Act, Article 3, Chapter 2, which is required to complete a subdivision of four or fewer lots.
6. **Planned Development.** As defined by Civil Code Section 1351(k), a development (other than a community apartment project, condominium, or stock cooperative) having either or both of the following features:
  - a. The common area is owned either by an association or in common by the owners of the separate interests who possess appurtenant rights to the beneficial use and enjoyment of the common area; and/or

- b. A power exists in the association to enforce an obligation of an owner of a separate interest with respect to the beneficial use and enjoyment of the common area by means of an assessment which may become a lien upon the separately owned parcel, or area in compliance with Civil Code Section 1367.
- 7. **Stock Cooperative.** A development defined by Business and Professions Code 11003.2 and Civil Code Section 1351(m), where a corporation is formed to hold title to improved real property and the shareholders in the corporation receive a right of exclusive occupancy in a portion of the real property.
- 8. **Subdivider.** A person, firm, corporation, partnership or association who proposes to divide, or causes to be divided real property into a subdivision for oneself or for others; except that employees and consultants of persons or entities, acting in this capacity, are not "Subdividers." See "Developer."
- 9. **Subdivision Improvements.** Subdivision improvements include streets, storm drainage facilities, sanitary sewers, water supply facilities, electric and gas lines.
- 10. **Subdivision Map Act, or Map Act.** Division 2, Title 7 of the California Government Code, commencing with Section 66410 as presently constituted, and any amendments to those provisions.
- 11. **Tentative Map.** A map made for the purpose of showing the design and improvement of a proposed subdivision and the existing conditions in and around it.
- 12. **Vesting Tentative Map.** A map that is filed and processed in the same manner as a Tentative Map except as otherwise provided by Section 17.81.120 (Vesting Tentative Maps) or the Map Act.

## T. Definitions

**Tasting Room.** A retail sales facility where customers may taste and purchase beverage and food products grown and/or processed on the site, or when allowed by Article 2 in a district, corridor, or the CR overlay, grown and processed elsewhere. Products offered for tasting and sale may include wine, olive oil, cheese, and/or other food and beverage products. May include a restaurant as an incidental use.

**Telecommunications Facility.** Public, commercial and private electromagnetic and photoelectrical transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, data network, and wireless communications, including commercial earth stations for satellite-based communications. Includes antennas, commercial satellite dish antennas, and equipment buildings. Does not include telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections. The following terms and phrases are defined for the purposes of Chapter 17.44 (Telecommunications Facilities).

- 1. **Antenna.** Any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of electromagnetic waves or radio frequency signals.
- 2. **Colocation.** The location of two or more wireless, hard wire, or cable communication facilities on a single support structure or otherwise sharing a common location. Colocation shall also include the location of communication facilities with other facilities (e.g., water tanks, light standards, and other utility facilities and structures).
- 3. **Communication Facility.** An unstaffed facility, generally consisting of antennas, and equipment cabinet or structure, and related equipment, which receives and/or transmits electromagnetic waves, light waves, radio frequencies or other types of signals.

4. **Equipment Cabinet.** A cabinet or structure used to house equipment associated with a wireless, hard wire, or cable communication facility.
5. **Monopole.** A single freestanding pole, post, or similar structure, used to support equipment associated with a single communication facility.
6. **Multipoint Distribution Service.** A microwave communication service that delivers video programming, data and/or voice communication directly to subscribers, including multi-channel multipoint distribution series, instructional television fixed services, and local multipoint distribution services, or as defined by the Section 207 of the Telecommunications Act of 1996, Section 1.4000 of Title 47 of the Code of Federal Regulations and any interpretative decisions thereof issued by the Federal Communications Commission.
7. **Service Provider.** Any authorized provider of telecommunications services.
8. **Tower.** Any ground or roof mounted pole, spire, structure, or combination thereof taller than 15 feet, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna or similar apparatus above grade.

**Temporary Structure.** A structure without any foundation or footings, and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

**Temporary Use.** A land use that is designed, operated and occupies a site for a limited time, typically less than 12 months.

**Theater, Cinema or Performing Arts.** An indoor facility for group entertainment, other than sporting events. Examples of these facilities include:

civic theaters, and facilities for "live" theater and      movie theaters  
concerts

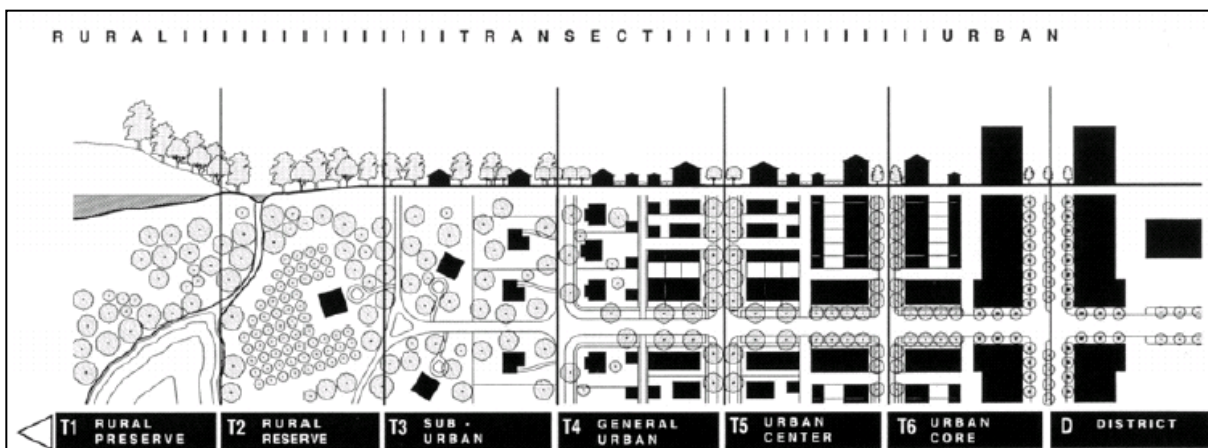
See also "Sports and Entertainment Assembly."

**Top of Creek Bank.** The uppermost ground elevation paralleling a creek or watercourse where the gradient changes from a more defined vertical component to more horizontal.

**Town Core Zone.** Defined in section 17.12.020(A) of this code.

**Trail, Multi-Use.** A trail that may be used by hikers, bicyclists, and/or equestrians.

**Transect.** An approach to zoning described by Duany Plater-Zyberk & Company for classifying the rural-to-urban range of the elements of urbanism in human settlements. The transect technique is derived from natural ecological analysis where it is applied to present the sequence of natural habitat from, for example, shore-dune-upland or wetland-woodland-prairie. As an ordering system for urbanism, each urban element is placed within its continuum. For example, a street is more urban than a road, a curb more urban than a swale, a brick wall is more urban than a wooden one, a row of trees more urban than a cluster of trees. When rationalized and subdivided, this gradient becomes the urban transect, the basis of the zoning system in this Development Code. Figure 10-6 below illustrates an example of a rural-to-urban transect.



### Figure 10-6 - Transect Zones

**Transit Station or Terminal.** A passenger station for vehicular, and rail mass transit systems; also terminal facilities providing maintenance and service for the vehicles operated in the transit system. Includes buses terminals, taxi stands, railway stations, etc.

**Transitional and Supportive Housing.** Transitional housing is defined in Section 50675.2 of the Health and Safety Code as rental housing for stays of at least six months but where the units are re-circulated to another program recipient after a set period. Transitional housing may be designed for homeless individuals or family transitioning to permanent housing. Supportive housing is defined in Section 50675.14 of the Health and Safety Code and has no limit on the length of stay, is linked to onsite or offsite services, and is occupied by a target population as defined in the Health and Safety Code.

## U. Definitions

**Unit Owner, or Owner.** The holder of record fee title to an affordable unit. "Unit Owner" includes a contract purchaser ("vendee") under an installment land contract.

**Unroofed Porch.** A marquee or canopy used as a landing or porch.

**Use.** See "Land Use."

**Use Permit.** See Section 17.72.060 (Use Permit and Minor Use Permit).

**Use, Primary.** See "Primary Use."

**Utility Facility.** A fixed-base structure or facility serving as a junction point for transferring electric utility services from one transmission voltage to another or to local distribution and service voltages, and similar facilities for water supply and natural gas distribution. These uses include any of the following facilities that are not exempted from land use permit requirements by Government Code Section 53091:

- |   |   |
|---|---|
| electrical substations and switching stations           | telephone switching facilities                                  |
| natural gas regulating and distribution facilities      | wastewater treatment plants, settling ponds and disposal fields |
| public water system wells, treatment plants and storage |   |

These uses do not include office or customer service centers (classified in "Offices").

**Utility Infrastructure.** Pipelines for water, natural gas, and sewage collection and disposal; and facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Also includes telephone, telegraph, cable television and other communications transmission facilities utilizing direct physical conduits. Does not include offices or service centers (see "Offices - Business and Service"), or distribution substations (see "Utility Facility").

## V. Definitions

**Vacant Commercial Space.** Any commercial space that has not been occupied, leased, or rented for 30 days or more on the date the ordinance codified in Chapter 17.41 takes effect or at any time thereafter.

**Variance.** See Section 17.72.070 (Variance and Minor Variance).

**Vehicle Services.** The repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes the following categories.

1. **Major Repair/Body Work.** These establishments include towing, collision repair, other body work, and painting services; muffler and radiator shops; tire recapping.
2. **Minor Maintenance/Repair.** Minor facilities providing limited repair and maintenance services. Examples include: general automotive repair, attended and self-service car washes; detailing services; quick-lube services; tire and battery sales and installation (not including recapping).

Does not include automobile parking (see "Parking Facilities"), repair shops that are part of a vehicle dealership on the same site (see "Auto and Vehicle Sales and Rental," and "Mobile Home, RV, and Boat Sales and Rental"); gas stations, which are separately defined; or dismantling yards, which are included under "Recycling - Scrap and Dismantling Yards."

**Vehicle Storage.** A facility for the storage of operative cars and other fleet vehicles, trucks, buses, recreational vehicles, and other motor vehicles. Includes facilities for the storage and/or servicing of fleet vehicles. Also includes the parking of a vehicle on private property for more than 72 hours without operation. Does not include commercial parking lots, or dismantling yards (classified in "Recycling - Scrap and Dismantling Yards").

**Vesting Tentative Map.** See "Subdivision."

**Veterinary Clinic, Animal Hospital.** Office and indoor medical treatment facilities used by veterinarians, including large and small animal veterinary clinics, and animal hospitals. See also "Kennel, Animal Boarding."

**Video Rental.** See "General Retail," and "Adult Oriented Business."

## W. Definitions

**Warehouse.** See "Storage - Warehouse, Indoor Storage."

**Warehouse Retail.** A retail store that emphasizes the packaging and sale of products in large quantities or volumes, some at discounted prices, where products are typically displayed in their original shipping containers. Sites and buildings are usually large and industrial in character. Patrons may be required to pay membership fees.

**Waterway or Watercourse.** A creek, stream, or other natural channel that conveys water through the City.



**Wholesaling and Distribution.** An establishment engaged in selling merchandise to retailers; to contractors, industrial, commercial, institutional, farm, or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Examples of these establishments include:

agents, merchandise or commodity brokers, and commission merchants	merchant wholesalers
assemblers, buyers and associations engaged in the cooperative marketing of farm products	stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment.

Also includes storage, processing, packaging, and shipping facilities for mail order and electronic-commerce retail establishments.

**Windmill.** A tower and propeller assembly used to transform wind energy into mechanical energy for generating electricity or pumping water.

**Wine Tasting.** A facility, or area within a winery where wine and related products are offered for retail sale, where wine may be tasted for a fee, or without charge.

**Winery.** A manufacturing facility where wine grapes are crushed, and their juice is fermented, aged, bottled, and sold at wholesale as finished wine. May include tasting and accessory retail sales of wine produced on site.

## X. Definitions

No specialized terms beginning with the letter "X" are defined at this time.

## Y. Definitions

**Yard.** An area between a lot line and a structure, unobstructed and unoccupied from the ground upward, except as otherwise permitted by this Development Code. A yard area includes any setback required by the applicable zoning district. See also "Setback," and Section 17.30.020 (Build-to-Line Requirements and Exceptions).

1. **Front Yard.** An area extending across the full width of the lot between the front lot line and the primary structure.
2. **Rear Yard.** An area extending the full width of the lot between a rear lot line and the primary structure.
3. **Side Yard.** An area between a side lot line and the primary structure extending between the front and rear yards.

## Z. Definitions

**Zero Lot Line.** The location of a building on a lot in such a manner that one or more building sides rests directly on a lot line.

**Zoning District.** Any district established by Section 17.20.020 (Zoning Map), within which certain land uses are allowed or prohibited, and certain site planning and development standards are established (e.g., setbacks, height limits, site coverage requirements, etc.).