

### **Article 3**

#### **Site Planning and Project Design Standards**

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## Chapter 18.30

### STANDARDS FOR ALL DEVELOPMENT AND LAND USES

#### Sections:

- 18.30.010 Purpose
- 18.30.020 Applicability
- 18.30.050 Fences, Walls, and Screening
- 18.30.060 Height Limits and Exceptions
- 18.30.070 Outdoor Lighting
- 18.30.080 Performance Standards
- 18.30.090 Public Improvement Requirements
- 18.30.100 Setback Requirements and Exceptions
- 18.30.110 Solid Waste/Recyclable Materials Storage

#### 18.30.010 - Purpose

This Chapter expands upon the zoning district development standards of Article 2 by addressing additional details of site planning, project design, and the operation of land uses. The intent of these standards is to ensure that proposed development is compatible with existing and future development on neighboring properties, and produces an environment of stable and desirable character, consistent with the General Plan and any applicable specific plan.

#### 18.30.020 - Applicability

The requirements of this Chapter shall apply to all proposed development and new land uses, except as specified in Chapter 18.90 (Nonconforming Uses, Structures, and Parcels), and shall be considered in combination with the standards for the applicable zoning district in Article 2 (Zoning Districts and Allowable Land Uses) and those in Article 4 (Standards for Specific Land Uses). If there is a conflict, the standards in Article 4 shall control.

#### 18.30.050 - Fences, Walls, and Screening

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

**1. Fences or walls 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 Director of Public Works 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.

**1. General height limit.** Each fence, wall, and hedge shall comply with the height limits shown in Table 3-1.

TABLE 3-1 - MAXIMUM HEIGHT OF FENCES, WALLS, AND HEDGES

Location	Maximum Height
Within front or street side setback	<b>Open fence:</b> 6 ft (open fencing must be of a minimum 42-inch wire mesh or equivalent). <b>View-obscuring fence:</b> 42 inches (31/2 ft) within a traffic safety visibility area (see Section 18.30.060.E), 6 ft elsewhere. Trellises, arbors and similar entry features <u>are</u> not permitted within a traffic safety visibility area, <u>but are allowed up to</u> 8 ft elsewhere (a height greater than 6 ft requires a Building

**Comment [MJ1]:** Cyclone fencing is not permitted within the front yard setback.

**Comment [MJ2]:** Clarifying language.

Location	Maximum Height
	Permit).
Within interior side or rear setback	8 ft with Minor Use Permit approval; 6 ft otherwise.
Outside of required setbacks	8 ft (a height greater than 6 ft requires a Building Permit).

**2. Requirements for increased height.** Where Table 3-1 allows increased fence height with Minor Use Permit approval, the approval shall be subject to the following requirements.

- a. Each fence shall comply with the traffic safety visibility area requirements in Section 18.30.060.E (Height Limits and Exceptions - Height limit at street corners).
- b. The review authority may require conditions to address aesthetic issues and neighborhood concerns.

**C. Measurement of fence and wall height.**

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1. 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.
2. The height of fencing atop a wall shall be measured from the base of the wall.
3. In cases where elevation of the finished grade within six feet of the base of the fence differs from one side of the fence to the other (as when a fence is placed at the top of a slope or on a retaining wall), the height shall be measured from the side with the lowest natural grade; except that a safety fence with a height of 48 inches shall be allowed in all cases. See Figure 3-1.

**D. Specific fencing 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.** Screening of nonresidential outdoor uses and equipment adjacent to a residential use shall be provided in compliance with Subsection F. (Screening).
3. **Retaining walls.** Any embankment to be retained that is over 48 inches in height shall be benched so that no individual retaining wall exceeds a height of 36 inches, 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 construction sites, archaeological resources, ~~or~~ historic resources, trees, rare plants and/or other similar sensitive features during site preparation and construction. This fencing shall be approved administratively by the Director.

**E. Prohibited materials.** The following fence materials are prohibited unless approved by the Director for animal control, special security needs, or required by a City, State, or Federal law or regulation.

1. Barbed wire, or electrified fence, except within the RR zoning district;
2. Razor or concertina wire in conjunction with a fence or wall, or by itself within any zoning district;

**Comment [MJ3]:** These reference image locations and will be replaced with actual images in the final document. There is no need to review or edit these and they appear throughout the document.

3. Chain link fencing within the front and street side yards and/or visible from the public right-of-way in any zoning district or a fence of similar material, as determined by the Director; and
4. Chain link fencing or fence of similar material, as determined by the Director anywhere within the Central Business District.

**Comment [SP4]:** This would cover corrugated metal or other unique but potentially unattractive fencing.

**Comment [MJ5]:** See above.

**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 non-residential~~ land use proposed on a site adjacent to a residential zoning district shall provide screening at the parcel boundary as follows, and as directed by the review authority. ~~Other nonresidential uses adjacent to a residential use may also be required by the applicable review authority to comply with these requirements.~~

- a. The screen shall consist of plant materials and a solid, decorative fence or wall of masonry or similar durable material, a minimum of six feet in height.
- b. The maximum height of the fence or wall shall comply with the provisions of Subsection B. (Height limits).
- c. The decorative fence or wall shall be architecturally treated on both sides, subject to the approval of the review authority.
- d. A landscaping strip with a minimum width of five feet shall be installed adjacent to a screening wall, except that 10 five feet of landscaping shall be provided between a parking lot and a screening wall, in compliance with Section 18.34.050.C (Landscape Location Requirements - Parking areas).
- e. The review authority may waive or approve a substitute for this requirement if the review authority first determines that:
  - i) The relationship of the proposed uses make the required screening unnecessary;
  - ii) The intent of this Section can be successfully met by means of alternative screening methods;
  - iii) Physical constraints on the site make the required screening infeasible; or
  - iv) The physical characteristics of the site or adjoining parcels make the required screening unnecessary.

**Comment [MJ6]:** Sometimes a fence is preferable to a masonry wall. This change would allow the director to require whichever is most appropriate for the situation.

**Comment [MJ7]:** While eight feet is required by 18.34.050C, staff recommends that both sections refer to a five foot landscaping buffer. With relatively narrow lots of 50 feet in width, this requirement has been difficult to achieve and has constrained development for little apparent benefit.

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

- a. Roof or ground mounted mechanical equipment (e.g., air conditioning, heating, ventilation ducts, back flow devices, and exhaust, etc.), loading docks, refuse storage areas, and utility services (electrical transformers, gas meters, etc.) shall be screened from public view from adjoining public streets and rights-of-way and adjoining areas zoned for residential uses. Utility services are not allowed within any front setback, except for underground installations (i.e., vaults).
- b. The method of screening shall be architecturally compatible with other on-site development in terms of colors, materials, and architectural style.

**3. Outdoor storage and work setbacks.** Land uses with outdoor storage of materials, recycling facility-processing centers, waste resource and waste recycling operations, and similar uses shall comply with the screening requirements established by Section 18.42.140 (Outdoor Storage).

**4. Outdoor building materials and garden supply areas.** Outdoor building materials and garden supply areas shall be screened with fencing, landscaping, walls, or similar material to minimize visibility of the storage area, with the screening plan first approved by the review authority.

**18.30.060 - 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 zoning district by Article 2 (Zoning Districts and Allowable Land Uses), except as otherwise provided by this Section, or by Article 4 (Standards for Specific Land Uses).

**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 allowed number of feet above and parallel to the grade. See Figure 3-2. The location of natural grade shall be determined by the Director, and shall not be artificially raised to gain additional building height.

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**Figure 3-2 - Height Measurement**

**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 limits by a maximum of three feet. A spire, theater scenery loft, tower, or roof-mounted water tank may exceed the height limits by eight feet.

**2. Telecommunications facilities.** The height of communications facilities, including antennas, poles, towers, and necessary mechanical appurtenances shall comply with Chapter 18.44 (Telecommunications Facilities).

**E. Height limit at street corners.** Development proposed adjacent to any public or private street or alley intersection, or the intersection of a driveway with a street, in other than the CBD zoning district shall be designed to provide a traffic safety visibility area for pedestrian and traffic safety. See Figure 3-3.

**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.

**a. Street intersections.** The visibility area shall be defined by measuring 20 feet from the intersection of the front and street side right-of-way lines (i.e., edge of pavement or curb), and connecting the lines across the property.

**b. Driveways.** The visibility area shall be defined by measuring 15 feet along the driveway from the intersection of the driveway with the street right-of-way line, and 15 feet along the street line, away from the driveway, and connecting the lines across the intervening property.

**2. Height limit.** No structure, sign, or landscape element shall exceed 42 inches in height within the traffic safety visibility area, unless approved by the Public Works Director, except for trees with their canopy trimmed to a minimum of six feet above grade.

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**Figure 3-3 - Required Traffic Safety Visibility Area**

**18.30.070 - Outdoor Lighting**

Outdoor lighting on the site of a multi-family or non-residential structure or use shall comply with the following requirements.

- A. An outdoor light fixture shall be limited to a maximum height of 18 feet.
- 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 and lamps.
- C. Lighting fixtures shall be shielded or recessed to minimize light bleed to adjoining properties, by:
1. Directing each light fixture 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;
  2. Ensuring that the light source (e.g., bulb, etc.) is not visible from off the site;
  3. Confining glare and reflections within the boundaries of the site to the maximum extent feasible; and
  4. Incorporating a cut-off shield to prevent light spill for any light sources over 10 feet high.
- D. No lighting on private property shall produce an illumination level greater than one footcandle on any property within a residential zoning district except on the site of the light source.
- E. No ~~permanently installed~~ lighting or lighted signs shall blink, flash, or be of unusually high intensity or brightness, as determined by the Director.

F. ~~Up lit~~ Lighting shall not be used to illuminate a building's architectural features, ~~except as determined by the review authority.~~ However lighting may be used to keynote special features such as towers and decorative cornices ~~as determined by the review authority, but no features should be up lit. Full lighting of building facades is prohibited.~~

**Comment [MJ8]:** All blinking signs are prohibited by the code see section 18.38.059. This makes this section consist with that section.

**Comment [MJ9]:** Simplify language so that we clearly describe what is allowed.

#### 18.30.080 - Performance Standards

- A. **Purpose.** This Section provides performance standards that are designed 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 zoning districts, 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. **Combustibles and explosives.** The use, handling, storage, and transportation of combustibles and explosives shall comply with Title 24 of the California Code of Regulations.
- D. **Dust.** ~~Please see requirements related to dust control and grading in chapter 17.62. 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 Director, Public Works:~~
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.** 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.).~~

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~~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.~~

~~6. **Containment.** Appropriate facilities shall be constructed to contain dust within the site as required by the Director, Public Works.~~

**Comment [MJ10]:** Delete this section as it is covered by 18.62

**E. 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.

**F. Hazardous materials.** As required by the Safety Element of the General Plan, an applicant for a proposed non-residential project that will involve the generation, use, transportation, and/or storage of hazardous substances shall comply with the following requirements.

1. The applicant shall notify the fire protection authority of all hazardous substances that are to be transported, stored, treated, or that could be accidentally released into the environment on the site.
2. The planning permit application for the project shall include detailed information on hazardous waste reduction, recycling, transportation, and storage, and a plan for emergency response to a release or threatened release of a hazardous material.
3. The site shall be provided with secondary containment facilities and a buffer zone adequate to protect public health and safety on a site with hazardous materials storage and/or processing activities, as required by the review authority.

**G. Light and glare.** Outdoor lighting shall comply with the requirements of Section 18.30.070 (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.

**I. Noise.** Noise emanating from the site shall comply with the City's noise standards in Municipal Code Chapter 9.44 (Noise).

**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.

~~**L. Sediment Control and Stormwater Management.** All projects shall comply with Chapter 17.62 and Chapter 17.64 with regard to erosion and sediment control and stormwater runoff management.~~

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**Comment [MJ11]:** For consistency.

#### **18.30.090 - Public Improvement Requirements**

The development of an approved project shall include the construction of improvements to each public street frontage of the site as required by the review authority, the subdivision improvement requirements in Chapter 18.88 (Subdivision Design and Improvement Requirements), and/or the City's public improvement standards, as applicable. These improvements may include the widening of an existing street, and/or the installation or bike lanes, 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 Director, Public Works, 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.

#### 18.30.100 - Setback Requirements and Exceptions

**A. Purpose.** This Section provides standards for the location, required size, and allowable uses of front, side, and rear 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. 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 zoning district, except:

- a. Where a different setback requirement is established for a specific land use by Article 4 (Standards for Specific Land Uses);
- b. Where a different setback requirement is established by Article 5 (Resource Management); and
- c. 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 (please see table 3-2 for additional details):

- a. A projection into a required setback allowed by Subsection F.;
- b. A fence or wall six feet or less in height, when located ~~outside of~~ within a front or street side setback;
- c. A fence or wall 42 inches in height or less within a front or street side setback when located outside ~~in of~~ the traffic visibility area required by Section 18.30.060.E (Height limit at street corners);
- d. A deck, earthwork, step, terrace, and other site design element that is placed directly upon grade and does not exceed a height of ~~48~~ 30 inches above the surrounding grade at any point;
- e. A sign in compliance with Chapter 18.38 (Signs);
- f. A retaining wall less than 30 inches in height above finished grade. Any embankment to be retained that is over 48 inches in height shall be benched so that no individual retaining wall exceeds a height of 36 inches, and each bench is a minimum width of 36 inches; and
- g. An arbor or trellis (i.e., gateway) eight feet or less in height.

**C. Measurement of setbacks.** Setbacks shall be measured and applied 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 3-4.

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**Figure 3-4 - Location and Measurement of Setbacks**

**1. Front setback.** A front setback shall be measured at right angles from the nearest point on the front property line of the parcel (or edge of access easement on a private street) to the nearest point of the wall of the

**Comment [MJ12]:** For conformance with section 18.30.050 regrading fence heights.

**Comment [MJ13]:** See above.

**Comment [MJ14]:** This allows for more flexibility. Anything less than 30 inches in height does not require a railing, and so could be accommodated in the setback. This matches table 3-2 below.

structure, except as provided in following Subsections C.1.a through C.1.e. The front property line is the narrowest dimension of a lot adjacent to a street.

a. **Averaging.** In a residential zone where 50 percent or more of the parcels on the same block and on the same side of the street are developed with buildings, the front setback required for the applicable zoning ~~district shall not apply, and the required front setback shall instead be not less than may be reduced to~~ the average depth of the front setbacks of the developed parcels. ~~to a minimum of 12 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 plan line.

c. **Infill development within previously approved project.** Where the City has established specific setback requirements for individual vacant parcels through the approval of a specific plan, subdivision map, or other entitlement, those setbacks shall apply to continuing development within the approved project instead of the setbacks required by this Development Code.

d. **Flag lot.** For a parcel with a fee ownership strip extending from a street or right-of-way to the building area of the parcel, the front setback 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.

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 the front setback measurement shall be determined by the Director.

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.

3. **Street side setback.** The side setback on the street side of a corner parcel shall be measured from the nearest point on the side property line bounding the street, or the edge of an easement for a private road, or the inside edge of the sidewalk whichever results in the greatest setback from the existing or future roadway.

4. **Rear setback.** The rear setback shall be measured at right angles from the nearest point on the rear property line to the nearest line of the structure, establishing a setback line parallel to the rear property line.

a. The Director shall determine the location of the required rear setback on a double-frontage parcel.

b. Where a parcel has no rear lot line because its side lot lines converge to a point, an assumed line five 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.

#### D. Limitations on the use of setbacks.

1. **Structures.** A required setback area shall not be occupied by a structure other than those identified by Subsection B.3 as being exempt from the setback requirements of this Chapter.

2. **Storage.** No front or street side setback shall be used for the accumulation, placement or storage of ~~automobiles, vehicles, large motor vehicles, non-motorized vehicles (as defined in Section 10.02.010), or other motor vehicles;~~ building materials, scrap, junk or machinery except for the following:

a. ~~Automobiles and trucks~~ Vehicles, not in excess of one-ton capacity, regularly in use, that are parked within a designated driveway; ~~and~~

b. Building materials and construction trailers required for construction on the parcel, immediately before and during a construction project which has a valid Building Permit in force; ~~and/or-~~

**Comment [M115]:** This allows us to reduce setbacks where neighboring building are closer to the street than the setback requires. There is no reason to require development further back than ten feet if the average on the block is already less than that.

c. Trailers, large motor vehicles and non-motorized vehicles stored or parked in a front or street side setback area in any nonresidential zoning district where limited display areas are authorized through Minor Use Permit approval (Section 18.71.060).

**3. Parking.** See Section 18.36.090.A. (Parking Design and Development Standards - Location of parking).

4. Storage of trailers prohibited. No trailer shall be stored or parked within any required front or street side setback area in any nonresidential zoning district except where limited display areas are authorized through Minor Use Permit approval (Section 18.71.060).

**5. Mechanical and utility equipment.** See Subsection F.5 (Setback requirements for specific structures - Mechanical Equipment).

6. Exceptions to setback requirements. See section 18.30.100 B 2 for structures that are exempt from setback requirements.

**E. Allowed projections 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 3-2. See also Section 18.30.100 B 2 and Figure 3-5. [These requirements do not apply to accessory structures, which are instead subject to Section 18.42.160 (Residential Accessory Uses and Structures).]

TABLE 3-2 - ALLOWED PROJECTIONS INTO SETBACKS

Projecting Feature	Allowed Projection into Specified Setback		
	Front Setback	Side Setback	Rear Setback
Balcony, deck, <del>landing porch, stairway</del> Uncovered, unenclosed, and less than 30 in. above grade	25% of setback	May project to property line	
Balcony, deck, <del>landing porch, stairway</del> Which may be roofed but is otherwise unenclosed	25% of setback to a maximum of 6 ft	20% of side setback	20% of setback
Balcony, deck, <del>landing porch, stairway</del> Covered and enclosed	Not allowed in setback		
Balcony, deck, landing porch, stairway - Uncovered and unenclosed, 30 in. or more above grade	6 ft	30 in (+)	6 ft (+)
<u>Landing &amp; stairway – covered or uncovered, but not enclosed.</u>	<u>40% of setback</u>	<u>May project to property line</u>	
Bay window, or similar projecting feature	30 in	20% of setback ( <u>but no more than 36 inches</u> )	30 in
Chimney/fireplace, 6 ft. or less in breadth	30 in	30 in (+)	30 in (+)
Cornice, eave, awning, roof overhang	30 in	30 in (+)	5 ft (+)

Notes:

(+) Feature may project no closer than 36 inches to any side property line.

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Figure 3-5 - Examples of allowed projections into side setback

**F. Setback requirements for specific structures:**

The Fort Bragg Inland Land Use and Development Code is current through Ordinance 909, passed February 10, 2014.

**Comment [MJ16]:** This would allow commercial businesses to park boats and other large vehicles in the front setback with a minor use permit. Alternatively, council could consider deleting this exception which would make storage of large vehicles not allowed within the front setback on commercial properties.

**Comment [MJ17]:** This has been reworded and included as 2c above.

**Formatted:** Font: Not Bold

**Comment [MJ18]:** Add cross reference for clarity.

**Comment [MJ19]:** Consider allowing secondary structures the same setback projections.

**Comment [MJ20]:** A landing and set of stairs typically requires more than 5 feet (which would be 25% of the setback (see above). The landing is usually 4 feet and the stairs an additional four feet, so 8 feet (40% of 20 feet) would be a useable projection into the setback. Alternatively, Council could make landings and stairways permissible within the entirety of the front set back.

1. **Accessory structures.** See Section 18.42.030 (Agricultural Accessory Structures), and 18.42.160 (Residential Accessory Uses and Structures).
2. **Fences.** See Section 18.30.050 (Fences and Walls).
3. **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 ~~30~~<sup>18</sup> inches above the surrounding grade at any point, shall comply with the setback requirements of this Development Code for detached accessory structures. (Note: a site design element less than 18 inches above grade is exempt.)
4. **Swimming pool, hot tub, etc.** A swimming pool, hot tub, or spa on a parcel of 10,000 square feet or less shall be set back a minimum of ten feet from side and rear property lines, and shall not be located within a front setback. A swimming pool, hot tub, or spa on a parcel larger than 10,000 square feet shall comply with the setback requirements of the applicable zoning district. All equipment associated with a pool, hot tub and/or spa on any parcel shall comply with the setback requirements of the applicable zoning district.
5. **Mechanical equipment.** Ground-mounted mechanical equipment located outside of a structure shall comply with the setback requirements of the applicable zoning district. 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 utility equipment that is not underground. The Director may approve an exception to this requirement for the installation of propane or oil tanks within a required side or rear setback area, where there is no feasible alternative location that complies with the setback requirements.

**18.30.110 - 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 and nonresidential development, or 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, types, and locations 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 18.34 (Landscaping Standards). See Figure 3-6.

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**Figure 3-6 - Solid Waste Enclosure**

**~~18.30.120 - Underground Utilities~~**

~~Utility connections to new structures shall be installed underground; except that in a neighborhood where utilities are located overhead, a proposed structure of less than 3,000 square feet may take its service from the existing overhead facilities.~~

**Comment [MJ21]:** This requirement is very expensive. Consider deleting.

## Chapter 18.31

### DENSITY BONUSES AND AFFORDABLE HOUSING INCENTIVES

**Comment [MJ22]:** No changes have been made to this chapter. Please skip to page 32.

#### Sections:

- 18.31.010 Purpose
- 18.31.020 Definitions
- 18.31.030 Density Bonus Eligibility
- 18.31.040 Types of Density Bonuses and Incentives Allowed
- 18.31.050 Density Bonus Procedures

#### **18.31.010 - Purpose**

A. This Chapter is intended to implement the requirements of State law (Government Code Sections 65915, et seq.) and the Housing Element of the General Plan, by offering a density bonus and other incentives for the development of housing that is affordable to the types of households and qualifying residents identified in Section 18.31.030 (Density Bonus Eligibility), and for development of senior housing, all as further provided for in Government Code section 65915.

B. This chapter also sets forth density bonus and housing incentives in addition to State law which encourage the development of housing that is affordable to a range of households with varying income levels.

#### **18.31.020 - Definitions**

The specialized and technical terms and phrases used in this Chapter are defined in Article 10 (Glossary & Index), under “Affordable and Inclusionary Housing Requirements.”

#### **18.31.030 - Density Bonus and Incentives Eligibility**

In order to be eligible for a density bonus and/or other incentives 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 and State law, except as provided by Section 18.31.040 (Types of Density Bonuses), below.

**A. Housing development.** In order to qualify for a density bonus and incentives, the housing development shall meet Government Code Section 65915(b) requirements with regard to affordability, household income levels, and senior housing.

**B. Minimum project size to qualify for density bonus.** The density bonus shall be available only to a housing development that provides affordable housing in compliance with Section 18.32 (Inclusionary Housing Requirements), or in compliance with State law.

**C. Condominium conversion projects.** A condominium conversion project is eligible for a density bonus or incentives, if it complies with the eligibility and other requirements in State law (Government Code Section 65915.5).

**D. “Sweat equity” developments.** A “sweat equity” housing development is eligible for incentives in compliance with Subsection 18.31.045(B5) (Types of Density Bonuses and Incentives Allowed, Incentives for “sweat equity” developments).

**E. Donations of Land.** The donation of land makes a project eligible for a Density Bonus if it satisfies all of the requirements of Government Code section 65915(g).

#### **18.31.040 - Types of Density Bonuses**

The amount of a density bonus and the extent of other incentives allowed for a proposed housing development shall be determined by the Review Authority in compliance with State law and this Section.

**A. Amount of Density Bonus.** The amount of density bonus provided by the City of Fort Bragg shall comply with State law 65915(f).

**B. Additional density bonus.** Housing developments that qualify for a density bonus under State law may be eligible for an additional density bonus by the Review Authority, as outlined below:

- 1. Bonus for preferred design and/or green design.** An additional five percent density bonus may be granted to developments with preferred design features and or green/environmentally sustainable design features as determined by the Planning Commission and defined in the General Plan and the Citywide Design Guidelines.
- 2. Relation to maximum statutory bonus density.** Bonus densities under State law are limited to an aggregate amount of 35%. The above local density bonus shall be in addition to, and does not count towards calculating the aggregate statutory density bonus.
- 3. Bonus or incentives allowed for housing development with child care facility.** A housing development that complies with the resident requirements of State law, and also includes a childcare facility on the premises shall be eligible for an additional bonus or incentives, subject to compliance with the requirements as stipulated by Government Code Section 65915(h).

**18.31.045 - Incentives and Waivers/Modifications of Development Standards**

**A. Waivers/Modifications of Development Standard.** If a density bonus and/or other incentives cannot be accommodated on a site due to strict compliance with the development standards of this Development Code, the applicant may request and the Council shall modify or waive such development standards as necessary to accommodate all bonus units and other incentives to which the development is entitled, unless the waiver or modification would have an adverse impact as further defined in Government Code Section 65915(e)(1).

**B. Incentives for Affordable Housing Projects.**

- 1. Available concessions or incentives.** A housing development qualifying for a density bonus under Government Code section 65915(b) shall be entitled to concessions or incentives identified by Government Code Section 65915[k], with the number of incentives as established in Government Code section 65915(d).
- 2. Preferred or Pre-Approved Council incentives.** The City has established a set of preferred incentives by resolution from which developers may select an incentive with certainty of approval by the Council.
- 3. Applicant specified concessions or incentives.** An applicant may submit to the City a request for specific concessions or incentives in compliance with this Section and State law.
- 4. Required findings to reject concession or incentive.** The City shall grant the concession or incentive requested by the applicant unless the Council makes a written finding, based upon substantial evidence, of any of the following:
  - a. The concession or incentive is not required in order 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 affordable to very low, low, or median or moderate income households as required; or
  - b. The concession or incentive would have a specific adverse impact, as defined by 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; or
  - c. The concession or incentive would be contrary to State or Federal law.
- 5. Incentives for “sweat equity” developments.** A “sweat equity” development in compliance with Section 18.31.030.D (Density Bonus Eligibility, “sweat equity” developments) may be granted incentives only as follows:
  - a. One incentive will be granted to a development where 100 percent of the units are provided to low income households; or

- b. Two incentives may be granted to a development where 100 percent of the units are provided to very low income households.

**18.31.050 - Density Bonus and Incentive Procedures**

**A. Processing requirements.** A request for a density bonus and/or incentives shall be evaluated and decided concurrently with the related housing development project and in compliance with Government Code Section 65915.

**B. Application Procedures.** The project applicant shall submit the following to the Review Authority so that the Review Authority can determine if the project is eligible for a density bonus and/or incentives:

1. A written request specifying how the proposed housing development or senior housing qualifies for a density bonus under 65915(b);
2. A written proposal for specific incentives or concessions under 65915(d);
3. A written request for waiver or modification of incentives under 65915(e);
4. A draft affordable housing agreement consistent with C below and 65915(c); and
5. A project pro forma.

**C. Affordable Housing Regulatory Agreement.** An Affordable Housing Regulatory Agreement shall be recorded against the relevant property consistent with the requirements of Government Code Section 65915(c). An applicant requesting a density bonus and/or incentives under this ordinance or under State law shall draft, and agree to enter into, an Affordable Housing Regulatory Agreement with the City ("agreement"). The agreement shall include the contents and provisions as described in Subsection 18.32.85 as applicable. The terms of the draft agreement shall be reviewed as appropriate by the City Manager and/or the City Attorney.

**D. Control of Affordable Unit Resale.** In order to maintain the availability of the for-sale affordable units constructed in compliance with this Chapter, the resale conditions established in Subsection 18.32.060D shall apply. Any abuse in the resale provisions shall be referred to the City Attorney for appropriate action.

**18.31.060 - Affordable Housing Regulatory Agreement.**

**A. Affordable Housing Regulatory Agreement.** The applicant shall execute and cause to be recorded a Density Bonus Regulatory Agreement ("agreement") between the City and the developer. The agreement shall be executed by the City Manager, and shall be recorded against the property receiving the Density Bonus.

1. **Agreement contents.** The agreement shall include at least the following information:
  - a. **Number of dwelling units.** The total number of dwelling units approved for the housing development project, including the number of density bonus units;
  - b. **Description and location of units.** The location, unit sizes (in square feet), and number of bedrooms of the dwelling units;
  - c. **Use of property.** A description of the use of the property stating that the units shall be used to provide housing to qualifying households under the provisions of this Chapter and Government Code 65915(f).;
  - d. **Description of targeted income group.** A description of the household income group to be accommodated by the housing development project, and the standards and methodology for determining the corresponding affordability consistent with this Chapter and State law;
  - e. **Non-discrimination clause.** The clause shall state that there shall be no discrimination against or segregation of any person, or group of persons, on account of race, color, creed, religion, sex, marital status, sexual-orientation, national origin or ancestry in the sale, transfer, use, occupancy, or enjoyment of an affordable unit, or any part thereof. Nor shall any developer establish or permit any such practice or

practices of discrimination or segregation with reference to the selection, location, use, or occupancy of purchasers or occupants of the affordable units, or parts thereof;

**f. Length of affordability.** Description of the affordability restrictions for the affordable dwelling units in compliance with 65915(c), requiring 15 years of continuing affordability;

**g. Description of concessions and/or incentives.** A description of the additional concessions and/or incentives sought of the City;

**h. Remedies for breach of the agreement.** A description of the remedies for breach of the Affordable Housing Regulatory Agreement by the owners, developers, and/or successors-in-interest of the development project;

**i. Other provisions.** Other provisions to ensure successful implementation and compliance with this Chapter.

**2. Agreement provisions.** The agreement shall include at least the following provisions:

**a. Continuing right-of-first-refusal.** The developer shall give the City the continuing right-of-first-refusal to purchase any or all of the affordable dwelling units at a sales price for the affordable dwelling unit consistent with the limits established for low, very low, or moderate income households, as published by HUD;

**b. Written approval of City required prior to transfer of unit.** The deeds to the affordable dwelling units shall contain a covenant stating that the developer or successors-in-interest shall not assign sell or otherwise transfer any interests for the affordable dwelling units without the prior written approval of the City;

**c. Confirmation of price by City.** When providing the written approval, the City shall confirm that the sales price of the affordable dwelling unit is consistent with the limits established in Section 18.30.060D1;

**d. Occupied by eligible households.** The City shall have the authority to enter into other agreements with the developer, or purchasers of the affordable dwelling units, to ensure that the required dwelling units are occupied by eligible households for the minimum time of continued affordability as described in Section 18.31.060 (A) 1f (above);

**e. Enforcement of compliance.** Applicable deed restrictions, in a form satisfactory to the City Attorney, shall contain provisions for the enforcement of owner or developer compliance;

**f. Failure to comply.** Any default or failure to comply may result in daily penalties, liens, foreclosure, specific performance, or withdrawal of the Certificates of Occupancy;

**g. Recovery of all City-related costs.** In any action taken to enforce compliance with 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;

**h. Eligible and qualified residents.** The affordable dwelling units shall be owner-occupied by eligible moderate or median income households, or by qualified residents in the case of senior housing;

**i. Mandatory contents of instrument or agreement.** The initial purchaser of each affordable dwelling unit shall execute an instrument or agreement approved by the City which:

- i) Restricts the sale of the unit in compliance with this Chapter during the affordability restriction period. If the unit is sold, the City shall be entitled to receive the amount of the sales price which exceeds the maximum sales price (as defined in Section 18.30.060D1) less reasonable costs of the sale plus the value of substantial structural or permanent fixed improvements;



ii) Contains provisions as the City may require to ensure continued compliance with this Chapter and State law; and

iii) Shall be recorded against the parcel(s) containing the affordable dwelling unit(s); and

**j. Affordability restriction period.** The applicable affordability restriction period shall be in compliance with 65915(c), requiring 15 years of continuing affordability for for-sale units and 25 years of continuing affordability for rental units.

**3. Execution of agreement.**

**a. Timing of approval and recordation.** The approval and recordation of the agreement shall take place at the same time as the final or parcel map or, where a map is not being processed, before issuance of Certificates of Occupancy for the inclusionary dwelling units.

**b. Binding on all parties.** The agreement shall be binding on all future owners, developers, and/or successors-in-interest.

**B. Effect of plan and agreement.** After the approval of the Density Bonus and the recording of an Affordable Housing Regulatory Agreement, each affordable housing unit shall be constructed as required, and shall be sold and maintained as an affordable unit, in compliance with the plan and agreement.

## Chapter 18.32

### INCLUSIONARY HOUSING REQUIREMENTS

Sections:

- 18.32.010 Purpose
- 18.32.020 Definitions
- 18.32.030 Inclusionary Housing Applicability
- 18.32.040 Inclusionary Housing Requirements
- 18.32.050 Alternative Equivalent Action
- 18.32.060 Requirements for Inclusionary Units
- 18.32.070 Inclusionary Housing Incentives
- 18.32.080 Inclusionary Housing Plan and Housing Regulatory Agreement
- 18.32.090 Inclusionary Housing Trust Fund
- 18.32.100 Enforcement of Inclusionary Housing Requirements

#### 18.32.010 - Purpose

This Chapter requires the development of affordable housing in new development projects providing five or more housing units that are intended for sale or rent.

A. This Chapter establishes standards and procedures to implement the inclusionary housing requirements identified in Section 18.32.040 (Inclusionary Housing Requirements).

B. This Chapter is intended to implement the requirements of Government Code Sections 65583 and 65913, and the Housing Element of the General Plan, by increasing the production of residential units affordable to low, moderate and median income households. This Chapter complements the density bonus provisions of Chapter 18.31 and assures that new housing development contributes to attaining the City's housing goals.

#### 18.32.020 - Definitions

The specialized and technical terms and phrases used in this Chapter are defined in Article 10 (Glossary), under "Affordable and Inclusionary Housing Requirements."

#### 18.32.030 - Inclusionary Housing Applicability and Exempt Projects

A. **Applicability.** The requirements of this Chapter apply to all housing developments proposed with five or more dwelling units or a subdivision proposing five or more lots, except as noted in Subsection C.

B. **Conversion of rental project to for-sale project.** Residential projects approved as rental developments after the effective date of this Chapter shall be subject to its inclusionary requirements if the project or any of the rental units therein are proposed to convert to for-sale units.

C. **Exempt projects.** The following residential projects are exempt from the inclusionary housing requirements of this Chapter.

1. **Project with vested rights.** A residential project for which the City has entered into a development agreement before the effective date of this Chapter, or which otherwise demonstrates a vested right to proceed without complying with this Chapter.
2. **Involuntarily damaged or destroyed dwelling unit.** Any dwelling unit(s) in existence prior to the effective date of this Chapter that is (are) damaged or destroyed by fire or natural catastrophe so long as the square footage and use of the replacement or repaired structure remain(s) the same.
3. **Affordable Housing Units.** All affordable units shall be exempt from the inclusionary housing requirement, including those in mixed-income developments, mixed-use developments, sweat equity projects, senior housing projects, housing projects for people with special needs, and other affordable housing units as determined by the director. In order to be exempt from the Inclusionary Housing requirements the affordable housing units shall be affordable for a minimum of 15 years.

4. **Small Project.** A residential development project with four or fewer dwelling units or a minor subdivision.
5. **One-bedroom Residential Units.** One-bedroom residential units that are less than 600 square feet shall be exempt from the inclusionary requirement in order to encourage the production of small units.
6. **Other exemptions as approved by City Council.**

**18.32.040 - Inclusionary Housing Requirements**

**A. Number of inclusionary housing units required for non- subdivision projects with five or more residential units.**

1. **All developments that include 5 - 10 residential units.** All rental and “for sale” developments of five to ten units must construct 20 percent of residential units to be “affordable by design” as defined in Article 10 (Glossary).
2. **Developments that include more than 10 residential units to be sold shall include inclusionary units as follows:**
  - a. If 11 - 20 residential units, the applicant shall construct 10 percent of all new dwellings as inclusionary units, or complete an approved alternative equivalent action, subject to all requirements in compliance with this Chapter.
  - b. If 21 or more residential units, the applicant shall construct 15 percent of all new dwellings as inclusionary units, or complete an approved alternative equivalent action, subject to all requirements in compliance with this Chapter.
3. **Development projects that include more than 10 residential rental units shall** comply with requirements below, only if the developer enters into a contract with the City of Fort Bragg and requests and receives one or more incentives or a density bonus;
  - a. If the project includes 11 - 20 residential rental units, the applicant shall construct 10 percent of all new dwellings as inclusionary units, or an approved alternative equivalent action, subject to all requirements in compliance with this Chapter.
  - b. If 21 or more residential units for sale, the applicant shall construct 15 percent of all new dwellings as inclusionary units, or an approved alternative equivalent action, subject to all requirements in compliance with this Chapter.
  - c. As an alternative to constructing inclusionary units, the developer may pay an in-lieu fee that is calculated based on the requirements outlined in subsections 1 & 2 above.
4. **Fractional Units.** If the calculation of the required number of units results in a fraction of units, the developer must construct the additional inclusionary unit, pay a proportional fraction of the in-lieu fee, or perform an alternative equivalent action approved by the Council in compliance with Section 18.32.050 (Alternative Equivalent Action) for the fraction.

**B. Inclusionary requirement for subdivision projects with five or more residential lots.**

1. If a proposal involves the major subdivision of a residentially zoned parcel the inclusionary requirement shall be met either through: 1) the construction of inclusionary housing; 2) the donation of net land for the construction of inclusionary housing; or 3) an Alternative Equivalent Action (18.32.050).
  - a. All major subdivisions that result in the creation of five to ten lots shall be deed restricted such that 20 percent of the lots must include residential units to be “affordable by design” as defined in Article 10 (Glossary).

- b. All major subdivisions that result in the creation of 11 to 20 lots shall require: 1) that 10 percent of the net land be donated to the City or its designated agency for the construction of inclusionary units; 2) the construction of 10 percent of the units as inclusionary units; or 3) an approved alternative equivalent action. Land donations must have the appropriate General Plan designation, zoning, and development standards to permit the feasible development of inclusionary units and be served by adequate public facilities and infrastructure.
  - c. All major subdivisions that result in the creation of more than 20 lots shall require: 1) that 15 percent of the net land be donated to the City or its designated agency for the construction of inclusionary units; 2) the construction of 15 percent of the units as inclusionary units; or 3) an approved alternative equivalent action. Land donations must have the appropriate General Plan designation, zoning, and development standards to permit the feasible development of inclusionary units and be served by adequate public facilities and infrastructure.
2. The satisfaction of the inclusionary requirement for major subdivisions shall be included in and described on the tentative map at the time of application. The description shall include acreage and location of any proposed land donation.

**18.32.050 - Alternative Equivalent Action**

A developer of a project with residential units may comply with the requirements of Subsection 18.32.040 (Inclusionary Housing Requirements) above by an alternative equivalent action approved by the City Council in compliance with this Section.

**A. Scope of alternative proposals.** A proposal for an alternative equivalent action may include:

1. **Construction of secondary units.** For single-family subdivision projects of between 11 and 30 lots, a developer may build small secondary units in lieu of inclusionary units. Two “small secondary units” are equal to one inclusionary unit. Single-family subdivision projects with 30 lots or more may only utilize secondary units as an alternative equivalent action for the first 30 lots of the project; or
2. **Donation of vacant land.** Land donations for the construction of inclusionary units as part of a subdivision without development or as an alternative equivalent action, must meet the following requirements:
  - a) Have the appropriate General Plan designation, zoning, and development standards to permit the feasible development of affordable units in an amount equal to at least 15 percent of the units in the residential development;
  - b) Be served by adequate public facilities and infrastructure; and
  - c) Be subject to an affordability covenant or deed restriction to ensure continued affordability; or
3. **Construction of inclusionary units on another site subject to Council approval; or**
4. **Payment of an Inclusionary Housing In-Lieu Fee**, in an amount as set forth in a resolution of the City Council, which may be amended from time to time to reflect inflation and changed conditions in the City and the region; or
5. **Any on site or off site alternative equivalent action recommended by the Community Development Committee and approved by City Council; or**
6. **A combination of the above strategies, as approved by City Council.**

**B. Content of proposal.** A proposal for an alternative equivalent action shall show how the alternative action proposed will further affordable housing opportunities in the City to an equal or greater extent than compliance with the requirements of Subsection 18.32.040 (Inclusionary Housing Requirements). If required by the City, the applicant shall provide or pay for an independent third party review/analysis of the equivalence of the proposed alternative action.

**C. Review and approval.** A proposal for an alternative equivalent action shall be specified in the Inclusionary Housing Plan submitted with the applications for the residential development. The proposal shall be processed concurrently with the residential development applications except that the review authority for an alternative equivalent action shall be the Council.

**D. Criteria for approval.** A proposal for an alternative equivalent action to satisfy the requirements of this Chapter may be approved at the Council's discretion, if the Council first determines that the alternative action will further affordable housing opportunities in the City to an equal or greater extent than compliance with the otherwise applicable requirements of Subsection 18.32.040 (Inclusionary Housing Requirements).

**18.32.060 - Inclusionary Housing Phasing, Agreements and Affordability**

**A. Timing and Phasing of Unit Construction.** All inclusionary units within a residential project shall be constructed concurrent with, or before, the construction of the market rate dwelling units. If the City approves a phased project, the required inclusionary units shall be provided within each phase of the residential project with their number in proportion to the total number of units in the phase in relation to the total number of units in the project, or phased in another sequence acceptable to the City as approved by the Review Authority. Certificates of Occupancy will be issued for increments of no more than seven market rate units before Certificates of Occupancy are issued for the corresponding inclusionary unit(s).

**B. Recordation of Inclusionary Housing Agreement.** The recordation of the Inclusionary Housing Regulatory Agreement, as described in Section 18.32.085, shall take place at the same time as the final or parcel map or, where a map is not being processed, before issuance of any Certificates of Occupancy.

**C. Affordability Requirements.**

**1. For Sale Units.** One-half of the required inclusionary units shall be available at sales prices affordable to households whose annual household income does not exceed 100 percent of area median income as defined in Article 10 (Glossary). The remaining one-half of the required inclusionary units shall be available at sales prices affordable to moderate-income households whose annual household income does not exceed 120 percent of area median income with priority given to essential public service employees within the City as defined in Article 10 (Glossary).

**2. Rental Units.** One-half of the required units shall be available at rents affordable to low-income households whose annual household income does not exceed 80 percent of area median income; and, the remaining half of the inclusionary units shall be available at affordable rents to moderate households whose annual household income does not exceed 120 percent of area median income, with priority for rental given to essential public service employees within the City as defined in Article 10 (Glossary), who meet income eligibility requirements.

**D. Continued Affordability.** The procedures to maintain the continued affordability of the inclusionary units shall be included in the Inclusionary Housing Plan submitted with the development project application and shall be subject to approval by the City as described in Section 18.32.080.

**1. Term of affordability.**

a) For-sale inclusionary units shall be affordable for 15 years. If a "for sale" inclusionary unit is resold during this term, the equity accrued shall be apportioned as follows:

i. Equity accrual to the property owner during the first five years shall be limited to equity accrued through the mortgage and down payments (less all outstanding mortgage, taxes and liens); it shall not include market related appreciation. At the resale of an inclusionary unit within the first five years of the term, all market rate equity shall be paid to the City's Housing Trust Fund.

ii. Equity accrual to the property owner who sells an inclusionary unit in years 6 through 15 shall include 10 percent of the market appreciation per year of ownership, after repayment of the mortgage, taxes and any outstanding liens. The remaining market rate equity shall be paid to the City's Housing Trust Fund.

iii. After 15 years the unit will not be an inclusionary housing unit, and resale may proceed without a payment to the City's Housing Trust Fund.

b) Inclusionary Housing Rental Units shall be affordable for 25 years.

**2. Resale restrictions.** In order to maintain the availability of the for-sale inclusionary units constructed in compliance with this Chapter, resale of the units shall be restricted as follows.

**a) Written notice of intent to sell, City option.** Resale restrictions shall provide that, before offering an inclusionary unit for sale, the seller shall provide written notice to the Director, by certified mail, of their intent to sell. The City or its designee shall be granted an option to purchase the unit for sale, with a maximum of 60 days to exercise the option, and a maximum of 120 days to conclude the purchase, in addition to the time for exercising the option.

**b) Payment of Inclusionary Housing In Lieu fee.** If the unit is sold prior to the 15 year term of affordability, the seller shall pay to the City's Housing Trust Fund an Inclusionary Housing Fee in the amount calculated according to section 18.32.060D1a. This fee shall be paid as part of the escrow process for the resale of the unit.

**3. Rental restrictions.** An inclusionary unit may be leased or subleased to an income qualified eligible renter (per 18.32.060 C.2 Affordability Requirements for Rental Units) upon review of the renter's income qualifications by the Director.

**E. Eligibility of households.**

1. No household shall be allowed to purchase an inclusionary unit, unless the City or its designee has approved the household's eligibility, or has failed to make a determination of eligibility within the time or other limits provided by an inclusionary housing agreement or resale restrictions.

2. The eligibility of potential occupants of inclusionary units shall be determined on the basis of household income at the time of purchase as defined in this Chapter, the relationship between household size and the size of the available units, and any further criteria required by law and/or established by the City Council. The housing developer shall use an equitable selection method established in conformance with the terms of this Chapter and in compliance with State and Federal law. Selection from eligible households shall be based on the affordable housing priorities established below:

**a) Priority 1.** Essential public service employees as defined in Article 10 (Glossary), City of Fort Bragg employees, or child care workers employed in Fort Bragg. If essential public service employees do not purchase the inclusionary units, the units shall be made available to other eligible Priority 1 applicants, prior to being made available to Priority 2 applicants.

**b) Priority 2.** Other eligible households who live in Fort Bragg and who are also employed within Fort Bragg City limits. When the list of Priority 2 applicants is exhausted, units may be sold to Priority 3 households.

**c) Priority 3.** Other eligible households.

**F. Annual monitoring.**

1. Inclusionary units shall be monitored on an annual basis by the City (or its designee) to ensure that units have not been re-sold to an unqualified owner (on the basis of income).

2. Monitoring may be achieved by a third party, may include self-certification, may involve review of utility records, or may include any other reasonable method of monitoring as approved by the Director.

3. All owners that initially qualified for inclusionary housing retain their right to inhabit their inclusionary housing unit should their income increase above qualifying levels.

**G. Discretionary permit and map requirements for projects subject to this chapter.**

- 1. Discretionary permits.** Each discretionary permit for a residential project that is subject to this Chapter and approved after the effective date of this Chapter shall contain a condition detailing the method of compliance with this Chapter.
- 2. Final or Parcel Maps.** Each Final or Parcel Map shall have a written notation indicating that compliance with the requirements of this Chapter shall be met for each parcel created by the map, unless the requirements of this Chapter have been satisfied by an alternative equivalent action approved by the City.

**H. Requirements for Certificate of Occupancy or Final Building Inspection.** A temporary or permanent Certificate of Occupancy shall not be issued, or a Final Building Inspection approved, for any new residential project with more than four dwelling units of a major subdivision until:

1. The developer has satisfactorily completed the requirements of this Chapter (e.g., on-site construction of affordable units or alternative equivalent actions); or
2. The developer has demonstrated to the satisfaction of the Director that an exemption as described in Section 18.32.030 (Inclusionary Housing Applicability and Exempt Projects) is applicable.

**18.32.070 - Inclusionary Housing Incentives**

**A. Authority for incentives.** A residential development that complies with the inclusionary housing requirements in Subsection 18.32.040, through the actual construction of inclusionary units, shall be entitled to the following procedures and incentives.

- 1. Voluntary Pre-Application Review of Requested Incentives.**
  - a. Before the submittal of any formal application for a housing development, the developer may request a pre-application review by the Director or the City Council of requested incentives.
  - b. Voluntary Pre-application Review shall not bind the Director or City Council, but rather shall be subject to the discretion of the review authority to accept, reject, or modify any preliminary recommendations based upon a full review of the formal application, including all pertinent project information and any CEQA analysis, presented at the public hearing on the application.
- 2. Priority processing of applications.** Project applications that include the construction of inclusionary units shall be expedited by each City department involved with the application.
- 3. Pre-Approved incentives.** The Council has adopted by resolution a set of pre-approved incentives, which may be amended from time to time. Project applicants with projects that include inclusionary housing may select an incentive from this resolution without the need of further approval for the selected incentive.

**18.32.080 - Inclusionary Housing Plan**

**A. Inclusionary Housing Plan.** The applicant for a residential project that is subject to this Chapter shall submit an Inclusionary Housing Plan as part of the project application(s), detailing how the provisions of this Chapter will be implemented. The Inclusionary Housing Plan shall include the number and income level of any required inclusionary units, any related occupancy restrictions, any resale or other controls to ensure continued affordability of the inclusionary units, a detailed pro forma if requested by the Director, any requested incentives or waivers, any proposed alternative equivalent action, and any other information necessary to review compliance with the requirements of this Chapter. The Inclusionary Housing Plan shall be considered and acted upon by the review authority at the same time as the residential development that is the subject of the plan.

**B. Conditions of approval.** Any tentative map, use permit or other permit approving residential development projects subject to this Chapter shall contain conditions sufficient to ensure compliance with the provisions of this Chapter. Such conditions shall include but not be limited to the number of inclusionary units required, the schedule of construction for the inclusionary units, the applicant's manner of compliance with this Chapter, and shall require the execution and recordation of an agreement imposing appropriate resale and other controls to maintain continued affordability of the inclusionary units for the required time.

**18.32.085 - Inclusionary Housing Regulatory Agreement**

**A. Inclusionary Housing Regulatory Agreement.** The applicant shall execute and cause to be recorded an Affordable Housing Regulatory Agreement (“agreement”) between the City and the developer to implement the provisions of this Chapter and any approved Inclusionary Housing Plan. The agreement once approved and executed by the City Manager shall be recorded against the property containing the inclusionary units.

**18.32.090 - Inclusionary Housing Trust Fund**

**A. Inclusionary Housing Trust Fund established.** There is hereby established the City of Fort Bragg Inclusionary Housing Trust Fund (the “Housing Fund”). Inclusionary housing In-lieu fees collected pursuant to this Chapter shall be deposited into the Housing Fund. Separate accounts within the Housing Fund may be created as necessary to avoid commingling as required by law, or as deemed appropriate to further the purposes of the Fund.

**B. Use of funds.** The City’s use of the Housing Fund shall comply with the following requirements.

1. Monies deposited in the Housing Fund along with any interest earnings shall be used solely to increase and improve the supply of affordable housing in the City, including:
  - a. The acquisition of property and property rights;
  - b. The cost of construction including costs associated with planning, administration, and design, actual building or installation, and any other costs associated with the construction or financing of affordable housing beyond that which is required by this ordinance for a specific development;
  - c. Reimbursement to the City for costs if funds were advanced by the City from other sources; and
  - d. Reimbursement of developers or property owners who have constructed affordable housing units beyond that which is required by this ordinance for a specific development.
2. To the maximum extent possible, all monies should be used to provide for additional affordable housing and services.
3. No portion of the Housing Fund may be diverted to other purposes by way of loan or otherwise.

**18.32.100 - Enforcement of Affordable Housing Requirements**

**A. Enforcement by City Manager.** The City Manager shall enforce the provisions of this Chapter and may initiate revocation of any building permit or development approval in accordance with Section 18.98.070. The City may institute any appropriate legal actions or proceedings necessary to ensure compliance with this Chapter, including civil action, injunctive relief, and any other proceeding or method allowed by Article 18.98 or other law.

**B. Remedies cumulative not exclusive.** The remedies available to the City shall be cumulative and not exclusive and shall not preclude the City from any other remedy or relief to which it otherwise would be entitled under law or equity.

**C. Recovery of costs.** In any action to enforce this Chapter, or an Affordable Housing Regulatory Agreement recorded in compliance with this Chapter, the prevailing party in such action shall be entitled to recover its reasonable attorney’s fees and related costs.



## Chapter 18.34

### LANDSCAPING STANDARDS

Sections:

- 18.34.010 Purpose
- 18.34.020 Applicability
- 18.34.030 Definitions
- 18.34.040 Landscape and Irrigation Plans
- 18.34.050 Landscape Location Requirements
- 18.34.060 Landscape Standards
- 18.34.070 Maintenance of Landscape Areas

**18.34.010 - Purpose**

This Chapter establishes requirements for landscaping to enhance the appearance of development projects, reduce heat and glare, control soil erosion, conserve water, screen potentially incompatible land uses, preserve the integrity of neighborhoods, improve air quality, and improve pedestrian and vehicular traffic and safety.

**18.34.020 - Applicability**

The provisions of this Chapter apply to all land uses as follows:

**A. New projects.** Each new nonresidential and multi-family residential project shall provide landscaping in compliance with this Chapter. All residential development projects shall provide street trees in compliance with Section 18.34.060.B.2.d.(iii.).

**B. Existing development.** The approval of a Minor Use Permit, Use Permit, Minor Variance, Variance, or application for Design Review for physical alterations and/or a change in use within an existing development may include conditions of approval requiring compliance with specific landscaping and irrigation requirements of this Chapter.

**C. Timing of installation.** Required landscape and irrigation improvements shall be installed before final building inspection. The installation of landscaping for a residential project may be deferred for a maximum of 90 days in compliance with Section 18.76.060 (Performance Guarantees).

**D. Alternatives to requirements.** The review authority may modify the standards of this Chapter to accommodate alternatives to required landscape materials or methods, where the review authority first determines that the proposed alternative will be equally or more effective in achieving the purposes of this Chapter. The review authority may also modify the requirements of this Chapter to accommodate an affordable housing project in compliance with Chapters 18.31 (Density Bonuses and Affordable Housing Incentives), and 18.32 (Inclusionary Housing Requirements).

**18.34.030 - Definitions**

Definitions of certain technical terms and phrases used in this Chapter are under “Landscaping Standards” in Article 10 (Glossary) of this Development Code.

**18.34.040 - Landscape and Irrigation Plans**

**A. Preliminary Landscape Plan.** A Preliminary Landscape Plan shall be submitted as part of each application for new development, or the significant expansion (e.g., 25 percent or more of floor area), or redevelopment of an existing use, as determined by the Director.

**B. Final Landscape Plan.** After planning permit approval, a Final Landscape Plan shall be submitted as part of the application for a Building Permit. A Final Landscape Plan shall be approved by the review authority before the start of grading or other construction, and before the issuance of a Building Permit.

**C. Content and preparation.**

**1. Required information.** Preliminary Landscape Plans and Final Landscape Plans shall contain the information required for landscape plans by the Department. However, at a minimum, the plans shall include the following information:

**a. Preliminary Landscape Plans.** Location of proposed materials, including the identification of ground covers, shrubs, and trees.

**b. Final Landscape Plans.** Detailed drawings and specifications clearly identifying the name, size, and precise location of all materials, ~~as well as the precise location and technical description of the irrigation system and its individual components.~~

**2. Preparation by qualified professional.** Each landscape plan for five or more dwelling units, or a non-residential project submitted in compliance with this Chapter shall be prepared by a California licensed landscape architect, licensed landscape contractor, certified nurseryman, or other professional determined by the Director to be qualified.

**D. Review and approval.** After initial application, the Director shall review each Preliminary Landscape Plan and Final Landscape Plan to verify its compliance with the provisions of this Chapter. The Director may approve the submittal in compliance with this Chapter, or may disapprove or require changes to a submittal if it is not in compliance.

**E. Statement of surety.** When required by the Director, security in the form of cash, performance bond, letter of credit, 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. 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 before occupancy of the site.

**F. Changes to approved landscape plans.** The Director may authorize minor changes from the requirements of this Chapter ~~and the approved landscaping plan.~~

1. For purposes of this Section, minor changes shall be defined as changes to the Final Landscape Plans that ~~are not visible~~ and do not affect the ~~landscaping~~ theme/~~or~~ character established for the subject development project.

2. If the Director determines that a requested change does not comply with the definition of minor in Subsection F.1, above, the requested change may only be approved by the review authority that originally approved the plans.

**G. Projects with 2,500 SF or more of Landscaped Area.** All projects with 2,500 SF or more of landscaped area must comply with the State of California Model Water Efficient Landscaping Ordinance (Government Code Sections 65595 and 65596). The model ordinance is available from the Community Development Department or can be found online.

#### **18.34.050 - Landscape Location Requirements**

Landscaping shall be provided in all areas of a site subject to development with structures, grading, or the removal of natural vegetation, as follows.

**A. Setbacks.** The setback and open space areas required by this Development Code and easements for utilities and drainage courses shall be landscaped, except where:

1. Occupied by approved structures or paving;
2. They are retained in their natural state, and the review authority determines that landscaping is not necessary to achieve the purposes of this Chapter.

**Comment [MJ23]:** Generally landscaping plans no longer include irrigation as the City has moved towards requiring drought tolerate landscaping.

**Comment [MJ24]:** This is silly. All landscaping changes would be visible. Suggest striking this limitation on director approvals.

**B. Unused areas.** Any area of a project site not intended for a specific use, including a commercial pad site intended for future development, shall be landscaped unless retained in its natural state, and the review authority determines that landscaping is not necessary to achieve the purposes of this Chapter.

**C. Parking areas.** ~~All P~~ parking areas shall be landscaped as follows:-

- 1. Landscape materials.** Landscaping shall be provided throughout the parking lot as a combination of ground cover, shrubs, and trees.
- 2. Curbing.** Areas containing plant materials ~~shall may~~ be bordered by a ~~concrete curb at least six inches high and six inches wide when constructed as part of a parking lot. However The review authority may approve alternative barrier designs~~ to protect landscaped areas from damage by vehicles, ~~and to allow infiltration of parking lot stormwater runoff into landscaped areas~~, are preferred.
- 3. Runoff detention, retention, or infiltration.** The design of landscaped areas for parking lots shall consider, and may, where appropriate, be required to include provisions for the on-site detention, retention, and/or infiltration of stormwater runoff, which reduces and slows runoff, and provides pollutant cleansing and groundwater recharge. Where landscaped areas are designed for detention, retention, and/or infiltration of stormwater runoff from the parking lot, the following provisions shall apply:
  - a. Recess landscaped areas.** Landscaped areas shall be recessed below the surface of the pavement, to allow stormwater runoff from the parking lot to flow into the landscaped area and infiltrate into the ground.
  - b. Provide curb cuts.** Curb cuts shall be placed in curbs bordering landscaped areas, or else curbs shall not be installed, to allow stormwater runoff to flow from the parking lot into landscaped areas.
- 4. Perimeter parking lot landscaping.** All surface parking areas shall be provided a fence, or landscape buffer between the parking area, and streets and adjoining properties, and the open areas between the property line and the public street right-of-way shall be landscaped.
  - a. Adjacent to streets and only where allowed by Section 18.36.090 or preexisting conditions.**
    - i) A parking area for a nonresidential use adjoining a public street, where allowed by Section 18.36.090.A (Parking Design and Development Standards - Location) 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 zoning district or 15 feet, whichever is more.
    - ii) A parking area for a residential use, except for a single-family dwelling or duplex, 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 zoning district.
    - iii) 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.
    - iv) Screening materials may include a combination of plant materials, earth berms, solid decorative masonry walls, raised planters, or other screening devices which meet the intent of this requirement.
    - v) 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.
    - vi) Plant materials, signs, or structures within a traffic safety sight area of a driveway shall comply with Section 18.30.060.E (Height limit at street corners).
  - b. Adjacent to side or rear property lines.** Parking areas for nonresidential uses shall provide a perimeter landscape strip at least eight-five feet wide (inside dimension) where the parking area adjoins a

**Comment [MJ25]:** Clarifies that curbs are not preferred and that infiltration of stormwater into landscaped areas is preferred.

**Comment [MJ26]:** An eight foot wide landscaping strip is difficult to achieve on small lots of 50 feet in width and still accommodate the parking isles and drive isles. Suggest reducing this requirement to 5 feet.

side or rear property line. ~~[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.

Comment [MJ27]: This is confusing.

**c. Adjacent to structures.** When a parking area is located adjacent to a nonresidential structure, a minimum eight-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 accessways. 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.

**d. Adjacent to residential use.** A parking area for a nonresidential use adjoining a residential use shall provide a landscaped buffer setback with a minimum 10-foot width between the parking area and the common property line bordering the residential use.

- i) A solid decorative masonry wall or solid fence, ~~except for approved pedestrian access, and landscape buffer~~ shall be provided along the property line to address land use compatibility issues (e.g., nuisance noise and light/glare) as determined by the review authority.
- ii) 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.

#### 5. Interior parking lot landscaping.

**a. 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. 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 as required by the review authority. ~~[At a minimum, one shade tree shall be provided for every five parking spaces.]~~

Comment [MJ28]: This is a prohibitive requirement and unnecessary in Fort Bragg where we never have hot days.

**b. Location of landscaping.** Landscaping shall be evenly dispersed throughout the parking area, as follows.

- ~~i) Orchard style planting (the placement of trees in uniformly spaced rows) is encouraged for larger parking areas.~~
- ii) 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.
- iii) 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.

**c. 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 see requirements 1-3 above.~~

**D. Subdivisions.** A new subdivision shall be designed and constructed to provide landscaping as follows.

**1. Residential subdivisions.** A residential subdivision shall be provided:

~~a. Landscaping in the form of one street tree for each 30 feet of street frontage, in the planter strip or other location approved by the review authority, or a windrow elsewhere on the site as authorized by the review authority based on the character of streets in the site vicinity and the location of the site relative to existing development;~~

~~b. Landscaping with irrigation facilities for any common areas or other open space areas within the subdivision; and~~

~~c. Any additional landscaping required by the review authority.~~

~~The species of street trees shall be as required by the review authority, and plantings within a public right-of-way shall comply with the City's standard specifications.~~

~~2. Nonresidential subdivisions. Nonresidential subdivisions shall be provided landscaping as required by the review authority.~~

#### 18.34.060 - Landscape Standards

**A. Landscape design.** The required landscape plan shall be designed to integrate all elements of the project (e.g., buildings, parking lots, and streets) to achieve their aesthetic objectives, desirable microclimates, stormwater runoff infiltration, and minimize water and energy demand.

**1. Plant selection and grouping.** Plant materials shall be selected for: low water demand and drought tolerance; adaptability and relationship to the Fort Bragg environment, and the geological and topographical conditions of the site; color, form, and pattern; ability to provide shade; and soil retention capability. At least 50 percent of landscaping plants shall be locally native plants. Invasive plants are prohibited.

a. Plants having similar water use shall be grouped together in distinct hydrozones.

b. The protection and preservation of native species and natural areas is encouraged, and may be required by conditions of approval as a result of project review in compliance with the California Environmental Quality Act (CEQA).

c. Fire prevention shall be addressed on sites in any wooded or vegetated area of the City identified by the Fire Department as being fire prone, by reducing fuel between development areas and naturally vegetated areas, as identified by the Director.

**2. Minimum dimensions.** Each area of landscaping shall have a minimum interior width of eight feet within the residential and commercial zoning districts, and five feet in the industrial zoning districts. 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.

**3. Height limits.** Landscape materials shall be selected, placed on a site, and maintained to not:

a. Exceed a maximum height of 42 inches within a traffic safety visibility area required by Section 18.30.060.E, except for one or more trees with the lowest portion of their canopy maintained at a minimum height of six feet above grade; or

b. Interfere with the proper operation of solar energy equipment or passive solar design on adjacent parcels.

**4. Protective curbing.** Required landscaping shall be protected with a minimum six-inch high concrete curb ~~or other barrier~~, except where adjacent to bicycle paths, or where the landscaped area is designed to infiltrate stormwater runoff from adjacent impermeable surfaces, or where otherwise deemed unnecessary by the Director.

**5. Safety requirements.** Landscape materials shall be located so that at maturity they do not:

**Comment [MJ29]:** We have not generally required street trees for every 30 feet of street frontage. This requirement should be moved to the subdivision section of the ILUDC, as it is hidden away here. Thus I suggest deleting it from this section.

**Comment [MJ30]:** City is moving away from requiring irrigation.

- a. Interfere with safe sight distances for vehicular, bicycle, or pedestrian traffic;
- b. Conflict with overhead utility lines, overhead lights, or walkway lights; or
- c. Block pedestrian or bicycle ways.

**6. Water features.** Decorative water features (e.g., fountains, ponds, waterfalls) shall have re-circulating water systems and shall minimize use of potable water.

**B. Plant material.** Required landscape shall include trees, shrubs, and ground covers, as follows.

**1. Size at time of planting.** Plant materials shall be sized and spaced to achieve immediate effect and shall not be less than a 15-gallon container for trees, five-gallon container for specimen shrubs and six-inch pots for mass planting, unless otherwise approved by the review authority on the basis that the alternate size will achieve the desired immediate effect equally well.

**2. Trees.** Tree planting shall comply with the following standards.

- a. Trees shall not be planted under any structure that may interfere with normal growth (for example, an eave, overhang, balcony, light standard or other similar structure).
- b. Trees in landscape planters less than 10 feet in width or located closer than five feet from a permanent structure shall be provided with root barriers/root barrier panels.
- c. Trees shall be staked ~~in compliance with standards provided by the Department.~~
- d. At a minimum, the required landscape shall include the following number of trees:
  - i) Parking area: refer to Section 18.34.050.C (Parking areas).
  - ii) Street setbacks: one per 200 square feet of landscaped area.

~~(iii) Street trees: one per 30-foot length of right-of-way. The review authority may modify this requirement depending on the chosen tree species and its typical spread at maturity.~~

**3. Groundcover and shrubs.** The majority of areas required to be landscaped shall be covered with groundcover, shrubs, turf, or other types of plants that are predominantly drought tolerant. At least 50 percent of landscaping plants shall be locally native plants.

- a. A minimum of two, five-gallon size shrubs shall be provided for every six feet of distance along street setbacks, or as approved by the Director.
- b. Groundcover shall be provided throughout the landscaped area and shall be spaced to achieve full coverage within one year.
- c. Artificial groundcover or shrubs shall not be allowed.
- d. Crushed rock, redwood chips, pebbles, stone, and similar materials shall be allowed up to 15 percent of the total required landscape area. Artificial or synthetic ground covers are not allowed.
- e. Nonturf areas (e.g., shrub beds) shall be top dressed with a bark chip mulch or approved alternative.

**4. Turf.** Turf shall be limited to ~~50-25~~ percent of the total landscaped area on the site where the applicant provides calculations approved by the Director that demonstrate that the irrigation requirements will not exceed standard low water usage, ~~and where the turf is required for active play areas.~~ No turf shall be allowed:

- a. In any area of 10 feet or less in width; or

**Comment [MJ31]:** Moved to subdivision section.

**Comment [MJ32]:** We could reduce the amount of turf allowed and or limit it to active play areas. Turf requires a lot of water.

b. On any slope exceeding 10 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 turf areas and any hardscape (e.g., any street, walkway, or similar feature).

**5. Soil conditioning and mulching.**

- a. A minimum one-foot depth of uncompacted soil shall be available for water absorption and root growth in each planted area.
- b. A soil test for horticultural suitability shall be required at time of landscape installation in each landscaped area. Soil shall be prepared and/or amended to be suitable for the landscape to be installed.
- c. A minimum of two inches of mulch shall be added in each nonturf area to the soil surface after planting. Any plant type that is intolerant to mulch shall be excluded from this requirement. Nonporous material shall not be placed under the mulch.

**C. Irrigation system requirements.** ~~All landscaped areas shall be designed with native plantings such that they do not require an automatic irrigation system, once the plantings are established (after two years). Except those approved for maintenance with intentionally unirrigated native plants shall include. An automatic irrigation system may be approved by the review authority if: 1) the applicant provides a compelling case to the review authority for an automatic irrigation system; and/or 2) provides irrigation water from an onsite well. If an automated irrigation system is installed it shall comply with the following.~~

1. Water-efficient systems (e.g., drip, mini-spray, bubbler-type, 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. Turf areas shall be sized and shaped so they can be efficiently irrigated. Spray or run-off onto paved areas shall be avoided.
2. 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., lawn, ground cover, shrub, tree areas), or a variety of solar aspects. Soil moisture-sensing devices and rain sensors shall be used on larger projects (50,000 plus square feet of landscaped area) to minimize or eliminate over-watering.
3. Watering shall be scheduled during the early morning, at times of minimal wind conflict and evaporation loss.
4. Sprinkler heads must have matched precipitation rates within each valve zone.
5. Check valves are required where elevation differential may cause low head drainage.

**D. Certification of landscape completion.** The completion of required landscaping and irrigation improvements shall be certified by the author of the landscape and irrigation plan, through a signed statement submitted to the Director.

**18.34.070 —Maintenance of Landscape Areas**

**A. Maintenance required.** All site landscaping shall be maintained in a healthful and thriving condition at all times. 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. Regular maintenance shall include checking, adjusting, and repairing irrigation equipment; resetting automatic controllers; aerating and dethatching turf areas; adding/replenishing mulch, fertilizer, and soil amendments; pruning; and weeding all landscaped areas.

~~**B. Maintenance agreement.** Prior to final building inspection or the issuance of a certificate of occupancy, and prior to 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. The form and content of the agreement shall be approved by the City Attorney and the Director.~~

**Comment [MJ33]:** The City is moving away from allowing irrigation of new landscaping areas with City treated water. These requirements conform with that direction.

**Comment [MJ34]:** The City has not entered into such agreements. Should we consider striking this requirement and rely instead on Code Enforcement actions which appear to be sufficient to enforce compliance with landscaping maintenance. See C below.

- | **BC. 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.
- | **CD. Enforcement.** Failure to maintain landscape areas in compliance with this Section shall be deemed a nuisance, and shall be subject to abatement in compliance with the Municipal Code, and/or the applicable planning permit may be revoked.



## Chapter 18.36

### PARKING AND LOADING

#### Sections:

- 18.36.010 Purpose
- 18.36.020 Applicability
- 18.36.030 General Parking Regulations
- 18.36.040 Number of Parking Spaces Required
- 18.36.050 Disabled/Handicapped Parking Requirements
- 18.36.060 Bicycle Parking
- 18.36.070 Motorcycle Parking
- 18.36.080 Reduction of Parking Requirements
- 18.36.090 Parking Design and Development Standards
- 18.36.100 Driveways and Site Access
- 18.36.110 Loading Space Requirements

#### 18.36.010 - 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.

#### 18.36.020 - 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.

#### 18.36.030 - 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 18.71.030) 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 zoning district allows the use, and the person or business at that location is licensed to sell vehicles, trailers, or other personal property. However, Only one vehicle or trailer owned by the lessee, owner, or renter of the property may be displayed for the purpose of sale for a maximum of one month, on parcels that are not authorized car sale lots.~~**

#### **D. ~~Recreational vehicle (RV) parking~~ Large Motor Vehicle and Non-Motorized Vehicle Parking.**

1. The storage (parking for any period longer than 72 hours) of a ~~recreational vehicle (RV) and/or boat~~ large motor vehicle or non-motorized vehicle (as defined in Section 10.02.010) in a residential zoning district shall be allowed only when all portions of the ~~vehicle or boat~~ large motor vehicle or non-motorized vehicle are located entirely within the property boundaries and do not extend into the ~~setbacks or the~~ public right-of-way. Except that vehicles can be located within required setbacks with approval of a Minor Use Permit.

2. Parking within setback areas shall also comply with Section 18.30.100.D. (Limitations on the Use of Setbacks).

**Comment [MJ35]:** This chapter was significantly changed in 2014 to reduce overall parking requirements and simplify regulations. Thus not many new changes are proposed at this time.

**Comment [MJ36]:** Note that we have many violators of this requirement, especially at the rite-aid parking lot. Consider deleting or revising as noted to simplify.

**18.36.040 - Number of Parking Spaces Required**

Each land use shall be provided the number of off-street parking spaces required by this Section. See Sections 18.36.060, and 18.36.070 for off-street parking requirements for bicycles and motorcycles, respectively.

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

**1. Number of spaces.** The number of off-street parking spaces required for each land use is determined as follows. Rules for the calculation of the required number of spaces are in Subsection A.2, below.

**a. Basic space requirement.** Each land use shall provide the number of off-street parking spaces required by Table 3-7, except where a greater or lesser number of spaces is required through Minor Use Permit or Use Permit approval in compliance with Section 18.71.060.

**b. Use not listed.** A land use not specifically listed in Table 3-7 shall provide parking as required by the Director. The Director shall use the requirements in Table 3-7 as a guide in determining the appropriate number of off-street parking spaces required for the use.

**c. Use with accessory components.** 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 3-7 for a hotel (e.g., the guest rooms), and for a gift shop.

**d. Multi-tenant site.** A site with multiple tenants shall provide the aggregate number of parking spaces required for each separate use, except when any land or building under the same ownership or under a joint use agreement is used for two or more purposes with shared parking and no spaces reserved for a particular use. In this instance, the parking shall be provided as required by the analysis below:

- i) Determine the minimum amount of parking required for each land use as though it were a separate use, by time period, considering proximity to transit.
- ii) Calculate the total parking required across uses for each time period.
- iii) Set the requirement at the maximum total across time periods.

**e. Expansion of structure, change in use.** When a structure is enlarged, or when a change in its use requires more off-street parking than the previous use, additional parking spaces shall be provided in compliance with this Chapter. See also Chapter 18.90 (Nonconforming Uses, Structures, and Parcels). However, if required driveway access for one off-street space eliminates one on-street parking space, the off-street space shall not be required.

**f. Excessive parking.**

- i) 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.
- ii) The provision of off-street parking spaces in excess of the requirements in Table 3-7 is allowed only with Minor Use Permit approval in compliance with Section 18.71.060, and only when additional landscaping, pedestrian amenities and necessary storm drain improvements are provided to the satisfaction of the review authority.

**2. Calculation of required parking.**

**a. Floor area.** In any case where Table 3-7 expresses a parking requirement based on floor area in square feet (for example: 1 space for each 1,000 sf of floor area), the floor area shall be construed to mean gross interior floor area.

**b. 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.

**c. 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 3-7.

**d. 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.

**B. Use of on-street parking - Exception.** Available on-street parking spaces cannot be used to meet the parking requirements identified in this Chapter. An exception to this provision may be granted according to the following procedure:

**1. Criteria for approval.** The Minor Use Permit may be issued if it meets all of the following criteria, in addition to the findings identified in Section 18.71.060:

- a. The maximum amount of parking which is feasible shall be provided on-site.
- b. The exception shall only be granted in situations where the Director, Public Works has determined that the exception will not result in potentially unsafe conditions for vehicles or pedestrians.
- c. The Director of Community Development has determined that the project is located in an area of abundant on-street parking.

**2. Annual review.** Each Minor Use Permit that grants an exception to off-street parking requirements shall be reviewed annually, and, if the review authority finds that the use of on-street parking spaces is creating a nuisance, the City may initiate proceedings to revoke the Minor Use Permit.

**C. Nonconforming parking.** A use or structure with nonconforming off-street parking may be physically changed 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. Nonresidential uses.**

- a. The number of existing parking spaces shall be maintained on the site and additional parking shall be provided in compliance with this Chapter for any additional floor area.
- b. 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 added.
- c. 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 if the Director determines that the existing structure location, parcel size, or topography renders the requirement unreasonable.

**D. 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 40 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 40 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 Use Permit granted in compliance with Section 18.71.060.

TABLE 3-7 - PARKING REQUIREMENTS BY LAND USE

Land Use Type: Manufacturing Processing and Warehousing	Vehicle Spaces Required	
	Minimum	Maximum
All manufacturing, industrial, and processing uses, except the following.	1 space for each 400 sf of office area; 1 space for each 1,000 sf of floor and/or ground area devoted to other than office use; 1 space for each 5,000 sf of open storage.	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 2,500 sf of open storage.
Media production	1 space for each 400 sf of floor area.	1 space for each 200 sf of floor area.
Recycling facilities		
Heavy or light processing facilities, Large collection facilities	Determined by Use Permit.	Determined by Use Permit.
Scrap/dismantling yards	1 space for each 400 sf of gross floor area, plus 1 space for each 10,000 sf of gross yard area.	1 space for each 200 sf of gross floor area, plus 1 space for each 5,000 sf of gross yard area.
Small collection facilities	Determined by Minor Use Permit.	Determined by Minor Use Permit.
Wholesaling and distribution	1 space for each 1,000 sf of floor area.	1 space for each 300 sf of floor area.

TABLE 3-7 - PARKING REQUIREMENTS BY LAND USE (Continued)

Land Use Type: Recreation, Education, and Public Assembly	Vehicle Spaces Required	
	Minimum	Maximum
Clubs, community centers, lodges, meeting halls, religious facilities, theaters, auditoriums, and places of assembly	1 space for each 250 sf of floor area or 5 seats, whichever would yield more spaces.	1 space for each 100 sf of floor area or 3 seats, whichever would yield more spaces.
Commercial recreation facilities - Indoor	1 space for each 400 sf of floor area.	1 space for each 200 sf of floor area.
Commercial recreation facilities - Outdoor	Determined by Use Permit	Determined by Use Permit
Studios (art, dance, martial arts, music, etc.) Health/fitness facilities Conference/convention and sports/entertainment facilities	1 space for each 300 sf of floor area.	1 space for each 100 sf of floor area.
Library, gallery, and museum	1 space for each 500 sf of floor area.	1 space for each 250 sf of floor area.
Schools (public and private)		

The Fort Bragg Inland Land Use and Development Code is current through Ordinance 909, passed February 10, 2014.

Land Use Type: Recreation, Education, and Public Assembly	Vehicle Spaces Required	
	Minimum	Maximum
Elementary, Junior High, Kindergarten and nursery schools	1 space per employee plus 1 space for each 10 students.	1 space per employee plus 1 space for each 5 students.
High schools	1 space per employee plus 1 space for each 5 6 students.	1 space per employee plus 1 space for each 4 students.
Colleges and universities (including trade, business, and art/music/dancing schools)	1 space per employee plus 1 space for each 4 students.	1 space per employee plus 1 space for each 2 students.
Mobile home		
Outside of mobile home park	1 space for each unit.	-
Within a mobile home park	1 space for each unit, plus 0.5 guest parking space	-
Multi-family housing & Live/work unit	Under two bedrooms: 1 space per unit 2 bedrooms or more: 2 spaces per unit	2.25 spaces per unit.
Organizational house, rooming or boarding house, residential care facility, co-housing	0.5 spaces per bedroom.	1 space per bedroom.
Second dwelling unit	See Section 18.42.170.F	See Section 18.42.170.F
Single-family dwelling	2 spaces;	4 spaces

Notes:

- (1) Recreational vehicle parking spaces may also be required. See Section 18.36.040.D (Recreational vehicle (RV) parking spaces).

TABLE 3-7 - PARKING REQUIREMENTS BY LAND USE (Continued)

Land Use Type: Retail Trade	Vehicle Spaces Required	
	Minimum	Maximum
All "Retail Trade" and general retail uses listed in Section 18.22.030, Table 2-6, except for the following:	1 space for each 400 sf of floor area, plus 1 space for each 600 sf of outdoor sales area.	1 space for each 200 sf of floor area, plus 1 space for each 400 sf of outdoor sales area.
Auto 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.	1 space for each 200 sf of floor area for the showroom and offices, plus 1 space for each 1,000 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 5 seats; or 1 space for each 250 sf of floor area, whichever would yield more spaces	1 space for each 3 seats; or 1 space for each 100 sf of floor area, whichever would yield more spaces
Building and landscape materials and furniture stores, Warehouse retail center	1 space for each 1,000 sf of display area.	1 space for each 500 sf of display area
Convenience store	1 space for each 300 sf of floor area.	1 space for each 150 sf of floor area.
Marine-related use (hardware, supplies, rentals, and sales)	1 space for each 500 sf of floor area for the showroom and offices, plus 1 space for each 5,000 sf of outdoor display area, plus spaces as required by this Section for parts sales ("retail trade," above), and services.	1 space for each 300 sf of floor area for the showroom and offices, plus 1 space for each 2,500 sf of outdoor display area, plus spaces as required by this Section for parts sales ("retail trade," above), and services.

The Fort Bragg Inland Land Use and Development Code is current through Ordinance 909, passed February 10, 2014.

Land Use Type: Retail Trade	Vehicle Spaces Required	
	Minimum	Maximum
Restaurant, cafe, coffee shop	1 space for each 100 sf of dining area.	1 space for each 40 sf of dining area.
Service station	1 space for each 300 sf of floor area, plus 2 spaces for each service bay.	1 space for each 200 sf of floor area, plus 4 spaces for each service bay.
Shopping center	1 space for each 400 sf of floor area	1 space for each 200 sf of floor area

Notes:

- (1) Recreational vehicle parking spaces may also be required. See Section 18.36.040.D (Recreational vehicle (RV) parking spaces).

TABLE 3-7 - PARKING REQUIREMENTS BY LAND USE (Continued)

Land Use Type: Service Uses	Vehicle Spaces Required	
	Minimum	Maximum
Banks and financial services	1 space for each 300 sf of floor area	1 space for each 150 sf of floor area
Child day care		
Large family day care home	2 spaces; may include spaces provided to fulfill residential parking requirements and on-street parking so long as it abuts the site.	4 spaces; 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.	1 space for each employee, plus 1 space for each 5 children.
Equipment rental	1 space for each 400 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.	1 space for each 200 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 400 sf of floor area.	1 space for each 250 sf of floor area.
Lodging	1 space for each unit, plus 1 space for the manager or owner and required spaces for accessory uses.	1.5 spaces for each unit, plus 2 spaces for the manager or owner and required spaces for accessory uses.
Medical Marijuana Dispensary	1 space for each 500 sf of floor space. (Ord. 851 §2, 2005)	1 space for each 250 sf of floor space. (Ord. 851 §2, 2005)
Medical services		
Clinic, laboratory, urgent care, doctor office	1 space for each 300 sf of floor area	1 space for each 200 sf of floor area
Extended care	1 space for each 5 beds or patients the facility is licensed to accommodate.	1 space for each 2 beds or patients the facility is licensed to accommodate.
Hospitals	2 spaces for each bed,	4 spaces for each bed

TABLE 3-7 - PARKING REQUIREMENTS BY LAND USE (Continued)

Land Use Type: Service Uses (Continued)	Vehicle Spaces Required	
	Minimum	Maximum
Mortuaries and funeral homes	1 space for each 300 sf of floor area within the facility or 1 space for each 4 seats in the sanctuary, whichever would yield more spaces.	1 space for each 200 sf of floor area within the facility or 1 space for each 3 seats in the sanctuary, whichever would yield more spaces.
Offices	1 space for each 400 sf of floor area.	1 space for each 200 sf of floor area.
Personal services and personal services - restricted		
All personal service uses except the following	1 space for each 350 sf of floor area	1 space for each 200 sf of floor area
Barber/beauty shops	2 spaces for each barber or beautician	3 spaces for each barber or beautician
Storage		
Cold storage facilities or ice plants	1 space for each 500 sf of floor area.	1 space for each 250 sf of floor area.
Outdoor storage	1 space for each 3,000 sf of lot area.	1 space for each 1,500 sf of lot area.
Personal storage facilities (mini-storage)	4 spaces for the manager's office.	8 spaces for the manager's office.
Warehousing	1 space for each 1,000 sf of floor area.	1 space for each 500 sf of floor area.
Vehicle services (major and minor repair)	4 spaces for each service or wash bay	8 spaces for each service or wash bay
Veterinary clinics, animal hospitals, boarding, or kennels	1 space for each 400 sf of floor area.	1 space for each 250 sf of floor area.
Boarding or kennels separate from other veterinary facilities	1 space per employee, plus 2 spaces.	2 spaces per employee, plus 2 spaces.

#### 18.36.050 - Disabled Parking Requirements

**Number of spaces required.** Parking for the disabled shall be provided on site in compliance with California Building Code Standards.

Parking spaces required for the disabled shall count toward compliance with the number of off-street parking spaces required by this Chapter.

#### 18.36.060 - Bicycle Parking

Each multi-family project of five or more units and nonresidential land use shall provide bicycle parking in compliance with this Section.

##### A. Number of bicycle spaces required.

**1. Multi-family project.** A multi-family project of five or more units shall provide bicycle parking spaces equal to a minimum of 10 percent of the required vehicle spaces, unless separate secured garage space is provided for each unit. The bicycle spaces shall be distributed throughout the project. A minimum number of two bicycle parking spaces shall be provided.

**2. Nonresidential project.** A nonresidential project (e.g., retail, office, etc.) shall provide bicycle parking spaces equal to a minimum of ten percent of the required vehicle spaces, distributed to serve customers and employees of the project. A minimum number of two bicycle parking spaces shall be provided.

**B. Bicycle parking design and devices.** Each bicycle parking space shall include a stationary parking device to adequately secure the bicycle, shall be a minimum of two feet in width and six feet in length, with a minimum of seven feet of overhead clearance, and shall be conveniently located and generally within proximity to the main entrance of a structure.

**18.36.070 - Motorcycle Parking**

A parking lot with 50 or more vehicle parking spaces shall provide motorcycle parking spaces conveniently located near the main entrance to the primary structure and accessed by the same access aisles that serve the vehicle parking spaces in the parking lot.

**A. Number of spaces required.** A minimum of one motorcycle parking space shall be provided for each 50 vehicle spaces or fraction thereof.

**B. Space dimensions.** Motorcycle spaces shall have minimum dimensions of four feet by seven feet.

**18.36.080 - Reduction of Parking Requirements**

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

1. Where two or more adjacent uses 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 through Minor Use Permit approval granted in compliance with Section 18.71.060.
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 Director may reduce the number of parking spaces required by Section 18.36.040 (Number of Parking Spaces Required), through the granting of a Minor Use Permit in compliance with Section 18.71.060, 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.). Parking requirements may be reduced, by the Review Authority, where the project facilitates bicycle use by providing bicycle storage, lockers, changing rooms and showers and/or bicycles for employee use.

**C. Central Business District (CBD) Special Parking Combining Zone.** The following parking requirements shall apply to areas within the CBD shown on the CBD Special Parking Combining Zone Map, below. An applicant may either comply with the parking requirements identified in Section 18.36.040 (Number of Parking Spaces Required) above, meet the alternative CBD parking requirements identified in Subsection C.2., or pay the parking in-lieu fee identified in Subsection C.3.

**1. Exemptions from the off-street parking requirements.** The following uses located within the CBD Special Parking Combining Zone are exempt from the off-street parking requirements identified in this Chapter:

- a. Replacement of an existing use with a new use determined to be similar by the Director.
- b. On the ground floor, any intensification of a commercial use except for bars, cocktail lounges, restaurants, and taverns.
- c. Any use with hours of operation exclusively after 5:00 p.m.
- d. Residential dwelling units located above ground floor commercial uses.

**2. Number of parking spaces required for uses in the CBD Special Parking Combining Zone.**

- a. Off-street parking for uses in the CBD Special Parking Combining Zone shall comply with the requirements in Table 3-8.



- b. A land use not specifically listed by Table 3-8 shall provide parking as required by the Director. The Director shall use the requirements in Table 3-8 as a guide in determining the appropriate number of off-street parking spaces required for the use.
- c. In any case where Table 3-8 expresses a parking requirement based on floor area in square feet (for example: 1 space for each 400 sf of floor area), the floor area shall be construed to mean gross interior floor area.
- d. 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 3-8 for a hotel (e.g., the guest rooms), and for the gift shop.
- e. If a fractional number is obtained in calculations performed in compliance with this Subsection, 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.

TABLE 3-8 - PARKING REQUIREMENTS IN THE CBD BY LAND USE

Land Use Type:	Vehicle Spaces Required
Bars, cocktail lounges, restaurants, and taverns	1 space for each eight seats or 1 space for each 400 sf of floor area, whichever would yield more spaces.
Lodging	
Bed and breakfast inns	1 space for each unit, plus 1 space for the manager or owner.
Hotels or motels	
Residential dwelling units	1 space for each dwelling unit.
Retail commercial and office uses	1 space for each 600 sf of floor area.

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Figure 3-7 - CBD Special Parking Combining Zone

**3. Parking in-lieu fee.** Parking requirements in the CBD Special Parking Combining Zone may be waived at the discretion of the approval authority, if the owner of the subject property pays a parking in-lieu fee to the City in compliance with this Subparagraph.

- a. In lieu of providing the off-street parking spaces required by this Subsection, these requirements may be satisfied by the payment to the City of an in-lieu parking fee established by the Council and identified in the City's Fee Schedule for both the use of existing structures and for new structures for each required off-street parking space which is not provided.
- b. Parking in-lieu fees may be authorized in the CBD Special Parking Combining Zone for changes of use or projects for which provision of sufficient parking on site is not possible. Parking in-lieu fees are discouraged for changes of use or new development that can accommodate required parking on site. The funds shall be deposited with the City in a special fund and shall be used and expended for the purpose of acquiring and developing off-street parking facilities located insofar as reasonable in the general vicinity of the structures for which in-lieu payments were made as well as for meeting parking needs through strategies to reduce parking demand or to improve access to parking.

**D. Parking reduction for small recycling collection facilities.**

1. A reduction in vehicle parking spaces as provided in Table 3-9 may be allowed within an established nonresidential parking facility to accommodate a small recycling collection facility, when developed in compliance with Section 18.42.150 (Recycling Facilities).

**TABLE 3-9 - PARKING REDUCTION FOR RECYCLING**

Number of Available Vehicle Parking Spaces	Maximum Reduction (in vehicle spaces)
0-25	0
26-35	2
36-49	3
50-99	4
100+	5

2. A maximum five-space reduction shall be allowed when not in conflict with parking needs of the host nonresidential use.

**18.36.090 - 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 18.71.060).

**A. 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. Temporary (overnight) parking is allowed within required setback areas only on a paved driveway.
2. **Nonresidential.** Nonresidential parking shall be located on the same parcel as the uses served or within 300 feet of the parcel if shared parking or public parking facilities are used to meet parking requirements.
  - a. Nonresidential 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.
  - c. Parking between the primary structure and the fronting street should be avoided.
3. **Within the Downtown.** Parking within the Downtown area identified by Subsection 18.36.080.C, Figure 3-7 (CBD Special Parking Combining Zone), shall not be located between a primary building and the fronting street.

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

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- and multi-family dwelling units are exempt from this requirement, unless specifically required by conditions of a discretionary permit.
  - c. This requirement does not apply to alleys, unless so specified in a specific zoning district.
2. A nonresidential 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 3-8.

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3. A minimum unobstructed clearance height of 14 feet shall be maintained above areas accessible to vehicles within nonresidential developments.
4. The design of parking lots on adjacent parcels may be required to provide for joint use and access, with cross parking easements, to limit access points to public rights-of-way, and encourage motorists to park once to complete multiple tasks.
5. The design of parking lots shall provide for safe pedestrian access, via sidewalks, to and from parked cars, to the street and to the primary entrance of the associated development.
6. Curb cuts for purposes of providing street access to on-site parking spaces on primary commercial streets (see definitions) shall be permitted only by Conditional Use Permit.
7. Curb cuts to provide street access to on-site parking spaces on non-primary commercial and residential streets shall be permitted only where a project site meets at least one of the following conditions:
- a. The site has no adjacent side or rear alley having a minimum right-of-way of fifteen feet;
  - b. The topography or configuration of this site or placement of buildings on the site precludes reasonable alley access to a sufficient number of parking spaces;
  - c. The average slope of the parcel is at least five percent; or
  - d. The Director, Public Works determines that a curb cut is appropriate due to traffic, circulation or safety concerns.

**C. Access to adjacent sites.**

**1. Nonresidential developments.**

- a. Applicants for nonresidential developments are encouraged to provide on-site vehicle access to parking areas on adjacent nonresidential 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.

**D. Parking stall and lot dimensions.**

**1. Minimum parking space and driveway dimensions.** Each parking stall, driveway, and other parking lot features shall comply with the minimum dimension requirements in Table 3-10, and as illustrated in Figures

3-8 and 3-9. Future adjustments to stall dimensions shall be based on the standards listed in the latest version of the Urban Land Institute's Dimensions of Parking.

TABLE 3-10 - MINIMUM PARKING SPACE CONFIGURATION

Minimum Uni-Stall Requirements	
Width	Length
9 ft	18 ft

Angle of Parking (in degrees)	Space Width (in feet)	Curb Length (per vehicle)	Space Depth (from curb)	Driveway Width (in feet)
Parallel	9 ft	23 ft 0 in	9 ft 0 in	12 ft
45	9 ft	12 ft 9 in	19 ft 2 in	14 ft
60	9 ft	10 ft 5 in	20 ft 2 in	19 ft
90	9 ft	9 ft 0 in	18 ft 0 in	23 ft

2. **Space width abutting a fence or wall.** When the length of a parking space abuts a fence or wall, the required width of the parking space shall be increased by at least one foot.
3. **Space length for perpendicular parking abutting a planter.** The front two feet of the required length of a parking space may overhang the planter.
4. **Compact parking spaces prohibited.** Compact parking spaces (a space smaller in size than that required by this Chapter) shall not be allowed. The Director may not modify this prohibition, except to accommodate the planting of trees within a parking lot.

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Figure 3-9 - Parking Space Dimensions

E. **Tandem parking.** Use of tandem parking (when one space is located directly behind another) shall not be allowed, except for single-family dwellings and duplex units, and only when both spaces are assigned to the same dwelling unit. The Director may grant approval of tandem parking for nonresidential and other multifamily developments through a Use Permit if the applicant demonstrates that the tandem parking is achieved for vehicles owned by residents within a single unit or employees of a single commercial use.

F. **Landscaping.** Landscaping shall be provided in compliance with Section 18.34 (Landscaping Standards).

G. **Lighting.** Lighting shall be provided in compliance with Section 18.30.070 (Outdoor Lighting).

H. **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.
3. The re-striping of any parking space or lot other than to maintain existing striping shall require the prior approval of a re-striping plan by the Director, Public Works.

**I. Surfacing, wheel stops, stormwater management & landscaping**

1. All parking spaces and maneuvering areas shall be surfaced with paving, asphalt, concrete pavement, or comparable material as determined by the Director, Public Works. Permeable paving, permeable asphalt or permeable concrete pavement is preferred, and projects which use permeable paving materials will receive a proportional discount, based on the proportion of site coverage, on the City drainage fee. (Recommended maximum slopes for alternative paving surfaces are 5% for porous asphalt, 6% for porous concrete, and 10% for interlocking pavers.)
2. Required parking areas in the RR, RS, or RL zoning districts may be surfaced with gravel, pavers, or other all-weather surface as determined to be appropriate by the Director of Public Works. However all gravel parking lots shall include a 20 foot long paved driveway, to minimize the introduction of gravel onto the public right of way.
3. All parking and maneuvering areas shall be designed for on-site stormwater infiltration and treatment where feasible. Stormwater management techniques shall include one or more of the following techniques or their equivalent as determined by the City Engineer:
  - a) Permeable paving over at least 12" of gravel;
  - b) Site design so that stormwater flows into landscaped strips, islands and/or rain gardens with a soil depth of at least 24;"
  - c) Stormwater bioretention swales, rain-gardens, or other open water infiltration and conveyance system with a reservoir volume equal to the surface area of the impermeable surfaces times a depth of 6 inches;
  - d) Rainboxes; and/or
  - e) Equivalent stormwater retention or infiltration technique as determined by the Director of Public Works.
4. Where stormwater infiltration is infeasible, due to site limitations or use type, parking areas shall be graded so that all surface water flows off site into drainage features to the satisfaction of the Director, Public Works.
5. All grading plans relating to the parking facilities shall be reviewed and approved by the Director, Public Works before any work can commence.
6. Individual wheel stops, of at least six inches in height and width, shall be provided for parking spaces located adjacent to fences, walls, property lines, landscaped areas, and structures. Wheel stops shall be placed to allow for two feet of vehicle overhang area within the dimension of the parking space. Continuous concrete curbing is discouraged in parking lots. If continuous concrete curbing is installed it shall include curb cuts so that stormwater can flow into bioretention swales, islands, tree filter boxes, gravel wetlands or other LID stormwater techniques.

**18.36.100 - Driveways and Site Access**

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 following. The Director may modify the requirements of this Section through Minor Use Permit approval (Section 18.71.060).

**A. Number of driveways.**

**1. Single-family dwellings and duplexes.** A single-family dwelling or duplex shall be allowed one driveway from the adjacent alley if feasible except that:

- a. A driveway from the Street may be allowed if no alley provides access, or
- b. A circular driveway may be allowed on a parcel with 200 feet or more of street frontage without alley access.

**2. Multi-family and nonresidential projects.**

- a. A multi-family or nonresidential development project on a parcel of two acres or less shall be limited to a maximum of two driveways, unless the Director, Public Works determines that more than two driveways are required to accommodate the traffic for the project.
- b. Whenever a property has access to more than one street, access shall be generally limited to the lowest volume street where the impact of a new access will be minimized.

**3. Shared driveways.** The review authority may require development on smaller parcels to be planned with access along one side property line, and consolidated with the access driveway on the adjacent parcel, where practical, to limit the total number of access points on a street segment, and minimize conflicts with traffic flow.

**4. Driveways and sidewalks.** Driveways shall connect to alleys instead of streets, when possible, in order to minimize the point of conflicts between motor vehicles and pedestrians walking on sidewalks. For this reason, the size of driveways and the number of driveways which cross sidewalks shall be kept to a minimum.

**B. Distance from street corners.** Each driveway shall be separated from the nearest street intersection as follows, except where the Director, Public Works allows less separation:

1. A minimum of 150 feet from the nearest intersection, as measured from the centerline of the driveway to the centerline of the nearest travel lane of the intersecting street; and
2. For parcels with frontages less than 150 feet, the minimum distance shall be 100 feet.

**C. Driveway spacing.** Driveways shall be separated along a street frontage as follows.

**1. Single-family and duplex residential developments.** Driveways shall be separated by at least six feet, unless a shared, single driveway is approved by the Director, Public Works. The six-foot separation shall not include the transition or wing sections on each side of the driveway.

**2. Multi-family and nonresidential developments.** Where two or more driveways serve the same or adjacent multi-family or nonresidential development, the centerline of the driveways shall be separated by a minimum of 50 feet. The Director, Public Works may approve exceptions to this standard.

**D. Driveway dimensions.**

**1. Single-family dwelling.** Each single-family dwelling shall be provided a driveway with a minimum width of 10 feet and a maximum of 23 feet, preferably from an alley. If the driveway connects a garage to an alley, it shall have a minimum length of 10 feet. If the driveway connects to a street, it shall have a minimum length of 23 feet from the back of the sidewalk, or the edge of the right-of-way where there is no sidewalk.

**2. Multi-family and nonresidential development.**

- a. A driveway for a multi-family or nonresidential development which connects to a parking lot of nine or more spaces, shall have a minimum paved width of 11 feet for a one-way driveway and 22 feet for a two-way driveway.

b. A driveway for a multi-family or nonresidential development which connects to a parking lot of eight or fewer spaces shall have a paved width of 10 feet unless additional width is necessary to ensure public safety.

c. If the City anticipates the parking lot will generate higher than normal turnover of vehicles (such as generated by a take-out restaurant) or larger than normal vehicles (such as generated by a warehouse) then the City may require additional width for driveways.

**3. Minimum paved length.** Where unpaved driveways are otherwise allowed by this Development Code or the review authority, each driveway shall be paved with concrete or asphalt for a minimum length of 20 feet from the public right-of-way.

**E. 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.

**F. Traffic safety visibility areas.** Structures or landscaping over 42 inches 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 6 feet in height. See Section 18.30.060.E.

**G. Surfacing.**

1. Within the multi-family and nonresidential zoning districts, driveways shall be paved and permanently maintained with permeable or impermeable paving, asphalt, concrete, or approved paving units. Projects that utilize permeable surfaces will receive a proportional discount on their drainage fees based on the total site coverage.

2. Within other zoning districts (e.g., RR, RS, and RL), driveways may be constructed with the use of other all-weather surfacing as determined to be appropriate by the Director, Public Works, 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 15 percent or more shall be paved with permeable or impermeable asphalt or concrete in all cases

**18.36.110 - 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 18.71.060), 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.** Nonresidential uses shall provide off-street loading spaces in compliance with Table 3-11. Requirements for uses not listed shall be determined by the Director based upon the requirements for comparable uses.

TABLE 3-11 - REQUIRED OFF-STREET LOADING SPACES

Type of Land Use	Total Gross Floor Area	Loading Spaces Required
------------------	------------------------	-------------------------

Type of Land Use	Total Gross Floor Area	Loading Spaces Required
Industrial, manufacturing, research and development, institutional, and service uses	5,000 to 10,000 sf.	1
	110,001 + sf.	1 for each additional 10,000 sf plus additional as required by Director.
Office uses	5,000 to 25,000 sf.	1
	25,001 + sf.	1 for each additional 25,000 sf plus additional as required by Director.
Retail commercial and other allowed nonresidential uses	5,000 to 10,000 sf.	1
	10,001 + sf	1 for each additional 10,000 sf plus additional as required by Director.

**B. Standards for off-street loading areas.** Off-street loading areas shall be provided in compliance with the following.

- 1. Dimensions.** Loading spaces shall be a minimum of 12 feet in width, 40 feet in length, with 14 feet of vertical clearance.
- 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 18.30.070 (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 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; and
  - e. Situated to avoid adverse impacts upon neighboring residential properties and located no closer than 100 feet from a residential zoning district unless adequately screened, and authorized through Design Review approval in compliance with Section 18.71.050.
- 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 permeable paving, asphalt, concrete pavement, or comparable material as determined by the Director, Public Works and shall be graded to dispose of all surface water to the satisfaction of the Director, Public Works.
- b. All grading plans relating to the loading facilities shall be reviewed and approved by the Director, Public Works before any work can commence.

## Chapter 18.38

### SIGNS

**Comment [MJ37]:** This chapter was also reviewed and modified in 2014, so relatively few new changes are proposed for this chapter.

#### Sections:

- 18.38.010 Purpose
- 18.38.020 Applicability
- 18.38.030 Sign Permit Requirements
- 18.38.040 Exemptions from Sign Permit Requirements
- 18.38.050 Prohibited Signs
- 18.38.060 General Requirements for All Signs
- 18.38.070 Zoning District Sign Standards
- 18.38.080 Standards for Specific Sign Types
- 18.38.090 Nonconforming Signs
- 18.38.100 Public Nuisance, Abatement, and Violation
- 18.38.110 Judicial Review
- 18.38.120 Partial Invalidation

#### **18.38.010 - Purpose**

The regulations established by this Chapter are intended to appropriately limit the placement, type, size, and number of signs allowed within the City, and to require the proper maintenance of signs. The purposes of these limitations and requirements are to:

- A. Avoid traffic safety hazards to motorists, bicyclists, and pedestrians, caused by visual distractions and obstructions;
- B. 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;
- C. 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;
- D. Safeguard and protect the public health, safety, and general welfare; and
- E. Advance community design standards and safety standards as set forth in the Community Design and Safety Elements of the General Plan.

#### **18.38.020 - Applicability**

- A. **Signs regulated.** The requirements of this Chapter shall apply to all signs in all zoning districts.
- 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 noncommercial.
- C. **Definitions.** Definitions of the specialized terms and phrases used in this Chapter may be found in Article 10 (Glossary) under "Sign."

#### **18.38.030 - 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 18.38.040 (Exemptions from Sign Permit Requirements).
  - 2. **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.

3. **Building Permit required.** A Building Permit may also be required for sign construction/installation.

4. **Temporary signs.** Temporary signs shall comply with Sections 18.38.040.C (Temporary signs), and Section 18.38.080 (Standards for Specific Sign Types).

**B. Review authority.**

1. **Director.** The Director shall review all sign permit applications and approve only those that comply with the findings required in Subsection D. (Findings for approval). The Director may also refer a sign permit application to the Commission for review and decision, either for the individual sign permit, or as part of a development project that is otherwise subject to design review. Commission review of a sign permit referred by the Director shall require no additional fee.

2. **Conditions of approval.** The review authority may require conditions of approval that are deemed reasonable and necessary to achieve the purpose, intent, and objectives of this Chapter to the extent such conditions relate to the shape, location, height, size and materials of the sign; and/or the shape, design, placement, color, style, and quantity of text, illumination, reflected light and logos of a sign.

3. **Approval criteria.** The approval or non-approval of an application for a sign permit shall be guided by the criteria set forth in this Chapter. If the review authority finds that a proposed sign substantially complies with the standards of this Chapter, the review authority shall approve the sign.

4. **Appeal.** A decision of the Director or Commission in compliance with this Chapter may be appealed in compliance with Chapter 18.92 (Appeals).

**C. Sign permit procedures.**

1. **Application requirements.** An application for a sign permit shall be prepared, filed, and processed in compliance with Chapter 18.70 (Permit Application Filing and Processing).

2. **Application contents.** Each application shall include all fees required by the City's Fee Schedule, and all of the following:

- a. Plans for the sign, drawn to scale, showing the proposed location of the sign in relation to other signs on the site and adjacent properties, structures, and uses;
- b. A complete color scheme for the sign, and design drawing of the sign;
- c. Sufficient other details of the proposed sign to show that it complies with the provisions of this Chapter;
- d. Written permission from the property owner for the placement of the proposed signs on the site;
- e. Computation of the total sign area, the area of each individual sign, the height of each sign, and the total number of existing and proposed signs on the site;
- f. An accurate indication on the site plan of the proposed location of each present and future sign of any type, whether requiring a permit or not;
- g. If a sign permit application is filed for a site where signs exist, the application shall include a schedule for bringing into conformance within five years of the application date, all signs not conforming with the requirements of this Chapter as of the date of application; and
- h. Other information as required by the Department.

**D. Findings for approval.** The approval of a sign permit shall require that the review authority first make all the following findings, as applicable.

1. The proposed signs do not exceed the standards of Sections 18.38.070 (Zoning District Sign Standards) and 18.38.080 (Standards for Specific Sign Types), and are of the minimum size and height 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. That the placement of the sign on the site is appropriate for the height and area of a freestanding or projecting sign;
3. That a flush or projecting sign relates to the architectural design of the structure. Signs that cover windows, or that spill over natural boundaries, and/or cover architectural features shall be discouraged;
4. The proposed signs do 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 signs are 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 signs are in substantial conformance with the design criteria in Subsection 18.38.060.E (Design criteria for signs) and the Citywide Design Guidelines for signs.

**E. Expiration and extension of sign permit approval.**

1. Approval of 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 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.

**18.38.040 - Exemptions from Sign Permit Requirements**

The following signs are allowed without sign permit approval, provided that they comply with Section 18.38.060 (General Requirements for All Signs), 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;
2. The normal maintenance of conforming signs, except as identified in Subsection 18.38.060.I (Maintenance of signs).

**B. Identification signs.** Street identification, and house identification signs required to assist emergency responders in finding specific properties and not exceeding two square feet.

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

1. Signs posted on private property for ~~less than six months before~~for the sale, lease or rental of the property.
  - a. **Commercial, industrial, and other non-residential zoning districts.** Signs posted on private property ~~less than six months before~~for the sale, lease or rental of the property within commercial, industrial, and other non-residential zoning districts shall be no more than 16 square feet, with a maximum height for freestanding signs of six feet.

**Comment [MJ38]:** Some properties take longer than six months to sell and the City does not currently require removal of the for sale sign. This change would make the regulations conform with current practice.

**b. Residential zoning districts.** Signs posted on private property ~~less than six months before for~~ the sale, lease or rental of the property in residential zoning districts shall not be illuminated, shall not exceed one sign per property, and shall be no more than four square feet in area, including riders.

2. Off-site directional signs not more than four square feet in area, including riders, may be located on private property ~~two weeks prior to for~~ the sale, lease or rental of a property, provided that they do not obstruct or impede pedestrian or vehicular traffic, and are not secured to prevent removal. No such sign shall be permitted within a public right-of-way.

3. Signs on property undergoing construction or remodeling may be allowed in all zoning districts in compliance with the following standards:

a. The number, type, placement, and size of signs shall comply with the sign requirements of Section 18.38.070 (Zoning District Sign Standards) for the applicable zoning district.

b. The signs shall be removed prior to final building inspection or the issuance of a Certificate of Occupancy.

4. Signs are allowed 90 days prior to an election and five days after an election so long as the sign is in compliance with the following requirements:

a. In Commercial and Industrial zoning districts, each temporary sign and the total temporary signage on a parcel shall not exceed 32 square feet in area.

b. In Residential districts, no temporary sign shall exceed four square feet in area.

c. No temporary sign shall be located in a public right-of-way.

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

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

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 promote and protect public health, safety, and general welfare.

**E. Miscellaneous signs.**

1. Address numbers not exceeding 12 inches in height required to assist emergency responders in finding specific properties.

2. Official flags. Flags of national, State, or local governments, or nationally recognized religious, fraternal, or public service agencies; 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.

3. Symbols, pictures, patterns, and illumination approved as architectural ornamentation or decoration by the review authority.

4. Signs erected and maintained by a historical agency or non-profit and located on a historical building, including names and dates of buildings and date of construction so long as none of these exceed four square feet.
5. Service station price signs required by State law.
6. Signs or displays located entirely inside of a building.
6. Small, temporary signs, otherwise in conformance with size, number, and duration requirements of this chapter that address non-commercial issues.
7. Banners and flags of 12 square feet or less, without commercial messages that do not interfere with pedestrian access or vehicular traffic within the public right of way (sidewalk and or street).
8. Signs advertising non-profit events that are less than 100 SF and located on private property with the permission of the property owner. Non-profit event signs shall not be displayed for a period of more than 30 days and shall be removed immediately after the event occurs. The advertised non-profit events must be located within the City of Fort Bragg.

**18.38.050 - Prohibited Signs**

All signs not expressly allowed by this Chapter shall be prohibited. Examples of prohibited signs include the following:

- A. Abandoned signs;
- B. 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;
- C. Balloons and other inflatable devices;
- D. Billboards;
- E. Flags which include commercial messages logos or images, are distracting to drivers, and/or are larger than 30 SF, except as specifically allowed by Subparagraph 18.38.040.E.2. (Official flags);
- F. Moving signs, except signs that are stationary but contain moving parts;
- G. Obscene signs;
- H. Off-premises signs, except as allowed by Subparagraph 18.38.040.C.2. (Offsite directional signs);
- I. Pennants and streamers, except in conjunction with an athletic event, carnival, circus, or fair, or as allowed in Subsection 18.38.040.C. (Temporary signs);
- J. Pole signs and other freestanding signs over ~~six~~ 14 feet in height;
- K. Roof signs;
- L. 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 words, symbols, or characters in a manner that interferes with, misleads, or confuses pedestrian or vehicular traffic; and signs that due to color or motion act as a distraction and safety hazard to drivers;
- M. 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 for safety, convenience and control of vehicular and pedestrian traffic within the premises of the subject use;

**Comment [M39]:** 14 feet is allowed in the inland area, 6 feet is allowed in the Coastal Zone.

- N. 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;
- O. Signs burned, cut, or otherwise marked on or otherwise affixed to a hillside or tree;
- P. Signs with reflective material;
- Q. Signs in residential zoning districts, except as specifically allowed in this Chapter; and
- R. Temporary and portable signs, except as specifically allowed by Subsection 18.38.040.C. (Temporary signs).
- S. Signs in the public right-of-way except for the following:
1. 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;
  2. Bus stop signs installed by a public transit company;
  3. Informational signs of a public utility regarding its lines, pipes, poles, or other facilities. Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized work within the public right-of-way; or
  4. Temporary signs held by individuals that display non-commercial messages of less than ten square feet.
- T. Any sign installed or placed within the public right-of-way other than in compliance with this Section shall be forfeited to the public and be subject to confiscation

In addition to other remedies identified in Chapter 18.98 (Enforcement and Penalties), the City shall have the right to recover from the owner, or person placing the sign, the full costs for sign removal and disposal.

#### **18.38.060 - General Requirements for All Signs**

The following rules shall govern the computation of sign area:

**A. Sign area measurement.** Sign area measurement 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 framing, emblem, 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 3-10.

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**Figure 3-10 - Sign Area Measurement**

2. **Sign structure.** Supporting bracing or framework that is clearly incidental to the display itself shall not be computed as sign area.

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3. **Multi-faced signs.** The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces.
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 3-11.

**5. Time and/or temperature device.** The area of any time and/or temperature device incorporated into a sign shall not be included in the calculation of total sign area.

**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 3-11. Normal grade shall be construed to be the lower of either the:

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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.

**C. Sign height limitations.**

**1. Maximum height for freestanding signs.** A freestanding sign shall not exceed a height of six feet above normal grade in the residential and PF zoning districts. Freestanding signs shall be limited to 14 feet above normal grade in all other districts.

**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 window sills of the second floor;
- b. The top of the wall to which the sign is attached, in the case of a one-story structure; or
- c. 20 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 the public right-of-way, except where the City has granted an encroachment permit in addition to a sign permit.
3. No sign shall be placed so as to interfere with the operation of a door, window, or fire escape.

**E. Design criteria for signs.** The following design criteria shall be used in reviewing the design of individual signs. Substantial conformance with each of the following design criteria 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.**

- a. Proposed permanent signs should be designed by professionals (e.g., architects, building designers, landscape architects, interior designers, or those whose principal business is the design, manufacture, or sale of signs), or others who are capable of producing professional results.
- b. All permanent signs should 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. The intent is to ensure public safety, achieve signs of careful construction, neat and readable copy, and durability so as to reduce maintenance costs and to prevent dilapidation.

**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 onsite structure and on other onsite signs.
- b. Materials for permanent signs 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. columns, crossbeams, and braces) should 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 building design is encouraged, rather than signs with background and framing other than the structure's wall(s).

**4. Street address.** The review authority may require that a sign include the street address of the site, 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.

**F. Copy design guidelines.** The City does not regulate the message content (copy) of signs; however, the following are principles of 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 districts or 60 percent in residential districts.
5. Freestanding signs should contain the street address of the parcel or the range of addresses for a multi-tenant center.

**G. Sign lighting.** Sign lighting shall be designed to minimize light and glare on surrounding rights-of-way and properties.

1. External light sources shall be directed and shielded so that 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 an intensity or brightness that will interfere with the reasonable enjoyment of residential properties.
3. Sign illumination shall not blink, flash, flutter, or change light intensity, brightness, or color.
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 "signs" subject to this Chapter and shall be counted as part of the allowed 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 area calculation.

**H. Maintenance of signs.**

1. Each sign and supporting hardware, including temporary signs, shall be maintained in good repair and functioning properly at all times.
2. Any repair to a sign shall be of equal or better in 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.

**18.38.070 - Zoning District Sign Standards**

Each sign shall comply with the sign type, area, height, and other restrictions provided by this Section, except as otherwise expressly provided in Section 18.38.080 (Standards for Specific Sign Types).

**A. Residential and PF zoning districts.** Each sign in a residential or PF zoning district shall comply with the following requirements.

**TABLE 3-11 - SIGN STANDARDS RESIDENTIAL AND PUBLIC FACILITY ZONING DISTRICTS**

Allowed Sign Types	Maximum Sign Height	Maximum Number of Signs Allowed per Parcel	Maximum Sign Area Allowed per Parcel
Wall or freestanding	Wall signs: below edge of roof; Freestanding: 6 ft	1 of either allowed sign type per street frontage	12 sf maximum each; 24 sf total for all signs

**B. Commercial and industrial zoning districts.** Each sign in the commercial and industrial zoning districts established by Section 18.14.020 (Zoning Map and Zoning Districts) shall comply with the requirements in Table 3-12, in addition to the provisions of Section 18.38.080 (Standards for Specific Sign Types), as applicable.

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**Figure 3-13 - Examples of sign types**

TABLE 3-12 - SIGN STANDARDS FOR COMMERCIAL AND INDUSTRIAL ZONES

Allowed Sign Types	Maximum Sign Height	Maximum Number of Signs Allowed per Parcel	Maximum Sign Area
Ground-mounted and Ground-floor Signs			
Awning (18.38.080.B.)	Below roof (1)	<b>Single tenant site or structure:</b> 3 of any combination of allowed sign types per primary structure frontage. 1 of any allowed sign type per secondary frontage.  <b>Site or structure with two or more tenants:</b> two of any allowed sign per business frontage.	<b>Maximum sign area per parcel.</b> The total sign area on a parcel shall comply with the following requirements. 1. 2 sf for each 3 linear ft of primary building frontage. 2. 0.5 additional sf for each linear foot of secondary building frontage. 3. Each <del>use-</del> tenant is allowed a total sign area of at least 25 sf regardless of frontage length. 4. The total sign area per <del>use-tenant</del> shall not exceed 100 sf. <b>Maximum sign area per building frontage</b> The total area of all signs on a single structure frontage shall not exceed the total linear feet of that frontage. <b>Site with 4 or more tenants:</b> is allowed an additional freestanding identification sign of 0.25 sf for each linear ft of total primary structure frontage, up to 100 sf maximum.
Freestanding (18.38.080.C.)	14 ft		
Projecting Wall (18.38.080.E., 18.38.080.G.)	Below roof (1)		
Suspended (18.28.080.G.)	Below eave/canopy; at least 8 ft above a walking surface		
Temporary/ Portable	See Sections 18.38.080.A and 18.38.080.F		
Window	See Section 18.38.080.H		
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 18.38.080.H		
Indoor Signs, and Outdoor Signs Not Visible from a Street			
Awning, Freestanding, Projecting, Suspended, Wall, Window	Below roof (1)	See Section 18.38.080, 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.

**18.38.080 - 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 18.38.070 (Zoning District Sign Standards), unless this Section explicitly provides otherwise. Each sign shall also comply with the sign area, height, and other requirements of Section 18.38.060, 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. A-board and other portable sidewalk signs.** Each business may display one A-board or other portable sign in compliance with the following standards.

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- 1. Limitation on location.** An A-board or other portable sign shall be allowed only on private property.

The Fort Bragg Inland Land Use and Development Code is current through Ordinance 909, passed February 10, 2014.

**Comment [SP40]:** We have received comments from business owners who want to sublease a portion of their space to other tenants. This clarifies that even a small space with two tenants can have two signs.

2. **Sign size.** Each sign shall not exceed a width of 2 feet 6 inches. Sign height shall be limited to four feet. Sign height shall be measured perpendicular from the sidewalk surface to the highest point of the A-board sign.
4. **Sign placement.** A portable sidewalk sign shall be placed only on private property within the boundaries of the applicable business's street frontage, and shall be positioned so that it will not:
  - a. Obstruct required ADA sidewalk clearance;
  - b. Impede any line of sight for motorists at vehicular public right-of-way intersections, as recommended by the Director, Public Works; or
  - c. Interfere with people exiting and entering parked cars.
5. **Design and construction standards.** The review authority shall approve an A-frame sign only if it first determines that the design and appearance of the sign, including any graphics and/or text, will reflect attractive, professional design, and that the sign will be durable and stable when in place.
6. **Stabilization.** The sign shall be stabilized to withstand wind gusts or shall be removed during windy conditions.
7. **Daily removal.** The sign shall be removed at the close of business each day.
9. **Maintenance.** The sign shall be continuously maintained in good condition with no peeling paint or other deterioration.

**B. Awning signs.** The following standards apply to awning signs in all zoning districts where allowed by Section 18.38.070 (Zoning District Sign Standards).

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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. Translucent awning materials are prohibited.

**C. Freestanding signs.** The following standards apply to freestanding signs in all zoning districts where allowed by Section 18.38.070 (Zoning District Sign Standards).

1. Multiple signs shall be separated by a minimum of 75 feet to ensure adequate visibility for all signs. The review authority may waive this requirement where the locations of existing signs on adjacent properties would make the 75-foot separation impractical.

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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 should contain an illuminated street address plate. Numbers should be a minimum of six inches in height. Street address numbers not exceeding six inches in height shall not be included in calculations of allowed sign area.

**D. Murals.** A mural placed on the wall of a structure may be allowed in any commercial or industrial zoning district subject to Administrative Design Review, and as follows.

**Comment [MJ41]:** So that design review can occur over the counter unless the proposed mural is controversial in which case the Director can ask the Planning Commission to review the proposed project.

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 18.38.070 (Zoning District Sign Standards); a mural with text shall comply with the sign area limitations applicable to the site.
2. Murals that illustrate the local setting, natural environment, and history as sources of inspiration are encouraged.
3. The approval of a mural shall require that the review authority first find that the size, colors, and placement of the mural are visually compatible with the structure architecture, and that the mural will serve to enhance the aesthetics of the City.

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**E. Projecting signs.** The following standards apply to projecting signs in all zoning districts where allowed by Section 18.38.070 (Zoning District Sign Standards).

1. The maximum projection of a sign from a structure wall shall not exceed eight feet or more than two-thirds of the width of the public sidewalk below. 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 below.
4. Icon signs using shapes or symbols uniquely suited to the business, creative shapes, and three-dimensional signs are encouraged. See Figure 3-19.

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5. Each sign shall be graphically designed for pedestrians, with a maximum area of nine square feet on each sign face, regardless of the length of the building frontage. Within the CBD zoning district, no sign face shall exceed a maximum area of 12.5 square feet.
6. Sign supports shall be well-designed and compatible with the design of the sign.

**F. Temporary signs & banners.** Temporary signs other than A-boards are allowed subject to the following requirements. A-board signs are instead subject to the requirements of Subsection A.

1. Temporary signs on private property, except as identified in Section 18.38.040.C, shall comply with the following requirements.
  - a. **Time limits.** The use of a temporary sign 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 up to 30 days. A business is only allowed three temporary sign permits per year. This is in addition to the 30 days allowed for a business grand opening temporary sign. Signs advertising a particular event shall be removed within 10 days after the event.
  - b. The application for a temporary sign permit shall include the dates proposed by the applicant for scheduled banner use.
  - c. 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 Fee Schedule.

**d. Maximum sign area.** In a residential zoning district, the combined area of temporary signs shall not exceed three square feet. In a commercial or industrial zoning district, the combined area of temporary signs shall not exceed that permitted for permanent signage in the district in which the sign will be placed.

**e. Maximum number of signs.** No more than one temporary sign shall be erected on a premise at a time.

**f. Sign placement.** Temporary signs shall be subject to the same placement and height restrictions as permanent signs for the applicable zoning district, except for inflated and tethered signs.

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**g. Inflatable or tethered signs.** Inflatable or tethered signs are permitted for special events and may be installed for a period not to exceed five consecutive days, no more than two times per year. These signs may exceed the maximum sign area and sign height standards for the applicable zoning district.

**G. Wall signs.** The following standards apply to wall signs in all zoning districts where allowed by Section 18.38.070 (Zoning District Sign Standards).

1. A wall sign may be located on any primary or secondary structure frontage.
2. The area of the largest wall sign shall not exceed seven percent of the area of the building facade on which the sign is mounted or painted, including the area of windows, doors, and recesses.
3. A wall sign shall not project more than 12 inches from the surface to which it is attached.

**H. Window signs.** The following standards apply to temporary and permanent window signs where allowed by Section 18.38.070 (Zoning District Sign Standards).

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1. **Maximum sign area.** Permanent and temporary window signs shall not occupy more than 20 percent of the total window 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 and LCD signs with blinking lights, changing letters, or moving graphics are prohibited. -with transparent backgrounds may be hung inside the window glass.

**Comment [MJ42]:** We have regularly required that fast food businesses not cover their windows with signage advertising their food. This change is consistent with this practice.

**Comment [MJ43]:** Consistent with the change above. Also with an eye towards more explicitly not allowing blinking and changing lights on neon and LED signs which are very distracting to drivers.

#### 18.38.090 - 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 that does not now comply with the provisions of this Development Code.

**A. General requirements.** A nonconforming sign shall not be:

1. Changed to another nonconforming sign;
2. Structurally altered to extend its useful life;
3. Enlarged;
4. Re-established after a business is discontinued for 30 days; or

5. Re-established after damage or destruction to 50 percent or more of the value of the sign, or its components, as determined by the Building Official.

Any interruption in the use of a nonconforming sign that continues for 60 days or more shall be deemed to be an abandonment of the sign. Subsequent use shall comply with the regulations of this Chapter. Non-occupation or non-operation of the building or business advertised shall be deemed an interruption of the use of the sign.

**B. Exceptions.** An administrative exception to the requirements of Subsection A. may be granted by the Commission, provided that the Commission shall make the following findings:

1. The new proposed sign is significantly more conforming in height and/or area than the existing sign; and
2. By approving the new sign, the exception will eliminate the existing nonconforming sign.

**C. Maintenance and changes.** Sign copy and face changes, nonstructural modifications, and nonstructural maintenance (e.g., painting, rust removal) are allowed without a sign permit up to a maximum of 25 percent of the existing total area of the sign. Face changes not including copy, and any nonstructural modifications exceeding 25 percent of the existing total area of the sign, and any structural changes shall comply with all applicable standards of this Chapter.

#### **18.38.100 - Violations, Enforcement, Abatement**

**A. Signs on vacated buildings.** Signs on premises that have been vacated for 60 days or more, and signs on multi-tenant buildings advertising a business that has been vacated for 60 days or more shall be immediately removed by the owner after the expiration of that period. The Director may issue a [muni code violation and/or a](#) notice to remove signs and sign standards after the expiration of the 60 day period in conformance with section 18.98.100 of this development code.

**B. Violation, abatement, penalties.** Any sign within the city that fails to comply with the requirements of this Chapter, other applicable State statute or City ordinance, or for which a permit has not been obtained in compliance with this Chapter, shall be subject to abatement through civil legal proceedings or as an infraction punishable by a fine as set forth in Chapter 18.98 (Enforcement and Penalties).

#### **18.38.110 - 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.

#### **18.38.120 - Partial Invalidation**

This Chapter and its various parts are hereby declared to be severable. Should any Section of this Chapter be declared by a court to be unconstitutional or invalid, that decision shall not affect the validity of the Chapter as a whole, or any portion of the Chapter, other than the Section declared to be unconstitutional or invalid.