



## Regular Meeting of the Calimesa Planning Commission

# Meeting Agenda

**Monday, January 12, 2026 – 6:00 PM**

**Norton Younglove Multipurpose Senior Center  
908 Park Avenue, Calimesa, CA 92320**

The Planning Commission will be conducting this meeting in the Norton Younglove Senior Center. Members of the public may attend this meeting in person at the Norton Younglove Senior Center, 908 Park Avenue, Calimesa, CA 92320, or the public may view the Planning Commission meetings live at <https://www.youtube.com/@calimesacity900/live> beginning at 6:00 p.m.

**Submission of Public Comments:** If attending the meeting, public comment will be allowed by completing a speaker slip and providing it to the Commission Secretary at the meeting. Please observe a time limit of 3 minutes when giving your presentation. When called upon, please step forward to the microphone, state your name for the record, whom you represent and any statement you wish to make. Please be advised that you may not defer your three 3 minutes to another speaker.

Michael Newcombe, Commissioner ♦ Louis Enciso, Commissioner  
Mike Barron, Commissioner ♦ John Keith, Commissioner ♦ Mike Brittingham, Commissioner

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in a City meeting or other services offered by this City, please contact the City Clerk's Office, (909) 795-9801. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service. Any public writings distributed by the City to at least a majority of the Council Members regarding any item on this regular meeting agenda will be made available at the public counter at City Hall located at 908 Park Avenue, Calimesa, CA 92320.

### Communications From the Public

Pursuant to the Brown Act, this is the opportunity for members of the public to directly address the Planning Commission on any item within the Commission's subject matter jurisdiction, including items on the agenda. This is not the time for Planning Commission discussion of nonagenda items. After receiving public comments, Commissioners, or staff, after being recognized by the Chair, may briefly respond to statements made by the public or questions posed by the public. In addition, Commissioners may ask questions for clarification or make a referral to staff for factual information to be reported back to the Commission at a later meeting.

### Call to Order

1. **Roll Call:** Chair Barron, Vice Chair Brittingham, Commissioner Enciso, Commissioner Keith, Commissioner Newcombe

**Staff:** Community Development Director Lucia, Senior Planner Sevilla, Assistant City Attorney Read, Housing Element Consultant De La Torre, Secretary Benson.

### Pledge of Allegiance

### Public Comments on Non-Agenda Items

Anyone wishing to address the Commission on any item within the Commission's jurisdiction that is not on the agenda may do so at this time. This is not a time for City Commission discussion of non-agenda items. After receiving public comments, Commission Members or staff, after being recognized by the Chairperson, may briefly respond to statements made by the public or questions posed by the public. In addition, Commissioners may ask questions for clarification or make a referral to staff for factual information to be reported back to the Commission at a later meeting.

## Approval of Minutes

1. December 8, 2025, Planning Commission Meeting Action Minutes

## Business Items

1. ANNUAL REORGANIZATION OF THE PLANNING COMMISSION

**Recommendation: That the Planning Commission choose one of its members as Chairperson and one of its members as Vice-Chairperson.**

## Public Hearing Items

1. **ZTA 25-01: Amending Chapter 17.15 of Title 17 (Subdivisions) and Chapters 18.10, 18.15, 18.20, 18.25, 18.28, 18.35, 18.39, 18.40, 18.45, and 18.125 of Title 18 (Zoning, Land Use and Development Regulations) of the Calimesa Municipal Code to implement Housing Element Program Actions H-1.4, H-2.8, H-2.11, H-3.14, H-3.15, H-3.19, and H-4.4 of the City of Calimesa Sixth Cycle 2021-2029 Housing Element.**

**Recommendation: That the Planning Commission adopt PC Resolution 2026-01, recommending that the City Council adopt Ordinance 419 approving Zone Text Amendment (ZTA) 25-01, which updates various sections of Chapter 18 and Chapter 17 as part of the 2021-2029 Housing Element Implementation Program (Project), and find the Project categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines 15601(b)(3) and 15282(h).**

## Commissioners' Reports and Comments

This is the time for additional general comments, announcements, reports on meetings attended, requests of staff, and other issues of concern to Commissioners which may be presented briefly at this time. The Commission may not legally take action on any item presented at this time other than to request staff to investigate a complaint or place an item on a future agenda.

## Community Development Director Reports and Comments

## Adjournment

Adjourn to a Regular Meeting of the Planning Commission on Monday, February 9, 2026, at 6:00 p.m. at the Norton Younglove Multipurpose Senior Center, Located at 908 Park Avenue, Calimesa, CA 92320

# PLANNING COMMISSION MEETING

## Agenda Report

### Agenda Item No. 1.

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**SUBJECT:** December 8, 2025, Planning Commission Meeting Action Minutes

**MEETING DATE:** January 12, 2026

**PREPARED BY:** Yaiza Benson, Deputy City Clerk/Executive Assistant

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**RECOMMENDATION:**

That the Planning Commission approve the action minutes as presented of the December 8, 2025, Regular Planning Commission Meeting as presented

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**BACKGROUND:**

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**DISCUSSION:**

None

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**FISCAL IMPACT:**

None

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**ATTACHMENTS:**

1. PC Action Minutes - 12.08.25

*City of Calimesa*  
Action Minutes of the Regular Meeting of the  
Planning Commission  
Monday, December 8, 2025

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The Planning Commission will be conducting this meeting in the Norton Younglove Senior Center. Members of the public may attend this meeting in person at the Norton Younglove Senior Center, 908 Park Avenue, Calimesa, CA 92320, or the public may view the Planning Commission meetings live at <https://www.youtube.com/@calimesacity900/live> beginning at 6:00 p.m.

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**CALL TO ORDER:** The meeting was called to order at 6:00 p.m. by Chair Barron.

**ROLL CALL:**

COMMISSIONERS PRESENT: Chair Barron, Vice-Chair Brittingham, Commissioner Enciso, Commissioner Keith, Commissioner Newcombe

COMMISSIONERS ABSENT: None

STAFF PRESENT: Kelly Lucia, Planning Director, Selenne Sevilla, Senior Planner, Katherine Read, Assistant City Attorney, Mike Thornton, City Engineer, Yaiza Benson, Commission Secretary

**PLEDGE OF ALLEGIANCE**

Led by Chair Barron

**PUBLIC COMMENT ON NON-AGENDA ITEMS:**

Elizabeth Avila, resident of 950 California Street, spoke about proposed rent increases at the Californian Mobile Home Park. She emphasized the importance of the city taking steps to protect its senior residents and preserve affordable housing options for the senior community.

Elizabeth Rohr, resident of 950 California Street, spoke on the public hearing Item, sharing a concern about the increased traffic and safety the project will bring to the area.

**APPROVAL OF MINUTES**

Item 1. **APPROVE THE ACTION MINUTES OF THE OCTOBER 13, 2025, REGULAR PLANNING COMMISSION MEETING**

**ACTION: MOTION BY COMMISSIONER KEITH, SECONDED BY COMMISSIONER NEWCOMBE, CARRIED 5-0, TO APPROVE THE ACTION MINUTES OF OCTOBER 13, 2025, REGULAR PLANNING COMMISSION MEETING AS WRITTEN.**

## **PUBLIC HEARING ITEMS**

- Item 1. EA 23-01 – REVISION 1: AN ENVIRONMENTAL ASSESSMENT EVALUATING REQUESTED CHANGES TO THE PROJECT’S REQUIRED NOISE MITIGATION MEASURES, INCLUDING A REQUEST TO REMOVE THE WESTERN SOUND WALL FOR A PREVIOUSLY APPROVED 2,560 SQUARE FOOT SERVICE STATION WITH A 3,950 SQUARE FOOT CONVENIENCE STORE AND DRIVE THROUGH CAR WASH (DPR 23-01) LOCATED WITHIN THE CITY’S COMMERCIAL NEIGHBORHOOD ZONING DESIGNATION AT 109 W COUNTY LINE ROAD, CALIMESA, CA 92320 (APN: 410-100-037)

**RECOMMENDATION: That the Planning Commission:**

- 1. Adopt PC Resolution 2025-09, approving EA 23-03 - Revision 1 and modifying the Project's required noise mitigation measures, including removal of the western sound wall from the Project requirements for previously approved Development Plan Review 23-01.**

Chairperson Barron opened the public hearing.

Planning Director Lucia presented and summarized the staff report for the Commission. She reminded the Commissioners that the original project was approved in January 2024 and that the item before them pertained solely to the sound wall, as the applicant has since purchased the adjacent property, which will be developed at a later date.

Donna Johnson, resident of 950 California Street, expressed concerns regarding potential expansion of the project and its possible impact on neighborhood safety. She inquired about the proposed height of the wall bordering the Californian Mobile Home Park.

Lisa Jenks, resident of 945 California Street, spoke during the public hearing. She also submitted the following email comment to the Commission: *“This is in regards to the Gas Station on the corner of California St & County Line Rd and the proposed expansion from 2,560 sq feet to 3,950 sq ft. I live 91ft from this proposed location and frankly an against this expansion. The proposed noise and traffic already is going to be far more than this intersection can handle. The Car Wash will already be too noisy for us to bear an the riff raff of homeless that already are in the area will increase by great numbers. I am really disappointed in our city council that they did not listen to the neighbors already and not they are most likely going to proceed with this in the name of money. We do NOT need this and expansion and amount of traffic and noise level. and the fact that they are wanting to expand tells you this. Listen to your community and do not allow this to happen!!”*

Humberto Ventura, resident of 950 California Street, spoke in opposition to the project and shared a concern about the noise and safety issues that the project will bring to the neighborhood.

Glenna Glass, resident of 950 California Street, spoke in opposition of the development. Sharing safety concerns mentioning limited Deputies patrolling the city.

Chairperson Barron closed the public hearing.

**ACTION: MOTION BY CHAIR BARRON, SECONDED BY COMMISSIONER KEITH, CARRIED 5-0. TO ADOPT PC RESOLUTION 2025-09, APPROVING EA 23-03 - REVISION 1 AND MODIFYING THE PROJECT'S REQUIRED NOISE MITIGATION MEASURES, INCLUDING REMOVAL OF THE WESTERN SOUND WALL FROM THE PROJECT REQUIREMENTS FOR PREVIOUSLY APPROVED DEVELOPMENT PLAN REVIEW 23-01.**

**PC RESOLUTION 2025-09: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALIMESA MODIFYING THE REQUIRED NOISE MITIGATION MEASURES FOR A PREVIOUSLY APPROVED PROJECT, INCLUDING REMOVAL OF THE REQUIREMENT TO CONSTRUCT A SOUND WALL ALONG THE PROPERTY'S WESTERN BOUNDARY, DUE TO A CHANGE IN SITE CONDITIONS AND AN UPDATED NOISE STUDY FOR A FUEL STATION, CAR WASH, AND CONVENIENCE STORE PROJECT (EA 23-01, DPR 23-01, CUP 23-01, CUP 23-05, CUP 23-04, AND VAR 23-03) LOCATED AT 109 W. COUNTY LINE ROAD WITHIN THE COMMERCIAL NEIGHBORHOOD (CN) ZONE DESIGNATION AT APN: 410-100-037**

**COMMISSION MEMBERS REPORT AND COMMENTS:**

Commissioner Enciso -	Thanked staff.
Commissioner Keith –	Thanked staff.
Commissioner Newcombe -	None.
Vice-Chair Brittingham -	Thanked staff.
Chair Barron -	Thanked staff.

**PLANNING DIRECTOR REPORTS AND COMMENTS:**

Lucia wished everyone a Happy Holiday season and will see everyone next year.

**ADJOURNMENT:**

The Planning Commission meeting was adjourned at 6:51 p.m. to a Regular Meeting of the Planning Commission on Monday, January 12, 2026, at 6:00 p.m. at the Norton Younglove Multipurpose Senior Center, located at 908 Park Avenue.

Respectfully submitted,

Yaiza Benson  
Planning Commission Secretary

# PLANNING COMMISSION MEETING

## Agenda Report

### Agenda Item No. 1.

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**SUBJECT:** ANNUAL REORGANIZATION OF THE PLANNING COMMISSION

**MEETING DATE:** January 12, 2026

**PREPARED BY:** Yaiza Benson, Deputy City Clerk/Executive Assistant

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**RECOMMENDATION:**

That the Planning Commission choose one of its members as Chairperson and one of its members as Vice-Chairperson.

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**BACKGROUND:**

Calimesa Municipal Code Section 2.20.030 states: "At the first meeting following regular appointments by the city council, and at least annually thereafter, commencing in January, commissions shall elect a chairperson and vice chairperson from their members, who shall serve at the pleasure of each commission."

A nomination and vote are necessary for each appointment. Nominations for the office of Chairperson and Vice-Chairperson may be made by any member of the Commission and need not be seconded to be effective. Confirmation of the selection shall be by three, or more, affirmative votes.

Staff therefore requests that the Commission choose one of its members as Chairperson and one of its members as Vice-Chairperson.

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**DISCUSSION:**

None

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**FISCAL IMPACT:**

None

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**ATTACHMENTS:**

None

# PLANNING COMMISSION MEETING

## Agenda Report

### Agenda Item No. 1.

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**SUBJECT:** ZTA 25-01: Amending Chapter 17.15 of Title 17 (Subdivisions) and Chapters 18.10, 18.15, 18.20, 18.25, 18.28, 18.35, 18.39, 18.40, 18.45, and 18.125 of Title 18 (Zoning, Land Use and Development Regulations) of the Calimesa Municipal Code to implement Housing Element Program Actions H-1.4, H-2.8, H-2.11, H-3.14, H-3.15, H-3.19, and H-4.4 of the City of Calimesa Sixth Cycle 2021-2029 Housing Element.

**MEETING DATE:** January 12, 2026

**PREPARED BY:** Selenne Sevilla, Sr. Planner

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#### RECOMMENDATION:

That the Planning Commission adopt PC Resolution 2026-01, recommending that the City Council adopt Ordinance 419 approving Zone Text Amendment (ZTA) 25-01, which updates various sections of Chapter 18 and Chapter 17 as part of the 2021-2029 Housing Element Implementation Program (Project), and find the Project categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines 15601(b)(3) and 15282(h).

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#### BACKGROUND:

The City of Calimesa is considering the adoption of Ordinance 419 to implement various program actions as part of the adopted 6th Cycle Housing Element Update (August 19, 2024). The proposed zone text amendments are required to comply with updates to state housing laws since receiving certification on the 2021-2029 Housing Element. On October 4, 2024, the California Department of Housing and Community Development (HCD) found that the City of Calimesa was in substantial compliance with State Housing Element Law (Gov. Code, § 65580 et seq.) and issued a Housing Element Certification Letter, informing the City that it must continue timely and effective implementation of all programs including, but not limited to the following:

- Program Action H-1.4: Reasonable Accommodation
- Program Action H-2.1: Affirmatively Furthering Fair Housing
- Program Action H-2.3: Housing Rehabilitation Program
- Program Action H-2.8: Emergency, Transitional and Supportive Housing
- Program Action H-2.11: Supportive Housing and Low Barrier Navigation Centers

- Program Action H-3.5: Accessory Dwelling Units
- Program Action H-3.11: Subdivision of Existing Lands
- Program Action H-3.12: Objective Design Standards
- Program Action H-3.13: SB 35 Streamlining Provisions
- Program Action H-3.17: Replacement Housing
- Program Action H-3.18: Pipeline Project – The Heights Specific Plan
- Program Action H-3.19: Objective Development Standards
- Program Action H-4.4: Density Bonus

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**DISCUSSION:**

The ZTA 25-01 within Ordinance No. 419 makes changes to the following Chapters of the Calimesa Municipal Code:

- **Chapter 17.15: Land Division Regulations**
- **Chapter 18.10: Definitions**
- **Chapter 18.15: Administrative Provisions**
- **Chapter 18.20: Residential Zone Districts**
- **Chapter 18.25: Commercial Zone Districts**
- **Chapter 18.28: Mixed Use Zone Districts**
- **Chapter 18.35: Open Space District**
- **Chapter 18.39: Downtown Business District**
- **Chapter 18.40: Special Districts**
- **Chapter 18.45: Off-Street Parking**
- **Chapter 18.125: Residential Density Bonus Provisions**

Various chapters and forms will be updated to incorporate the following:

**Program Action H-1.4: Reasonable Accommodation**

Update reasonable accommodation procedures to ensure compliance with fair housing laws. This action ensures compliance with the Fair Housing Act and ensures the City does not impose procedural or substantive barriers on protected classes.

**Program Action H-2.8: Emergency, Transitional and Supportive Housing**

Update the municipal Code to comply with Assembly Bill (AB) 2339 (Emergency Shelters), AB 139 (Emergency and Transitional Housing), and AB 2162 (Supportive Housing). These changes are required to ensure supportive and transitional housing, particularly for vulnerable populations.

**Program Action H-2.11: Supportive Housing and Low Barrier Navigation Centers**

Update the municipal Code to comply with AB 2162 (Supportive Housing). These changes are required to ensure supportive and transitional housing, particularly for vulnerable populations.

**Program Action H-3.5: Accessory Dwelling Units**

Developed an ADU guide that promotes the development of ADU's within the City of Calimesa. These changes are required to ensure the City is guiding applicants through the permitting and construction process. See Attachment C.

**Program Action H-3.13: SB 35 Streamlining Provisions**

Established an SB 35 checklist and form to comply with the requirements of SB 35, Chapter 366 Statutes 2017. This action ensures the City establishes written procedures to comply with California Government Code Section 65913.4. See Attachment E and F.

**Program Action H-3.14: Farmworker and Agricultural Worker Housing**

Update the municipal Code to comply with Health and Safety Code, Sections 17021.5, 17021.6 and 17021.8. These changes are required to ensure supportive and transitional housing are not unlawfully constrained or excluded, particularly for vulnerable populations.

**Program Action H-3.15: Small Lots**

Update the municipal Code to comply with AB 1397 as a strategy to facilitate development of small lots (<0.5 acres). This action increases the feasibility of infill housing and supports Housing Element capacity assumptions.

**Program Action H-3.17: Replacement Housing**

Established a Replacement Housing Program and form to ensure the replacement of any units lost for housing units comply with the same requirements pursuant to Government Code section 65915. This action is required to ensure that housing projects that demolish existing residential units replace them with at least the same number of units as the highest number of residential units that existed on the project site within the past five years. See Attachment D.

**Program Action H-3.19: Residential Care Facilities**

Update the municipal Code to comply with Government Code § 65008 and the Fair Employment and Housing Act (FEHA) which state that jurisdictions cannot impose different or more burdensome land-use requirements on housing because of the occupants' protected characteristics (like disability).

**Program Action H-4.4: Density Bonus**

Update the municipal Code to comply with Government Code §§ 65915–65918. Density bonus law is frequently litigated, and outdated local standards can result in automatic approvals or loss of local discretion.

All proposed Municipal Code amendments are required to comply with updates to State Housing Laws since the last Housing Element Cycle (2014-2021).

**Environmental Analysis:**

The Project is considered exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because the project is covered by the general rule that CEQA applies only to projects which

have the potential for causing a significant effect on the environment. The Project only amends certain language within the Calimesa Municipal Code to implement its Housing Element. Moreover, the Project is exempt under CEQA Guidelines Section 15282(h), which provides that and action is exempt if the zoning amendment is required to implement a State Housing law.

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**FISCAL IMPACT:**

No Fiscal Impact

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**ATTACHMENTS:**

1. Attachment A - HCD Certification Letter
2. Attachment B - PC Resolution 2026-01 - ZTA 25-01-Housing Element Program Actions Implementation
3. Exhibit A of PC Reso 2026-01 - Ordinance 419
4. Exhibit A of Ordinance 419 - Calimesa Title 18
5. Exhibit B of Ordinance 419 - Small Lot Chapter 17.15.180
6. Attachment C - New ADU Handbook
7. Attachment D - Replacement Housing Form
8. Attachment E - SB 35 Eligibility Checklist
9. Attachment F - SB 35 Form
10. Attachment G - Public Hearing Notice

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

651 Bannon Street, Suite 400  
Sacramento, CA 95811  
(916) 263-2911 / FAX (916) 263-7453  
[www.hcd.ca.gov](http://www.hcd.ca.gov)



October 4, 2024

Will Kolbow, City Manager  
City of Calimesa  
908 Park Avenue  
Calimesa, CA 92320

Dear Will Kolbow:

**RE: Calimesa's 6<sup>th</sup> Cycle (2021-2029) Adopted Housing Element**

Thank you for submitting the City of Calimesa's (City) housing element that was adopted August 19, 2024 and received for review on August 27, 2024. In addition, the California Department of Housing and Community Development (HCD) received Ordinance 399 related to rezoning to address housing needs. Pursuant to Government Code section 65585, HCD is reporting the results of its review.

HCD is pleased to find the adopted housing element in substantial compliance with State Housing Element Law (Gov. Code, § 65580 et seq) as of the date of this letter. The adopted element addresses the statutory requirements that were described in HCD's January 19, 2024 review. Furthermore, as demonstrated by Ordinance Number 399, the City has completed all necessary rezoning actions as described in HCD's January 19, 2024 review. For example, the City has completed the necessary provisions of Program Action H-3.1 (Establish a Rezone Program for Unaccommodated RHNA Need for the 2021-2029 Planning Period), Program Action H-3.2 (Use of 5th Cycle Housing Sites) and Program Action H-3.20 (Use of Sites from Previous Housing Element Cycles). These Programs and rezoning meet statutory requirements pursuant to Government Code sections 65583, subdivision (c) and 65583.2, subdivision (c).

Additionally, the City must continue timely and effective implementation of all programs including but not limited to the following:

- Program Action H-1.4: Reasonable Accommodation
- Program Action H-2.1: Affirmatively Furthering Fair Housing
- Program Action H-2.3: Housing Rehabilitation Program
- Program Action H-2.8: Emergency, Transitional and Supportive Housing
- Program Action H-2.11: Supportive Housing and Low Barrier Navigation Centers
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- Program Action H-3.19: Objective Development Standards
- Program Action H-4.4: Density Bonus

The City must monitor and report on the results of these and other programs through the annual progress report, required pursuant to Government Code section 65400. Please be aware, Government Code section 65585, subdivision (i) grants HCD authority to review any action or failure to act by a local government that it determines is inconsistent with an adopted housing element or housing element law. This includes failure to implement program actions included in the housing element. HCD may revoke housing element compliance if the local government's actions do not comply with state law.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant, the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities program, and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City now meets housing element requirements for these and other funding sources.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the City to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: <https://www.opr.ca.gov/planning/general-plan/guidelines.html>.

HCD wishes the City success in implementing its housing element and looks forward to following its progress through the General Plan annual progress reports pursuant to Government Code section 65400. If HCD can provide assistance in implementing the housing element, please contact Jamillah Williams, of our staff, at [Jamillah.Williams@hcd.ca.gov](mailto:Jamillah.Williams@hcd.ca.gov).

Sincerely,



Paul McDougall  
Senior Program Manager

PC RESOLUTION NO. 2026-01

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALIMESA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT ORDINANCE NO. 419 APPROVING ZONE TEXT AMENDMENT 25-01 AMENDING CHAPTERS 17.15 18.10, 18.15, 18.20, 18.25, 18.28, 18.35, 18.39, 18.40, 18.45, AND 18.125 OF THE CALIMESA MUNICIPAL CODE TO IMPLEMENT A SUITE OF ACTIONS IDENTIFIED IN THE CITY'S 2021-2029 HOUSING ELEMENT OF THE GENERAL PLAN,**

**WHEREAS**, the Housing Element is one of seven mandated elements of the General Plan (Government Code Section 65580, *et. seq.*) and must address the existing and projected housing needs for all economic segments of the community; and

**WHEREAS**, State law requires Housing Elements to be updated and certified by the California Department of Housing and Community Development (HCD) every eight years; and

**WHEREAS**, the City of Calimesa adopted the 2021-2029 Housing Element on August 19, 2024, in accordance with State law and HCD found the Housing Element in substantial compliance; and

**WHEREAS**, the City of Calimesa must implement program actions identified within the timelines adopted in the 2021-2029 Housing Element in accordance with State; and

**WHEREAS**, the Planning Director initiated a Zone Text Amendment to the Calimesa Municipal Code to implement a suite of actions identified in the City of Calimesa 2021-2029 Housing Element; and

**WHEREAS**, the City of Calimesa Planning Department on December 19, 2025, caused to be published a 1/8 page legal notice in the Yucaipa Calimesa News Mirror, a local paper of general circulation, indicating the date, time and location of the public hearing on proposed Zone Text Amendment 25-01; and

**WHEREAS**, a public hearing was duly called by the Planning Commission of the City of Calimesa on January 12, 2026; to consider evidence presented by City staff, and other interested parties at the public hearing;

**WHEREAS**, all legal preconditions have been satisfied.

**NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF CALIMESA FINDS, DETERMINES AND DECLARES AS FOLLOWS:**

Section 1. The Planning Commission finds that the recitals contained in this Resolution and Ordinance 419 with Zone Text Amendment 25-01 contained in the attached Exhibit A are true and correct, and incorporated by this reference as if fully set forth herein.

Section 2. Pursuant to the California Environmental Quality Act ("CEQA") and CEQA Guidelines, the City as Lead Agency determined that the proposed Zone Text Amendment 25-01, proposed amendments to the Calimesa Municipal Code, is covered by the Implementing State Statutes (CEQA Guidelines Sec. 15282(h)), which provides that and action is exempt if

the zoning amendment is required to implement a State Housing law, and common sense CEQA exemptions (CEQA Guidelines Sec. 15061(b)(3)), which states that CEQA applies only to projects which have the potential for causing a significant effect on the environment, respectively. Since the City is proposing Zone Text Amendment 25-01 to implement State Housing laws and no development project or other physical change to the environment would be approved by the adoption Zone Text Amendment 25-01, the Planning Commission recommends that the City Council find that it can be seen with certainty that there is no possibility that adoption may have a significant effect on the environment, and therefore is not subject to CEQA.

Section 3. Based upon all testimony and comments from the general public, the examination and review of the investigations by staff included in the staff report contained herein, and all other pertinent and relevant fact pertaining hereto, the Planning Commission finds that approval of the Zone Text Amendment 25-01, is necessary to carry out the general purpose and provisions of the Zoning Code for the following reasons, findings of fact, and determinations:

- a) The proposed amendments are consistent with the spirit and integrity of the 2021-2029 Housing Element.
- b) That the inclusion and revisions to the Calimesa Municipal Code Chapters 17.15, 18.10, 18.15, 18.20, 18.25, 18.28, 18.35, 18.39, 18.40, 18.45, and 18.125 proposed are being prepared in the spirit of the goals and policies of the sixth cycle 2021-2029 Housing Element to comply with State Law.
- c) That the amendment includes language consistencies between the General Plan and the Municipal Code.
- d) The proposed Zone Text Amendment 25-01, proposed amendments to the Calimesa Municipal Code Chapters 18.10, 18.15, 18.20, 18.25, 18.28, 18.35, 18.39, 18.40, 18.45, and 18.125, are exempt pursuant to State CEQA Guidelines Section 15282(h) and 15061(b)(3).

Section 4. The Planning Commission recommends that the City Council find that the proposed Ordinance 419 with Zone Text Amendment 25-01 will not adversely effect the public health, safety, convenience, and welfare of the City.

Section 5. Based on the findings contained in Sections 1 through 4 of this Resolution, the Planning Commission hereby further recommends that the City Council adopt Ordinance 419 with Zone Text Amendment 25-01.

APPROVED AND ADOPTED, this 12th day of January 2026.

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Mike Barron, Chairman

ATTEST:

I, Yaiza Benson, the undersigned, hereby certify that I am the Planning Commission Secretary of the Planning Commission of the City of Calimesa, California; that Resolution 2026-01 was duly passed and

adopted at a meeting of the Calimesa Planning Commission, held on the 12<sup>th</sup> day of January 2026.

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Yaiza Benson, Secretary to the Planning Commission

Exhibit A

Ordinance No. 419

**ORDINANCE NO. 419**

**AN ORDINANCE OF THE CITY OF CALIMESA, ADOPTING ZONE TEXT AMENDMENT NO. 25-01, AMENDING CHAPTERS 17.15, 18.10, 18.15, 18.20, 18.25, 18.28, 18.35, 18.39, 18.40, 18.45, AND 18.125 OF THE CALIMESA MUNICIPAL CODE TO IMPLEMENT A SUITE OF ACTIONS IDENTIFIED IN THE CITY'S 2021-2029 HOUSING ELEMENT OF THE GENERAL PLAN AND FINDING THE ZONE TEXT AMENDMENT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTIONS 15282(H) AND 15601(B)(3).**

The City Council of the City of Calimesa does ordain as follows:

**Section 1.** Recitals

A. The City of Calimesa's ("City") Sixth Cycle 2021-2029 Housing Element of the General Plan ("Housing Element") requires the City to implement program actions within the timelines established in Section 4: Housing Plan of the Housing Element.

B. Section 4, "Housing Plan," of the Housing Element establishes program actions that require the City to adopt Zoning Text Amendments to comply with state housing laws.

C. The City desires to remain compliant with state housing laws and is adopting Zone Text Amendment 25-01 to implement Housing Element program actions.

D. On January 12, 2026, the Planning Commission of the City of Calimesa held a duly noticed public hearing on Zone Text Amendment 25-01 related to Ordinance No. 419 ("Ordinance") at which time all persons interested in the Ordinance had the opportunity and did address the Planning Commission on these matters. Following the receipt of public testimony the Planning Commission closed the public hearing. At the conclusion of the Planning Commission hearing and after due consideration of the testimony, the Planning Commission adopted Resolution No. 2026-01 recommending that the City Council approve the Ordinance.

E. On \_\_\_\_\_, the City Council of the City of Calimesa held a duly noticed public hearing on the Ordinance, at which time all persons interested in the Ordinance had the opportunity and did address the City Council on these matters. Following the receipt of public testimony the City Council closed the public hearing and duly considered the written and oral testimony received.

F. All legal preconditions to the adoption of this Ordinance have occurred.

**Section 2.** The Recitals set forth above in Section 1 are true and correct and incorporated herein as if set forth in full.

**Section 3.** Chapter 17.15 of Title 17 (Subdivisions) and Chapters 18.10, 18.15, 18.20, 18.25, 18.28, 18.35, 18.39, 18.40, 18.45, and 18.125 of Title 18 (Zoning, Land Use and Development Regulations) of the Calimesa Municipal Code are hereby amended as shown in Exhibit A and hereby incorporated by reference.

**Section 4.** Pursuant to the California Environmental Quality Act (“CEQA”) and CEQA Guidelines, the City as Lead Agency determined that the proposed Zone Text Amendment 25-01, proposed amendments to the Calimesa Municipal Code, is covered by the Implementing State Statutes (CEQA Guidelines Sec. 15282(h)), which provides that an action is exempt if the zoning amendment is required to implement a State Housing law, and common sense CEQA exemptions (CEQA Guidelines Sec. 15061(b)(3)), which states that CEQA applies only to projects which have the potential for causing a significant effect on the environment, respectively. Since the City is proposing Zone Text Amendment 25-01 to implement State Housing laws and no development project or other physical change to the environment would be approved by the adoption Zone Text Amendment 25-01, the City Council finds that it can be seen with certainty that there is no possibility that adoption may have a significant effect on the environment, and therefore is not subject to CEQA.

**Section 5.** Effective Date; Publication. This ordinance shall take effect 30 days after its final passage, and within 15 days after its passage, the City Clerk shall cause this ordinance or a summary hereof to be published and/or posted as required by law and by the City’s ordinances and resolutions.

**INTRODUCED AND PASSED UPON FIRST READING** on \_\_\_\_\_, 2026, by title only, upon the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

**PASSED, APPROVED AND ADOPTED** on \_\_\_\_\_, 2026 upon the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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JEFF CERVANTEZ, MAYOR

ATTEST:

\_\_\_\_\_  
DARLENE GERDES, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
STEVEN FLOWER, CITY ATTORNEY

DRAFT

**Chapter 18.10**  
**DEFINITIONS**

Sections:

18.10.010     General.  
18.10.020     Definitions.

**18.10.010     General.**

A. When not inconsistent with the context, words used in the present tense include the future; words in the singular number include the plural, and those in the plural number include the singular.

B. The terms “shall” and “will” are imperative; the words “can” and “may” are permissive. [Ord. 342 § 3 (Exh. A), 2016; Ord. 328 § 3 (Exh. A), 2014; Ord. 95-7 § 2; Code 1990 § 12.2.01.]

**18.10.020     Definitions.**

For the purposes of carrying out the intent of this title, the following words and phrases shall have the meanings respectively ascribed to them in this section:

“Abandon” means to cease or suspend from developing or maintaining a building or use for a stated period of time.

“Abutting and adjoining” means having district boundaries or lot lines in common.

“Access” means the place, or way, by which pedestrians and vehicles shall have safe, adequate, and usable ingress and egress to a property or use as required by the zoning regulations.

“Accessory automobile equipment” is defined as a tractor trailer, flatbed trailer, and other nonmotorized equipment that is required to have a license plate by the California Department of Motor Vehicles.

“Accessory building” means a portion of the main building or a detached subordinate building located on the same lot, the use of which is customarily incident to that of the main building or to the use of the land. Where a substantial part of the wall of an accessory building is a part of the wall of the main building, or where the accessory building is attached to the main building in a substantial manner by a roof, such accessory building shall be considered as a part of the main building.

“Accessory use” means a use incidental, appropriate, subordinate, and devoted exclusively to the main use of the lot or building.

“Alley” means a public or private way, other than a street or highway, permanently reserved as a primary or secondary means of vehicle access to adjoining property.

“Amendment” means a change in the wording, content, or substance of this title or an addition or deletion or a change in the zone boundaries or classifications on the zoning map, when adopted by ordinance passed by the city council in the manner prescribed by law.

“Ancillary use” means the same as an accessory use.

“Animal hospital” means a place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use of the premises as a kennel or a place where animals or pets are boarded for remuneration may be an ancillary use.

“Antique automobile” is defined as a vehicle 45 years or older.

“Antique shop” means a store whose retail inventory includes at least 50 percent circa 1960 or older items. Antique shops do not include secondhand stores. See also “Consignment shop.”

“Arcade” means any business establishment in which there are more than 10 mechanical or electronic play devices, as defined in this section, which are available for use by the public or business invitees, or both. Any business establishment that anticipates receipt of more than 50 percent of its gross income from the sale of food and beverages, and which possesses a valid county health department permit to operate a restaurant, shall not be considered an arcade for the purposes of this title.

“As-graded” means the surface configuration upon completion of final grading.

“Authorized agent” means anyone who has actual or ostensible authority to speak for or make presentations on behalf of the owner of any property. An authorized agent shall be responsible for any information or data which he/she presents to the city.

“Automobile dismantling yard” means any lot or any portion of a lot used for the dismantling or wrecking of automobiles or other motor vehicles or trailers, or for the storage, sale, keeping for sale, or dumping of dismantled, partly dismantled, obsolete, or wrecked motor vehicles or their parts, as a business, hobby, or otherwise, other than the sale of used car parts within an enclosed building where no dumping is permitted. The presence on any lot or parcel of land of four or more motor vehicles which, for a period exceeding 30 days, have not been capable of being operated under their own power, and from which parts have been or are to be removed for reuse or sale, shall constitute prima facie evidence that such lot or portion thereof is an automobile dismantling yard.

“Automobile impound yard” means any lot or parcel of land used for the storage of any motor vehicle which has been impounded under court order or any state law. An automobile impound yard shall not include the dismantling, reuse, or sale of motor vehicles or their parts.

“Automobile parking space” means an area, other than a street or an alley, reserved for the parking of an automobile.

“Automobile repair garage” means a building, other than a private garage, used for the care, repair, or equipment of automobiles or where such vehicles are parked or stored for remuneration, hire, or sale.

“Automobile service station” means any building or premises used primarily for the retail sale of gasoline and lubricants, but which may also provide for the incidental servicing of motor vehicles, including grease racks, tire repairs, battery charging, automobile washing (nonmechanical), sale of merchandise and supplies related to the servicing of motor vehicles, the performance of minor automotive maintenance and repair, minor replacements, and the supplying of other incidental customer services and products. Major automotive repairs, painting, body and fender work, engine overhauling, and similar work are excluded from the term “automobile service station” except where such uses are otherwise permitted.

“Automobile storage of nonoperating vehicles” means the presence on any lot or parcel of land of one or more motor vehicles which for a period exceeding 30 days have not been capable of operating under their own power, and from which no parts have been or are to be removed for reuse or sale, shall constitute prima facie evidence of the storage of nonoperating motor vehicles. The storage of nonoperating motor vehicles shall not include automobile wrecking.

“Average slope” means the slope calculated by utilizing the following formula:

$$\text{Average cross slope} = I \times L \times 0.0023A$$

I = contour interval

L = contour length

0.0023 = constant to convert square feet to acres and slope to percent

A = acres in site

“Balance” means the cutting and filling of a site which does not require the export or import of earth material.

“Barber or beauty shop” means a business employing one or more persons offering hair cutting and/or styling services.

“Basement” means one or more stories wholly or partly underground. A basement shall be counted as a story for the purpose of height measurements if:

- A. Over five feet of its height is above average level of the adjoining ground; or
- B. Uses conducted therein are chargeable for parking.

“Bench” means a relatively level step excavated into earth material on which fill is to be placed, or an intermediate drainage area.

“Bench drain” means a generally horizontal drainage feature on a manufactured slope, usually in the form of a guniting concrete V-ditch with a minimum of five percent slope.

“Berm” means a mound or embankment of earth, or a low mound of earth graded in a linear or undulating form, often used as a noise or visual barrier.

“Bicycle locker” means an enclosed box with a locking door where a single bicyclist has access to a bicycle storage compartment.

“Billboard” means the same as an off-site sign. See Chapter 18.50 CMC, Sign Regulations, for definitions pertaining to signs.

“Block” means all property fronting upon one side of the street between intersecting and/or intercepting streets, or between a street and a right-of-way, waterway, dead end of a street, or city boundary. An intercepting street shall determine only the boundary of the block on the side of the street which it intercepts.

“Boarding or rooming house” means a building containing a single dwelling unit and not more than 10 guest rooms where lodging is provided with or without meals, for compensation. A boarding or rooming house shall not include rest homes, nursing homes, or homes for the aged.

Branch Warehouse. See “distribution warehouse.”

“Bridge Housing” means any new or existing facilities, including without limitation, but not limited to, housing in temporary structures, emergency sleeping cabins, consistent with the requirements of the California Government Code Section 8698.3 subdivision (h) of the California Government Code, that are reserved for homeless persons and families, community support facilities, or emergency bridge housing, together with community support facilities will include, without limitation, including, but not limited to, showers and bathrooms that are adequate to serve the anticipated number of residents all of which who may be located on the property that is leased or owned by a subdivision. An emergency bridge housing community shall include supportive and self-sufficiency development services; have the ultimate goal of moving homeless persons to permanent housing as quickly as reasonably possible; and limit rents and service fees to an ability-to-pay formula that is reasonably consistent with the United States Department of Housing and Urban Development’s requirements for subsidized housing for low-income persons.

“Building” means a permanently located structure having a roof supported by walls or columns; provided, however, that no form of tent or vehicle shall be considered a building. The word “building” shall include the word “structure.”

“Building code” means the building code of the city of Calimesa.

“Building face” means the area of one building elevation, either the front, rear, or side.

“Building frontage” means the side of a building which contains the main entrance for pedestrian ingress and egress. If more than one main entrance exists, the one that more nearly faces or is oriented to the street of highest classification as portrayed in the general plan transportation element shall be considered the building frontage. If all streets are of the same classification, the side of the building with the smallest lineal dimension containing a main entrance shall be considered the building frontage.

“Building height” means the vertical distance measured from the adjoining curb level (ground-level grade) to the highest point of the building, exclusive of chimneys and ventilators; provided, however, that where buildings are set back from the street line, the height shall be measured from the average elevation of the finished grade at the front of the building.

“Building line” means an imaginary line on a building site specifying the closest point from an ultimate right-of-way line or a property line where a main building may be located.

“Business” means a commercial, office, institutional, or industrial establishment.

“Carport” means a permanently roofed structure with not more than two enclosed sides, used for automobile shelter or storage.

“City” means the city of Calimesa as the same now exists or may hereafter exist.

“City council” means the city council of the city of Calimesa.

“Classic automobile” is defined as a vehicle between 20 and 45 years old.

“Clinic, dental or medical” means a building or group of buildings which a group of physicians and/or dentists and professional assistants allied therewith are associated for the purpose of carrying out their profession and providing group medical services. The clinic may include a dental or medical laboratory, but shall not include inpatient care or operating rooms for major surgery.

“Clubhouse” means a building or group of buildings of an association of persons (whether or not incorporated) for the promotion of some nonprofit common interest and holding meetings or functions periodically which are limited to members and guests. It does not include groups organized primarily to render a service which is customarily carried on as a business.

“Cluster” means, for the purposes of interpreting Chapter 18.80 CMC, Tree Preservation, a grouping of at least three trees whose driplines intersect.

“Clustering” means the process of reducing required lot sizes while allowing permitted densities on a site to remain in order to preserve open space or sensitive or hazardous areas.

“Commercial” means any activity on or use of land which involves the buying, selling, processing, or improving of things not produced on the land, and having financial gain as the primary aim of the activity or use, whether or not such activity or use is for hire or on account of buyer, seller, processor, or improver.

“Commercial cannabis activity” means the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis product for medical, adult use, or any other purpose and includes the activities of any business licensed by the state or other government entity under California Business and Professions Code Division 10, or any provision of state law that regulates the licensing of cannabis businesses. Commercial cannabis activity does not include the cultivation, possession, storage, manufacturing, or transportation of cannabis by a qualified patient for his or her personal medical use so long as the qualified patient does not provide, donate, sell or distribute cannabis to any other person. Commercial cannabis activity also does not include the cultivation, possession, storage, manufacturing, transportation, donation or provision of cannabis by a primary caregiver, exclusively for the personal medical purposes of no more than five specified qualified patients for whom he or she is the primary caregiver, but who does not receive remuneration for these activities except for compensation in full compliance with California Health and Safety Code Section 11362.765.

“Commercial recreation facility” means facilities or uses that provide participant or spectator recreation for commercial purposes.

“Commission” means the planning commission of the city of Calimesa.

“Community care facility” means any facility, place, or building licensed by the state of California that is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including but not limited to the physically handicapped, mentally impaired, incompetent persons, or abused or neglected children, but excluding family day care homes.

“Community development director” means the director of the city of Calimesa planning department, or his/her designee.

“Conditional use” means a use of land for which a conditional use permit is required by this title.

“Condominium” means a development consisting of an undivided interest in common for a portion of a parcel coupled with a separate interest in space in a residential or commercial building on the parcel.

“Consignment shop” means a store that sells secondhand items (typically clothing and accessories) on behalf of the original owner, who receives a percentage of the selling price. Consignment shops do not include secondhand stores. See also “Antique shop.”

“Construction, new” means any structure for which the start of construction commenced on or after the effective date of the ordinance codified in this title.

“Construction, start of” means the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets or walkways; nor does it include excavation for a basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure.

“Contour” means a line drawn on a plan which connects all points of equal elevation.

“Contour grading” means a grading concept designed to result in earth forms which resemble the original natural terrain characteristics. Horizontal and vertical curve variations are often used for slope banks.

“Contractor’s equipment yard” means a facility, building, or premises used for the conduct of a business involved primarily with the rendition of contractor’s services and the use or storage of trucks, trailers, semitrailers, cranes, hoists, storage tanks, large timbers or beams, or similar equipment or the storage of construction or maintenance materials or supplies, but excluding any such equipment or materials when used as incidental to a primary use lawfully conducted on the premises and stored thereon in accordance with all applicable provisions of this title.

“Convalescent home” means the same as a rest home.

“Convenience store” means any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than 5,000 square feet.

“County” means the county of Riverside.

“Creek” means a natural stream of running water larger than a brook and smaller than a river.

“Crib wall” means an earth-retaining structure with nearly vertical face constructed of modular preformed materials.

“Cut” means the mechanical removal of earth material.

“Cut and fill” means excavating material in one place and depositing it as fill in another place.

“Cutting” means the detaching or separating, from a protected tree, of any limb, branch, or root in a manner which will permanently damage the health or condition of the tree.

“Damage” means, for the purposes of interpreting Chapter 18.80 CMC, Tree Preservation, any action undertaken which causes injury, death, or disfigurement to a tree. This includes but is not limited to cutting, poisoning, overwatering, relocating, or transplanting a protected tree, or trenching, excavating, or paving within the protected zone of a tree.

“Day care facility” means a facility which provides nonmedical care to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. Includes family day care homes and extended day care facilities. A family day care home is a day care facility located in a residence which regularly provides care, protection, and supervision of 14 or fewer children from more than one other family, in the provider’s own home, for periods of less than 24 hours per day, while the parents or guardians are away and is either a large family day care home or a small family day care home.

A. Small family day care homes are those which provide family day care for six or fewer children, including children under 10 years of age who reside at the home and which comply with the definition and requirements of the Health and Safety Code Section 1597.44 and state regulations.

B. Large family day care homes are those which provide family day care for seven to 14 children, inclusive, including children under 10 years of age who reside at the home, and which comply with the definition and requirements of Health and Safety Code Section 1597.465 and state regulations.

A small family day care home or large family day care home includes a detached single-family dwelling, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a covered multifamily dwelling in which the underlying zoning allows for residential uses. A small family day care home or large family day care home is where the day care provider resides and includes a dwelling or a dwelling unit that is rented, leased, or owned.

“Daylight line” means the line between grading and natural terrain drawn by connecting the points where proposed contours meet existing contours.

“Deadwood” means limbs, branches, or portions of a tree that contain no green leaves during a period of the year when they should be present.

“Deck” means an uncovered area constructed using hardscape materials including but not limited to wood, composite materials, concrete, etc., that is elevated above final grade to a maximum of three feet measured at the finished floor and which may or may not include railing.

“Density” means the number of dwelling units per gross acre, unless otherwise stated, for residential uses.

“Density transfer” means a way of retaining open space by concentrating densities while leaving unchanged historic, sensitive, scenic, or hazardous areas.

“Distribution center” means a warehouse or other specialized building, that may or may not have refrigeration or air conditioning, which is stocked with goods, wares, merchandise, equipment, manufactured goods, wholesale products, retail products, and similar types of materials or finished products and commercial or industrial products or equipment of any type or nature, to be redistributed to retailers, to wholesalers, or directly to consumers.

“Distribution facility” means a structure, building or other facility that is usually smaller than a firm’s main warehouse and is used for receipt, temporary storage, and redistribution of goods, wares, merchandise, equipment, manufactured goods, wholesale products, retail products, and similar types of materials or finished products and commercial or industrial products or equipment of any type or nature, according to the customer orders as they are received. Also called branch warehouse or distribution warehouse.

“District” means a zoning district.

“Dripline” means the outermost edge of a tree’s canopy. When depicted on a map, the dripline will appear as an irregular-shaped circle that follows the contour of the branches as seen from overhead.

“Drive-through facility” means a facility, including a restaurant, which by its design allows people to receive goods and/or services while remaining in their automobiles.

Drive-Through Restaurant. See “restaurant.”

“Dwelling” means a building or portion thereof designed exclusively for residential occupancy, including one-family, two-family, and multiple-family dwellings, but not including hotels, boarding or rooming houses, or dormitories.

A. “Dwelling, multiple-family” means a detached building designed and used for occupancy by three or more families, each living independently of others and each having separate kitchen facilities.

B. “Dwelling, multifamily attached” means a building containing two or more dwelling units.

C. “Dwelling, single-family” means a detached building designed or used exclusively for the occupancy by one family and having a kitchen facility for only one family.

D. “Dwelling, single-family attached” means a duplex, triplex, or fourplex.

E. “Dwelling, single-family detached” means a building containing one dwelling unit.

F. “Dwelling, two-family” means a building designed or used exclusively for the occupancy by two families, living independently of each other and having separate kitchen facilities for each family. The term “two-family dwelling” shall include the term “duplex.”

“Dwelling unit” means two or more rooms including a bathroom(s) and a kitchen, designed for occupancy by one family for living and sleeping purposes.

“Dwelling unit, accessory” means an attached or detached residential dwelling unit or conversion of part of existing space in a residential dwelling unit which provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling or multifamily dwelling is, or will be situated and must have a separate entrance. An accessory dwelling unit also includes the following:

A. An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.

B. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

“Dwelling unit, junior accessory” means a unit that is no more than 500 square feet in size and entirely contained within a single-family residence. A junior accessory dwelling unit includes cooking and food storage areas and may include separate sanitation facilities or may share sanitation facilities with the existing structure. A junior accessory dwelling unit also includes the following:

A. An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.

“Earth material” means any rock, natural soil, or fill and/or any combination thereof.

“Easement” means a grant of one or more property rights by the property owner for use by the public, a corporation, or another person or entity.

“Educational facility – public and private schools” means public or private schools offering instruction in those courses required by the California Education Code and maintained pursuant to the standards set by the State Board of Education. This definition includes a nursery school, preschool, elementary school, middle school, junior/middle high school, high school, or college/university. It does not include a vocational or professional trade school.

A. “Small educational facility” means a public or private school, as defined above, for 25 or fewer students.

B. “Large educational facility” means a public or private school, as defined above, for 26 or more students.

“Educational facility – vocational/trade schools” means schools that offer instruction and practical introductory experience in commercial and/or trade skills.

“Elevation” means the height or distance above sea level.

“Emergency shelter” means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person, regardless of an ability to pay. “Emergency shelter” shall include other interim interventions, such as including, but not limited to, a low-barrier navigation center, bridge housing, and respite or recuperative care facilities.

“Employee Housing” means any portions of any housing accommodations for employees, including agricultural employee housing (as defined in Section 17008 of the California Health and Safety Code) which has qualified or where the owner intends to qualify for a permit to operate under the Employee Housing Act. The following conditions will be applicable in various zones:

A. Pursuant to Section 17021.5 of the California Health and Safety Code, eEmployee housing for six or fewer employees shall be treated as single-family dwelling and permitted in the same manner as other dwellings of the same type in the same zone.

B. Pursuant to Section 17021.8 (i) of the California Health and Safety Code, eEmployee housing does not contain dormitory-style housing and consisting of no more than 36 units or spaces designed for use by a single family or household ~~12 units or 36 beds~~ will be permitted in the same manner as other agricultural uses in the same zone.

“Encroachment” means, for purposes of interpreting Chapter 18.80 CMC, Tree Preservation, any intrusion or human activity into the protected zone of an oak tree including but not limited to pruning, grading, excavating, trenching, or the construction of structures or other improvements.

“Erosion” means the process by which the soil and rock components of the earth’s crust are worn away and removed from one place to another by natural forces such as weathering, solution, and transportation.

“Excavation” means the mechanical removal of earth material.

“Existing grade” means the ground level prior to grading.

“Export” means the excess earth material that is removed from a grading project and deposited off-site.

“Family” means one or more individuals occupying a dwelling unit and living as a single household unit.

“Farm equipment” is defined as a tractor, truck tractor, and other equipment defined in California Vehicle Code, Section 36101, Division 6, Chapter 2.

“Fill” means a deposit of earth material placed by artificial means.

“Finish grade” means the final grade of the site which conforms to the approved plan.

“Floodplain” means the land area adjacent to a watercourse which is subject to the overflow of floodwaters.

“Floor area ratio (FAR)” means the numerical value obtained by dividing the aboveground gross floor area of a building or buildings located on a lot or parcel of land by the total area of such lot or parcel of land.

“Foothill” means a hill at the base of a mountain.

“Freeway building frontage” means a building wall parallel or nearly parallel to an adjacent freeway.

“Freeway lot frontage” means a property line adjacent to a freeway right-of-way.

“Frontage” means the distance measured along a front line adjoining a street or a side lot line on the street side of a corner lot.

“Garage” is defined as one of the following:

A. “Garage, private” means an accessory building or an accessory portion of a main building, not including carports, designed or used only for the shelter or storage of operating motor vehicles owned or operated by the occupants of the main building.

B. “Garage, public” means any garage other than a private garage used only for the shelter or storage of operating motor vehicles and/or for the care, repair, equipping, hire, or sale of such vehicles.

“General plan” means the city of Calimesa general plan as adopted by the city council, who may amend the plan from time to time.

“General retail” means a retail business focusing on the sale of typical consumer merchandise not specifically listed under another use classification. General retail does not include general services. See also “General services.”

“General services” means activities where people offer their knowledge and time to improve productivity, performance, potential, and sustainability. The production of services instead of end products. Typical general services include but are not limited to dry cleaners, locksmiths, tailors, shoe repair, etc. General services do not include personal services.

“Grade” means the average of the finished ground level at the center of all exterior walls of a building. In cases where the walls are parallel to and within five feet of a sidewalk, the aboveground level shall be measured at the sidewalk.

“Grade separation” means the separation at different levels of two intersecting roads, by bridge, tunnel, or underpass, so as to permit the roads to cross without obstructing free traffic movement on either.

“Grading” means any excavating or filling or combination thereof.

“Gross acreage” means the total area within the lot lines of a lot or parcel of land before public streets, easements, or other areas to be dedicated or reserved for public use are deducted from such lot or parcel. Does not include adjacent lands already dedicated for such purposes.

“Gross floor area” means the area included within the surrounding exterior finish wall surface of a building or portion thereof, exclusive of courtyards.

“Guest house” means living quarters, having no kitchen facilities, located on the same premises with a main building and occupied for the sole use of members of the family, temporary guests, or persons permanently employed on the premises.

“Hair stylist” means a business run from a private residence. See also “Barber or beauty shop.”

“Haul road” means a road along which material is transported from the area of excavation to the processing plant or stockpile area of a surface mining operation.

“Healthy oak tree” means any oak tree that is not dead or in a state of decline (i.e., exhibits a greater degree of disease and/or pest infestation than normal).

“Heritage oak tree” means an oak tree of the genus *Quercus* other than a protected oak tree or scrub oak that has a trunk measuring 12 inches or more in diameter as measured four and one-half feet from the natural grade (i.e., diameter at breast height (DBH)).

“Hill” means an area of land that is higher than the land around it.

“Hillside” means a parcel of land or a definable portion thereof with an average rise or fall of more than one foot vertically for each 16 feet horizontally (16 percent slope).

“Home occupation” means any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the structure for dwelling purposes and which does not change the character thereof. A day care facility shall not be a home occupation for the purpose of this code.

“Hospital” means any facility licensed by the California Department of Public Health specializing in providing clinical, temporary, or emergency services of a medical or surgical nature to patients or injured persons.

“Hotel” means guest rooms or suites occupied on a transient basis, with most rooms gaining access from an interior hallway.

“Hydrology” means the properties of the water, including circulation and distribution, on and below the ground.

“Idle” means to curtail, for a period of one year or more, surface mining operations by more than 90 percent of the operation’s previous maximum annual mineral production, with the intent to resume those surface mining operations at a future date (California Public Resources Code Section 2727.1).

“Import fill” means material obtained off-site to balance a grading project.

“Junk” means any worn out, cast off, or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some reuse. Any article or material which, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new shall not be considered junk.

“Junkyard” means any lot or the use of any portion of a lot where scrap, waste, or discarded materials are bought, sold, exchanged, baled, packed, disassembled, handled, or stored, including automobile wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house-wrecking and structural steel materials and equipment. Junkyards do not include pawnshops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition, or salvaged material incidental to manufacturing operations conducted on the premises.

“Kennel” means any lot, building, structure, or premises upon or in which four or more dogs or cats over four months of age are kept for sale or breeding purposes or are boarded or trained for hire, or where four or more weaned dogs or cats are kept, maintained, or permitted for any reason or purpose, whether commercial, noncommercial, or otherwise.

“Kitchen” means any room designed, used, or maintained for cooking or preparation of food.

“Knoll” means a small round hill or mound.

“Land” means the portion of the earth’s surface above the level of the sea or ocean.

“Landscaping” means the planting and maintenance of some combination of trees, shrubs, vines, ground cover, flowers, or lawn. In addition, the combination or design may include natural features such as rocks, stone, and structural features including but not limited to fountains, reflecting pools, art works, screens, fences, and benches.

“Linkage” means a pedestrian walkway, constructed within landscaped parking areas, which provides safe, unrestricted access to establishments within the development.

“Live-work unit” means a mixed use development that combines residential living space and commercial or office space within one structure and/or unit for a single owner.

“Living area” means the interior habitable area of a dwelling unit including basements and attics. Does not include a garage or accessory structure.

“Loading space” means an off-street space or berth on the same lot with a building for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

“Lot” means a parcel of land occupied, or to be occupied, by a building or group of buildings and accessory buildings, together with such yards, open spaces, lot width, and lot area as required by the provisions of this title, and having frontage upon a public street or a place approved by the commission. The word “lot” shall include the words “parcel” or “plot.”

A. “Lot, corner” means a lot abutting upon two or more streets at their intersection or junction.

B. “Lot, flag” means a lot having access or an easement to a public or private street by a narrow, private right-of-way.

C. “Lot, interior” means a lot other than a corner, reversed corner, or key lot.

D. “Lot, key” means a lot with a side line that abuts the rear line of any one or more adjoining lots.

E. “Lot, reversed corner” means a corner lot, the street side of which is substantially a continuation of the front lot line of the first interior lot to its rear.

F. “Lot, through” means a lot having frontage on two parallel or approximately parallel streets.

“Lot area” means the total horizontal area within the lot lines of a lot.

“Lot depth” means the horizontal distance between the front and rear lot lines, measured in the mean direction of the side lot lines.

“Lot line” means any boundary of a lot. The classifications of lot lines are as follows:

A. “Lot line, front” means the line separating the lot from the street in the case of an interior lot, and the line separating the narrowest street frontage of the lot from the street in the case of a corner lot.

B. “Lot line, rear” means the lot line which is opposite and most distant from the front lot line.

C. “Lot line, side” means any lot line which is not a front lot line or a rear lot line.

“Lot width” means the horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

“Low barrier navigation center” means a housing-first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing or as amended by pursuant to Government Code Section 65660 of the California Government Code. A “low barrier navigation center” shall be allowed as a use by right in accordance with Government Code sections 65660-65668. For the purposes of this chapter, “low barrier” means the best practices to reduce barriers to entry for individuals experiencing homelessness, and may include without limitation, but is not limited to, the following:

A. The presence of partners, if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth.

B. Pets

C. The storage of possessions.

A.D. Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

“Manmade slope” means a manufactured slope consisting wholly or partly of either cut or fill.

“Manufacture” means to assemble, fabricate, compound, process, treat, or remanufacture.

“Manufactured home” means a home built or manufactured in a factory, including mobile homes, as permitted by California and federal laws.

“Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale or rent.

“Mechanical play device” or “electronic play device” means any machine, device, or apparatus, whether mechanically or electronically operated, including pool and billiard tables, the operation of which is made possible by the deposit or placement of any coin, slug, disk, card, key, or any other article or device, into any slot, crevice, or opening, or by the payment of any fee or consideration for its use or operation, and which involves the manipulation of hand levers, electronic releases, or other buttons or levers in the conduct of the game.

“Mineral” means any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances, including but not limited to coal, peat, and bituminous rock, but excluding geothermal resources, natural gas, and petroleum (California Code of Regulations Section 3501). For the purposes of this title, minerals shall also include but not be limited to sand, gravel, cinders, diatomaceous earth, shale, limestone, flagstone, decorative stone, and riprap.

“Mobile home” means the same as manufactured home, but subject to the National Manufactured Housing Construction and Safety Standards Act of 1974.

“Mobile home park” means any area or tract of land where one or more mobile home spaces are rented or leased or held out for rent or lease to accommodate mobile homes used for human habitation.

“Motel” means guest rooms or suites occupied on a transient basis, with most rooms gaining access from an exterior walkway.

“Municipal code” means the Calimesa Municipal Code, as amended.

“Native vegetation” means the natural vegetation commonly found in the area.

“Natural area” means an undeveloped site which has not been graded.

“Natural open space” means the landform as created by nature or as subsequently modified by either agricultural activities or to meet fuel modification fire standards. Within natural open spaces, vegetation introduced for agricultural purposes may be removed and the area revegetated. Existing trees, riparian vegetation, and native plant communities within natural open spaces shall be preserved and protected. Manmade water bodies and trails through natural open spaces may be considered as natural open space.

“Natural slope” means a slope which is not manmade. A natural slope may retain the natural vegetation during adjacent grading operations or it may be partially or completely removed and replanted.

“Net site area” means the total area within the lot lines of a lot or parcel of land after public street easements or other areas to be dedicated or reserved for public use are deducted from such lot or parcel.

“New automobile” is defined as a vehicle less than three years old.

“Nonconforming lot” means a lot which, when lawfully created or established, complied with the width and area requirements of the district where located, but which does not conform to the presently existing area or width regulations of the district where located, or which does not conform to the presently existing requirements of the subdivision ordinance governing lot standards.

“Nonconforming structure” means a building or structure lawfully existing on the effective date of these regulations but which would be prohibited, regulated, or restricted under the terms of these regulations or future amendment.

“Nonconforming use” means a use which lawfully occupied a building or land on the effective date of these regulations but which would be prohibited, regulated, or restricted under the terms of these regulations or future amendment.

“Oak tree” means any oak tree of the genus *Quercus*, including scrub oak (*Quercus dumosa*).

“Off-highway vehicle (OHV)” is defined as a motorbike, all-terrain vehicle, and other vehicle defined in California Vehicle Code, Section 38012, Division 16.5, Chapter 2.

“Open space” means land not covered by buildings, roads, or vehicular accessways and including such areas as private yards, landscaped areas, slopes, natural areas, common areas, greenbelts, parks, and areas of recreation as described in California Government Code Section 66560.

“Operator, mining” means any person who is engaged in surface mining operations, who permits others to conduct surface mining operations on his property and who receives a financial benefit therefrom, or who contracts with others to conduct operations on his behalf, except a person who is engaged in surface mining operations as an employee with wages as his sole compensation.

“Overburden” means the soil, rock, or other materials that lie above a natural mineral deposit or in between deposits, before or after their removal by surface mining operations.

“Pad” means a generally flat or stepped area created by grading to accommodate development.

“Parcel” means a parcel of land under one ownership that has been legally subdivided or combined and is shown as a single parcel on the latest equalized assessment roll.

“Park and recreation facility” means a public or private open space or park, which may contain recreation facilities. Park and recreation facilities do not include commercial recreation facilities. See also “Commercial recreation facility.”

“Parking space, automobile” means a space within a building or on a lot for the parking or temporary storage of one automobile with adequate provision for ingress and egress by an automobile of standard size.

“Parking, tandem” means two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

“Patio” means an uncovered area constructed at grade using hardscape materials including but not limited to concrete, brick, pavers, or gravel.

“Peak” means the highest part of a mountain, usually steep sided at the summit.

“Permitted use” means any use allowed in a zone district and subject to the provisions applicable to that district.

“Person” means a firm, association, organization, partnership, trust, company, governmental agency, or corporation, as well as an individual or other legal entity.

Personal Services. Include tanning salons, day spas, massage establishments, tattoo or body piercing parlors, or uses deemed similar to any listed herein.

“Planning director” means the director of the city of Calimesa planning department, or his/her designee.

“Principal use” means the primary or predominant use of any lot, building, or structure.

“Prominent ridge” means a ridge or hill which is visible from arterial streets or major public space, which forms a part of the skyline or is seen as a distant edge against a backdrop of land or is so designated by the general plan or zoning code.

“Protected oak tree” means an oak tree of the genus *Quercus*, including scrub oak (*Quercus dumosa*), other than a heritage oak tree or scrub oak, that has a trunk measuring two inches or more in diameter as measured four and one-half feet from the natural grade (i.e., diameter at breast height (DBH)).

“Protected stand of oak trees (oak grove)” means a cluster of four or more oak trees of the genus *Quercus*, including scrub oaks (*Quercus dumosa*).

“Protected zone” means a specifically defined area totally encompassing an oak tree or an oak grove within which work activities are strictly controlled. When depicted on a map, the outermost edge of the protected zone will appear as an irregular-shaped circle that follows the contour of the dripline of the tree or the outermost trees in a grove. Using the dripline as a point of reference, the protected zone shall commence at a point five feet outside of the dripline of an oak tree or oak grove and extend inward to the trunk of the tree or grove. In no case shall the protected zone be less than 15 feet from the trunk of an oak tree.

“Pruning” means any or all work performed upon the roots or the limbs of an oak tree, including but not limited to removal of live tissue, ornamental pruning, aesthetic pruning, thinning out, heading up, or any similar actions that involve removal of live tissue.

“Public right-of-way” means a strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a road, trail, water line, sanitary sewer, and/or other public uses.

“Public utility facility” is defined as, but not limited to, an assembly of materials and equipment including the buildings and structures necessary for the provision of electricity, telephone, cable television, water, and gas for general consumer use.

“Quasi-public use” means a use conducted by a private nonprofit educational, religious, recreational, charitable, or medical institution, the use having the purpose primarily of serving the general public, and including uses such as churches, private schools and universities, private hospitals, youth centers, and similar uses.

“Reclamation” means the combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines. Mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses, and creates no danger to public health or safety. The process may extend to affected lands surrounding mined lands and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures.

“Recreational vehicle” means a vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for recreational or sporting purposes. Includes but is not limited to travel trailers, pickup campers, camping trailers, motor coach homes, converted trucks or buses, boats and boat trailers, and all-terrain vehicles.

“Recyclable material” means reusable material, including but not limited to metals, glass, plastic, and paper, which is intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. Does not include refuse or hazardous materials.

“Recycling facility” means a center for the collection and/or processing of recyclable materials.

A. “Certified recycling facility” or “certified processor” means a recycling facility certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. A recycling facility does not include storage containers or processing activity located on the premises of a residential, commercial, or manufacturing use and used solely for the recycling of material generated by that residential property, business, or manufacturer.

B. “Collection facility” means a center for the acceptance, by donation, redemption, or purchase, of recyclable materials from the public. Such a facility does not use power-driven processing equipment except as indicated in CMC 18.25.050(K)(2)(e). Collection facilities may include the following:

1. Reverse vending machines.

2. A small collection facility which occupies an area of not more than 500 square feet and may include a mobile unit.
3. Bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet.
4. Kiosk-type units, which may include permanent structures.
5. Unattended containers placed for the donation of recyclable materials.
6. A large collection facility which may occupy an area of more than 500 square feet and may include permanent structures.

C. "Mobile recycling unit" means an automobile, truck, trailer, or van, licensed by the California Department of Motor Vehicles, which is used for the collection of recyclable materials. A mobile recycling center also means the bins, boxes, or containers transported by trucks, vans, or trailers and used for the collection of recyclable materials.

D. "Processing facility" means a building or enclosed space used for the collection and processing of recyclable material. "Processing" means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing. Processing facilities include the following:

1. A light processing facility occupies an area of under 45,000 square feet of gross collection, processing, and storage area and has up to an average of two outbound truck shipments per day. Light processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding, and sorting of source-separated recyclable materials and repairing of reusable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact, or bale ferrous metals other than food and beverage containers.
2. A heavy processing facility is any processing facility other than a light processing facility.

E. "Reverse vending machine(s)" means an automated mechanical device which accepts at least one or more types of empty beverage containers, including but not limited to aluminum cans, glass, and plastic bottles and cartons, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by the state of California. A reverse vending machine may sort and process containers mechanically; provided, that the entire process is enclosed within the machine. In order to accept and temporarily store all three container types in a proportion commensurate with their relative redemption rates, and to meet the requirements of certification as a recycling facility, multiple grouping of reverse vending machines may be necessary. A "bulk reverse vending machine" is a reverse vending machine that is larger than 50 square feet, is designed to accept more than one container at a time, and will pay by weight instead of by container.

"Removal, tree" means physically removing a tree or causing the death of a tree through damaging, poisoning, or other direct or indirect action.

"Respite or Recuperative Care Facility" means a facility that provides post-hospitalization health care services, behavioral health services and other transitional and supportive social services to homeless patients discharged from an acute care hospital.

"Rest home" means a building or a group of buildings which provides nursing, dietary, and/or other personal services rendered to convalescents, invalids, or aged persons, but excludes cases of contagious, communicable diseases, and excluding surgery or primary treatment, such as are customarily provided in sanitariums, hospitals, and mental institutions.

"Restaurant" is defined as the following:

A. "Restaurant, drive-in, drive-through, and walk-up" means an establishment which, on a regular basis, is open for the serving of meals to patrons for compensation, from a limited menu, on which orders and food are taken or

provided at a counter serving primarily take-out food, or any full-service restaurant with a drive-in or walk-up counter or window.

B. “Restaurant, full service” means an establishment which, on a regular basis, is open for the serving of meals to patrons for compensation and which has adequate kitchen facilities suitable for the preparation of a variety of complete cooked meals, over and beyond such foods as sandwiches or salads, and at which orders are taken and meals are served at the tables by employees of the restaurant.

Retail, General. See “general retail.”

“Retail shopping center” means a combination of two or more buildings totaling 25,000 square feet or more of gross floor area which are located on one or more parcels with reciprocal parking and access.

“Retail store” means a business selling goods, wares, or merchandise directly to the ultimate consumer.

“Routine maintenance, tree” means actions needed for the continued good health of an oak tree, including but not limited to removal of deadwood, insect control spraying, and watering.

“Salvage yard” means any lot or the use of any portion of any lot where scrap, waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, handled, or stored, including automobile wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment, but not including pawnshops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition, or salvaged materials incidental to manufacturing operations conducted on the premises.

“SB 9” means a state law signed by the Governor on September 16, 2021, that amends Government Code Section 66452.6 and adds Government Code Sections 65852.21 and 66411.7.

“SB 9 development project” consists of an urban lot split or development project proposed pursuant to the regulations set forth in SB 9.

School. See “educational facility – public and private schools.”

School, Trade or Vocational. See “educational facility – vocational/trade schools.”

Second Dwelling Unit. See “Dwelling unit, accessory.”

“Secondhand store” means a store that sells items that have been previously sold or used or that have been donated for resale.

“Section” means any portion of this title immediately preceded by figures commencing with the number 18.

“Setback” means the required distance that a building, structure, parking, or other designated item must be located from a lot line.

“Setback area” means the area between the building line and the property line, or when abutting a street, the ultimate right-of-way line.

“Setback distance” means the distance between the building line and the property line, or when abutting a street, the ultimate right-of-way line.

“Single household unit” means the functional equivalent of a traditional family, whose members are an interactive group of persons, where such persons jointly occupy a single dwelling unit, jointly use common areas, and share household activities and responsibilities (e.g., meals, chores, and expenses), and where, if the unit is rented, all adult residents have chosen to jointly occupy the entire premises of the dwelling unit, under a single written lease with joint use and responsibility for the premises, and the makeup of the household occupying the unit is determined by the residents of the unit rather than the landlord or property manager.

“Single-loaded street” means a street with lots fronting on one side only.

“Single-room occupancy (SRO)” means multiunit housing for very low-income persons that typically consist of a single room and shared bath and also may include a common kitchen and common activity area.

“Slope” means an inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

“Slope bank” means a manmade slope steeper than 5:1 (20 percent).

“Storage” means the use of land or structures for the warehousing, storage, or holding of goods, wares, merchandise, equipment, building materials, lumber, furniture, household goods, manufactured goods, wholesale products, retail products, and similar types of materials or finished products and commercial or industrial products or equipment of any type or nature, for any length of time, and regardless of whether any of the foregoing items are offered for sale.

“Storage yard” means any open space upon which is stored or placed for any length of time, as a primary use of the land, any goods, wares, merchandise, finished products, materials in process, equipment, or supplies of any kind, but excluding the storage or placing of any of the foregoing items solely as a use secondary to a lawful primary use conducted on the property, provided applicable provisions of the municipal code are met.

“Story” means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. That portion of a building between a floor and a floor above, more than 50 percent of the volume of which is below grade, shall not be considered a story unless chargeable for parking.

“Street” means a public thoroughfare of right-of-way dedicated, deeded, or condemned for public use and which affords the principal means of access to abutting properties.

“Street site” means any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.

“Structure” means anything constructed or erected which requires location on the ground or attached to something having a location on the ground.

“Subsection” means any division within any numbered section of this title.

“Supportive housing” means housing with no limit on length of stay that is occupied by the target population ~~as defined by Government Code Section 65582~~ and that is linked to on- or off-site supportive services as defined by Government Code Section 65582 of the California Government Code that assist the supportive housing resident in retaining the housing, improving ~~their~~ health status, and maximizing ~~their~~ ability to live and, when possible, work in the community.

“Surface mining operations” means all, or any part of, the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incidental to an underground mine. Surface mining operations include but are not limited to:

- A. In-place distillation, retorting, or leaching.
- B. Production and disposal of mining waste.
- C. Prospecting and exploratory activities.

“Surface mining operations” also include the creation of borrow pits, streamed skimming, segregation, and stockpiling of mined materials and recovery of same (California Code of Regulations Section 3501).

“Temporary use” means a use established for a specified period of time, with the intent to discontinue the use at the end of the designated time period.

“Toe of slope” means the lowest elevation of a slope which transitions to a flatter area or pad.

“Top of slope” means the highest elevation of a slope.

“Topography” is a general term to include characteristics of the ground surface such as plains, hills, mountains, degree of relief, steepness of slope, and other physiographic features.

“Transition” means the area where a slope bank meets the natural terrain or a level graded area either vertically or horizontally.

“Transitional housing” means rental housing operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months. The term “transitional housing” shall include the term “transitional housing development.”

“Truck terminal” means any facility, building, or premises used or improved for use for the storage, maintenance, repair, or servicing of trucks, trailers, semi-trailers, or similar transportation equipment or used primarily in connection with the transportation, transfer, or storage of goods, wares, or merchandise, whether or not such use is conducted outside or within an enclosed building, but excluding the storage, maintenance, repair, or servicing of any such transportation equipment or the storage of goods, wares, and merchandise solely as an incident to a conduct of a primary use permitted and lawfully conducted by the owner thereof on such premises.

“Undeveloped parcel” means a property that has not been developed or improved to the maximum extent allowed by the existing land use designation and zoning of the property.

“Uniform slope” means a slope of a uniform slope ratio.

“Urban lot split” means a parcel map subdivision permitted pursuant to the regulations set forth in SB 9 that creates no more than two parcels of approximately equal size.

“Usable open space” means any usable area designated for and to be used for outdoor living, recreation, or landscaping on the ground or unenclosed balcony, or on an approved roof deck. May include patios and deck areas of swimming pools and rear yards. No portion of required front yards and side yards, off-street parking space, or driveways shall constitute usable open space.

“Use” means the purpose for which land or a building is arranged, designed, or intended or for which either is or may be occupied or maintained.

“Used automobile” is defined as a vehicle between three and 20 years old.

“Variable slope” means a manmade slope (usually a slope bank) which has a variety of slope ratios rather than a single ratio.

“Variance” means a waiver of specific regulations of this title, granted by the city in accordance with the provisions set forth in this title, for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and zone.

“Vegetation” means growing plants.

“Viewshed” means areas of development which can be viewed from arterial roads, freeways, major collector roads, and public gathering places such as major shopping centers.

“Warehouse” means a facility building, facility or other structure for the storage or holding of any goods, wares, merchandise, equipment, building materials, lumber, furniture, household goods, manufactured goods, wholesale products, retail products, and similar types of materials or finished products and commercial or industrial products

or equipment of any type or nature, for any length of time, and regardless of whether any of the foregoing items are offered for sale.

“Warehousing/distribution” means a structure, building or other facility, or any portion thereof, primarily used for the warehousing, storage, or holding of goods, wares, merchandise, equipment, manufactured goods, wholesale products, retail products, and similar types of materials or finished products and commercial or industrial products or equipment of any type or nature, for any length of time, and regardless of whether any of the foregoing items are offered for sale. “Warehouse, storage or distribution facility” shall include, but is not limited to, the following:

A. Wholesale distribution facility;

B. Distribution center;

C. Distribution facility;

D. Moving and transfer storage;

E. Mini-warehousing, self-storage; and

F. Cross-dock facility, bulk break center, package handling center, order fulfillment center, logistics center or facility, or warehousing or distribution center, building, structure or other facility.

“Wholesale” means an item for sale or resale and not for direct consumption.

“Wrecking yard” means the same as an “automobile dismantling yard.”

“Yard” means an open space on a lot unoccupied and unobstructed from the ground above. Classifications are as follows:

A. “Yard, front” means a yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot located at the distance prescribed by the regulations of the zone district in which the property is located.

B. “Yard, rear” means a yard extending across the full width of the lot between the most rear main building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest part of the main building toward the nearest point of the rear lot line.

C. “Yard, side” means a yard between the main building and the side lot line, extending from the front yard or front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of a side lot line toward the nearest point of the main building.

“Zero lot line” means the location of a structure on a lot in such a manner that one or more of the structure’s sides rests directly on a lot line.

“Zone” means an area of land shown on the official zoning map or described in this title within which uniform regulations for the uses and development of land are made applicable by this title. Includes district, zone district, and zoning district.

“Zone change” means the legislative act of amending this title by changing the zone district for a parcel or other area of land on the official zoning map.

“Zoning clearance” means a process to ensure that all new and modified uses and structures comply with applicable provisions of this code.

“Zoning map” means the map or maps that are part of the zoning code that delineate the boundaries of zone districts. [Ord. 388 § 5, 2023; Ord. 379 § 5, 2021; Ord. 369 § 5, 2021; Ord. 357 § 5, 2018; Ord. 353 § 7, 2017; Ord. 345 (Exh. A), 2017; Ord. 342 § 3 (Exh. A), 2016; Ord. 341 § 8, 2016; Ord. 341-U § 9, 2016; Ord. 338 § 2, 2015; Ord. 328 § 3

(Exh. A), 2014; Ord. 288 § 3, 2009; Ord. 285 §§ 2, 3, 2009; Ord. 233, §§ 4 – 6; Ord. 95-7 § 2; Code 1990 § 12.2.02.]

## Chapter 18.15

### ADMINISTRATIVE PROVISIONS

Sections:

18.15.010	Purpose.
18.15.020	Application.
18.15.030	Building permits.
18.15.040	Certificates of occupancy.
18.15.050	Conditional use permits.
18.15.060	Zoning code amendments.
18.15.070	Enforcement.
18.15.080	Hearings and appeals.
18.15.090	Home occupation permits.
18.15.100	Minor adjustments.
18.15.110	Minor modifications.
18.15.120	Nonconforming structures and uses.
18.15.130	Temporary use permits.
18.15.135	Temporary events.
18.15.140	Variances.
18.15.150	Zone change.
18.15.160	Reasonable accommodation.
18.15.170	Zoning clearance.
18.15.180	Determination of similar use.
18.15.190	Specific plan.

#### **18.15.010 Purpose.**

The purpose of this chapter is to provide provisions for the review of all development applications and procedures for public hearings and public noticing. [Ord. 342 § 3 (Exh. A), 2016; Ord. 328 § 4 (Exh. B), 2014; Ord. 95-7 § 2; Code 1990 § 12.10.01.]

#### **18.15.020 Application.**

A. Application Filing. Application for permits, permit modifications, amendments, and other matters pertaining to this zoning code shall be filed with the planning department on a city application form, together with all fees, plans, maps, and other information required by the planning department. The application shall be made by the owner(s) or lessee(s) of property, or their agents, or person(s) who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this zoning code, or the agent(s) of such persons. An application shall be acted upon within one year of the filing date; otherwise the application shall be null and void. Refunds will not be issued for expired applications.

B. Fees. The city council shall, by resolution, establish a schedule of fees for permits, amendments, and other matters pertaining to this zoning code. The schedule of fees may be changed or modified only by resolution of the council. Until all applicable fees have been paid in full, review shall not commence on any application. The city is not required to continue processing any application unless its fees are paid in full. Failure to pay the applicable fees is grounds for denial of the application.

C. Agreement. Upon approval of a permit, entitlement or other development approval pursuant to this chapter, the applicant shall agree, in writing, to abide by and comply with all provisions and conditions of the permit or other approval and this code, in a form satisfactory to the city. [Ord. 342 § 3 (Exh. A), 2016; Ord. 328 § 4 (Exh. B), 2014; Ord. 95-7 § 2; Code 1990 § 12.10.02.]

#### **18.15.030 Building permits.**

A. Required. It is unlawful for any property owner, or his/her authorized agent, to commence any work pertaining to the erection, construction, reconstruction, moving, conversion, or alteration of any building, or any addition to any building, until a building permit has first been secured from the building and safety division for such work.

B. Application. Each application for a building permit shall be made on a printed form to be obtained at the building and safety division, and shall be accompanied by accurate information and dimensions as to the size and location of the lot, the size and location of the buildings on the lot, the dimensions of all yards and open spaces, and such other information as may be necessary for the enforcement of these regulations. Where complete and accurate information is not readily available from existing records, the building and safety division may require the applicant to furnish a survey of the lot, prepared by a licensed surveyor. The original of such application shall be kept in the building and safety division.

C. Issuance Restrictions – General. No building permit shall be issued for the erection or use of any structure or part thereof, or for the use of any land, which is not in accordance with the provisions of this title, and in conformity with the approved site plan or conditional use permit, where required by this title. Any permit issued contrary to the provisions of this title, or not in conformity with the approved site plan or conditional use permit, shall be void and of no effect.

D. Issuance Restrictions – Prohibited Structures. No building permit shall be issued where the structure or structures to be erected will have the effect of depriving other persons of the use of their property or will have the effect of invalidating the general plan.

E. Dedication of Streets. The applicant for a building permit in any zone shall dedicate any half-width streets that have not been dedicated, or the applicant shall dedicate additional right-of-way as may be shown on the general plan or any ordinance which sets forth rights-of-way in excess of those now in existence.

F. Improvements Required.

1. The applicant for a building permit shall be required to improve street frontages and provide public facilities in accordance with the existing standards and regulations developed by the director of public works; generally, the street improvements include paving, curbs, gutters, sidewalks, and drainage facilities.

2. The applicant for a building permit shall provide for the street improvements to be installed abutting the lots desired to be built upon. Such street improvements shall include the half-width street improvements and the concrete curbs and gutters immediately abutting the premises to which the building permit would apply. The street improvements shall also include sidewalks, in accordance with standards developed by the public works department. Public facilities shall be installed by the developer for all construction, and in accordance with the requirements of the public works department. [Ord. 342 § 3 (Exh. A), 2016; Ord. 328 § 4 (Exh. B), 2014; Ord. 95-7 § 2; Code 1990 § 12.10.03.]

#### **18.15.040 Certificates of occupancy.**

The following provisions are intended to ensure that any initiation or reestablishment of a legally permitted use within a legally established, or a legal nonconforming, structure shall comply with all applicable provisions of the municipal code.

A. New Buildings. A certificate of occupancy shall be issued only after such new building, enlargement, or alteration has been completed in conformity with the provisions of any regulating ordinance, and with any approved site plan and required conditions of approval, and when the proposed use conforms to this title and required conditions.

B. Existing Buildings and Undeveloped Land. A certificate of occupancy shall be issued for the reuse of an existing building, or the use of undeveloped land, only after the improvements for such building or land conform to the property development standards of this title. Where feasible, such standards shall include the provision of required walls, landscaping, parking, trash enclosures, street improvements, and all other improvements determined by the planning department to be necessary or required by any regulating ordinance for the particular use. [Ord. 342 § 3 (Exh. A), 2016; Ord. 328 § 4 (Exh. B), 2014; Ord. 95-7 § 2; Code 1990 § 12.10.04.]

#### **18.15.050 Conditional use permits.**

A. Purpose and Intent. A conditional use permit (CUP) provides for a discretionary review of a project or use to ensure that the project or use will not have an adverse effect on the surrounding area. A use that requires a CUP shall

be permitted only if a permit is granted by the planning commission in accordance with the provisions of this section.

1. Application. An application for a conditional use permit shall be filed in a manner consistent with the requirements contained in CMC 18.15.020, Application.

B. Public Improvement and Dedication Requirements. Requirements include dedications for streets, drainage, and easements for public utilities, trails, flood control, and such other rights-of-way as may be essential to the orderly development of the site and abutting properties. Improvements include:

1. Grading, drainage, and drainage structures;
2. Curbs and gutters;
3. Sidewalks;
4. Street pavement;
5. Adequate domestic water service;
6. Sanitary sewer facilities and connections;
7. Services from public utilities, where provided;
8. Street trees;
9. Streetlights and street name signs;
10. Any additional improvements and facilities as determined necessary by the commission for the proper development of the site and area.

C. Hearings and Notice. A public hearing shall be held on the application for a conditional use permit in accordance with the provisions of CMC 18.15.080, Hearings and appeals.

D. Commission Actions. A conditional use permit application may be approved as submitted, conditionally approved, or denied. The CUP may be granted subject to such conditions which the planning commission considers necessary to protect the public health, safety, and welfare, and the intent and considerations stated in this section.

E. Continuation of Existing Uses. Uses existing on the effective date of the ordinance codified in this title which are listed as permitted subject to a conditional use permit may continue without securing such permit; however, any extension or expansion of such use shall comply with the provisions of this section.

F. Findings. The commission, in approving a conditional use permit, shall find as follows:

1. The proposed use is conditionally permitted within the subject land use district and complies with all of the applicable provisions of this zoning code.
2. The proposed use would not impair the integrity and character of the land use district in which it is to be located.
3. The subject site is physically suitable for the type and intensity of land use being proposed.
4. The proposed use is compatible with the land uses presently on the subject property.
5. The proposed use would be compatible with existing and future land uses within the general area in which the proposed use is to be located.
6. The proposed use is compatible in scale, mass, coverage, density, and intensity with all adjacent land uses.

7. There are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.
8. There will be adequate provisions for public access to serve the subject proposal.
9. The proposed use is consistent with the general plan.
10. There will not be significant adverse effects upon environmental quality and natural resources.
11. The negative impacts of the proposed use are mitigated.
12. The proposed location, size, design, and operating characteristics of the proposed use would not be detrimental to the public interests, health, safety, convenience, or welfare of the city.

G. Use of Property Before Final Decision. No permit shall be issued for any use involved in an application for approval of a conditional use permit until, and unless, the same shall have become final, pursuant to CMC 18.15.080(F), Effective Date of Decision.

H. Expiration and Automatic Extension.

1. Expiration. Except as provided in subsection (H)(2), (H)(3), or (H)(4) of this section, a conditional use permit shall be used within one year from the date of permit approval; otherwise, the permit shall be null and void. The permittee may, at least 30 days prior to expiration of the permit, request an extension of time in which to use the permit. The request for extension of time shall be made to the planning department and accompanied by the fee set forth by resolution of the city council. The commission may grant 12-month extensions, not to exceed two extensions, based upon a determination that a valid reason exists for the permit not being used within the required period of time. The total time allowed for the use of the permit shall not exceed a period of three years, calculated from the date of permit approval. The term "used" shall mean the beginning of substantial construction of the use that is authorized, which construction must thereafter be pursued diligently to completion, or the actual occupancy of existing buildings or land under the terms of the authorized use.
2. First Automatic Extension – 2009. The expiration date of all conditional use permit approvals that have either not expired by October 9, 2009, or that are subsequently approved prior to January 1, 2012, shall be automatically extended by 24 months. This automatic extension provision shall not apply to any development plan approval that is granted on or after January 1, 2012.
3. Second Automatic Extension – 2011. The expiration date of all conditional use permit approvals that have either not expired by October 9, 2011, or that are subsequently approved prior to January 1, 2014, shall be automatically extended by 24 months. This automatic extension provision shall not apply to any development plan approval that is granted on or after January 1, 2014.
4. Third Automatic Extension – 2013. Except as provided in this subsection (H)(4), the expiration date of all conditional use permits that were approved on or after January 1, 2000, and that have not expired on or before July 11, 2013, shall be automatically extended by 24 months. This automatic extension provision shall not apply to any conditional use permit approval that is granted on or after July 11, 2013. This automatic extension shall also not apply to any conditional use permit if the use for which the permit was granted had ceased or was suspended for more than one year.
5. Fourth Automatic Extension – 2020. Except as provided in this subsection (H)(5), the expiration date of all conditional use permit approvals that have either not expired by June 15, 2020, or that are subsequently approved prior to January 1, 2021, shall be automatically extended by 12 months. This automatic extension provision shall not apply to any conditional use permit approval that is granted on or after January 1, 2021.

I. Revisions and Modifications. A modification or revision to a conditional use permit may be approved by the commission if it is determined that the revision is minor in nature pursuant to CMC 18.15.110(C) and that the following requirements are met:

1. The proposed modification does not affect the required findings in subsection (F) of this section.
2. The proposed modification does not change the use designated in the original approval.
3. The proposed modification does not alter the shape or size of the buildings or land involved in the conditional use.
4. The proposed modification does not alter or affect any of the conditions placed on the project. Modifications or revisions that are not considered minor, as defined above, shall be made pursuant to the regular conditional use permit procedure set forth in this chapter.

J. Revocation. The commission may hold a hearing to revoke or modify a conditional use permit granted pursuant to the provisions of this chapter. A conditional use permit may be revoked or modified by the commission if any one of the following findings can be made:

1. Circumstances have changed so that one or more of the findings contained in subsection (F) of this section can no longer be made.
2. The conditional use permit was obtained by misrepresentation or fraud.
3. The use for which the conditional use permit was granted had ceased or was suspended for six or more consecutive calendar months.
4. One or more of the conditions of the conditional use permit have not been met within the time periods set forth in this chapter.
5. The use is in violation of any statute, ordinance, law, or regulation.
6. The use permitted by the conditional use permit is detrimental to the public health, safety, or welfare or constitutes a nuisance.

Notice shall be mailed to the record owner or lessee of the subject property not less than 20 days prior to giving public notice. Such notice shall set forth the noncompliance, and shall request appearance by the owner or lessee at the time and place specified for the hearing, to show cause why the permit should not be revoked. Public notice shall be given as provided in CMC 18.15.080, Hearings and appeals. Within 10 days after the public hearing, the commission may revoke or modify the conditional use permit. After revocation, the subject property shall conform to all regulations of the zone district in which it is located.

K. Conditional Use Permit to Run with Land. A conditional use permit granted pursuant to the provisions of this chapter shall continue to be valid upon a change of ownership of the site, business, service, use, or structure which was the subject of the permit application. [Ord. 372-U § 3, 2020; Ord. 342 § 3 (Exh. A), 2016; Ord. 328 § 4 (Exh. B), 2014; Ord. 318 § 2, 2011; Ord. 293 § 3, 2009; Ord. 95-7 § 2; Code 1990 § 12.10.05.]

#### **18.15.060 Zoning code amendments.**

A. Purpose. The city council may amend the provisions of this zoning code for the public health, safety, convenience, general welfare, and aesthetic harmony of the city.

B. Hearings and Notice. Upon receipt in proper form of a zoning code amendment application, or upon direction of the city council, and following department review, hearings shall be set before the commission and city council. Notice of the hearings shall be given pursuant to the requirements of CMC 18.15.080, Hearings and appeals.

C. Commission Action on Amendments. The commission shall make a written recommendation to the city council on the proposed amendment whether to approve, approve in modified form, or disapprove, based upon the findings contained in subsection (E) of this section.

1. Commission action recommending that the proposed zoning code amendment be approved, approved in modified form, or denied shall be considered by the city council following commission action.

D. City Council Action on Amendments. Upon receipt of the commission's recommendation, the city council may approve, approve in modified form, or disapprove the proposed amendment based upon the findings contained in subsection (E) of this section. Amendments to the zoning code shall be adopted by ordinance.

E. Findings. An amendment to this zoning code may be adopted only if the following findings are made:

1. The proposed amendment is consistent with the general plan.
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the city. [Ord. 342 § 3 (Exh. A), 2016; Ord. 328 § 4 (Exh. B), 2014; Ord. 95-7 § 2; Code 1990 § 12.10.06.]

**18.15.070 Enforcement.**

A. Purpose. Enforcement of the provisions of this zoning code shall be diligently pursued in order to provide for their effective administration, to ensure compliance with any conditions of approval, to ensure compliance with the general plan, to promote the city's planning efforts, and for the protection of the public health, safety, and welfare of the city.

B. Responsibility. The planning department shall be responsible for enforcing the conditions and standards imposed on all permits granted by the city and permitted under this zoning code. Any structure or use which is established, operated, erected, moved, altered, enlarged, or maintained contrary to the provisions of this zoning code is hereby declared to be unlawful and a public nuisance and shall be subject to the remedies and penalties set forth in Chapter 1.20 CMC, and/or revocation procedures contained in the following sections of this title: CMC 18.15.050, Conditional use permits; 18.15.090, Home occupation permits; 18.15.130, Temporary use permits; and 18.15.140, Variances.

C. Permit Issuance. Any permit, certificate, or license issued subsequent to the effective date of and in conflict with this zoning code shall be null and void.

D. Remedies.

1. All remedies concerning this zoning code shall be cumulative and not exclusive. The conviction and punishment of any person hereunder shall not relieve such person from the responsibility of correcting prohibited conditions or removing prohibited structures, signs, or improvements, and shall not prevent the enforced correction or removal thereof.
2. Any construction in violation of this zoning code, or any condition(s) imposed on a permit or license, shall be subject to the issuance of a stop work order. The city may also pursue all available civil and criminal remedies authorized by Chapter 1.20 CMC or as otherwise authorized by law to eliminate or remedy any such violations. [Ord. 342 § 3 (Exh. A), 2016; Ord. 328 § 4 (Exh. B), 2014; Ord. 95-7 § 2; Code 1990 § 12.10.07.]

**18.15.080 Hearings and appeals.**

A. Purpose. These provisions specify procedures for hearings before the city council and planning commission, and appeals of any determination or action made by the planning director or the planning commission.

B. Application Processing. A public hearing upon an application shall be set before the appropriate body when:

1. The planning director has determined that the application complies with all applicable ordinance requirements; and
2. All procedures required by the city of Calimesa local guidelines for implementing the California Environmental Quality Act to hear a matter have been completed.

C. Notice of Hearing. Hearing notices shall be processed in a manner consistent with the provisions of California Government Code Sections 65090 and 65091.

Unless otherwise required by law, notice of time, date, and place of the hearing, the identity of the hearing body, a general explanation of the matter to be considered, and a general description, in text or by diagram, of the location of

real property which is the subject of the hearing, shall be given at least 10 days prior to the hearing by all of the following procedures:

1. By publication once in a newspaper of general circulation within the city.
2. By mailing or delivering to the owner of the subject real property or the owner's duly authorized agent, and to the project applicant.
3. By mailing or delivering to each local agency expected to provide water, sewerage, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected.
4. By mailing or delivering to all owners of real property as shown on the latest equalized assessment roll within 600 feet of the real property that is the subject of the hearing. If the number of owners to whom notice would be mailed or delivered pursuant to this subsection or subsection (C)(2) of this section is greater than 1,000, a local agency, in lieu of mailed or delivered notice, may provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the city.
5. By mailing to any person who has filed a written request with the planning department and has provided that department with a self-addressed stamped envelope for that purpose.
6. By posting in at least three public places within the boundaries of the city, including one public place in the area directly affected by the proceeding.
7. By posting a six-foot by six-foot notice of public hearing sign on the property.
8. The planning director may require that additional notice of the hearing be given in any other manner he/she deems necessary or desirable.

D. Hearing Procedure. Hearings as provided for in this section shall be held at the date, time, and place for which notice has been given pursuant to this section. The meeting minutes shall be prepared and filed in the planning department. Any hearing may be continued; provided, that prior to the adjournment or recess of the hearing, a clear announcement is made specifying the date, time, and place to which said hearing will be continued.

E. Notice of Decision.

1. Planning Director. The planning director shall announce and record his/her respective decision in writing. The decision shall set forth applicable findings and any conditions of approval. A notice of the decision and any conditions of approval shall be mailed to the applicant at the address shown on the application. The planning director's decision shall not be final until issuance of the written decision.
2. Planning Commission. The planning commission shall announce and record its decision at the conclusion of the public hearing. The decision shall set forth the findings of the commission together with all required conditions of approval deemed necessary to mitigate any impacts and protect the health, safety, and welfare of the community. The commission's decision shall be memorialized by resolution. The commission's decision shall not be final until issuance of the resolution.

Following the hearing, a written notice of the decision of the commission and any conditions of approval shall be mailed to the applicant at the address shown on the application.

The recommendation with findings of the commission for the following applications shall be transmitted to the city council for final action:

- a. Specific plans;
- b. General plan amendments, text or map;
- c. Zoning code amendments;

- d. Development agreements;
- e. Zone changes.

3. City Council. The city council shall announce and record its decision at the conclusion of the public hearing. The decision shall set forth the findings of the city council and conditions of approval deemed necessary to mitigate any impacts and protect the health, safety, and welfare of the community. The city council's decision shall be memorialized by resolution. The city council's decision shall not be final until issuance of the resolution.

Following the hearing, a written notice of the decision of the city council and any resolution, including the conditions of approval, shall be mailed by the city clerk to the applicant at the address shown on the application.

The decision of the city council shall be final, and there shall be no further appeal within the administrative procedures of the city.

F. Effective Date of Decision. Minor adjustments, variances, conditional use permits, and all other development permits shall become effective 16 days following the final date of action (i.e., date of approval of the permit by resolution or written decision) by the appropriate review authority, except as otherwise provided by subsection (J) of this section. For decisions issued by the planning director, the director's letter of approval of the permit shall constitute the permit. The resolution approving the minor adjustment, variance, conditional use permit or other development permit shall constitute the permit. Zoning code amendments, specific plan adoption and amendments, and zone changes shall become effective 30 days following the final date of action (i.e., adoption) by the city council. The resolution or ordinance approving the specific plan, zone change, zoning provision, or amendment thereto, shall constitute the zoning code amendment, zone change, specific plan or specific plan amendment.

G. Appeal of Action or Determination. Any determination or action taken by the planning director may only be appealed to the planning commission. Any determination or action taken by the planning commission to approve or disapprove an application may be appealed to the city council.

1. Appeals to Planning Commission. The following decisions of the planning director may be appealed to the planning commission:

- a. Any decision by the planning director on an application for a home occupation permit, minor adjustment, minor modification, or reasonable accommodation;
- b. Any decision by the planning director on an application for a sign permit;
- c. Any other action by the planning director for which an appeal is authorized by this title.

2. Appeals to City Council. Only the following actions may be appealed to the city council: All decisions of the planning commission.

3. Standing to Appeal. The applicant, or any interested person who is aggrieved by or dissatisfied with an appealable decision of the planning director or planning commission, for which an appeal is authorized by this subsection (G) may appeal from such determination or action by filing a written notice of appeal. The city manager or any member of the city council may file a written appeal of a decision of the planning commission on the basis that such action is of sufficient importance to the city that it should be reviewed by the entire city council. In filing such appeal, the member of the city council is not taking a position in favor of or against the action or any portion thereof and is not deciding or committing to a vote in favor of or against the action or any portion thereof. All appeals shall be filed in accordance with this section.

H. Filing of Appeals. All appeals shall be submitted to the planning department in writing on forms supplied by the planning director, and shall specifically state the basis of the appeal. A written appeal of an action of the planning director or planning commission shall be filed with the planning department within 15 days following the final date of determination or action for which an appeal is made. Except where an appeal is filed by the city manager of any

member of the city council, the written appeal shall be accompanied by a filing fee as set forth by resolution of the city council.

I. Notice of Appeal Hearings. Notice of an appeal hearing shall conform to the manner in which the original notice was given. The appellant shall be responsible for all noticing materials required in the original application.

J. Effective Date of Appealed Actions. An action of the planning director appealed to the planning commission shall not become final unless and until upheld by the commission. An action of the planning commission appealed to the city council shall not become final unless and until upheld by the city council.

K. Reapplication. When an application for a permit or amendment is denied, no application for the same or substantially same permit or amendment shall be filed in whole, or in part, for the ensuing 12 months, except as otherwise specified at the time of denial. The planning director shall determine whether the new application is for a permit or amendment which is the same or substantially the same as a previously denied permit or amendment. No decision of the planning director shall be effective until a period of 15 days has elapsed following the written notice of decision.

L. Reconsideration. If more complete or additional facts or information which may affect the original action taken on an application by a review authority are presented, the review authority may reconsider such action taken, if a request for reconsideration is filed with the planning department within 15 days following the final date of action. If a public hearing was required in the original review process, another public notice as specified in subsection (C) of this section shall be made prior to the reconsideration of the review authority, and all costs associated with the reconsideration shall be paid by the applicant. [Ord. 401 §§ 1 – 3, 2024; Ord. 342 § 3 (Exh. A), 2016; Ord. 328 § 4 (Exh. B), 2014; Ord. 95-7 § 2; Code 1990 § 12.10.08.]

#### **18.15.090 Home occupation permits.**

A. Purpose. The purpose of a home occupation permit is to allow only those home occupations that are clearly subordinate and secondary to the primary use of the dwelling as a residence and to ensure compatibility of the home occupations with the principal residential uses in order to protect the integrity and character of neighborhoods.

B. Definition. A home occupation is an accessory, nonresidential business activity that is conducted.

C. Applicability. A home occupation permit shall be required for all home-based businesses except as provided in this subsection (C). An employee or contract employee of a licensed business enterprise (not located within a home) may work from home without first obtaining a home occupation permit.

1. Application and Fee. A signed application and payment of a fee, as set by resolution of the city council, shall be submitted to the planning department.

2. Property Owner Authorization. If the home occupation is to be conducted on rental property, the property owner's written authorization for the proposed use shall be obtained prior to the submittal for a home occupation permit.

3. Nontransferability. A home occupation permit is not transferable. Upon any change in ownership or occupancy of the property, or relocation of the home occupation to another location, the home occupation permit shall be void and of no effect, and a new permit and review shall be required for the new location or new owner or tenant.

D. Approval. The planning director shall have the authority to approve or deny a request for a home occupation based on the criteria contained in subsection (D)(2) of this section.

1. Business Registration. Immediately following the effective date of an approved home occupation permit, the applicant shall obtain a city business license. No home occupation shall be initiated until a current business license is obtained.

2. Criteria for Approval. A home occupation permit shall be granted only when the planning director determines that the proposed home occupation complies with the following findings:

- a. The proposed home occupation is consistent with the general plan, any applicable specific plan or master plan, and all applicable provisions of the zoning code.
- b. The proposed home occupation is consistent with the standards and prohibited use regulations in subsections (E) and (F) of this section.
- c. The establishment, maintenance, or operation of the home occupation applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of such use or to the general welfare of the city.

3. Compliance Requirements. The planning director may impose requirements and/or require guarantees in order to ensure compliance with this title and to prevent adverse or detrimental impact to the surrounding neighborhood.

E. Development Standards. Home occupation shall be subject to the following limitations:

1. Number of Home Occupations. There shall be no more than three home occupations in any dwelling unit.
2. Employees. Only the occupants of the dwelling may be engaged in the home occupation, except for a cottage food operation which is entitled to one nonresident employee.
3. Habitable Floor Area. The home occupation shall be an incidental and accessory use and shall not change the principal character of the dwelling unit. There shall be no remodeling or construction that will change the external appearance from a residential to a commercial look when viewed from the front of the building.
4. On-Site Sales. There shall be no direct sales of products or merchandise from the home, except for products of a cottage food operation.
5. Traffic/Vehicles. The home occupation shall not generate pedestrian or vehicular traffic beyond that normal to the residential district. No vehicles or trailers, except those normally incidental to the residential use, shall be kept on the site.
6. Signs. The home occupation shall not involve the use of advertising signs or window displays on the premises, or any other local advertising media which calls attention to the fact that the home is being used for business purposes, telephone number listing excepted.
7. Storage. There shall be no storage of material or supplies within view of the public right-of-way, and storage shall not utilize a required parking space (e.g., within a required garage). No outdoor storage shall be permitted.
8. Deliveries. The home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises, except for FedEx, UPS, or USPS-type home pickups and deliveries. Deliveries shall not exceed those normally and reasonably occurring for a residence.
9. Off-Site Effects. No use shall create or cause noise, dust, light, vibration, odor, gas, fumes, toxic/hazardous materials, smoke, glare, or electrical interference or other hazards or nuisances.
10. Special Condition. Any special condition established by the planning director or other review authority and made part of the record of the home occupation permit, as deemed necessary to carry out the intent of this section.

F. Prohibited Home Occupation Uses. The following examples are uses that are not considered incidental to or compatible with residential activities, and are prohibited:

1. Barber, beauty shop or hair stylist;
2. Businesses which entail the harboring, training, breeding, raising, or grooming of dogs, cats, or other animals on the premises;

3. Carpentry and cabinet making;
4. Food handling, food processing, food warehousing, or food packaging businesses or other uses, except in conjunction with a cottage food operation with a valid home occupation permit and health department permit or license as required by county and state law;
5. Medical and dental offices, clinics, and laboratories;
6. Mini storage;
7. Repair, fix-it, or plumbing shops;
8. Storage of equipment, materials, and other accessories to the construction and service trades;
9. Vehicle repair (body or mechanical), upholstery, and painting;
10. Welding and machining;
11. Commercial cannabis activity;
12. *Reserved*;
13. *Reserved*;
14. Any use not allowed in the zone district in which the residence is located; and
15. Any other use determined by the planning director to be not incidental or compatible with residential activities.

G. Expiration. A home occupation permit shall automatically expire and become void if the use for which the home occupation permit was obtained has ceased or has been suspended for six or more consecutive calendar months. An expired home occupation permit shall be subject to revocation as provided in subsection (H) of this section.

H. Modification or Revocation. A home occupation permit may be revoked or modified by the planning director following a hearing. Fifteen days prior to the hearing, notice shall be delivered in writing to the applicant and/or owner of the property for which the minor adjustment was granted.

The planning director may modify or revoke the home occupation permit if the planning director makes any of the following findings:

1. The use has become detrimental to the public health, safety, or welfare, or constitutes a nuisance.
2. The permit was obtained by misrepresentation or fraud.
3. The use for which the permit was granted has ceased or was suspended for six or more calendar months and the permit therefore automatically expired and became void.
4. The condition of the premises, or the area of which it is a part, has changed so that the use is no longer justified under the meaning and intent of this section.
5. One or more of the conditions of the home occupation permit have not been met.
6. The use is in violation of any statute, ordinance, law, or regulation in effect at the time of permit issuance. [Ord. 342 § 3 (Exh. A), 2016; Ord. 341 § 9, 2016; Ord. 341-U § 10, 2016; Ord. 328 § 4 (Exh. B), 2014; Ord. 268 § 2, 2007; Ord. 95-7 § 2; Code 1990 § 12.10.09.]

**18.15.100 Minor adjustments.**

A. Purpose and Intent. Adjustments from the standards contained in this zoning code shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location, or

surroundings, the strict application of this zoning code deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification, or when installation and use of renewable energy devices conflict with strict application of this zoning code. Any adjustment granted shall be subject to conditions to ensure that the adjustment does not constitute a grant of special privileges inconsistent with the limitations on other properties in the vicinity and in the same land use category as the subject property. The power to grant an adjustment does not extend to use regulations.

B. Application. An application for a minor adjustment shall be filed in a manner consistent with the requirements contained in CMC 18.15.020, Application.

C. Applicability. The planning director may grant a minor adjustment up to a maximum of 10 percent governing only the following measurable design/site considerations:

1. Lot dimensions;
2. On-site parking (except temporary recreational vehicle guest parking standards), loading, and landscaping;
3. Setbacks;
4. Structure heights.

Any minor adjustment request which exceeds the prescribed limitations outlined in this section shall require the filing of a variance application, pursuant to CMC 18.15.140, Variances. Minor adjustments may be approved by the planning director only if no other entitlements are required. If other approvals are necessary, the minor adjustment shall be filed and processed concurrently.

D. Findings. The following findings must be made to approve a minor adjustment:

1. There are special circumstances applicable to the property, including size, shape, topography, location, surroundings, or installation and use of renewable energy devices, such that the strict application of this zoning code deprives such property of privileges enjoyed by other property in the vicinity and under identical land use district classification.
2. Granting of the adjustment does not constitute a special privilege inconsistent with the limitations on other properties in the vicinity and land use district in which such property is located.
3. Granting of the adjustment will not be materially detrimental to the public health, safety, or welfare or injurious to the property or improvements in such vicinity and land use district in which the property is located.
4. The adjustment does not exceed 10 percent of the standard(s) being modified, or allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel.
5. Granting the adjustment will not be inconsistent with the general plan.

E. No Precedent. The granting of a prior minor adjustment shall have no precedential value in the city's consideration of a new minor adjustment application on the same property or any other property in the city, and shall not be admissible evidence when considering an application for a new minor adjustment on the same or different property.

F. Burden of Proof. The burden of proof to establish the evidence in support of the findings, as required by this section, is the responsibility of the applicant.

G. Expiration and Automatic Extension.

1. Expiration. Except as provided in subsection (G)(2), (G)(3) or (G)(4) of this section, a minor adjustment shall be used within one year from the date of approval, or the minor adjustment shall become null and void. The term "used" shall mean the beginning of substantial construction of the use that is authorized, which

construction must thereafter be pursued diligently to completion, or the actual occupancy of existing buildings or land under the terms of the authorized use.

2. First Automatic Extension – 2009. The expiration date of all minor adjustment approvals that have either not expired by October 9, 2009, or that are subsequently approved prior to January 1, 2012, shall be automatically extended by 24 months. This automatic extension provision shall not apply to any minor adjustment approval that is granted on or after January 1, 2012.

3. Second Automatic Extension – 2011. The expiration date of all minor adjustment review approvals that have either not expired by October 9, 2011, or that are subsequently approved prior to January 1, 2014, shall be automatically extended by 24 months. This automatic extension provision shall not apply to any minor adjustment approval that is granted on or after January 1, 2014.

4. Third Automatic Extension – 2013. Except as provided in this subsection (G)(4), the expiration date of all minor adjustments that were approved on or after January 1, 2000, and that have not expired on or before July 1, 2013, shall be automatically extended by 24 months. This automatic extension provision shall not apply to any minor adjustment approval that is granted on or after July 11, 2013. This automatic extension shall also not apply to any minor adjustment approval if the use for which the minor adjustment was granted had ceased or was suspended for more than one year.

H. Time Extension. Subject to subsection (G) of this section, the planning director, upon an application being filed 30 days prior to expiration and for good cause, may grant a one-time extension not to exceed 12 months. Upon granting of an extension, the planning director shall ensure that the minor adjustment complies with all current zoning code provisions.

I. Use of Property Before Final Decision. No permit shall be issued for any use involved in an application for approval of a minor adjustment until, and unless, the same shall have become final pursuant to CMC 18.15.080(F), Effective Date of Decision.

J. Modification or Revocation. The planning director may hold a hearing to revoke or modify a minor adjustment granted pursuant to the provisions of this section. Fifteen days prior to the hearing, notice shall be delivered in writing to the applicant and/or owner of the property for which the minor adjustment was granted.

The planning director may revoke or modify a minor adjustment if any one of the following findings can be made:

1. Circumstances have changed so that one or more of the findings contained in subsection (D) of this section can no longer be made, and the grantee has not substantially exercised the rights granted by the minor adjustment.
2. The minor adjustment was obtained by misrepresentation or fraud.
3. The improvement authorized pursuant to the minor adjustment had ceased or was suspended for six or more consecutive calendar months, and the minor adjustment approval therefore automatically expired and became void.
4. One or more of the conditions of the minor adjustment have not been met, and the grantee has not substantially exercised the rights granted by the minor adjustment.
5. The improvement authorized pursuant to the minor adjustment is in violation of any statute, ordinance, law, or regulation.
6. The improvement permitted by the minor adjustment is detrimental to the public health, safety, or welfare or constitutes a nuisance.

K. Appeals. Appeals shall be made in accordance with CMC 18.15.080, Hearings and appeals. [Ord. 342 § 3 (Exh. A), 2016; Ord. 328 § 4 (Exh. B), 2014; Ord. 318 § 3, 2011; Ord. 293 § 4, 2009; Ord. 95-7 § 2; Code 1990 § 12.10.10.]

**18.15.110 Minor modifications.**

A. Purpose. The minor modification procedure is intended to provide a method whereby minor changes may be made to existing, previously approved land use entitlements without any additional impact or expansion of use or structure(s).

B. Application. An application for a minor modification shall be on a form prescribed by the planning director and shall be filed with the planning department, pursuant to CMC 18.15.020, Application.

C. Applicability. The planning director may grant a minor modification to an approved permit up to a maximum of 10 percent governing only the following measurable design/site considerations, which in no case would result in a reduction from any minimum standard outlined in this zoning code:

1. On-site circulation and parking, loading, and landscaping.
2. Placement and/or height of walls, fences, and structures.
3. Reconfiguration of architectural features, including colors, and/or modification of finished materials that do not alter or compromise the previously approved theme.
4. A reduction in density or intensity of a development project.
5. Any modification request which exceeds the prescribed limitations outlined in this section shall require the filing of an original application for an amendment to the approved permit and a subsequent hearing by the appropriate review authority, as applicable.

D. Findings. The written decision to approve or deny a request for a minor modification shall be based on the following findings, all of which are required for approval:

1. The proposed modification does not affect the required findings applicable to the original application.
2. The proposed modification does not exceed 10 percent of the standard(s) being modified.
3. The proposed modification does not result in a reduction of any minimum standard outlined in the zoning code.

E. Conditions. The planning director may impose additional conditions to further the intent of this section.

F. Expiration. Except as provided in subsection (G) of this section, a minor modification shall be used within one year from the date of approval, or the minor modification shall become null and void and subject to revocation as provided in subsection (G) of this section. The term “used” shall mean the beginning of substantial construction of the use that is authorized, which construction must thereafter be pursued diligently to completion, or the actual occupancy of existing buildings or land under the terms of the authorized use.

G. Revocation or Modification. The planning director may hold a hearing to revoke or modify a minor modification granted pursuant to the provisions of this section. Fifteen days prior to the hearing, notice shall be delivered in writing to the applicant and/or owner of the property for which the minor modification was granted. A minor modification may be revoked or modified by the planning director if any one of the following findings can be made:

1. That circumstances have changed so that one or more of the findings contained in subsection (D) of this section can no longer be made, and the grantee has not substantially exercised the rights granted by the minor modification;
2. That the minor modification was obtained by misrepresentation or fraud;
3. That the improvement authorized pursuant to the minor modification had ceased or was suspended for 12 or more consecutive calendar months, and the minor modification approval therefore automatically expired and became void;

4. That one or more of the conditions of the minor modification have not been met, and the grantee has not substantially exercised the rights granted by the minor modification;
5. That the improvement authorized pursuant to the minor modification is in violation of any statute, ordinance, law, or regulation; or
6. That the improvement permitted by the minor modification is detrimental to the public health, safety, or welfare or constitutes a nuisance.

H. Appeals. Appeals shall be made in accordance with CMC 18.15.080, Hearings and appeals. [Ord. 342 § 3 (Exh. A), 2016; Ord. 328 § 4 (Exh. B), 2014; Ord. 95-7 § 2; Code 1990 § 12.10.11.]

**18.15.120 Nonconforming structures and uses.**

A. Purpose. These provisions provide for the orderly termination of nonconforming structures and uses to promote the public health, safety, and general welfare, and to bring these structures and uses into conformity with the goals and policies of the general plan. This section is intended to prevent the expansion of nonconforming structures and uses to the maximum extent feasible, to establish the criteria under which they may be continued or possibly expanded, and to provide for the correction or removal of these land use nonconformities in an equitable, reasonable, and timely manner.

It is hereby declared that nonconforming structures and uses within the city are detrimental to both orderly and planned development and to the general welfare of citizens and property. It is further declared that nonconforming structures and uses shall be eliminated as rapidly as possible without infringing on the constitutional rights of property owners.

For properties which have a nonconforming structure and/or use located in any zone other than residential, the abatement of nonconforming use timelines in subsection (D) of this section shall not take effect until a property within that specific zone transitions to a use identified for that zone. At that point in time, all property owners within that zone shall be notified by the city that the abatement of nonconforming use timelines has started.

B. Nonconforming Structures. A structure which lawfully existed prior to the effective date of this zoning code is a nonconforming structure, and may continue even though the structure fails to conform to the present requirements of the land use district or zone in which it is located. A nonconforming structure may be maintained as follows:

1. A nonconforming structure which is damaged to an extent of 50 percent or more of its replacement value immediately prior to such damage may be restored only if made to conform to all provisions of this zoning code. However, any residential structure(s), including multifamily, in a residential land use district destroyed by a catastrophe, including fire, may be reconstructed up to the original size, placement, and density. However, reconstruction shall commence within two years after the catastrophe.
2. Necessary repairs and desired alterations (not including expansions to nonconforming residential structures in nonresidential zone districts) may be made to a nonconforming residential structure(s), including multifamily, within residential and nonresidential zone districts. Additions or expansions of any size to nonconforming residential structures in residential zone districts may be allowed if the addition or expansion meets all current development standards of the applicable zone district.
3. Necessary repairs and desired alterations to nonconforming single-family residential structures in nonresidential zone districts may be made in compliance with (a) the applicable standards contained in CMC 18.20.040, Residential development standards; and (b) the requirements of subsections (C)(7) and (C)(8) of this section.
4. Reasonable repairs and alterations (not including expansions) may be made to nonconforming commercial, institutional, or industrial structures; provided, that no structural alterations shall be made which would prolong the life of the supporting members of a structure, such as bearing walls, columns, beams, or girders. Structural elements may be modified or repaired only if the building and safety division determines that such modification or repair is immediately necessary to protect the health and safety of the public or occupants of the nonconforming structure or adjacent property and the cost does not exceed 50 percent of the replacement value

of the nonconforming structure. However, improvements required to reinforce nonreinforced masonry structures shall be permitted without replacement cost limitations; provided, that such retrofitting is strictly limited to compliance with earthquake safety standards.

5. Changes to interior partitions or other nonstructural improvements and repairs may be made to a nonconforming commercial, institutional, or industrial structure; provided, that the cost of the desired improvement or repair shall not exceed 50 percent of the replacement value of the nonconforming structure over any consecutive five-year period.

6. The replacement value shall be determined by the planning director. All related costs, including appraisal, shall be the responsibility of the applicant.

7. Any additional development of a parcel with a nonconforming structure will require that all new structures be in conformance with this zoning code.

8. If the use of a nonconforming structure is discontinued for a period of six or more consecutive calendar months, the structure shall lose its nonconforming status, and shall be removed or altered to conform to the provisions of this zoning code. A use of a nonconforming structure shall be considered discontinued when any of the following apply:

- a. The intent of the owner to discontinue use of the nonconforming structure is apparent, as determined by the planning director.
- b. Where characteristic furnishings and equipment associated with the use have been removed and not replaced with equivalent furnishings and equipment during this time, and where normal occupancy and/or use has been discontinued for a period of six or more consecutive calendar months.
- c. Where there are no business receipts available for the six-month period.

C. Nonconforming Uses. A nonconforming use is one which lawfully existed prior to the effective date of this zoning code, but which is no longer permitted in the land use district in which it is located. The continuance of a nonconforming use is subject to the following:

1. Change of ownership, tenancy, or management of a nonconforming use shall not affect its nonconforming status; provided, that the use and intensity of use do not change.
2. If a nonconforming use is discontinued for a period of six or more consecutive calendar months, it shall lose its nonconforming status, and the continued use of the property shall be required to conform with the provisions of this zoning code.
3. Additional development of any property on which a nonconforming use exists shall require that all new uses conform to the provisions of this zoning code.
4. If a nonconforming use is converted to a conforming use, the nonconforming use may not thereafter be resumed.
5. No nonconforming use may be established or replaced by another nonconforming use, nor may any nonconforming use be expanded or changed, except as provided in subsections (C)(6) and (7) of this section.
6. A nonconforming use of a portion of a nonconforming commercial or industrial center or complex may be established or replaced by another similar nonconforming use subject to development plan review approval after a noticed public hearing as specified in CMC 18.15.080, Hearings and appeals, and if all of the following findings are made:
  - a. The nonconforming use is similar to the uses originally allowed in the center or complex.
  - b. The nonconforming use will not adversely affect or be materially detrimental to adjoining properties.

c. The use of the entire center or complex has not been vacant or discontinued for a period of six or more calendar months.

7. Except as further allowed in subsection (C)(8) of this section, an existing nonconforming use or nonconforming structure may be minimally expanded or changed, up to a maximum of 10 percent, subject to development plan review approval, after a noticed public hearing as specified in CMC 18.15.080, and if all of the following findings are made:

- a. Such expansion or change is minimal.
- b. Such expansion or change will not adversely affect or be materially detrimental to adjoining properties.
- c. There is a need for relief of overcrowded conditions or for modernization in order to properly operate the use.
- d. The use is existing and has not been discontinued for a period of six or more calendar months.

8. Existing nonconforming single-family residential structures and uses may be expanded beyond the 10 percent expansion limitation specified in subsection (C)(7) of this section; provided, that the expansion complies with all applicable standards in CMC 18.20.040, Residential development standards, and the city affirmatively finds the criteria specified in subsections (C)(7)(a) through (d) of this section to be satisfied. In addition, if the nonconforming single-family residential structure is located in the city's downtown business district, the application shall be subject to (a) the findings for approval specified in subsection (C)(7) of this section; and (b) development plan review approval by the planning commission following a noticed public hearing. The city's downtown business district is shown on the city's official zoning map and includes all property along Calimesa Boulevard between Sandalwood Drive and County Line Road. Expansions of nonconforming single-family residential structures and uses located outside the city's downtown business district shall not be subject to a noticed public hearing and shall be subject to review and approval by the city's community development director.

D. Abatement of Nonconforming Uses. Nonconforming uses shall be discontinued within the following specified time limits, which such time limit shall commence from the date of written notification by the city to the property owner and any lessee of the nonconforming status of the use:

1. A nonconforming use which does not occupy a structure: five years;
2. The nonconforming use of a conforming structure within any residential land use district: 15 years;
3. The nonconforming use of a conforming structure within any commercial/industrial land use district: 20 years.

The city shall serve written notice by mail of nonconforming status to the property owner in order to trigger the beginning of any amortization period set forth herein. Notwithstanding the time limits within which all other nonconforming uses must be discontinued in accordance with this provision, a residential use in a nonconforming zone district may continue without abatement until such time as the residential use discontinues pursuant to the provisions of subsection (C) of this section.

E. Structure Permits or Certificates of Occupancy Prohibited. When any nonconforming structure or use is no longer allowed pursuant to the provisions of this section, no permit for a structure shall thereafter be issued for further continuance, alteration, or expansion. Any permit issued in error shall not be construed as allowing the continuation of the nonconforming structure or use.

F. Removal of Illegal Nonconforming Structures and Uses. Nothing contained in this section shall be construed or implied so as to allow for the continuation of illegal nonconforming structures and uses. Said structures and uses shall be removed immediately subject to the provisions of CMC 18.15.070, Enforcement, and state law. "Illegal structures and uses" shall mean those structures and uses which did not lawfully exist prior to the effective date of this zoning code and which fail to conform to the present requirements of the land use district or zone district in which they are located.

G. Nonconforming Use – Time Extension. Prior to the expiration of the abatement period provided in subsection (D) of this section, a written request may be made to the city for an extension of said abatement period on such forms as are provided by the community development director. The applicant shall state sufficient facts in said application to show cause why an extension of said abatement period is necessary for the particular nonconforming use so as to enable the planning commission to consider the factors set forth in this section prior to its determination whether to grant the requested extension. Extension requests shall be heard and considered by the planning commission, and the planning commission shall make its determination after considering all pertinent evidence presented.

The community development director shall accept for filing an application for extension of said abatement period only after the applicant has paid to the city a fee, as established by city council resolution, for defraying the costs of processing said application. [Ord. 342 § 3 (Exh. A), 2016; Ord. 328 § 4 (Exh. B), 2014; Ord. 317 § 2, 2011; Ord. 269 § 2, 2007; Ord. 2000-8 § 2; Ord. 95-7 § 2; Code 1990 § 12.10.12.]

#### **18.15.130 Temporary use permits.**

A. Purpose. The temporary use permit allows for uses of private property that are temporary in nature. These provisions place restrictions on the duration of the temporary use, its location, and other development standards. The intent of these regulations is to ensure that the temporary use does not adversely impact the long-term uses of the same or neighboring sites, or impact the general health, safety, and welfare of persons residing within the community. Refer to CMC 18.15.135 for temporary events.

B. Applicability. Except as otherwise provided in this zoning code, the following temporary uses shall require the issuance of a temporary use permit prior to establishment of the use:

1. Real estate offices within approved development projects.
2. Off-site contractors' construction yards in conjunction with an approved development project. As used herein, the phrase "in conjunction with an approved active development project" means only during such period of time as the development project is actively undergoing construction. Upon completion of construction of the development project or expiration of the building permit (whichever occurs first), the off-site construction yard shall be immediately removed.
3. Trailer, coach, or mobile home as a temporary residence of the property owner when a valid residential building permit is in force. The permit may be granted for up to 180 days, or upon expiration of the building permit, whichever occurs first.
4. Christmas tree and pumpkin sale lots.
5. Outdoor display and sales of merchandise within commercial land use districts, limited to two events per calendar year, not exceeding four consecutive days, including only merchandise customarily sold on the premises by a permanently established business.

C. Exempt Temporary Uses. The following temporary uses are exempt from the permit requirements of this section; provided, that they comply with the development standards listed below.

1. Emergency Facilities. Temporary facilities to accommodate emergency public health and safety needs and activities.
2. Construction Yards – On-Site. Yards and sheds for the storage of materials and equipment used as part of a construction project; provided a valid building permit has been issued and the materials and equipment are stored on the same site as the construction activity. Upon completion of construction of the construction project or expiration of the building permit (whichever occurs first), the on-site construction yard shall be immediately removed.
3. Miscellaneous. Activities conducted on public property or within the public right-of-way that are approved by the city or as otherwise required by the municipal code.
4. Christmas tree sale lots when such sales are in conjunction with an established commercial business holding a valid business license; provided such activity shall only be held from November 1st through December 31st.

5. Temporary uses which occur in theaters, meeting halls, or other permanent public assembly facilities which do not overflow outside the enclosed facility. Temporary uses may be subject to additional permits, other city department approvals, licenses, and inspections as required by any applicable laws or regulations.

D. Application. Application for a temporary use permit shall be made in accordance with CMC 18.15.020, Application.

E. Review Authority.

1. Director Review. The planning director shall be the designated approving authority for temporary use permits.

2. Other Review Authority. If an application for a temporary use permit is submitted in conjunction with an application for a discretionary permit described in this chapter, the written determination shall be made by the authority responsible for reviewing the discretionary land use application in compliance with the applicable review procedure for the discretionary review.

F. Findings. A temporary use permit may only be approved if all of the following findings can be made.

1. There are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.

2. There will be adequate provisions for public access to serve the subject proposal.

3. The proposed use is consistent with the general plan.

4. There will not be significant adverse effects upon environmental quality and natural resources.

G. Conditions of Approval. In approving an application for a temporary use permit, the planning director may impose conditions deemed necessary to ensure that the permit will be in accordance with the findings required by subsection (F) of this section. These conditions may involve any pertinent factors affecting the operation of such temporary use, and may include but are not limited to:

1. Provision for a fixed period not to exceed 90 days for a temporary use not occupying a structure, including promotional activities, or one year for all other uses or structures, or for a shorter period of time as determined by the planning director.

2. Provision for temporary parking facilities, including vehicular ingress and egress.

3. Regulation of nuisance factors such as, but not limited to, prevention of glare or direct illumination on adjacent properties, noise, vibration, smoke, dust, dirt, odors, gases, and heat.

4. Regulation of temporary structures and facilities, including placement, height, and size, location of equipment and open spaces, including buffer areas and other yards.

5. Provision for sanitary and medical facilities.

6. Provision for solid, hazardous, and toxic waste collection and disposal.

7. Provision for security and safety measures.

8. Regulation of signs.

9. Regulation of operating hours and days.

10. Submission of a performance bond or other surety devices to ensure that the temporary use location is restored to its original condition and any temporary facilities or structures used will be removed from the site

within a reasonable time following the event. The city shall determine the amount of the bond or other security, and the event sponsor shall post it with the permitting authority.

11. Proof of indemnity or liability insurance naming the city as an additional insured when using city property or public streets.

12. Agreement by the applicant to defend and indemnify the city for any physical injuries, property damages or personal injuries resulting from the approval of the temporary use permit and/or operation of the temporary use authorized by the temporary use permit, when using public property or public streets, in a form satisfactory to the city.

13. Provision for the nontransferability of the temporary use and temporary use permit, including a condition providing that if ownership or occupancy of the property changes, or the temporary use relocates, the existing temporary use permit shall be void and of no effect, and a new permit and review shall be required for the new location and/or property owner.

14. Any other conditions which will ensure the operation of the proposed temporary use in an orderly and efficient manner and in accordance with the intent and purpose of this section.

H. Condition of Site Following Temporary Use. Each site occupied by a temporary use shall be left free of debris, litter, or any other evidence of the temporary use upon completion or removal of the use, and shall thereafter be used pursuant to the provisions of this zoning code.

I. Revocation. The planning director may hold a hearing to revoke or modify a temporary use permit. Fifteen days prior to the hearing a notice shall be delivered in writing to the applicant and/or property owner. A temporary use permit may be revoked or modified by the planning director if any one of the following findings can be made:

1. Circumstances have changed so that one or more of the findings of fact contained in subsection (F) of this section can no longer be made and the permittee has not substantially exercised the rights granted by the temporary use permit.

2. The temporary use permit was obtained by misrepresentation or fraud.

3. One or more of the conditions of the temporary use permit have not been met.

4. The use is in violation of any statute, ordinance, law, or regulation in effect at the time of permit issuance. [Ord. 342 § 3 (Exh. A), 2016; Ord. 328 § 4 (Exh. B), 2014; Ord. 95-7 § 2; Code 1990 § 12.10.13.]

#### **18.15.135 Temporary events.**

A. Purpose. The following provisions highlight the need for the sponsor of temporary events to obtain all required permits and approvals from the city and other agencies to ensure the safety of the public attending the events.

B. Temporary Events Defined. Temporary events are typically one-time events of no more than three days in length (including annual or recurring events). Examples include fairs, carnivals, rodeos, shows, walking/running and/or bicycling events and races, parades, and seasonal sale of agricultural products (e.g., farmer's markets).

C. Temporary Events Prohibited. Any temporary event that allows access by the public into or on a temporary structure on residential property by any person is prohibited. For the purposes of this section, "temporary structure" is any enclosed or unenclosed structure requiring the assembly of materials or parts and erected for a period not to exceed 45 consecutive days. This definition excludes tables, chairs, umbrellas, or inflatable objects.

D. Temporary Event Coordination Required. Unless a temporary event is exempt as defined below, the event sponsor shall contact and obtain any required permits from the following departments and agencies:

1. City of Calimesa building and safety division;

2. City of Calimesa public works/engineering department;

3. Riverside County fire department;
4. Riverside County sheriff's department;
5. Riverside County department of environmental health.

E. Exempt Temporary Events. The following temporary events are exempt from the requirements of this section, unless they require approval from any of the departments or agencies listed in subsection (D) of this section.

1. Temporary facilities to accommodate emergency public health and safety needs and activities.
2. Noncommercial events conducted at private homes (weddings, parties, etc.), which do not involve the construction of temporary structures in the front yard.
3. Yard or garage sales, or holiday displays.
4. Promotional events and grand opening celebrations in established commercial shopping centers that do not interfere with vehicular traffic on public or private streets and driveways, do not disrupt the proper functioning of parking areas, do not involve the outdoor sale of goods and merchandise, and do not exceed three days in duration.
5. Temporary events which occur in theaters, meeting halls, or other permanent public assembly facilities which do not overflow outside the enclosed facility. Temporary events may be subject to additional permits, other city department approvals, licenses, and inspections as required by any applicable laws or regulations.

F. Temporary Event Standards. Temporary events must comply with the following standards:

1. Each temporary event shall be no more than three consecutive days in length.
2. All parking spaces for patrons and guests shall be provided on site where the activity is taking place. On-street or off-site parking may be used in lieu of on-site parking if approved by the city.
3. Vehicular access to the event site shall not create traffic conflicts or congestion on city streets or preclude access to any other private property during the operation of the event.
4. Noise created by the event shall not exceed the levels outlined by the city of Calimesa noise ordinance.
5. The concentration of persons, animals, structures, or vehicles shall not interfere with emergency access.

G. Limitation. The maximum number of temporary events shall be four times in each calendar year at a location, with a minimum of 30 calendar days between each event.

H. Plans. The applicant shall submit plans to the review authority for signs, solid, hazardous and toxic waste collection and disposal; for safety and security measures; and for sanitary and medical facilities.

I. Bond, Insurance and Indemnity.

1. The city may require a sponsor of a temporary event to post a bond or other financial security, in a form satisfactory to the city, to ensure that the event location is restored to its original condition and that the city is fully reimbursed for any unanticipated law enforcement or emergency medical expenses. The city shall determine the amount of the bond or other security, and the event sponsor shall post it with the permitting authority.
2. The city may require that the sponsor of a temporary event show proof of indemnity or liability insurance naming the city as an additional insured when using public property or public streets, and may also require the applicant to agree in writing to defend, indemnify and hold harmless the city from any physical injuries, property damages or personal injuries resulting from or arising out of the operation of the temporary event when using public property or public streets, in a form satisfactory to the city.

J. Condition of Site Following Temporary Use. Each site occupied by a temporary event shall be left free of debris, litter, or any other evidence of the temporary event upon completion or removal of the event, and shall thereafter be used pursuant to the provisions of this zoning code.

K. Nontransferability. A temporary event permit is nontransferable.

L. Additional Conditions. The review authority may impose such other conditions to require that the operation of the temporary event will be carried out in an orderly and efficient manner and in accordance with the intent and purpose of this section.

M. Enforcement. The city may require the immediate closure of any nonexempt event which is operating without the required approvals and/or permits from the city or any other public agency or does not meet the standards of this section. The city may also pursue any other civil or criminal remedy available under CMC 18.15.070 and any other provision of this code or state or federal law to remedy any violation of this section or any approval issued pursuant to this section. [Ord. 342 § 3 (Exh. A), 2016.]

#### **18.15.140 Variances.**

A. Purpose. These provisions shall ensure the following:

1. Variances from the terms of this zoning code shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of this zoning code deprives such property of privileges enjoyed by other property in the vicinity and under identical land use district classification.
2. Any variance granted shall be subject to such conditions as will ensure that the adjustment thereby authorized shall not constitute a grant of special privilege(s) inconsistent with the limitations upon other properties in the vicinity and land use district in which such property is situated.
3. The power to grant variances does not extend to use regulations. Flexibility in use regulations is provided in the conditional use permit provisions of this zoning code.

B. Application. Application for a variance shall be filed in a manner consistent with the requirements contained in CMC 18.15.020, Application.

C. Applicability. The planning commission may grant a variance from the requirements of this zoning code governing only as to the following:

1. Permit the modification of the dimensional standards of the following:
  - a. Lot area;
  - b. Lot coverage;
  - c. Lot dimensions;
  - d. Setbacks;
  - e. Structure heights.
2. Permit the modification of sign regulations.
3. Permit the modification of the number and dimensions of parking areas or loading space requirements.

D. Hearings and Notice. Upon receipt in proper form of a variance application, a public hearing shall be set and notice of such hearing given in a manner consistent with CMC 18.15.080, Hearings and appeals.

E. Findings. Following a public hearing, the commission shall record the decision in writing and shall recite therein the findings upon which such decision is based, pursuant to Section 65906 of the Government Code. The

commission may approve and/or modify an application in whole or in part, with or without conditions, only if all of the following findings are made:

1. There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, such that the strict application of this zoning code deprives such property of privileges enjoyed by other property in the vicinity and under identical land use district classification.
2. Granting the variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and land use district and denied to the property for which the variance is sought.
3. Granting the variance will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located.
4. Granting the variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and land use district in which such property is located.
5. Granting the variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel.
6. Granting the variance will not be inconsistent with the general plan.

F. No Precedents. The granting of a prior variance shall have no precedential value in the city's consideration of a new variance application on the same property or any other property in the city, and shall not be admissible evidence when considering an application for the granting of a new variance on the same or different property in the city.

G. Burden of Proof. The burden of proof to establish the evidence in support of the findings, as required by subsection (E) of this section, is the responsibility of the applicant.

H. Expiration and Automatic Extensions.

1. Expiration. Except as provided in subsection (H)(2), (H)(3) or (H)(4) of this section, a variance shall be used within one year from the date of approval, or the variance shall become null and void. The term "used" shall mean the beginning of substantial construction of the use that is authorized, which construction must thereafter be pursued diligently to completion, or the actual occupancy of existing buildings or land under the terms of the authorized use.
2. First Automatic Extension – 2009. The expiration date of all variance approvals that have either not expired by October 9, 2009, or that are subsequently approved prior to January 1, 2012, shall be automatically extended by 24 months. This automatic extension provision shall not apply to any variance approval that is granted on or after January 1, 2012.
3. Second Automatic Extension – 2011. The expiration date of all variance approvals that have either not expired by October 9, 2011, or that are subsequently approved prior to January 1, 2014, shall be automatically extended by 24 months. This automatic extension provision shall not apply to any variance approval that is granted on or after January 1, 2014.
4. Third Automatic Extension – 2013. Except as provided in this subsection (H)(4), the expiration date of variances that were approved on or after January 1, 2000, and that have not expired on or before July 1, 2013, shall be automatically extended by 24 months. This automatic extension provision shall not apply to any variance that is granted on or after July 11, 2013. This automatic extension shall also not apply to any variance if the use or development for which the variance was granted had ceased or was suspended for more than one year.
5. Fourth Automatic Extension – 2020. Except as provided in this subsection (H)(5), the expiration date of all variance approvals that have either not expired by June 15, 2020, or that are subsequently approved prior to January 1, 2021, shall be automatically extended by 12 months. This automatic extension provision shall not apply to any variance approval that is granted on or after January 1, 2021.

I. Time Extension. The commission may, upon an application being filed 30 days prior to expiration and for good cause, grant a one-time extension not to exceed 12 months. Upon granting of an extension, the commission shall ensure that the variance complies with all current zoning code provisions.

J. Use of Property Before Final Decision. No permit shall be issued for any use involved in an application for approval of a variance until, and unless, the same shall have become final, pursuant to CMC 18.15.080(F), Effective Date of Decision.

K. Revocation. The commission may hold a public hearing to revoke or modify a variance granted pursuant to the provisions of this section. Ten days prior to the public hearing, notice shall be delivered in writing to the applicant and/or owner of the property for which such variance was granted.

A variance may be revoked or modified by the commission if any one of the following findings can be made:

1. Circumstances have changed so that one or more of the findings contained in subsection (E) of this section can no longer be made, and the grantee has not substantially exercised the rights granted by the variance.
2. The variance was obtained by misrepresentation or fraud.
3. The improvement authorized pursuant to the variance had ceased or was suspended for six or more consecutive calendar months.
4. One or more of the conditions of the variance have not been met, and the grantee has not substantially exercised the rights granted by the variance.
5. The improvement authorized pursuant to the variance is in violation of any statute, ordinance, law, or regulation in effect at the time of approval of the variance.
6. The improvement permitted by the variance is detrimental to the public health, safety, or welfare or constitutes a nuisance.

L. Appeals. Appeal of the written determination shall be made in accordance with CMC 18.15.080, Hearings and appeals. [Ord. 372-U § 4, 2020; Ord. 342 § 3 (Exh. A), 2016; Ord. 328 § 4 (Exh. B), 2014; Ord. 318 § 4, 2011; Ord. 293 § 5, 2009; Ord. 95-7 § 2; Code 1990 § 12.10.14.]

**18.15.150 Zone change.**

A. General. Whenever the public necessity, convenience, general welfare, good zoning practice, or the policies set forth in the general plan justify such action, this zoning code may be amended by changing the boundaries of zone districts.

Zone changes may be initiated by the city council, the planning commission, or by application of the property owner or other person having a legal or equitable interest in the property that is the subject of the zone change or by that person's authorized agent.

B. Application. Application for a zone change shall be filed in a manner consistent with the requirements contained in CMC 18.15.020, Application.

C. Hearings and Notice. Upon receipt in proper form of a zone change application, or upon direction of the planning commission or city council, and following department review, hearings shall be set before the commission and city council. Notice of the hearings shall be given pursuant to the requirements of CMC 18.15.080, Hearings and appeals.

D. Planning Commission Action. The planning commission shall hold at least one public hearing and shall make a recommendation of approval, denial, or modified approval to the city council. A recommendation of approval or modified approval shall be based on the findings in subsection (F) of this section.

E. City Council Action.

1. Upon receipt of the recommendation of the commission for approval, the city council shall hold a public hearing. If the commission has recommended against adoption of such amendment, the city council shall not be required to take any further action thereon unless the applicant files a written appeal with the city clerk within five days after the commission files its recommendations with the city council.
2. Notice of time and place of hearing shall be given pursuant to CMC 18.15.080, Hearings and appeals.
3. The city council may approve, modify, or deny the recommendation of the commission; provided, that any modification of the proposed change of zone by the city council shall first be referred to the commission for report and recommendation, but the commission shall not be required to hold a public hearing thereon.
4. Failure of the commission to report within 40 days after the referral, or such longer period as may be designated by the city council, shall be deemed to be approval of the proposed modification.

F. Findings. A zone change may be adopted only if the following findings are made:

1. The proposed zone change is consistent with the general plan or any amendment approved concurrently with the zone change;
2. The proposed zone change would not be detrimental to the public interest, health, safety, convenience, or welfare of the city;
3. The proposed zone change would not affect the surrounding area or community in general;
4. The proposed zone change is in conformance with the purpose of this section and with all applicable, officially adopted policies and plans; and
5. Adequate public facilities, including but not limited to sewer and water lines, utilities, drainage facilities, police and fire protection, vehicular circulation, and school facilities, will be available to serve the area affected by the proposed zone change when development occurs.

G. Rezoning. An unincorporated area may be rezoned to determine the zoning that will apply in the event of subsequent annexation to the city. Procedures for initiation are the same as for property rezoning.

H. Interim Zoning.

1. Without following the procedures otherwise required prior to the adoption of a zoning ordinance, the city council, to protect the public safety, health, and welfare, may adopt as an urgency measure an interim ordinance prohibiting any uses which may be in conflict with a contemplated general plan, specific plan, or zoning proposal which the city council, planning commission, or planning department is considering or studying or intends to study within a reasonable time. Such urgency measure shall require four-fifths vote of the city council for adoption. Such interim ordinance shall be of no further force and effect 45 days from the date of adoption; provided, however, that after notice pursuant to Government Code Section 65090 and public hearing, the city council may extend the interim ordinance for 10 months and 15 days and subsequently extend the interim ordinance for one year. Any extension shall also require a four-fifths vote for adoption. Not more than two extensions may be adopted.
2. Alternatively, an interim ordinance may be adopted by a four-fifths vote following notice pursuant to Government Code Section 65090 and public hearing, in which case it shall be of no further force and effect 45 days from its date of adoption. After notice pursuant to Section 65090 and public hearing, the city council may by a four-fifths vote extend the interim ordinance for 22 months and 15 days.
3. The city council shall not adopt or extend any interim ordinance pursuant to this section unless the ordinance contains a finding that there is a current and immediate threat to the public health, safety, or welfare and that the approval of additional subdivisions, use permits, variances, building permits, or any other applicable entitlement for use which is required in order to comply with a zoning ordinance would result in a threat to public health, safety, or welfare.

4. Ten days prior to the expiration of an interim ordinance or any extension, the city council shall issue a written report describing the measures taken to alleviate the condition which led to the adoption of the ordinance.

5. When an interim ordinance has been adopted, every subsequent ordinance adopted pursuant to this section, covering the whole or a part of the same property, shall automatically terminate and be of no further force or effect upon the termination of the first interim ordinance or any extension of the ordinance as provided in this section. [Ord. 342 § 3 (Exh. A), 2016; Ord. 328 § 4 (Exh. B), 2014; Ord. 95-7 § 2; Code 1990 § 12.10.15.]

**18.15.160 Reasonable accommodation.**

A. Purpose and Intent. This section provides a procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the federal Fair Housing Act and the California Fair Employment and Housing Act (together, the acts) in the application of zoning laws and other land use regulations, policies, and procedures.

B. Applicability.

1. A request for reasonable accommodation may be made by any person with a disability, their representative, or any entity, when the application of a requirement of this zoning code or other city requirement, policy, or practice acts as a barrier to fair housing opportunities. For purposes of this section, a “person with disability” shall be as defined in the acts.

2. A request for reasonable accommodation may include a modification or exception to the rules, standards, and practices for the siting, development, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

3. A reasonable accommodation is granted to the household that needs the accommodation and does not apply to successors in interest to the site.

4. A reasonable accommodation may be granted in compliance with this section without the need for the approval of a variance.

C. Procedure.

1. Applicant. A request for reasonable accommodation may be made by any person with a disability, their representative, or a developer or provider of housing for individuals with a disability. A reasonable accommodation may be approved only for the benefit of one or more individuals with a disability.

2. Application. An application for a reasonable accommodation from a zoning regulation, policy, or practice shall be made on a form specified by the planning director or their/his/her designee. No fee shall be required for a request for reasonable accommodation, but if the project requires another discretionary permit, then the prescribed fee shall be paid for all other discretionary permits.

3. Other discretionary permits. If the project for which the request for reasonable accommodation is made requires another discretionary permit or approval, then the applicant may file the request for reasonable accommodation together with the application for the other discretionary permit or approval. The processing procedures of the discretionary permit shall govern the joint processing of both the reasonable accommodation and the discretionary permit. A variance is not required for the reasonable accommodation, however, if the project includes a separate request to deviate from city standards unrelated to the accommodation, a variance application may be required.

4. Required submittals. In addition to materials required under other applicable provisions of this code, an application for reasonable accommodation shall include the following:

a. Documentation that the applicant is:

i. An individual with a disability;

ii. Applying on behalf of one or more individuals with a disability;

iii. A developer or provider of housing for one or more individuals with a disability;

iv. The specific exception or modification to the zoning code provision, policy, or practices requested by the applicant;

b. Documentation that the specific exception or modification requested by the applicant is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy the residence; and

c. Any other information that the director reasonably concludes is necessary to determine whether the findings required by this section to approve a reasonable accommodation, so long as any request for information regarding the disability of the individuals benefited complies with fair housing law protections and the privacy rights of the individuals affected.

~~1. Application. A request for reasonable accommodation shall be submitted on an application form provided by the planning department., consistent with applicable law~~

~~2. Review with Other Land Use Applications. If the project for which the request for reasonable accommodation is being made also requires some other discretionary approval, the applicant shall file the information required for application of the reasonable accommodation for concurrent review with the application for discretionary approval.~~

#### D. Review Authority.

1. Director. The community development director, or theirhis/her designee, is hereby designated to grant, grant with modification, or deny a request for reasonable accommodation.

2. Other Review Authority. A request for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the authority reviewing the discretionary land use application.

#### E. Review.

1. Director Review. The community development director, or theirhis/her designee, shall make a written determination within 45-30 days of the application being deemed complete and either grant, grant with modification, or deny a request for reasonable accommodation. The written determination shall set forth applicable findings and any conditions of approval. A notice of the written determination and any conditions of approval shall be mailed to the applicant at the address shown on the application.

2. Other Review Authority. The written determination on whether to grant, grant with modification, or deny the request for reasonable accommodation shall be made by the authority responsible for reviewing the concurrent discretionary land use application in compliance with the applicable review procedure for the discretionary review. The written determination shall set forth applicable findings and any conditions of approval. A notice of the written determination and any conditions of approval shall be mailed to the applicant at the address shown on the application.

F. Findings. The written decision to grant, grant with modification, or deny a request for reasonable accommodation will be consistent with the acts and shall be based on the following findings, all of which are required for approval:

1. The accommodation is requested by or on behalf of one or more persons considered disabled under the acts.
2. The requested accommodation is necessary to provide one or more individuals considered disabled under the acts an equal opportunity to use and enjoy a residence.
3. The requested accommodation will not impose an undue financial or administrative burden on the city.

4. The requested accommodation will not require a fundamental alteration in the nature of a city program or law as "fundamental alteration" is defined in fair housing laws and interpretive case law, including but not limited to land use and zoning.

5. The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.

#### G. Considerations.

1. In determining whether the requested accommodation is necessary to provide one or more disabled persons an equal opportunity to use and enjoy a residence, pursuant to subsection (F)(2) of this section, the city may consider, but not be limited to, the following factors:

- a. Whether the requested accommodation will affirmatively enhance the quality of life of one or more individuals considered disabled under the acts.
- b. Whether the individual(s) with a disability will be denied an equal opportunity to enjoy the housing type of their choice absent the accommodation.
- c. Whether the requested accommodation is necessary to make facilities of a similar nature or operation economically viable in light of the particularities of the relevant market and market participants.
- d. Whether the existing supply of facilities of a similar nature and operation in the community is sufficient to provide individuals with a disability an equal opportunity to live in the city.
- e. Whether other reasonable accommodations are available that may provide an equivalent level of benefit.

2. In determining whether the requested accommodation would require a fundamental alteration in the nature of a city program or law, pursuant to subsection (F)(4) of this section, the city may consider, but not be limited to, the following factors:

~~a. Whether the requested accommodation would fundamentally alter the character of the neighborhood.~~

~~ba.~~ Whether the requested accommodation would result in a substantial increase in traffic or insufficient parking.

~~eb.~~ Whether granting the requested accommodation would substantially undermine any express purpose of either the city's general plan or an applicable specific plan or other similar regulatory document.

~~d. Whether the requested accommodation would create an institutionalized environment due to the number of and distance between facilities that are similar in nature or operation.~~

H. Conditions of Approval. In granting a request for reasonable accommodation, the review authority may impose any reasonable conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings.

#### I. Expiration and Extension.

1. Expiration. Any reasonable accommodation approved in accordance with the terms of this section shall expire 12 months from the effective date of approval, or at an alternative time specified as a condition of approval, unless:

- a. A building permit has been issued and substantial construction has commenced, which construction must thereafter be pursued diligently to completion; or
- b. A certificate of occupancy has been issued; or
- c. The right granted by the accommodation has been exercised; or

d. A time extension has been granted in accordance with subsection (I)(2) of this section.

2. Extension. The applicant may, at least 30 days prior to expiration of the approved reasonable accommodation permit, request an extension of time in which to use the permit. The request for extension of time shall be made to the planning department on a form provided by the planning department and shall be accompanied by the fee set forth by resolution of the city council. The review authority responsible for approval of the request for accommodation shall review the request for extension. The review authority may grant an extension of up to 12 months, based upon a determination that a valid reason exists for the permit not being used within the required period of time. Multiple extensions are allowed; however, the total time granted under extension(s) for the use of the reasonable accommodation shall not exceed a period of three years, calculated from the date of permit approval.

J. Revisions and Modifications. A request for changes in the conditions of approval of a reasonable accommodation, or changes to plans that would affect a condition of approval, shall be treated as a new application. The planning director may waive the requirement for a new application if the changes are minor, do not involve substantial alterations or additions to the plan or the conditions of approval, and are consistent with the intent of the original approval.

K. Discontinuance. If the disabled person(s) for whom the reasonable accommodation was originally granted vacates the residence, or if the planning director finds that the accommodation is no longer necessary for the use and enjoyment of the residence pursuant to subsection (F)(2) of this section, the previously approved reasonable accommodation shall be discontinued. Should the accommodation be necessary to give another disabled individual an equal opportunity to enjoy the residence, separate application shall be made in accordance with this section.

L. Rules While Decision Is Pending. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

M. Appeals. Appeal of the written determination shall be made in accordance with CMC 18.15.080, Hearings and appeals. [Ord. 342 § 3 (Exh. A), 2016; Ord. 328 § 4 (Exh. B), 2014.]

**18.15.170 Zoning clearance.**

A. Purpose. The purpose of the zoning clearance process is to ensure that all new and modified uses and structures comply with applicable provisions of this zoning code, using administrative procedures.

B. Applicability. Zoning clearance shall be conducted by the planning director as part of the building permit or other city application review. Zoning clearance is required for the following actions:

1. All structures that require a building permit.
2. Signs, in accordance with Chapter 18.50 CMC, Sign Regulations.
3. Business licenses.
4. All planning entitlement and permit approvals to ensure compliance with applicable conditions of approval.
5. All other city applications that may be subject to the provisions of this zoning code, including but not limited to tree removal, encroachment, and grading and improvement plans.

C. Application. No separate application form is necessary for zoning clearance.

D. Approving Authority and Procedure. The planning director shall be the designated approving authority for zoning clearance. The procedures shall be established by the planning director.

E. Notice and Hearing. Public notice and public hearing are not required for zoning clearance.

F. Appeals. Appeals shall be made in accordance with CMC 18.15.080, Hearings and appeals. [Ord. 342 § 3 (Exh. A), 2016.]

**18.15.180 Determination of similar use.**

A. Purpose. To provide a method whereby an applicant can propose a use not listed or expressly authorized as a permitted use or as a conditional use by the regulations of this zoning code.

B. Applicability. When a property owner, or applicant, proposes or contemplates a use of property not expressly authorized as a permitted use or as a conditional use by the regulations of the applicable zone district or districts, he/she may apply for a determination of similar use in accordance with the procedures set out in this section.

C. Application. Application for a determination of similar use shall be made in accordance with CMC 18.15.020, Application.

D. Review Authority.

1. Director Review. The planning director shall be the designated approving authority for determination of similar use.

2. Other Review Authority. If an application for determination of similar use is submitted in conjunction with an application for a discretionary permit described in this chapter, the written determination shall be made by the authority responsible for reviewing the discretionary land use application in compliance with the applicable review procedure for the discretionary review.

E. Findings. In making a determination, the review authority shall determine that a proposed or contemplated use is similar to a use or uses expressly authorized in the applicable zone district or districts if the proposed or contemplated use meets all of the following criteria:

1. The use resembles or is of the same basic nature as a use or uses expressly authorized in the applicable zone district or districts in terms of the following:

a. The activities involved in or equipment or materials employed in the use.

b. The effects of the use on the surrounding area, such as traffic impacts, noise, dust, odors, vibrations, and appearance.

2. The use is consistent with the stated purpose of the applicable zone district or districts.

F. Appeals. Appeals shall be made in accordance with CMC 18.15.080, Hearings and appeals.

G. Updates to Zoning Code. The planning director, at least once per year, shall forward to the city clerk a list of uses added in accordance with this section for addition to the zoning code. [Ord. 342 § 3 (Exh. A), 2016.]

**18.15.190 Specific plan.**

A. Purpose. The purpose of a specific plan is to provide a vehicle for implementing the city's general plan on an area-specific basis. The specific plan is intended to serve as a regulatory document, consistent with the general plan. In the event there is an inconsistency or conflict between an adopted specific plan and comparable provisions of this title, the specific plan shall prevail. This section is consistent with California Government Code Section 65450 et seq. This section describes the process for adopting and amending specific plans, and for approving subsequent development under a specific plan.

B. Applicability. Specific plan zoning may be considered for any area of the city.

C. Review Authority and Process. The designated review authority for specific plans is the city council. Review of an application for a specific plan or amendment thereto shall be in accordance with CMC 18.15.060, Zoning code amendments.

D. Application. In addition to the minimum content requirements of California Government Code Section 65451, the specific plan application shall be made in accordance with CMC 18.15.020, Application.

E. Public Hearing and Notice. Public hearing and notice are required for a specific plan pursuant to CMC 18.15.080, Hearings and appeals.

F. Approval Findings. Specific plans and any amendment thereto shall be approved only when the city council makes all of the following findings:

1. The proposed specific plan is consistent with the general plan goals, policies, and implementation programs.
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the city.

G. Adoption. Adoption of the specific plan shall be by ordinance of the city council, which shall constitute final action and approval of the specific plan. Authorization for construction in accordance with the specific plan may only be granted after the effective date of the adoption.

H. Delineation of Specific Plan Areas. On the zoning map, a specific plan zone district shall be delineated in a manner similar to that of any other zone district, except that each specific plan-zoned area shall also bear a number, text, or other symbol which distinguishes it from other specific plan areas.

I. Specific Plan Zones and Zoning Map Designations. The city has adopted the following specific plans which are designated on the city's zoning map as set forth herein.

1. Summerwind Ranch. The Summerwind Ranch Specific Plan was approved in January 2005, and subsequently amended in November 2020, in September 2022, and April 2024. As amended, the project includes 2,590.1 acres approved for development of up to 4,009 dwelling units, as well as commercial, business park, open space, recreation, and public facility uses.
2. Mesa Verde Estates. The Mesa Verde Estates Specific Plan was approved in February 2007 and includes 1,493 acres approved for development of up to 3,850 dwelling units, as well as mixed use, open space, recreation, and public facility uses.
3. Heritage Oaks Equestrian Community Specific Plan. The Heritage Oaks Equestrian Community Specific Plan was approved in May 2007, and includes 54 acres approved for development of 45 single-family homes. [Ord. 398 § 7, 2024; Ord. 342 § 3 (Exh. A), 2016.]

## Chapter 18.20

### RESIDENTIAL ZONE DISTRICTS

Sections:

- 18.20.010 General purpose.
- 18.20.020 Residential zone districts.
- 18.20.030 Use regulations for residential districts.
- 18.20.040 Residential development standards.
- 18.20.050 Specific development standards for residential districts.
- 18.20.060 Design and neighborhood compatibility standards.

Prior legislation: Code 1990 § 12.3.07.

#### **18.20.010 General purpose.**

The purpose of the residential zone districts is to provide a range of housing intensities for people of different income levels in Calimesa, as well as other limited land uses appropriate for a residential setting, consistent with the general plan, and to establish appropriate standards to protect the public health, safety, welfare, and aesthetics. The districts described in this chapter are created in order for the following to be achieved:

- A. Ensure adequate light, air, privacy, and open space for each dwelling.
- B. Protect residential uses from excessive noise, illumination, unsightliness, odor, smoke, and other objectionable influences.
- C. Facilitate the provision of utility services and other public facilities commensurate with the anticipated increase in population, dwelling unit densities, and service requirements.
- D. Facilitate the establishment and operation of other small uses appropriate for placement in a residential setting. [Ord. 342 § 3 (Exh. A), 2016; Ord. 328 § 5 (Exh. C), 2014; Ord. 285 § 4, 2009; Ord. 95-7 § 2; Code 1990 § 12.3.01.]

#### **18.20.020 Residential zone districts.**

- A. Open Space Residential (O-S-R) Zone. The zone is intended to preserve open space while allowing for limited detached single-family development. The terrain in this zone is unsuitable for a higher density due to steep slopes limiting sound pad areas on which to build. The minimum lot size in this zone is 10 acres.
- B. Residential Estate (R-E) Zone. The zone is intended to provide for the development of single-family detached homes, and buildings and structures related to agriculture, farm use, animal keeping, and equestrian uses. The minimum lot size in this zone is five acres.
- C. Rural Residential (R-R) Zone. The zone is intended to provide for the development of single-family detached dwellings and related agricultural uses on rural-sized lots and for such accessory uses as are related, incidental, and not detrimental to the rural residential environment. No more than two single-family dwellings per gross acre are permitted. The minimum lot size for this zone is 20,000 square feet.
- D. Residential Low (R-L) Zone. The zone is intended to provide for and protect the atmosphere and lifestyle associated with detached, single-family residential neighborhoods. No more than four dwellings per gross acre are permitted. The minimum lot size for this zone is 7,200 square feet.
- E. Residential Low/Medium (R-L-M) Zone. The zone is intended to provide for the development of small-lot single-family detached dwellings. No more than seven dwellings per gross acre are permitted. The minimum lot size for this zone is 6,000 square feet.
- F. Residential Medium (R-M) Zone. The zone is intended to provide for the development of higher-density housing types. Included housing types are single-family detached, single-family attached, and multifamily homes such as

duplexes, condominiums, townhouses, apartments, and senior citizen housing developments. This zone is situated in areas served adequately by infrastructure, allowing a maximum of 14 dwellings per gross acre. The minimum lot size is 6,000 square feet.

G. Residential High (R-H) Zone. The zone is intended to provide housing opportunities for people of low and moderate incomes in the form of attached or apartment-like living accommodations. The minimum lot area is 6,000 square feet, with a maximum of 20 dwelling units per gross acre.

H. Residential Infill Priority Area Overlay (RIPAOZ) Zone. The purpose of this chapter is to establish the residential infill priority area overlay zone (RIPAOZ) to encourage residential infill development at a higher density than the underlying zoning designation established by this chapter. The RIPAOZ identifies areas where residential infill development is encouraged; permits a flexible approach to providing affordable housing; aims to increase the variety of housing options in existing residential neighborhoods; fosters well-planned, compact developments keeping with the character of the existing neighborhood; promotes efficiency in the utilization of existing infrastructure and services; facilitates integrated physical design; promotes a high level of design quality; facilitates development proposals responsive to current and future market conditions; and provides safe vehicular circulation patterns for residents and safety/service providers.

1. When RIPAOZ overlay zone parcels are located on properties that permit mixed uses in the base zone, the overlay shall permit 100 percent residential use and require residential use to occupy at least 50 percent of the total floor area of a mixed-use project. No minimum percentage of nonresidential use shall be required.

2. Special Procedures for Projects With at Least 20 Percent Affordable Units. Notwithstanding any other provision of this section, owner-occupied and rental multifamily residential developments in the RIPAOZ that are located on a site that is identified as a candidate site in the Calimesa sixth cycle housing element (2021-2029) shall comply with the following provisions:

a. Notwithstanding the other provisions of this section, and in accordance with California Government Code Section 65583.2(c), as may be amended, a housing development project in which at least 20 percent of the units are affordable to lower-income households shall be a use by right on the following sites:

i. Nonvacant Sites. A nonvacant site that meets the following requirements:

(A) The site is designated in the sites inventory of the 2021-2029 housing element update as accommodating a portion of the regional housing need for lower-income households;

(B) The site was included in the sites inventory in a housing element for a prior housing element planning period; and

(C) The site was not approved to develop a portion of the city's housing need during the previous planning period when the site was in the sites inventory.

i. Vacant Sites. A vacant site that meets the following requirements:

(A) The site is designated in the sites inventory of the 2021-2029 housing element update as accommodating a portion of the regional housing need for lower-income households;

(B) The site was included in the sites inventory in a housing element for two or more consecutive prior housing element planning periods; and

(C) The site was not approved to develop a portion of the city's housing need during the previous planning periods when the site was in the sites inventory.

b. The projects described in subsection (H)(2)(a) of this section shall not be required to obtain any discretionary permit but shall be subject to the review procedures in this section, except that neither the design review nor the site approval shall be considered a "project" for purposes of the California Environmental Quality Act.

c. For purposes of this subsection, the following terms have the following meanings:

i. “Affordable to lower-income households” means that:

(A) The units shall only be rented or sold to lower-income households, as defined in California Health and Safety Code Section 50079.5;

(B) Regardless of whether the applicant is seeking a density bonus, the applicant shall comply with the requirements in Government Code Section 65915(c)(1) for rental units and with the requirements in California Government Code Section 65915(c)(2) for for-sale units.

ii. “Housing development project” shall have the meaning given in California Government Code Section 65589.5(h)(2).

iii. “Sites inventory” means the inventory of sites in the city suitable for residential development that is included in the city’s housing element, as further described in California Government Code Section 65583.2. The sites inventory in the city’s 2021-2029 housing element update is in Tables B-6 and B-7 of the housing element.

iv. “Use by right” means that the project shall not require a conditional use permit, planned unit development permit, or other discretionary review or approval that would constitute a “project” for purposes of the California Environmental Quality Act. However, any subdivision of the site shall be subject to all laws including, but not limited to, the Subdivision Map Act and CMC Title 16 of this code. Projects that are a use by right shall be subject to design review, but such design review shall not constitute a “project” for purposes of the California Environmental Quality Act.

d. Pursuant to California Government Code 65583.2, subdivisions (h) and (i), overlay zone sites to accommodate the city’s shortfall in satisfying the 2021-2029 lower income regional housing needs assessment allocation shall require the following additional provisions:

i. Development shall permit the accommodation of a minimum of 16 units per site.

ii. Require a minimum density of 20 units per acre.

3. In cases where the base zone permits residential uses, the following provisions shall apply to the base zone:

a. When more restrictive standards are present in the RIPAOZ overlay than the base zone, the base zone standards shall prevail.

b. If minimum density standards in the base zone are less than the RIPAOZ overlay, then the RIPAOZ standards shall prevail. [Ord. 399 § 6, 2024; Ord. 394 § 7, 2023; Ord. 393 § 7, 2023; Ord. 392 § 7, 2023; Ord. 342 § 3 (Exh. A), 2016; Ord. 328 § 5 (Exh. C), 2014; Ord. 95-7 § 2; Code 1990 § 12.3.02.]

**18.20.030 Use regulations for residential districts.**

Table 18.20.030 provides a list of those uses in the residential zone districts which are permitted (P), subject to a conditional use permit (C), or prohibited (X). A minor development plan or major development plan may be required in accordance with Chapter 18.90 CMC, Development Plan Review.

**Table 18.20.030 – Uses Permitted Within Residential Districts**

Use	O-S-R	R-E	R-R	R-L	R-L-M	R-M	R-H	RIPAOZ Area 1	RIPAOZ Area 2
A. Residential Uses									

Use	O-S-R	R-E	R-R	R-L	R-L-M	R-M	R-H	RIPAOZ Area 1	RIPAOZ Area 2
Accessory dwelling unit <sup>e</sup>	P	P	P	P	P	P	P	P	P
Bed and breakfast inn <sup>a</sup>	C	C	C	C	C	C	C	C	C
Boarding house	X	X	X	X	X	X	C	X	X
Community care facility									
• Six or fewer persons <sup>f</sup>	P	P	P	P	P	P	P	P	P
• Seven or more persons <sup>f</sup>	<del>P</del> X	<del>X</del> P	<del>X</del> P	<del>X</del> P	<del>X</del> P	<del>C</del> P	<del>C</del> P	<del>C</del> P	<del>C</del> P
Convalescent care facility	X	X	X	X	X	C	C	C	C
Day care facility									
• Six or fewer children <sup>b</sup>	P	P	P	P	P	P	P	P	P
• Seven or more children <sup>b</sup>	P	P	P	P	P	P	P	P	P
<u>Employee Housing<sup>g</sup></u>									
• Six or fewer employees	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del> P
• Employee housing consisting of no more than 36 units or spaces designated for use by a single family or household <sup>h</sup> 12 units or 36 beds	<del>C</del>	<del>C</del>	<del>C</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>
Guest house <sup>c</sup>	P	P	P	P	P	P	P	P	P
Junior accessory dwelling unit <sup>a</sup>	P	P	P	P	P	P	P	P	P
Manufactured housing	P	P	P	P	P	P	P	P	P
Mobile home park	X	X	X	X	X	X	X	X	X
Multifamily dwellings (apartments) <sup>d</sup>	X	X	X	X	X	P	P	X	P <sup>p</sup>
Senate Bill 9 development project <sup>o</sup>	X	X	X	P	P	X	X		
Senior congregate care housing	X	X	X	X	X	C	C	C	C
Single-family attached (duplex, triplex, fourplex, townhouses, condominiums) <sup>d</sup>	X	X	X	X	X	P	P	P	P <sup>p</sup>
Single-family detached <sup>d</sup>	P	P	P	P	P	P	P	P	P <sup>p</sup>
<b>B. Equestrian Uses</b>									
Riding academy	C	C	C	X	X	X	X	X	X
Rodeo arena	X	C	C	X	X	X	X	X	X
Stables, private	P	P	P	X	X	X	X	X	X

Use	O-S-R	R-E	R-R	R-L	R-L-M	R-M	R-H	RIPAOZ Area 1	RIPAOZ Area 2
Stables, commercial	C	C	C	X	X	X	X	X	X
<b>C. Agricultural Uses</b>	C	C	C	X	X	X	X	X	X
<b>D. Commercial Uses</b>									
Hair stylist <sup>f</sup>	X	X	P	P	X	X	X	P	P
Feed and grain sales	X	X	C	X	X	X	X	X	X
Fruit and vegetable processing	X	X	C	X	X	X	X	X	X
Nursery and incidental garden supply	X	X	C	X	X	X	X	X	X
Produce market	X	X	C	X	X	X	X	X	X
Display and sale of agricultural products <sup>g</sup>	X	X	C	X	X	X	X	X	X
<b>E. Public/Quasi-Public Uses</b>									
Cemeteries, columbariums, mausoleums (including pet cemeteries)	X	X	C	X	X	X	X	X	X
Churches and other religious institutions	C	C	C	C	C	C	C	C	C
Educational institutions (public and private schools, not including vocational schools): <sup>h</sup>									
a. Small (25 or fewer students) on sites with existing assembly uses and adequate off-street parking	P	P	P	P	P	P	P	P	P
b. Large (26 or more students)	C	C	C	C	C	C	C	C	C
Fire and police stations	X	X	C	C	C	C	C	C	C
Meeting places of nonprofit civic groups, community organizations, clubs and lodge halls	X	X	X	X	X	C	C	C	C
Public libraries and museums	X	X	C	C	C	C	C	C	C
Public utility and public service substations, reservoirs, pumping plants and similar installations, not including public utility offices	C	C	C	C	C	C	C	C	C
<b>F. Recreational Uses</b>									
Archery ranges	C	X	X	X	X	X	X	X	X

Use	O-S-R	R-E	R-R	R-L	R-L-M	R-M	R-H	RIPAOZ Area 1	RIPAOZ Area 2
Fishing lakes (commercial and noncommercial)	C	X	X	X	X	X	X	X	X
Golf courses and customary appurtenant facilities, including clubhouses, restaurants and retail shops, except driving ranges and miniature golf courses	C	C	C	X	X	X	X	X	X
Parks	P	P	P	P	P	P	P	P	P
Picnic grounds for day use only	P	X	X	X	X	X	X	X	X
<b>G. Accessory Uses</b>									
Antennas, satellite dishes	P	P	P	P	P	P	P	P	P
Garages	P	P	P	P	P	P	P	P	P
Other accessory uses and structures located on the same site as a permitted use	P	P	P	P	P	P	P	P	P
Other accessory uses and structures located on the same site as a use subject to a conditional use permit	C	C	C	C	C	C	C	C	C
Permanent outdoor storage within parking lot areas	X	X	X	X	X	X	X	X	X
<b>H. Home Occupations</b>	Subject to the provisions of CMC 18.15.090, Home occupation permits								
<b>I. Temporary Uses</b>	Subject to the provisions of CMC 18.15.130, Temporary use permits								
<b>J. Other</b>									
Apiary <sup>i</sup>	P	X	X	X	X	X	X	X	X
Camp	C	X	X	X	X	X	X	X	X
Commercial cannabis activity <sup>m</sup>	X	X	X	X	X	X	X	X	X
Community garden <sup>j</sup>	P	P	P	P	P	P	P	P	P
Farm projects (Future Farmers, 4-H or similar projects) <sup>k</sup>	P	P	P	X	X	X	X	X	X
Guest ranch	C	X	X	X	X	X	X	X	X
Kennels	X	C	C	X	X	X	X	X	X
Menageries, animal hospitals and shelters	C	C	C	X	X	X	X	X	X
Outdoor storage, front yard areas <sup>l</sup>	X	X	X	X	X	X	X	X	X
<b>K. Other Uses Similar to and No More</b>	Subject to the provisions of CMC 18.15.180, Determination of similar use								

Use	O-S-R	R-E	R-R	R-L	R-L-M	R-M	R-H	RIPAOZ Area 1	RIPAOZ Area 2
<b>Objectionable Than the Uses Identified Above</b>									
<b>Legend:</b>  <b>P – Permitted use</b>  <b>C – Subject to conditional use permit</b>  <b>X – Prohibited</b>									

Notes:

- a. Subject to the provisions of CMC 18.20.050(C), Bed and Breakfast Inns.
- b. Subject to the provisions of CMC 18.20.050(D), Small and Large Family Day Care Home Standards in Residential Dwelling Units, shall be licensed in compliance with state licensing requirements. In all cases, both small family day care homes and large family day care homes are and shall be treated as residential uses, subject only to the permitting, development and operational requirements that apply to residential uses of the same housing type location in the same zone.
- c. Subject to the provisions of CMC 18.20.050(F), Guest House Standards.
- d. In all cases, supportive housing and transitional housing are and shall be treated as residential uses, subject only to the permitting requirements that apply to residential uses of the same housing type location in the same zone.
- e. Subject to the provisions of CMC 18.20.050(L), Accessory Dwelling Units in Residential Zones.
- f. Subject to the provisions of CMC 18.20.050(G), Hair Stylists.
- g. A permanent stand for the display and sale of the agricultural products of any permitted use that is produced on the premises where such stand is located or upon contiguous land owned or leased by the owner or occupant of the premises.
- h. Small educational facilities permitted by right must be located on property occupied by an approved assembly use and all uses on site must comply with off-street parking requirements. For large facilities, the planning commission shall consider the appropriateness of the use as part of the CUP process and with respect to the adequacy of off-street parking, neighborhood traffic, the building occupancy requirements for the proposed use, and other impacts of the use on surrounding properties and neighborhood.
- i. Provided, that hives or boxes housing bees are kept no closer than 500 feet from any dwelling other than that occupied by the owner of the apiary and 300 feet from any public road.
- j. Subject to the provisions of CMC 18.20.050(N), Community Gardens.
- k. Provided the total number of animals shall not exceed the total number of animals allowed under this chapter.
- l. Outdoor storage within front yard areas, including refuse and waste material as defined in CMC 8.05.010, is prohibited. Additionally, the use of 200 or more square feet of any lot for outside storage, wrecking, dismantling, or salvage of any used or secondhand materials, including but not limited to lumber, auto parts, household appliances, pipe drums, machinery, or furniture, is prohibited. A proposed or intended use by the owner of the used or secondhand materials does not constitute an exception to this definition. The outside storage of used or secondhand materials in an area less than 200 square feet is permitted only on the rear half of the lot or parcel.
- m. The prohibition on commercial cannabis activity is subject to the exceptions set forth in CMC 18.135.040.
- n. Subject to the provisions of CMC 18.20.050(O), Junior Accessory Dwelling Units in Residential Zones.
- o. Subject to the provisions of CMC 18.20.050(P), Senate Bill 9 Development Projects.
- p. Sites in Area 2 of the RIPAOZ shall not be developed with a residential use unless such residential use meets the minimum density standard of 20 dwelling units per acre.  
 [Ord. 399 § 7, 2024; Ord. 394 § 8, 2023; Ord. 393 § 8, 2023; Ord. 392 § 8, 2023; Ord. 388 § 6, 2023; Ord. 379 § 6, 2021; Ord. 369 § 6, 2021; Ord. 357 § 6, 2018; Ord. 353 § 8, 2017; Ord. 342 § 3 (Exh. A), 2016; Ord. 341 § 10, 2016; Ord. 341-U § 11, 2016; Ord. 328 § 5 (Exh. C), 2014; Ord. 285 § 5, 2009; Ord. 95-7 § 2; Code 1990 § 12.3.03.]
- q. Employee housing for six or fewer employees shall be treated as a single-family structure and permitted in the same manner as other dwellings of the same type in the same zone. Employee housing consisting of no more than 36 units or spaces designed for use by a single family or household 12 units or 36 beds will be permitted in the same manner as other agricultural uses in the same zone.
- r. Community Care Facilities, shall be subject only to the same requirements as other residential uses within the same zone and shall comply with all State of California licensing requirements.

**18.20.040 Residential development standards.**

The following property development standards shall apply to all development projects and permitted or conditionally permitted uses located within their respective residential districts. In addition, if the project is within an area adjacent to existing development within the scope of CMC 18.20.060, Design and neighborhood compatibility standards, the project shall be subject to the neighborhood compatibility standards contained in CMC 18.20.060.

A. General Requirements. Table 18.20.040 sets forth minimum site development standards for residential districts, unless stated as maximum by this zoning code.

**Table 18.20.040 – Residential Development Standards**

Standard	O-S-R	R-E	R-R	R-L	R-L-M	R-M	R-H	RIPAOZ Area 1	RIPAOZ Area 2
Maximum density (DUs per gross acre)	.1	.2	2	4	7	14	20	15	35
Minimum density (DUs per gross acre)									20
Minimum lot size (net area)	10 ac.	5 ac.	20,000 s.f.	7,200 s.f.	6,000 s.f.	6,000 s.f.	6,000 s.f.	1,591 s.f.	N/A
Minimum lot width <sup>a</sup>	200'	100'	100'	70'	60'	60'	60'	37'	60'
Minimum lot depth	150'	120'	120'	100'	100'	100'	100'	43'	100'
Minimum front yard setback	35'	35'	30'	20'	20'	20'	20'	10'	10'
Minimum side yard setbacks	<sup>b</sup>	<sup>b</sup>	<sup>b</sup>	<sup>b</sup>	<sup>b</sup>	<sup>c</sup>	<sup>c</sup>	3'	<sup>e</sup>
Minimum rear yard setback	25'	25'	25'	10'	10'	<sup>d</sup>	<sup>d</sup>	5'	<sup>f</sup>
Maximum lot coverage						60%	60%	75%	75%
Maximum height for buildings and structures	32' or two stories, whichever is less				40' or three stories, whichever is less			32' or two stories, whichever is less	40' or three stories, whichever is less

Notes:

- a. Flag lots (lots with less than the required lot width minimum) are prohibited. Cul-de-sac lots shall have a minimum width of 35 feet.
  - b. Side Yard Setbacks (O-S-R, R-E, R-R, R-L, and R-L-M Districts).
    - 1. The minimum combined side yard setback shall be 17 feet with a minimum side yard setback of five feet except on the side of the lot closest to the driveway it shall be 12 feet. The 12-foot side yard shall be maintained exclusive of any structural or other physical encroachments (HVAC units, utility meters, etc.) other than eave overhangs or other improvements which do not project more than 24 inches into the side yard. The 12-foot side yard may be reduced behind the rear of the main building line to not less than five feet for open patios and other similar open structures, swimming pools, and pool equipment.
    - 2. Corner lots shall maintain a minimum combined setback of 20 feet with a minimum setback of five feet except on the street side where a minimum of 15 feet shall be maintained from the property line (edge of right-of-way) for all structures.
    - 3. Side Yard Exceptions. Each lot with an existing nonconforming dwelling unit which otherwise meets current building code and current zoning requirements may have additions placed at existing building setbacks with not less than five-foot side yards, except where the 12-foot side yard can be maintained for any additions, or where the lot has legal access onto a dedicated alley.
  - c. Side Yard Setbacks (R-M and R-H Districts).
    - 1. One-story buildings: five feet.
    - 2. Two-story buildings: five feet for the first story; 10 feet for the second story.
    - 3. For buildings having more than two stories: five feet for the first story; 10 feet for the second story; and an additional five feet for each story thereafter.
  - d. Rear Yard Setbacks (RM and RH Districts).
    - 1. One- and two-story buildings: 10 feet.
    - 2. For buildings having more than two stories: 10 feet for the first and second stories; and an additional five feet for each story thereafter.
    - 3. The required rear yard may be reduced to not less than five feet for open patios and other similar open structures, swimming pools, and pool equipment.
  - e. Side Yard Setbacks (RIPAOZ 2). One-story building: five feet. Two-story building: five feet for the first story and 10 feet for the second story. For buildings having more than two stories: five feet for the first story; 10 feet for the second story; and an additional five feet for each story thereafter.
  - f. Rear Yard Setbacks (RIPAOZ 2). One- and two-story buildings: 10 feet. For buildings having more than two stories: 10 feet for the first and second stories; and an additional five feet for each story thereafter.
- B. Yard Encroachments.** Where yards are required by this code, they shall be open and unobstructed from the ground to the sky and kept free of all structural encroachments, except as follows:

- 1. Fences, walls, retaining walls, and screening materials in accordance with Chapter 18.65 CMC, Fence, Wall, and Screening Standards.

2. Uncovered steps leading to the primary residence, provided the steps are not more than four feet in height from final grade, not including any required handrail, and do not cause a hazard to traffic by obstructing the view of a street or intersection.
3. Decks, porches, patio covers, and bay windows, not more than 10 feet wide, projecting not more than five feet into any required front yard or rear yard setback, and not more than two feet into any required side yard setback.
4. Roof overhangs, eaves, and cornices projecting not more than three feet into any required front yard or rear yard setback, and not more than two feet into any required side yard setback.
5. Sidewalks, patios, and pathways.
6. Driveways leading to a garage or required parking area. No portion of a front yard, except for approved driveways, patios, allowed parking areas, and pathways, may be hard-surfaced or gravel. [Ord. 399 § 8, 2024; Ord. 394 § 9, 2023; Ord. 393 § 9, 2023; Ord. 392 § 9, 2023; Ord. 370 § 2 (Exh. A), 2020; Ord. 342 § 3 (Exh. A), 2016; Ord. 328 § 5 (Exh. C), 2014; Ord. 277 § 2, 2008; Ord. 95-7 § 2; Code 1990 § 12.3.04.]

**18.20.050 Specific development standards for residential districts.**

**A. Nonhabitable Accessory Structures.** Nonhabitable accessory structures are subject to the following requirements:

1. A nonhabitable accessory structure shall be compatible in terms of mass, scale, height, design, colors, and materials with the existing structures on the parcel, or the existing structures shall be modified to be compatible with the new construction. In addition, new construction of non-

habitable accessory structures on vacant parcels (where permitted) shall be compatible with the surrounding development pattern in terms of the mass, scale, and height of surrounding structures as specified in this section.

2. Nonhabitable accessory structures may only be constructed on a lot containing a main dwelling unit, except for agricultural buildings where permitted and in compliance of this section.

3. Permitted nonhabitable accessory structures shall maintain the yard requirements of the underlying zone and shall not cover more than 30 percent of the required rear yard. No nonhabitable accessory building or structure shall be located within a required front or side yard.

4. Nonhabitable accessory structures of 1,500 square feet or less in size, located on a residentially zoned lot of 15,000 square feet or greater in size, shall be exempt from public improvements requirements or fees in lieu of such.

5. Nonhabitable accessory structures on lots or parcels with 7,200 square feet or less shall be limited to one story and not more than 18 feet in height to the ridge and nine feet in height to the top plate. Height shall be measured in accordance with the “building height” definition of the Calimesa zoning code.

6. Nonhabitable accessory structures on lots or parcels with 7,200 square feet or less shall be limited in size to not more than eight percent of the total lot area and 50 percent of the area (in square feet) of the primary structure. However, the minimum size requirements for a garage shall supersede this restriction, should the resulting floor area be less than the minimum required.

**B. Agricultural and Animal Uses.**

1. Applicability. All agricultural and animal keeping uses conducted shall comply with the provisions of this section in addition to the applicable provisions of the zone district in which the use is located.

2. Domestic Pets and Large Animals.

a. The noncommercial keeping of dogs, cats, domestic equines, bovines, swine, llamas, alpacas, rabbits, chicken (poultry), and similar pets or agricultural animals as listed in this subsection shall be permitted so long as the minimum requirements in Table 18.20.050 are met.

**Table 18.20.050 – General Requirements for Domestic Pets, Large and Small Animals**

Land Use District (Zone)	Maximum Number of Animals Allowed
All lots within single-family residential zones with less than 20,000 square feet	1. Four adult dogs or four adult cats <sup>a</sup> 2. Any number of household pets, excluding cats and dogs 3. Two potbelly pigs <sup>c</sup> 4. A maximum combination of no more than 10 rabbits or chickens (poultry, excluding roosters, and other household pets) <sup>b,i</sup>
All lots within single-family residential zones with 20,000 square feet or more	1. Eight adult pets (dogs or cats) <sup>d</sup> 2. Any number of pets, excluding cats and dogs <sup>b</sup> 3. Four potbelly pigs <sup>c</sup> 4. Two large animals per 20,000 square feet <sup>f,h,i</sup> 5. A maximum combination of no more than 50 rabbits or chickens (poultry, including roosters, and other household pets) per 20,000 square feet <sup>b,g,i,j</sup>

- a. Allows for a combination of both cats and dogs but not exceeding four animals total.
- b. Household pets include tropical fish, pet rats and mice, birds, or similar small pets (excluding dogs, cats, and potbelly pigs).
- c. Allows a combination of cats, dogs, and potbelly pigs not to exceed a total of four pets, such as two cats, one dog, and one potbelly pig, or any combination thereof.
- d. Requires lot size of at least 20,000 square feet, otherwise the total shall not exceed those allowed in footnote a.
- e. Allows a combination of cats, dogs, and potbelly pigs not to exceed a total of eight pets, such as two cats, two dogs, and two pigs, or any combination thereof.
- f. Minimum lot area of 20,000 square feet; provided, however, that two animal units may be kept on the first 20,000 square feet of lot area and one additional animal unit may be kept on each additional half-acre of lot area, subject to this chapter.
- g. In no case shall the number of animals exceed 500 per parcel.
- h. A “large animal” is defined as one equine, one bovine, one swine, one llama, or one alpaca, as well as two miniature horses, two sheep, or two goats.
- i. The offspring of permitted adult animal units shall not be counted in determining the permitted number of animal units allowed on a lot, if such offspring do not exceed one year of age for equines, bovines, swine, llamas, and alpacas.
- j. No more than one rooster for every 10 hens.
  - b. All pets and animals must be provided with adequate food, water, and proper shelter adequate in size to house the animal during periods of inclement weather (for large animal requirements see subsection (B)(3)(a)(vii) of this section).

**3. Additional Standards for the Keeping of Large Animals, Which Include Domestic Equines, Bovines, Swine, Llamas, and Alpacas.**

- a. The noncommercial keeping of equines, bovines, swine, llamas, and alpacas is permitted in all single-family residential zone districts and land use districts, subject to the following provisions:
  - i. The minimum lot area requirement of 20,000 square feet shall not include the “arm” or narrow access drive of a flag lot or other unusable areas (e.g., steeply sloped) of the lot where animal-keeping is not feasible, and shall not be included in the calculation of the required 20,000-square-foot lot area.
  - ii. Open corrals and enclosures shall be located and maintained no less than 10 feet to any side or rear property line.

iii. Open corrals and enclosures may be located in the front yard if located at least 50 feet from the front property line.

iv. Barns and related structures shall be consistent with the regulations for accessory structures in the residential zone districts.

v. Front, side, and rear yard areas may be used for pasture area and shall be maintained in a sanitary and orderly condition.

vi. Adequate and durable fencing necessary to keep the animals from escaping the property shall be required.

vii. All animals identified in this section must be provided with food, water, and proper shelter adequate in size to house the animal during periods of inclement weather. "Adequate size" shall mean room enough for all of the animal(s) being kept, including the ability for the animal to turn around inside of the shelter. The shelter must be roofed with a solid material that can withstand the elements known to Calimesa, such as wind, rain, and occasional periods of snow, as well as hot weather.

b. Nonprofit educational animal-keeping organizations may be located in the O-S-R, R-E, and R-R districts, subject to the approval of a conditional use permit. The scope and scale of the use, including but not limited to the number of animals, the number of participants, the location of the use on the property, availability of parking for participants, and hours of operation, shall be subject to review and approval by the planning commission through the conditional use permit process.

#### 4. Additional Standards for Keeping Rabbits, Chickens (Poultry), and Other Small Animals.

a. Animals in this category numbering from one to 10 shall be kept, fed, and maintained not less than 20 feet from any property line unless a minor development plan review (MDPR) approval is obtained from the city with consent from the adjacent property owners. However, the distance criteria shall be re-established upon new construction of residential dwellings on the adjacent lots.

b. Animals in this category numbering 11 or more shall be kept, fed, and maintained not less than 50 feet from any property line unless a minor development plan review (MDPR) approval is obtained from the city with consent from the adjacent property owners. However, the distance criteria shall be re-established upon new construction of residential dwellings on the adjacent lots.

#### C. Bed and Breakfast Inns.

##### 1. Bed and breakfast inns shall be subject to the following requirements:

a. The inn structure shall serve as the owner's primary residence. If a corporation is the owner, a majority shareholder shall reside primarily in the inn structure.

b. The bed and breakfast use shall be operated as an accessory use to the owner's residential use.

c. Guests may check in only from 9:00 a.m. to 8:00 p.m.

d. Breakfast shall be the only meal served to guests of the bed and breakfast rooms.

e. No long-term rental of rooms shall be permitted. The maximum stay for guests shall be 14 days.

f. No cooking facilities shall be allowed in the guest rooms.

g. Applications shall be subject to a one-year review period by the planning commission.

h. If the use at any time becomes unduly intrusive to the neighborhood, the permit may be revoked at the discretion of the planning commission, pursuant to CMC 18.15.050(J), Revocation.

- i. The permit to operate is granted solely to the property owner. If a change of ownership occurs, a new application shall be required.
- j. Satisfactory evidence of compliance with state and local laws in other land use endeavors, if any, shall be provided by the owner as a prerequisite to any approvals under this chapter.

2. Property Development Standards.

- a. The lot upon which the bed and breakfast inn is to be established shall conform to all standards of the zone district in which it is located, and shall not be further subdivided.
- b. One parking space in a permitted location shall be provided on the same lot for each guest room and each employee, in addition to the required parking spaces serving the resident owner.
- c. Outdoor living space shall be provided in accordance with the minimum standards of the underlying zone.
- d. Any sign shall be reviewed as part of the conditional use permit application, and shall not exceed four square feet in area. If not attached to the residence, a sign shall not exceed three feet in height. One sign shall be permitted. Wording such as “motel,” “hotel,” “motor hotel,” or “lodge” shall not be permitted. The establishment may be referred to as an “inn.” The sign may be lighted externally. Lighting shall be turned off between 10:00 p.m. and 6:00 a.m.
- e. Number of Rooms.
  - i. In the single-family residential zones, the number of guest rooms shall not exceed one room for each multiple of minimum lot area required for each dwelling unit in the underlying zone, with a maximum number of 10.
  - ii. In the multiple-family residential zones, the maximum number of rooms shall be determined by the adequacy of the parcel to provide on-site parking and outdoor living space.
- f. The planning commission may, at the time of application, determine a reasonable maximum limit to the total number of guests staying at the inn.
- g. In addition to standards required of all conditional uses, the planning commission may require the preservation and maintenance of significant permanent landscaping features and significant historical, architectural, or cultural features of the structure or property.

D. Small and Large Family Day Care Home Standards in Residential Dwelling Units. Small and large family day care homes shall be constructed, maintained and operated in the following manner:

1. The facility shall conform to all property development standards and operational standards of the residential land use district in which it is located.
2. Signs shall comply with Chapter 18.50 CMC, Sign Regulations, applicable to the residential land use district and type of residence in which the family day care home is located.
3. Fences and walls shall be installed and maintained pursuant to Chapter 18.65 CMC, Fence, Wall and Screening Standards, applicable to the residential land use district and type of residence in which the family day care home is located.
4. On-site landscaping shall be installed and maintained pursuant to Chapter 18.70 CMC, Landscape Requirements, applicable to the residential land use district and type of residence in which the family day care home is located.
5. All on-site parking shall comply with the provisions of Chapter 18.45 CMC, Off-Street Parking, for residential uses in the same zone.

6. All on-site lighting shall comply with Chapter 18.120 CMC, Outdoor Lighting, for residential uses in the same zone.

7. The facility shall contain a fire extinguisher, smoke detector and carbon monoxide devices as required by state law, and meet all state standards and codes, and comply with any other standards adopted by the city of Calimesa for residential uses in the same zone.

8. All family day care homes shall be state licensed and shall be operated according to all applicable state and local statutes and regulations.

E. Front/Rear Yard Average Standards.

1. Front/rear yard setbacks required by the base district may be averaged on the interior lots within a single-family detached or duplex subdivision.

2. The front/rear yard setback of a group of five adjacent dwelling units may vary up to five feet from that required. The average setback of all five units shall be equal to the minimum required for the base district.

3. A reduction of the front yard setback may be granted by the planning commission as an incentive to place garages behind houses, with access obtained from the side yards. In no case shall the front yard setback be reduced to less than 10 feet from the public right-of-way line. All front yard setbacks shall be measured from the public right-of-way line.

F. Guest House Standards. Guest houses shall be constructed in the following manner:

1. All guest houses shall conform to the property development standards of the underlying land use district.

2. There shall be no more than one guest house on any lot.

3. The floor area shall not exceed 500 square feet.

4. The guest house shall not exceed the height of the main dwelling.

5. There shall be no kitchen or cooking facilities in a guest house.

6. The guest house shall conform to all of the setback regulations outlined in the applicable land use district.

7. The guest house shall be attached to the main dwelling with a roof-to-roof connection (i.e., roof trellis or other open structure).

8. The guest house shall be used only by the occupants of the main dwelling, their nonpaying guests, or domestic employees. The guest house shall not be rented.

G. Hair Stylists. Hair stylist operations shall be subject to the following requirements.

1. Operation shall be by residents of the dwelling.

2. No assistants shall be employed.

3. One unlighted sign not to exceed two square feet shall be allowed on site.

H. Minimum Dwelling Size Standards. The following minimum dwelling areas are computed by calculating the living areas as measured from the outside of walls and exclude garages, carports, exterior courtyards, patios, or balconies.

1. The minimum area requirements for single-family residential units are as follows:

a. Single-family tracts: minimum livable area, 1,200 square feet.

- b. Infill single-family tracts: minimum livable area, 1,000 square feet.
- c. Notes.
  - i. Infill single-family tracts are defined as tracts less than 20 dwellings in size.
  - ii. The minimum setbacks of the applicable land use district shall be applied.

2. The minimum area requirements for apartments/multifamily are as follows:

Minimum Livable Area	Number of Bedrooms	Number of Baths
750 sq. ft.	1	1
900 sq. ft.	2	1-1/2
1,000 sq. ft.	3	2
1,200 sq. ft.	3+	2

I. Mobile Home and Manufactured Housing Standards. Manufactured or mobile homes shall be subject to the following requirements:

1. Mobile or manufactured homes may be used as single-family dwellings in the residential land use districts if the home is certified under the National Mobile Home Construction and Safety Standards Act of 1974, and was constructed within 10 years of the date of the application for issuance of a permit to install the mobile/manufactured home. Documentation indicating certification and construction date must be submitted to the building and safety division in order to secure valid building permit(s).
2. Mobile or manufactured homes shall be installed on an approved permanent foundation system in compliance with all applicable codes, pursuant to Section 18551 of the California Health and Safety Code.
3. The planning director shall determine that the subject lot, together with the proposed mobile or manufactured home, is compatible with the surrounding development. This determination shall include an assessment of on-site design and development standards and materials, architectural aesthetics, setbacks, building height, accessory buildings, access, off-street parking and minimum square footage requirements, and any other criteria determined appropriate by the planning director.
4. The following specific design standards shall govern the installation and construction of manufactured and mobile homes:
  - a. All homes shall have a minimum eave dimension of one foot.
  - b. All siding shall be nonreflective and shall be installed from the ground up to the roof.
  - c. All roofs shall have a minimum pitch of 1:4.
  - d. All homes shall have a minimum width (across the narrowest portion) of 20 feet.
  - e. Homes constructed on lots of 20,000 square feet or greater shall be required to:
    - i. Construct a minimum of two roof dormers on the front of the house facing a street or public view; and
    - ii. Architecturally treat gables.

J. Multifamily Housing Standard. Multifamily housing shall be constructed in the following manner:

1. All multifamily developments with 12 or more dwelling units shall provide 30 percent usable open space for passive and active recreational uses. Usable open space areas shall not include rights-of-way, vehicle parking areas, areas adjacent to or between any structures less than 15 feet apart, setbacks, patios or private yards, or slope areas greater than eight percent.
2. Each dwelling unit shall have a private (walled) patio or balcony as follows:
  - a. Ground-level units: 25 percent of dwelling unit size.
  - b. Upper-story units: 15 percent of dwelling unit size.
3. All multifamily developments shall provide recreational amenities within the site, and may include a swimming pool; spa; clubhouse; tot lot with play equipment; picnic shelter/barbecue area; court game facilities such as tennis, basketball, or racquetball; improved softball or baseball fields; or day care facilities. The type of amenities shall be approved by the planning director and provided according to the following schedule:

**Schedule Table**

<b>Units</b>	<b>Amenities</b>
0 – 11	0
12 – 50	1
51 – 100	2
101 – 200	3
201 – 300	4

Note: Add one amenity for each 100 additional units or fraction thereof.

4. Off-street parking spaces for multifamily residential developments shall be oriented to the front of the dwelling unit for which the parking space is provided.
5. Each dwelling unit shall be provided with a minimum of 150 cubic feet of enclosed storage space within the garage, carport, or immediately adjacent to the dwelling unit.
6. Driveway approaches within a multifamily development of 12 or more units shall be delineated with interlocking pavers and/or rough-textured concrete and landscaped medians.
7. All parts of all structures shall be within 100 feet of paved access for single-story and 50 feet for multistory units.
8. A bus turnout and shelter on the on-site arterial frontage shall be dedicated if the project is located on a bus route as determined by the planning director.
9. Common laundry facilities of sufficient number and accessibility consistent with the number of living units and the Uniform Building Code shall be provided.
10. Each condominium unit shall be plumbed and wired for a washing machine and dryer.
11. Each dwelling unit shall be provided with an automatic dishwasher and a heavy-duty garbage disposal unit.
12. Telephone jacks shall be installed in all living rooms, kitchens, and bedrooms.
13. Interior television antennas (cable television) shall be installed in each apartment unit, or a central interior antenna shall be installed in each apartment building. No exterior antenna or satellite dish antenna shall be permitted.

14. All utilities, including but not limited to electrical, cable television, and telephone lines, on the site shall be underground.

15. Each multiple-dwelling building or complex shall provide one hose bib for each three required parking spaces, and these hose bibs shall be located adjacent to the open parking areas. One dedicated carwash space shall be provided for every 100 units.

16. Lighting. Refer to Chapter 18.120 CMC, Outdoor Lighting.

17. Management and security plans shall be submitted for review and approval for multifamily developments with 12 or more dwelling units. These plans shall be comprehensive in scope.

18. Electronic Gates. Multifamily buildings or complexes with 40 or more dwellings shall provide electronic gates as follows:

- a. A minimum six-foot-high, decorative wrought iron fence shall be provided along the front of the property, to the rear of any required setback. Such fence shall incorporate a self-locking remote-controlled vehicle and pedestrian entry/exit gate. The vehicle entry shall incorporate an electronically activated tenant marquee to permit notification of tenants in the event of visitors. Such marquee shall be five feet above finished grade.

K. Recreational Vehicle Storage Facilities. Developments within the multifamily land use districts and with 12 or more dwelling units shall provide recreational vehicle storage facilities. The storage facilities shall be constructed in the following manner:

1. Centralized storage areas shall be provided for recreational vehicles, boats, etc., at a minimum of one space for each eight dwelling units. Any fractional space requirement shall be constructed as requiring one full storage space, pursuant to Chapter 18.45 CMC, Off-Street Parking.
2. Individual storage spaces shall measure not less than 12 feet by 30 feet, and shall have direct access to a driveway with a minimum paved width of 25 feet.
3. Storage areas shall be paved and drained.
4. Storage areas shall be completely screened from exterior view by a combination of landscaping, masonry walls, fences, or other comparable screening devices eight feet in height, subject to the approval of the planning director.

L. Accessory Dwelling Units in Residential Zones.

1. These standards are adopted pursuant to California Government Code Sections [66310-66339](#), [66341](#), and [6634265852.2](#). The purpose of these standards is to establish procedures and standards for the development of [accessory dwelling unitsADUs](#) in a manner that preserves the integrity of single-family and multifamily residential areas, avoids adverse impacts on such areas, and provides additional housing opportunities consistent with state law.

2. An application for an [ADUaccessory dwelling unit](#) shall be considered ministerially, without discretionary review or a hearing, within 60 days after receiving a complete application. Certain [accessory dwelling unitsADUs](#) are reviewed through a ministerial building permit only process (subsection (L)(4) of this section), whereas other [accessory dwelling unitsADUs](#) are subject to a ministerial planning ADU review (subsection (L)(5) of this section). If the [accessory dwelling unitADU](#) is being proposed as part of another accessory structure, the application for the [ADUaccessory dwelling unit](#) may be considered separate from, and after, the application for the accessory structure.

3. The following standards shall apply to all [accessory dwelling unitsADUs](#):

- a. The lot shall contain [either an existing primary dwelling unit or a proposed primary dwelling unit](#) at the time an application for an [accessory dwelling unitADU](#) is submitted, ~~or the application for the accessory~~

~~dwelling unit may be made in conjunction with the development of the primary unit. For an existing primary dwelling unit, c~~Commencement of the 60-day ~~accessory dwelling unit~~ADU review period shall commence upon the ~~approval of the primary dwelling unit~~submission and receipt of a completed application. ~~If submitted in conjunction with a proposed primary dwelling unit, t~~The city may choose to process the ~~accessory dwelling unit~~ADU and the primary dwelling unit concurrently, so long as the application for the ~~accessory dwelling unit~~ADU is approved within 60 days after the approval of the primary structure and the primary structure is issued building permits prior to or concurrent with the ~~accessory dwelling unit~~ADU. A demolition permit for a detached garage that is to be replaced with an ~~accessory dwelling unit~~ADU shall be reviewed concurrently with the application for the ~~ADU~~~~accessory dwelling unit~~ and shall be issued at the same time.

b. For properties with single-family structures, no more than one ~~accessory dwelling unit~~ADU and one ~~junior accessory dwelling unit~~JADU (see ~~subsection 18.20.050 (O) of this section~~) shall be permitted on any one lot. ~~An ADU and JADU on single family lots must have exterior access and setbacks for fire safety.~~

c. The minimum gross floor area of an ~~accessory dwelling unit~~ADU shall be 150 square feet.

d. The total area of floor space for an attached ~~accessory dwelling unit~~ADU shall not exceed 50 percent of the proposed or existing primary dwelling ~~living area~~interior livable space, with a maximum increase in floor area of 1,200 square feet. ~~The maximum increase of 1,200 square feet shall apply to a single ADU or the cumulative increase of both an ADU and JADU. For purposes of this chapter, "interior livable space" means the interior space in a dwelling intended for human habitation, including living, sleeping, eating, cooking or sanitation.~~

e. The total area of floor space ~~of the interior livable space~~ for a detached ~~accessory dwelling unit~~ADU shall not exceed 1,200 square feet.

f. For any ~~accessory dwelling unit~~ADU constructed as a second story or converted from second story space, one four-foot-wide exterior stairway may be constructed to provide access to the unit, as approved by the fire marshal.

g. The owner of the lot shall enter into a restrictive covenant with the city providing that the ~~ADU~~~~accessory dwelling unit~~ shall not be sold, or title thereto transferred, separate from that of the property and shall not be leased for a period of less than 30 consecutive days.

h. An attached ~~accessory dwelling unit~~ADU shall have a separate entrance ~~from the primary dwelling unit~~.

i. In addition to the required parking for the primary ~~dwelling~~ unit, one off-street parking space shall be provided on the same lot that the ~~accessory dwelling unit~~ADU is located. This subsection shall not require an off-street parking space if:

i. The ~~accessory dwelling unit~~ADU is located within one-half mile, measured in walking distance, of public transit, including bus stops. ~~For purposes of this chapter, "public transit" means a location, including without limitation, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public;~~

ii. The ~~accessory dwelling unit~~ADU is located within an architecturally and historically significant historic district;

iii. The ~~accessory dwelling unit~~ADU is part of the proposed or existing primary ~~residence~~~~dwelling unit~~ or an existing accessory structure;

iv. ~~The~~When on-street parking permits are required but not offered to the occupant of the ~~ADU~~~~accessory dwelling unit~~; or

- v. ~~When there is a designated parking space for a car share vehicle located within one block of the ADU accessory dwelling unit.~~
- ~~vi. An ADU application is submitted concurrently with a permit application to develop a new single-family dwelling, or a new multifamily dwelling on the same lot, When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided the ADU at the accessory dwelling unit or the parcel satisfies any other criteria listed in this subsection.~~
- j. Off-street parking shall be permitted in front, side, and rear yard setback areas or through tandem parking, ~~unless findings are made that parking in setback areas or tandem parking is not feasible based upon specific site, topographical or fire and life safety conditions.~~ The parking does not need to be covered or in an enclosed garage.
- k. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ~~ADU accessory dwelling unit~~ or where such structure is converted into an ~~ADU accessory dwelling unit~~, any off-street parking required for the primary residence that is lost shall not be required to be replaced.
- l. No setback shall be required for an existing legally constructed garage or portion of a garage that is converted to an ~~ADU accessory dwelling unit~~, or for a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an ~~accessory dwelling unit ADU~~ or to a portion of an ~~accessory dwelling unit ADU~~. A ~~minimum~~ setback of four feet from the side and rear lot lines shall be required for any ~~other accessory dwelling unit ADU~~, including an ADU that is constructed above a detached garage.
- m. Upon approval of an ~~accessory dwelling unit ADU~~ on a lot, the lot shall not be further divided, unless there is adequate land area to divide the lot consistent with the general plan and zoning designation, or as required by CMC 17.15.060.
- n. Except as otherwise required herein, all construction, structural alterations or additions made to create an ~~ADU accessory dwelling unit~~ shall comply with current development standards and building, electrical, fire and plumbing codes. ~~The City must will maintain a checklist on its website describing these developmental standards. An applicant may obtain a confidential third-party code inspection from a licensed contractor to determine the unit's existing condition or potential scope of building improvements.~~ A permit to create an ~~accessory dwelling unit ADU~~ shall not be denied due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the ~~accessory dwelling unit ADU~~.
- o. The ~~accessory dwelling unit ADU~~ may be rented but shall not be sold or otherwise conveyed separately from the primary residence on the lot.
- p. Except as otherwise required herein, the ~~accessory dwelling unit ADU~~ shall be subject to the same minimum required front yard setback as the main dwelling unit.
- q. A detached ~~accessory dwelling unit ADU~~ that is 800 square feet or less, consistent with the height requirements in subsection (L)(5)(b)(ii) of this section, and compliant with a minimum four-foot side and rear setback, shall be considered consistent with all city development standards, irrespective of any other municipal code limitations governing lot coverage, floor area ratio, open space, or front yard setback. For any other ~~accessory dwelling unit ADU~~, lot coverage, floor area ratio, open space, and front yard setback requirements for the underlying zone shall apply.
- r. Fire sprinklers are not required for ADUs if not required for the primary residence, as determined by the fire marshal. The construction of an ~~accessory dwelling unit ADU~~ shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.

s. If the ~~accessory dwelling unit~~ADU will be connected to an on-site wastewater treatment system, the city may require that approval from the Regional Water Quality Control Board and a percolation test has been completed within the last five years, or 10 years in the case of tests that have been recertified.

4. The director of community development, or designee, shall approve an application for the following ~~accessory dwelling units~~ADU in a streamlined building permit only process, within 60 days of receiving a complete application:

a. ~~Accessory Dwelling Units~~ADUs Within Existing or Proposed Single-Family Dwellings on Single-Family Lots. One ~~accessory dwelling unit~~ADU within the space of an existing or proposed single-family dwelling or a detached ~~accessory dwelling unit~~ADU in an existing accessory structure. The ~~ADU~~~~accessory dwelling unit~~ may expand the space of the existing accessory structure by up to 150 square feet beyond the physical dimensions of the accessory structure to allow for ingress and egress. Rear and side yard setbacks must be sufficient for fire and safety. The ~~accessory dwelling unit~~ADU must have exterior access separate from the proposed or existing single-family dwelling. An ADU allowed under this subsection may be combined with a JADU authorized under subsection (O) of this section.

b. Attached and Detached Accessory Units on Single-Family Lots. One attached or detached, new construction accessory dwelling unit, so long as the accessory dwelling unit maintains at least a minimum four-foot rear and side yard setback, does not exceed 800 square feet for studios or 1,200 square feet for an ADU that provides more than one bedroom, and does not exceed the height requirements in subsection (L)(5)(b)(ii) of this section. This ADU may be combined with a JADU authorized under subsection (O) of this section.

c. ADUs~~Accessory Dwelling Units~~ Within Multifamily Buildings. Multiple ~~accessory dwelling units~~ADUs within the portions of an existing multifamily dwelling, ~~shall be allowed~~ in spaces not used as living space. Examples include conversion of storage rooms, boiler rooms, attics, basements, and garages. Each unit must comply with building standards. The number of ~~accessory dwelling units~~ADUs that may be created within a multifamily dwelling is equal to 25 percent of the number of existing units, or one accessory unit, whichever is greater.

d. Detached ADUs on Multifamily Lots. ~~Detached ADUs for existing multifamily dwellings shall not exceed the number of existing multifamily units on the lot, and the number of detached ADUs shall not exceed eight (8) units. Not more than two detached ADUs, shall be allowed on a lot with an existing or proposed multifamily dwellings. On a lot with an existing multifamily dwelling, not more than eight detached accessory dwelling units shall be allowed. However, the number of accessory dwelling units allowed shall not exceed the number of existing units on the lot. Additionally, only two detached ADUs are permitted on a lot with a proposed multifamily dwelling. In addition to detached units, owners may convert non-habitable spaces within existing multifamily structures—such as storage rooms, boiler rooms, attics, basements, or garages—into ADUs. The number of these conversion ADUs is limited to 25% of the existing multifamily dwelling units, with a minimum of one unit allowed.~~ The accessory units are subject to the height requirements in subsection (L)(5)(b)(ii) of this section and must maintain at least a four-foot rear and side yard setback. If the existing multifamily dwelling has a rear or side setback of less than four feet, the existing multifamily dwelling need not be modified to construct an ~~accessory dwelling unit~~ADU that satisfies the requirements of this subdivision.

5. Notwithstanding the other provisions herein, the director of community development, or designee, shall review and approve within 60 days an application for an ~~accessory dwelling unit~~ADU through a planning ADU review for an ~~accessory dwelling unit~~ADU that does not fall within the prior categories listed in subsection (L)(4) of this section.

a. ~~Accessory dwelling units~~ADUs approved under this subsection (L)(5) shall include but not be limited to the following, so long as they comply with subsection (L)(5)(b) of this section:

- i. An attached ~~accessory dwelling unit~~ADU that requires an addition to a single-family residence;
- ii. A detached ~~accessory dwelling unit~~ADU that is 801 to 1,200 square feet;

- iii. An ~~accessory dwelling unit~~ADU constructed above a detached garage;
  - iv. Any other ~~accessory dwelling unit~~ADU that does not fall within subsection (L)(4) of this section but meets the development standards provided herein.
- b. An ~~accessory dwelling unit~~ADU approved pursuant to this subsection (L)(5) shall comply with the following standards, in addition to the standards in subsection (L)(3) of this section:
- i. The design, colors, and materials of an ~~accessory dwelling unit~~ADU shall match those of the primary ~~dwelling~~ unit.
  - ii. Maximum building height shall not exceed ~~32-18~~ feet for a detached ~~ADU~~~~accessory dwelling unit~~. An ~~attached accessory dwelling unit~~ADU that is constructed as an addition to an existing single-family residence shall not exceed ~~46-25~~ feet in height or the same height limitation as the primary dwelling, whichever is less. An ~~accessory dwelling unit~~ADU shall not be constructed as a second-story addition to an existing single-family residence, unless the two-story ADU can be built in accordance with the height allowances described in this section.
  - iii. An ~~accessory dwelling unit~~ADU greater in size than 800 square feet shall not cover more than 30 percent of the required rear yard within single-family zones.
  - iv. A detached ~~accessory dwelling unit~~ADU greater in size than 800 square feet shall be separated from the primary dwelling by at least 10 feet.
  - v. An ~~accessory dwelling unit~~ADU constructed above a detached garage shall meet the following standards:
    - (1) Notwithstanding the general height restrictions in subsection (L)(5)(b)(ii) of this section, an ~~accessory dwelling unit~~ADU that is constructed above a detached garage shall not exceed ~~32-25~~ feet in height or the same height limitation as the primary dwelling, whichever is less.
    - (2) The ~~accessory dwelling unit~~ADU shall maintain at least four-foot setbacks from the side and rear lot lines.
    - (3) For any ~~accessory dwelling unit~~ADU that is constructed as a second story addition or above a garage, all windows facing the side or rear lot lines shall be made of frosted or etched glass, or otherwise include a privacy film or treatment to ensure privacy for neighboring properties~~functional equivalent~~ if the lot line abuts another residential property.
6. Fees Charged for ~~Accessory Dwelling Units~~ADUs.
- a. An ~~accessory dwelling unit~~ADU is a new residential unit for the purpose of calculating connection fees or capacity charges only if it is constructed in conjunction with a new single-family dwelling.
  - b. The applicant shall pay to the city all applicable fees imposed on such new development, including, but not limited to, park and recreational facility fees. An agency, special district, or water corporation cannot impose an impact fee on an ADU less than 750 square feet. For larger ADUs (i.e., 750 square feet or more), the impact fee must be charged proportionally to the square footage of the primary dwelling unit. For example, if a primary dwelling is 1,600 square feet and a proposed ~~accessory dwelling unit~~ADU is 800 square feet, the applicable impact fee for the ~~accessory dwelling unit~~ADU is 50 percent of the amount of the fee for the single-family dwelling.
  - c. Where an ~~accessory dwelling unit~~ADU will be within the space of an existing single-family dwelling or accessory structure, and qualifies for approval with just a building permit, an agency cannot require the applicant to install a new or separate utility connection. A new or separate utility connection can be required for any other ~~accessory dwelling unit~~ADU.

7. In the event of any conflicts between the standards set forth in this chapter and those set forth in the regulations of the applicable zoning district, the provisions of this chapter shall prevail.

8. An **accessory dwelling unit** ADU that conforms to this section shall be deemed to be in compliance with the general plan.

M. Senior Citizen/Congregate Care Housing Standards. Senior group housing developments (housing more than six residents) shall be constructed in the following manner:

1. A bus turnout and shelter on the on-site arterial frontage shall be dedicated if the project is located on a bus route as determined by the planning director.
2. Dial-a-ride transportation shuttles shall be provided; number to be determined by transit authority during project review.
3. The parcel upon which the senior group housing facility is to be established shall conform to all standards of the underlying land use district.
4. The senior group housing shall conform with all local, state, and federal requirements.
5. The minimum floor area for each residential unit shall be as follows:

Number of Bedrooms	Minimum Livable Area
Studio	410 sq. ft.
1	510 sq. ft. (if kitchen-dining and living areas are combined)
	570 sq. ft. (if kitchen-dining and living areas are separate)
2	610 sq. ft. (if kitchen-dining and living areas are combined)
	670 sq. ft. (if kitchen-dining and living areas are separate)

6. The main pedestrian entrance to the development, common areas, and the parking facility shall be provided with handicapped access pursuant to CMC 18.45.070, Handicap parking requirements.

7. Indoor common areas and living units shall be handicap-adaptable and be provided with all necessary safety equipment (e.g., safety bars), as well as emergency signal/intercom systems as determined by the planning director.

8. Outdoor lighting shall be provided for pursuant to Chapter 18.120 CMC, Outdoor Lighting.

9. Common recreational and entertainment activities of a size and scale consistent with the number of living units shall be provided. The minimum size shall equal 100 square feet for each living unit.

10. Common laundry facilities of sufficient number and accessibility, consistent with the number of living units and the Uniform Building Code, shall be provided. The facilities shall have keyed access for tenants only.

11. The development may provide one or more of the following specific internal common facilities for the exclusive use of the residents:

- a. Central cooking and dining room(s).
- b. Beauty and barber shop.
- c. Small-scale drugstore not exceeding 1,000 square feet.

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

- a. One covered parking space for each dwelling unit for the exclusive use of the senior citizen residents plus one space for every five units for guest parking.
- b. Three parking spaces for every four dwelling units for employee and guest use for congregate care residences.
- c. All off-street parking shall be located within 150 feet of the front door of the main entrance.
- d. Adequate and suitably striped paved areas for shuttle parking. Shaded waiting areas shall be provided adjacent to shuttle stops.
- e. Design standards relating to handicapped parking, access, surfacing, striping, lighting, landscaping, shading, dimensional requirements, etc., shall be consistent with the standards outlined in Chapter 18.45 CMC, Off-Street Parking.
- f. Senior citizen/congregate care parking requirements may be adjusted on an individual project basis, subject to a parking study based on project location and proximity to services for senior citizens, including but not limited to medical offices, shopping areas, mass transit, etc.

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

14. Trash receptacle(s) shall be provided on the premises. Trash receptacle(s) shall comply with adopted public works department standards and be of sufficient size to accommodate the trash generated. The receptacle(s) shall be screened from public view on at least three sides by a solid wall six feet in height and on the fourth side by a solid gate not less than six feet in height. The gate shall be maintained in good working order and shall remain closed except when in use. The wall and gate shall be architecturally compatible with the surrounding buildings and structures. The receptacle(s) shall be located in close proximity to the residential units which they are intended to serve.

15. Residential occupancy shall be limited to single persons over 55 years of age or married couples of which one spouse is over 55 years of age.

16. Developers of senior citizen/congregate care housing which have a density larger than that allowed in the underlying land use district shall provide a marketing analysis which analyzes long-term feasibility and a conversion plan of senior residential units to standard units, with a corresponding reduction in the number of units to equal the density allowed in the underlying land use district if the project is not occupied by seniors 60 years of age or older. The feasibility study and conversion plan shall not be required if the project is sponsored by any government housing agency, the city's redevelopment agency, or a nonprofit housing development corporation.

17. All parts of all structures shall be within 150 feet of paved access for single-story and 50 feet for multistory.

N. Community Gardens. Community gardens are subject to the following development standards:

1. Use. Community gardens are limited to the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity.
2. The keeping of livestock and animals is prohibited.
3. Accessory buildings and structures shall comply with the accessory structure setback requirements listed in subsection (A) of this section, Accessory Structures. Crop areas must be set back at least three feet from all property lines.
4. Garden- and farm-related buildings and structures may not exceed 18 feet in height.

5. Fencing shall be provided around the site consistent with the standards of CMC 18.20.060(E), Fences and Walls.
6. The use of commercial-grade pesticides as part of a community garden is prohibited.

O. Junior Accessory Dwelling Units in Residential Zones.

1. These provisions are adopted pursuant to California Government Code Sections ~~66310-66339, 66341, and 66342~~~~65852.2 and 65852.22~~. The purpose of these standards is to establish procedures and objective standards for the development of junior accessory dwelling unitsJADUs in a manner that preserves the integrity of single-family and multi-family development, avoids adverse impacts on such areas, and provides additional housing opportunities consistent with state law.

2. An application for a junior accessory dwellingJADU unit shall be considered ministerially, without discretionary review or a public hearing, and approved within 60 days after receiving the completed application.

3. The following standards shall apply to the junior accessory dwelling unitJADU:

- a. The lot shall contain an existing primary dwelling unit at the time an application for a JADU~~junior accessory dwelling unit~~ is submitted, or the application for the accessory dwelling unit may be made in conjunction with the application for the primary dwelling unit. A junior accessory dwelling unitJADU shall be constructed within the walls of the proposed or existing single-family residence, which for these purposes shall include, without limitation, an attached garage.
- b. No more than one ~~accessory dwelling unit~~ADU(see subsection (L) of this section) and one ~~junior accessory dwelling unit~~JADU shall be permitted on any one lot.
- c. The minimum gross floor area of a junior accessory dwelling unitJADU shall be 150 square feet.
- d. The maximum floor area for a junior accessory dwelling unitJADU within an existing or proposed primary dwelling shall be 500 square feet.
- e. A junior accessory dwelling unitJADU shall include an efficiency kitchen, which shall include all of the following:
  - i. A cooking facility with appliances.
  - ii. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unitJADU.
- f. ~~The owner of the lot shall reside on the lot, either in the primary unit or in the junior accessory dwelling unit. Prior to issuance of a building permit approval, the property owner shall enter into a restrictive covenant with the city regarding such owner occupancy requirement on a form prepared by the city, which shall be recorded against the property. Such covenant shall further to provide that the JADU~~junior accessory dwelling unit shall not be sold or title thereto transferred separate from that of the property, and the JADU shall not be leased for a period of less than 30 consecutive days. ~~If the owner ceases to reside on the property, use of the junior accessory dwelling unit shall be discontinued and the unit converted into a portion of the primary unit.~~
- g. A junior accessory dwelling unitJADU shall have a separate entrance. If the junior accessory dwelling unit does not include a separate bathroom, it shall include a separate entrance from the main entrance to the primary dwelling unit, with an interior entry to the main living area of the primary dwelling unit.
- h. No parking requirements shall be imposed on the junior accessory dwelling unitJADU.
- i. Except as otherwise required herein, all construction, structural alterations or additions made to create the junior accessory dwelling unitJADU shall comply with current development standards and building,

electrical, fire and plumbing codes. The City will maintain a checklist on its website describing these developmental standards. An applicant may obtain a confidential third-party code inspection from a licensed contractor to determine the unit's existing condition or potential scope of building improvements. A permit to create a ~~junior accessory dwelling unit~~JADU shall not be denied due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the ~~JADU junior accessory dwelling unit~~.

j. Fire sprinklers are not required if not required for the primary residence as determined by the fire marshal. The construction of a ~~junior accessory dwelling unit~~JADU shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling ~~unit~~.

k. If the ~~junior accessory dwelling unit~~JADU will be connected to an on-site wastewater treatment system, the city may require Regional Water Quality Control Board approval and that a percolation test has been completed within the last five years, or 10 years in the case of tests that have been recertified.

4. The director of community development, or designee, shall approve an application for the ~~JADU junior accessory dwelling unit~~ in a streamlined "building permit only" process, within 60 days of a complete application, without applying additional standards.

5. A ~~junior accessory dwelling unit~~JADU is exempt from connection fees, capacity charges, and impact fees.

6. In the event of any conflicts between the standards set forth in this chapter and those set forth in the regulations of the applicable zoning district, the provisions of this chapter shall prevail.

7. A ~~JADU junior accessory dwelling unit~~ that conforms to this section shall be deemed to be in compliance with the general plan.

P. Senate Bill 9 Development Projects.

1. The purpose of these standards is to establish procedures and standards for the development of residential development projects pursuant to SB 9 in a manner that preserves the integrity of single-family residential areas, avoids adverse impacts on such areas, and provides additional housing opportunities consistent with state law.

2. An application for an SB 9 development project shall be subject to ministerial review by the community development director or designee to determine whether the criteria for approval have been met. The community development director shall approve an exception to any of the standards specified in this subsection (P) upon determining that complying with the standard would physically preclude the construction of up to two residential units per lot or would physically preclude either of the two residential units from being 800 square feet in floor area.

3. The building official may deny an application for an SB 9 development project upon making both of the following findings in writing based upon a preponderance of evidence:

a. The proposal would have a specific, adverse impact upon the public health and safety or the physical environment as defined and determined in Government Code Section 65589.5(d)(2); and

b. There is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

4. The following standards shall apply to all SB 9 development projects:

a. Except as expressly provided in this subsection (P) or SB 9, all other regulations of the underlying zone of a property developed pursuant to SB 9 shall apply, along with all other applicable regulations from the Calimesa Municipal Code.

b. One enclosed or partially enclosed parking space is required for each unit created pursuant to the regulations in SB 9 and this subsection (P), unless the parcel upon which the unit is created is within one-

half mile walking distance of a high quality transit corridor or a major transit stop or there is a car share vehicle located within one block of the project. Required parking for an urban lot split lot shall be accessed via an alley, if there is an alley adjacent to the lot.

c. Non-public utility electrical elements such as wires, conduits, junction boxes, transformers, ballasts, and switch and panel boxes shall be concealed from view from adjacent public rights-of-way.

d. All flashing, sheet metal vents, and pipe stacks shall be painted to match the adjacent roof or wall material.

e. Pedestrian access to a public street or alley shall be provided with an exterior pedestrian pathway from the primary entrances of each unit to the adjoining sidewalk, street, or alley.

f. More than 25 percent of the exterior structural walls of a primary unit shall not be demolished if the primary unit has been occupied by a tenant in the three years prior to the submission of an SB 9 development project application.

g. An SB 9 development project shall not require the demolition or alteration of any of the following:

i. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

ii. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

iii. Housing that has been occupied by a tenant in the three years prior to the submission of an SB 9 development project application.

iv. Housing units removed from the rental market under the Ellis Act within the 15 years prior to the submission of an SB 9 development project application.

h. No unit created pursuant to the regulations in SB 9 and this subsection (P) shall be more than 1,200 square feet in floor area, with any basements counting as floor area.

i. Any units created pursuant to the regulations in SB 9 and this subsection (P) shall have a minimum four-foot setback from all side and rear lot lines except as allowed by Government Code Section 65852.21.

j. An SB 9 development project shall not be permitted on a parcel located in:

i. Prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the State Department of Conservation.

ii. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

iii. A very high fire hazard severity zone, as determined by the State Department of Forestry and Fire Protection pursuant to Government Code Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the State Department of Forestry and Fire Protection pursuant to Public Resources Code Section 4202. This subsection does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Government Code Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

iv. A hazardous waste site that is listed pursuant to Government Code Section 65962.5 or a hazardous waste site designated by the State Department of Toxic Substances Control pursuant to Health and Safety Code Section 25356, unless the State Department of Public Health, State Water Resources

Control Board, or State Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.

v. A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2 of the Government Code.

vi. A special flood hazard area subject to inundation by the one percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless either of the following are met: (A) the site has been subject to a letter of map revision prepared by the Federal Emergency Management Agency and issued to the city, or (B) the site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to 44 C.F.R. Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I.

vii. A regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with 44 C.F.R. § 60.3(d)(3).

viii. Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), or other adopted natural resource protection plan.

ix. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

x. Lands under conservation easement.

xi. A historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or a site that is designated or listed as a local landmark or historic property or district by the city.

5. Applicants are required to submit an application, including any maps, records, or other documents required by the community development director. Applicants must provide a sworn statement affirming eligibility with SB 9 regulations. The city may, at the applicant's expense, conduct independent inquiries and investigation to ascertain the veracity of any or all portions of the sworn statement.

6. A property owner seeking approval of an SB 9 development project shall execute and record a covenant, supplied by the city and subject to the approval of the city attorney, that contains the following provisions:

- a. Nonresidential uses on the site shall be prohibited;
- b. The short-term rental for periods less than 30 days of any units on the site shall be prohibited;
- c. Any subsequent urban lot split of land that was previously subdivided with an urban lot split shall be prohibited;
- d. Except as provided in Government Code Section 66411.7 for community land trusts and qualified nonprofit corporations, the owner of the property for which an urban lot split is proposed shall sign an

affidavit stating that the owner intends to occupy one of the housing units as their principal residence for at least three years from the date of the approval of the urban lot split;

- e. Ongoing compliance with all SB 9 requirements and restrictions shall be required;
- f. Access to the public right-of-way shall be maintained in perpetuity; and
- g. All required parking shall be maintained.

7. SB 9 development projects shall comply with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) and the MSHCP implementing agreement, and pay any applicable fees including any local development mitigation fee.

Q. RIPAOZ Design, Screening, and Privacy Standards. Multifamily housing within the RIPAOZ shall be constructed in the following manner:

- 1. All multifamily developments within the RIPAOZ with 12 or more dwelling units shall provide 20 percent usable open space for passive and active recreational uses. Usable open space areas shall not include rights-of-way, vehicle parking areas, areas adjacent to or between any structures less than 15 feet apart, setbacks, patios or private yards, or slope areas greater than eight percent.
- 2. All multifamily developments within the RIPAOZ shall be required to install a seven-foot perimeter block wall to limit visual intrusion on surrounding development to the greatest extent possible.
- 3. Each dwelling unit within the RIPAOZ shall have a private (walled) patio or balcony.
- 4. All multifamily developments within the RIPAOZ shall provide recreational amenities within the site which may include a swimming pool; spa; gym; on-site multi-use trails/walking paths (separate from private sidewalks); package centers; smart home technology; clubhouse; tot lot with play equipment; picnic shelter/barbecue area; court game facilities such as tennis, basketball, or racquetball; improved softball or baseball fields; or day care facilities. The type of amenities shall be approved by the planning director and provided according to the following schedule:

**Schedule Table**

<b>Units</b>	<b>Amenities</b>
0 – 11	0
12 – 100	1
101 – 200	2
201 – 300	3

Note: Add one amenity for each 100 additional units or fraction thereof.

- 5. Each dwelling unit shall be provided with a minimum of 100 cubic feet of enclosed storage space, such as roof rack storage, within the garage, carport, or immediately adjacent to the dwelling unit. Garages shall not be used as a gym.
- 6. Driveway approaches within a multifamily development of 12 or more units within the RIPAOZ shall be delineated with interlocking pavers and/or rough-textured concrete and landscaped medians.
- 7. All parts of all structures shall be within 100 feet of paved access for single-story and 50 feet for multistory units.

8. A bus turnout and shelter on the on-site arterial frontage shall be dedicated if the project is located on a bus route as determined by the planning director.
9. Common laundry facilities of sufficient number and accessibility consistent with the number of living units and the Uniform Building Code shall be provided.
10. Each condominium unit shall be plumbed and wired for a washing machine and dryer.
11. Each dwelling unit shall be provided with an automatic dishwasher and a heavy-duty garbage disposal unit.
12. Telephone jacks shall be installed in all living rooms, kitchens, and bedrooms.
13. Interior television antennas (cable television) shall be installed in each apartment unit, or a central interior antenna shall be installed in each apartment building. No exterior antenna or satellite dish antenna shall be permitted.
14. All utilities, including but not limited to electrical, cable television, and telephone lines, on the site shall be underground.
15. Each multiple-dwelling building or complex shall provide one hose bib for each three required parking spaces, and these hose bibs shall be located adjacent to parking areas.
16. Lighting. Refer to Chapter 18.120 CMC, Outdoor Lighting.
17. Management and security plans shall be submitted for review and approval by the planning director (or designee) for multifamily developments within the RIPAOS with 12 or more dwelling units. These plans shall be comprehensive in scope.
18. Electronic Gates. Multifamily buildings or complexes with 40 or more dwellings within the RIPAOS shall provide electronic gates as follows:
  - a. A minimum six-foot-high, decorative wrought iron fence shall be provided along the front of the property, to the rear of any required setback. Such fence shall incorporate a self-locking remote-controlled vehicle and pedestrian entry/exit gate. The vehicle entry shall incorporate an electronically activated tenant marquee to permit notification of tenants in the event of visitors. Such marquee shall be five feet above finished grade. Provisions for emergency access, such as a Knox box, shall be provided in accordance with California Fire Code requirements.
19. Rear decks and balconies shall be discouraged for multi-story development where a majority of the surrounding properties are single-story homes within 50 feet of the property line.
20. To avoid box structure designs, continuous multi-story walls and wall areas greater than nine feet in height that are flush with the first story of a primary structure shall be designed with a minimum recess of one foot for every 20 feet of wall length. For the purposes of this section, "flush" shall mean any multi-story element or wall area above nine feet in height that is less than one foot in depth from the first story or area below nine feet.
21. Landscape screening shall be provided along the property line(s) adjacent to the single-story dwelling(s) or property on the downslope. A landscape plan that includes accurate visual simulations shall be submitted to the planning director (or designee) for review and approval. The landscaping shall be as mature as possible at installation such that at minimum, it will provide visual screening of the area immediately across from the multi-story development to ensure privacy for the adjacent single-story dwelling from visual intrusion to the windows or back yard of the adjacent residence. The height and density of the landscape buffer at installation shall be determined by the planning director and city landscape architect, with consideration given to tree survival upon transplant.
22. If it is determined during project review that visual privacy issues will exist alongside yard elevations, as determined by accurate visual simulations, the planning director may limit the multi-story wall or any structure wall above nine feet in height to clerestory windows or permanent opaque screening, if any windows are

proposed. This determination shall be based on whether or not the proposed multi-story building would have views into a neighbor's bedroom(s), living/family room, or backyard. [Ord. 394 § 12, 2023; Ord. 393 § 12, 2023; Ord. 392 § 12, 2023; Ord. 388 §§ 7 – 11, 2023; Ord. 379 § 7, 2021; Ord. 369 §§ 8 – 10, 2021; Ord. 357 § 7, 2018; Ord. 342 § 3 (Exh. A), 2016; Ord. 328 § 5 (Exh. C), 2014; Ord. 305 § 2, 2010; Ord. 296 § 2, 2009; Ord. 294 §§ 6 – 8, 2009; Ord. 292 § 2, 2009; Ord. 228 § 2, 2006; Ord. 220 § 2, 2004; Ord. 217 § 3, 2004; Ord. 95-7 § 2; Code 1990 § 12.3.05.]

**18.20.060 Design and neighborhood compatibility standards.**

A. Design Compatibility. Additions to existing structures and new structures proposed on a developed parcel shall be compatible in terms of mass, scale, height, design, colors, and materials with the existing structures on the parcel or the existing structures shall be modified to be compatible with the new construction. In addition, new construction on vacant parcels shall be compatible with the surrounding development pattern in terms of the mass, scale, and height of surrounding structures as specified in this section.

B. Second-Story Construction or Top Plate Heights above Nine Feet.

1. New two-story home construction, or additions to an existing single-story home that is adjacent to single-story homes, shall be required to provide an additional five feet to the setback for the proposed second story. This five-foot setback shall be in addition to the minimum setbacks specified in CMC 18.20.040, Residential Development Standards.
2. Rear decks and balconies shall be prohibited for infill development where a majority of the surrounding properties are single-story homes.
3. Second stories shall be limited to no more than 75 percent of the floor area of the existing first story.
4. To avoid box structure designs, continuous second-story walls and wall areas greater than nine feet in height that are flush with the first story of a primary structure shall be designed with a minimum recess of one foot for every 20 feet of wall length. For the purposes of this section, "flush" shall mean any second-story element or wall area above nine feet in height that is less than one foot in depth from the first story or area below nine feet.

C. Visual Privacy Standards. When proposed construction involves a second story or a single story at a grade differential of three or more feet from adjacent property and is adjacent to existing single-story dwellings, the following standards shall be met:

1. Landscape screening shall be provided along the property line(s) adjacent to the single-story dwelling(s) or property on the downslope. A landscape plan shall be submitted to the community development director for review and approval. The landscaping shall, at minimum, provide visual screening of the area immediately across from the second story to ensure privacy for the adjacent single-story dwelling from visual intrusion to the windows or back yard of the adjacent residence.
2. If it is determined during project review that visual privacy issues will exist along side yard elevations, the planning director may limit the second-story wall or any structure wall above nine feet in height to clerestory windows or permanent opaque screening, if any windows are proposed. This determination shall be based on whether or not the proposed second story would have views into a neighbor's bedroom(s), living/family room, or back yard.

D. Antennas, Vertical, and Satellite Dish Design Standards. All antennas, including portable units, but exempting residential satellite dish installations which are 10.5 feet or less in diameter,

12 feet or less in height, located in the rear yard, and are ground-mounted; and exempting residential single-pole or tower roof- or ground-mounted television, or amateur radio antennas where the boom or any active element of the antenna array is 30 feet or less and the height does not exceed 75 feet, shall be installed in the following manner:

1. The subject location shall conform to all standards of the land use district in which it is proposed.

2. The antennas/satellite dish shall not be located in the following areas:
  - a. Front setback.
  - b. Street side setback.
  - c. On any structure, unless architecturally screened and approved by the planning commission. The screening restriction on antennas may be modified by the commission, if there is no alternative to maintain line of sight clearance for satellites or amateur radio antennas.
3. The maximum overall height for ground- mounted antennas shall be 75 feet above grade.
4. The operation of the antennas shall not cause interference with any electrical equipment in the surrounding neighborhoods (e.g., television, radio, telephone, computer), unless exempted by federal regulation.
5. The antennas/satellite dish shall be a single, nonglossy color (e.g., off-white, cream, beige, green, black, gray).
6. Antennas/satellite dish facilities (not including an antenna/satellite dish for the exclusive use of a residence) shall be screened on all sides with a six-foot block wall, and with a solid gate six feet in height providing access to the facility.
7. The antenna/satellite dish shall be sited to assure compatibility with surrounding development and not adversely impact the neighborhood.

E. Fences and Walls. Fences and walls, including retaining walls, shall comply with Chapter 18.65 CMC, Fence, Wall, and Screening Standards.

F. Lighting. Lighting shall comply with Chapter 18.120 CMC, Outdoor Lighting.

G. Regrading. Regrading of lots to meet the standards of this section shall be prohibited.

H. Solar Energy Design Standards. Passive heating and cooling opportunities shall be incorporated in all developments in the following manner:

1. Future structures should be oriented to maximize solar access opportunities.
2. Streets, lot sizes, and lot configurations should be designed to maximize the number of structures oriented so that the south wall and roof area face within 45 degrees of due south.
3. The proposed lot size and configuration should permit structures to receive cooling benefits from both prevailing breezes and existing and proposed shading.
4. Any pool or spa facilities owned and maintained by a homeowners' association shall be equipped with a solar cover and solar water heating system.
5. No structure (building, wall, or fence) shall be constructed or vegetation placed so as to obstruct solar access on an adjoining parcel.
6. Roof-mounted solar collectors shall be placed in the most obscure location without reducing the operating efficiency of the collectors. Wall-mounted and ground-mounted collectors shall be screened from public view.
7. Roof-mounted collectors shall be installed at the same angle or as close as possible to the pitch of the roof.
8. Plumbing in new construction shall have connections for solar energy additions.
9. Appurtenant equipment, particularly plumbing and related fixtures, shall be installed in the attic.

10. Exterior surfaces of the collectors and related equipment shall have a matte finish and shall be color-coordinated to harmonize with roof materials or other dominant colors of the structure. [Ord. 342 § 3 (Exh. A), 2016; Ord. 328 § 5 (Exh. C), 2014; Ord. 95-7 § 2; Code 1990 § 12.3.06.]

## Chapter 18.25

### COMMERCIAL ZONE DISTRICTS

Sections:

- 18.25.010 General purpose.
- 18.25.020 Commercial zone districts.
- 18.25.030 Use regulations for commercial districts.
- 18.25.040 Commercial development standards.
- 18.25.050 Specific development standards for commercial districts.
- 18.25.060 Design standards.

\*Prior legislation: Code 1990 § 12.4.07.

#### **18.25.010 General purpose.**

The purpose of the commercial zone districts is to achieve the following:

- A. Provide appropriate commercial areas for retail and service establishments, neighborhood convenience, and office uses required by residents of the city in a manner consistent with the general plan.
- B. Provide adequate space to meet the needs of commercial development, including off-street parking and loading.
- C. Minimize traffic congestion and avoid the overloading of utilities.
- D. Protect commercial areas from excessive noise, illumination, unsightliness, odor, smoke, and other objectionable influences.
- E. Promote high standards for pedestrian safety, site planning, and landscape design for commercial and office developments within the city.
- F. Provide employment opportunities for existing and future residents of the city and those of adjacent communities.
- G. Provide for land uses which meet the needs of and attract regional populations, in addition to local residents.
- H. Ensure compatibility with adjacent land uses. [Ord. 342 § 3 (Exh. A), 2016; Ord. 328 § 6 (Exh. D), 2014; Ord. 95-7 § 2; Code 1990 § 12.4.01.]

#### **18.25.020 Commercial zone districts.**

- A. Neighborhood Commercial (C-N) Zone. The zone is intended to provide for the continued use, expansion, and new development of small-scale, low-intensity neighborhood commercial uses which serve and are in proximity to residential neighborhoods throughout the city.
- B. Community Commercial (C-C) Zone. The zone is intended to provide for larger commercial uses to serve the residents of the city and surrounding areas.
- C. Regional Commercial (C-R) Zone. The zone is intended to provide for the development of commercial uses which will cater to a wide market, including a full range of retail shops and services in a shopping center environment.
- D. Office Professional (O-P) Zone. The zone is intended to provide for uses such as business and service offices, cultural and community facilities, financial institutions, legal and medical services, restaurants, and other similar uses which represent major concentrations of community and employment activities. [Ord. 342 § 3 (Exh. A), 2016; Ord. 328 § 6 (Exh. D), 2014; Ord. 95-7 § 2; Code 1990 § 12.4.02.]

#### **18.25.030 Use regulations for commercial districts.**

Table 18.25.030 identifies those uses and activities which may be permitted in the commercial zone districts subject to the provisions of this title and applicable general plan policies, and those uses and activities which are not

permitted. Table 18.25.030 also indicates the development procedure and the approval type by which each listed use or activity may be permitted in each of the commercial zone districts. A minor development plan or major development plan may be required in accordance with Chapter 18.90 CMC, Development Plan Review.

**Table 18.25.030 – Uses Permitted Within Commercial Districts**

	Use	C-N	C-C	C-R	O-P
A.	<b>Commercial Uses</b>				
	Uses requiring an alcoholic beverage control permit <sup>a</sup>	C	C	C	C
	Ambulance services	X	C	C	X
	Art galleries	P	P	P	X
	Art supply shops and studios	P	P	P	X
	Appliance stores and repair (large appliances)	X	P	P	X
	Arcades <sup>b</sup>	X	C	C	C
	Athletic and health clubs	X	P	P	X
	Auto supply stores	P	P	P	X
	Automobile dealership <sup>c</sup>				
	• Antique auto sales	X	C	C	X
	• Classic auto sales	X	C	C	X
	• Used auto sales	X	A	A	X
	• New auto sales	X	C	C	X
	• Accessory auto equipment sales	C	P	P	X
	• Farm equipment sales	X	P	P	X
	• OHV sales	X	C	C	X
	Automobile Internet sales (office use only, 2 vehicles or less on display)	P	P	P	X
	Automotive washing, self-service	C	P	P	X
	Automotive washing, full-service	C	P	P	X
	Automotive paint and body <sup>d</sup>	X	C	C	X
	Automotive repair garages, which do not include body and fender shops or spray painting <sup>d</sup>	C	P	P	X
	Bookstores	P	P	P	P
	Commercial recreation facilities				
	• Indoor	X	P	P	P
	• Outdoor	X	X	X	X
	Convenience stores	P	P	P	X
	Convenience stores, including the sale of motor vehicle fuel	C	C	C	X
	Delicatessens	P	P	P	P
	Department stores	X	P	P	X
	Drive-ins/throughs <sup>e</sup>	C	C	C	C
	Emergency care facilities	X	C	X	C
	Feed and tack stores	C	P	P	X
	Florists	P	P	P	P
	Gas stations	C	C	C	C
	General retail	P	P	P	X
	General services	P	P	P	P
	Gift shops	P	P	P	P
	Hospitals	X	C	X	C

	Hotels and motels	X	P	P	C
	Ice cream and yogurt shops	P	P	P	P
	Internet cafes	P	P	P	P
	Kennels	X	C	C	X
	Liquor stores (see also alcohol sales)	X	C	C	C
	Medical offices	P	P	P	P
	Mortuaries	X	C	C	C
	Movie theaters	X	P	P	X
	Newspaper and magazine stores	P	P	P	P
	Paint stores	X	P	P	X
	Pawnshops <sup>f</sup>	X	P	P	X
	Personal services, including massage, tattooing or piercing	C	C	C	X
	Plumbing shops and supplies	X	P	P	X
	Restaurants and other eating establishments, excluding fast food				
	• With entertainment	C	C	C	C
	• Without entertainment	P	P	P	P
	Secondhand store	X	P	P	X
	Service station (automotive without convenience sales) <sup>g</sup>	C	C	C	X
	Service station (automotive, with convenience sales) <sup>g</sup>	C	C	C	C
	Smoke shops and hookah lounges, including vapor and e-cigarettes	C	C	C	X
	Swimming pool sales/service (outdoor display)	X	C	C	X
	Tire sales and service <sup>d</sup>	X	P	P	X
	Upholstery shops	X	P	P	X
	Veterinary offices and animal hospitals, including exterior kennels, pens or runs	X	C	C	X
	Veterinary offices and animal hospitals, excluding exterior kennels, pens or runs	P	P	P	X
	Warehouse/wholesale and industrial uses				
	• When combined with retail use and less than or equal to 45% of the total square footage of the parcel development is designated for warehouse/wholesale and/or industrial uses <sup>h</sup>	X	P	X	X
	• When combined with retail use and greater than 45% of the total square footage of the parcel development is designated for warehouse/wholesale and/or industrial uses <sup>h</sup>	X	P	X	X
<b>B.</b>	<b>Office and Related Uses</b>				
	Bail bonds offices	X	P	P	X
	Check cashing/payday loan services	X	P	P	X
	Professional offices	P	P	P	P
	Self-storage facilities	X	P	P	X
	Social service offices	X	P	P	P
	Warehouse/wholesale and industrial uses				
	• When combined with office use and less than or equal to 45% of the total square footage of the parcel development is designated for warehouse/wholesale and/or industrial uses <sup>h</sup>	X	P	X	X
	• When combined with office use and greater than 45% of the total square footage of the parcel development is designated for warehouse/wholesale and/or industrial uses <sup>h</sup>	X	C	X	X
<b>C.</b>	<b>Public/Quasi-Public Uses</b>				
	Auditoriums	X	C	C	C
	Churches and other religious institutions	C	C	C	C

	Convalescent homes	C	C	X	X
	Cultural center/performing arts theaters	X	C	C	X
	Day care facilities, preschools, nursery schools, or community care facilities <sup>k</sup>	C	<del>CP</del>	<del>CP</del>	C
	Educational institutions (public and private)	C	C	C	C
	Fire and police stations	P	P	P	P
	Government offices (e.g., City Hall, community center)	P	P	P	P
	Meeting places of nonprofit civic groups, community organizations, clubs and lodge halls	C	C	C	C
	Parking, surface or garage (not associated with a development project)	P	P	P	P
	Parks and recreation facilities (public or private)	P	P	P	P
	Post offices	P	P	P	P
	Public libraries and museums	P	P	P	P
	Public utility and public service substations, reservoirs, pumping plants, and similar installations, not including public utility offices	C	P	P	P
	Wireless communication facilities	C	C	C	C
<b>D.</b>	<b>Residential Uses</b>				
	Emergency shelter <sup>i</sup>	X	P	X	X
	Mixed use <sup>j</sup>	X	C	X	X
	Single room occupancy housing	X	P	P	X
	<u>Supportive Housing<sup>l</sup></u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>X</u>
	<u>Transitional Housing<sup>l</sup></u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>X</u>
	<u>Low Barrier Navigation Center<sup>m</sup></u>	<u>X</u>	<u>C</u>	<u>X</u>	<u>X</u>
<b>E.</b>	<b>Temporary Uses</b>				Subject to the provisions of CMC 18.15.130, Temporary Use Permits
<b>F.</b>	<b>Other Uses Similar to and Having No Greater Impact On The Surrounding Environment Than the Uses Identified Above</b>				Subject to the provisions of CMC 18.15.180, Determination of Similar Use
<b>G.</b>	<b>Commercial Cannabis Activity</b>	X	X	X	X

**Legend:**

**P – Permitted**

**C – Subject to conditional use permit**

**X – Prohibited**

**Notes:**

- a. Subject to the provisions of CMC 18.25.050(B), Alcohol Beverage Control “ABC” License.
- b. Subject to the provisions of CMC 18.25.050(C), Arcades.
- c. Subject to the provisions of CMC 18.25.050(D), Vehicle Sales.
- d. Subject to the provisions of CMC 18.25.050(M), Vehicle Repair Facilities.
- e. Subject to the provisions of CMC 18.25.050(G), Drive-In, Drive-Through, Fast-Food, and Take-Out Restaurants.
- f. Subject to the provisions of CMC 18.25.050(J), Pawnshops.
- g. Subject to the provisions of CMC 18.25.050(L), Service Stations.
- h. Subject to the provisions of CMC 18.25.050(N), Warehouse/Wholesale and Industrial Uses.
- i. Subject to the provisions of CMC 18.25.050(H), Emergency Shelters.
- j. Subject to the provisions of CMC 18.25.050(I), Mixed Use.  
[Ord. 384 § 5, 2022; Ord. 370 § 2 (Exh. A), 2020; Ord. 345 § 3 (Exh. A), 2017; Ord. 342 § 3 (Exh. A), 2016; Ord. 341 § 11, 2016; Ord. 341-U § 12, 2016; Ord. 328 § 6 (Exh. D), 2014; Ord. 286 § 6, 2009; Ord. 95-7 § 2; Code 1990 § 12.4.03.]
- k. Community Care Facilities, regardless of size or occupancy, shall be subject only to the same requirements as other residential uses within the same zone and shall comply with all State of California licensing requirements.
- l. In all cases, supportive housing and transitional housing are and shall be treated as residential uses, subject only to the permitting requirements that apply to residential uses of the same housing type location in the same zone.
- m. A low barrier navigation centers shall be allowed as a use by right in accordance with Government Code sections 65660-65668.

**18.25.040 Commercial development standards.**

A. Table 18.25.040 provides the minimum site development standards applicable to proposed and existing development in all commercial zone districts.

1. A development or commercial center may, for purposes of meeting the minimum site size standards, consist of a combination of parcels whose total net acreage meets the minimum site size criteria; provided, that the design for the entire site is integrated and unified.

**Table 18.25.040 – Commercial Development Standards**

Standard	C-N	C-C	C-R	O-P
1. Minimum site area (net)	7,200 s.f.	10,000 s.f.	10,000 s.f.	10,000 s.f.
2. Minimum front setback	15' <sup>[a]</sup>	20' <sup>[a]</sup>	20'	20'
3. Minimum side setbacks (ea.)	10'	10'	10'	10'
4. Minimum side street setback	20'	20'	20'	20'
5. Minimum rear yard setback	10'	10'	10'	10'
6. Maximum floor area ratio	0.25	0.50	0.75	0.50
7. Maximum height for buildings and structures	1 st. 25'	2 st. 35'	3 st. 50'	2 st. 35'
s.f. = square feet				
st. = story				

Notes:

[a] The front yard setback may be reduced to zero feet if a public place or sitting or eating area is provided within the required setback area. Playground equipment does not satisfy this requirement.

B. The following standards shall apply to development in all commercial districts, except as otherwise provided in this title:

1. All indoor uses shall be conducted within a completely enclosed structure. Limited outside uses (e.g., patio dining areas and nursery sales, limited to plants and trees) shall be approved through development plan review.
2. There shall be no visible storage of motor vehicles (except display areas for sale or rent of motor vehicles), trailers, airplanes, boats, recreational vehicles, or their composite parts; loose rubbish, garbage, junk, or their receptacles; tents; equipment; or building materials in any portion of a lot. No storage shall occur on any vacant parcel. Building materials for use on the same premises may be stored on the parcel during the time that a valid building permit is in effect for construction.
3. Every parcel with a structure shall have a trash receptacle on the premises. The trash receptacle shall comply with adopted public works department standards, pursuant to Chapter 8.35 CMC, and be of sufficient size to accommodate the trash generated.
4. All roof-mounted air conditioning or heating equipment, vents, or ducts shall not be visible from any abutting lot or any public street or right-of-way. This shall be accomplished through the extension of the main structure or roof or screening in a manner which is architecturally integrated with the main structure(s).
5. Loading/unloading, delivery, packing, or refuse areas shall be screened from any abutting lot or any public street or right-of-way. This shall be accomplished through the extension of the main structure, or construction

of a concrete block wall of a height which adequately screens the area. The method of screening shall be architecturally integrated with the adjacent structure in terms of materials, color, shape, and size.

6. Elevations of all structures shall be architecturally treated to ensure compatibility with high-quality neighboring structures.
7. Transformers and backflow devices shall be completely screened from view with landscaping or other building materials.
8. Designated pedestrian access shall be provided from project sites to existing and future transit routes, park-and-ride facilities, and other facilities to support public transit and nonmotorized transportation abutting the site.
9. The city may require the preparation of market feasibility studies demonstrating the economic viability of the proposed development prior to or concurrently with a development application. [Ord. 342 § 3 (Exh. A), 2016; Ord. 328 § 6 (Exh. D), 2014; Ord. 95-7 § 2; Code 1990 § 12.4.04.]

**18.25.050 Specific development standards for commercial districts.**

A. Accessory Structures. Accessory structures are subject to the same level of review as the main structure, e.g., development plan review or conditional use permit review. An accessory structure shall be compatible with the architectural style and materials of the main building on the property. Accessory structures may only be constructed on a lot containing a main building. Permitted accessory structures shall maintain the yard requirements of the underlying zone and shall not be closer than 10 feet to any other structure.

Where the accessory structure is attached to a main building by means of a common foundation, wall, roof, or other means of attachment, it shall be considered a portion of the main building and shall comply with all the regulations applicable to that zone.

B. Alcohol Beverage Control “ABC” License.

1. A business or establishment which is required to obtain an off-site or on-site “ABC” license is subject to a conditional use permit.
2. A business or establishment which is required to obtain an off-site “ABC” license shall comply with the following:
  - a. A business or establishment shall not be located within 500 feet of any religious institution, school, or public park within the city; within 100 feet of any property designated for residential use or used for residential purposes; and shall not be located in such close proximity to another similar use to cause oversaturation of the neighborhood. The license application shall be reviewed by the sheriff’s department prior to city approval.
3. Exceptions.
  - a. A conditional use permit shall not be required for sales of alcoholic beverages at a restaurant where the primary income (51 percent) results from the on-site sale of food.
  - b. A business or establishment containing 25,000 square feet or more, which does not sell alcoholic beverages as its principal business, is exempt from the provisions of this section.

C. Arcades. Arcades shall comply with the provisions of this section in addition to the development standards and permit procedures for the district in which the arcade is located. The standards shall also be required for existing nonconforming arcades at such time as those arcades apply for city permits for expansion, or where issuance of a business license is required.

1. Maximum Number of Machines. The number of video machines permitted shall not exceed one machine per each 30 square feet of floor area.

2. **Bicycle Racks.** Bicycle storage racks shall be maintained off the public sidewalk at the ratio of one-half bicycle space per machine to adequately accommodate bicycles utilized by arcade patrons.
3. **Telephones.** At least one public telephone shall be provided at each arcade. All telephones shall be located within the building.
4. **Hours of Operation.** The hours of operation shall be limited to between 8:00 a.m. and 10:00 p.m., seven days a week.
5. **Adult Supervision.** An adult supervisor shall be able to readily observe all video machines and all areas of business. The adult supervisor shall be present at all times during hours of operation, and, if the number of video machines exceeds 40, there shall be two adult supervisors present at all times during hours of operation.
6. **Noise.** No sound created by any arcade, or its patrons, shall be detectable from the exterior of the arcade or from adjacent uses. Additional wall soundproofing shall be required.
7. **Smoking, Eating, and Drinking.** No alcoholic beverages or cigarettes shall be sold or consumed within the arcade. Appropriate notification shall be displayed within the premises.
8. **Litter.** The premises shall be continuously maintained in a safe, clean, and orderly condition.

D. **Vehicle Sales.** Vehicle sales shall comply with the provisions of this section in addition to the development standards and permit procedures for the district in which the dealership is located.

1. For purpose of this subsection and Chapter 18.10 CMC, Definitions, the following definitions shall apply:
  - a. “Antique automobile” is defined as a vehicle 45 years or older.
  - b. “Classic automobile” is defined as a vehicle between 20 and 45 years old.
  - c. “Used automobile” is defined as a vehicle between three and 20 years old.
  - d. “New automobile” is defined as a vehicle less than three years old.
  - e. “Accessory automobile equipment” is defined as a tractor trailer, flatbed trailer, and other nonmotorized equipment that is required to have a license plate by the California Department of Motor Vehicles.
  - f. “Farm equipment” is defined as a tractor, truck tractor, and other equipment defined in California Vehicle Code, Section 36101, Division 6, Chapter 2.
  - g. “Off-highway vehicle (OHV)” is defined as a motorbike, all-terrain vehicle, and other vehicle defined in California Vehicle Code, Section 38012, Division 16.5, Chapter 2.
2. **Minimum Lot Size.** The minimum lot size for the sale of new and used automobiles shall be 40,000 square feet. The minimum lot size for the sale of antique automobiles, classic automobiles, accessory automobile equipment, farm equipment, and OHV shall be 10,000 square feet.
3. **Vehicle Inventory.** No more than 25 percent of a dealership’s on-site inventory shall consist of used automobiles.

E. **Commercial Shopping Centers.**

1. **Small Shopping Center.** Consists of one or two anchors (i.e., drugstore, grocery store). This size development shall provide the following specific development standards:
  - a. **Access.**



i. Center walkways down one or more landscape strips, between parking stalls, shall be provided to enhance pedestrian and cart movement between parking areas, stores, and other facilities within the center. Landscaping requirements must still be achieved.

ii. Walkways shall be planned to provide a comprehensive linkage system within the center. All major anchors and retail pads shall be accessible from the linkages.

(A) Specifications. Walkways shall be concrete and shall be at least six feet wide to allow pedestrian/cart movement.

iii. Sidewalks.

(A) Sidewalks in front of all stores and retail buildings shall be constructed and maintained with a minimum sidewalk width of 10 feet from the store facade to the curb/pavement for pedestrian safety and movement.

(B) Sidewalks shall be designed to provide complete access to all buildings and parking areas. Where required, sidewalks shall provide access to all linkages, pedestrian areas, and public transit areas.

(C) Ramps for all handicapped access points shall be curb-cut style. Bermed ramps within the parking area are not permitted.

(D) Storage and displays of merchandise shall be prohibited on sidewalks within the required 10-foot sidewalk width. Storage and display areas may be permitted only if the building has these areas architecturally incorporated into the original approved design and set back from the 10-foot minimum sidewalk requirement.

b. Bus Stops/Turnouts. Development plans shall include the placement of bus turnouts along the major public corridor that serves the development. The turnout shall be constructed to accommodate a full-size bus out of traffic lanes. The turnout shall be constructed of concrete. Pedestrian all-weather transit stops and seating areas shall be provided and shall be architecturally compatible with the development.

c. Pedestrian Areas. Consideration shall be given to include pedestrian seating and gathering areas within the development. The areas may be covered or have an open trellis design. Public art, water features, community/educational displays, or other amenities shall be considered in the design. The seating/gathering areas shall be accessible and oriented to all buildings or be interconnected by pedestrian linkages.

F. Density Bonus. A density bonus may be granted to a developer of a commercial project when the developer agrees to set aside floor area for a child care facility in accordance with Government Code Section 65917.5.

G. Drive-In, Drive-Through, Fast-Food, and Take-Out Restaurants. The following provisions shall apply to all new drive-in, drive-through, fast-food, and take-out restaurants and to the expansion of 20 percent or more of the gross floor area or increase of more than 25 percent of the number of seats in any existing restaurant.

1. Pedestrian walkways should not intersect the drive-through aisles, but where they do, they shall have clear visibility, and they must be emphasized by enhanced paving or striping.

2. Drive-through aisles shall have a minimum 12-foot width on straight sections; radius shall be as determined by the city engineer.

3. Drive-through aisles shall provide sufficient stacking area behind the menu board to accommodate a minimum of eight cars.

4. All drive-through windows shall be covered. The construction and materials of the cover shall be architecturally compatible with the main structure and shall be approved by the planning director.

5. All service areas and ground-mounted and roof-mounted mechanical equipment shall be screened from view.

6. Drive-through or drive-in aisles shall be screened from the public right-of-way with landscaping, berms, block wall, or a combination. The screening method shall also be used to minimize the visual impact of readerboard signs and directional signs. All landscaping shall be in conformance with Chapter 18.70 CMC, Landscape

Requirements, and Chapter 18.75 CMC, Water Conservation for Landscaping.

7. Drive-through aisles shall be constructed with PCC pavement.

8. Parking areas and drive-through aisles and structures shall be set back from the ultimate curb face a minimum of 20 feet.

9. Drive-through restaurants within an integrated shopping center shall have an architectural style consistent with the theme established in the center. The architecture of any drive-through restaurant must provide compatibility with surrounding uses in form, materials, colors, scale, etc. Structure plans shall have variation in depth and angle to create variety and interest in its basic form and silhouette. Articulation of structure surface shall be encouraged through the use of openings and recesses which create texture and shadow patterns.

10. The use of outdoor dining and seating areas is encouraged.

H. Emergency Shelters. Such uses shall be permitted pursuant to Government Code Section 65583 and this subsection in addition to complying with applicable standards of the zone district in which the use is located. The permit processing, development, and management standards shall not be deemed to be discretionary acts within the meaning of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code). The following standards shall apply to all emergency shelters, except those shelters established in response to an emergency as defined in Chapter 2.80 CMC, Administration of Disaster Operations and Relief:

1. The maximum number of beds shall be ~~40-20~~ beds per facility and shall serve no more than 20 homeless persons at any one time.

2. All client intake shall be conducted inside the facility.

3. On-site management is required during hours of operation.

4. An emergency shelter shall not be located within 300 feet of any other emergency shelter, as measured from property line to property line.

5. The length of stay for any individual shall be limited to six months or less.

6. Adequate lighting for security and safety purposes shall be provided on site and shall be maintained in good working condition.

7. Security shall be provided on site during the hours of operation.

I. Mixed Use. In the Community Commercial (C-C) zone, residential uses may be combined with nonresidential uses upon approval of a conditional use permit.

1. In an entirely new building constructed for such purposes, required parking shall be provided for each use, calculated in accordance with the individual requirements for the particular uses.

2. In an existing commercial building, parking for the residential unit(s) shall be provided on site, in addition to that required for the commercial use(s), or by evidence of an agreement for off-site parking, acceptable to the city.

J. Pawnshops. The following provisions shall apply to pawnshops. Such uses shall comply with the provisions of this subsection in addition to the applicable standards and permit procedures of the zone district in which the use is located.

1. Pawnshops shall be a minimum distance of 500 feet from each other, as measured from structure to structure. The distance between any structures used as a pawnshop shall be measured in a straight line, without regard to intervening structures. Exceptions may be considered if it can be demonstrated that no direct route exists between two businesses without traveling more than 500 feet, such as adjoining or nearby properties on different streets, and separated by physical barriers from one another, such as walls, fencing, landscaping, etc.
2. Pawnshops shall be limited to operating between 8:00 a.m. and 10:00 p.m.

K. Recycling Facilities. The following provisions shall apply to the following uses: (1) reverse vending machines; (2) small recycling facilities; and (3) recycling and reprocessing facilities. Such uses shall comply with the provisions of this subsection in addition to the applicable standards and permit procedures of the zone district in which the use is located.

1. Reverse Vending Machines. Reverse vending machines shall be subject to development plan review and shall comply with the following standards:

- a. Shall be established in conjunction with a commercial use or public facility which is in compliance with this title and all applicable provisions of the building code and the Calimesa Municipal Code.
- b. Shall be located within 30 feet of the entrance to the commercial structure and shall not obstruct pedestrian or vehicular circulation.
- c. Shall not occupy required parking spaces.
- d. Shall occupy no more than 50 square feet of floor area per installation, including any protective enclosure, and shall be no more than eight feet in height.
- e. Shall be constructed and maintained with durable, waterproof, and rustproof material.
- f. Shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative.
- g. Shall have a sign area of a maximum of four square feet per machine, exclusive of operating instructions.
- h. Shall be maintained in a clean, litter-free condition on a daily basis.
- i. Shall be illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn.
- j. Shall be adequately maintained, and shall be clean and not dented, bent, or otherwise disfigured.

2. Small Collection Facilities. Small collection facilities shall be subject to development plan review and shall comply with the following standards:

- a. Shall be established in conjunction with an existing commercial use or public facility which is in compliance with this title and the building code and the Calimesa Municipal Code.
- b. Shall be no larger than 500 square feet and occupy no more than five parking spaces, not including space that will be periodically needed for removal of materials or exchange of containers.
- c. Shall be set back at least 10 feet from any property line, and shall not obstruct pedestrian or vehicular circulation.

- d. Shall accept only glass, metals, plastic containers, papers, and reusable items.
- e. Shall use no power-driven processing equipment except for reverse vending machines.
- f. Shall use containers that are constructed and maintained with durable waterproof and rustproof material, covered when site is not attended, secured from unauthorized entry or removal of material, and of a capacity sufficient to accommodate materials collected and the collection schedule.
- g. Shall store all recyclable material in containers or in the mobile unit vehicle, and shall not leave materials outside of containers when attendant is not present.
- h. Shall be maintained free of litter and any other undesirable materials. Mobile facilities, at which a truck or containers are removed at the end of each collection day, shall be swept at the end of each collection day.
- i. Shall operate only during the hours between 9:00 a.m. and 7:00 p.m. when located within 100 feet of a property zoned or occupied for residential use.
- j. Shall locate containers for the 24-hour donation of materials at least 100 feet from any property zoned or occupied by a residential use, unless there is a recognized service corridor and acoustical shielding between the containers and the residential use. All containers shall be painted and shall not be dented, bent, or otherwise disfigured.
- k. Shall utilize clearly marked containers which identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and shall display a notice stating that no material shall be left outside the recycling enclosure or containers.
- l. Signs may be provided as follows:
  - i. Small collection facilities may have a maximum of four identification signs, each a maximum of 20 percent per side of the facility or 16 square feet, whichever is larger. In the case of a wheeled facility, the side shall be measured from the pavement to the top of the container.
  - ii. Signs shall be consistent with the character of their location.
  - iii. Directional signs, consistent with Chapter 18.50 CMC, Sign Regulations, bearing no advertising message may be installed with the approval of the planning director if found necessary to facilitate traffic circulation or if the facility is not visible from the public right-of-way.
- m. The facility shall not impair the landscaping required by Chapter 18.70 CMC, Landscape Requirements, for any concurrent use.
- n. Parking.
  - i. No additional parking spaces shall be required for customers of a small collection facility located in the established parking lot of a commercial use.
  - ii. Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present.
  - iii. Occupation of parking spaces by the facility and by the attendant shall not reduce available parking spaces below the minimum number required for the primary use unless all of the following conditions exist.
    - (A) A parking study shows that existing parking capacity is not already fully utilized during the time the recycling facility will be on the site; and

(B) The permit shall be reviewed at the end of 12 months.

o. Small collection facilities may be subject to landscaping and/or screening as determined by the planning commission.

p. Shall maintain adequate refuse containers for the disposal of nonhazardous waste.

3. Large Collection Facility. A large collection facility which is larger than 500 square feet, or on a separate parcel not accessory to a primary use, which has a permanent structure, is permitted in the Community Commercial (C-C), Regional Commercial (C-R), and industrial land use districts, subject to a conditional use permit and the following standards:

a. Facility shall be located a minimum of 150 feet from the property line of any lot zoned or planned for residential use.

b. Facility shall be screened from the public right-of-way by operating in an enclosed building or within an area enclosed by an opaque fence at least six feet in height with landscaping and shall meet all applicable noise standards of Chapter 8.15 CMC.

c. Setbacks and landscape requirements shall be those provided for the zone district in which the facility is located.

d. All exterior storage of material shall be in sturdy containers which are covered, secured, and maintained in good condition. Outdoor storage shall be screened by a six-foot solid decorative masonry wall. No storage, excluding truck trailers, shall be visible above the height of the wall. No outdoor storage shall be permitted in the land use districts which do not permit outdoor storage.

e. The site shall be maintained free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis.

f. Space shall be provided on site for six vehicles or the anticipated peak customer load, whichever is higher, to circulate and to deposit recyclable materials.

g. One parking space shall be provided for each commercial vehicle operated by the recycling facility. Parking requirements shall be as provided for in Chapter 18.45 CMC, Off-Street Parking.

h. Noise levels shall not exceed 65 dBA as measured at the property line of residential land use districts, and shall not exceed 70 dBA at any point.

i. If the facility is located within 500 feet of property zoned, planned, or occupied for residential use, it shall not be in operation between 7:00 p.m. and 7:00 a.m.

j. Any containers or enclosures provided for after-hours donation of recyclable materials shall be at least 50 feet from any property zoned, planned, or occupied for residential use, shall be of sturdy, rustproof construction, shall have sufficient capacity to accommodate materials collected, and shall be secured from unauthorized entry or removal of materials.

k. Donation areas shall be kept free of litter and any other undesirable material, and the containers shall be clearly marked to identify the type of material that may be deposited. The facility shall display a notice stating that no material shall be left outside the recycling containers.

l. The facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation; identification and informational signs shall meet the standards of the zone. Directional signs may be installed with the approval of the planning director if necessary, to facilitate traffic circulation or if the facility is not visible to the public right-of-way.

m. Power-driven processing, including aluminum foil and can compacting, baling, plastic shredding, or other light processing activities necessary for efficient temporary storage and shipment of material, may be approved at the discretion of the planning director if noise and other conditions are met.

4. Processing Facilities. Processing facilities, both light and heavy, shall be permitted in the commercial land use districts subject to a conditional use permit, and shall comply with the following standards:

a. The facility shall be located at least 150 feet from property planned, zoned, or occupied for residential use and operations shall take place within a fully enclosed building or within an area enclosed by a six-foot solid decorative masonry wall.

b. Setbacks from property lines shall be those provided for the land use district in which the facility is located.

c. When located within 500 feet of property planned, zoned, or occupied for residential use, the facility shall not be in operation between 7:00 p.m. and 7:00 a.m.

d. Noise levels shall not exceed 65 dBA as measured at the property line of residentially zoned or occupied property, and shall not exceed 70 dBA at any point.

e. Sign criteria shall be those specified in Chapter 18.50 CMC, Sign Regulations. In addition, the facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation.

f. Any containers or enclosures provided for after-hours donation of recyclable materials shall be at least 50 feet from any property zoned or occupied for residential use; shall be of sturdy, rustproof construction; shall have sufficient capacity to accommodate materials collected; and shall be secured from unauthorized entry or removal of materials.

g. The facility shall be administered by on-site personnel during hours of operation.

h. Donation areas shall be kept free of litter and any other undesirable material. The containers shall be clearly marked to identify the type of material that may be deposited. The facility shall display a notice stating that no material shall be left outside the recycling containers.

i. No dust, fumes, smoke, vibration, or odor above ambient level may be detectable on neighboring properties.

j. Power-driven processing shall be permitted, provided all noise level requirements are met. Light processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding, and sorting or source-separated recyclable materials and repairing of reusable materials.

k. A light processing facility shall be no larger than 45,000 square feet and shall have no more than an average of two outbound truck shipments of material per day and shall not shred, compact, or bale ferrous metals other than food and beverage containers.

l. A processing facility may accept used motor oil for recycling from the generator in accordance with Section 25250.11 of the California Health and Safety Code.

m. All exterior storage of material shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition or may be baled or placed on pallets. Storage containers for flammable material shall be constructed of nonflammable material. Oil storage shall be in containers approved by the county director of environmental health services; no storage excluding truck trailers and overseas containers shall be visible above the height of the fencing.

n. Site shall be maintained free of litter and any other undesirable materials, shall be cleaned of loose debris on a daily basis, and shall be secured from unauthorized entry and removal of materials when attendants are not present.

- o. One parking space shall be provided for each commercial vehicle operated by the processing center. Parking requirements shall otherwise be as mandated by Chapter 18.45 CMC, Off-Street Parking.

5. Site Cleanup. The operator of any recycling collection or processing facility shall, on a daily basis, remove any and all recyclable materials or solid wastes which have accumulated or are deposited outside the containers, bins, or enclosures intended as receptacles for such materials. Upon the failure to remove said materials, the city may deem them to be abandoned and may enter the site to remove the materials. The property owner(s) of the premises and the operator of the facility shall be liable for the full cost of any such cleanup work done by the city.

L. Service Stations. All service stations shall comply with the provisions of this subsection in addition to the property development standards and the permit procedures for the district in which they are to be located. These provisions shall apply to all new service stations and to all existing service stations at such time as those existing stations may come before the city for an expansion of 25 percent or greater in floor area, or a remodeling, or any other development that would cost more than 50 percent of the value of the improvements on the parcel at the time of remodeling, excluding land value.

1. Minimum Site Size. The minimum parcel size shall be 15,000 square feet.
2. Minimum Street Frontage. Each parcel shall have a minimum street frontage of 100 feet on each abutting street.
3. Setbacks. No building or structure, except canopies as provided below, shall be located within 30 feet of any right-of-way line, or within 20 feet of any interior parcel line.
4. Gasoline Pumps. Gasoline pumps shall be located a minimum of 20 feet from any property line.
5. Canopies. Canopies shall be located a minimum of 10 feet from any property line.
6. Paving. The site shall be entirely paved, except for buildings and landscaping.
7. Access and Circulation.
  - a. The maximum number of points of ingress/egress to any one street shall be two.
  - b. There shall be a minimum distance of 30 feet between curb cuts along a street frontage.
  - c. No driveway may be located closer than 50 feet from a street intersection.
  - d. Maximum driveway width shall be 35 feet.
  - e. All parking, loading, circulation aisles, and pump island bay areas shall be constructed with PCC pavement.
8. Walls. Service stations shall be separated from adjacent property which is zoned or used for residential purposes by a decorative masonry wall of not less than eight feet in height. Materials, textures, colors, and design of all walls shall be compatible with on-site development and adjacent properties. No wall higher than three feet in height shall be constructed within five feet of a driveway entrance or vehicle accessway which opens onto a street or alley. Walls shall be constructed so as to ensure a clear cross-view of pedestrians on the sidewalk, alley, or elsewhere by motorists entering or exiting the parcel.
9. Landscaping. Landscaping shall be provided pursuant to the provisions of Chapter 18.70 CMC, Landscape Requirements, and Chapter 18.75 CMC, Water Conservation for Landscaping.
10. Service Bays. Openings of service bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion onto adjoining properties. Access to service bays shall not be located within 50 feet of a residentially zoned property.

11. Air and Water. Each service station shall provide air and water to customers at a convenient location during hours when gasoline is dispensed.

12. Restrooms. Each service station shall provide men's and women's public restrooms which are accessible to the general public and to the physically disabled during all hours the service station is open to the public. Restrooms shall be attached to a structure on site with entrances or signage clearly visible from the gasoline service area or cashier station, and concealed from view of adjacent properties by planters or decorative screening, and shall be maintained on a regular basis.

13. Telephones. At least one public telephone shall be provided at each service station in a location that is easily visible from public rights-of-way.

14. Vending Machines. Coin-operated vending machines may be permitted within or abutting a structure for the purpose of dispensing items commonly found in service stations, such as refreshments and maps.

15. Lighting. Refer to CMC 18.120.110(B)(7).

16. Abandoned Service Stations.

a. Where service stations become vacant or cease operation for more than 180 days, the owner shall be required to remove all underground storage tanks (in a manner acceptable to all applicable permitting/regulatory agencies), remove all gasoline pumps and pump islands, and remove freestanding canopies.

b. So as to confirm that the use has not been abandoned, the owner shall provide evidence to the planning director with written verification prior to the one hundred eightieth day that an allocation of gas has been received and operation of the station will commence within 30 days of the date of written correspondence.

c. Resumption of service station operations after the 180 days specified above may be permitted by the planning director; provided, that a development plan review application is filed and approved. Such development plan review may result in conditions of approval which may include but not be limited to the following:

- i. Replanting existing landscape areas;
- ii. Installing new landscape areas;
- iii. Painting of structures;
- iv. Upgrading or installing trash enclosures;
- v. Striping parking spaces;
- vi. Installation of signs in conformance with Chapter 18.50 CMC, Sign Regulations;
- vii. Resurfacing vehicle access and parking areas; and
- viii. Installation of missing street improvements.

17. Converted Service Stations. The conversion of service station structures and sites to another use may require upgrading and remodeling, including but not limited to removal of underground storage tanks (in a manner acceptable to all applicable permitting/regulatory agencies), removal of all gasoline appurtenances, removal of canopies, removal of pump islands, removal of overhead doors, additional landscaping, installation of missing street improvements, or modification of existing improvements to conform to access regulations and exterior remodeling.

M. Vehicle Repair Facilities. Each vehicle repair facility, including those which may be part of and incorporated within an automobile dealership, shall comply with the provisions of this subsection in addition to the development

standards and permit procedures of the district in which it is to be located and any other applicable standards contained in this title.

1. Paving. The site shall be entirely paved, except for buildings and landscaping.
2. Service Bays. When practical, entrances to individual service bays shall not face public rights-of-way or abutting residential parcels and shall be designed to minimize the visual intrusion onto adjoining properties. Access to service bays shall not be located within 50 feet of a residentially zoned property.
3. Repair Activities. All repair activities and operations shall be conducted entirely within an enclosed building. Outdoor hoists are prohibited.
4. Enclosure. Repair facilities performing body and fender work or similar noise-generating activities shall be conducted in fully enclosed structures with walls of concrete block or similar materials. All painting shall occur within a fully enclosed booth.
5. Litter. The premises shall be kept in a neat and orderly condition at all times, and all improvements shall be maintained in a condition of reasonable repair and appearance. No used or discarded automotive parts or equipment or permanently disabled, junked, or wrecked vehicles may be stored outside the main building.
6. Storage. Exterior parking areas shall be used for employee and customer parking only, and not for the repair or finishing work or long-term (over one week) storage of vehicles. No vehicles to be repaired shall be parked or stored on any street or in any alley. No outdoor merchandise displays or storage shall be allowed in the parking lot without proper approvals.

N. Warehouse/Wholesale and Industrial Uses. The warehouse/wholesale and/or industrial uses shall be located at the rear of the lot with the retail uses fronting the street. [Ord. 345 § 3 (Exh. A), 2017; Ord. 342 § 3 (Exh. A), 2016; Ord. 328 § 6 (Exh. D), 2014; Ord. 294 § 9, 2009; Ord. 257 § 2, 2007; Ord. 184 § 1, 2001; Ord. 2000-8; Ord. 95-7 § 2; Code 1990 § 12.4.05.]

**18.25.060 Design standards.**

A. Access. Every development, structure, or use shall have frontage upon a public street or permanent means of access to a public street by a public or private easement, or a recorded reciprocal access agreement.

1. Arterial Access.
  - a. Access to an arterial road shall be limited to one point for every 300 feet of frontage or one point for parcels with less than 300 feet of frontage.
  - b. Combined and/or reciprocal access onto arterials shall be required between adjacent properties, wherever possible, to reduce vehicular access points and increase roadway efficiency.
  - c. For corner lots, whenever possible, vehicular access points on arterial roadways shall be located a minimum of 300 feet from the centerline of the intersection.

B. Additional Height. Where the maximum permitted height of a new structure exceeds 35 feet, the following provisions shall apply:

1. Enhanced buffering to surrounding properties and the appropriateness of understructure parking shall be evaluated.
2. A visual analysis relating structure proportions, massing, height and setback shall be conducted to preserve and enhance the scenic viewshed.
3. The need and appropriateness of the additional height shall be demonstrated.
4. Compatibility and harmony with surrounding development and land use designations shall be demonstrated.

5. Above 35 feet, additional structural setbacks (step back) may be required.

C. Antennas, Vertical, and Satellite Dish Design Standards. All antennas, including portable units, shall be installed in the following manner:

1. The subject location shall conform to all standards of the land use district in which it is proposed.
2. The antennas/satellite dish shall not be located in the following areas:
  - a. Front setback.
  - b. Street side setback.
  - c. On any structure, unless architecturally screened and approved by the planning commission. The screening restriction on antennas may be modified by the commission, if there is no alternative to maintain line-of-sight clearance for satellites or amateur radio antennas.
3. The maximum overall height for ground- mounted antennas shall be 75 feet above grade.
4. The operation of the antenna/satellite dish shall not cause interference with any electrical equipment in the surrounding neighborhoods (e.g., television, radio, telephone, computer), unless exempted by federal regulation.
5. The antennas/satellite dish shall be a single, nonglossy color (e.g., off-white, cream, beige, green, black, gray).
6. Antennas/satellite dish facilities shall be screened on all sides with a six-foot block wall, and with a solid gate six feet in height providing access to the facility.
7. The antenna/satellite dish shall be sited to ensure compatibility with surrounding development and not adversely impact the neighborhood.

D. Bicycle Facilities. Bicycle facilities shall be provided in accordance with the provisions of Chapter 18.45 CMC, Off-Street Parking.

E. Design Considerations. The following standards are in addition to the specific design guidelines contained in the individual land use districts:

1. The proposed development shall be of a quality and character which is consistent with the community design goals and policies including but not limited to scale, height, bulk, materials, cohesiveness, colors, roof pitch, roof eaves, and the preservation of privacy.
2. The design shall improve community appearance by avoiding excessive variety and monotonous repetition. There shall be a breakage of building facade employing the following methods:
  - a. All structure elevations shall be architecturally treated.
  - b. Blank walls at the ground floor levels shall be avoided. Windows, trellises, wall articulation, arcades, change in materials, or other features should be utilized.
  - c. The different parts of a building's facade should be articulated through use of color, arrangement of facade elements, or a change in materials.
  - d. Building height should be varied so the buildings appear to be divided into distinct massing elements.
  - e. Vary the planes of the exterior walls in depth and/or direction. Wall planes shall not run in one continuous direction for more than 50 feet without an offset.
  - f. Tower features should be integrated into buildings.

3. In accordance with the Calimesa general plan, commercial developments shall be designed to reflect the rural and country atmosphere of Calimesa (using building materials such as exposed heavy timbers, use of rustic or weathered wood, new and used bricks and stone, and the like) while maintaining good planning and design principles and sound development practices.
4. Proposed signage and landscaping shall be an integral architectural feature which does not overwhelm or dominate the structure or property.
5. Architectural or building lighting shall conform to Chapter 18.120 CMC, Outdoor Lighting.
6. Mechanical equipment, storage, trash areas, and utilities shall be architecturally screened from public view.
7. With the intent of protecting sensitive land uses, the proposed design shall promote a harmonious and compatible transition in terms of scale and character between areas of different land uses.
8. Parking structures shall be architecturally compatible with the primary and surrounding structures.
9. Nearly vertical roofs (A-frames) and piecemeal mansard roofs (used on a portion of the structure perimeter only) are prohibited. Mansard roofs, if utilized on commercial structures, shall wrap around the entire structure perimeter.

F. Exterior Building/Structure Walls. The following standards shall apply to all exterior building/structure wall construction:

1. Since walls will always be a main architectural and visual feature in any major development, restraint must be exercised in the number of permissible finish materials. The harmony of materials and particularly color treatment is essential to achieve unity in the project. Graffiti-resistant materials and/or coatings shall be employed.
2. The following designs are deemed unacceptable in any development and therefore shall be prohibited:
  - a. Nonanodized and unpainted aluminum finished window frames.
  - b. Metal grills and facades. However, grills and facades of unique design and in keeping with the general decor of the development and neighborhood may be permitted subject to prior approval by the planning director.
  - c. Aluminum or other metal panels are not permitted on the street elevation, unless it can be demonstrated that they are consistent with a structure's overall design character and do not adversely affect the pedestrian environment.

G. Fences and Walls.

1. Fences and walls shall comply with the provisions of Chapter 18.65 CMC, Fence, Wall, and Screening Standards, except as specified in Table 18.25.060.

**Table 18.25.060 –**

**Fence, Wall, and Screening Height and Type Limits – Commercial Zone Districts**

Location	Maximum Permitted Height <sup>a</sup>
Front yard or side of street yard	2' 6" – Solid structures or plants
	6' – Open work structures or plants <sup>b</sup>

Location	Maximum Permitted Height <sup>a</sup>
Abutting residential district	8' – Solid, decorative masonry wall
Other yard area	8'
Outdoor storage areas visible from public rights-of-way (located behind required yards)	12'

Notes:

- a. The limitations shall not apply in the following instances:
  - 1. Where a greater height is required by any other provision of the municipal code; or
  - 2. Where a greater height or type of fence, wall or hedge is required as a condition of approval.
- b. Open work structures or plants must permit the passage of a minimum of 90 percent of light.

H. Freeway Visibility. All building elevations visible to the freeway shall be architecturally treated.

I. Landscaping. Landscaping and irrigation systems shall comply with the provisions of Chapter 18.70 CMC, Landscape Requirements, and Chapter 18.75 CMC, Water Conservation for Landscaping.

J. Lighting. Exterior lighting shall conform to Chapter 18.120 CMC, Outdoor Lighting.

K. News Racks. News racks and other vending machines shall be located behind sidewalks and out of the public right-of-way.

L. Noise. No loudspeakers, bells, gongs, buzzers, mechanical equipment, or other sounds, or attention-attracting or communication device associated with any use shall be discernible beyond any boundary line of the parcel, except fire protection devices, burglar alarms, and church bells. The following provisions shall apply:

- 1. In residential areas, no exterior noise level shall exceed 65 dBA and no interior noise level shall exceed 45 dBA.
- 2. The minimum acceptable surface weight for a noise barrier is four pounds per square foot (equivalent to three-quarter-inch plywood). The barrier shall be of a continuous material which is resistant to sound, including:
  - a. Masonry block.
  - b. Precast concrete.
  - c. Earth berm or a combination of earth berm with block concrete.
- 3. Noise barriers shall interrupt the line of sight between noise source and receiver.
- 4. Features which incorporate the use of sound to mask intrusive noise, such as water, rustling leaves, music, and the like, shall be considered in project design.
- 5. The use of loudspeakers shall be limited to background music and reservation announcements only.

M. Public Street Improvements.

- 1. Any new construction or remodel construction valued at 25 percent or more of the current market assessment of the primary structure shall require the dedication and improvement of public right-of-way for public street purposes. In addition, the property owner shall be required to irrevocably agree to participate in any future

assessment district that may be formed to construct public street improvements in accordance with the policies, procedures, and standards of the public works director/city engineer.

2. Whenever street improvements are required along a parcel as a condition of approval, and the off-site drainage pattern requires it, the entire street section shall be improved in accordance with the policies, procedures and standards of the public works director/city engineer.

N. Screening. Any equipment, whether on the roof, side of structure, or ground, shall be screened. The method of screening shall be architecturally compatible in terms of materials, color, shape, and size. The screening design shall blend with the building design and include landscaping when on the ground.

O. Solar Energy Design Standards. Passive heating and cooling opportunities shall be incorporated in all developments in the following manner:

1. Future structures should be oriented to maximize solar access opportunities.
2. Streets, lot sizes, and lot configurations should be designed to maximize the number of structures oriented so that the south wall and roof area face within 45 degrees of due south.
3. The proposed lot size and configuration should permit structures to receive cooling benefits from both prevailing breezes and existing and proposed shading.
4. No structure (building, wall, or fence) shall be constructed or vegetation placed so as to obstruct solar access on an adjoining parcel.
5. Roof-mounted solar collectors shall be placed in the most obscure location without reducing the operating efficiency of the collectors. Wall-mounted and ground-mounted collectors shall be screened from public view.
6. Roof-mounted collectors shall be installed at the same angle or as close as possible to the pitch of the roof.
7. Appurtenant equipment, particularly plumbing and related fixtures, shall be installed in the attic.
8. Plumbing in new construction shall have connections for solar energy additions.
9. Exterior surfaces of the collectors and related equipment shall have a matte finish and shall be color-coordinated to harmonize with roof materials or other dominant colors of the structure. [Ord. 342 § 3 (Exh. A), 2016; Ord. 328 § 6 (Exh. D), 2014; Ord. 294 §§ 10, 11, 2009; Ord. 95-7 § 2; Code 1990 § 12.4.06.]

## Chapter 18.28

### MIXED USE ZONE DISTRICTS

Sections:

- 18.28.010 General purpose.
- 18.28.020 Design concept.
- 18.28.030 Mixed use zone districts.
- 18.28.040 Use regulations for mixed use districts.
- 18.28.050 Development standards for mixed use.
- 18.28.060 Development standards for streets and pedestrian ways.
- 18.28.070 Conceptual plan review.

#### **18.28.010 General purpose.**

The intent of the mixed use districts is to create vibrant, integrated mixed use environments that include a combination of neighborhood-serving retail, office, and residential uses. Standards encourage the integration of a variety of different use types into the same project site and provide flexibility to allow a variety of activities and mix of tenants within a single building. This chapter establishes appropriate standards to protect the public health, safety, welfare, and aesthetics.

The standards and requirements of this chapter are not to be confused with the mixed use policies or development standards for the downtown business district, which are described in Chapter 18.39 CMC, Downtown Business District.

The districts described in this chapter are created in order for the following to be achieved:

- A. Allow a range of uses.
- B. Establish incentives for mixed use development that create a public benefit (e.g., workforce housing, daycare facilities, community care facilities, small-scale commercial/service uses).
- C. Provide for the flexible integration of different use types independent of property locations.
- D. Provide guidance for the types of mixed use development desired by the city.
- E. Ensure that new mixed use centers are compatible with surrounding neighborhoods.
- F. Require a pedestrian-friendly environment.
- G. Facilitate smart growth principles to reduce travel between work and residential options. [Ord. 342 § 3 (Exh. A), 2016.]

#### **18.28.020 Design concept.**

The design concept for the mixed use districts is intended to provide the following key characteristics:

- A. Retail, residential, office, business and personal services, public, and institutional uses in neighborhood-oriented centers in a variety of mixed use configurations, such as ground-floor commercial with residential or office uses above, or co-location of buildings with different single uses in a contiguous mixed use area.
- B. Development is pedestrian-oriented to enhance street life and to enhance the vibrancy of new and existing neighborhoods.
- C. Residential density ranges from eight to 20 units per gross acre.
- D. Buildings are typically a combination of one-, two-, and three-story buildings, with less development intensity adjacent to single-family residential areas. [Ord. 342 § 3 (Exh. A), 2016.]

**18.28.030 Mixed use zone districts.**

A. Residential Mixed Use (R-MU) Zone. The zone is intended to provide for predominantly residential development at medium to high densities. It allows commercial or office uses to be co-located on the same property either vertically or horizontally. It does not preclude solely residential development within the category, but rather encourages a mixing of uses.

B. Commercial Mixed Use (C-MU) Zone. The zone encourages the integration of retail and service commercial uses with office and/or residential uses. This zone district may also include hospitals and other public/quasi-public uses. Commercial uses shall be the predominant use on the ground floor.

C. Office Mixed Use (O-MU) Zone. The zone encourages the integration of commercial and/or residential use in conjunction with office use of a site. The office mixed use zone may also include hospitals and other public/quasi-public uses. Office uses shall be the predominant use, although others may be included in a vertical and horizontal configuration. [Ord. 342 § 3 (Exh. A), 2016.]

**18.28.040 Use regulations for mixed use districts.**

Table 18.28.040 provides a list of those uses in the mixed use zone districts, which are permitted (P), are subject to a conditional use permit (C), or are prohibited (X). Prior to development within any mixed use zone district, a concept plan is required, in accordance with CMC 18.28.070, Conceptual plan review.

**Table 18.28.040 – Uses Permitted Within Mixed Use Districts**

Use	R-MU	C-MU	O-MU
<b>Commercial Uses</b>			
Uses requiring an Alcoholic Beverage Control permit approval <sup>a</sup>	C	C	C
Ambulance services	X	C	X
Arcades <sup>b</sup>	X	C	X
Appliance stores and repair (large appliances)	X	P	X
Athletic and health clubs	P	P	P
Auto supply stores	X	P	X
Automobile dealerships			
• Antique auto sales	X	X	X
• Classic auto sales	X	X	X
• Used auto sales	X	X	X
• New auto sales	X	X	X
• Accessory auto equipment sales	X	X	X
• Farm equipment sales	X	X	X
• OHV sales	X	X	X
Automobile Internet sales (office use only, 2 vehicles or less on display)	X	X	X
Automotive paint and body	X	X	X
Automotive repair garages, which do not include body and fender shops or spray painting	X	X	X
Catering services, with food preparation <sup>c</sup>	X	P	P

Use	R-MU	C-MU	O-MU
Commercial cannabis activity	X	X	X
Commercial recreation facilities			
• Indoor	X	P	X
• Outdoor	X	X	X
Convenience stores	C	C	C
Department stores	X	P	P
Drive-in/throughs	X	X	X
Feed and tack stores	X	C	C
General retail	P	P	P
General service	P	P	P
Hotels and motels	C	P	P
Internet cafes	P	P	P
Liquor stores	X	C	C
Mortuaries	X	C	C
Movie theaters	C	P	P
Paint stores	C	P	P
Pawnshops	C	C	C
Personal services, including massage, tattooing, and piercing	C	C	C
Pet grooming	C	C	C
Pet shops and pet supply shops	C	C	C
Plumbing shops and supplies	X	P	P
Printers or publishers	C	P	P
Produce markets	P	P	C
Restaurants and other eating establishments			
• With entertainment	C	C	C
• Without entertainment	P	P	P
Service stations	X	X	X
Smoke shops and hookah lounges, including vapor and e-cigarettes	C	P	C
Sporting goods stores	X	P	P
Swimming pool supplies	X	P	P
Swimming pool sales/service (outdoor display)	X	X	X
Tire sales and service	X	X	X

Use	R-MU	C-MU	O-MU
Upholstery shops	X	X	X
Veterinary offices and animal hospitals with exterior kennels, pens, or runs	X	X	X
Veterinary offices and animal hospitals with interior kennels, pens, or runs only	X	P	X
<b>Office Uses</b>			
Bail bonds offices	X	P	P
Check cashing/payday loan services	X	P	P
Financial services and institutions (excludes check cashing and payday loan services)	P	P	P
Professional offices	P	P	P
Self-storage facilities	X	X	X
Social service offices	X	X	X
<b>Public/Quasi-Public Uses</b>			
Auditoriums	X	C	C
Churches and other religious institutions	C	C	C
Convalescent homes	C	C	X
Cultural center/performing arts theaters	X	C	C
Day care facilities, preschools, or nursery schools, or community care facilities	C	C	C
<u>Community Care Facilities<sup>g</sup></u>	<u>P</u>	<u>P</u>	<u>P</u>
Educational institutions (private)	C	C	C
Fire and police stations	P	P	P
Government offices (e.g., City Hall, Community Center)	X	P	P
Meeting places of nonprofit civic groups, community organizations, clubs, and lodge halls	C	C	C
Parking, surface or garage	P	P	P
Parks and recreation facilities (public or private)	P	P	P
Post offices	P	P	P
Public libraries and museums	P	P	P
Public utility and public service substations, reservoirs, pumping plants, and similar installations, not including public utility offices	C	P	P
Wireless communication facilities	C	C	C
<b>Residential Uses</b>			
Accessory dwelling unit <sup>e</sup>	P	P	P
Apartments/flats	P	X	X
Bed and breakfast inns	C	C	C

Use	R-MU	C-MU	O-MU
<u>Employee Housing for six or fewer persons<sup>g</sup></u>	<u>P</u>	<u>C</u>	<u>C</u>
<u>Employee housing consisting of no more than <del>12 units or 36 beds</del>36 units or spaces designed for use by a single family or household<sup>g</sup></u>	<u>C</u>	<u>C</u>	<u>C</u>
Guest houses	P	X	X
Junior accessory dwelling unit <sup>f</sup>	P	X	X
Live-work units <sup>d</sup>	P	P	P
Multifamily dwellings	P	P	P
Single-family attached	P	C	C
Single-family detached	P	C	C
Townhomes attached	P	C	C
<u>Supportive Housing<sup>i</sup></u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Transitional Housing<sup>i</sup></u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Low Barrier Navigation Center<sup>i</sup></u>	<u>P</u>	<u>P</u>	<u>P</u>
<b>Temporary Uses</b>	Subject to the provisions of CMC 18.15.130, Temporary use permits.		
<b>Other Uses Similar to and Having No Greater Impact on the Surrounding Environment Than the Uses Identified Above</b>	Subject to the provisions of CMC 18.15.180, Determination of similar use.		
	<b>Legend:</b>		
	<b>P – Permitted</b>		
	<b>C – Subject to conditional use permit</b>		
	<b>X – Prohibited</b>		

Notes:

- a. Subject to the provisions of CMC 18.25.050(B), Alcohol Beverage Control “ABC” License.
- b. Subject to the provisions of CMC 18.25.050(C), Arcades.
- c. Without food preparation, use is considered general retail.
- d. Subject to the provisions of CMC 18.39.100(D), Live-Work Units.
- e. Ancillary to single-family or multifamily development, subject to the provisions of CMC 18.20.050(L), Accessory Dwelling Units.
- f. Ancillary to single-family development, subject to the provisions of CMC 18.20.050(O), Junior Accessory Dwelling Units. [Ord. 369 § 7, 2021; Ord. 357 § 8, 2018; Ord. 345 § 3 (Exh. A), 2017; Ord. 342 § 3 (Exh. A), 2016.]
- g. Employee housing for six or fewer employees shall be treated as a single-family structure and permitted in the same manner as other dwellings of the same type in the same zone. Employee housing consisting of no more than ~~12 units or 36 beds~~36 units or spaces designed for use by a single family or household will be permitted in the same manner as other agricultural uses in the same zone.
- h. Community Care Facilities, regardless of size or occupancy, shall be subject only to the same requirements as other residential uses within the same zone and shall comply with all State of California licensing requirements.
- i. In all cases, supportive housing and transitional housing are and shall be treated as residential uses, subject only to the permitting requirements that apply to residential uses of the same housing type location in the same zone.
- j. A low barrier navigation centers shall be allowed as a use by right in accordance with Government Code sections 65660-65668.

**18.28.050 Development standards for mixed use.**

A. The following property development standards shall apply to all development projects and permitted or conditionally permitted uses located within their respective mixed use zone districts:

1. Land Use Mix.

a. Each district shall meet the land use mix percentages as specified in Table 18.28.050-1.

**Table 18.28.050-1 – Land Use Mix**

Land Use Type	R-MU		C-MU		O-MU	
	Min.	Max.	Min.	Max.	Min.	Max.
Residential	50%	100%	0%	50%	0%	50%
Commercial	0%	50%	50%	90%	0%	30%
Office	0%	50%	0%	30%	50%	90%
Public/Quasi-Public Uses	0%	10%	0%	20%	0%	30%

b. Land use mix percentages may be transferred within the concept plan area, regardless of the underlying zone district. To determine acreage minimums and maximums for each land use type for the concept plan area, acreage minimums and maximums for each individual parcel shall be determined.

2. Building Placement. Each proposed structure shall comply with the build-to line, setback, and buildable area requirements listed in Table 18.28.050-2 and shown in Figure 18.28.050-1.

Setbacks and build-to lines shall be measured from the back of the property line when along a public street or from a sidewalk when along an internal, private drive.

**Table 18.28.050-2 – Building Placement**

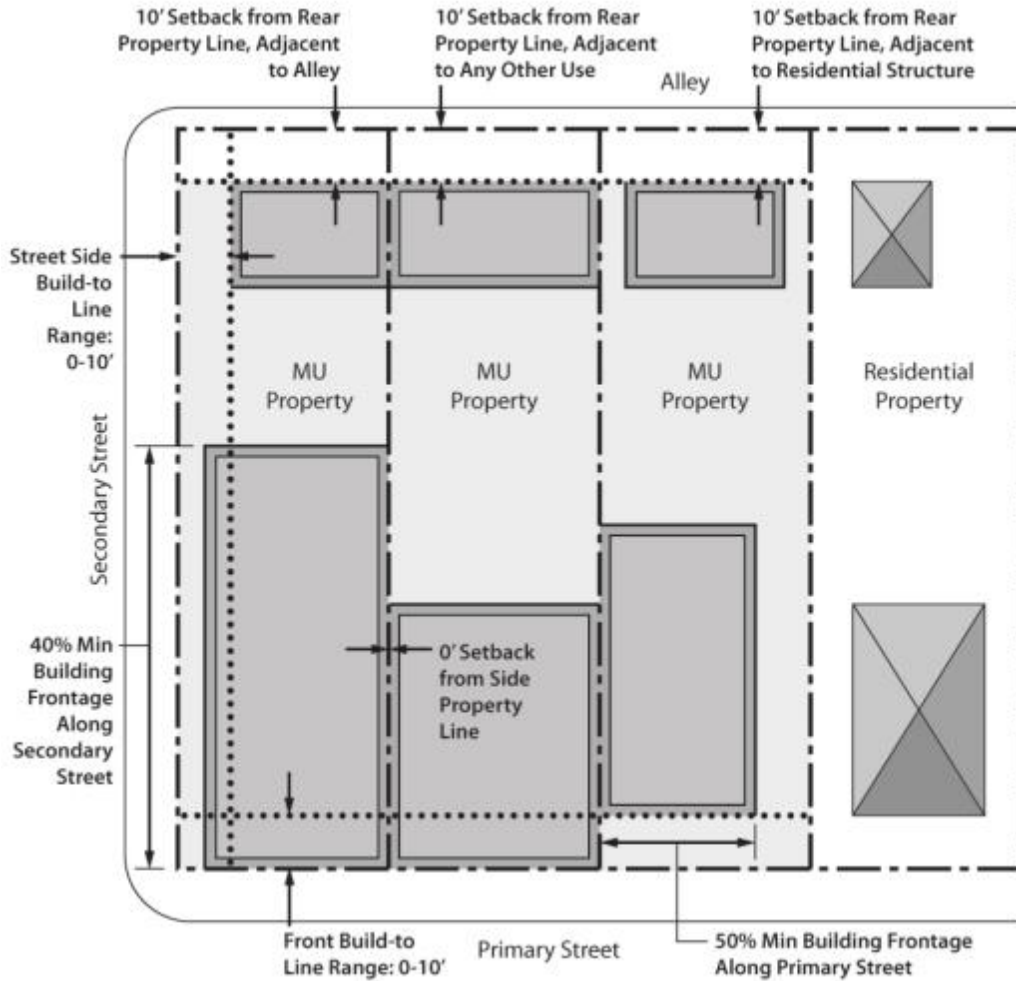
Development Standard <sup>a</sup>	R-MU	C-MU	O-MU
<b>Build-to Line<sup>b</sup></b>			
<b>Front</b>			
Minimum	0'	0'	0'
Maximum	10' <sup>c</sup>	10' <sup>c</sup>	10' <sup>c</sup>
<b>Street side, corner lot<sup>b</sup></b>			
Minimum	0' <sup>c</sup>	0' <sup>c</sup>	0' <sup>c</sup>
Maximum	10'	10'	10'
<b>Side</b>	0'	0'	0'
<b>Rear</b>			
Adjacent to residential property	10' <sup>d</sup>	10' <sup>d</sup>	10' <sup>d</sup>
Adjacent to nonresidential property	10'	10'	10'
Adjacent to alley	10' <sup>d</sup>	10' <sup>d</sup>	10' <sup>d</sup>
<b>Minimum Building Frontage</b>			
Primary street	50%	50%	50%
Secondary street	40%	40%	40%

Notes:

- a. Additional setbacks may be provided through regulating plan approval to allow for the creation of pedestrian plazas.
- b. Buildings, including awnings, arcades, galleries, and other architectural features, are allowed to encroach over and into sidewalks that are not part of the public right-of-way, provided a minimum four-foot clear walk path is provided.
- c. The building facade along a street may be recessed to create inviting pedestrian spaces such as entries, courtyards, and patios.
- d. Residential dwellings may be developed with no side yard setback and no alley setback as part of entitlement review.

**Figure 18.28.050-1**

**Building Placement**



3. Height. Height standards for development within the mixed use zone districts are listed in Table 18.28.050-3 and shown in Figure 18.28.050-2.

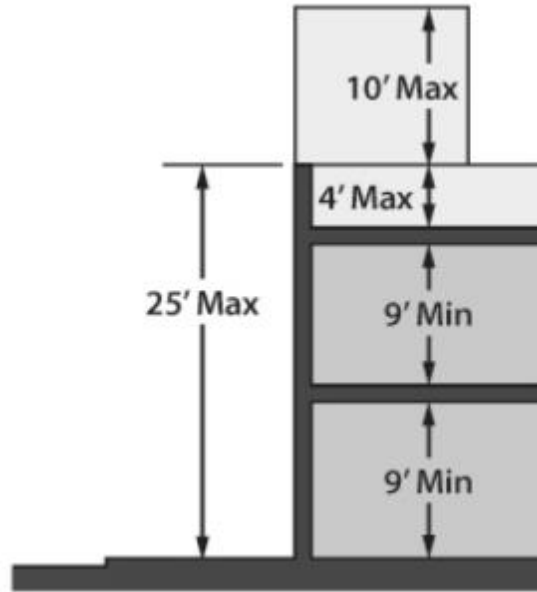
**Table 18.28.050-3 – Height**

Development Standard	R-MU	C-MU	O-MU
<b>General Height Standards</b>			
Structure height	25' max	25' max.	25' max.
First-floor ceiling height	9' min.	9' min.	9' min.
Upper-floor(s) ceiling height	9' min.	9' min.	9' min.

Development Standard	R-MU	C-MU	O-MU
<b>Architectural Features (additional height)</b>			
Parapet wall/mechanical screen	4' max.	4' max.	4' max.
Towers, spires, and similar features	10' max.	10' max.	10' max.

**Figure 18.28.050-2**

**Height**



4. Parking. Parking in mixed use districts is meant to be shared among all properties and uses within the district. The intent is to allow people the opportunity to park once and then travel by foot between the various uses within the district. Parking in mixed use districts shall be provided through a combination of parking lots behind buildings and on-street parking spaces along internal main streets and minor streets.

a. On-Street Parking Standards. On-street parking shall be developed consistent with the standards identified in subsection (A)(5) of this section, Connectivity and Circulation.

b. Parking Lot Standards. Parking lots (off-street parking) shall be developed consistent with the standards listed in Table 18.28.050-4 and Figure 18.28.050-3. In addition to these standards, parking lots shall be lighted and landscaped consistent with the standards in Chapter 18.120 CMC, Outdoor Lighting, and Chapter 18.70 CMC, Landscape Requirements. Parking stall dimensions shall be consistent with the standards of CMC 18.45.100(B), Dimensions of Parking Spaces.

**Table 18.28.050-4 – Parking Lots**

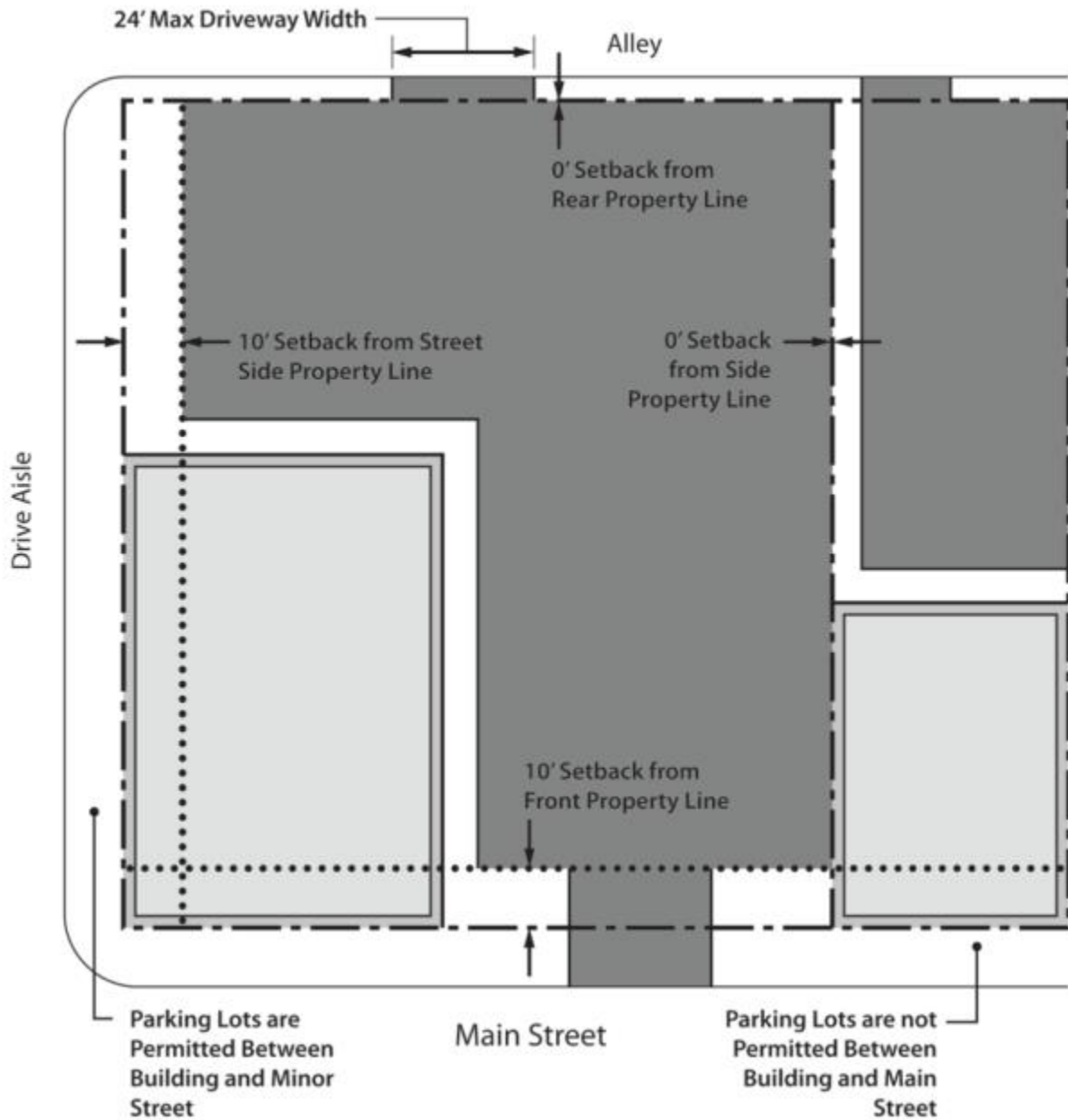
Development Standard	R-MU	C-MU	O-MU
<b>Location of Parking Lot</b>			
Between building and main street	Not Allowed	Not Allowed	Not Allowed
Between building and drive aisles	Allowed	Allowed	Allowed

Development Standard	R-MU	C-MU	O-MU
<b>Setbacks</b>			
Setback to side property line	0' min.	0' min.	0' min.
Setback to minor street	10' min. <sup>a</sup>	10' min. <sup>a</sup>	10' min. <sup>a</sup>
Setback to rear property line	0' min.	0' min.	0' min.
<b>Parking Lot Design</b>			
Driveway width	24' max. <sup>b</sup>	24' max. <sup>b</sup>	24' max. <sup>b</sup>
Drive aisle width and stall dimensions	See Chapter 18.45 CMC	See Chapter 18.45 CMC	See Chapter 18.45 CMC

Notes:

- a. Intent is to allow space for pedestrian path and landscape screening between the street and parking lot.
- b. A greater or lesser width may be required as determined by public works as part of entitlement review.

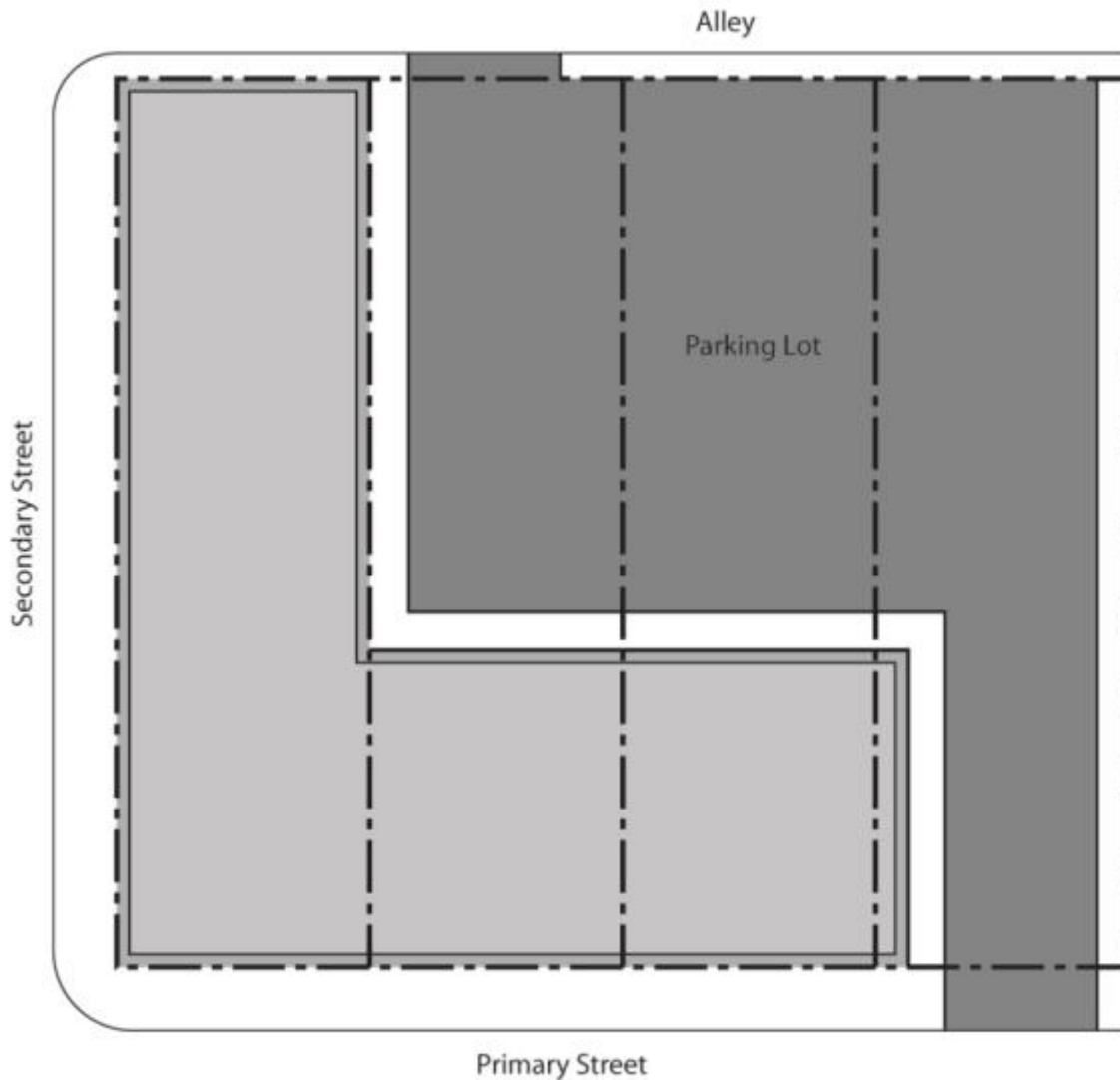
**Figure 18.28.050-3**  
**Parking Lot Location**



c. Number of Required Parking Spaces. The number of parking spaces required for mixed use centers shall be based on the standards listed in Chapter 18.39 CMC, Downtown Business District. The required parking shall be calculated based on the range of uses developed within the center by type of use during the peak parking period.

d. Location of Parking Spaces. The parking required for each individual use need not be provided on the same parcel or immediately adjacent to the use generating the required parking. Rather, the required parking just needs to be provided somewhere within the center.

**Figure 18.28.050-4**  
**Shared Parking Concept**



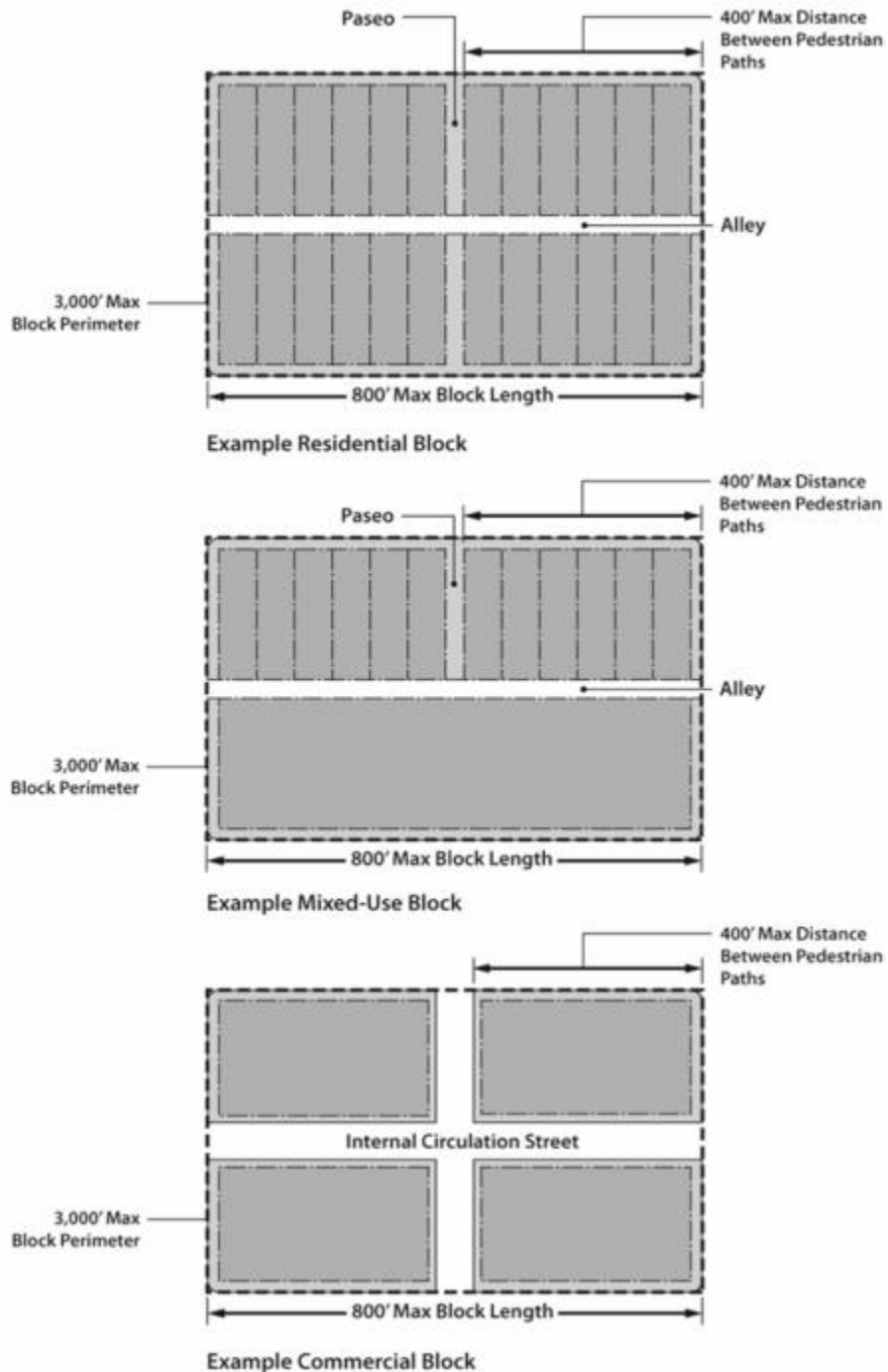
The parking required for each individual use need not be provided on the same parcel or immediately adjacent to the use generating the required parking. Rather, the required parking just needs to be provided somewhere within the center.

5. Connectivity and Circulation. In keeping with the design concept for mixed use development (see CMC 18.28.020, Design concept), mixed use districts shall be developed with an internal set of streets, drive aisles, and other similar paths that divide the sites into smaller blocks. These smaller blocks, when designed correctly, promote pedestrian mobility. To that end, mixed use districts are subject to the connectivity requirement in Table 18.28.050-4. The intent is to achieve these requirements through the implementation of the regulating plan established for each mixed use district (see CMC 18.28.070, Conceptual plan review). The standards listed in Table 18.28.050-5 are illustrated using a variety of development types in Figure 18.28.050-5. A new regulating plan shall be created or updated prior to development within each mixed use district.

**Table 18.28.050-5 – Connectivity Requirements**

<b>Development Standard</b>	<b>Measurement</b>
Block length	800' max.
Block perimeter	3,000' max.
Distance between pedestrian paths (e.g., pasco)	400' max.

**Figure 18.28.050-5**  
**Connectivity**



a. Street System. Access to each mixed use center is generally provided through public arterial and collector streets. While these streets are ideal for bringing people to the centers, they are designed first and foremost for vehicles, allowing high volumes of traffic at higher speeds (35+ miles per hour). This design is not conducive to pedestrian activity. As such, each mixed use center, as part of the regulating plan, shall establish an internal system of streets that connect to the city street system at appropriate locations. These

internal streets may be public (street) or private (drive aisle); however, the city encourages these streets to be private because this provides greater design flexibility in terms of roadway width and design.

Internal streets shall be based on the following roadway hierarchy and consistent with the development standards listed in CMC 18.28.060, Development standards for streets and pedestrian ways.

- i. Main Street. A “main street,” or “main way,” is a drive aisle or street that functions as a major vehicular pathway through a site. This street features active pedestrian spaces with wide sidewalks (greater than eight feet). Buildings are constructed directly adjacent to the sidewalk (e.g., zero-foot built-to line). On-street parking is provided within the pavement area and is typically angled such that vehicles can only pull into spaces directly in front of them on the passenger side of the vehicle. The sidewalk is lined with street trees in tree wells near the curb. Intersections may be controlled with stop signs when warrants support such controls.
  - ii. Drive Aisle. A drive aisle is a vehicular pathway that provides access from the public street system or on-site private main street(s) to the parking areas of the project.
  - iii. Alley. Alleys are narrow roads that provide access to utility areas. These roads are intended for large deliveries and trash collection and are not meant as pedestrian areas. Alleys do not provide parking (but may provide access to parking).
- b. Pedestrian Ways. Pedestrian ways in mixed use centers are generally broken down into two categories: sidewalks and other pedestrian paths. Each shall comply with the following standards:
- i. Sidewalks. Sidewalks are a critical element of the on-site circulation system providing pathways for pedestrians. Generally, on-site sidewalks shall function as logical extensions of the public sidewalk. Every internal street or drive aisle shall include a sidewalk between the roadway and the adjacent building. Exceptions shall be granted through regulating plan approval for alleys and areas where pedestrians should not be. Sidewalks shall be designed consistent with the standards listed in CMC 18.28.060, Development standards for streets and pedestrian ways.
  - ii. Other Pedestrian Paths. As identified in Table 18.28.050-4, additional pedestrian paths shall be provided between block ends within mixed use districts. These paths shall comply with the following standards:
    - B. Pedestrian paths between buildings shall be a minimum of 10 feet wide with a minimum paved area of five feet.
    - C. Where walls and/or landscaping is used to screen parking areas, breaks shall be provided at least every 60 feet to provide pedestrian access from the parking area to the sidewalk. The minimum paved width for these areas shall be three feet.
    - D. Pedestrian paths shall be designed with features such as enhanced paving, trellis structures, and additional landscaping or lighting to distinguish paths from the sidewalk.
    - E. Hardscape materials used in pedestrian-oriented spaces such as plazas, paths, and sidewalks shall be attractive, durable, slip-resistant, of high quality, and compatible in color and pattern with a project’s design. Surfaces in pedestrian circulation areas shall be constructed from materials that provide a hard, stable surface and that permit maneuverability for people of all abilities.
    - F. Pedestrian pathways crossing a vehicle drive, loading area, or parking area shall be made identifiable by the use of an alternative hardscape material such as pavers or patterned, stamped, or colored concrete.
    - G. The primary hardscape materials used for pedestrian spaces shall be high-quality poured-in-place concrete.
    - H. Signs. Signs in the mixed use districts shall comply with Chapter 18.50 CMC, Sign Regulations. [Ord. 342 § 3 (Exh. A), 2016.]

**18.28.060 Development standards for streets and pedestrian ways.**

A. Each of the three street typologies shall be developed consistent with the following standards.

**Main Street**

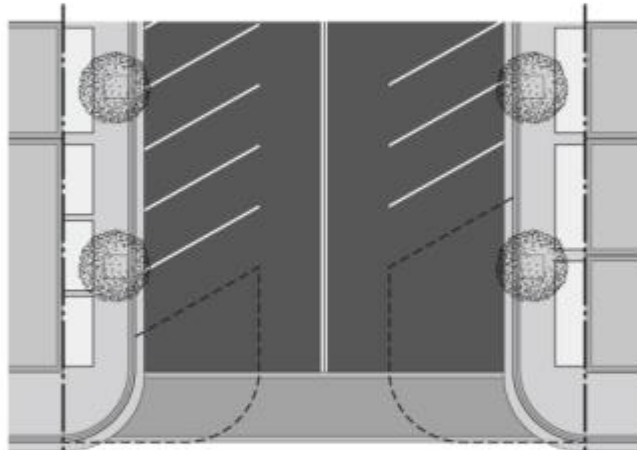
<b>Dimensions</b>		
<b>Component</b>	<b>Measurement</b>	
Sidewalk		
Total width	12' to 24'	
Minimum clear space	4'	
Tree planters		
Planter size	5' x 5'	
Planter spacing	30' on center	
Parking (angled)		
Stall width	9' to 10'	
Stall to curb	19' to 20.5'	
Angle	45°	
Travel lanes		
Number of lanes	2	
Lane width	11'	
Curb and gutter	2'	
Paved width	56' to 60'	
Total right-of-way (building face to building face)	80'	

**Dimensions**

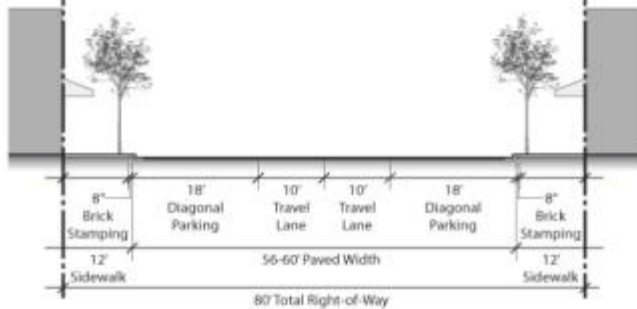
**Component**                      **Measurement**



**Oblique View**



**Plan**



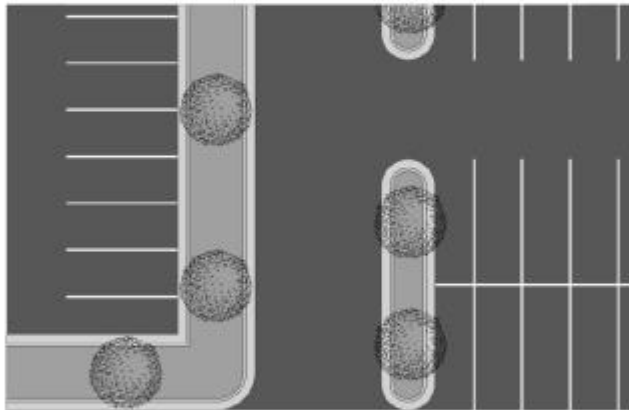
**Section**

**Drive Aisle**

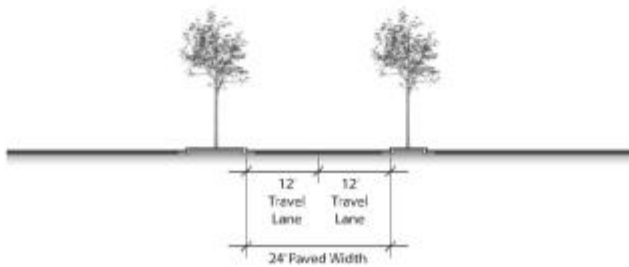
<b>Dimensions</b>	
<b>Component</b>	<b>Measurement</b>
Travel lanes	
Number of lanes	2
Lane width	12'
Total right-of-way	24'



**Oblique View**



**Plan**



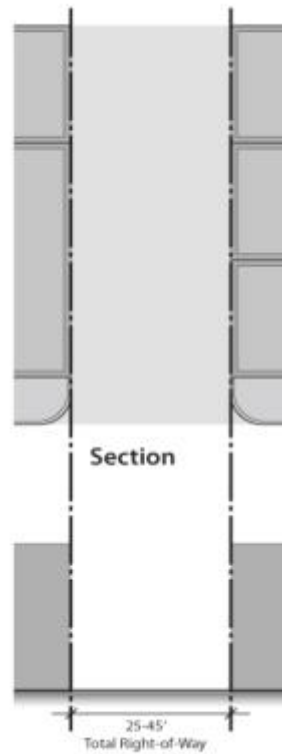
**Section**

Alley

Dimensions	
Component	Measurement
Travel lanes	
Number of lanes	1
Lane width	25' to 45'
Paved width	25' to 45'
Total right-of-way	25' to 45'



Oblique View



Plan

B. Pedestrian Spaces and Ways. This section identifies the development standards for the public areas of mixed use centers, more specifically the streets, alleys, and other pedestrian ways. The intent of this section is to identify how the public spaces shall be developed and maintained in order to promote an active pedestrian environment.

1. Required Pedestrian Spaces. Every mixed use district shall include one or more outdoor gathering spaces. Public space shall occupy at minimum five percent of the gross area of each mixed use center.

2. Required Amenities. The following amenities shall be provided within all pedestrian spaces:

a. Seating. Seating shall be provided throughout the center at a ratio of one linear foot of seating area per 30 square feet of pedestrian space. Seating should be provided in a variety of types and configurations and able to accommodate solitary and social activities, such as moveable seating, fixed individual seating, fixed benches (with and without backs), and seating integrated into architectural features. Seating shall be smooth with even surfaces and curved edges. Seating shall conform to crime prevention standards, such as “open seating” that inhibits vandalism (e.g., spray paint, skateboarding). Bench seating shall be designed to prohibit sleeping, such as including armrests or other obstructions.

b. Drinking Fountains. One drinking fountain shall be provided for every 10,000 square feet of public space.

c. Trash Receptacles. One trash receptacle shall be provided for every 2,000 square feet of public space. Spaces that include outdoor dining shall provide an additional trash receptacle for every 1,500 square feet of dining space. Trash receptacles shall have a capacity of at least 25 gallons and feature top and/or side openings of at least 12 inches. The city recommends that receptacles be located within 50 feet of all seating areas.

C. Standards for Pedestrian Spaces. All pedestrian spaces shall comply with the following standards:

1. Landscaping. Landscaping in pedestrian spaces shall be consistent with the requirements of Chapter 18.70 CMC, Landscape Requirements.

2. Lighting. Pedestrian spaces shall be illuminated for safety and to complement the architecture of the space. Lighting shall be consistent with the standards of Chapter 18.120 CMC, Outdoor Lighting.

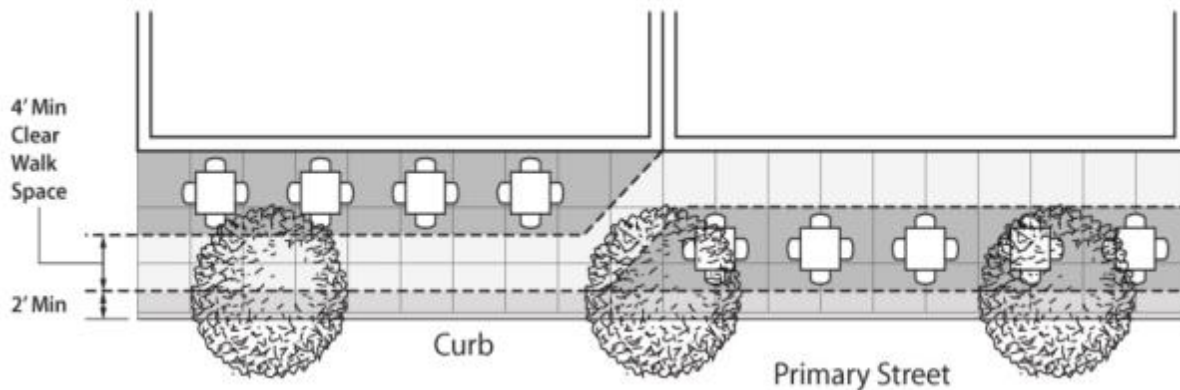
3. Electrical Power. Pedestrian spaces shall be serviced with at least two electrical outlets for every 2,000 square feet of public space. The intent is to provide adequate power for temporary uses and activities and to facilitate proper maintenance.

4. Materials. Materials used in pedestrian-oriented spaces shall be attractive, durable, slip-resistant, of high quality, and compatible in color and pattern with a project’s design. Surfaces in pedestrian circulation areas shall be constructed from materials that provide a hard, stable surface and that permit comfortable maneuverability for people of all abilities. Wherever a pathway crosses a drive aisle, loading area, or parking area, the pathway shall be made identifiable by the use of one of the following: elevation changes, changes in paving materials, and/or the use of colors.

5. Sidewalks and the Clear Walk Space. The width of a sidewalk shall extend from the face of the curb backward toward a building’s facade. The width of the sidewalk shall be as established in CMC 18.28.050(A)(5), Connectivity and Circulation. All sidewalks shall include a clear walk space that is a minimum four feet wide. This clear walk space shall be free of obstructions at all times. See Figure 18.28.060-1.

**Figure 18.28.060-1**

**Clear Walk Space**



[Ord. 342 § 3 (Exh. A), 2016.]

**18.28.070 Conceptual plan review.**

A conceptual plan is required for all new development and redevelopment within a designated mixed use district.

A. Conceptual Plan Purpose. The intent of the conceptual plan is to illustrate key components of each mixed use center. The conceptual plan should include information on the private realm (development standards, building prototypes, and frontage types) and the design of the public realm (street typologies). The conceptual plan shall describe the conceptual configuration of land uses, the on-site circulation system, and the relationship to adjacent properties and uses for the center. The purpose is to develop each mixed use center in an integrated fashion with connected streets, an integrated pedestrian system, and common parking areas. It is not meant to lock landowners into a set development pattern or restrict the types or range of uses that are allowed on a given property. Rather, its focus is on planning for and providing integrated access across properties for efficient and cohesive operations and placement of proposed use appropriately based on existing surrounding development.

B. Conceptual Plan Components. A conceptual plan shall be established for a mixed use district prior to or in conjunction with approval of the first tentative subdivision or parcel map or development plan review within the district. The plan shall be created by the project proponent and submitted to the city for review and approval (see subsection (C) of this section, Conceptual Plan Approval and Modification).

Each conceptual plan shall specifically include the following written and graphic components. Figure 18.28.070-1 illustrates a prototype conceptual plan graphic.

1. Location of any new streets and pedestrian ways.
2. Location of any plazas and other types of open space.
3. Location of storefront frontage along key pedestrian paths.
4. Location of storefront frontage along streets.
5. Anticipated vehicular and pedestrian connections within the entire mixed use district as well as connections to adjacent properties.
6. Location of any common parking facilities (individual parking lots are discouraged in the mixed use district).
7. Location of any transit/bus stop.
8. A written description of how the conceptual plan achieves the development standards within this chapter.

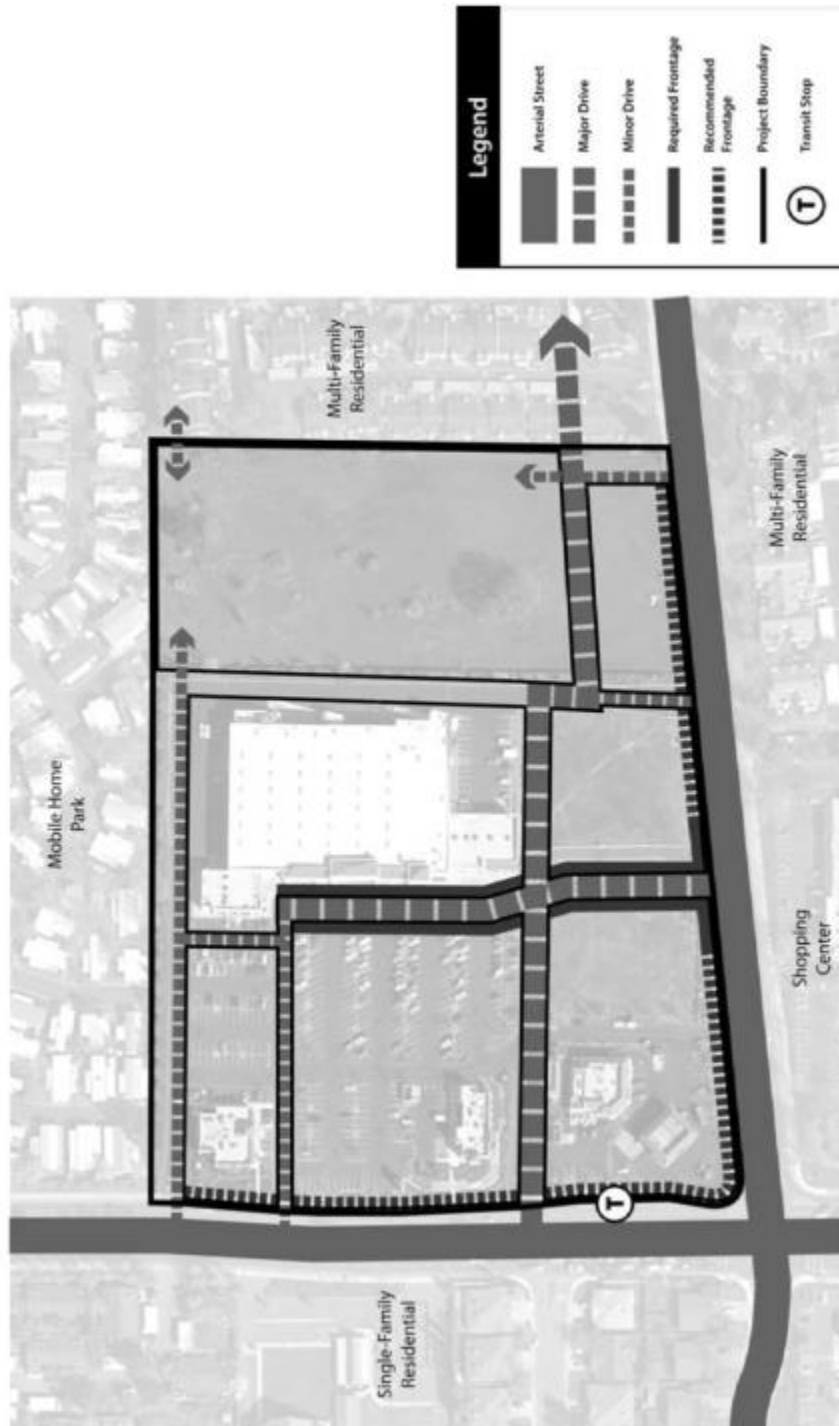
C. Conceptual Plan Approval and Modification. A conceptual plan shall be reviewed and approved by the city through a minor development review (see CMC 18.90.030, Minor development plan review). The plan shall be prepared by the applicant consistent with the requirements of this chapter and submitted to the planning department for review. As part of the submittal, the applicant shall demonstrate that they have provided a copy of the draft plan to other owner(s) of property within the district for review and provide copies of their comments (if any) to the city.

After approval of the conceptual plan, the plan may be modified through an amendment to the minor development review. The amendment may be prepared by any land owner within the mixed use district or by the city.

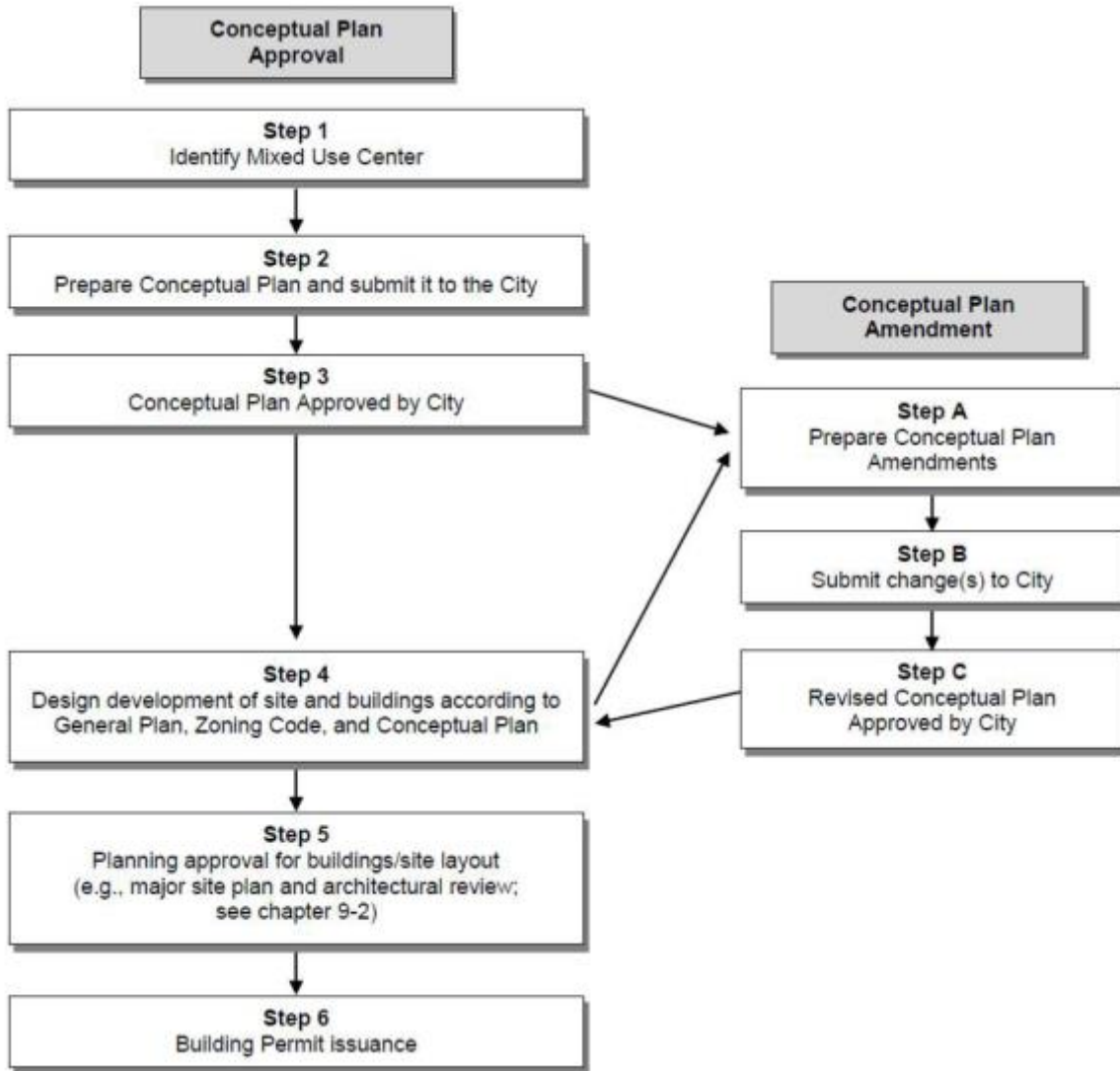
The city may, at its discretion, provide assistance to property owners with the preparation of the conceptual plan prior to submittal of subsequent application for development of the site.

D. Development Proposal Process. After approval of the conceptual plan, subsequent planning permits and entitlements and other approvals may be issued. Figure 18.28.070-2 illustrates the process for review and approval of development in a mixed use center.

**Figure 18.28.070-1**  
**Conceptual Plan Prototype**



**Figure 18.28.070-2**  
**Development Proposal Process For Mixed Use Centers**



[Ord. 342 § 3 (Exh. A), 2016.

**Chapter 18.35**  
**OPEN SPACE DISTRICT**

Sections:

- 18.35.010 General purpose.
- 18.35.020 Use regulations for open space districts.
- 18.35.030 Open space easement and trails.

**18.35.010 General purpose.**

The Calimesa general plan outlines goals, objectives, and policies regarding the location and character of open space land uses and development activities. It is the purpose of this chapter to provide regulations implementing general plan goals, objectives, and policies which ensure the availability of low-intensity outdoor-oriented recreational facilities, preserve unique natural and environmentally sensitive areas, and protect and preserve the public health, safety, and welfare for the residents of the city. [Ord. 342 § 3 (Exh. A), 2016; Ord. 95-7 § 2; Code 1990 § 12.6.01.]

**18.35.020 Use regulations for open space districts.**

Table 18.35.020 provides a list of those uses in the open space district which are permitted (P), subject to a conditional use permit (C), or prohibited (X). A minor development plan or major development plan may be required in accordance with Chapter 18.90 CMC, Development Plan Review.

**Table 18.35.020 – Uses Permitted Within Open Space Districts**

Use	O-S
Single-family residential – 1 dwelling unit per 20 gross acres	P
Agricultural uses – all types of agriculture, horticulture and raising of animals, in accord with the provisions of CMC 18.20.050(B). The sale of products raised on the premises shall be permitted.	P
<u>Employee housing for six or fewer employees.</u>	<u>P<sup>b</sup></u>
<u>Employee housing consisting of no more than 36 units or spaces designed for use by a single family or household 12 units or 36 beds.</u>	<u>P<sup>b</sup></u>
<u>Community Care Facility</u>	<u>P<sup>c</sup></u>
<u>Supportive Housing</u>	<u>P<sup>d</sup></u>
<u>Transitional Housing</u>	<u>P<sup>d</sup></u>
Apiaries <sup>a</sup>	P
Commercial recreation facilities	
• Indoor	X
• Outdoor	C
Communication and telecommunication facilities	P
Commercial cannabis activity	X
Fire and police stations	X
Flood control facilities	P
Forest maintenance facilities and ranger stations	P

Use	O-S
Groundwater percolation basins	P
Historical landmarks	P
Kennels and catteries	X
Landscaping services	X
National and state parks and forests	P
Park and recreation facilities	C
Public buildings and grounds	P
Public utility installations	P
Riding and hiking trails	P
Riding academies or stables	C
Wildlife preserve sanctuaries	P
<b>Temporary uses</b>	Subject to the provisions of CMC 18.15.130, Temporary use permits.
<b>Other Uses Similar to and Having No Greater Impact on the Surrounding Environment Than the Uses Identified Above</b>	Subject to the provisions of CMC 18.15.180, Determination of similar use.
<b>Legend:</b> <b>P – Permitted</b> <b>C – Subject to conditional use permit</b> <b>X – Prohibited</b>	

Notes:

Precise determination of any development shall be on the basis of a detailed slope analysis, biological, archaeological and paleontological assessment prior to approval of any development.

- a. Provided, that hives or boxes housing bees are kept no closer than 300 feet from any dwelling other than that occupied by the owner of the apiary.
- b. Employee housing for six or fewer employees shall be treated as a single-family structure and permitted in the same manner as other dwellings of the same type in the same zone. Employee housing consisting of no more than 12 units or 36 beds 36 units or spaces designed for use by a single family or household will be permitted in the same manner as other agricultural uses in the same zone.
- c. Community Care Facilities, regardless of size or occupancy, shall be subject only to the same requirements as other residential uses within the same zone and shall comply with all State of California licensing requirements.
- a.d. In all cases, supportive housing and transitional housing are and shall be treated as residential uses, subject only to the permitting requirements that apply to residential uses of the same housing type location in the same zone.

[Ord. 342 § 3 (Exh. A), 2016; Ord. 341 § 13, 2016; Ord. 341-U § 14, 2016; Ord. 95-7 § 2; Code 1990 § 12.6.02.]

**18.35.030 Open space easement and trails.**

At the time an application for a land use or development is submitted, or at the time of filing of a tentative map, the city may designate portions of any open space areas to be accessible to the public, and may require that appropriate easements over the property be granted in conformance with the adopted master plan of trails. [Ord. 342 § 3 (Exh. A), 2016; Ord. 95-7 § 2; Code 1990 § 12.6.03.]

## Chapter 18.39

### DOWNTOWN BUSINESS DISTRICT

Sections:

- 18.39.010 Downtown business district.
- 18.39.020 General purpose.
- 18.39.030 Application of standards.
- 18.39.040 Downtown business district zones.
- 18.39.050 Use regulations for downtown business district zones.
- 18.39.060 Development standards for downtown business district zones.
- 18.39.070 Development standards applicable to commercial uses and structures.
- 18.39.080 Development standards applicable to residential uses and structures.
- 18.39.090 Development standards applicable to mixed uses and structures.
- 18.39.100 Specific development standards for downtown business district zones.
- 18.39.110 Street design guidelines.

#### **18.39.010 Downtown business district.**

The downtown business district is the area depicted with zoning designations of downtown village commercial (DVC), downtown neighborhood commercial (DNC), downtown visitor-serving (DVS), and Calimesa Creek overlay. The intent of the district is to improve the marketability of the region, encourage facade and other site improvements, decrease vacancy rates, attract new development, and increase pedestrian activity with the implementation of pedestrian-oriented design regulations and features. [Ord. 342 § 3 (Exh. A), 2016.]

#### **18.39.020 General purpose.**

The purpose of the downtown business district is to:

- A. Provide tailored development regulations, design guidelines, and street improvement plans that will set the downtown business district apart from other commercial areas in the city, consistent with the vision expressed in the general plan.
- B. Allow for and encourage a denser pattern of development than exists in downtown Calimesa today.
- C. Create distinct areas within the downtown business district in order to satisfy the diverse activities and markets that are served along Calimesa Boulevard.
- D. Promote the idea of Calimesa Creek as an asset to downtown Calimesa and integrate the creek with future development.
- E. Create a mixture of land uses, including shops, workplaces, civic buildings, entertainment uses, and residences in a walkable environment.
- F. Provide more pedestrian-scale amenities and an identifiable downtown core area.
- G. Emphasize pedestrian access and connections between and within developments.
- H. Enhance the visual and aesthetic character of development, while providing areas for the public to gather.
- I. Improve the appearance of Calimesa Boulevard and slow traffic.
- J. Enhance property values and increase economic and financial benefits to the city and the community.
- K. Promote high standards for pedestrian safety, site planning, and landscape design for commercial, office, and mixed use developments in the downtown business district. [Ord. 342 § 3 (Exh. A), 2016.]

**18.39.030 Application of standards.**

A. This chapter shall apply to all properties within the downtown business district boundaries, as shown on the official zoning map.

B. All other provisions of the Calimesa Municipal Code continue to apply within the downtown business district, except as expressly stated to the contrary in this downtown business district chapter.

C. The provisions of any downtown business district shall control over duplicative and conflicting provisions of the zoning code of the city of Calimesa. In the event the downtown business district is silent as to a development standard or procedure, the provisions of the city of Calimesa zoning code shall control.

D. Development and land uses that were lawfully established and exist within the downtown business district boundaries as of the effective date of the ordinance codified in this chapter are affected by this code as follows:

1. Existing structures or land uses that comply with the requirements of this chapter may continue to operate, and may only be altered or replaced in compliance with this chapter.
2. Existing structures or land uses that do not comply with the requirements of this chapter may continue to operate and may be sold or otherwise transferred in compliance with the city's regulations for nonconforming uses (CMC 18.15.120, Nonconforming structures and uses). [Ord. 342 § 3 (Exh. A), 2016.]

**18.39.040 Downtown business district zones.**

A. Downtown Village Commercial (DVC) Zone. The purpose of the downtown village commercial zone is to encourage new development in a more traditional downtown form that incorporates a mixture of specialty retail, dining, entertainment, residential, office, and civic/cultural uses. This district encourages both horizontal and vertical mixed use development with a storefront character, and architectural styles consistent with the Calimesa commercial design guidelines. Buildings are close to and oriented toward the sidewalk, especially at street corners. The mix of uses is intended to work together to create a pedestrian-oriented shopping, dining, living, and working experience.

B. Downtown Neighborhood Commercial (DNC) Zone. The downtown neighborhood commercial zone is intended to allow automobile-oriented commercial development, primarily in shopping centers. This zone includes a full range of retail and service businesses that satisfy the daily shopping needs of nearby residents and draw from the surrounding communities. Given its location in the downtown business district, development is expected to be of high quality and consistent with the Calimesa commercial design guidelines, oriented toward Calimesa Boulevard, and with landscape plans that complement the public streetscape design. Typical uses in this zone include larger retail stores; commercial recreation and entertainment uses such as movie theaters, hotels, and restaurants; and smaller neighborhood uses such as grocery stores and banks.

C. Downtown Visitor-Serving (DVS) Zone. The downtown visitor-serving zone is intended to welcome and serve travelers coming into Calimesa. This district allows for commercial land uses that are most convenient to visitors. This includes motels/hotels, fast-food and dine-in restaurants, gas stations, and convenience stores. Additional uses could include a visitor information center that welcomes and informs travelers about Calimesa and California. Development is expected to be consistent with the Calimesa commercial design guidelines and oriented to Calimesa Boulevard and the highway, where applicable. Landscape improvements shall complement the public streetscape design, conveying a welcoming image to visitors and drawing them into the downtown. [Ord. 342 § 3 (Exh. A), 2016.]

**18.39.050 Use regulations for downtown business district zones.**

Table 18.39.050 identifies those uses and activities which may be permitted in the downtown business district zones subject to the provisions of this title and applicable general plan policies, and those uses and activities which are not permitted. Table 18.39.050 also indicates the development procedure and the approval type by which each listed use or activity may be permitted in each of the downtown business district zones. Uses authorized below may require minor development plan review or major development review in accordance with Chapter 18.90 CMC, Development Plan Review.

**Table 18.39.050 – Downtown Business District Permitted Uses**

Uses	Downtown Village Commercial (DVC)	Downtown Neighborhood Commercial (DNC)	Downtown Visitor-Serving (DVS)
<b>Commercial</b>			
Alcohol sales <sup>a</sup> (see also liquor stores)	C	C	C
Ambulance services (less than 3 vehicles)	X	P	P
Ambulance services (3 vehicles or more)	X	X	X
Antique shops	P	X	X
Art galleries	P	X	X
Art supply shops and studios	P	P	X
Arcades <sup>b</sup>	A	A	A
Athletic and health clubs	P	P	X
Automotive parts stores – retail with incidental parts delivery	P	P	A
Automobile dealerships			
• Antique auto sales	C	P	X
• Classic auto sales	C	P	X
• Used auto sales	A	A	X
• New auto sales	C	C	X
• Accessory auto equipment sales	A	A	X
• Farm equipment sales	A	A	X
• OHV sales	P	P	X
Automobile Internet sales (office use only, 2 vehicles or less on display)	P	P	X
Automotive washing, full-service	X	X	A
Automotive washing, self-service	X	X	X
Automotive washing, automated (incidental with service station)	X	X	P
Automotive paint and body	X	X	X
Automotive repair garages which include body and fender shops or spray painting	X	X	X
Automotive repair garages which do not include body and fender shops or spray painting	X	X	X
Barber and beauty shops, including nail salons <sup>c</sup>	P	P	X
Bed and breakfast inns <sup>d</sup>	C	X	X
Blueprint, duplicating, and photocopying services	P	P	X
Commercial cannabis activities <sup>j</sup>	X	X	X
Commercial recreation facilities			

Uses	Downtown Village Commercial (DVC)	Downtown Neighborhood Commercial (DNC)	Downtown Visitor-Serving (DVS)
• Indoor	P	X	X
• Outdoor	X	X	X
Convenience stores	P	P	P
Consignment shops	P	X	X
Drive-in/throughs <sup>e</sup>	C	C	C
General retail	P	P	X
General services	P	P	X
Hotels and motels <sup>f</sup>	C	X	C
Internet cafes	P	P	X
Liquor stores (see also alcohol sales)	X	C	X
Mortuaries	X	X	X
Movie theatres	P	P	X
Pawnshops <sup>g</sup>	C	X	X
Personal services	C	C	C
Restaurants, coffee shops, and other eating establishments			
With entertainment	C	C	C
Without entertainment	P	P	P
Secondhand stores	X	X	X
Service stations <sup>h</sup>	X	X	C
Smoke shops and hookah lounges, including vapor and e-cigarettes	C	X	X
Swimming pool sales/service with outdoor display	X	X	X
Tire sales and service	X	X	X
Veterinary offices and animal hospitals, with exterior kennels, pens, or runs	X	X	X
Veterinary offices and animal hospitals, without exterior kennels, pens, or runs	P	P	X
<b>Residential</b>			
Emergency shelters	X	X	X
Live-work units <sup>i</sup>	P	X	X
Single-room occupancy housing	X	X	X
Townhomes, attached	P	X	X
Apartments/flats	P	X	X
Mixed use	C	X	X

Uses	Downtown Village Commercial (DVC)	Downtown Neighborhood Commercial (DNC)	Downtown Visitor-Serving (DVS)
<u>Supportive Housing<sup>l</sup></u>	<u>P</u>	<u>X</u>	<u>X</u>
<u>Transitional Housing<sup>l</sup></u>	<u>P</u>	<u>X</u>	<u>X</u>
<u>Low Barrier Navigation Center<sup>m</sup></u>	<u>C</u>	<u>X</u>	<u>X</u>
<b>Office and Related Uses</b>			
Professional offices	P	P	X
Bail bonds offices	X	X	X
Check cashing/payday loan services	X	A	X
Financial services and institutions (excludes check cashing and payday loan services)	P	P	X
Medical, dental, and related health services for humans, including clinics and the sale of articles clearly incidental to the services provided	P	P	P
Self-storage facilities	X	X	X
<b>Public/Quasi-Public Uses</b>			
Auditoriums	X	X	X
Churches and other religious institutions	X	X	X
Convalescent homes	X	X	X
Cultural center/performing arts theaters	X	X	X
Day care facilities, preschools, nursery schools, or child care facilities	P	P	X
<u>Community Care Facilities<sup>k</sup></u>	<u>P</u>	<u>X</u>	<u>P</u>
Educational institutions (private)	C	C	X
Fire and police stations	P	P	P
Government offices (e.g., city hall, community center, post office)	P	P	P
Meeting places of nonprofit civic groups, community organizations, clubs, and lodge halls	C	C	X
Parks and recreation facilities (public or private)	P	P	X
Public libraries and museums	P	P	X
Public utility and public service substations, reservoirs, pumping plants, and similar installations, not including public utility offices	X	X	X
Surface/garage parking (not associated with a development project)	X	P	X
Wireless telecommunication facilities	C	C	C
<b>Temporary Uses</b>			
Temporary uses	Subject to the provisions of CMC 18.15.130, Temporary use permits.		
<b>Other Uses Similar to and No More Objectionable Than the Uses Identified Above</b>	Subject to the provisions of CMC 18.15.180, Determination of similar use.		

Uses	Downtown Village Commercial (DVC)	Downtown Neighborhood Commercial (DNC)	Downtown Visitor-Serving (DVS)
<b>Legend:</b>  <b>P – Permitted</b>  <b>C – Subject to conditional use permit</b>  <b>X – Prohibited</b>  <b>A – Accessory uses</b>			

Notes:

- a. Subject to the provisions of CMC 18.25.050(B), Alcohol Beverage Control “ABC” License.
- b. Subject to the provisions of CMC 18.25.050(C), Arcades.
- c. Subject to the provisions of CMC 18.39.100(A), Barbers and Beauty Shops.
- d. Subject to the provisions of CMC 18.20.050(C), Bed and Breakfast Inns.
- e. Subject to the provisions of CMC 18.25.050(G), Drive-In, Drive-Through, Fast-Food, and Take-Out Restaurants.
- f. Subject to the provisions of CMC 18.39.100(B), Hotels and Motels.
- g. Subject to the provisions of CMC 18.25.050(J), Pawnshops.
- h. Subject to the provisions of CMC 18.25.050(L), Service Stations.
- i. Subject to the provisions of CMC 18.39.100(D), Live-Work Units.
- j. The prohibition on commercial cannabis activity is subject to the exceptions set forth in CMC 18.135.040. [Ord. 380 § 3 (Exh. A), 2021; Ord. 370 § 2 (Exh. A), 2020; Ord. 353 § 10, 2017; Ord. 345 § 3 (Exh. A), 2017; Ord. 342 § 3 (Exh. A), 2016; Ord. 341 § 14, 2016; Ord. 341-U § 15, 2016.]
- k. Community Care Facilities, regardless of size or occupancy, shall be subject only to the same requirements as other residential uses within the same zone and shall comply with all State of California licensing requirements.
- l. In all cases, supportive housing and transitional housing are and shall be treated as residential uses, subject only to the permitting requirements that apply to residential uses of the same housing type location in the same zone.
- m. A low barrier navigation centers shall be allowed as a use by right in accordance with Government Code sections 65660-65668.

**18.39.060 Development standards for downtown business district zones.**

A. Table 18.39.060-1 provides the minimum site development standards applicable to the downtown business district zones.

**Table 18.39.060-1 – Downtown Business District – Development Standards**

	Downtown Village Commercial (DVC) Zone			Downtown Neighborhood Commercial (DNC) Zone	Visitor Commercial (DVS) Zone
	Mixed Use	Commercial	Residential	Commercial	Commercial
Maximum residential density (DU/gross acre)	30 du/ac	n/a	30 du/ac	n/a	n/a
Maximum nonresidential density (FAR)	1.0	1.0	n/a	0.35	0.35
Minimum building site (net area sq ft) <sup>d</sup>	10,000 sq ft	10,000 sq ft	6,000 sq ft	10,000 sq ft	10,000 sq ft
Minimum lot width	60 ft	60 ft	40 ft	n/a	n/a
Minimum lot depth	100 ft	100 ft	80 ft	n/a	n/a
Minimum/maximum front setback <sup>a</sup>	0 ft/10 ft	0 ft/10 ft <sup>e</sup>	5 ft/15 ft	10 ft/none	10 ft/none
Minimum side setback <sup>a</sup>	0 ft	0 ft	10 ft	10 ft	10 ft
Minimum/maximum side street setback <sup>a</sup>	0 ft/10 ft	0 ft/10 ft <sup>e</sup>	5 ft/10 ft	5 ft	5 ft
Minimum rear setback <sup>a</sup>	5 ft	5 ft	10 ft	10 ft	10 ft

	Downtown Village Commercial (DVC) Zone			Downtown Neighborhood Commercial (DNC) Zone	Visitor Commercial (DVS) Zone
	Mixed Use	Commercial	Residential	Commercial	Commercial
Maximum height <sup>e</sup>	3 stories	3 stories	3 stories	2 stories	2 stories
Minimum building to building separation	20 ft	20 ft	20 ft	20 ft	20 ft
Minimum building frontage at Calimesa Blvd.	90% <sup>b</sup>	90% <sup>b,c</sup>	90% <sup>b</sup>	50% <sup>c</sup>	50% <sup>c</sup>
Minimum building frontage at all other streets	75% <sup>b</sup>	75% <sup>b,c</sup>	75% <sup>b</sup>	50% <sup>c</sup>	50% <sup>c</sup>

a. Encroachments.

At required setback areas, arcades, awnings, entrance porticos, porches, stoops, stairs, balconies, bay windows, eaves, and covered and entrance overhangs are permitted to encroach up to six feet within the required front setback area.

At zero-setback area, building overhangs such as canopies and awnings may extend up to six feet horizontally beyond the back of sidewalk, but may not encroach further than within two and one-half feet of the face of curb. These overhangs must provide a minimum of eight feet clear height above the sidewalk.

b. Percentage of building frontage for front and side street setbacks may be reduced by the city to accommodate pedestrian plazas located between the building and street.

c. Exceptions apply to anchor stores.

d. A development or commercial center may, for purposes of meeting the minimum site size standards, consist of a combination of parcels whose total net acreage meets the minimum site size criteria; provided, that the design for the entire site is integrated and unified.

e. Additional height may be permitted through a conditional use permit process, and subject to the requirements under this downtown business district code.

B. The following standards shall apply to development in all downtown business district zones, except as otherwise provided in this title.

1. General Development Standards.

a. All development within the downtown business district zones must meet the minimum standards as outlined in CMC 18.25.050, Specific development standards for commercial districts. However, the more strict requirements as listed in this chapter shall apply. Where a conflict arises between the two standards, the stricter requirements shall apply.

b. All indoor uses shall be conducted within a completely enclosed structure. Limited outside uses (e.g., patio dining area and nursery sales, limited to plants and trees) shall be approved through development plan review.

c. There shall not be visible storage of motor vehicles, trailers, airplanes, boats, recreational vehicles, or their composite parts; loose rubbish, garbage, junk, or their receptacles; tents; equipment; or building materials in any portion of a lot. No storage shall occur on any vacant parcel. Building materials for use on the same premises may be stored on the parcel during the time that a valid building permit is in effect for construction.

d. Every parcel with a structure shall have a fully enclosed and covered trash receptacle on the premises. A shared centralized trash collection area may be approved by public works. The trash receptacle shall comply with adopted public works department standards, pursuant to Chapter 8.35 CMC, and be of sufficient size to accommodate the trash generated.

e. All roof-mounted air conditioning or heating equipment, vents, or ducts shall not be visible from any abutting lot or any public street or right-of-way. This shall be accomplished through the extension of the main structure or roof, or by screening in a manner that is architecturally integrated with the main structure.

f. Loading/unloading, delivery, packing, or refuse areas shall be screened from any abutting lot or any public street or right-of-way. This shall be accomplished through the extension of the main structure, or

construction of a concrete block wall of a height that adequately screens the area. The method of screening shall be architecturally integrated with the adjacent structure in terms of materials, color, shape, and size.

g. Transformers and backflow devices shall be completely screened from view with landscaping or other building materials.

h. The city may require the preparation of market feasibility studies demonstrating the economic viability of the proposed development prior to or concurrently with a development application.

i. Lot consolidation is encouraged for the purpose of creating larger development sites that can accommodate two or more uses and their associated improvements.

j. Incentives for development projects that include the consolidation of lots may be granted by the planning commission. Incentives may include but not be limited to a parking reduction, density bonus, height bonus, and reduction in development impact fees.

2. **Additional Height.** Where the maximum height of a new structure is permitted to exceed three stories, with issuance of a conditional use permit, the following provisions shall apply.

a. Enhanced buffering to surrounding properties and the appropriateness of understructure parking shall be evaluated.

b. A visual analysis relating structure proportions, massing, height, and setback shall be conducted to preserve and enhance the scenic viewshed.

c. The need and appropriateness of the additional height shall be demonstrated.

d. Compatibility and harmony with surrounding development and land use designations shall be demonstrated.

e. Above two stories, additional structural setbacks (step back) may be required.

3. **Fences and Walls.**

a. Fences and walls shall comply with the provisions of Chapter 18.65 CMC, Fence, Wall, and Screening Standards, except as specified in Table 18.25.050-2.

**Table 18.39.060-2 – Fence, Wall, and Screening Height and Type Limits –**

**Downtown Business District Zones**

Location	Maximum Permitted Height
Front yard or side of street yard	2'6" – solid structures or plants
	4' – open work structures or plants
Abutting residential district	6' – solid, decorative masonry wall
Other yard area	6'
Outdoor storage areas visible from public rights-of-way (located behind required yards)	6'

4. **Landscaping.** Landscaping shall comply with Chapter 18.70 CMC, Landscape Requirements, and Chapter 18.75 CMC, Water Conservation for Landscaping, unless a more strict requirement is specified within this chapter. In addition to the requirements of Chapter 18.70 CMC, every project within the downtown business district shall be required to landscape all portions of the lot or parcel that are not occupied with structures,

required parking, walkways, patios, or other hard surface areas. No vacant portion of any parcel shall be left unlandscaped or untreated with some type of hard surface, such as cement, decorative pavers, and similar materials. Temporary landscaping shall be required for projects where phasing within the site is necessary, such as for pad sites or future buildings. A landscaping plan for temporarily vacant land within a proposed development is required if phasing is necessary.

5. Outdoor Gathering Spaces. An open space creates an inviting shared space between the multiple uses of the downtown business district. Areas that are not occupied by buildings shall be enhanced with landscaping and hardscape amenities such as seating areas, trellises, trees, benches, planters, and water features. The following standards shall apply to outdoor gathering spaces.

- a. Land uses shall coordinate their outdoor gathering space requirements to provide larger public spaces that are centrally located, functional, and serve multiple uses.
- b. Outdoor gathering spaces shall be strategically located along areas of pedestrian activity, such as shopping areas and major pedestrian thoroughways.
- c. Outdoor gathering spaces shall be oriented to maximize their visual and physical link from adjacent streets and pathways.
- d. Safety and visibility shall be considered in the design of both outdoor gathering spaces and pathways for the security of residents and their guests.
- e. Pedestrian pathways shall provide connectivity within the project by connecting each project to neighboring properties and emphasizing links between different uses.
- f. Pedestrian access shall be provided that links public transportation stops to adjacent building entrances and pedestrian connections to surrounding uses.

6. News Racks and Vending Machines. News racks and other vending machines shall be located behind sidewalks and out of the public right-of-way. News racks shall not exceed eight feet in width and two feet in depth, and shall be no higher than four feet as part of any development project. Where possible, all news racks shall be architecturally integrated into the overall project and should appear as if the presence of the news racks or vending machines is part of the structure. Outside vending machine locations should be carefully considered and integrated into the overall project. Unless architecturally integrated into a building facade or properly screened, vending machines shall not face a public right-of-way.

7. Parking. All on-site parking within the DNC and DVS zones shall comply with the provisions of Chapter 18.45 CMC, Off-Street Parking. The number of required parking spaces within the DVC zone shall be provided in accordance with Table 18.39.060-3. All other parking requirements in the DVC zone, except as noted below, shall be set forth in Chapter 18.45 CMC.

**Table 18.39.060-3 – Required Parking for DVC Zone Only**

Uses	Number of Required Spaces
<b>Residential Uses</b>	
Studio	Minimum 1 covered space per unit.
1 bedroom	Minimum 1.5 covered spaces per unit.
2, 3, or more bedrooms	Minimum 2 covered spaces within an enclosed garage.
Senior-designated unit (65 and older)	Minimum 0.5 covered space per unit.
Guest spaces	Minimum 3 spaces per 10 units located on site.
<b>Commercial Uses</b>	

Uses	Number of Required Spaces
Banks, savings and loans, other financial institutions	Minimum 1 space for each 300 sq. ft. of gross floor area.
Hotels/motels	Minimum 1 space per guest room plus 1 space per 120 gross sq. ft. of banquet, assembly, or restaurant seating area.
Mortuaries and funeral homes	Minimum 1 space for every 5 fixed seats or 1 space for every 50 sq. ft. of gross floor area used for assembly purposes plus 1 space for each hearse or limousine plus funeral procession queue capacity for 5 cars located within 200 feet. For benches or pews, 1 seating space is equal to 18 linear inches.
Personal and business services	Minimum 1 space for each 300 sq. ft. of gross floor area.
Professional, business, or administrative offices (excluding medical and dental)	Minimum 1 space for each 300 sq. ft. of gross leasable floor area.
Restaurants, cafes, bars, and other eating and drinking establishments (gross floor area includes outdoor seating/eating areas)	Minimum 1 space for each 120 sq. ft. of gross floor area.
Retail commercial	Minimum 1 space for each 300 sq. ft. of gross floor area.
Specialty stores (antique shops, art galleries, bakeries, candy stores, and gift shops)	Minimum 1 space for each 300 sq. ft. of gross floor area.
<b>Health/Educational Services</b>	
Day care facilities, preschools, nursery schools	Minimum 1 space for each staff member plus 1 space for each 6 children. A minimum of 4 spaces shall be provided. A semicircular drive or its equivalent, with sufficient space for 2 passenger loading areas, shall be provided.
Trade schools, business colleges, commercial schools, and other private schools	Minimum 1 space per 4 person capacity or 1 space per 225 gross sq. ft. of floor area, whichever is greater. Parking to be located on site.
Convalescent and nursing homes	Minimum 1 space for every 4 beds. Parking to be located on site.
Medical and dental offices and clinics	Minimum 1 space for every 240 sq. ft. of gross leasable floor area.
<b>Entertainment and Recreation Uses</b>	
Entertainment and recreation theaters, bowling alley, parks	Minimum 1 space for every 120 sq. ft. of gross floor area located within 500 feet. To be determined by the approval body for the proposed use, and may include a request for a parking study.
<b>Miscellaneous Uses</b>	
Churches, auditoriums, and other places of public assembly	Minimum 1 space for every 4 fixed seats or 1 space for every 45 sq. ft. of nonfixed seating area in the principal sanctuary or auditorium, whichever is greater. For benches or pews, 1 seating space is equal to 18 linear inches.
Health clubs	Minimum 1 space for every 200 sq. ft. of gross floor area.
Libraries, museums, art galleries	Minimum 1 space for every 360 sq. ft. of gross floor area.
Other uses not listed	To be determined by the community development director, and may require the submittal of a parking study.
Public utility facilities	Minimum 1 space for every 2 full-time employees plus 1 space for each vehicle kept in connection with the use or to be determined by the approval authority for the proposed use.

a. Parking requirements may be reduced in developments where it can be demonstrated that shared parking facilities will meet parking demand without providing separate facilities for each use. Shared parking shall be provided in accordance with CMC 18.45.110, Shared parking provisions. If the number of parking spaces provided is less than the required number of spaces, the director's approval is required. A parking study may be required.

b. Up to 50 percent of assigned residential parking requirements for mixed use and live-work units may be tandem parking. Tandem parking is not allowed for guest parking or common parking areas.

c. In instances where small or awkwardly shaped properties make the provision of on-site parking impractical, the director may permit the in-lieu payment of the cost to construct the required amount of parking off site.

8. Service, Trash, and Utility Areas. Covered enclosures are required and shall comply with the city's trash enclosure standards. Furthermore, enclosure walls shall be architecturally compatible with main structure(s) or designed to match approved decorative masonry wall. Trash enclosures adjacent to landscaped areas shall also incorporate the use of vines and large shrubs for the purpose of screening the enclosure walls.

9. Screening. Any equipment, whether on the roof, side of structure, or ground, shall be screened. The method of screening shall be architecturally compatible in terms of materials, color, shape, and size. The screening design shall blend with the building design and include landscaping when on the ground.

10. Signs. Signs within the downtown business district shall comply with Chapter 18.50 CMC, Sign Regulations, with the exception of city-initiated signs that may be co-located with other freestanding signs. City-initiated signs, including freestanding electronic reader-board signs necessary to advertise city-sponsored events, shall be permitted within the downtown business district and shall be exempt from the standards and provisions of Chapter 18.50 CMC, provided they are approved by the planning commission and the city council. Such signs may be co-located with existing or proposed monument signs, freestanding signs, or other types of signage. Co-location may include the signage of nearby businesses, whether or not the co-located signage is advertising a business or shopping center located on the property where the sign is located.

C. Design Guidelines. The following design guidelines shall apply to development in all downtown business district zones, except as otherwise provided in this title.

1. New building facades should be designed in accordance with the downtown village commercial architectural design guidelines. Renovation of existing buildings of a different architectural style may adhere to their original style, as determined by the director. In general, all new or renovated building facades should achieve the following:

- a. All structural elevations shall be architecturally treated.
- b. Bland walls at the ground-floor levels shall be avoided. Windows, trellises, wall articulation, arcades, change in materials, or other features shall be utilized, as consistent with the architectural style.
- c. The different parts of a building's facade shall be articulated through use of color, arrangement of facade elements, and a change in materials.
- d. Building height should be varied so the buildings appear to be divided into distinct massing elements.
- e. Vary the planes of the exterior walls in depth and/or direction. Wall planes shall not run in one continuous direction for more than 50 feet without an offset.
- f. Tower features should be integrated into buildings, as consistent with the architectural style.
- g. Proposed signage and landscaping shall be an integral architectural feature that does not overwhelm or dominate the structure or property.
- h. Architectural or building lighting shall be stationary and deflected away from all adjacent properties, public streets, and rights-of-way.

2. With the intent of protecting sensitive land uses, the proposed design shall promote a harmonious and compatible transition in terms of scale and character between areas of different land uses.

3. Parking structures shall be architecturally compatible with the primary and surrounding structures.

4. Each building may have one or more street frontages. Design consideration must be taken to orient pedestrian and automobile access. Buildings should be designed to maximize views, where available, keeping

in mind that the prominent view of the building is equally important. Solar access and noise attenuation should also be a consideration in the final design and placement of building forms.

5. Vehicular access to each site must be designed to minimize conflicts between pedestrians, autos, and service vehicles. Sight lines, pedestrian walkways, and lighting are factors to consider in final site designs.

6. Buildings should be oriented so that public access or windows face areas of pedestrian activity, such as public plazas and pedestrian pathways.

7. Multiple buildings in a single area should be grouped and organized to demonstrate a positive functional relationship to one another. The grouping of multiple buildings should be clustered to create functional plazas and pedestrian corridors. Where clustering is impractical, a visual link should be established between buildings through the integration of an arcade system, trellis, colonnade, or other such open structure.

8. Enhanced or “signature” architecture shall be provided at prominent locations. Buildings with unique architectural elements, such as clock towers and other landmark structures, should be positioned on corners of significant intersections or entryways to enhance the sense of arrival and project monumentation. [Ord. 342 § 3 (Exh. A), 2016.]

**18.39.070 Development standards applicable to commercial uses and structures.**

A. Outdoor Gathering Spaces. The purpose of establishing standards for outdoor gathering spaces is to establish safe and inviting outdoor gathering spaces where residents, employees, and visitors may gather, interact, rest, shop, and eat in an attractive and vibrant pedestrian environment. Commercial uses shall conform to the following outdoor gathering space standards.

1. Each development project with a commercial or office gross leasable area (GLA) of 15,000 square feet or more shall provide or contribute 50 square feet of outdoor gathering space for every 1,000 square feet of GLA.

2. Outdoor gathering spaces shall have a minimum dimension 15 feet in any direction and a minimum area of 400 square feet.

3. Outdoor gathering spaces may consist of pedestrian-accessible spaces, including outdoor seating areas, open space, water features, and landscape areas.

4. Outdoor eating areas provided as part of private eating establishments cannot be counted toward the outdoor gathering space requirement, unless the eating areas are open and accessible to the public, with no fencing or other barriers or obstructions. If the eating areas are enclosed by fencing or landscaping no greater than four feet in height, these areas may count toward up to 20 percent of the total outdoor gathering space requirement.

5. Outdoor gathering spaces shall exclude parking areas and roadways.

6. Commercial or office space provided within a live-work unit is exempt from the requirements for outdoor gathering spaces.

7. Outdoor gathering spaces provided in accordance with these standards shall incorporate a variety of pedestrian amenities to promote regular use. Pedestrian amenities may include but are not limited to seating, lighting, special paving, landscaping, food and flower vendors, artwork, and/or special urban recreational features.

8. To ensure the visibility and security of outdoor gathering spaces and community amenities, buildings adjacent to an existing or planned pedestrian plaza, patio, or urban park shall provide at least two of the following elements along the building wall abutting the outdoor gathering space or community amenities:

- a. A building entry.
- b. Windows meeting the street frontage standards facing onto the outdoor amenity.
- c. Arcades along the edges of the outdoor amenity.

d. Outdoor seating areas or cafes.

e. A similar feature that the director finds will, to at least the equivalent degree, bolster security and encourage pedestrian use of the outdoor amenity.

9. In instances where small or awkwardly shaped properties make the provision of on-site outdoor gathering space impractical, the director may permit the in-lieu payment of the cost to construct the required amount of usable open space off site. [Ord. 342 § 3 (Exh. A), 2016.]

**18.39.080 Development standards applicable to residential uses and structures.**

A. General Development Standards. The standards contained in this section shall apply to residential development in all downtown business district zones, except as otherwise provided in this title. If a standard in this section is found to conflict with standards contained in Chapter 18.20 CMC, Residential Zone Districts, the standards contained in this section shall apply.

1. Residential uses shall comply with the development standards in Table 18.39.060-1.

2. Residential uses shall comply with the development standards applicable to the R-H residential zone contained in CMC 18.20.040, Residential development standards, and 18.20.050, Specific development standards for residential districts.

B. Common and Private Open Space. Multifamily developments shall provide a minimum of 200 square feet of private open space and outdoor usable common space per dwelling unit as follows:

1. A minimum of 70 square feet per unit shall be private with a minimum dimension of seven feet in any direction. Private open space shall be accessible directly from the living area of the unit, in the form of a fenced yard, patio, courtyard, balcony, or roof garden. In lieu of this requirement, a developer may propose an alternative that provides comparable amenities for the unit and increases the minimum common space requirements twofold.

2. A minimum of 100 square feet per unit shall be usable common open space.

a. Usable common open space shall have a minimum level surface dimension of 15 feet in any direction and a minimum area of 400 square feet.

b. The dimensions for usable common open space areas shall be measured from the outside of any private open space attached to a unit at ground level.

c. The dimensions for usable common open space may include the building setback area if the buildings facing the open space area display a high degree of articulation and the building setback area is heavily landscaped. Landscaping may consist of in-ground or potted plantings.

d. Usable common open space shall not include:

i. Any area counted as private open space.

ii. Sidewalks and paved pathways within setback areas.

iii. Any portion of open and enclosed parking areas, garages, streets, driveways, automobile turning aisles, or turnaround areas.

iv. Storage areas (refuse or otherwise) or any area fenced or otherwise inaccessible to the residents.

v. Slope areas exceeding eight percent.

e. A minimum of 30 square feet per unit shall be provided in the form of common or private open space. This space can also be referred to as “flex space” and can be added to the private or common open space areas.

3. Required off-street parking spaces for a multifamily residential unit shall be within a 100-foot walking distance of the dwelling unit for which the parking space is assigned or from an elevator providing access to the unit.
4. The standards contained in CMC 18.20.060, Design and neighborhood compatibility standards, do not apply in the downtown business district.

C. Minimum Dwelling Size. The following minimum dwelling size areas are computed by calculating the living areas as measured from the outside of walls and exclude garages, carports, exterior courtyards, patios or balconies. The minimum area requirements for apartments/multifamily are:

**Table 18.39.080 – Minimum Dwelling Unit Sizes**

Minimum Livable Area	Number of Bedrooms	Number of Baths
630 sq ft	Studio	1
750 sq ft	1	1
900 sq ft	2	1 1/2
1,000 sq ft	3	2
1,200 sq ft	3+	2

D. Design Guidelines.

1. Housing should be oriented to streets and pedestrian walkways.
2. The windows of interior living spaces shall overlook streets and public spaces to enhance community security and maximize view potential.
3. Residential buildings shall emphasize pedestrian access and connections to public sidewalks, paths, recreational facilities, and enhanced edges.
4. Structures shall be configured and oriented to afford a sense of individuality and privacy and to create small-scale public spaces.
5. Recreational facilities shall be conveniently and centrally located for the majority of units.
6. Ground-floor residential uses are not permitted to be located along Calimesa Boulevard. [Ord. 342 § 3 (Exh. A), 2016.]

**18.39.090 Development standards applicable to mixed uses and structures.**

A. Mixed Use Development. Residential uses may be combined with nonresidential uses pursuant to the following standards.

1. A minimum of 100 square feet of usable common open space shall be provided for each live-work unit or any residential unit in a mixed use building.
  - a. Usable common open space shall have a minimum level surface dimension of 20 feet in any direction and a minimum area of 400 square feet.
  - b. The dimensions for usable common open space areas shall be measured from the outside of any private open space attached to a unit at ground level.

c. The dimensions for usable common open space may include the building setback area if the buildings facing the open space area display a high degree of articulation and the building setback area is heavily landscaped. Landscaping may consist of in-ground or potted plantings.

d. Usable common open space shall not include:

i. Any area counted as private open space.

ii. Sidewalks and paved pathways.

iii. Any portion of open and enclosed parking areas, garages, streets, driveways, automobile turning aisles, or turnaround.

iv. Storage areas (refuse or otherwise) or any area fenced or otherwise inaccessible to the residents.

v. Slope areas exceeding seven percent.

vi. Areas within public rights-of-way along roadways.

2. The residential open space requirements of mixed use buildings must be met in addition to any public plaza space requirements generated by nonresidential portions of the mixed use building. See CMC 18.39.110 for private open space requirements.

3. In an existing commercial building, parking for the residential unit(s) shall be provided on site, in addition to that required for the commercial use(s), or by evidence of an agreement for off-site parking acceptable to the city.

4. Required parking shall be provided for each use, calculated in accordance with the individual requirements for the particular uses. Parking requirements may be reduced in developments where it can be demonstrated that shared parking facilities will meet parking demand without providing separate facilities for each use. Shared parking shall be provided in accordance with CMC 18.45.110, Shared parking provisions.

B. Design Guidelines. The following standards are intended to ensure the compatibility of uses in a mixed use project, whether it be vertically or horizontally integrated.

1. Defined below are the various building elements that define the transition between the street and the primary building facade. Such elements are permitted to encroach within the primary building setback as set forth in Table 18.39.060-1.

a. Porch – A structure attached to a building to shelter an entrance or to serve as a semi-enclosed space; usually roofed and generally open-sided.

b. Stoop – A platform or small porch usually elevated several steps at the entrance to a dwelling or building.

c. Steps (to stoop or porch) – A stair unit which consists of stairs and risers.

d. Forecourt – A private open space enclosed by a low wall or fence between the building facade and frontage line/street right-of-way.

e. Balcony – A projecting platform on a building, sometimes supported from below, sometimes cantilevered; enclosed by a railing or balustrade.

f. Fireplace, roof overhangs, canopies, awnings, and other architectural features that are subordinate to the main building facade.

g. Arbor and trellis.

2. When commercial and residential uses in a project are not vertically integrated, the residential product should be elevated from the sidewalk through the application of elevated building pads and “stoop” style building design to help define the separation between public and private spaces.
3. Each building may have one or more street frontages. Design consideration must be taken to orient pedestrian and automobile access. Buildings must be designed to maximize views, where available, keeping in mind that the prominent view of the building is equally important. Solar access and noise attenuation should also be a consideration in the final design and placement of building forms.
4. Site planning must take the location of residential units into consideration and must screen or cover service areas to minimize noise levels and visual impacts.
5. Where commercial and residential uses are on the same level, different design methods may be used to clearly distinguish between public and private (commercial versus residential) spaces and access points. These methods could include vertical separation by raising the residential unit slightly above grade or applying distinguishing materials, textures, colors, or other physically clear demarcations at a common grade level.
6. The residential units must be designed to ensure the security of residents through the provision of secured entrances and exits that are separate from the nonresidential uses and are directly accessible to resident parking areas.
7. Buildings with solely residential uses should be elevated from the sidewalk through the application of elevated building pads and “stoop” style building design to help define the separation between public and private spaces.
8. Residential portions of the project must be designed to limit the interior noise caused by the commercial and parking portions of the project. Proper design may include but must not be limited to building orientation, double or extra-strength windows, wall and ceiling insulation, and orientation and insulation of vents. Where it is necessary that windows be closed in order to achieve the required noise level, means must be provided for ventilation/cooling to provide a habitable environment.
9. No use shall produce continual vibrations or noxious odors that are perceptible without instruments by the average person at the property lines of the site or within the interior of residential units on the site.
10. Commercial uses must be designed and operated, and hours of operation limited where appropriate, so that neighboring residents are not exposed to offensive noise, especially from traffic, trash collection, routine deliveries, or late-night activity.
11. No use must produce continual loading or unloading of heavy trucks at the site between the hours of 8:00 p.m. and 6:00 a.m.
12. Outdoor lighting associated with commercial uses shall not adversely impact surrounding residential uses, but shall provide sufficient illumination for access and security purposes. Such lighting shall not blink, flash, oscillate, or be unusually bright or intense.
13. Covered trash enclosures are required due to the urban nature of mixed use environments. Since residential units have the potential to be close together and will most likely be designed as multistory, covered structures can minimize the visual impact of unsightly trash bins from dwelling units.
14. Utility structures become a larger design issue as density increases. The various structures and boxes must be carefully sited and coordinated with landscaping before final engineering plans are done. Major utilities and pull-boxes shall be out of the line of sight.
15. Parking in the mixed use areas includes public and private facilities, surface parking, and structured parking. Parking for residents must be secure, accessible, and separated from that open to the general public.
16. Where there are vertically mixed uses, parking spaces specifically designated for nonresidential and residential uses must be marked by the use of posting, pavement markings, and/or physical separation.

17. Mixed use development located along Calimesa Boulevard must include commercial, office, public, or live-work with commercial space on the ground floor of the portion of the project that fronts onto Calimesa Boulevard. [Ord. 342 § 3 (Exh. A), 2016.]

**18.39.100 Specific development standards for downtown business district zones.**

A. Barber and Beauty Shops. Limited personal services are not to exceed 10 percent of the net floor service area of the commercial establishment, and/or up to 10 percent of the anticipated annual revenues from the business.

B. Hotels and Motels. Ground-floor guest rooms are not permitted to be located along Calimesa Boulevard.

C. Nurseries and Incidental Garden Supply. All equipment and supplies, including plants, shall be kept within an approved building or approved fenced enclosure.

D. Live-Work Units. Live-work units and buildings are subject to the following standards:

1. Live-work premises shall only be used by people who live in the unit. Living and working spaces shall not be rented or sold separately.
2. The commercial square footage approved for the live-work unit should not be converted into residential use and should remain commercial in nature.
3. Live-work units and buildings must comply with any requirements imposed by the building, fire, community development, police, and public works departments intended to protect the public health, safety, and welfare.
4. Businesses using commercial vehicles that weigh more than 15,000 pounds or vehicles with more than two axles are prohibited.
5. The minimum total floor area of a live-work space shall be 750 square feet within each unit. All floor area other than that reserved for living space shall be reserved and regularly used for working and display space.
6. Each live-work unit fronting a public street, and located at street level, shall have a pedestrian-oriented frontage that publicly displays the interior of the nonresidential areas of the structure. The first 25 feet of the floor area depth at the street-level frontage shall be limited to display and sales activity.
7. The living space within the live-work unit shall be contiguous with and an integral part of the working space, with direct access between the two areas, and not a separate stand-alone dwelling unit. The residential component shall not have a separate street address from the business component.
8. Where more than one live-work unit is proposed within a single structure, each live-work unit shall be separated from other live-work units and other uses in the structure. Access to each unit shall be provided from common access areas and corridors. [Ord. 342 § 3 (Exh. A), 2016.]

**18.39.110 Street design guidelines.**

The following guidelines are intended to complement the approved Calimesa Boulevard streetscape plan in order to help create a unique environment. Streetscape design should respond to and enhance future development in the downtown and in particular, help achieve the vision for each of the zones in the downtown business district. The elements of streetscapes should enhance pedestrian space and encourage pedestrian activity.

A. Provide additional connectivity to Calimesa Boulevard. Alignments should be established as part of the development review process.

B. Landscaping is encouraged and should be well maintained and complement the adjacent project:

1. Landscaping should be selected at a scale that is consistent with the building site.
2. Street landscaping should be appropriate for sidewalk environments to limit the potential of root systems to affect the adjacent sidewalks.

3. Landscaping should not interfere with pedestrian movement or impede the visibility of business and signage.

C. Furniture. Benches, seating areas, kiosks, and shade structures should be incorporated as amenities for pedestrians.

1. Furnishings should be placed where pedestrian traffic, viewsheds, or building ingress and egress will not be obstructed.

2. Furnishings should be constructed of durable, high quality materials that can withstand the elements without showing wear.

3. Furniture design should be complementary to the architectural styles of the area.

D. Public art and water features should be used to highlight public spaces and create points of interest for each project. These streetscape elements should be well maintained and used as accent features.

E. Use of distinctive paving treatments is encouraged to give visual cues to users and emphasize different areas within the streetscape and public spaces. Painted paving surfaces should not be used except to indicate traffic lanes or parking spaces.

F. Lighting should be used to illuminate public spaces and contribute to the safety and beauty of the project:

1. Fixtures should be complementary to the architectural styles of the area.

2. Overly glaring or flashing lights are discouraged.

G. Signage should be used to identify places, provide direction, and advertise businesses. Along with communicating information, signage should add to the character of each project and reinforce a sense of place:

1. Signs should consist of high quality materials and color palettes that reflect the architectural themes of the surrounding area;

2. Location and placement of signs should not obstruct pedestrian or vehicular movement.

H. On-street parking should be provided along Calimesa Boulevard in the downtown village commercial zone and should include areas for diagonal or parallel parking, particularly near high activity uses. On-street parking provides a protective barrier between auto traffic and pedestrians, and serves as a traffic calming technique. [Ord. 342 § 3 (Exh. A), 2016.]

## Chapter 18.40 SPECIAL DISTRICTS

Sections:

- 18.40.010 Planned residential development (PRD) district.
- 18.40.020 Public/quasi-public (P/Q) district.
- 18.40.030 Calimesa Creek overlay (CCO) district.

**18.40.010 Planned residential development (PRD) district.**

A. Purpose. The purpose of the planned residential development (PRD) zone district is to promote residential amenities beyond those expected in conventional residential developments, to achieve greater flexibility in design, to encourage well-planned neighborhoods through creative and imaginative planning as a unit, to provide for appropriate use of land which is sufficiently unique in its physical characteristics or other circumstances to warrant special methods of development, to create flexibility in street design as long as adequate off-street parking is provided, to reduce development problems in hillside areas, and to preserve areas of natural scenic beauty through the encouragement of integrated planning and design and unified control of development.

B. Definition. "Planned residential development" means a development located on a site approved as a subdivision, to be constructed by a person or corporate body, involving a variety of residential structure types, planned as a total entity and therefore subject to approval, development, and regulation as one land use complex.

C. Establishment.

1. There is hereby created a planned residential development (PRD) zone district. Whenever it is placed on the official zoning map, the designation PRD shall be indicated after the zoning designation of the area over which it is placed, and the provisions of said PRD zone shall apply in addition to the provisions of the principal zone of the area to which it is applied. Whenever a use is permitted in said PRD zone, said use shall be permitted in addition to the uses otherwise allowed in the area over which it is placed.

2. A planned residential development may be permitted in the O-S-R, R-E, R-R, R-L, R-L-M, R-M, and O-S zone districts.

D. Permitted Uses. Principal permitted uses in the PRD zone shall be as follows:

1. Attached and detached single-family homes, townhouses, patio houses, or combinations thereof not exceeding four units in any one group shall be permitted, and such other uses as are permitted in the zone in which the planned residential development is to be located.

a. For purposes of this chapter, all permitted dwelling types are considered to be single-family in nature. Each unit shall be a separate and complete entity extending from the lowest floor level to the highest point of the building. Separate dwelling units shall not be placed above one another, and each unit shall be directly accessible to private, ground-level open spaces.

b. Employee housing for six or fewer employees shall be treated as a single-family structure and permitted in the same manner as other dwellings of the same type in the same zone.

c. Community Care Facilities, regardless of size or occupancy, shall be subject only to the same requirements as other residential uses within the same zone and shall comply with all State of California licensing requirements.

d. In all cases, supportive housing and transitional housing are and shall be treated as residential uses, subject only to the permitting requirements that apply to residential uses of the same housing type location in the same zone.

2. Open Space Uses. Noncommercial parks, gardens, playgrounds, golf courses, natural open space, and other open space uses are permitted in the zone in which the planned residential development is to be located. Various noncommercial facilities such as clubhouses, swimming pools, tennis courts, and horticultural conservatories may be included in such open space uses.

E. Prohibited Uses. All uses and structures not listed as permitted in this section are hereby deemed to be specifically prohibited. Notwithstanding any other provision of this code to the contrary, commercial cannabis activities are prohibited uses in any PRD district.

F. Property Development Standards. The following property development standards shall apply to all land and buildings in the PRD zone:

1. Site Area. The minimum gross site area for a PRD zone shall be 10 acres, except that sites with a lesser area may be permitted when contiguous to an existing planned development and when they constitute a logical extension in arrangement of buildings, facilities, and open space. All of the area of dedicated street right-of-way entirely within the boundaries of the site may be included in determining the gross area of the zone for minimum area purposes.

2. Density. The underlying residential land use district shall determine the maximum number of dwelling units allowed in PRD developments. Where a parcel or parcels have more than one land use district, the maximum number of dwelling units shall be determined by adding together the allowable density for each land use district area. Density transfer throughout the PRD project area is permitted for the promotion of clustering units in those areas suited to development, and thus preserving the open space and natural features of the site.

3. Lot Area. Individual lot areas may be reduced below the minimum standard requirement for the zone; provided, however, that the average overall lot size of the development is in conformance with the underlying zone; and provided, that the developer demonstrates that there is a direct relationship between the lot size and adjacent open space area within the development. Individual lots shall contain sufficient area to provide all required setbacks, yards, and private outdoor living areas.

4. Lot Dimensions. Lot widths and depths may be reduced below the standard of the district; however, to preserve and maintain the quality of the zone in an existing neighborhood and surrounding neighborhoods, all lots abutting a dedicated public street shall have a lot width not less than the minimum required for the zone. Certain exceptions may be approved by the planning commission where it can be shown that a reduction in lot width will not adversely affect the character and quality of the surrounding neighborhood.

5. Site Coverage. Buildings and structures, which shall not include patios open on three or more sides, shall not occupy more than 30 percent of the gross area of the PRD zone.

6. Building Height. A building, structure, or portion thereof shall not exceed the following heights:

a. Single-family dwellings: two stories or 32 feet, whichever is less.

b. Exceptions.

i. On slopes, single-family dwellings may be three stories in height on the downhill side provided they do not exceed two stories on the uphill side.

ii. If a cantilever foundation structure is used on a hillside, the height shall be measured from the lowest point at which the foundation beams enter the hill.

iii. If the downhill sides of the structure are enclosed in a monolithic foundation, the height shall be measured from the midpoint of that portion of the finished slope which is covered by the structure.

G. Minimum Yard Requirements.

1. Front Yard Setback. The minimum front yard provisions of the zone in which the site is located shall apply to all lots, whether abutting a public or private street, pursuant to subsection (F)(4) of this section.

2. Side Yard Setback(s).

a. The side yard provisions of the zone in which the site is located shall apply to all properties in the planned development which abut property not a part of the development, pursuant to subsection (F)(4) of this section.

b. For the remainder of the development, the side yard(s) for a residence or group of residences may be modified as follows:

i. For a single-family detached residence on a separate lot, one side yard may be reduced to zero, provided the opposite side yard is not less than the total required for each side yard in the zone. No window or door openings are permitted on the zero setback line.

ii. For attached single-family residences or patio houses and townhouses, both interior side yards between structures may be reduced to zero, provided the exterior side yards of the series or group are set back a distance not less than 10 feet for each story or height of each building series or group. No window or door openings are permitted on the zero setback line.

3. Rear Yard Setback. The rear yard provisions of the zone in which the site is located shall apply.

H. Accessory Buildings. The provisions of the zone in which the site is located shall apply; provided, that such accessory uses are compatible with the approved PRD.

I. Off-Street Parking. Off-street parking shall be provided in accordance with the provisions of Chapter 18.45 CMC, Off-Street Parking. In addition, an appropriate number of off-street parking spaces shall be provided to compensate for the reduction in on-street parking resulting from the reduced linear feet of streets typically associated with planned residential developments. The number and distribution of such required additional spaces shall be determined by an analysis of the plan by the planning department.

J. Open Space Areas.

1. For the purposes of this chapter, open space within a PRD shall be the total area of land or water within the boundaries of a PRD, designed and intended for use and enjoyment as open space areas.

2. Open space areas may include swimming pools, tot lots, putting greens, court game facilities, and recreational buildings. Natural canyons and similar natural physical features may be included in open space areas as approved by the planning commission; these areas are to be cleared of debris, poison oak, and similar fire and health hazards. Automatic sprinklers shall be provided at top of slope in canyon areas where it has been determined by the city that a fire hazard exists.

3. Except as provided in subsection (J)(2) of this section, usable open space areas shall not include:

a. Rights-of-way.

b. Vehicle parking areas and accessways.

c. Areas less than 15 feet in width that are adjacent to or between structures.

d. Slope areas of more than eight percent grade.

e. School sites.

f. Commercial, industrial, or office areas, and the buildings, accessory buildings, parking, and loading facilities thereof.

4. A PRD project shall have a minimum of 40 percent private and common open space, not including balcony area.

5. The city shall be granted an easement or other interest limiting the future use of the open space and preserving open spaces.

6. Provisions for the maintenance and management of the common open space and common facilities shall be reviewed and approved by the reviewing authority. Such approval shall be based on the following criteria:

a. The applicant shall establish a property owners' association prior to the selling of any lot or occupancy of any dwelling unit.

b. The property owners' association bylaws, restrictions, and articles of incorporation shall include the necessary regulations required by the Federal Housing Administration, the California Department of Real Estate, and other governmental agencies.

7. All improvements located within the common open space, such as landscaping, parks, recreational facilities, travelways, and parking areas, shall be maintained in a safe condition and a state of good repair.

a. Any failure to maintain such improvements located within the common areas shall be, and the same is hereby declared to be, unlawful and a public nuisance endangering the health, safety, and general welfare of the public and a detriment to the surrounding community.

b. In addition to any other remedy provided for by law for the abatement, removal, and enjoinder of such public nuisance, the city, after giving proper notice, may cause the necessary work of maintenance or repair to be done, and the cost thereof shall be assessed against the owner or owners of the development.

K. Phasing. In a phased development, safeguards shall be required in the form of easements or bonds or other commitments for open space requirements that will protect the integrity of the total project.

L. Subdivision. When a tentative subdivision map is filed with a planned residential development, prior to recordation of the final subdivision map, the following items shall be filed with the appropriate agency:

1. Documentation of easements, covenants, deeds, and property owners' association bylaws, restrictions, and articles of incorporation.

2. Sureties and performance bonds covering open space areas, dedicated public improvements, and other items as determined by the reviewing authority; the amount of the performance bonds shall be reviewed annually by the appropriate agency.

M. Revision of Approved Development Plans. No revisions may be made in an approved planned residential development before, during, or after the construction of a PRD, except upon application by the applicant to the appropriate reviewing authority, under the procedures provided below.

1. Minor revisions such as in the location and siting of buildings and structures may be authorized by the planning director if required by engineering or other circumstances not foreseen at the time the development plan was approved. These revisions shall be made prior to recording the final subdivision map or the issuance of any building permits, whichever occurs first.

2. Major revisions such as changes in use; any significant rearrangement of lots, blocks, and building tracts; any substantial changes in the provision of common open spaces; and all other modifications shall be approved by the reviewing authority authorized to approve the plan being revised. The reviewing authority shall hold a public hearing to consider such major revisions. No amendments may be made in the approved development plan unless they are shown to be required by changes in conditions that have occurred since the development plan was approved or by changes in the general plan, specific plan, or area plan.

N. Design Standards.

1. Unless specifically changed within this section, all adopted city ordinances, standards, and policies apply to a planned residential development, including those set forth in the Calimesa general plan. The planning

commission may alter adopted standards where, in their opinion, the altered standards would more adequately serve the intent and purposes of the planned residential development provisions of the code.

## 2. Circulation.

- a. The vehicular circulation pattern shall be designed such that the following are accomplished:
  - i. It provides adequate vehicular access to and within the project, in accordance with adopted city standards.
  - ii. It is coordinated with external transportation networks in terms of location and loads.
  - iii. It is integrated with the natural landscape and, where possible, parallels the natural drainage system.
  - iv. It is designed such that the noise levels from vehicular traffic shall comply with the noise quality standards of the Calimesa general plan.
  - v. The planned residential development project and each phase thereof has two points of vehicular ingress and egress from surrounding streets, one of which may be emergency only. Where the applicant can show that this is a physical impossibility, this requirement may be modified by the county fire department.
  - vi. Private streets are acceptable if they are built to city standards and are inspected by the city. However, right-of-way shall not be accepted by the city, nor shall private streets be accepted into the city-maintained road system.
- b. The pedestrian circulation pattern shall be designed such that the following are accomplished:
  - i. It is separated from vehicular traffic, where possible, and designed to discourage pedestrian crossing of the vehicular network, except at controlled points which are designed for pedestrian safety.
  - ii. Hard-surfaced, safely lighted pedestrian access to common open space, recreational areas, community facilities, and other logical terminal points shall be provided.
- c. All common off-street parking areas shall be designed such that the following are accomplished:
  - i. They provide adequate, convenient, well-marked, and safely lighted parking.
  - ii. With the exception of building-enclosed parking structures, they contain appropriate landscaping to minimize the effect of large areas of asphalt or concrete.
- d. All proposed developments shall incorporate design features or trip reduction programs, or a combination of design features and trip reduction programs in accordance with CMC 18.100.050(A).

## 3. Site Resource Utilization.

- a. The planned residential development shall be designed and developed in such a manner as to minimize the cutting of trees, disturbance of ground cover, cut-and-fill work, drainage alteration, and hillside development. All tree removals shall be in accordance with city permit procedures.
- b. All new dirt work, exposed slopes, and erosion control problem areas shall be suitably stabilized in accordance with Chapter 18.70 CMC, Landscape Requirements. Scarred and erosion-prone areas shall be stabilized with appropriate planting methods or other appropriate techniques as determined by the planning director.
- c. A drainage analysis shall be prepared and shall accompany the application for a PRD.

## 4. Site and Structure Relationship.

- a. The spacing of buildings shall be governed by the requirements for adequate light and air, proper access, fire regulations, and by the need for visual and auditory privacy.
- b. Whenever possible, dwelling units shall be arranged to take advantage of views and vistas with consideration given to micro (subsections of the planned development) climate control and pleasing relationships of building mass.
- c. The placement of garages behind dwelling units and the construction of front porches is encouraged to enhance the neighborhood streetscape.
- d. The planned residential development shall be designed to minimize the likelihood of criminal activity by the following methods:
  - i. Minimizing those areas that are neither clearly private nor public.
  - ii. Planting landscaping such that maximum observation is obtained while providing the desired degree of aesthetics.
- e. Building height, bulk, and micro coverage are regulated only inasmuch as they meet the performance criteria set out above.
- f. No structure for human habitation shall be placed in an environmentally hazardous, fragile, or unique area.

5. Perimeter.

- a. Adjacent properties to the planned residential development shall be protected from adverse influences of traffic, land uses, building scale, and density by the combined use of screening, setbacks, and land use location.
- b. Perimeter planning and coordination are required to assure continuity in the community facilities and services. The applicant shall demonstrate that the development proposal can be adequately served by community facilities and services without undue public expenditure. [Ord. 342 § 3 (Exh. A), 2016; Ord. 341 § 15, 2016; Ord. 341-U § 16, 2016; Ord. 95-7 § 2; Code 1990 § 12.7.01.]

**18.40.020 Public/quasi-public (P/Q) district.**

A. General Purpose. The purpose of the public/quasi-public (P/Q) district is to provide appropriate areas to accommodate uses such as City Hall, post offices, police and fire stations, institutional uses (schools, churches), libraries, and other similar development.

B. Use Regulations for the Public/Quasi-Public District.

1. Table 18.40.020 identifies those uses and activities which may be permitted in the public/quasi-public district subject to the provisions of this title and applicable general plan policies, and those uses and activities which are not permitted. Table 18.40.020 also indicates the development procedure and the approval type by which each listed use or activity may be permitted. A minor development plan review or major development plan review may be required in accordance with Chapter 18.90 CMC, Development Plan Review.

**Table 18.40.020 – Uses Permitted Within Public/Quasi-Public District**

Use	Condition of Use
<b>A. Public/Quasi-Public Uses</b>	
Auditoriums	C
Churches and other religious institutions	C

Use	Condition of Use
Educational institutions (including public or private vocational schools)	C
Fire and police stations	P
Post offices	P
Public libraries and museums	P
Public parks and recreation facilities (public or private)	P
Public utilities and public service substations, reservoirs, pumping plants and similar installations, not including public utility offices	C
Public utility service offices	P
All public buildings and grounds not otherwise mentioned herein	P
Temporary uses (subject to the provisions of CMC 18.15.130, Temporary use permits, and the issuance of a temporary use permit (T))	T
Other uses similar to, and no more objectionable than, the uses identified above shall be reviewed per the process required by the similar use procedures, as determined by the planning commission. The commission will determine whether the use is subject to development plan review or conditional use permit.	
<b>B. Commercial Cannabis Activity<sup>a</sup></b>	X
<b>Legend:</b> <b>P – Permitted</b> <b>C – Subject to conditional use permit</b> <b>X – Prohibited</b>	

a. The prohibition on commercial cannabis activity is subject to the exceptions set forth in CMC 18.135.040.

C. Public/Quasi-Public District Development Standards. Minimum site development standards applicable to proposed and existing development in the public/quasi-public district shall be determined by the planning commission on a case-by-case basis. [Ord. 353 § 11, 2017; Ord. 342 § 3 (Exh. A), 2016; Ord. 341 § 16, 2016; Ord. 341-U § 17, 2016; Ord. 95-7 § 2; Code 1990 § 12.7.02.]

**18.40.030 Calimesa Creek overlay (CCO) district.**

A. General Purpose. The purpose of this overlay district is to establish guidelines for the redevelopment of the Calimesa Creek area. The guidelines describe the city’s intent and vision for Calimesa Creek and are intended to promote public access to and pedestrian use along Calimesa Creek and to protect and enhance the scenic character of the downtown.

B. Permitted Uses. Uses shall be permitted within the Calimesa Creek overlay district in accordance with the underlying zone district.

C. Development Standards.

1. Calimesa Creek shall be developed to preserve the natural look of the creek. The creek shall retain its natural look and feel, with no concrete or unnatural confinement or channelization.
2. The design of structures and outdoor improvements shall complement the attractiveness and functionality of the downtown. Design shall be coordinated to ensure smooth pedestrian transition between properties, reasonable lighting, understandable signage, and minimal inconvenience to shoppers and strollers.

3. Buildings shall address both their street and creek frontage. In no case shall a building turn its back on the creek.

4. A vegetated natural creek bank is encouraged except where terrain conditions would make it difficult, prohibitively expensive, or unnatural in appearance.

5. A continuous pedestrian sidewalk or trail, a minimum of 10 feet in width, may be required for both sides of the creek edge. The trail may be built as part of a maintenance road.

6. The construction of areas for rest, relaxation, and dining along the creek are encouraged. Street furniture should be provided as often as is reasonable. Lighting should be sufficient for safety, but should not glare.

7. Buildings shall be set back from the creek enough to provide for lighting and adequate pedestrian access along the creek. Buildings are encouraged to have a continuous setback line in order to provide the feel of an outdoor room.

8. Nothing in this section shall be construed so as to preclude the use of any existing property or the rebuilding of any existing improvements in the event of catastrophic loss.

D. No commercial cannabis activity is permitted in the Calimesa Creek overlay district, subject to the exceptions set forth in CMC 18.135.040. [Ord. 353 § 12, 2017; Ord. 342 § 3 (Exh. A), 2016; Ord. 341 § 17, 2016; Ord. 341-U § 18, 2016; Ord. 95-7 § 2; Code 1990 § 12.7.03.]

## Chapter 18.45

### OFF-STREET PARKING

Sections:

- 18.45.010 Purpose.
- 18.45.020 Applicability.
- 18.45.030 General provisions.
- 18.45.040 Nonconforming uses.
- 18.45.050 Use limitations and prohibited parking.
- 18.45.060 Number of required parking spaces.
- 18.45.070 Handicap parking requirements.
- 18.45.080 Bicycle and motorcycle parking requirements.
- 18.45.090 Carpool, vanpool, and zero emission vehicle parking requirements.
- 18.45.100 Development standards.
- 18.45.110 Shared parking provisions.
- 18.45.120 Loading requirements.
- 18.45.130 Off-street parking restrictions for commercial and other vehicles in residential zones.
- 18.45.140 Off-street parking restrictions for recreational vehicles in residential zones.

#### **18.45.010 Purpose.**

The purpose of this chapter is to achieve the following:

- A. Ensure that adequate off-street parking is provided to meet the parking needs of uses located within Calimesa.
- B. Provide accessible, attractive, secure, properly lighted, and well-maintained and screened off-street parking facilities.
- C. Reduce traffic congestion and hazards.
- D. Promote vehicular and pedestrian safety.
- E. Promote compatibility between parking facilities and surrounding neighborhoods. [Ord. 342 § 3 (Exh. A), 2016; Ord. 328 § 7 (Exh. E), 2014; Ord. 95-7 § 2; Code 1990 § 12.8.01.]

#### **18.45.020 Applicability.**

- A. Off-street parking facilities, both vehicular and bicycle, shall be provided for any new building constructed, for any new use established, for any addition or enlargement of an existing building or use, and for any change in the occupancy of an existing building or the manner in which a use is conducted that would result in additional parking spaces being required.
- B. In all situations where additional vehicular parking spaces are required, all existing and proposed handicap parking spaces located on the site shall be marked and striped in accordance with state standards. [Ord. 342 § 3 (Exh. A), 2016; Ord. 328 § 7 (Exh. E), 2014; Ord. 95-7 § 2; Code 1990 § 12.8.02.]

#### **18.45.030 General provisions.**

- A. No structure or use shall be permitted or constructed unless off-street parking spaces are provided in accordance with the provisions of this chapter.
- B. Requirements for uses not specifically listed herein shall be determined by the planning director based on the requirements for comparable uses and on the particular characteristics of the use.
- C. Fractional space requirements shall be rounded up to the next whole space.

D. The required off-street parking shall be a continuing obligation. It is unlawful to discontinue or dispense with the required vehicle parking facilities without providing other vehicle parking facilities which meet the requirements of this chapter.

E. Unless specifically permitted otherwise, required off-street parking spaces shall not be used for storage of any items other than a motor vehicle, and all required off-street parking spaces shall be kept free and clear at all times for use in the parking and storage of a motor vehicle.

F. Permit Requirements.

1. No building shall be occupied and no final inspection shall be given until off-street parking facilities are provided in accordance with the provisions of this chapter.

2. No parking area shall be resurfaced and/or restriped without a parking plan submitted to and approved by the planning department.

G. Relocation of Facilities. Whenever existing parking facilities for residential uses are removed or converted to a permissible nonparking use, the following regulations shall apply:

1. Any driveway approach that no longer provides access to a covered parking facility shall be removed and replaced with standard curb and gutter, in accordance with city standards.

2. All paved surfaces in the front yard area that no longer provide access to a covered parking facility shall be removed and the areas landscaped.

H. Transportation Demand Management Ordinance. The requirements and provisions of the transportation demand management ordinance, Chapter 18.100 CMC, shall be adhered to, including but not limited to reduced parking provisions, parking analysis, and penalties. [Ord. 342 § 3 (Exh. A), 2016; Ord. 328 § 7 (Exh. E), 2014; Ord. 95-7 § 2; Code 1990 § 12.8.03.]

**18.45.040 Nonconforming uses.**

A. Residential Uses. Any dwelling unit or group of dwelling units which, on the effective date of the ordinance codified in this chapter or any subsequent amendment thereto, is nonconforming as to the regulations relating to off-street parking facilities may be continued in the same manner as if the parking facilities were conforming. However, any existing dwelling unit that is enlarged by 25 percent or more of the gross living area shall be required to provide off-street parking facilities in accordance with the provisions of this chapter.

B. Nonresidential Uses. Any use of property which, on the effective date of the ordinance codified in this chapter or any subsequent amendment thereto, is nonconforming as to the regulations relating to off-street parking facilities may be continued in the same manner as if the parking facilities were conforming. However, if such parking facilities do exist, they shall not be reduced. [Ord. 342 § 3 (Exh. A), 2016; Ord. 328 § 7 (Exh. E), 2014; Ord. 95-7 § 2; Code 1990 § 12.8.04.]

**18.45.050 Use limitations and prohibited parking.**

A. Residential Uses.

1. No parking shall be permitted in required landscaped front yard areas.

2. All inoperative motor vehicles (not including recreational vehicles as defined in CMC 18.45.140(B)) shall be stored in an enclosed parking space or stored in an area screened from the street. No permanent parking or storage of a nonoperative motor vehicle shall be permitted in the driveway or front yard area of any parcel or lot.

B. Nonresidential Uses. Required parking areas shall be used exclusively for vehicle parking in conjunction with a permitted use, and shall not be reduced or encroached upon in any manner. [Ord. 342 § 3 (Exh. A), 2016; Ord. 328 § 7 (Exh. E), 2014; Ord. 295 § 8, 2010; Ord. 95-7 § 2; Code 1990 § 12.8.05.]

**18.45.060 Number of required parking spaces.**

The number of off-street parking spaces or amount of parking area required for each use shall be not less than that set forth in this section. Whenever more than one method of calculating the required number of spaces or area is indicated, the method which provides the greatest number of spaces shall apply.

**Table 18.45.060 – Number of Required Parking Spaces**

Uses	Number of Required Spaces
<b>Residential Uses</b>	
Single-family dwelling	2 covered spaces within an enclosed garage.
Apartments:	
Studio/1 bedroom	1 covered space per unit plus 1 uncovered guest space for each 5 units.
2, 3 or more bedrooms	2 covered spaces per unit plus 1 uncovered guest space for each 5 units.
Single-room occupancy housing	1 covered space per unit plus 1 uncovered guest space for each 5 units.
Condominiums and Townhomes:	
Studio/1 bedroom	1 covered space within an enclosed garage plus 1 uncovered space for each 5 units.
2, 3 or more bedrooms	2 covered spaces within an enclosed garage plus 1 uncovered guest space for each 5 units.
All residential uses proposed within the residential infill priority area overlay zone (“RIPAOZ”)	Subject to planning director and city engineer approval of a site-specific focused traffic and parking study prepared in accordance with the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual.
<b>Commercial Uses</b>	
Automobile repair and service shop	5 spaces for every service bay.
Automobile service station	4 spaces plus 4 spaces for service bay.
Bank, savings and loan, other financial institution	1 space for each 250 sq. ft. of gross floor area. Where drive-through service is provided, there shall be adequate stacking to accommodate 6 vehicles.
Barber or beauty shop	2 spaces for each barber chair; 3 spaces for each beautician station.
Car wash, full-service	10 spaces, plus adequate service stacking to accommodate 6 vehicles.
Car wash, self-service	1 space per stall plus adequate stacking to accommodate 1 vehicle per stall. Adequate circulation must be provided around stacked vehicles.
Furniture, drapery, plumbing, floor covering, and appliance store	1 space for every 500 sq. ft. of gross space floor area.
Hotel/motel	1 space per guest room plus 1 space per 100 gross ft. of banquet, assembly, or restaurant seating area plus 1 space per 400 ft. of accessory retail area.
Mortuary and funeral home	1 space for every 4 fixed seats or 1 space for every 40 sq. ft. of gross floor area used for assembly purposes plus 1 space for each hearse or limousine plus funeral procession queue capacity for 5 cars. For benches or pews, 1 seating space is equal to 18 lineal inches.
Plant nursery, lumber yard, building material yard, outdoor sales of merchandise	1 space for every 500 sq. ft. of indoor area and outdoor sales/display area to 10 spaces, and 1 space for every 2,000 sq. ft. exceeding the 10 spaces.
Professional, business or administrative office (excluding medical and dental)	1 space for each 250 feet of gross leasable floor area or a minimum of 3 spaces for each office, whichever is greater.

Uses	Number of Required Spaces
Restaurant, cafe, bar, and other eating and drinking establishment (including outdoor seating areas)	1 space for each 35 sq. ft. of nonfixed public seating area, and 1 space for each 3 fixed seats, plus 1 space for each 200 sq. ft. of all other gross floor area, with a minimum of 10 spaces.
Fast food restaurants, with drive-up or drive-through facilities (including outdoor seating areas)	1 space for each 100 sq. ft. of gross floor area, plus 1 lane for each drive-up window with stacking space for 8 vehicles, as measured from the pickup window.
Retail centers <sup>1,2</sup>	1 space for each 250 sq. ft. of gross floor area, with the exception of the following uses, which shall be counted as noted: 1. Restaurant: 1 space for each 75 feet of nonfixed public seating area, and 1 space for each 3 fixed seats (including outdoor seating/eating areas). 2. Fast food restaurant: 1 space for each 100 sq. ft. of gross floor area, and 1 space for each 3 seats, plus 1 lane for each drive-up window with stacking for 8 vehicles, as measured from the pickup window. 3. Cinemas: 1 space for every 5 seats.
Retail commercial	1 space for each 250 sq. ft. of gross floor area.
Vehicle sales	1 space for each 500 sq. ft. of gross floor area for indoor area, plus 1 space for each 2,000 sq. ft. of outdoor sales/display up to 10,000 sq. ft. Area exceeding 10,000 sq. ft. shall require 1 space for every 5,000 sq. ft.
<b>Educational Uses</b>	
Day care facility, preschool, nursery school (not including large family day care homes and small family day care homes)	1 space for each staff member plus 1 space for each 5 children. A minimum of 4 spaces shall be provided. A semicircular drive or its equivalent, with sufficient space for 2 passenger loading areas, shall be provided.
Elementary school, junior high school	5 spaces plus 2 spaces for each classroom. A semi-circular drive or its equivalent, with sufficient space for 2 passenger loading areas, shall be provided.
High school	10 spaces plus 10 spaces per classroom.
College and university	10 spaces plus 30 spaces per classroom.
Trade school, business college, commercial school, and other private school	1 space per 4 person capacity or 1 space per 225 sq. ft. of gross floor area, whichever is greater.
<b>Health Services</b>	
Convalescent home, nursing home	1 space for every 3 beds.
Hospital	1 space for every 1.5 patient beds.
Medical and dental office/clinic	1 space for every 200 sq. ft. of gross leasable floor area.
Veterinary hospital/clinic	6 spaces minimum, plus 1 space for every 500 sq. ft. of gross floor area in excess of 1,000 sq. ft.
<b>Industrial Uses</b>	
Manufacturing	1 space for every 500 sq. ft. of gross floor area devoted to manufacturing plus the required amount of parking for gross square footage devoted to other uses.
Storage yards	1 space for every 500 sq. ft., plus required parking for other uses on site.
Warehouses and wholesaling	1 space for every 1,000 sq. ft. of gross floor area, plus required parking for other uses on site, except when located in commercial community zoning the parking shall be consistent with the retail parking requirements (1 space per 250 sq. ft. of floor area).
<b>Entertainment and Recreation Uses</b>	

Uses	Number of Required Spaces
Bowling alley, billiard hall	5 spaces for each lane plus 2 spaces for each billiard table, plus required parking for other uses on the site.
Driving range	1 space per tee plus required parking for other uses on the site.
Golf course	6 spaces per hole, plus required parking for other uses on the site.
Miniature golf course	3 spaces per hole, plus required parking for any other uses on the site.
Park	To be determined by the approval body for the proposed use. Applicant must submit a parking study.
Skating rink	1 space for every 3 fixed seats, plus 1 space for every 250 sq. ft. of gross floor area.
Swimming pool	1 space for every 100 sq. ft. of water surface, plus 1 space for every employee, with a 10-space minimum.
Tennis, handball, racquetball courts	3 spaces per court required parking for additional uses on the site.
Video arcade	1 space for every 150 sq. ft. of gross floor area.
<b>Miscellaneous Uses</b>	
Church, auditorium, other places of public assembly	1 space for every 3 fixed seats or 1 space for every 40 sq. ft. of nonfixed seating area in the principal sanctuary or auditorium, whichever is greater. For benches or pews, 1 seating space is equal to 18 lineal inches.
Health club	1 space for every 150 sq. ft. of gross floor area.
Library, museum, art gallery	1 space for every 300 sq. ft. of gross floor area.
Public utility facilities	1 space for every 2 employees plus 1 space for each vehicle kept in connection with the use or to be determined by the approval authority for the proposed use.
Emergency shelter	<u>Emergency shelters shall provide sufficient on-site parking to accommodate all employees, consistent with California Government Code Section 65583, subdivision (a)(4)(B)(ii) provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone. <del>1 space for every 1.5 beds.</del></u>

Footnotes:

1. Refer to CMC 18.10.020, Definitions, under “Retail shopping center.”
2. For retail centers, the city may modify the parking requirements for sit-down restaurants, fast food restaurants, and cinemas based on a parking study approved by the city as part of the development plan review process.  
[Ord. 394 § 10, 2023; Ord. 393 § 10, 2023; Ord. 392 § 10, 2023; Ord. 342 § 3 (Exh. A), 2016; Ord. 328 § 7 (Exh. E), 2014; Ord. 288 § 2, 2009; Ord. 184 § 2, 2001; Ord. 95-7 § 2; Code 1990 § 12.8.06.]

**18.45.070 Handicap parking requirements.**

Handicap parking requirements are established by the state of California. The parking standards contained in this section are identical to those established by the state at the time of the adoption of the ordinance codified in this section. Any future change in state handicap parking standards which would preempt or differ from the requirements given in this section shall apply automatically without any amendment of this section.

A. Handicap parking for residential uses shall be provided at the rate of one space for each dwelling unit that is designed for occupancy by the handicapped.

B. Handicap parking spaces shall be provided for all uses other than residential, outpatient facilities, and facilities that specialize in services for persons with mobility impairments at the following rate:

**Table 18.45.070 –**

**Number of Handicap Parking Spaces Required**

<b>Number of Automobile Spaces Provided</b>	<b>Number of Handicap Spaces Required</b>
1 – 25	1 van-accessible space
26 – 50	2 including 1 van-accessible space
51 – 75	3 including 1 van-accessible space
76 – 100	4 including 1 van-accessible space
101 – 150	5 including 1 van-accessible space
151 – 200	6 including 1 van-accessible space
201 – 300	7 including 1 van-accessible space
301 – 400	8 including 1 van-accessible space
401 – 500	9 including 2 van-accessible spaces
501 – 1,000	2% including 3 van-accessible spaces
1,000+	20 + 1 per 100 or fraction, including minimum 1 van-accessible space per 8 accessible spaces or fraction thereof

C. Outpatient facilities: 10 percent of the total spaces shall be accessible.

D. Facilities that specialize in services for persons with mobility impairments: 20 percent of the total spaces shall be accessible.

E. Handicap parking spaces shall be located so as to provide for safety and optimum proximity to curb ramps or other pedestrian ways providing the most direct access to the primary entrance of the building served by the parking lot.

F. Dimensions.

1. Van. Minimum nine feet wide with minimum eight-foot side loading and unloading passenger side aisle, minimum 18-foot length.

2. Auto. Minimum nine feet wide with minimum five-foot-wide loading and unloading passenger side aisle, minimum 18 feet long. Two spaces may share the same five-foot aisle.

G. In each parking area, a bumper or curb shall be provided and located to prevent encroachment of cars over the required width of walkways. The space shall be located so that a handicapped person is not compelled to wheel or walk behind parked cars other than their own. Pedestrian ways which are accessible to the physically handicapped shall be provided from each such parking space to related facilities, including curb cuts or ramps as needed. Ramps shall not encroach into any parking space. However, ramps located at the front of handicap parking spaces may encroach into the length of such spaces when such encroachment does not limit a handicapped person’s ability to leave or enter their vehicle, and when it is determined that compliance with any regulation of this section would create an unreasonable hardship.

H. Surface slopes of parking spaces for the physically handicapped shall be the minimum possible and shall not exceed one vertical to 50 horizontal in any direction.

I. Each parking space reserved for persons with physical disabilities shall be identified by a reflectorized sign permanently posted immediately adjacent to and visible from each stall or space, consisting of a profile view of a wheelchair with occupant in white on dark blue background. The sign shall not be smaller than 70 square inches in area and, when in a path of travel, shall be posted at a minimum height of 80 inches from the bottom of the sign to the parking space finished grade. Signs may also be centered on the wall at the interior end of the parking space at a minimum height of 36 inches from the parking space finished grade, ground, or sidewalk. Van spaces shall be delineated as van accessible.

J. A “tow away” sign with telephone number shall be posted at each entrance to the parking area or adjacent to accessible spaces, not less than 17 inches by 22 inches with lettering not less than one inch in height.

K. In addition to the above requirements, the surface of each accessible parking space or stall shall have a surface identification duplicating either of the following schemes:

1. By outlining or painting the stall or space in blue and outlining on the ground in the stall or space in white or suitable contrasting color a profile view depicting a wheelchair with occupant; or
2. By outlining a profile view of a wheelchair with occupant in white on blue background. The profile view shall be located so that it is visible to a traffic enforcement officer when a vehicle is properly parked in the space and shall be 36 inches high by 36 inches wide.

L. Parking Structures. The minimum vertical clearance at the entrance and within shall be eight feet, two inches to accessible parking spaces.

M. Handicap parking spaces required by this section shall count toward fulfilling automobile parking requirements. [Ord. 342 § 3 (Exh. A), 2016; Ord. 328 § 7 (Exh. E), 2014; Ord. 95-7 § 2; Code 1990 § 12.8.07.]

**18.45.080 Bicycle and motorcycle parking requirements.**

A. Bicycle Parking. All nonresidential uses shall provide bicycle parking facilities in accordance with the following table:

**Table 18.45.080-1 – Number of Bicycle Parking Spaces Required**

Number of Automobile Spaces Required	Minimum Spaces Required for Bicycle Parking
1 – 49	5
50 – 99	10
100 or more	15, plus 5 for each additional 100 spaces

1. Industrial uses, business parks, and other uses which encourage commuters are encouraged to install bicycle lockers for employees.

2. Design Standards.

a. Bicycle parking facilities shall consist of a stationary bicycle rack designed to secure the frame and one wheel of the bicycle, where the bicyclist supplies only a padlock.

b. Bicycle parking areas shall be located near main entrances or buildings.

c. Bicycle parking facilities shall be installed in a manner which allows adequate spacing for access to the bicycle and the locking device when the facilities are occupied. General space allowances shall include a two-foot width and a six-foot length per bicycle and a five-foot-wide maneuvering space behind the bicycle.

d. The facilities shall be located on a hard, dust-free surface, preferably asphalt or concrete.

B. Motorcycle Parking. All nonresidential uses shall provide motorcycle parking spaces in accordance with the following table:

Table 18.45.080-2 –

**Minimum Area for Motorcycle Parking Space Required**

Number of Automobile Spaces Required	Minimum Area Required for Motorcycle Parking
1 – 39	None
40 – 99	7 feet in length and area not less than 56 square feet
100 or more	7 feet in length and area not less than 70 square feet

[Ord. 342 § 3 (Exh. A), 2016; Ord. 328 § 7 (Exh. E), 2014; Ord. 95-7 § 2; Code 1990 § 12.8.08.]

**18.45.090 Carpool, vanpool, and zero emission vehicle parking requirements.**

All nonresidential uses shall provide designated preferential parking for carpools, vanpools, and zero emission vehicles as follows:

A. The required number of designated parking spaces for carpool, vanpool, and zero emission vehicles shall be calculated based on the total number of automobile parking spaces required for the premises in accordance with the following table:

Table 18.45.090 –

**Number of Carpool, Vanpool, and Zero Emission Parking Spaces Required**

Number of Automobile Spaces Required	Minimum Spaces Required for Carpool, Vanpool, and Zero Emission Vehicles
1 – 9	0
10 – 25	1
26 – 50	3
51 – 75	6
76 – 100	8
101 – 150	11
151 – 200	16
201 or more	At least 8% of the automobile parking spaces on the premises

B. Carpool, vanpool, and zero emission vehicle parking spaces shall be located in the most favorable proximity to the primary entrance of the building served by the parking lot.

C. Each parking space reserved for carpool/vanpool/zero emission vehicles shall be identified by a reflectorized sign permanently posted immediately adjacent to and visible from each stall or space informing patrons to clearly display

a valid carpool/vanpool/zero emission vehicle sticker or tag in order to park in carpool/vanpool/zero emission vehicle-designated parking spaces.

1. The sign shall not be smaller than 70 square inches in area and, when in a path of travel, shall be posted at a minimum height of 80 inches from the bottom of the sign to the parking space finished grade.
2. Signs may also be centered on the wall at the interior end of the parking space at a minimum height of 36 inches from the parking space finished grade, ground, or sidewalk.

D. A “tow away” sign with telephone number shall be posted at each entrance to the parking area or adjacent to carpool/vanpool/zero emission vehicle spaces, not less than 17 inches by 22 inches with lettering not less than one inch in height, informing patrons of the violation.

E. Carpool/vanpool/zero emission vehicle parking spaces shall be constructed in accordance with the provisions of CMC 18.45.100, Development standards.

F. Only the minimum number of required carpool/vanpool/zero emission vehicle parking spaces shall count toward fulfilling the total number of automobile parking spaces required. Any carpool/vanpool/zero emission vehicle parking spaces provided beyond the minimum amount required by this section shall not count toward fulfilling the total number of automobile parking spaces required. [Ord. 342 § 3 (Exh. A), 2016.]

#### **18.45.100 Development standards.**

##### **A. Location of Off-Street Parking Facilities.**

1. Residential Uses. Off-street parking facilities required by this chapter shall be located on the same lot or parcel as the residential unit they are intended to serve.

- a. Covered parking spaces shall not be located in any required front, side, or rear yard.

##### **2. Nonresidential Uses.**

- a. Parking facilities required by this chapter shall be located on the same lot or parcel of land as the use they are intended to serve, except in cases of large centers with reciprocal access and parking agreements, and uses with approved shared parking agreements.
- b. Parking facilities shall be located and oriented to access the main entrance or front of buildings. Parking shall not be located behind buildings to the greatest extent possible.

##### **B. Dimensions of Parking Spaces.**

1. Residential. Each covered parking space in a garage or carport shall have a minimum dimension of not less than 10 feet in width and 20 feet in length.

2. Nonresidential Uses. Each off-street parking space shall have dimensions not less than 10 feet in width and 19 feet in length, except parallel parking stalls which shall be a minimum of eight feet in width and 24 feet in length. No part of the area of a required parking space shall be used for driveways, aisles, walkways, or other improvements.

3. Compact Parking. Compact parking stalls for nonresidential uses shall be permitted subject to the following:

- a. Compact stalls shall have dimensions not less than nine feet in width and 16 feet in length.
- b. Compact stalls shall be permitted for projects that provide more than 25 off-street parking spaces. Developments with more than 25 off-street parking spaces may be permitted to utilize a maximum of 20 percent compact stalls.
- c. Compact spaces shall be dispersed throughout the development and shall not be located at the main entrance.

d. Compact spaces shall be designated "Compact," with the designation visible day and night.

C. Access to Off-Street Parking. The following requirements shall govern access to off-street parking facilities:

1. Residential.

a. Units located with sole access from major or secondary arterials shall provide a vehicular turnaround facility on the site to permit straightforward travel upon entering a street. Said facilities may be required for lots with sole access to a collector street.

b. The width of driveway entrances measured at the property line shall be as follows:

i. One-car facility: 12 feet minimum.

ii. Two-car facility: 24 feet maximum.

iii. Three-car facility: 30 feet maximum.

c. Lots of one-half acre or less shall have paved driveways of asphaltic concrete or concrete.

d. An approved driveway approach shall be constructed on all residential lots. An encroachment permit shall be obtained from the public works department prior to the commencement of any construction within the public right-of-way.

2. Nonresidential.

a. Forward travel to and from parking facilities from a dedicated street or alley is required. The parking area shall be adequate to facilitate the turning of vehicles to permit forward travel upon entering a street.

b. All uses which adjoin a major or secondary arterial shall adhere to the following:

i. Access to an arterial road shall be limited to one point for every 300 feet of frontage or one point for parcels with less than 300 feet of frontage.

ii. Combined and/or reciprocal access onto arterials shall be required between adjacent properties, wherever possible, to reduce vehicular access points and increase roadway efficiency.

iii. For corner lots, whenever possible, vehicular access points on arterial roadways shall be located a minimum of 300 feet from the centerline of the intersection.

c. The access to all off-street parking facilities shall be designed in a manner which will not interfere with the safe movement of traffic.

d. The entryway to parking areas shall be well defined and recognizable, with adequate lighting and signage provided to facilitate adequate movement on- and off-site.

e. Concrete and/or accented paving driveway approaches shall be provided for ingress to and egress from all parking facilities. Each parking space shall be easily accessible to the intended user. The width of driveway entrances and exits from a public street shall be measured at the property line and shall comply with the following standards, unless specific exceptions are made by the city engineer:

i. Minimum driveway width for single-lane entrances and/or exits: 24 feet.

ii. Minimum driveway width for combined entrances and exits: 32 feet.

iii. Minimum driveway width for multiple entrances and exits: 40 feet.

f. An encroachment permit shall be obtained from the public works department prior to the commencement of any construction within the public right-of-way.

D. Circulation within Parking Areas.

1. Minimum aisle width for two-way circulation shall be 25 feet, unless otherwise specified. In areas commonly used by oversized vehicles, such as delivery and loading areas, the minimum aisle width shall be 30 feet.
2. Two-way circulation with perpendicular parking is encouraged; however, angled parking with one-way circulation is permissible in parking areas subject to the following regulations:

**Table 18.45.100 – Parking Space Measurements**

Parking Angle	Stall Width	Stall Depth	Aisle Width
0°	8 ft.	24 ft.	15 ft.
30°	10 ft.	19 ft.	15 ft.
45°	10 ft.	20 ft.	16 ft.
60°	10 ft.	21 ft.	18 ft.
90°	10 ft.	19 ft.	25 ft.

3. Circulation within a parking area with more than one aisle must be such that a car need not enter the street to reach another aisle in the same parking area.
4. A five-foot turnout area shall be provided for all “dead-end” parking areas.

E. Improvements to Parking Areas. All required off-street parking areas shall have the following improvements:

1. All off-street parking areas and vehicle sales areas, and any driveways used for access thereto, shall be paved. Acceptable means of paving shall include asphaltic concrete or other permanent, impervious material as approved by the city engineer.
2. Individual parking stalls shall be legibly marked on the pavement by means of paint or contrasting materials. Arrows painted on paving shall dictate direction of traffic flow. Parking stall striping, directional arrows, and parking stall identification shall meet the following standards:
  - a. All parking stalls shall be clearly striped and permanently maintained with four-inch-wide double or hairpin lines on the surface of the parking facility, with the two lines located an equal distance of nine inches on either side of the stall sidelines. Striping shall be done in white.
  - b. All drive aisles, entrances, and exits shall be clearly marked with directional arrows painted on the parking surface.
3. Wheel Stops. The use of wheel stops shall be required where necessary to alleviate any conditions that may result in vehicular damage to on-site facilities. This requirement can be eliminated if the required planter width is increased by two feet on each parking side.
4. Drainage. Parking area surfaces shall be graded and drained so as to dispose of all surface water. Drainage shall be taken to the curb or gutter and away from adjoining property. Such drainage facilities shall not be allowed to cross the surface of a public sidewalk.
5. Pedestrian Walkways. Walkways for pedestrians shall be provided to connect parking areas to destination points. Walkways shall be paved, lighted, and have adequate marking for easy identification and direction of pedestrian traffic.
6. Landscaping. Landscaping shall be provided in accordance with the provisions of Chapter 18.70 CMC, Landscape Requirements.

## 7. Lighting.

- a. Parking areas shall have lighting in conformance with Chapter 18.120 CMC, Outdoor Lighting.
- b. All parking lot lights shall be mounted on three-foot-high concrete pedestals (minimum 24 inches in diameter) to protect parking light uprights, or as approved by the city engineer.
- c. All light uprights and pedestal locations shall be between required landscape medians so as not to be affected by maturing landscape. Lighting uprights may be located in landscape areas providing no landscape materials will grow beyond 10 feet in height. [Ord. 342 § 3 (Exh. A), 2016; Ord. 328 § 7 (Exh. E), 2014; Ord. 294 § 13, 2009; Ord. 278 §§ 2, 3, 2009; Ord. 95-7 § 2; Code 1990 § 12.8.09. Formerly 18.45.090]

### **18.45.110 Shared parking provisions.**

Shared parking may be approved; provided, that times of operation of the involved entities are not the same, as specified herein.

A. Up to 50 percent of the parking facilities required by this chapter for a use considered to be primarily a daytime (on-peak) use may be provided by a use considered to be a nighttime or Sunday (off-peak) use; up to 50 percent of the parking facilities required by this chapter for a use considered to be a nighttime or Sunday use may be provided by a use considered to be primarily a daytime use; provided, that a reciprocal parking area shall be subject to such conditions as stipulated herein.

B. The following uses are considered to be daytime uses: banks, business and professional offices, retail stores, service shops, and similar uses. The following uses are considered to be nighttime or Sunday uses: auditoriums, churches, fraternal organizations, and theaters. The planning department shall determine the parking requirements of the uses proposed for shared parking.

### C. Conditions Required for Shared Parking.

1. Shared parking facilities shall be located within 200 feet of the buildings and uses.
2. The applicant shall demonstrate that there is no substantial conflict in the principal operating hours for the buildings and uses.
3. Parties concerned in the shared use of off-street parking facilities shall execute an agreement for such use by a proper legal instrument approved by the city attorney as to form and content. [Ord. 342 § 3 (Exh. A), 2016; Ord. 328 § 7 (Exh. E), 2014; Ord. 95-7 § 2; Code 1990 § 12.8.10. Formerly 18.45.100.]

### **18.45.120 Loading requirements.**

A. All nonresidential uses shall provide loading spaces not less than 10 feet in width, 20 feet in length, and 14 feet in height, except for those spaces intended for use by tractor trailers, which shall be a minimum of 12 feet in width, 45 feet in length, and 14 feet in height, as follows:

1. Commercial Buildings.
  - a. 5,000 sq. ft. – 15,000 sq. ft. building area: 1 loading space.
  - b. 15,001 sq. ft. – 50,000 sq. ft. building area: 2 loading spaces.
  - c. 50,001 sq. ft. – 75,000 sq. ft. building area: 3 loading spaces.
  - d. 75,001 sq. ft. – 105,000 sq. ft. building area: 4 loading spaces.
  - e. 105,001+ sq. ft. building area: 5 loading spaces.
2. Industrial Buildings.

- a. 5,000 sq. ft. – 50,000 sq. ft. building area: 1 loading space.
- b. 50,001 sq. ft. – 100,000 sq. ft. building area: 2 loading spaces.
- c. 100,001 sq. ft. – 150,000 sq. ft. building area: 3 loading spaces.
- d. 150,001+ sq. ft. building area: 4 loading spaces.

3. Institutional/Hospital Buildings.

- a. 5,000 sq. ft. – 20,000 sq. ft. building area: 1 loading space.
- b. 20,001 sq. ft. – 50,000 sq. ft. building area: 2 loading spaces.
- c. 50,001 sq. ft. – 75,000 sq. ft. building area: 3 loading spaces.
- d. 75,001 sq. ft. – 125,000 sq. ft. building area: 4 loading spaces.
- e. 125,001+ sq. ft. building area: 5 loading spaces.

4. Office/Service Buildings.

- a. 5,000 sq. ft. – 50,000 sq. ft. building area: 1 loading space.
- b. 50,001 sq. ft. – 100,000 sq. ft. building area: 2 loading spaces.
- c. 100,001+ sq. ft. building area: 3 loading spaces.

B. All loading facilities and maneuvering areas shall be located on site.

C. Sites shall be designed so that parking areas are separate from loading areas, and loading areas are oriented to the rear or side of buildings.

D. Loading facilities shall be screened from public view by use of walls, landscaping, or building design and/or placement.

E. Loading areas shall be designed as an integral part of the building's architecture and site design.

F. Loading areas shall be poured in concrete. [Ord. 342 § 3 (Exh. A), 2016; Ord. 328 § 7 (Exh. E), 2014; Ord. 95-7 § 2; Code 1990 § 12.8.11. Formerly 18.45.110]

**18.45.130 Off-street parking restrictions for commercial and other vehicles in residential zones.**

A. Findings, Purpose, and Intent.

1. There exist within the city large commercial vehicles which park in such a way that they constitute a nuisance and pose a threat to public health and safety because they generate unusual and disproportionate amounts of noise and pollution, particularly when parked on private properties in residential neighborhoods or in close proximity to residential uses.

2. The city council has received numerous complaints from citizens, including residents and business owners, regarding excessive noise, air pollution, and safety hazards resulting from the presence of large commercial vehicles parked off-street in residential zones. The city council finds that the operation of large commercial vehicles on private properties in residential zones, or in close proximity to residential zones, detrimentally affects the community and its neighborhoods.

3. The city council has found and determined, in balancing the interests of the owners/operators of commercial vehicles who have relied on their ability to park their large commercial vehicles where they live and those of other residents of the city in the peaceful enjoyment of their homes, that the amortization and total

discontinuance of large commercial vehicle parking in residential zones is beneficial in addressing issues of excessive noise, air pollution, aesthetics, safety hazards, and the preservation of residential street conditions.

B. Definitions. Except where the context requires a different meaning, the definitions given in this subsection shall govern the construction of this section:

1. "Commercial vehicle" shall mean a vehicle required to be registered under the California Vehicle Code, used or maintained for the transportation of persons for hire, compensation, or profit, or designed, used, or maintained primarily for the transportation of goods, equipment, or property. Passenger vehicles which are not used for the transportation of persons for hire, compensation, or profit, pickup trucks, and motor homes are not commercial vehicles. Any vanpool vehicle is not a commercial vehicle. "Commercial vehicle" shall include any truck tractor, motor truck, truck trailer, or a combination thereof which exceeds a manufacturer's gross vehicle weight of 10,000 pounds.
2. "Truck tractor" shall mean a motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.
3. "Truck trailer" shall mean a vehicle, other than a motor vehicle, designed for carrying goods, persons, or property, and for being drawn by a motor vehicle, and so constructed that some part of its weight and/or of its load rests on or is carried by another vehicle.
4. "Minor repair" shall mean oil change, tire change, minor safety repairs, spark plug replacement, brake system repair/replacement, battery replacement, and oil filter replacement.

C. Parking of Oversized Vehicles on Private Properties within Residential Zones in the City.

1. Except as provided for in this section:

- a. It is unlawful for the property owner, or the owner or operator of any commercial vehicle, to park, or allow to be parked, or allow such vehicle to remain standing on any private property within a residential zone of the city, or on any private property which is within five feet of any residential zone in the city.
- b. It is unlawful for any person to park, or allow to be parked, any truck trailer which has been detached from a commercial vehicle (truck or truck tractor), or which is not in itself capable of being driven, on any private property in a residential zone in the city.
- c. It is unlawful for any person to perform any mechanical work on a commercial vehicle on any property within a residential zone in the city, other than minor repair, as defined in subsection (B)(4) of this section, which minor repair may occur only between the hours of 8:00 a.m. and 8:00 p.m.

2. Subsection (C)(1) of this section notwithstanding, commercial vehicles may be parked on private property within residential zones, or within five feet of residential zones in the city, as follows:

- a. While making pickups or deliveries of goods, wares, or merchandise from or to any property adjacent to or abutting streets or highways which are not designated truck routes.
- b. When such commercial vehicle is parked in connection with, and in aid of, the immediate, ongoing performance of a service to or on the property on which such vehicle is parked or left standing.
- c. When such commercial vehicle is parked on property owned by the owner/operator of the commercial vehicle, with a valid permit issued pursuant to subsection (D) of this section, and otherwise in accordance with the provisions of this section.
- d. The restrictions and prohibitions set forth in subsections (C)(1)(a) and (b) of this section shall not apply to commercial vehicles which have valid and effective permits issued pursuant to subsection (D) of this section.

D. Commercial Vehicle Parking Permits.

1. Any owner or operator of a commercial vehicle or property which is subject to this section may apply to the planning director, or the designee of the planning director, for, and the planning director, or the designee of the planning director, may issue a commercial vehicle parking permit for an exemption from the restrictions and prohibitions of subsection (C)(1)(a) or (b) of this section if it can be demonstrated that the property is adequate in size and shape to satisfy all applicable conditions identified in subsection (F) of this section, Permit Conditions.

The permit shall be in such form as may be approved by the planning director. No notice is required. Application for such a permit shall be made on a form approved by, and subject to such verification as may be required by, the planning director.

2. A commercial vehicle parking permit issued pursuant to this section shall expire one year after the date of issuance; provided, however, that no permit may expire later than January 1, 2005, in accordance with subsection (G)(1) of this section, or January 1, 2020, in accordance with subsection (G)(2) of this section. Applications for renewal of permits shall be submitted to the planning director at least 10 days prior to the expiration date of the then-current permit.

3. Temporary commercial vehicle parking permits may be issued to nonresident visitors, and shall expire three days after the date of issuance. Commercial vehicles for which a temporary commercial vehicle parking permit is granted may be permitted to park within the required front yard setback and are not required to be screened from public view. Not more than three nonresident visitor permits may be issued to any one property in any 12-month period of time.

4. Permits for commercial vehicle parking shall be nontransferable and shall apply only to the particular commercial vehicle, property, and location described in the application, and the rights granted thereto shall be limited to the term of the permit.

5. The planning director may revoke any commercial vehicle parking permit issued hereunder prior to the permit's expiration date upon a determination by the planning director that good cause exists for such revocation. Good cause for revocation is established by a finding by the planning director that the permittee, or any person operating a permitted vehicle with the permittee's consent, has violated one or more of the provisions of this section or any other provision of the municipal code or of state law relating to the operation, licensing, maintenance, or parking of commercial vehicles on the property for which the permit was issued.

#### E. Appeal of Permit Denial or Revocation.

1. The decision of the planning director to deny or revoke any commercial vehicle parking permit issued hereunder may be appealed in accordance with CMC 18.15.080, Hearings and appeals. Such written notice of appeal shall include all facts which form the basis for appeal, including but not limited to mistake of facts, or error in interpretation of this section, together with any relevant documentation in support of the appeal.

2. The decision of the planning commission may be appealed to the city council in accordance with CMC 18.15.080, Hearings and appeals. Such written notice of appeal shall include all facts which form the basis for appeal, as set forth above.

#### F. Permit Conditions. Each commercial vehicle parking permit issued pursuant to subsection (C) of this section shall be subject to the following conditions:

1. No commercial vehicle shall be parked or left standing on any vacant residentially zoned property. Commercial vehicle permits shall be valid only on residential property occupied by the owner/operator of the commercial vehicle, except where a temporary commercial vehicle parking permit has been issued pursuant to subsection (D)(3) of this section.

2. The operator of the commercial vehicle shall not idle the vehicle's engine for longer than 15 minutes, race the vehicle's engine, or blow air horns (except for an emergency).

3. No commercial vehicle shall be loaded or unloaded or have cargo transferred to or from the vehicle except during the first 24 hours during which such vehicle is mechanically disabled.
4. No refrigeration unit on a commercial vehicle shall be operated between the hours of 8:00 p.m. and 8:00 a.m.
5. One commercial vehicle, including a truck tractor with a trailer or semi-trailer, may be parked on the owner/operator's occupied residential lot if such lot is at least 20,000 square feet in size. One additional commercial vehicle, including a truck tractor with a trailer or truck trailer, up to a maximum of three such commercial vehicles, may be parked on the owner/operator's residential lot for each additional 20,000 square feet which said lot contains. No commercial vehicle shall be parked or left standing pursuant to this subsection unless all parts of such vehicle are at least five feet from each interior property line and at least 15 feet from all public rights-of-way and easements. Within the front yard setback, a commercial vehicle may only be parked on a driveway or other impermeable surface approved by the city for parking vehicle(s).
6. As a condition of the issuance of a permit pursuant to subsection (D) of this section, perimeter landscaping shall be installed along rear and side property lines to screen the view of the commercial vehicle from neighboring properties. The landscape materials shall be nontoxic and of the sort that fully obscure the truck parking area from neighboring residential uses.
7. Truck tractors may be parked in the driveway of the owner/operator's residential lot of any size, subject to the following conditions:
  - a. The truck tractor must be completely clear of all public streets, sidewalks, and easements.
  - b. No mechanical work shall be done, other than minor repairs, as defined in subsection (B)(4) of this section, which minor repair may occur only between the hours of 8:00 a.m. and 8:00 p.m.
8. The owner/operator of a commercial vehicle which is subject to the provisions of this chapter and required to obtain a commercial vehicle parking permit pursuant to subsection (D) of this section must either conform to the provisions hereof or must apply for the required commercial vehicle parking permit within 30 days following the effective date of the ordinance codified in this section.
9. No permit issued pursuant to this section shall expire later than January 1, 2005, in accordance with subsection (G)(1) of this section, and January 1, 2020, in accordance with subsection (G)(2) of this section.

#### G. Legal Nonconforming Use and Amortization of Commercial Vehicle Parking in Residential Zones.

1. Any residential property on which commercial vehicles were parked that was registered with the state as a truck terminal on or after December 10, 1990, and prior to January 1, 2000, or which is verified by the planning director, based on objective evidence submitted by the property owner, to have been parked on residential property within that period, shall not be subject to the limitation on vehicle numbers set forth in subsection (F)(5) of this section, but shall hereafter be considered a nonconforming use and shall be allowed to continue parking on that residential property until January 1, 2005, provided such use is not expanded, altered, or increased in intensity. Parking of said commercial vehicles shall in all other ways fully comply with the requirements of all other provisions of this section. Upon the sale or transfer of the property, the nonconforming use shall terminate, and thereafter all provisions of this section shall apply.
2. Any residential property on which commercial vehicles were parked that was registered with the state as a truck terminal prior to December 10, 1990, or which is verified by the planning director, based on objective evidence submitted by the property owner, to have been parked on residential property prior to December 10, 1990, shall not be subject to the limitation on vehicle numbers set forth in subsection (F)(5) of this section, but shall hereafter be considered a nonconforming use and shall be allowed to continue parking on that residential property until January 1, 2020; provided such use is not expanded, altered, or increased in intensity. Parking of said commercial vehicles shall in all other ways fully comply with the requirements of all other provisions of this section. Upon the sale or transfer of the property, the nonconforming use shall terminate, and thereafter all provisions of this section shall apply.

3. The number of allowed vehicles in excess of those permitted by this section shall be established pursuant to the criteria set forth herein, and shall not be increased or expanded thereafter. Parking of said “grandfathered” nonconforming uses shall in all other ways fully comply with the requirements of all other provisions of this section, the city’s municipal code, and the zoning and development regulations of the city.

4. The owner/occupier of any residential property registered as a truck terminal and operating a trucking business from such residential property shall be subject to the requirements of the city’s business license and zoning regulations, and this section shall not be considered to authorize the establishment of such business in a residential zone.

5. Any alteration or expansion of a nonconforming use shall be subject to the requirements of CMC Title 17.

6. All permits issued pursuant to this section shall expire not later than as set forth in subsections (G)(1) and (2) of this section, at which time parking of commercial vehicles in any residential zone in the city shall be prohibited, except as provided in subsections (C)(2)(a), (b), and (c) of this section, or otherwise as required by law.

H. Extension of Time for Termination of Nonconforming Use. The owner or operator of nonconforming use as described in subsection (G) of this section may apply under the provisions of this section to the planning director for an extension of time within which to terminate the nonconforming use.

1. Time and Manner of Application. An application for an extension of time within which to terminate a use made nonconforming by the provisions of subsection (G) of this section may be filed by the owner of the real property upon which such use is operated, or by the operator of the use. Such an application must be filed with the planning director at least 60 days but no more than 180 days prior to the expiration of the time established in subsection (G) of this section for termination of such use.

2. Content of Application – Fees. The application shall state the grounds for requesting an extension of time, and shall be accompanied by the required filing fee. The filing fee for such application shall be the same as that for a variance as is set forth in the schedule of fees established by resolution from time to time by the city council. An application which fails to state a basis upon which an extension may be granted, as set forth in subsection (H)(4) of this section, shall be returned to the applicant as nonresponsive, together with the application fee less any administrative costs of processing the application.

3. Hearing Procedure. The city manager shall appoint a hearing officer to hear the application. The hearing officer shall set the matter for hearing within 20 days of receipt of the application. The hearing shall be noticed in accordance with CMC 18.15.080(C), Notice of Hearing. All parties involved shall have the right to offer testimonial, documentary, and tangible evidence bearing on the issues; may be represented by counsel; and shall have the right to confront and cross-examine witnesses. Any relevant evidence may be admitted that is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. Any hearing under this section may be continued for a reasonable time for the convenience of a party or witness. The decision of the hearing officer shall be final and subject to judicial review pursuant to Code of Civil Procedure Section 1094.6.

4. Approval of Extension – Findings. An extension under the provisions of this subsection (H) shall be for a reasonable period of time commensurate with the investment involved, and shall be approved only if the hearing officer makes all of the following findings or such other findings as are required by law:

- a. The applicant has made a substantial investment (including but not limited to lease obligations) in the property or structure on which the nonconforming use is conducted; such property or structure cannot be readily converted to another use; and such investment was made prior to January 1, 2000.
- b. The applicant will be unable to recoup said investment as of the date established for modification or termination of the use.
- c. The applicant has made good faith efforts to recoup the investment and to relocate the use to a location in conformance with this section.

I. Public Nuisance Declaration. The city council hereby finds and declares that any violation of the provisions of this section occurring on private property shall constitute a public nuisance, and may be prosecuted as such in accordance with the provisions of the municipal code. This remedy is nonexclusive.

J. Penalties.

1. No person shall violate any provision or fail to comply with any of the requirements of this section. Every act prohibited or declared unlawful and every failure to perform an act made mandatory by this section is punishable as a misdemeanor. Where the city attorney determines that such action would be in the interest of justice, he/she may specify in the accusatory pleading that the offense shall be an infraction. Each person shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of any provision of this section is committed, continued, or permitted by such person and shall be punishable accordingly.

2. It shall be a defense to a citation issued for a violation of subsection (D)(3) of this section (failure to have a nonresident visitor permit) that the violation occurred at a time when City Hall was closed so that a permit could not be issued, and that the permit would have been issued had City Hall been open. [Ord. 342 § 3 (Exh. A), 2016; Ord. 328 § 7 (Exh. E), 2014; Ord. 2000-6 § 1; Code 1990 § 12.8.12. Formerly 18.45.120]

**18.45.140 Off-street parking restrictions for recreational vehicles in residential zones.**

A. Purpose. It is the purpose of this section to establish regulations for the parking of recreational vehicles in residential zones, including the establishment of standards regarding size, number, location, maintenance, and other requirements, so that impacts to pedestrians, motorist safety, and neighborhood aesthetics will not be compromised while providing reasonable accommodation to recreational vehicle owners.

B. Definition of a Recreational Vehicle. For purposes of this section, “recreational vehicle” means a vehicle for noncommercial, recreational use, which is towed or self-propelled on its own chassis or attached to the chassis of another vehicle, and which is designed or used for recreational or sporting purposes. The term “recreational vehicle” includes but is not limited to travel trailers, pickup campers, camping trailers, motor coach homes, converted trucks or buses, boats and boat trailers, and all-terrain vehicles.

C. On-Site Parking Requirements. It shall be unlawful for any person to keep, maintain, park, or store any recreational vehicle in any residential zone except as provided in Table 18.45.140.

**Table 18.45.140 – Recreational Vehicle Parking Area Requirements**

Location	Parking Area Restrictions
Front yard and side yard	Recreational vehicle parking and storage requirements. 1. A recreational vehicle shall not be parked so as to encroach into the public right-of-way or to block or overhang the sidewalk. 2. A recreational vehicle shall not be parked or stored where such parking or storage constitutes a clear and demonstrable traffic hazard and threat to public health and safety. Either the sheriff or the city manager may, at their discretion, declare the parking or storage of a particular recreational vehicle to be a traffic hazard and require the immediate removal of the recreational vehicle. 3. A recreational vehicle shall only be parked on an improved surface such as concrete, asphalt, laid brick, or other impervious material. The impervious material shall not exceed 50 percent of the area within the front yard of the lot or parcel, and shall not exceed 50 percent of the area within the side yard of the lot or parcel. 4. No more than one recreational vehicle shall be parked in the front yard or side yard area for any lot or parcel where such lot or parcel is less than 20,000 square feet in size. For lots or parcels 20,000 square feet or larger in area, a maximum of two recreational vehicles may be parked in the front yard or side yard. Note: A maximum of two additional recreational vehicles may be parked in the rear yard for any lot or parcel 40,000 square feet or larger. 5. No recreational vehicle higher than 12 feet and longer than 35 feet shall be parked in the front or side yard of any lot or parcel.
Side yard – Street side of corner lot or parcel	All of the following requirements shall be met: 1. Parking or storage of recreational vehicles in the side yard setback on the street side of any corner lot or parcel shall be prohibited.

Location	Parking Area Restrictions
	2. A recreational vehicle may be temporarily parked or stored in the side yard on the street side of any corner lot or parcel only if the recreational vehicle is parked or stored behind a 6-foot-high wall or fence. The wall or fence shall be constructed of a material that shall block the visibility of the recreational vehicle from the public street or right-of-way and from adjacent property. 3. No recreational vehicle higher than 12 feet or longer than 35 feet shall be parked in the side yard on the street side of any corner lot or parcel.
Rear yard	All of the following requirements shall be met: 1. A recreational vehicle may be parked on gravel in lieu of an impervious surface. 2. The recreational vehicle shall be stored or parked a minimum of 5 feet from the rear property line of the subject lot or parcel.

D. Public Street Parking Requirements. Parking of recreational vehicles on public streets shall be subject to all of the following requirements:

1. Recreational vehicle access from the public street to the parcel or lot shall only be permitted on the approved driveway or driveway approach on file with the city. No additional driveways or driveway approaches shall be created or used for the purpose of parking or storing a recreational vehicle on the parcel or lot, or to provide access between the parcel or lot and the public street by use of the recreational vehicle.
2. Parking of all nonmotorized recreational vehicles that require a trailer to be transported on the public street is prohibited unless such nonmotorized recreational vehicle is attached to the tow vehicle at all times. Any owner of a nonmotorized recreational vehicle parked on the public street without being attached to its tow vehicle for any length of time shall be subject to immediate citation and/or to the removal of the recreational vehicle at the owner's expense so long as signs are posted giving notice of the restrictions and removal. Any reasonable costs resulting from such impound, towing, or storage shall be charged to the owner of the recreational vehicle and to the driver who committed the violation. Removal shall be conducted in accordance with the California Vehicle Code.
3. No recreational vehicle shall be parked on a public street for any period of time longer than 72 consecutive hours without being moved. As used herein, the term "moved" means moved to a location not less than one mile from the subject property where the recreational vehicle was parked during the 72-hour period. The total number of days a recreational vehicle shall be parked on a public street shall not exceed six days per month. Any recreational vehicle which is parked on any public street longer than the 72-hour time limit specified in this section shall be subject to immediate citation and/or the removal of the recreational vehicle at the owner's expense, so long as signs are posted giving notice of the restrictions and removal. Any reasonable costs resulting from such impound, towing, or storage shall be charged to the owner of the recreational vehicle and to the driver who committed the violation. Removal shall be conducted in accordance with the California Vehicle Code.

E. Limitations on Use.

1. Recreational vehicles shall not be occupied for permanent living purposes. Electrical hookups are allowed only under the following circumstances: during loading and unloading, not to exceed a total of 24 hours; for the charging of batteries for no more than 48 consecutive hours per week; and during the period of time that a temporary recreational vehicle parking permit for guest parking is valid per subsection (G) of this section. Sewer hookups and septic tank hookups shall be prohibited at all times.
2. Recreational vehicles shall not be used as an accessory structure, as defined in CMC 18.10.020, Definitions, or as a dwelling unit, accessory, as defined in CMC 18.10.020.
3. Recreational vehicles shall not be used for the storage of goods, material, or equipment other than those items required for its intended use.

F. Maintenance Requirements. The following requirements shall apply to all recreational vehicles when parked or stored on any residential property:

1. All recreational vehicles shall be kept neat and clean at all times. Broken windows, flat tires, unpainted exteriors, unfinished upholstery, and the accumulation of spiderwebs, dirt, weeds, junk, engine and/or machine parts, tools, papers, and other debris on, in, and/or under a recreational vehicle shall be prohibited at all times. All recreational vehicles shall be maintained in a weather-resistant condition at all times.
2. All recreational vehicles shall display current license plates and/or current vehicle registration tags if required by applicable law. Those recreational vehicles not displaying current license plates and/or registration tags will be considered inoperable and shall be removed from the public view. As used in this section, "public view" means any recreational vehicle which is visible from any street, sidewalk, alley, and adjacent properties.
3. All covers, tarps, or any other material employed to protect a recreational vehicle from the weather shall be secured and shall be weatherproof. Use of rocks, bricks, or other weighted items to secure the weatherproofing cover shall be prohibited.
4. All recreational vehicle parking and storage areas shall be properly maintained and kept free of weeds, mud, and other debris.

G. Temporary Recreational Vehicle Parking Permit for Guest Parking. No recreational vehicle shall be occupied for living, sleeping, or any other purposes while parked per the limitations listed in Table 18.45.140, other than for guest(s) of the resident of the property. Guest parking shall be allowed for a period of 14 days. Any time period beyond 14 days shall require the issuance of a permit by the planning director subject to the following provisions:

1. Application for such a permit shall be made on a form approved by, and subject to such verification as may be required by, the planning director.
2. A permit issued pursuant to this subsection shall expire 30 days after the date of issuance.
3. A permit may be issued to nonresident visitors and shall expire 30 days after the date of issuance. Not more than three nonresident visitor permits may be issued to any one parcel or lot in any 12-month period of time with a minimum one-month gap between permits.
4. Temporary recreational vehicle parking permits shall be nontransferable and shall apply only to the particular recreational vehicle, property, and location described in the application, and the rights granted thereto shall be limited to the term of the permit.
5. The planning director may revoke any permit issued hereunder prior to the permit's expiration date upon a determination by the planning director that good cause exists for such revocation. Good cause for revocation is established by a finding by the planning director that the permittee, or any person operating a permitted recreational vehicle with the permittee's consent, has violated one or more of the provisions of this chapter, or any other provision of the municipal code relating to the operation, licensing, maintenance, or parking of recreational vehicles on the property for which the permit was issued.
6. Appeal of Permit Denial or Revocation.
  - a. The decision of the planning director to deny or revoke any guest recreational vehicle parking permit issued hereunder may be appealed to the planning commission by filing written notice of the appeal in accordance with CMC 18.15.080, Hearings and appeals. Such written notice of appeal shall include all facts which form the basis for appeal, including but not limited to mistake of facts, or error in interpretation of this section, together with any relevant documentation in support of the appeal.
  - b. The decision of the planning commission may be appealed to the city council. The appeal shall be filed in accordance with CMC 18.15.080, Hearings and appeals.
  - c. Exhaustion of the administrative remedies provided herein shall be required prior to the filing of any legal action in a court of competent jurisdiction. Such legal action shall be filed pursuant to the requirements of Code of Civil Procedure Section 1094.6.

H. Temporary Recreational Vehicle Parking During an Emergency.

1. A recreational vehicle may be occupied as an emergency shelter by the residents of the property in which it is stored during an emergency, as defined in subsection (H)(2) of this section.
2. "Emergency" shall mean the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property in this city caused by such conditions as fire, flood, storm, riot, earthquake, or other conditions, as proclaimed by the city, county, state, or federal government.

#### I. Violations and Penalties.

1. The provisions of this section restricting parking and storage in the public right-of-way (including the public streets, sidewalks, and alleys) may be enforced by any regularly employed and salaried police officer of the city, deputy of the Riverside County sheriff's department, or member of the California Highway Patrol.
2. Any violation of any provision of this section shall be subject to administrative proceedings, and/or criminal or civil prosecution, in accordance with Chapter 1.20 CMC, Penalty Provisions, and Chapter 1.30 CMC, Administrative Citations, as determined to be appropriate in the discretion of the city attorney. All remedies stated therein shall be cumulative and nonexclusive. [Ord. 357 § 9, 2018; Ord. 342 § 3 (Exh. A), 2016; Ord. 328 § 7 (Exh. E), 2014; Ord. 295 § 9, 2010. Formerly 18.45.130]

## Chapter 18.125

### RESIDENTIAL DENSITY BONUS PROVISIONS

Sections:

18.125.010	Purpose and intent.
18.125.020	Definitions.
18.125.030	Implementation.
18.125.040	Types of incentives allowed.
18.125.050	Requirements for density bonus projects.
18.125.060	Development standards.
18.125.070	Processing of density bonus requests.
18.125.080	Density bonus housing agreement.
18.125.090	Changes in State Density Bonus Laws.

#### **18.125.010 Purpose and intent.**

The purpose of this chapter is to provide incentives for the production of housing for very low-income, low-income, moderate-income, ~~and~~ senior households, transitional foster youth, disabled veterans, homeless persons, or lower income students in accordance with California Government Code Sections 65915 through 65918, as amended from time to time (“State Density Bonus Law”). In enacting this chapter, it is the city’s intent to facilitate the development of affordable housing and to implement the goals, objectives, and policies of the city’s general plan housing element. [Ord. 342 § 3 (Exh. A), 2016; Ord. 305 § 3, 2010.]

#### **18.125.020 Definitions.**

Whenever the following terms are used in this chapter, they shall have the meanings established by this section.

A. “Affordable rent” means monthly housing expenses, including a reasonable allowance for utilities, for rental target units reserved for very low-, low-, or moderate-income households, not exceeding the following calculations:

1. Very Low-Income. Unless otherwise provided by law, the product of 30 percent times 50 percent of the area median income adjusted for family size appropriate for the unit, divided by 12.
2. Low-Income. Unless otherwise provided by law, the product of 30 percent times 60 percent of the area median income adjusted for family size appropriate for the unit, divided by 12.
3. Moderate-Income. Unless otherwise provided by law, the product of 30 percent times 110 percent of the area median income adjusted for family size appropriate for the unit, divided by 12.

B. “Affordable sales price” means a sales price at which very low-, low-, or moderate-income households can qualify for the purchase of target units, calculated in accordance with California Health and Safety Code Section 50052.5 and the regulations adopted by the California Department of Housing and Community Development pursuant to that section.

C. “Child care facility” means a child care facility other than a family day care home, including but not limited to infant centers, preschools, extended day care facilities, and school-age child care centers.

D. “Concession” has the same meaning as the term “incentive” defined herein.

E. “Density bonus” means a density increase of up to those percentages specified in this chapter above the otherwise allowable maximum residential density.

F. “Density bonus housing agreement” means a legally binding agreement between a developer of a housing development and the city, which ensures that the requirements of this chapter and the State Density Bonus Law are satisfied. The agreement shall establish, among other things, the number of target units, their size, location, terms and conditions of affordability, and production schedule.

G. “Density bonus units” means those residential units granted pursuant to the provisions of this chapter that exceed the maximum residential density for the development site.

H. “Disabled Veterans” means individuals who have served in the United States Armed Forces and were discharged under honorable conditions. They must have a service-connected disability that has been formally rated by the U.S. Department of Veterans Affairs, as defined in the California Revenue and Taxation Code Section 18541.

I. “Homeless persons” means individuals or families who lack a fixed, regular, and adequate nighttime residence. This includes those living in emergency shelters, transitional housing, or places not intended for human habitation, such as cars, parks, or abandoned buildings, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.). It also encompasses individuals or families who are sharing housing with others due to the loss of housing or economic hardship, often referred to as "doubling up." Additionally, individuals and families who are at imminent risk of losing their primary nighttime residence and need assistance to prevent homelessness are also included under this definition.

HJ. “Housing cost” means the sum of actual or projected monthly payments for all of the following associated with for-sale target units: principal and interest on a mortgage loan, including any loan insurance fees, property taxes and assessments, fire and casualty insurance, property maintenance and repairs, homeowners’ association fees, and a reasonable allowance for utilities.

KI. “Housing development” means a construction project consisting of five or more residential units or lots, including single-family and multifamily, and otherwise defined in accordance with Government Code Section 65915(i).

LJ. “Incentive” means a regulatory incentive or concession as defined in Government Code Section 65915(k) that may include but not be limited to the reduction of site development standards or a modification of zoning code requirements, approval of mixed use zoning in conjunction with the housing development, or any other regulatory incentive which would result in identifiable cost avoidance or reductions, that are offered in addition to a density bonus.

MK. “Low-income household” or “lower-income household” means a household whose income does not exceed the lower-income limits applicable to Riverside County, as published and periodically updated by the California Department of Housing and Community Development pursuant to Health and Safety Code Section 50079.5.

N. “Major transit stop” means a location that meets one of the following criteria: 1) a rail station, which is a transit station serving a rail or light rail line, 2) a bus rapid transit (BRT) station, which is a station for a bus rapid transit line, or 3) a bus stop or terminal that is served by a bus with service intervals of 20 minutes or less during peak commute periods as published and periodically updated under Section 21064.3 of the California Public Resources Code.

LO. “Maximum residential density” means the maximum number of residential units permitted by the city’s general plan land use element and development code, applicable to the subject property at the time an application for the construction of a housing development is deemed complete by the city, excluding the additional density bonus units permitted by this chapter. If a range of density is permitted by either the land use element or the development code, maximum residential density shall mean the maximum allowable density within the range of density. If the land use element and the development code conflict, the density set forth in the land use element shall govern.

PM. “Moderate-income household” means a household whose income does not exceed the moderate-income limits applicable to Riverside County, as published and periodically updated by the California Department of Housing and Community Development pursuant to Health and Safety Code Section 50093.

NQ. “Nonrestricted units” means all units within a housing development excluding the target units.

OR. “Senior citizen housing” or “senior housing development” means a senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil Code, or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.

S. “Shared housing building” means a residential or mixed-use structure with five or more shared housing units and one or more common kitchens and dining areas designed for the permanent residence of tenants for more than 30 days. The shared kitchens and dining areas must be capable of adequately accommodating all residents. A shared housing building may also include non-shared housing units, provided that these units do not occupy more than 25 percent of the floor area of the building.

T. “Shared housing unit” refers to one or more habitable rooms within a shared housing building that includes a bathroom, sink, refrigerator, and microwave. The unit is designed for permanent residence and must meet the minimum room area specified in California Residential Code Section R304. It must also comply with the definition of a “guestroom” in the California Residential Code Section R202. In the case of a residential care facility for the elderly, a shared housing unit may include a unit without an individual kitchen, where the room may be shared by unrelated persons, provided it meets the minimum room area requirements.

U. “Student housing development” means a development where all units are exclusively occupied by undergraduate, graduate, or professional students enrolled currently or in the past six months in at least six units at an institution of higher education accredited by the Western Association of Schools and Colleges or the Accrediting Commission for Community and Junior Colleges. These developments consist of bedrooms with two or more bedspaces, each having access to either shared or private bathrooms, a shared or private living room, laundry facilities, and a shared or private kitchen.

P.V. “Target unit” means a dwelling unit within a housing development which will be reserved for sale or rent to, and affordable to, very low-, low-, or moderate-income households.

QW. “Total units” or “total dwelling units” means the total number of units in a housing development, not including units added by a density bonus awarded pursuant to this chapter.

X “Transitional foster youth” as defined in Section 66025.9 of the California Education Code, refers to individuals who are 18 to 23 years old and were in foster care when they turned 18. These are individuals who are continuing their education or training in a postsecondary institution, such as a community college, university, or vocational program.

RY. “Very low-income household” means a household whose income does not exceed the very low-income limits applicable to Riverside County, as published and periodically updated by the California Department of Housing and Community Development pursuant to Health and Safety Code Section 50105. [Ord. 379 § 8, 2021; Ord. 342 § 3 (Exh. A), 2016; Ord. 305 § 3, 2010.]

### **18.125.030 Implementation.**

#### **A. Applicability.**

1. This chapter shall apply to all zoning districts within the city that allow residential use.
2. The bonus granted pursuant to this chapter shall apply only to residential projects or residential components of mixed use projects, not including units granted as a density bonus.
3. The proposed project shall have all of the following characteristics in order to qualify for a density bonus:
  - a. The residential development must include a minimum of five dwelling units.
  - b. The applicant seeks and agrees to provide housing units to very low-, lower- or moderate-income households ~~or~~, senior citizens, transitional foster youth, disabled veterans, homeless persons, or lower income students at rates consistent with those specified in subsections (B) and (C) of this section and the State Density Bonus Law.
  - c. The resulting density is beyond that permitted by the applicable zoning district.
  - d. The applicant agrees to retain the affordable status of housing units in accordance with this chapter.

4. An applicant shall be ineligible for a density bonus and any incentives or concessions under this chapter if ineligible or disqualified under any provision of state law, including but not limited to, Government Code Section 65195(c)(3) or as amended from time to time.

B. Target Units. The city shall grant a density bonus and incentives, pursuant to this subsection and subsections (C) and (D) of this section, to an applicant who agrees to provide the following target units and who meets the other requirements of this chapter:

1. Lower-Income Units. Designate at least 10 percent of the total units of a housing development, or such other percentage provided by law, as target units affordable to low-income households;

2. Very Low-Income Units. Designate at least five percent of the total units of a housing development, or such other percentage provided by law, as target units affordable to very low-income households;

3. Moderate-Income Units for Common Interest Developments. Designate at least 10 percent of the total units of a common interest development (including a condominium project), as defined in Civil Code Section 1351(f), planned development, as defined in Civil Code Section 1351(k), or other common interest development as defined in the State Density Bonus Law, or such other percentage provided by law, as target units affordable to moderate-income households; or

4. Any senior housing development, as defined in Civil Code Sections 51.3 and 51.12, or a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Civil Code Sections 798.76 or 799.5.

5. Transitional foster youth, disabled veterans, or homeless persons. Designate at least 10 percent of total units to transitional foster youth, disabled veterans, or homeless persons at very low income affordability levels. The unit shall be subject to a 55-year recorded affordability restriction, and shall be provided at the same affordability level as very low income units.

6. Lower income students. Designate at least 20 percent of total units to lower income students (with priority for lower income students experiencing homelessness) in a student housing development where all units are exclusively occupied by undergraduate, graduate, or professional students enrolled currently or in the past 6 months in at least 6 units at an institution of higher education accredited by the Western Association of Schools and Colleges or the Accrediting Commission for Community and Junior Colleges. The rent provided in the applicable units of the development for lower income students shall be calculated at 30 percent of 65 percent of the area median income for a single-room occupancy unit type. For the purpose of calculating a density bonus under this provision, a "unit" refers to an individual rental bed along with its proportional share of common area facilities. These units must be subject to a recorded affordability restriction for 55 years, ensuring that rental beds designated for lower-income students are not assigned to specific bedrooms.

7. Designate 100 percent of the units in the development, including both total units and density bonus units (excluding manager's units), for lower-income households. However, up to 20 percent of these units may be allocated for moderate-income households. For the purposes of this provision, "development" includes shared housing building developments.

C. Density Bonus. In determining the number of density bonus units to be granted pursuant to this section, the maximum allowable residential density for the site shall be computed in accordance with the following provisions. The amount of density bonus to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in subsection (B) of this section:

1. Low-Income Household. The maximum allowable residential density for the site shall be increased by 20-50 percent; provided, however, that for each one percent increase above 10 percent in the percentage of units made affordable to low-income households, the density bonus shall be increased by 1.5 percent up to 35 percent and per the Table below to a maximum of 35-50 percent.

**Table 18.125.030-1 – Density Bonus (Low-Income)**

<u>Percentage Low-Income Units</u>	<u>Percentage Density Bonus</u>
<u>10</u>	<u>20</u>
<u>11</u>	<u>21.5</u>
<u>12</u>	<u>23</u>
<u>13</u>	<u>24.5</u>
<u>14</u>	<u>26</u>
<u>15</u>	<u>27.5</u>
<u>16</u>	<u>29</u>
<u>17</u>	<u>30.5</u>
<u>18</u>	<u>32</u>
<u>19</u>	<u>33.5</u>
<u>20</u>	<u>35</u>
<u>21</u>	<u>38.75</u>
<u>22</u>	<u>42.5</u>
<u>23</u>	<u>46.25</u>
<u>24</u>	<u>50</u>

2. Very Low-Income Household. The maximum allowable residential density for the site shall be increased by 20-50 percent; provided, however, that for each one percent increase above five percent in the percentage of units made affordable to very low-income households, the density bonus shall be increased by 2.5 percent up to 35 percent and per the Table below to a maximum of 35-50 percent.

**Table 18.125.030-2 – Density Bonus (Very Low-Income)**

<u>Percentage Very Low-Income Units</u>	<u>Percentage Density Bonus</u>
<u>5</u>	<u>20</u>
<u>6</u>	<u>22.5</u>
<u>7</u>	<u>25</u>
<u>8</u>	<u>27.5</u>
<u>9</u>	<u>30</u>
<u>10</u>	<u>32.5</u>
<u>11</u>	<u>35</u>
<u>12</u>	<u>38.75</u>
<u>13</u>	<u>42.5</u>
<u>14</u>	<u>46.25</u>
<u>15</u>	<u>50</u>

3. Moderate-Income Common Interest Development. The maximum allowable residential density for the site shall be increased by five-50 percent; provided, however, that for each one percent increase above 10 percent of the percentage of units made affordable to moderate-income households, the density bonus shall be increased by one percent up to 35 percent and per the Table below to a maximum of 35-50 percent.

Table 18.125.030-3 – Density Bonus (Moderate-Income)

<u>Percentage Moderate-Income Units</u>	<u>Percentage Density Bonus</u>
<u>10 percent to 40 percent</u>	<u>5 percent to 35 percent (increment of one percent for every one percent increase in Percentage Moderate-Income Units)</u>
<u>41</u>	<u>38.75</u>
<u>42</u>	<u>42.5</u>
<u>43</u>	<u>46.25</u>
<u>44</u>	<u>50</u>

4. ~~Senior, Housing Development~~ Transitional Foster Youth, Disabled Veterans, Homeless Persons, or Lower Income Students Housing Development. The maximum allowable residential density for the site shall be increased by ~~20-50 percent; provided, however, that for each one percent increase above 20 percent of the percentage of units made affordable to very low-income households, the density bonus shall be increased by 3.75 percent to a maximum of 50 percent, as shown in the Table below.~~

Table 18.125.030-4 – Density Bonus (Senior, Transitional Foster Youth, Disabled Veterans, Homeless Persons, or Lower Income Students Housing)

<u>Percentage Lower-Income Units</u>	<u>Percentage Density Bonus</u>
<u>20</u>	<u>35</u>
<u>21</u>	<u>38.75</u>
<u>22</u>	<u>42.5</u>
<u>23</u>	<u>46.25</u>
<u>24</u>	<u>50</u>

5. Certain Donations of Land. When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to the city that satisfies the requirements of Government Code Section 65915(g) and complies with all procedural requirements of that subsection, including recordation of a deed restriction, the maximum allowable residential density for the site shall be increased by ~~15-35~~ percent based on the percentage of very low-income units; provided, however, that for each one percent increase above the minimum percentage of land required to be donated pursuant to Government Code Section 65915(g), the density bonus shall be increased by one percent up to a maximum of 35 percent. This increase shall be in addition to any increase required by subsections (B)(1) through (B)(4) of this section, up to a maximum combined density increase of 35 percent, if an applicant seeks both the increase required by this subsection (C)(5) and by subsections (C)(1) through (4) of this section.

6. Lower-income households. For developments where 100 percent of the units, including both total units and density bonus units (excluding manager’s units), are designated for lower-income households, the development shall be eligible for a density bonus of 80 percent of the total number of lower-income units. However, up to 20 percent of these units may be designated for moderate-income households.

7. In addition to any increase in density granted by C1, C2, C3, or C4, an applicant may receive an additional density bonus if:

- The applicant proposes to include additional rental or for-sale units that are affordable to very low-income or moderate-income households and meets the following requirements:
  - The development meets the criteria for lower-income households and provides more than 24 percent of the total units to lower-income households.
  - The development meets the criteria for very low-income households and provides more than 15 percent of the total units to very low-income households.

- The development meets the criteria for moderate-income households and provides more than 44 percent of the total units to moderate-income households.
- Additional density bonus for a housing development is calculated as follows:

**Table 18.125.030-5 – Density Bonus (Very Low-Income)**

<u>Percentage Very Low Income Units</u>	<u>Percentage Density Bonus</u>
<u>5</u>	<u>20</u>
<u>6</u>	<u>23.75</u>
<u>7</u>	<u>27.5</u>
<u>8</u>	<u>31.25</u>
<u>9</u>	<u>35</u>
<u>10</u>	<u>38.75</u>

**Table 18.125.030-6 – Density Bonus (Moderate Income)**

<u>Percentage Moderate-Income Units</u>	<u>Percentage Density Bonus</u>
<u>5</u>	<u>20</u>
<u>6</u>	<u>22.5</u>
<u>7</u>	<u>25</u>
<u>8</u>	<u>27.5</u>
<u>9</u>	<u>30</u>
<u>10</u>	<u>32.5</u>
<u>11</u>	<u>35</u>
<u>12</u>	<u>38.75</u>
<u>13</u>	<u>42.5</u>
<u>14</u>	<u>46.25</u>
<u>15</u>	<u>50</u>

D. Number of Incentives. In addition to the density bonus described in this chapter, the applicant shall receive the following number of incentives or concessions:

1. One incentive shall be provided to a developer who agrees to construct at least 10 percent of the total units for low-income households, five percent of the total units for very low-income households, or 10 percent of units in a common interest developments, including condominiums, for moderate-income households.

2. One incentive shall be provided to a developer who agrees to construct at least 20 percent of the total units for lower income students in a student housing development. If a project includes at least 23 percent of the total units for lower income students in a student housing project, the applicant shall instead receive two incentives.

23. Two incentives shall be provided to a developer who agrees to construct at least 20 percent of the total units for low-income households, 10 percent of the total units for very low-income households, or 20 percent of units in a condominium for moderate-income households.

34. Three incentives shall be provided to a developer who agrees to construct at least 30 percent of the total units for low-income households, 15 percent of the total units for very low-income households, or 30 percent of units in a common interest developments, including condominiums, for moderate-income households. In cases where a density increase of more than the amount specified in subsection (B) of this section is requested, the density increase, if granted, shall be considered an additional incentive.

5. Four incentives shall be provided to a developer who agrees to construct at least 16 percent of the units for very low income households or at least 45 percent for persons and families of moderate income in a development in which the units are for sale.

6. Five incentives shall be provided if all units in the development - both total units and density bonus units, excluding any manager's units—are designated for lower-income households. However, up to 20 percent of the

units, including total units and density bonus units, may be allocated for moderate-income households. This includes shared housing building developments.

47. In cases where the developer agrees to construct a housing development that qualifies for a density bonus pursuant to subsection (A) of this section, and that includes a child care facility as defined in Government Code Section 65915(h)(4), the developer shall be entitled to either an additional density bonus that is an amount of square feet of residential space equal to or greater than the amount of square feet in the childcare facility, or an additional incentive described in CMC 18.125.040, Types of incentives allowed, that contributes significantly to the economic feasibility of the construction of the childcare facility. Any such child care facility shall comply with the following:

- a. The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable.
- b. Of the children who attend the child care facility, the children of very low-income households, low-income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low-income households, lower-income households, or families of moderate income, pursuant to this chapter.
- c. Notwithstanding the foregoing, the city shall not be required to provide a density bonus or incentive for a child care facility when it is found, based on substantial evidence, that the community has adequate child care facilities.

E. General Provisions. The following general requirements apply to the application and determination of all density bonuses and incentives.

1. Rounding. All density calculations resulting in fractional units shall be rounded up to the next whole number. When calculating the required number of target units, any resulting fraction of units shall be deleted.
2. Relation to General Plan, Zoning. The granting of a density bonus, or a concession or incentive, shall not be interpreted, in and of itself, to require a general plan amendment, zoning change (rezone), or other discretionary approval.
3. Density Bonus Excluded in Calculation. The units permitted by the density bonus awarded under this chapter shall not be included when calculating the total number of housing units that qualifies the housing development for a density bonus.
4. Multiple Zoning Districts. If the site of a development proposal is located in two or more zone districts, the number of dwelling units permitted in the development is the sum of the dwelling units permitted in each of the zone districts based on the site acreage within each zone district. The permitted number of dwelling units may be distributed within the development without regard to the zone boundaries.
5. City Authority. Nothing in this chapter shall be construed to enlarge or diminish the authority of the city to require a developer to donate land as a condition of development.

F. Waivers or Modifications. In addition to any density bonus or incentives provided, an applicant may seek a waiver or modification of development standards that would physically preclude the construction of a housing development at the densities or with the incentives permitted by this chapter. The applicant may request a meeting with city staff to discuss the applicant's proposal for reduced development standards. The city may deny a request for waiver or modification only if the written findings in CMC 18.125.070(D) have been made. Except as provided in this section, the granting of a density bonus shall not be interpreted to require the waiver of any ordinances or provisions of any ordinance of the city unrelated to development standards. [Ord. 342 § 3 (Exh. A), 2016; Ord. 305 § 3, 2010.]

G. Parking Requirements: The developer shall not be required to provide more parking than the specified ratios below:

- Studio and one-bedroom units – Maximum of one onsite parking space per unit.
- Two- and three-bedroom units – Maximum of 1.5 onsite parking spaces per unit.
- Four or more bedroom units – Maximum of 2.5 onsite parking spaces per unit.

If a development meets certain conditions, parking requirements can be further reduced, inclusive of parking for persons with a disability and guests, upon the developer's request if the development includes:

- At least 20 percent low-income units or at least 11 percent very low-income units, and is located within half a mile of a major transit stop with unobstructed access to that stop. The required parking can be further reduced to 0.5 parking spaces per unit.
- At least 40 percent moderate-income units and is located near a major transit stop with unobstructed access to that spot. The required parking can be further reduced to 0.5 parking spaces per bedroom.

No parking is required for the following:

- Student housing located within half a mile of a major transit stop with unobstructed access to that stop.
- For-rent housing development for individuals who are 55 years of age that has either paratransit service or unobstructed access, within one-half mile, to a fixed bus route service that operates at least eight times per day.
- Special needs or supportive housing development with paratransit service or unobstructed access, within one-half mile, to a fixed bus route service that operates at least eight times per day.

#### **18.125.040 Types of incentives allowed.**

A. Incentives. If requested by the applicant, a qualifying project shall be entitled to the following incentives, the number of which shall be determined pursuant to CMC 18.125.030(D), unless the city makes the written findings required by Government Code Section 65915(d)(1):

1. Types of Incentives. Incentives may include but are not limited to any of the following:

a. A reduction in site development standards or a modification of the requirements of this zoning code which exceed the minimum building standards provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code that results in identifiable, financially sufficient, and actual cost reductions. These may include, but are not limited to, one or more of the following:

i. Reduced minimum lot sizes and/or dimensions, as originally specified in CMC 18.20.040, Table 18.20.040;

ii. Reduced minimum setbacks, as originally specified in CMC 18.20.040, Table 18.20.040;

iii. Reduced minimum outdoor and/or private outdoor open space, as originally required by CMC 18.20.050(J);

iv. Increased maximum lot coverage, as originally required by CMC 18.20.040, Table 18.20.040;

v. Increased maximum building height, as originally required by CMC 18.20.040, Table 18.20.040;

vi. Reduced on-site parking standards, as originally required by CMC 18.45.060, and consistent with Government Code Section 65915(p)(1);

vii. Other site or construction conditions applicable to a residential development;

viii. Reduction in storage requirements as specified in CMC 18.20.050(J)(5);

ix. Reduction in the amount of amenities that may be required per CMC 18.20.050(I).

b. Mixed use zoning to allow the housing development to include nonresidential uses and/or allow the housing development in a nonresidential zone. Approval of mixed use activities in conjunction with the housing development if other land uses will reduce the cost of the housing development, and the other

land uses are compatible with the housing development and the existing or planned development in the area, and are consistent with the general plan.

c. Another regulatory incentive or concession proposed by the applicant and agreed to by the city that results in identifiable, financially sufficient, and actual cost reductions. Permissible incentives include but are not limited to direct financial aid (e.g., community development block grant (CDBG) funding) in the form of a loan or a grant to subsidize or provide low interest financing for on- or off-site improvements, land, or construction costs.

d. A density bonus of no more than ~~35-50~~ percent.

e. A reduction or deferment of plan check, construction permit, and/or development impact fees (TUMPF and MSHC, where applicable, are not eligible, but may have their own reductions or deferrals).

## 2. Requirements.

a. Economic Feasibility. Any development incentive granted shall contribute to the economic feasibility of providing the target units. [Ord. 342 § 3 (Exh. A), 2016; Ord. 305 § 3, 2010.]

### **18.125.050 Requirements for density bonus projects.**

A. The entry into and execution of the density bonus housing agreement shall be a condition of a discretionary planning permit (e.g., tract maps, parcel maps, site plans, planned development, or conditional use permits) or a ministerial building permit for a housing development proposed pursuant to this chapter. The agreement shall be recorded at the applicant's cost as a restriction running with the land on the parcel or parcels on which the target units will be constructed.

B. All very low- and low-income rental units that qualified the applicant for the award of the density bonus shall remain restricted and be offered at affordable rents to the designated group for a period of 55 years from issuance of the certificate of occupancy (or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program), or otherwise as provided by law.

C. The initial occupant of all for-sale units that qualified the applicant for the award of the density bonus shall be persons and families of very low, low, or moderate income, as required, and the units shall be offered at an affordable housing cost, as defined in Health and Safety Code Section 50052.5, or as amended from time to time. The subsequent occupants of such units shall meet the requirements of the density bonus housing agreement as described in CMC 18.125.080.

D. In determining the maximum affordable rent or affordable sales price of target units, the following household and unit size assumptions shall be used, unless the housing development is subject to different assumptions imposed by other governmental regulations:

SRO (single-room occupancy) unit	1 person
Studio	1 person
1 bedroom	2 persons
2 bedroom	3 persons
3 bedroom	4 persons
4 bedroom	6 persons

E. An applicant shall agree that the initial occupants of the moderate-income units in the condominium project are persons and families of moderate income, as defined in Health and Safety Code Section 50093.

F. The applicant and the city shall enter into an equity sharing agreement, unless it is in conflict with the requirements of another public funding source or law. The equity sharing agreement shall provide that the seller and the city shall share in the equity as follows:

1. Upon resale of a very low-, low- or moderate-income unit, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation.
2. The city shall recapture any initial subsidy and its proportionate share of appreciation, which shall then be used within five years for any of the purposes described in Health and Safety Code Section 33334.2(e) that promote homeownership.
3. For purposes of this subsection, the city's proportionate share of appreciation shall be equal to the ratio of the city's initial subsidy to the fair market value of the home at the time of initial sale.
4. For purposes of this subsection, the city's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, the value at the time of resale shall be used as the initial market value.

G. All for-sale target units shall be occupied by their purchasers; no renting or subleasing shall be permitted.

H. The owner of a rental development shall submit, annually and within 30 days of occupancy of a target rental unit, a certificate of compliance, which shall include the name, address, and income of each tenant occupying the target unit.

I. The owner of a rental development shall maintain and keep on file annual sworn and notarized income statements and current tax returns for all tenants occupying the target rental units.

J. The owner of a rental development shall provide to the city any additional information required by the city to ensure the long-term affordability of the target units by eligible households.

K. The city shall have the right to inspect the owner's project-related records at any reasonable time and shall be entitled to audit the owner's records once a year.

L. The city may establish fees associated with the setting up and monitoring of target units. [Ord. 342 § 3 (Exh. A), 2016; Ord. 305 § 3, 2010.]

**18.125.060 Development standards.**

A. Target units shall be constructed concurrently with nonrestricted units unless both the city and the applicant agree within the density bonus housing agreement to an alternative schedule for development.

B. Target units shall be built on site wherever possible and, when practical, be dispersed within the housing development. Where feasible, the number of bedrooms of the target units shall be equivalent to the bedroom mix of the nonrestricted units of the housing development, except that the developer may include a higher proportion of target units with more bedrooms. The design and appearance of the target units shall be compatible with the design of the total housing development. All housing developments shall comply with all applicable development standards, except those standards that may be modified as provided by this chapter. Deviations from these provisions may only be permitted as part of an approved density bonus housing agreement.

C. Circumstances may arise in which the public interest would be served by allowing some or all of the target units associated with one housing development to be produced and operated at an alternative development site. Where the applicant and the city form an agreement, the resulting linked developments shall be considered a single housing development for purposes of this chapter. Under these circumstances, the applicant shall be subject to the same requirements of this chapter for the target units to be provided on the alternative site. [Ord. 342 § 3 (Exh. A), 2016; Ord. 305 § 3, 2010.]

**18.125.070 Processing of density bonus requests.**

An application for a density bonus pursuant to this chapter shall be processed concurrent with the application for a housing development. An application for a housing development shall not be determined “complete” for purposes of Government Code Section 65920 et seq. unless and until the city council has given preliminary approval of the form and content of a density bonus housing agreement which complies with the provisions of this chapter. The process for obtaining preliminary approval of the density bonus shall be as follows:

A. Filing. An applicant proposing a housing development pursuant to this chapter shall submit an application for a density bonus as part of the submittal of any formal request for approval of a housing development. The application, whether a preapplication or a formal application, shall be filed in a manner consistent with the requirements contained in CMC 18.15.020, Application.

B. Review of Density Bonus Request.

1. Except as otherwise provided with regard to a preliminary proposal for a condominium conversion project under state law, within 30 days after receipt of a complete application for a density bonus and a housing development, the city shall provide to an applicant a letter which identifies project issues of concern and the procedures for compliance with this chapter.

2. If additional incentives are requested, the planning director shall inform the applicant that the requested additional incentives shall or shall not be recommended for consideration with the proposed housing development, or that alternative or modified incentives shall be recommended for consideration in lieu of the requested incentives. If the planning director recommends alternative or modified incentives, the recommendation shall establish how the alternative or modified incentives can be expected to have an equivalent affordability effect as the requested incentives.

C. Approval.

1. The city shall approve a density bonus and requested incentives in conjunction with a discretionary planning permit or ministerial building permit for a housing development, if the application complies with the provisions of this chapter. The execution and recordation of the density bonus housing agreement shall be a condition of approval of the discretionary planning permit or ministerial building permit.

D. Denial. The city may deny the requested concession or incentives if it makes a written finding of any of the following, based on substantial evidence:

1. The concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specific in subdivision (c) of Government Code Section 65915.

2. The concession of incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Government Code Section 65589.5, upon public health and safety or the physical environment or on any real property that is 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.

3. The concession or incentive would be contrary to state or federal law.

4. The applicant’s project is deemed ineligible for an incentive or concession by operation of CMC 18.125.030, 18.125.060 or 18.125.070 or any provision of state law. [Ord. 342 § 3 (Exh. A), 2016; Ord. 305 § 3, 2010.]

**18.125.080 Density bonus housing agreement.**

A. The terms of the draft density bonus housing agreement (the “agreement”) shall be reviewed and revised as appropriate by the planning director and the city attorney, who shall formulate a recommendation to the planning commission for review and the city council for final approval.

B. Following execution of the agreement by the applicant and the city, the completed agreement, or memorandum thereof, shall be recorded. The conditions contained in the agreement shall be filed and recorded on the parcel or

parcels designated for the construction of target units as a condition of final map approval, or, where a map is not being processed, prior to issuance of building permits for such parcels or units. The agreement shall be binding upon all future owners and successors in interest for this property, which is the subject of the housing development application.

C. At a minimum, the agreement shall include the following:

1. The total number of units proposed within the housing development, including the number of target units.
2. A description of the household income group (very low-, low- or moderate-income) to be accommodated by the housing development, and the standards for determining the corresponding affordable rent or affordable sales price and housing cost.
3. The location, unit sizes (square feet), and number of bedrooms of target units.
4. Provisions to ensure the continued affordability of all very low- and low-income rental units that qualified the applicant for the award of the density bonus including but not limited to tenure of use restrictions for target units of at least 55 years from issuance of the certificate of occupancy (or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program), or otherwise as provided by law.
5. A schedule for completion and occupancy of target units.
6. A description of any additional incentive being provided by the city.
7. All equity sharing provisions to implement the requirements of CMC 18.125.050.
8. A description of remedies for breach of the agreement by either party (the city may identify tenants or qualified purchasers as third-party beneficiaries under the agreement).
9. Other provisions to ensure implementation and compliance with this chapter.

D. In the case of for-sale housing developments, the agreement shall provide for the following conditions governing the initial sale and use of target units during the applicable use restriction period:

1. Target units shall, upon initial sale, be sold to and occupied by eligible very low-, low-, or, in the case of a condominium or other common interest development, moderate-income households at an affordable sales price and housing cost, or to qualified senior citizen residents (i.e., maintained as senior citizen housing). This includes the requirement that the initial occupants of all for-sale units that qualified the applicant for the award of the density bonus shall be persons and families of very low, low, or moderate income, as required, and that the units are awarded at an affordable housing cost, as defined in Health and Safety Code Section 50052.5.

[If the unit is not purchased by an eligible household within 180 days of the issuance of the certificate of occupancy, it must be purchased by a qualified nonprofit housing corporation pursuant to Section 501\(c\)\(3\) of the Internal Revenue Code and should be based in California.](#)

2. The initial purchaser of each target unit shall execute a lien, an instrument, or an agreement, approved by the city attorney, restricting the sale of the target unit in accordance with this chapter during the applicable use restriction period. Such lien, instrument, or agreement shall be recorded against the parcel containing the target unit and shall contain provisions as the city may require to ensure continued compliance with this chapter and the State Density Bonus Law.

E. In the case of rental housing developments, the agreement shall provide for the following conditions governing the use of target units during the use restriction period:

1. Provisions to ensure the continued affordability of all very low- and low-income rental units that qualified the applicant for the award of the density bonus, including the requirement that rents for the lower-income density bonus units shall be set at an affordable rent as defined in Health and Safety Code Section 50053.

2. The rules and procedures for qualifying tenants, establishing affordable rent, filling vacancies, and the proper management and maintenance of target units for qualified tenants.
3. Provisions requiring owners to verify tenant incomes and maintain books and records to demonstrate compliance with this chapter.
4. Provisions requiring owners to submit an annual report to the city, which includes the name, address, and income of each person occupying target units, and which identifies the bedroom size and monthly rent or cost of each target unit. [Ord. 342 § 3 (Exh. A), 2016; Ord. 305 § 3, 2010.]

**18.125.090 Changes in State Density Bonus Laws.**

It is the intent of the city council that the provisions of this chapter shall be interpreted so as to fulfill the requirements of Government Code Section 65915 et seq., including any changes in the State Density Bonus Law or any other provisions of state laws that revise percentages, numerical thresholds, and/or other standards applicable to the granting of density bonuses or related incentives that may occur after the effective date of the ordinance codified in this chapter. Accordingly, it is the further intent of the city council that any such changed percentages, numerical thresholds, or other standards shall be deemed to supersede and govern any conflicting percentages, numerical thresholds, or other standards contained in this chapter, to the maximum extent permitted by law. [Ord. 342 § 3 (Exh. A), 2016; Ord. 305 § 3, 2010.]

### 17.15.180 Merger of parcels.

**A. Purpose and Intent.** This section establishes criteria and procedures for parcel mergers required to achieve conformance with other provisions of this title or voluntarily requested on the part of any property owner.

### **B. Applicability and Filing.**

1. A lot consolidation can merge up to four (4) existing contiguous parcels into one parcel. Any lot, parcel or unit of land may be merged with a contiguous lot, parcel or unit held by the same owner if any one of the contiguous lots, units or parcels does not conform to current standards for minimum lot area or dimensions under the regulations of the zoning district applicable to the property without reverting to acreage if all of the following requirements are satisfied:

a. At least one of the affected parcels is:

i. Undeveloped by any structure for which a building permit was issued or for which a building permit was not required at the time of construction.

ii. Developed only with an accessory structure or accessory structures.

iii. Developed with a single structure, other than an accessory structure, that is also partially situated on a contiguous parcel or unit.

iv. A Housing Element Candidate Site.

b. With respect to any affected parcel, one or more of the following conditions exist:

i. Comprises less than 5,000 square feet in area at the time of the determination of the merger.

ii. Was not created in compliance with applicable laws and ordinances in effect at the time of its creation.

iii. Does not meet current standards for sewage disposal and domestic water supply.

iv. Does not meet slope stability standards.

v. Has no legal access which is adequate for vehicular and safety equipment access and maneuverability.

vi. Its development would create health or safety hazards.

vii. Is inconsistent with the general plan and any applicable specific plan, other than minimum lot size or density standards.

viii. Is a Housing Element Candidate Site and comprises less than 11,500 square feet in area at the time of the determination of the merger.

2. For purposes of determining whether contiguous parcels are held by the same owner, ownership shall be determined as of the date that notice of intention to determine status is recorded.

3. This section shall not apply in the event of existence of any of the conditions delineated in subparagraphs (A) through (E) of ~~Subdivision Map Act~~Government Code Section 66451.11.

**C. Incentives and Concessions.** Incentives for affordable residential development projects may be granted by the planning commission or city council, depending on the incentives requested. The director of community development, or designee, shall determine the appropriate approval authority. The housing units shall be deed restricted as affordable housing units for no fewer than 55 years. A minimum of 20% of the units shall be affordable to low-income households, as defined in CMC 18.130.020, to be eligible. Incentives may include, but are not limited to, parking reductions, density bonus, flexibility in the application of established development standards, and reduction or deferral of development impact fees. To receive incentives or concessions, the applicant shall make a request to the planning commission or city council listing the specific incentives or concessions requested. In making a determination on an incentive or concession request, the planning commission or city council shall have full discretion.

**CD. Authority.** Authority for approval of mergers of parcels shall be vested in the planning director. Within 30 days of the lot merger application being accepted as complete, the planning director shall conditionally approve, disapprove, or notify the applicant or representative that the request does not meet the requirements of this section. Whenever the planning director believes that real property should be merged pursuant to this section, then the planning director shall cause to be mailed by certified mail to the then-current owner of the real property affected by the merger a notice of intention to determine status, notifying the owner that the affected parcels may be merged pursuant to the standards specified in this section, and advising the owner of the opportunity to request a hearing on determination of status and to present evidence at the hearing that the property does not meet the criteria for merger. The notice of intention to determine status shall also be filed for record with the county recorder on the date the notice is mailed to the property owner, and shall advise the owner that he has 30 days to request a hearing before the planning commission on determination of status (why the notice of merger should not be recorded).

**DE. Hearing and Determination.** At any time within 30 days after recording of the notice of intention to determine status, the owner of the affected property may file with the planning director a request for hearing by the planning commission on determination of status. Upon receiving such request for hearing, the planning director shall cause to be fixed the time, date and place for hearing, and shall cause the property owner to be notified of that time, date and place for hearing by certified mail. The planning commission shall hold a public hearing on any merger pursuant to CMC 17.15.200 no later than 60 days following

receipt of such property owner's request. At the hearing the property owner shall be given the opportunity to state his objection and present the evidence upon which he relies. The hearing may be postponed or continued with the mutual consent of the city and the property owner. If the planning commission finds that the conditions constituting merger have not occurred, or that the findings required to maintain the lots, parcels or units of land as unmerged can be made, then it shall determine that no merger has occurred and the commission shall instruct the planning director not to file the notice of merger. Otherwise, the planning commission shall determine that the affected parcels are to be merged. The planning director shall notify the property owner of the planning commission's decision. The planning director shall record the determination of merger with the county recorder within 30 days after conclusion of the hearing, as provided in Section 66451.12 of the Subdivision Map Act.

**EF. Determination Without Hearing.** If within the 30-day period specified in subsection (~~CD~~) of this section the owner does not file a request for a hearing in accordance with subsections (~~CD~~) and (~~DE~~) of this section, the planning director may, at any time thereafter, make a determination that the affected parcels are to be merged or are not to be merged. A determination of merger shall be recorded as provided for in Section 66451.12 of the Subdivision Map Act no later than 90 days following the mailing of notice required by subsection (~~CD~~) of this section.

**FG. Recording and Mailing Notification Not to Merge.** If it is determined that the parcels shall not be merged, the planning director shall cause to be recorded with the county recorder, in the manner specified in Section 66451.12 of the Subdivision Map Act, a release of the notice of intention to determine status, and shall mail a clearance letter to the then-current owner of record. [Ord. 96-8 § 2; Code 1990 § 13.3.18.]



# Accessory Dwelling Unit Handbook





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## OVERVIEW

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The purpose of this handbook is to educate and guide homeowners in the City of Calimesa through the process and procedures of building an Accessory Dwelling Unit (ADU). This handbook provides information on the different types of ADUs, the laws surrounding ADUs, and a step-by-step guide to developing ADUs.

### How to use this Handbook

Use this handbook as a guide to help you determine what type of ADU you can build, understand the permitting process and procedures, and get answers to any other questions you may have. If you have additional questions or need more information, please refer to the FAQ section for contact information for the Calimesa Planning Department and the Calimesa Building and Safety Department. Additionally, to reference the City's ADU Ordinance, please see Chapter 18.20 of the Calimesa Municipal Code (CMC).

# INTRODUCTION

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## What is an ADU?

---



Accessory Dwelling Units (ADUs), also known as granny flats, in-law units, backyard cottages, and casitas, are residential units that can be added to a lot with an existing single-family or multi-family dwelling. These units are self-contained with their own kitchens, bathrooms, living areas, and entrances. ADUs can be built in various forms, such as: detached (a separate building in a backyard); attached to or part of the primary residence; garage conversions; or accessory building conversions (such as a shed, pool house, etc.). ADUs have the potential to increase the supply of affordable housing in our community. In recent years, California has enacted state laws to streamline and encourage the development of ADUs and require cities to facilitate the building process.

## Why Build an ADU?

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There are many reasons for building an ADU on your lot. ADUs can provide more housing options for renters, extended family, young adults, caregivers, or space for multi-generational households. ADUs can increase a property's value and can even generate a second source of income for homeowners which can cover mortgage payments and make ends meet – especially for homeowners on a fixed income. Furthermore, ADUs built with an inexpensive wood-frame structure, construction costs significantly less than new multifamily homes.

## What is the Law for ADUs in California?

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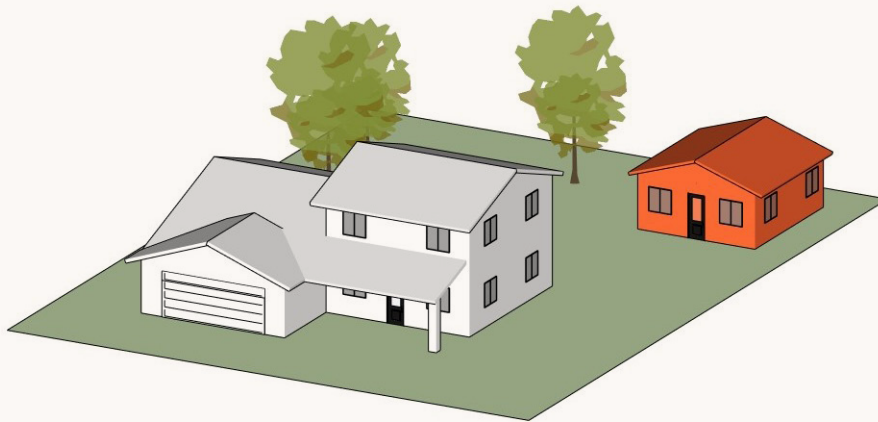
California Government Code Section 65852.150 declares that the state is facing a severe housing crisis and recognizes ADUs as a valuable form of housing that can significantly contribute to meeting the housing needs of many communities. The law acknowledges that ADUs are a way to provide affordable housing options within existing neighborhoods without necessitating the subdivision of land to create new parcels. Passed in 2021, Senate Bill (SB) 9 (Chapter 162, Statutes of 2021) allows for the creation of up to four housing units typically used for one single-family home.

## ADU TYPES

### Detached ADU

A detached ADU is a physically separated unit from the primary single-family or multi-family home, commonly known as a “backyard home.” This type of ADU is the most versatile, offering a wide variety of design options since it is a new freestanding home. Detached ADUs are the most expensive ADU type as it usually involves more complexity during permitting and construction. The higher price is due to factors such as the installation of new water, sewer, and electrical connections to the street and/or overhead power lines.

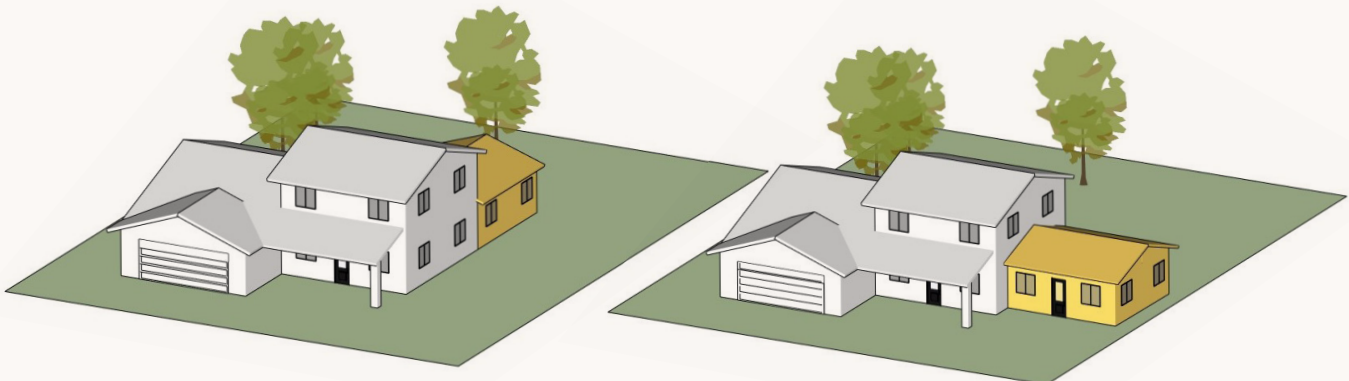
#### What a detached ADU may look like:



### Attached ADU

An attached ADU is a residential unit that is connected to the primary home. Construction costs for attached ADUs are similar to a detached ADU, however, there are usually cost savings on utility connections as these can be linked directly through the primary residence, rather than creating new connections to the street or overhead power lines. Attached ADUs are limited in size to 50% of the total floor area of the primary residence.

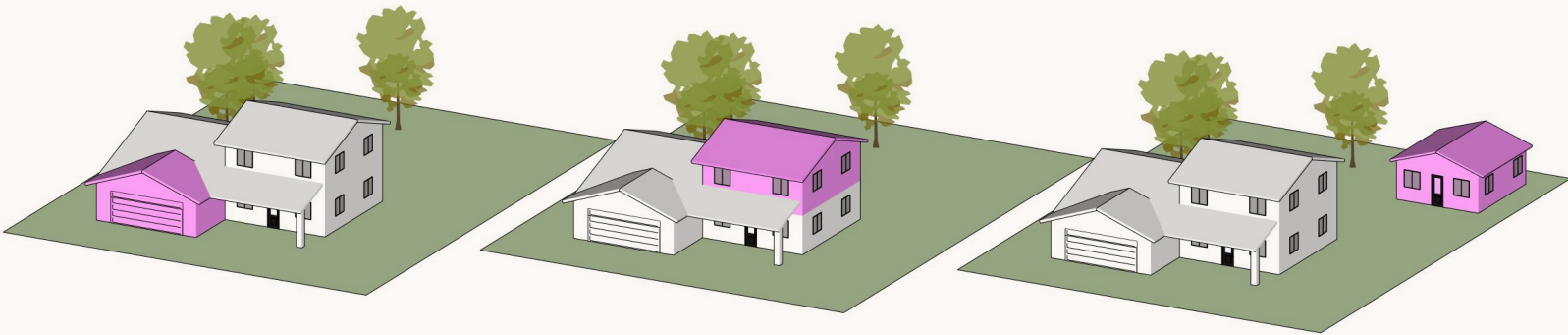
#### What an attached ADU may look like:



## Conversion ADU

A conversion ADU is when an existing structure, such as a garage or carport, is converted into a separate dwelling unit. Conversion ADUs are a cost-effective approach to designing, permitting, and building an ADU, because homeowners are typically able to use existing foundations, framing, roof systems, and plumbing/electrical systems. Additionally, as it is not a new build, permitting fees are generally lower. However, the ADU is limited to the size/configuration of the existing structure and therefore design options can be more limited compared to new construction.

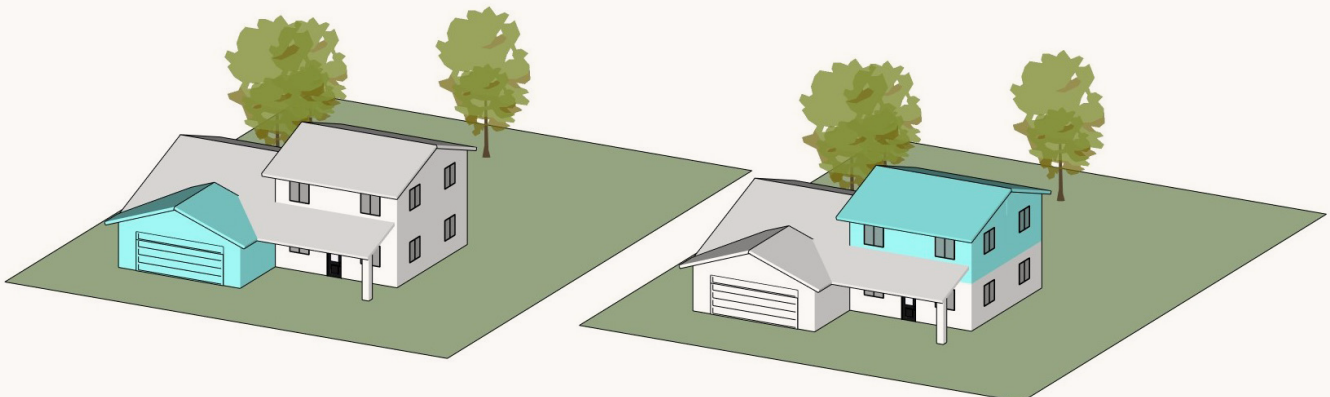
### What an conversion ADU may look like:



## Junior ADU (JADU)

A Junior Accessory Dwelling Unit (JADU) is a smaller type of Accessory Dwelling Unit (ADU) that is limited to 500 square feet. It must be a conversion of existing space entirely contained within an existing or proposed single-family residence and have a separate entry. Garages and other non-living spaces can be converted to a JADU if they are attached to the primary residence. A JADU must include cooking and food storage areas. However, JADUs may include their own sanitation facilities or may share sanitation facilities with the existing structure. A property can have both an ADU and a JADU. However, no more than one ADU and one JADU shall be permitted on any one lot.

### What an JADU may look like:



# ADU DEVELOPMENT STANDARDS

**Table 1: ADU Development Standards**

ADU Type	JADU	Single Family ADU		
	Interior Conversion	Attached	Conversion	Detached
<b>Zoning</b>	Allowed in existing	Allowed on all lots within a residential zone or mixed use zone that allows residential uses.		
<b>Maximum Size</b>	500 square feet	<ul style="list-style-type: none"> <li>• 50 percent of the proposed or existing primary dwelling living area.</li> <li>• The total floor area should not exceed 1,200 square feet.</li> </ul>		
<b>Front Setback</b>		Same as base zone.		Same as base zone.
<b>Side Setback</b>	N/A	4 feet	N/A	4 feet
<b>Rear Setback</b>		4 feet		4 feet
<b>Maximum Height</b>	N/A	25 feet or height limitation in the local zoning ordinance that applies to the primary dwelling, whichever is less.	N/A	18 feet
<b>Entrance</b>	Must have own separate exterior entrance.			
<b>Bathroom</b>	Can share with primary dwelling or have its own.	Separate Bathroom Required.		
<b>Kitchen</b>	Efficiency or Full Kitchen.	Full Kitchen.		
<b>Parking Requirements</b>	No additional parking is required if the unit is part of the proposed or existing primary residence or an existing accessory structure.		1 off-street parking space required unless the property is located within 1/2 mile walking distance from a transit stop*.	
<b>Short Term Rental</b>	Short Term Rentals are prohibited.			
<b>Impact Fees</b>	No impact fees on ADUs under 750 square feet. Impact fees for ADUs larger than 750 square feet. Additional Fee's Required			
<b>Owner Occupancy</b>	Homeowner must occupy the primary or JADU unit.	No owner occupancy requirements.		

**\*Other exemptions to the parking requirement:** The accessory dwelling unit is located within an architecturally and historically significant historic district; on-street parking permits are required but not offered to the occupant of the accessory dwelling unit; when there is a designated parking space for a car share vehicle located within one block of the accessory dwelling unit; or if ADUs submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the project satisfies the existing single-family or multi-family parking requirements.

# PROCESS OVERVIEW

## Confirm Eligibility and Allowed Size of ADU and JADU

# 1

- › Contact the Planning Department to discuss your ideas and determine the easiest path to approval. This meeting will allow you to discuss and understand any development constraints or site-specific factors that may delay your ADU development.
- › Determine if your property is eligible for ADU development and what the maximum size you can build is.
- › Utilize ADU finance tools (tools can be found in the resources section below) to help assist in estimating costs.

## Design and Preparation

# 2

- › Determine if you will build a new ADU or JADU or convert an existing structure. If building an ADU, you should determine if your ADU will be attached or detached.
- › Determine how you will draft up plans. Consider whether it will be best to hire a designer or architect to draw up your site plans.
- › Determine your choice in construction. You can hire a General Contractor to manage and complete the construction or obtain an owner/builder permit to allow you to manage and complete the project yourself or through sub-contractors.

## Submit Plans and Required Documents to Obtain a Building Permit

# 3

- › To determine if your plans are in compliance with code, your proposed ADU or JADU will need to go through plan check from the Planning Department.
- › Your permit process will require plan review, building, and electrical at the minimum. The required documents for these reviews include: a comprehensive site plan, landscaping plans, a preliminary title report, approval of the Homeowners Association (if applicable), a grading permit, and an ADU or JADU covenant. Refer to the [submittal requirements](#) and the [New Residential Dwelling Plan Review and Building Permit submittal Requirements](#), for an in-depth detail of what is required for your application.
- › The timing of permit approvals may take several weeks for each round. All applications and plans can be uploaded online via the [Online Permit Portal](#).

## Obtain Permits, Register Your ADU or JADU and Pay Associated Permit/Impact Fees

# 4

- › Obtain your Building Permit and any other necessary permits.
- › Get your ADU or JADU covenant recorded with the City of Calimesa.
- › Pay all permit and impact fees. Fees vary both by size and by method of construction.

## Begin Construction of Your ADU or JADU

# 5

- › Ensure compliance with all state and City codes and regulations. This is done by undergoing all the required inspections.

## FAQ

### *? Does my zone allow for an ADU?*

Pursuant to California Government Code Section 66323(a) and the Calimesa Municipal Code, the City shall ministerially approve an application for an ADU or JADU within a residential zone or mixed use zone that allows residential uses. ADUs greater than 801 SF require a [Minor Development Plan Review](#) (MDPR).

### *? Who can I talk to for ADU-related planning questions?*

You can contact the City of Calimesa's Planning Department, via phone at 909-795-9801, or email at [Planning@Calimesa.gov](mailto:Planning@Calimesa.gov).

### *? If I convert a garage to an ADU, do I have to replace parking?*

If you build an Accessory Dwelling Unit (ADU) by converting or demolishing a garage, carport, or other covered parking structure, you are not required to replace the eliminated parking spaces as long as the ADU remains in use as a legal ADU.

### *? Will I need to install fire sprinklers in my ADU?*

Fire sprinklers are not required for ADUs if they are not required for the primary residence, as determined by the fire marshal. The construction of an ADU shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.

### *? Will adding an ADU raise my property taxes?*

No, per SB 1164, ADUs built between January 1, 2025, and January 1, 2030, are exempt from being categorized as "new construction." As a result, these ADUs will not increase your property taxes.

### *? Do ADUs required separate exterior access?*

Yes, ADUs must have separate exterior access.

### *? What is the smallest size my ADU can be?*

In no case shall an ADU be less than an 150 square feet, as defined in California Health and Safety Code Section 17958. These smaller ADUs may be considered "efficiency units."

### *? Can I build more than one ADU?*

You can build both an ADU and a JADU. However, for properties with single-family structures, no more than one accessory dwelling unit and one junior accessory dwelling unit shall be permitted on any one lot. Existing multi-family properties can build up to eight (8) detached ADUs or up to the existing multi-family units on the lot, whichever is less. Only two detached ADUs are permitted on a lot with a proposed multi-family dwelling. Additionally, owners may convert non-habitable spaces within existing multi-family structures into ADUs.

### *? What is an efficiency kitchen?*

An efficiency kitchen is a compact and minimal kitchen area. At minimum, an efficiency kitchen must have a cooking facility with appliances, a food preparation counter, and storage cabinets that are appropriately sized.

### *? What are the applicable fees for my ADU?*

Based on ADU type, materials used, and size. Additional fees include permitting, utility connections and impact fees. Details of anticipated fee's can be found in the [Calimesa Fee Schedule](#).

### *? Can I sell my ADU separate from the home?*

The ADU cannot be sold separately from the primary residence. (Section 18.20.050(l) of the CMC).

# RESOURCES

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The following are external resources providing additional information and sources to help guide you through the ADU process.

## [City Contacts](#)

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Planning Department: Phone 909-795-9801, Email [Planning@Calimesa.gov](mailto:Planning@Calimesa.gov)

Building and Safety Department: Phone 909-795-9801, Email [Building@Calimesa.gov](mailto:Building@Calimesa.gov)

## [HCD ADU Website](#)

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This resource from the California Department of Housing and Community Development provides additional information on ADUs, legal requirements, and other useful information for homeowners.

## [ADU Handbook](#)

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Provided by the California Department of Housing and Community Development, this resource offers a summarized guide to ADU laws and state requirements.

## [Calimesa Fee Schedule](#)

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This resource provides homeowners with an idea of potential costs for permits. Additionally, ADUs over 750 square feet are subject to impact fees. An impact fee is a one-time financial charge by a local government on new development projects to help fund the construction or expansion of public infrastructure and services needed to support that development.

## [ADU for Lenders | ADU Grant | CalHFA](#)

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This resource provides information about a grant that homeowners can apply for to help with the construction of ADUs. The ADU Grant provides up to \$40,000 towards pre-development and non-recurring closing costs associated with the construction of the ADU. Pre-development costs include site prep, architectural designs, permits, soil tests, impact fees, property surveys, and energy reports.

## [ADU Possibilities On Your Lot](#)

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To help determine the potential for an ADU on your property, this resource helps you gather lot and zoning information of your home.

## [Accessory Dwelling Unit Application Requirements](#)

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This resource by the City of Calimesa outlines in detail the required application requirements for an ADU application. Application requirements include:

- One (1) copy of the City of Calimesa Master Land Use Entitlement Application,
- One (1) copy of the Accessory Dwelling Unit Clearance Eligibility Worksheet,
- One (1) copy of the Affidavit for Accessory Dwelling Unit Application,
- Six (6) copies of the proposed ADU plans.
- One (1) letter of Approval from the Homeowners Association (if applicable).



Kimley»Horn



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**Planning Department**

## **THE HOUSING CRISIS ACT OF 2019 – REPLACEMENT UNIT DETERMINATION**

Please carefully read the summary below, which outlines the limitations to demolishing residential units and whether affordable units will be required in the proposed project.

Effective January 1, 2020, and as further amended, “The Housing Crisis Act of 2019,” (HCA) establishes a statewide “housing emergency” until January 1, 2030. The provisions of AB 1218 also apply to all development projects approved by the City on or after January 1, 2024, that involve the demolition or removal of a dwelling unit, with exceptions for certain industrial projects. AB 1218 clarifies that the obligation to replace Protected Units does not apply to any units demolished prior to January 1, 2020. The HCA applies to all development projects through 2034 when a development application is submitted to the City before January 1, 2030.

During the housing emergency, the Housing Crisis Act suspends certain restrictions on the development of new housing and expedites the permitting of housing. During the housing emergency, jurisdictions with denser populations, such as Calimesa, are generally prohibited from rezoning or imposing new development standards that would reduce the net capacity for housing or adopting new design standards that are not objective. In these jurisdictions, the jurisdiction can only approve a project that requires the demolition of existing housing units if the project includes at least the same number of units as are demolished.

### **Replacement of Existing Housing Units**

The HCA requires housing projects that will demolish existing residential units to create at least as many units as the greatest number of residential dwelling units that existed on the project site within the last five years, including any demolished units. If a housing or non-housing project demolishes “protected” units, as specified below, special provisions apply. The following requirements shall only be applied to housing development projects that submit a complete project application after January 1, 2020, and non-housing project applications submitted after January 1, 2024, with exceptions for certain industrial projects.

The City may not approve a housing development project that requires the demolition of existing residential units unless the replacement project includes at least as many residential units as the greatest number of residential dwelling units that existed on the project site within the last five years, including any demolished units.

Certain requirements apply to housing and non-residential development projects that would demolish any existing “protected” units. Protected units are units that are or were in the five years prior to the development application:

- Affordable units deed-restricted to households earning below 80% of Area Median Income (AMI);
- Subject to a local rent control program;
- Rented by low-income households earning below 80% of AMI; or
- Withdrawn from the rental market under the Ellis Act within 10 years prior to development application.

Single-family homes may also be considered protected units. Units constructed without permit may be considered protected units if they meet any of the criteria above. Except in limited circumstances, any development project that would demolish any protected units shall, as a condition of approval, provide replacement units of the same number of bedrooms, and at an affordable rent or sales price to households of the same or lower income category as that of the last household in occupancy of the unit in the past five years. Such rental units shall remain under the affordability restriction for a period of at least 55 years. The low-income categories defined in state law are:

- “Extremely low income” households earning up to 30% of AMI,
- “Very-low income” households earning up to 50% of AMI, and
- “Lower income” households earning up to 80% of AMI.

Where the household income of current or previous occupants is not known, the replacement units shall be provided as affordable to very-low (earning up to 50% AMI) and low-income households (earning between 50% and 80% of AMI) in an amount proportional to the number of very low and low-income households present in the jurisdiction according to the most current data from the Comprehensive Housing Affordability Strategy (CHAS) database provided by the Department of Housing and Urban Development (HUD). Where the existing units to be demolished are subject to a local rent control program and the last household in occupancy earned moderate or above moderate income (above 80% of AMI), the project shall provide either:

- Replacement units affordable to low-income households (i.e., earning up to 80% of AMI) for a period of at least five years; or
- Replacement units that are subject to the City’s rent control program, if applicable.

Effective January 1, 2022, Senate Bill 8 clarifies that replacement units can be constructed even if they exceed local density controls. If the project is not a housing development project, the project applicant must ensure that any required replacement housing is developed prior to or concurrently with the development project. The replacement housing may be located on a site other than the project site but must be located in the City of Calimesa. The project applicant may contract with another entity to develop the required replacement housing.

### ***Relocation Assistance and Right of Return***

Projects proposing the demolition of any protected units shall, as a condition of approval, provide all of the following to occupants of such protected units:

- For lower-income households, a right of first refusal to a comparable unit in the replacement project that shall be provided at a rent or sale price affordable to households of the same or lower income category, except when the replacement project is a single residential unit, a single-family home, or a 100% affordable project.
- For lower income households, relocation benefits pursuant to state or local law, whichever requires greater assistance.
- For all households, right to remain in the unit until six months before the start of construction.
- For all households, right to return if demolition does not proceed and units are returned to the rental market.

The HCA was amended by Senate Bill 8 (2021) to apply to single-family homes. If a single-family home has been rented by a lower income household within five years preceding the date of the application, then the single-family home is considered a protected unit.

If a housing development project proposes to demolish a single-family home and construct a new single-family home, then the project applicant must provide relocation benefits to the current renters of the home

but are not required to offer the existing renters a right of first refusal for the new single-family home. The new single-family home may be provided at any size and at any income level. If the housing development project proposes to demolish a single-family home and construct a building with two or more units, then the project applicant must comply with the replacement, relocation, and right of first refusal requirements as set forth above. If the protected single-family home included three bedrooms or fewer, the replacement unit must include at least the same number of bedrooms as the existing single-family home. If the protected single-family home contained four or more bedrooms, then the replacement unit must include at least three bedrooms. The replacement unit is not required to have the same or similar square footage or the same number of total rooms.

The HCA was amended effective January 1, 2024, to require a notice be sent to existing tenants alerting them to the proposed construction. The project applicant shall provide existing occupants with written notice of the planned demolition, the date they must vacate, and their rights under the Housing Crisis Act. Notice shall be provided at least six months in advance of the date that existing occupants must vacate.

# REPLACEMENT UNIT DETERMINATION (RUD) FORM

## Contact Information

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Who is the primary project contact?  Owner  Applicant  Owner's Agent/Representative

Property Owner Name: \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Applicant Name (if different from Property Owner): \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Owner's Agent/Representative Name (if applicable): \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

## Existing Property

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Project Site Address: \_\_\_\_\_

Assessor Parcel Numbers (APNs): \_\_\_\_\_

Zoning and General Plan Land Use: \_\_\_\_\_

Proposed Number of Units to be Demolished: \_\_\_\_\_

Number of New Units Proposed: \_\_\_\_\_

## PROPOSED PROJECT

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### Project Description:

1. Will the project require any existing residential dwelling units to be demolished?

Yes    No

2. If so, how many existing dwelling units will be demolished? \_\_\_\_\_

3. As of the date of the application, how many of the **existing** units that will be demolished are **occupied by renters**? \_\_\_\_\_  
\_\_\_\_\_

4. What is the greatest number of residential dwelling units that existed on the project site **within the last five (5) years**? \_\_\_\_\_

5. Have any residential dwelling units that existed on the project site **within the last five (5) years** been demolished?

Yes    No

6. If so, identify the number of dwelling units that have been demolished and the date each was demolished using the *Tenant Information Table* (use multiple sheets, if necessary).

7. For each dwelling unit that is proposed to be demolished, or that **was previously demolished within the last five (5) years** (whether occupied or vacant), provide the following information:

a. The address (including apartment or unit number) of the dwelling unit.

b. The number of bedrooms in the dwelling unit.

c. Was or has the dwelling unit been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower- or very-low income **within the last five (5) years**?

Yes    No

- d. Was or has the dwelling unit been occupied by one or more lower-income households ***within the last five (5) years?***<sup>1</sup>

Yes     No     Unknown<sup>2</sup>

8. For each ***existing*** dwelling unit occupied by renters that will be demolished, provide the following information<sup>2</sup>:
- a. The number of bedrooms in the dwelling unit.
  - b. The number of persons residing in the household.
  - c. The annual income level of the household.
  - d. A copy of the Lease.
9. For each existing vacant dwelling unit that will be demolished, and for each dwelling unit that has been demolished in the last five (5) years, the rebuttable presumptions as to the income level of prior occupants required to be made pursuant to Government Code Section 66300(d)(2)(E)(iii) and 65915(c)(3)(B) apply. If the applicant intends to rebut these presumptions for any unit, provide the following information for the unit(s)<sup>2</sup>:
- a. The current or prior address of the dwelling unit (including apartment or unit number).
  - b. The number of bedrooms in the dwelling unit.
  - c. The dates of occupancy by the household for which the information is provided.
  - d. A copy of the Lease for the relevant occupancy period.
  - e. The number of persons residing in the household during the relevant period.

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<sup>1</sup> To determine if a unit is or was occupied by a “lower income household” or a “very low-income household”, refer to the definitions set forth in California Health and Safety Code §§ 50079.5 and 50105 and the current list of State Income Limits maintained by the California Department of Housing and Community Development. To verify this information, the applicant will need to know, and the tenant(s) will need to verify, the number of persons in the household, the number of bedrooms in the unit, and the annual income level of the household. If the unit is currently occupied renters, to answer “yes” the applicant must know and verify this information for the existing household occupants. If the unit has been vacated, but there remain other units on the site that are currently occupied, to answer “yes” the applicant must know and verify this information for the last household in occupancy. If all dwelling units on the project site have been vacated or demolished within the last 5 years, to answer “yes” the applicant must know and verify this information for the persons or families in occupancy at the point in time during the preceding 5 year period when the greatest number of residential dwelling units existed on the project site. The applicant certifies and declares under penalty of perjury under the laws of the State of California that the answers furnished in their responses, and that the facts, statements, and information presented are true and correct.

<sup>2</sup> If it is unknown and/or cannot be verified whether each dwelling unit is/was occupied by a lower- or very low-income household within the last five (5) years, the rebuttable presumptions set forth in Government Code §65915(c)(3)(B) will apply. When a housing project will require the demolition of residential dwelling units currently occupied by renters, and the household income levels are unknown and/or cannot be verified, it shall be rebuttably presumed that lower income renter households occupied these units in the same proportion of lower income renter households to all renter households within the City, as determined by the most recently available data from the United States Department of Housing and Urban Development’s Comprehensive Housing Affordability Strategy database. When all rental residential housing units on a site have been vacated or demolished in the last 5 years, and the household income levels of the previous renters are unknown and/or cannot be verified, it shall be rebuttably presumed that low income and very-low income renter households occupied these units in the same proportion of low income and very-low income renter households to all renter households within the City, as determined by the most recently available data from the United States Department of Housing and Urban Development’s Comprehensive Housing Affordability Strategy database.

- f. The annual income level of the household during the relevant period, supported by income verification documents as listed in the *Income Certification Review Checklist*.
- g. The current address, telephone number, or other valid contact information for the prior occupants of the household for which the information is provided.
- h. A notarized document signed by the prior tenant(s) verifying all of the above information.

**CERTIFICATION:**

I certify and declare under penalty of perjury under the laws of the State of California that the answers furnished above, and in the attached exhibits, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief. I further understand that additional information may be required to be submitted to the City of Calimesa to complete my review.

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Signature

Date





## **RENTAL UNIT DOCUMENTS<sup>3</sup> FOR INCOME CERTIFICATION REVIEW CHECKLIST**

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**Checklist of requirements for EACH adult household member (over 18 years of age):**

**1. If employed, provide the following documents:**

- Copies of three (3) months consecutive recent pay stubs for every employer; **or**
- Copies of two (2) most recent income tax returns; **or**
- W-2 form

**2. If self-employed, provide the following documents:**

- Signed copies of two (2) most recent years' income tax returns with Schedule C (1099 if Applicable)
- Current six (6) month profit and loss statement

**3. If an adult household member is not employed, provide:**

- Certification of zero income
- IRS Verification of Non-filing Letter

**4. If an adult household member is receiving other benefits, provide:**

- Proof of any income (e.g., Social Security, Award Letter, Pension, unemployment checks, child support, alimony Public Assistance, CAPI, TANF/AFDC, Disability and/or Worker's Compensation Benefit Information, General Assistance, or other sources of income)

**5. If an adult household member is a full-time student, provide:**

- Verification of full-time student status

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<sup>3</sup> To the extent permissible under law, the City will not treat income documentation as information to be disclosed under the Public Records Request Act, in the interest of encouraging accurate information and reporting.

**OWNER'S AFFIDAVIT**  
**(use when owner is the applicant)**

\_\_\_\_\_, ("Owner") hereby certifies that:

1. Owner is the legal owner of the above-referenced real property ("Property"); and
2. That the person(s) identified below ("Authorized Signatory/ies") has/have been legally authorized to sign on behalf of the owner(s) or ownership entity as evidenced by the separate instrument(s) attached herewith; and
3. The documents furnished to the City of Calimesa in conjunction herewith, represent the full and complete information required for the Replacement Unit Determination requested for the Property and that the facts, statements and information presented are true and correct to the best of its knowledge and belief.
4. Owner acknowledges that all occupants of Protected Units have the right to remain in their units until six (6) months before the start of construction activities, and the project proponent shall provide existing occupants with written notice of the planned demolition, the date the occupants must vacate, and their rights under California Government Code Section 66300.3(b)(4). Notice shall be provided at least six months in advance of the date that existing occupants must vacate. All Lower Income Household occupants of Protected Units are also entitled to: (a) Relocation benefits also subject to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 of the Government Code, and any implementing regulations and (b) the right of first refusal ("Right to Return") to a comparable unit (same bedroom type) at the new Project following completion and that depending income level at the time of lease up or sale, if applicable, may be entitled to return at an affordable rent per California Health & Safety Code Section 50053 or an affordable housing cost pursuant to California Health & Safety Code 50052.5, unless otherwise exempt pursuant to California Government Code Section 66300.6(b)(4)(B)(i) or (ii). The owner acknowledges and will offer the first right of refusal to qualified households.

Owner declares under penalty of perjury under the State of California that the foregoing is true and correct.

**\*Attach California Notary Public Acknowledgement**

Executed on \_\_\_\_\_ in \_\_\_\_\_, California  
(date) (city)

Print Full Name of Authorized Signatory/ies: \_\_\_\_\_

Signature of Authorized Signatory/ies: \_\_\_\_\_

## OWNERSHIP INFORMATION REQUIREMENTS

A letter from the Owner or Applicant (on business letterhead as applicable) to the City, attesting to ownership of the Property and confirming that Applicant is the potential future developer of the Property, that Owner is aware of, has no objections to, and authorizes the Applicant to submit a Replacement Unit Determination to the City of Calimesa for its property.

The following documentation must be submitted at the time of filing:

- **Grant Deed** – This is required if the Riverside County Assessor’s Records do not match the current ownership as listed on the application. The deed information should match the property owner as listed above.
- **Letter of Authorization** – This is required if the property owner does not sign the application. The property owner may instead provide a signed and dated letter in lieu of their original signature on this form, which must authorize the signatory of this application. Please see attached Letter of Authorization Example.
- **Ownership Entity Documentation** – This is required if the property is owned by an entity rather than an individual. Please provide the applicable required documentation for the type of ownership entity, as shown in the table below.

OWNERSHIP DOCUMENTATION REQUIREMENTS		
Type of Property Owner	Required Ownership Documentation	Documents that May be Required (If Applicable)
Individual	N/A	Grant Deed, Letter of Authorization
Limited Liability Company (LLC)	Operating Agreement or Articles of Incorporation	Grant Deed, Letter of Authorization
Corporation	Articles of Incorporation, Bylaws, and/or Meeting Minutes	Grant Deed, Letter of Authorization
Limited Partnership (LP)	Partnership Agreement	Grant Deed, Letter of Authorization
Trust	Trust Instrument	Grant Deed, Letter of Authorization

## OWNER AND TENANT AFFIDAVIT RE: TENANT RIGHTS

I/We \_\_\_\_\_ am a/are an existing tenant(s) ("Tenant") of Address/Unit # \_\_\_\_\_, a \_\_\_\_\_ bedroom unit, at the above-referenced real property ("Property") which is owned by \_\_\_\_\_ ("Owner"). I/We will be displaced from the Property and must vacate the Property by \_\_\_\_\_, 202\_, due to its pending demolition for the construction of a proposed development project (the "Project").

I/We acknowledge that the Owner has provided me/us with notice that:

1. All occupants of Protected Units have the right to remain in their units until six (6) months before the start of construction activities, and the project proponent shall provide existing occupants with written notice of the planned demolition, the date the occupants must vacate, and their rights under California Government Code Section 66300.3(b)(4). Notice shall be provided at least six months in advance of the date that existing occupants must vacate.; and
2. All **Lower Income Household** occupants of Protected Units are also entitled to: (a) Relocation benefits also subject to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 of the Government Code, and any implementing regulations., and (b) the right of first refusal ("Right to Return") to a comparable unit (same bedroom type) at the new Project following completion and that depending income level at the time of lease up or sale, if applicable, may be entitled to return at an affordable rent per California Health & Safety Code Section 50053 or an affordable housing cost pursuant to California Health & Safety Code 50052.5, unless otherwise exempt pursuant to Government Code Section 66300.6(b)(4)(B)(i) or (ii).

IF YOU ARE A LOWER INCOME HOUSEHOLD, **CHECK ONE**:

\_\_\_\_\_ I/We have opted to exercise my/our Right to Return to the new Project and have informed the Owner. Owner has agreed to contact me/us \_\_\_\_\_ at least 3 months before lease up or sale if applicable, to confirm the availability of the comparable unit at the Project. I/We understand that my/our current income documentation must be provided to Owner at this time and certified by the City so that the rent level or sales price if applicable for the comparable unit may be determined. I/We understand that only income qualified households are entitled to return at an affordable rent or an affordable housing cost: **OR**

\_\_\_\_\_ I/We hereby decline to exercise my/our Right to Return to the new Project.

Tenant and Owner hereby declare under penalty of perjury under the State of California that the foregoing is true and correct.

**Additional signature blocks may be added if needed.**

FOR TENANT:

FOR OWNER:

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

**\*\*This is NOT an Eviction Notice\*\***

**\*\*This is part of the owner's application for the project, which has not yet been approved and is NOT FINAL.\*\***



**City of Calimesa**

908 Park Avenue  
Calimesa, Ca 92320  
(909)795-9801 Fax (909)795-6187

**Planning Department**

## **SENATE BILL 25/423 ELIGIBILITY CHECKLIST AND NOTICE OF INTENT**

### **ELIGIBILITY CHECKLIST AND PRELIMINARY APPLICATION**

Prior to submitting and SB 35/423 application, the applicant must confirm their proposed development is eligible for streamlined and ministerial review under SB 35/423. The Eligibility Checklist is provided below. Prior to submitting and SB 35/423 application, the applicant must also submit a preliminary application with a "Notice of Intent" to invoke SB 35/423. The City of Calimesa will submit this application to local Native American tribes as an invitation to engage in a scoping consultation. The City's preliminary application form is attached describing the required information.

City of Calimesa Staff Verification of Completion: \_\_\_\_\_

### **SCOPING CONSULTATION**

The City of Calimesa must contact certain California Native American tribes within 30 days of the submittal of a complete preliminary application, and the Native American tribes contacted have 30 days to request a scoping consultation. If no consultation is requested, the project is eligible to submit an SB 35/423 application. If consultation is requested, the City of Calimesa will initiate the consultation within 30 days of receipt of the request. An SB 35/423 application cannot be submitted unless an agreement is reached with the tribes if consultation is requested.

City of Calimesa Staff Verification of Completion: \_\_\_\_\_

### **PUBLIC MEETING**

If the proposed project is located in a moderate resource area, low resource area, or an area of high segregation and poverty, as shown on the "CTCAC/HCD Opportunity Map," no SB 35/423 application can be filed until a public meeting is held on the project. The meeting must be held by the Calimesa City Council within 45 days of the submittal of a complete preliminary application. The applicant must attend the meeting.

Calimesa Staff Verification of Completion: \_\_\_\_\_

# SB 35/423 ELIGIBILITY CHECKLIST AND PRELIMINARY APPLICATION FORM

## SUBMITTAL REQUIREMENTS

The following information is required for a complete application. State law does not allow the City of Calimesa to accept a project application until a public meeting, if required, has been filed, and the tribal consultation and scoping process has been completed.

The SB 35/423 eligibility checklist and preliminary applications are reviewed to determine if the application qualifies for Streamlined Ministerial Review under SB 35/423 (Government Code Section 65913.4). Applications that are not eligible for Streamlined Ministerial Review or that do not provide sufficient information to determine compliance with the City of Calimesa standards will be denied and must be re-submitted. The purpose of this form is to determine if the project meets the eligibility standards established in state law for Streamlined Ministerial Review.

Please enter a response to each prompt below. Contact the Planning Division for any questions.

Requirement	Applicability	Yes	No	N/A
<b>Housing Type</b>				
<b>Multi-family or Mixed-use</b>	The development is a multifamily housing development containing at least two or more net new residential units, or a mixed-use project where at least 2/3 of the square footage is dedicated to residential uses.			
<b>Consistent with Objective Standards</b>	The project meets all objective standards of the Municipal Code at the time of SB 35 application submittal.			
<b>Site Requirements</b>				
<b>Infill Development</b>	At least 75 percent of the perimeter of the site adjoins parcels currently or formerly developed with urban uses, including parcels separated by a street or highway.			
<b>Zoning or General Plan Consistency</b>	The development is located on a legal parcel or parcels that are zoned or designated by the general plan for residential or mixed uses.			
<b>Not Located in Sensitive Environments</b>	The project site is not within a coastal zone, prime farmland, wetlands, a community conservation plan area, a habitat for protected species, or under a conservation easement.			
<b>Not Subject to Hazardous Conditions</b>	The project site is not within a high fire hazard severity zone, hazardous waste site, delineated earthquake fault zone, flood plain, or floodway.			
<b>No Demolition of Residential Units</b>	The project does not demolish any housing units that have been occupied by tenants in the last 10 years; or demolish housing subject to any form of rent or price control, or are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low incomes.			
<b>Historic Structures</b>	The project does not demolish a historic structure that has been placed on a national, state, or local historic register.			
<b>Subdivisions</b>	The development did not or does not involve a subdivision of a parcel that is subject to the California Subdivision Map Act, unless the development either:			

	<ol style="list-style-type: none"> <li>1. Receives a low-income housing tax credit and is subject to the requirement that prevailing wages be paid, or</li> <li>2. Is subject to the requirements to pay prevailing wages and to use a skilled and trained workforce.</li> </ol>			
<b>Parking</b>	<p>The project provides at least one parking space per unit, unless it meets any of the following:</p> <ul style="list-style-type: none"> <li>• The project is located within one half mile of a public transit stop.</li> <li>• The development is located within an architecturally and historically significant historic district.</li> <li>• The project is located within one block of a car share vehicle station.</li> <li>• When on-street parking permits are required but not offered to the development occupants.</li> </ul>			
<b>CTCAC/HCD Opportunity Map</b>	The proposed project is located in a moderate resource area, low resource area, or an area of high segregation and poverty, as shown on the “CTCAC/HCD Opportunity Map.”			
<b>Affordability Provisions</b>				
<b>Affordability</b>	At least 50 percent of the proposed residential units will be dedicated as affordable to households at 80% AMI for either rental or ownership projects. (The <a href="#">Statewide Determination Summary</a> is updated yearly. Please refer to the <a href="#">Statewide Determination Summary</a> for the latest affordability requirements for the City of Calimesa).			
<b>Covenant</b>	<p>If more than 10 residential units are proposed, the applicant must commit to record, prior to issuance of the first building permit, a land use restriction or covenant for the required affordable units providing that the housing shall remain affordable to lower or very low-income households, as applicable, for the following minimum durations, as applicable:</p> <ol style="list-style-type: none"> <li>1. 55 years for rental units.</li> <li>2. 45 years for homeownership units.</li> </ol>			
<b>Labor Provisions</b>				
<b>Prevailing Wages</b>	If the development is more than 10 units and not in its entirety a public work, as defined in Government Code Section 65913.4 (a) (8)(A), all construction workers employed in the execution of the development will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area.			
<b>Skilled and Trained Workforce Provisions</b>	A skilled and trained workforce, as defined in Section 2601 of the California Public Contracts Code, will complete the development if the project consists of more than 25 units.			

**PRELIMINARY APPLICATION FORM**

1. **PROJECT LOCATION** - The specific location, including parcel numbers, a legal description, and site address, if applicable.

Street Address \_\_\_\_\_

Assessor Parcel Number(s) \_\_\_\_\_

2. **EXISTING USES** - The existing uses on the project site and identification of major physical alterations to the property on which the project is to be located.

3. **SITE PLAN** - A site plan showing the building(s) location on the property and approximate square footage of each building that is to be occupied.

Attached? YES  NO

4. **ELEVATIONS** - Elevations showing design, color, material, and the massing and height of each building that is to be occupied.

Attached? YES  NO

5. **PROPOSED USES** - The proposed land uses by number of units and square feet of residential and nonresidential development using the categories in the applicable zoning ordinance.

	<b>Number of Units</b>
Market Rate	
Managers Unit(s) – Market Rate	
Extremely Low Income	
Very Low Income	
Low Income	
Moderate Income	
<b>Total Number of Units</b>	
<b>Total Number of Affordable Units</b>	
<b>Total Number of Density Bonus Units</b>	

6. **FLOOR AREA** - Provide the proposed floor area and square footage of residential and nonresidential development, by building (attach relevant information by building and totals here):

	Residential	Nonresidential	Total
Floor Area			
Square Footage of Construction			

7. **PARKING** - The proposed number of parking spaces:

8. **AFFORDABLE HOUSING INCENTIVES, WAIVERS, CONCESSIONS and PARKING REDUCTIONS** - Will the project proponent seek Density Bonus incentives, waivers, concessions, or parking reductions pursuant to California Government Code Section 65915?

YES  NO

If "YES," please describe:

9. **SUBDIVISION** – Will the project proponent seek any approvals under the Subdivision Map Act, including, but not limited to, a parcel map, a vesting or tentative map, or a condominium map?

YES  NO

If "YES," please describe:

10. **EXISTING SITE CONDITIONS** – Provide the number of existing residential units on the project site that will be demolished and whether each existing unit is occupied or unoccupied. Provide attachment, if needed.

	Occupied Residential Units	Unoccupied Residential Units	Total Residential Units
Existing			
To Be Demolished			

**ADDITIONAL SITE CONDITIONS:**

- a. Whether a portion of the property is located within any of the following:
  - i. A very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection, pursuant to Section 51178? YES  NO
  - ii. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993)? YES  NO
  - iii. A hazardous waste site that is listed pursuant to Section 65962.5, or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code? YES  NO
  - iv. A special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by any official maps published by the Federal Emergency Management Agency? YES  NO
  - v. A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2? YES  NO
  - vi. A stream or other resource that may be subject to a streambed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code? YES  NO

If "YES" to any, please describe:

- b. Does the project site contain historic and/or cultural resources? YES  NO

If "YES," please describe:

- c. Does the project site contain any species of special concern? YES  NO

If "YES," please describe:

d. Does the project site contain any recorded public easement, such as easements for storm drains, water lines, and other public rights of way?

YES  NO

If "YES," please describe:

# CERTIFICATE FOR COMPLIANCE WITH ELIGIBILITY REQUIREMENTS

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I, \_\_\_\_\_, do hereby certify and declare as follows:

(a) The subject property is located at (address and assessor's parcel number):

\_\_\_\_\_

Address

\_\_\_\_\_

Assessor's Parcel Number

- (b) I am a duly authorized officer or owner of the subject property.
- (c) The property owner agrees to comply with the applicable affordable housing dedication requirements established under Government Code section 65913.4(a)(3) and (a)(4).
- (d) The property owner agrees to comply with the applicable prevailing wage requirements established under Government Code section 65913.4(a)(8)(A).
- (e) The property owner agrees to comply with the applicable labor requirements established under Government Code section 65913.4(a)(8)(E).
- (f) The property owner agrees to comply with the applicable skilled and trained workforce requirements established under Government Code section 65913.4(a)(8)(F).
- (g) The property owner certifies that the project site has not contained any housing occupied by tenants within 10 years prior to the date written above.
- (h) The property owner certifies that information submitted to demonstrate compliance with all requirements of Government Code section 65913.4(a) is true and correct to the best of the owner's knowledge.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Print Name(s): \_\_\_\_\_

Signature(s): \_\_\_\_\_

Date: \_\_\_\_\_

***Notice to Agents:*** *The property owner must provide a separate signature sheet granting authorization for you to act on the behalf of the owner. If the property is held in a trust, the Trustee must sign as such. All property owner signatures must be notarized with an attached notary certificate.*



**City of Calimesa**

**Planning Department**

908 Park Avenue  
Calimesa, Ca 92320  
(909)795-9801 Fax (909)795-6187

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## **SENATE BILL 25/423 STREAMLINING PROCEDURES**

### **SENATE BILLS 35 AND 423**

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On January 1, 2018 California Senate Bill 35 (SB 35) became state law, establishing a streamlined and ministerial approval process for certain multifamily housing development projects. SB 35 amends Government Code Section 65913.4 to create a streamlined ministerial approval process for urban infill projects that are multifamily or mixed-use where at least two-thirds of the square footage is for residential use subject to certain affordability requirements and are consistent with objective General Plan, zoning, subdivision, and design review standards. Ministerial projects do not require the approval through a public hearing, review under the California Environmental Quality Act (CEQA), or neighborhood notification.

SB 35 applies to jurisdictions that are not meeting their Regional Housing Need Allocation (RHNA) goal for construction of above-moderate income housing and/or housing for households below 80% area median income (AMI). The provisions of this program are in effect until January 1, 2026, though SB 423 extends the provisions of SB 35 until January 1, 2036.

As of June 3, 2024, The City of Calimesa does not meet the RHNA goal for lower-income units. Therefore, SB 35/423 requires the City to streamline approval of eligible housing projects which provide 50% of the units as affordable housing at or below 80% average median income by providing a ministerial approval process. Please refer to the updated [Statewide Determination Summary](#) on the California Department of Housing and Community Development's (HCD) website for current affordability requirements.

### **ELIGIBILITY**

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The SB 35 eligibility criteria is available in the City's SB 35 Eligibility Checklist and on HCD's [Streamlined Ministerial Approval Process Guidelines](#).

### **SB 35 PROCEDURES**

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Eligibility for SB 35 streamlining is determined by meeting the eligibility requirements listed City's SB 35 Eligibility Checklist and on HCD's [Streamlined Ministerial Approval Process Guidelines](#). The eligibility requirements are State-mandated and cannot be waived or amended.

Applicants intending to request SB 35 streamlined review must first submit a completed SB 35 Eligibility Checklist demonstrating the project's SB 35 streamlining eligibility. Applications will not be accepted without providing sufficient evidence that the project meets all eligibility criteria. Once eligibility is confirmed, the

applicant shall submit a Notice of Intent which initiates a required scoping consultation pursuant to AB 168 with California Native American tribes affiliated with the geographic area.

The AB 168 consultation timeline is as follows:

1. **Notice.** Within 30 days, the City will provide formal notice for each Tribe affiliated with the geographic area.
2. **Acceptance.** Each Tribe has 30 days to accept the invitation to engage in consultation.
3. **Consultation.** The City initiates consultation within 30 days of acceptance of the invitation.

Once the Tribal scoping consultation has been concluded, and the proposed project is deemed complete and eligible for SB 35 streamlined review, the applicant is eligible to submit a Minor Development Plan Review application for approval which starts the SB 35 application approval process.

Upon receipt of a formal application, the City has 60 or 90 days (60 days for projects less than 150 housing units; or 90 days for projects more than 150 housing units) to determine if the project is consistent with objective standards.

- **If deemed consistent:** The City has 90 or 180 days (90 days for projects less than 150 housing units; or 180 days for projects more than 150 housing units) to approve the project.
- **If deemed inconsistent:** The City will provide the applicant with a written list and explanation of how the project does not comply with the required standards.

If the project includes public investment in housing affordability, beyond tax credits, then that approval shall not expire. If the project does not include public investment in housing affordability, beyond tax credits, the approval will expire after three years. A building permit must be issued prior to the three-year approval expiration date. A project may receive a one-time, one-year time extension if the applicant shows significant progress.

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# CITY OF CALIMESA

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## NOTICE OF PUBLIC HEARING

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**PUBLIC NOTICE IS HEREBY GIVEN** that on **January 12, 2026 at 6:00 p.m.** in the Norton Younglove Senior Center, 908 Park Avenue, Calimesa, California, the Planning Commission of the City of Calimesa will hold a public hearing **(in person)** to consider proposed changes to Title 18 (Zoning, Land Use, and Development Regulations) and Chapter 17.15.180 (Land Division Regulations) of the Calimesa Municipal Code as follows:

**ORDINANCE NO. 419 FOR ZONE TEXT AMENDMENT 25-01 (“ZTA 25-01”)**

**A PROPOSED AMENDMENT TO CALIMESA MUNICIPAL CODE CHAPTER 18 AND CHAPTER 17.15 AMENDING VARIOUS SECTIONS OF THE CODE TO COMPLY WITH EFFECTIVE IMPLEMENTATION OF THE 6<sup>TH</sup> CYCLE HOUSING ELEMENT UPDATE AS REQUESTED BY THE STATE OF CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD), AND MAKING A DETERMINATION OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTION 15061(B)(3) AND GOVERNMENT CODE SECTION 65852.21(J):**

**NOTICE IS FURTHER GIVEN** that the public may provide comments as follows: 1) Submit written comments to City Hall at the above address, 2) Email comments to the Deputy City Clerk at [ybenson@calimesa.gov](mailto:ybenson@calimesa.gov), or 3) Attend the meeting in person and speak thereon. Please note, mailed and/or emailed comments must be submitted by **5:30 p.m. on January 12, 2026.**

**PLEASE NOTE** that pursuant to Government Code Section 65090, if you challenge the project in court, you may be limited to raising only those issues you raised at the public hearing as described in this Notice or in written correspondence delivered to the City Clerk of the City of Calimesa prior to or at the public hearing.