Stockton Development Code Update

Public Review Draft

Division 3: Citywide Standards

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Division 3: Citywide Standards

Chapter 16.19 General Development Standards

16.19.010 Purpose

The purpose of this Chapter is to prescribe development standards that apply, except where specifically stated otherwise, to development in all zoning districts to ensure that all development produces an environment of stable and desirable character that is harmonious with existing and future development, and protects the use and enjoyment of neighboring properties, consistent with the General Plan.

16.19.020 Applicability

These standards shall be used in conjunction with the standards for each zoning district established in Division 2, District Regulations, and for each use in Chapter 16.28, Standards for Specific Uses. In any case of conflict, the standards specific to the zoning district or use shall control.

16.19.030 Access

The following are general access requirements applicable to all land uses.

A. **Access to Streets.** Every structure shall be constructed upon or moved to a legally recorded parcel with a permanent means of access to a public street or road, a private street or road, or an alley where permitted. The street, road, or alley shall conform to City standards. All structures shall be located to provide access for servicing, fire protection, and required off-street parking. Parcels located on a private street or road that were legally established before the effective date of this Development Code, are exempt from the required compliance with the latest adopted City standards for private streets or roads.

B. **Access to Structures.** Accessory structures and architectural features shall not obstruct access to primary structures or accessory living quarters.

C. **Driveways.** Driveways providing site access shall be from an improved street, alley, or other public and/or private right-of-way, and shall be designed, constructed, and maintained in compliance with the City's Standard Specifications and Plans, and the following:

1. ***General.***

    a. The nearest edge of a driveway apron or curb return shall be at least five feet from the nearest property line, centerline of a fire hydrant, utility pole, light standard, or other similar facility.

    b. The requirements of this Section do not apply to freeways or controlled access highways and streets where access is limited by deed restrictions. The deed restrictions shall be reviewed for location and allowable width of opening.

c. Driveways located within five feet of the existing curb return at an alley intersection may be merged with the alley intersection pavement, requiring the removal of the curb return.

d. All driveways abutting roll curbs shall be subject to the provisions of these regulations. All commercial driveways abutting roll curbs shall be installed and maintained under an encroachment permit.

e. The entrance and exit of vehicles to and from property served by a driveway shall be confined to the established driveway.

f. Driveways lacking standard curbs and gutters shall be subject to the requirements of Section 16.19.030.C.4.b, Lack of Standard Curb.

g. Pipes or under walk drains of size and at grade required by the City Engineer shall be installed to maintain drainage.

2. ***Residential.***

a. *Number of Driveways.* Residential sites shall be allowed the following number of driveways, except as otherwise approved by the City Engineer:

i. Single-Unit Dwellings. One driveway. No access shall be permitted on collector or arterial streets unless no other frontage exists. Driveways on collector or arterial streets shall be subject to approval by the City Engineer.

ii. Multi-Unit Development with Two or Three Units. One driveway per local street frontage. No access shall be permitted on collector or arterial streets unless no other frontage exists. Driveways on collector or arterial streets shall be subject to approval by the City Engineer.

iii. Planned Development and Multi-Unit Development with Four or More Units. Planned Developments and multi-unit development with four or more units shall be allowed the following number of driveways:

(1) *Arterial/Collectors.* For projects on streets identified as arterials or collectors:

(a) Less than Two Acres: One driveway shall be allowed.

(b) Two or More Acres: Two driveways shall be allowed.

(2) *Other Streets.* For projects on other types of streets, one driveway shall be allowed per street frontage.

b. *Driveway Spacing.* Driveways shall be separated along the street frontage (driveways on the same or adjoining parcels) as follows or as otherwise approved by the City Engineer:

i. Residential Development with Three or Fewer Units. Driveways shall be separated by at least six feet, unless a shared, single driveway is approved by the Director. The six-foot separation does not include the transition or wing sections on the side of the driveway.

ii. Planned Development and Multi-Unit Development with Four or More Units. Where two or more driveways serve the same or adjacent

townhouse or multifamily development or adjacent nonresidential development, the driveways shall be separated by a minimum of 50 feet.

c. *Distance from Street Intersections.* Driveways to parking areas shall be located as follows:

i. Residential Development with Three or Fewer Units. Driveways on local streets shall be located a minimum of 30 feet from the curb return of the nearest intersecting street to the nearest edge of the driveway throat. No access shall be permitted on collector or arterial streets unless no other frontage exists. Driveways on collector and arterial streets shall be subject to approval by the City Engineer.

ii. Planned Development and Multi-Unit Development with Four or More Units. Driveways shall be located as follows:

(1) *Urban.* Driveways within urban areas shall be located as follows, except as otherwise approved by the City Engineer:

(a) Unsignalized Intersections. Driveways shall be located a minimum of 75 feet from the curb return of the nearest intersecting street to the nearest edge of the driveway throat.

(b) Signalized Intersections. Driveways shall be located a minimum of 125 feet from the curb return of the nearest intersecting street to the nearest edge of the driveway throat if only right turns are allowed into the driveway. If both right and left turns are allowed, the distance shall be a minimum of 275 feet.

(2) *Suburban.* Driveways within suburban areas shall be located as follows:

(a) Unsignalized Intersection. Driveways shall be located a minimum of 150 feet from the curb return of the nearest intersecting street to the nearest edge of the driveway throat.

(b) Signalized Intersections. Driveways shall be located a minimum of 300 feet from the curb return of the nearest intersecting street to the nearest edge of the driveway throat, if only right turns are allowed into the driveway. If both right and left turns are allowed, the distance shall be a minimum of 400 feet.

d. *Width.* The width of a residential driveway shall be measured along the street side property line. Except for the special approval of the City Engineer, the maximum width of a residential driveway shall not exceed 26 feet.

3. ***Nonresidential.***

a. *Number of Driveways.* Nonresidential sites on arterial or collector streets shall be allowed the following number of driveways:

i. Urban. The number of driveways shall be as follows, except as otherwise approved by the City Engineer:

(1) *Site of Two or More Acres and/or Integrated Center, with at Least 150 Feet of Frontage per Street.*

(a) One driveway per street frontage; and

(b) One additional driveway per street frontage if that frontage exceeds 400 feet in length. If the site is located on a collector street and the frontage does not exceed 400 feet in length, one additional common/shared driveway may be allowed, subject to the recordation of reciprocal access easements.

ii. Suburban. The number of driveways shall be as follows:

(1) *Site of Less Than Two Acres/Not an Integrated Center.* One driveway shall be allowed per street frontage; and

(2) *Site of Two or More Acres and/or Integrated Center, with at Least 400 Feet of Frontage per Street.*

(a) One driveway per street frontage; and

(b) One additional driveway per street frontage if that frontage exceeds 800 feet in length. If the site is located on a collector street and the frontage does not exceed 800 feet in length, one additional common/shared driveway may be allowed subject to the recordation of reciprocal access easements.

b. *Distance from Street Intersections.* Nonresidential driveways to parking areas shall be located as follows:

i. Downtown. The location of driveways shall be as approved by the City Engineer.

ii. Urban (Including Special Purpose Zones and Overlay Districts). The location of driveways shall be as follows:

(1) *Unsignalized Intersections.* Driveways shall be located a minimum of 75 feet from the curb return of the nearest intersecting street to the nearest edge of the driveway throat.

(2) *Signalized Intersections.* Driveways shall be located a minimum of 125 feet from the curb return of the nearest intersecting street to the nearest edge of the driveway throat if only right turns are allowed into the driveway. If both right and left turns are allowed, the distance shall be a minimum of 275 feet.

iii. Suburban. Driveways to parking areas on arterial and collector streets shall be located as follows:

(1) *Unsignalized Intersections.* Driveways shall be located a minimum of 150 feet from the curb return of the nearest intersecting street to the nearest edge of the driveway throat.

(2) *Signalized Intersections.* Driveways shall be located a minimum of 300 feet from the curb return of the nearest intersection to the nearest edge of the driveway throat if only right turns are allowed into the driveway. If both right and left turns are allowed, the distance shall be a minimum of 400 feet.

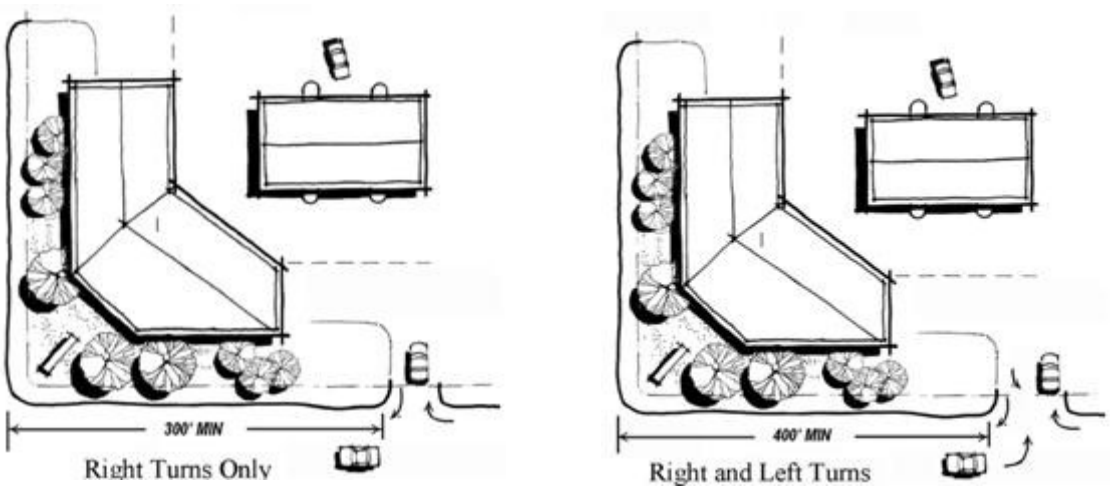


FIGURE16.19.030.C.3.B: DRIVEWAY DISTANCE FROM INTERSECTION

c. *Driveway Spacing*. Driveways shall be separated along the street frontage so that where two or more driveways serve the same or adjacent nonresidential development, the driveways shall be separated by a minimum of 50 feet. Exceptions to this standard shall be subject to the approval of the City Engineer and in no case shall the distance between driveways be less than 12 feet.

d. *Width.* The width of nonresidential driveways shall comply with the following:

i. The standard width of a nonresidential driveway shall not exceed 30 feet. The City Engineer may allow a wider driveway if:

(1) The total driveway width does not exceed 50 percent of the frontage of the property.

(2) The driveway would:

(a) Not create an adverse impact on the public street or interfere with the proper development of the property because of existing structures, an unusual shape or dimensions; and

(b) Not adversely affect pedestrian and traffic safety or adjacent properties, or modify the standards.

ii. If the property abuts more than one street, the width for a driveway on each street shall be considered separately and shall be based on the frontage of the property on that street only.

iii. The width of the driveway shall be measured at the end of the curb return or apron on the private property side of the street side of the property line.

iv. If the above standards would create an adverse impact on the public street or interfere with the proper development of the property because of existing structures, an unusual shape or dimensions, the City Engineer may, where such action would not adversely affect pedestrian and traffic safety or adjacent properties, modify the standards. In no case shall the width of a nonresidential driveway exceed 60 feet.

e. *Special Driveways.*

i. Parking Facilities. Encroachment permits for driveways for commercial, public, or private parking facilities shall not be issued until plans for the parking facilities have been approved by the Director or a use permit has been issued, as appropriate; and

ii. Service Stations. Encroachment permits for driveways for service stations shall not be issued unless a clear distance of 18 feet is provided between the nearest fuel pump block and the contiguous street right-of-way.

4. ***Driveway Construction.***

a. *Permit.* An encroachment permit shall be required for the construction of all new driveways or the reconstruction of an existing driveway located on a public right-of-way.

i. Requirements. The encroachment permit may be obtained by a licensed contractor. The applicant shall be responsible for the work performed. The applicant shall have the written consent of the property owner.

ii. Permit Conditions.

(1) If a curb has been opened or ramped for driveway installation and the driveway is subsequently abandoned, the property owner shall restore the curb to its original section or remove the ramp, as determined by the City Engineer. If the owner, agent, or person in possession of the property fails to restore the curb and gutter to their original section, the City shall complete the work and all cost shall be borne by the owner/applicant.

(2) The applicant shall exercise reasonable care to properly maintain a driveway that the applicant placed in the street and to exercise reasonable care in inspecting for, immediately repairing, and making good any damage to any portion of the street which occurs as a result of the work done under the encroachment permit, including any and all damages to the street which would not have occurred had the work not been done or the driveway not placed in that location.

(3) The applicant shall be responsible for all liability for personal injury or property damage which may occur out of the failure of the applicant to perform the obligations of the permit. In the event any claim for liability is made against the City, or any department, office, or employee of the City, the applicant shall defend, indemnify, and hold them and each of them harmless from such a claim.

b. *Lack of Standard Curb.* Where standard curbs and gutters are lacking, driveways within the right-of-way lines may be surfaced by extending the same type of

surfacing existing on the property so as to merge with the street pavement. The surfacing shall be adequate for the traffic to be carried and constructed to the established grade and other slope to provide for proper drainage with a pipe size of sufficient diameter, as determined by the City Engineer. If the driveway pavement is extended beyond the property line into the City's right-of-way at an intersection, the City Engineer may require the applicant to construct a suitable traffic island or curb section to provide for installation and protection of and traffic signals or signs as may be deemed necessary.

c. *Removal of Existing Curbs.* If a curb is opened to permit installation of a driveway, all the existing concrete in the curb and/or gutter shall be removed, except as otherwise directed by the City Engineer. No curb or gutter shall be removed until the driveway plan has been approved and the encroachment permit issued.

d. *Completion.* The construction of driveways requiring a breakout of a curb section shall be diligently pursued to completion. If work is not completed within 45 working days after the date of the issuance of the encroachment permit, the property owner shall reimburse the City to:

i. Restore the original curb and gutter section; or

ii. Complete the work in accordance with the approved plans.

e. *Inspection and Approval.*

i. Driveway construction shall be subject to the approval of the City Engineer. It shall be the responsibility of the applicant to request the inspection in compliance with the requirements/provisions of the encroachment permit.

ii. Completed driveways shall conform to the approved plan and the terms of the encroachment permit. Work not in conformity with the approved plan and encroachment permit shall be removed and properly replaced at the expense of the owner.

f. *Maintenance.* Driveways shall be maintained in good condition by the property owner.

D. **Traffic Sight Area.** Structures or landscaping over 30 inches in height shall not be allowed within a traffic sight area formed by the intersection of public rights-of-way, driveways, or alleys as determined by the City Engineer in compliance with Section 16.19.210, Traffic Site Area.

16.19.040 Accessory Structures

A. **Applicability.**

1. ***Detached Structures.*** The provisions of this Section apply to roofed structures, including but not limited to garages, carports, sheds, workshops, gazebos, and covered patios that are detached from and accessory to a main building on the site. These provisions also apply to open, unroofed structures such as decks and trellises that are over 24 inches in height and are detached from and accessory to a main building on the site.

2. ***Attached Structures.*** The provisions of this Section do not apply to accessory structures attached to a main building, which shall comply in all respects with the requirements of this Code applicable to the main building. Structures with a common wall or roof with the main

building, or that rely partially on the main building for structural support, shall be considered part of the main building.

3. ***Accessory Dwelling Units.*** Accessory Dwelling Units, attached or detached, are subject to the standards of Section 16.28.040, Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs).

B. **Relation to Existing Structures.** A detached accessory structure may only be constructed on a lot on which there is a permitted primary structure to which the accessory structure is related.

C. **Development Standards.** Accessory structures shall meet the development standards of the zoning district in which they are located except as follows:

1. ***Setback Areas.*** Detached accessory structures, or portions thereof, located within required setback areas shall comply with Section 16.19.180, Setback Regulations and Exceptions.

2. ***Maximum Height.*** Accessory structures shall not exceed a height of 15 feet.

16.19.050 Agriculture Preservation (Right to Farm)

A. **Purpose.** It is in the public interest to preserve the City's and County's agricultural operations while minimizing conflicts to new urban development. The intrusion of urban development often leads to restrictions on agricultural operations to the detriment of the agricultural uses. The purposes of this Section are to:

1. Preserve, protect, and encourage the use of viable agricultural lands for food and agricultural production and the keeping of livestock;

2. Recognize and support the right of persons and entities to farm;

3. Reduce the loss of agricultural operations by limiting the circumstances under which an agricultural operation may be considered a nuisance; and

4. Advise prospective purchasers, residents, and tenants of property adjoining or near agricultural operations (including the keeping of livestock), of the inherent conflicts associated with the purchase of a residence near an agricultural operation including the presence of chemicals, dust, light, noise, odors, and traffic that may occur near agricultural operations.

B. **Nuisance.** No agricultural activity, operation, or facility, or appurtenances thereof conducted or maintained for commercial purposes, and in a manner generally consistent with recognized minimum customs and standards, as established and followed by similar agricultural operations, shall be or become a nuisance, private or public, due to any changed conditions in or about any land proximately located to any farming operation.

C. **Conclusive Presumption.** A conclusive presumption shall apply in any administrative, civil, or criminal action or proceeding arising directly or indirectly from a decision by the City to convert proximately located land from agriculture to urban uses that all persons or entities enjoying or occupying the converted land had full knowledge of existing or future agricultural activity and operation and as a condition of enjoying, directly or indirectly, the benefits conferred by the land use decision of the City specifically waived any objection, complaint, or disagreement to the agricultural operator's right to continue conducting farming existing and future agricultural activities and farming operations.

D. **Deed Restriction.** Each tentative subdivision map approved or use permit issued to convert proximately located land from agriculture to urban uses shall contain a condition requiring the landowner report a deed restriction waiving any right to complain about or file any action concerning farming operations and practices. The Stockton City Attorney shall approve the form of the deed restriction.

E. **Cooperation.** The City of Stockton shall cooperate with other governmental agencies concerning the funding and purchasing of conservation easements for lands located between the two cities.

F. **Disclosure.** The approval of all parcel, tentative, or vesting tentative maps adjacent to or near agricultural lands shall require the owners, developers, or successors-in-interest to notify all purchasers of lots within the project site of the nature and extent of existing agricultural activities, operations, and facilities in the vicinity of the project site. If the first purchaser of a lot is a builder, this requirement shall extend to the builder so that the actual homeowner receives the notice.

1. This disclosure shall provide notice of the potential conflicts or effects of typical agricultural activities including, noise, odors, dust, agricultural spraying, agricultural burning, etc. Notice shall be provided in compliance with California Civil Code Section 3482.5, stating that typical agricultural activities shall not be considered a nuisance except as otherwise provided in that Civil Code section.

16.19.060 Containerized Storage Units

Unmodified, stackable, metal shipping containers that are greater than 120 square feet in size, not permanently affixed to the grounds, and used for accessory storage are allowed in compliance with the following standards.

A. **Allowed Districts.** Containerized storage units are prohibited in Residential Zoning Districts, and shall only be allowed in Commercial and Industrial Zoning Districts as follows.

1. ***Commercial Districts.*** Permanent containerized storage units are prohibited. Temporary units may be allowed subject to a Temporary Activity Permit.

2. ***Industrial Districts.*** Temporary and permanent containerized storage units shall be allowed in compliance with the requirements of this Development Code for primary structures, including the following:

a. *Screening.* All containerized storage units shall be screened from public rights-of-way in compliance with Section 16.19.170, Screening and Buffering.

b. *Parking.* The containerized storage unit shall be included in determining the parking requirements for the primary use in compliance Chapter 16.24, Off-Street Parking and Loading Standards.

B. **Modifications.** Any modification or permanent attachment to the ground shall be subject to the requirements of this Development Code, the Municipal Code, the California Building Standards Code, standard plans and specifications, and Design Review.

16.19.070 Cultural Resources

If any historical, cultural, or archaeological resource or human remains may be impacted by any project requiring a discretionary land use permit, the Director shall be notified, any survey needed to determine the significance of the resource shall be conducted, and the proper environmental documents shall be prepared. In addition:

A. **Historical Resources.** Resources that have been designated as a landmark, historic site, structure of merit, or part of a historic district in compliance with Chapter 16.75, Historic Resource Designation, shall require a Certificate of Appropriateness pursuant to Chapter 16.43, Certificates of Appropriateness, if any exterior changes to the resource are proposed.

1. Historical or cultural resources that are not designated but that are determined to be eligible for the California Register of Historical Resources shall be considered as such for the purposes of the California Environmentally Quality Act (CEQA).

B. **Archaeological Resources.** In the event that archaeological resources are discovered during any construction, construction activities shall cease, and the Director shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may occur in compliance with State and Federal law.

C. **Human Remains.** In the event human remains are discovered during any construction, construction activities shall cease, and the County Coroner and Director shall be notified immediately in compliance with CEQA Guidelines 15064.5 (d). A qualified archaeologist shall be contacted to evaluate the situation. If the human remains are of Native American origin, the Coroner shall notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify the most likely descendent of the Native American to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.

16.19.080 Demolition and Relocation of Buildings

The demolition and relocation of buildings, structures, or site features (or portions thereof) are subject to the standards and permit requirements of Title 15, Buildings and Construction, of the Stockton Municipal Code. In addition to the standards and permit requirements of Title 15, the demolition and relocation of the following require a Historic Resource Demolition/Relocation Permit pursuant to Chapter 16.44, Historic Resource Demolition / Relocation Permit.

A. Buildings, structures, or site features that are designated City Landmarks, contributing structures located in an Historic Preservation District, a Structure of Merit, or buildings or structures listed on any other local, State or Federal register.

B. Buildings or structures constructed or in place at least 50 years before the date of application for demolition or relocation.

C. **Exemptions.** Buildings, structures, or site features that are deemed to be unsafe or a public nuisance, in accordance with Title 15 of the Municipal Code, may be issued a demolition / relocation permit, as determined by the Director. The Department may retain a structural engineer, at the expense of the applicant, to assist the Director in making a determination.

16.19.090 Fences, Hedges, and Walls

Fences, walls, dense hedges, and similar structures shall comply with the standards of this Section.

A. **Permit Required.** A Building Permit is required for fences and walls consistent with the current version of the California Building Code.

B. **Measuring Fence or Wall Height.** The height of a fence or wall, including fences placed on top of a wall, is measured as the vertical distance from the highest finished grade on either side of the fence or wall to the highest point of such fence or wall.

C. **Maximum Height.** The maximum allowed height of fences, walls, dense hedges, and related structures is as follows. Fences, walls, dense hedges, and related structures are also subject to Section 16.19.210, Traffic Sight Area.

1. ***Front and Street-Side Setbacks.*** Fences, walls, dense hedges, and similar structures shall not exceed three feet in height within the required front and street-side setback, except as follows.

    a. *Open Fences.* Fences constructed of open grillwork or other allowed material that allows at least 33 percent view penetration through the fence may be a maximum of four feet tall.

    b. *Welded-metal Fences.* A decorative, open wrought-iron or tubular-steel fence not exceeding six feet in height in the Magnolia Historic (-MHD) Overlay District and five feet in height outside of the -MHD Overlay District may be placed along the front and street side property lines or within the front-yard and street side-yard setback areas.

        i. This exception does not authorize solid walls or fences composed of chain link, woven wire, wood, or materials other than open wrought iron or tubular steel.

        ii. A post or pilaster, consisting of masonry, brick, or other solid material, not exceeding 18 inches square and five feet tall, may be used to support a wrought iron or tubular steel fence at a minimum distance between posts of seven feet.

2. ***Other Areas.*** Fences, walls, dense hedges, and similar structures located outside of required setback areas or within required interior side or rear setback areas shall not exceed eight feet in height.

3. ***Decorative Features.*** One entry gateway, trellis, or other entry structure is permitted in the required front or street-facing side yard of each lot, provided that the structure does not exceed ten feet in height, eight feet in width, and three feet in depth. Such decorative features shall not have any solid obstruction that exceeds one foot in diameter between the height of three feet and eight feet.

4. ***Exceptions.***

    a. *Public Areas.* Fences that enclose school grounds, public playgrounds, tennis courts, public swimming pools, or other public areas that are used for athletic purposes may exceed the maximum height limitations of this Section with the approval of the Director.

    b. *Noise Mitigation.* Walls used to mitigate noise may exceed the maximum height limitations of this Section with the approval of the Director.

5. ***Modifications.*** Modifications to the height standards of this Section may be granted pursuant to Chapter 16.51, Modifications, where the Review Authority makes the following findings.

a. There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, or topography) so that the strict or literal interpretation and enforcement of this Development Code would cause undue hardship;

b. The subject site would be physically suitable for the proposed waiver;

c. The proposed fence, hedge, or wall would not cause the view of neighbors to be substantially blocked;

d. The location of the proposed fence, hedge, or wall does not encroach into the traffic sight area in compliance with Section 16.19.210, Traffic Sight Area;

e. The proposed fence, hedge, or wall recognizes the particular characteristics of the site and is consistent with the surrounding built environment, including the existing use of fences, hedges, and walls in the neighborhood; and

f. The proposed fence, hedge, or wall complements the architectural style, character, and proportions of the main building and neighborhood and is composed of appropriate materials.

D. **Walls and Fences Along Rights-of-Way.** Perimeter fences/walls adjoining public rights-of-way shall be designed and constructed in compliance with City standard specifications and plans and as follows:

1. Walls, where required, shall be constructed of decorative concrete or masonry materials up to six feet tall unless alternative materials are approved by the Director.

2. Aesthetic appeal as well as structural integrity shall be considered when designing the wall.

3. All walls shall be located on private property and a separate maintenance easement shall be recorded for the walls. The easement shall be of a sufficient size to allow for regular maintenance (i.e., graffiti removal) and shall include the width of the support footing as it extends from both sides of the wall. The owner, developer, and successors-in-interest shall provide for maintenance of the walls by providing some type of permanent maintenance entity such as either a Homeowners Association or participation in the City's consolidated landscape maintenance district.

4. Where a 15-foot wide landscaped right-of-way is not required, walls shall be articulated by providing a minimum three foot deep by ten-foot long landscaped recession for every 50 feet of continuous wall.

5. The design shall include an appropriate mix of materials and landscaping subject to the approval of the Director, including materials designed to discourage graffiti (i.e., vines, shrubs with thorns etc.).

E. **Materials.**

1. ***Chain-Link Fencing.***

a. *Residential Uses and Districts.* Chain-link fencing is prohibited in Residential Districts and for residential uses in Nonresidential Districts.

b. *Nonresidential Uses in Commercial and Industrial Districts.* Chain-link fencing is prohibited within ten feet of a front or street-side property line. Any chain link fencing must be vinyl-coated,

2. ***Barbed Wire / Razor Wire Fencing.*** Barbed wire and razor wire fencing is prohibited in Residential Districts or adjacent to public rights-of-way in Commercial and Industrial

Districts. All barbed wire, razor wire, or other sharp pointed material may only be used in the construction of a fence if it is at least seven feet above ground level and not visible from any adjacent public street.

3. ***Tarp Fencing.*** Tarp fencing shall be prohibited in all zoning districts.

4. ***Electrified Fencing.*** The use of electrified fencing, for security or other purposes, is prohibited in all zoning districts, except in the CG, IL, IG, and PT districts. Said fencing shall comply with the following requirements:

   a. Electrified Fences in the CG District. The following uses are eligible for electrified fencing in the CG District:

      i. Marinas;

      ii. Construction, farm and heavy equipment sales;

      iii. Personal storage facilities; and

      iv. Minor communication facilities.

   b. *Permits Required.* Any electrified fencing shall require the approval of the following permits:

      i. Land Development Permit. A Land Development Permit in compliance with Chapter 16.47, Land Development Permits, when located in the CG District, except as otherwise approved by another discretionary application for a project on the same site.

      ii. Alarm Permit. An alarm permit obtained from the Police Department. For this program, all applicable alarm fees apply to electric fence installations. (See Title 8, Chapter 8.44 “Intrusion Detection Devices and Burglar Alarm Systems.”)

      iii. Building Permit. A building permit in compliance with Title 15, Buildings and Construction.

   c. *General Requirements.* The following electrified fencing standards shall apply to all development:

      i. Electrical Standard. Unless otherwise specified herein, electrified fences shall be constructed or installed in conformance with applicable provisions of International Electrotechnical Commission (IEC) standards for electric fence energizers, as well as applicable provisions of the California Electrical Code (CEC), as necessary.

      ii. Electrification.

         (1) The energizer for electric fences must be driven by a commercial storage battery not to exceed 12 volts DC or other approved 12 Volt DC or less power source.

         (2) The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in the IEC standard for electric fence energizers.

         (3) Non-low voltage electrical components (e.g., controllers, transformers) of the electric fencing system shall be approved and listed by an Occupational Safety and Health Act Nationally Recognized Testing Laboratory.

iii. Perimeter Fence or Wall. Except as required by Subsection D.4.b.viii, Adjacent to Residential Zones or Uses, of this Section, electrified fencing shall be completely surrounded by a non-electrified fence or wall that is not less than six feet tall and has no barbed, concertina, or similar wire attached. Vehicle access gates along public rights-of-way may be exempted from this requirement, subject to approval of a Land Development Permit in the CG District or another discretionary application for a project on the same site. Any barbed, concertina, or similar wire on existing fences shall be removed prior to the installation of the electric fence. Existing developed properties with legally-built existing chain-link fencing may retain said fencing when located closer than ten feet from the front and side property. Similarly, vinyl coating on said fencing is not required.

iv. Setback.

(1) Any opening in the perimeter fence less than or equal to three inches shall require a minimum one-foot setback from the electric fence (IEC 60335-2-76 Standard).

(2) Any opening in the perimeter fence greater than three inches shall require a minimum three-foot setback from the electrified fence or the installation of an approved mesh between electrified fence and non-electrified fence.

v. Height. Electrified fencing shall not have a height in excess of ten feet.

vi. Warning Signs. Electric fences shall be clearly identified with 12-inch by 18-inch warning signs on both the inside and outside of the fence. The signs shall read “Warning-Electric Fence” in English with international symbols and other languages as required by the Land Development Permit in the CG District, at intervals of not greater than 30 feet. Warning signs shall be maintained in good condition at all times to ensure visibility.

vii. Emergency Access. A “Knox Box” or other similar approved devices shall be installed for emergency access by Police and Fire Departments. A means to disconnect electrical power to the fence shall be readily available to the Police and Fire Departments. Disconnect switches and controls shall be in an accessible location on the property and shall not be obscured in any manner from the street / private driveway access. Approved signs stating the identification of such switches / controls in addition to informational instructions as to how to disable the electrical system shall be installed to the satisfaction of the Fire Marshal. In accordance with Section 8.44.090, a notice shall be posted at each gate (pedestrian and vehicle gates) indicating a 24-hour contact name and phone number or said information shall be filed and kept updated with the Police Department. In the event that access by the City of Stockton Fire Department and/or Police Department personnel to a property where a permitted electric fence has been installed and is operating is required due to an emergency or urgent circumstances, and the Knox Box or other similar approved device above is absent or non-functional, and an owner, manager, employee, custodian, or any other person with control over the property is not present to disable the electric fence, fire or police personnel shall be authorized to disable the electric fence in order to gain access to the property. As a condition of permit issuance, all applicants issued permits to install or use an electric fence as provided in this Chapter will

agree to waive any and all claims for damages to the electric fence against the City of Stockton and/or its personnel under such circumstances.

viii. Adjacent to Residential Districts or Uses. Electric fences may abut residentially-zoned or residentially-used property when there is a non-electrified wall at least eight feet in height between the electrified fence and Residential District or use.

F. **Graffiti Prevention.** Fences and walls in multifamily and nonresidential projects and all back-up walls shall be designed and built to control graffiti pursuant to Section 16.19.100, Graffiti Prevention and Ease of Removal Provisions.

G. **Maintenance.** All walls and fences shall be maintained in a safe, neat and orderly condition at all times.

16.19.100 Graffiti Prevention and Ease of Removal Provisions

In addition to the standards and requirements of Chapter 8.24, Graffiti, of the Municipal Code, the following graffiti prevention and ease of removal provisions apply.

A. **Applicability.** All multifamily projects, nonresidential projects, and back-up walls shall incorporate either paint or graffiti-resistant coatings pursuant to Subsection 16.19.100.B, Paint or Coatings, or graffiti-limiting landscaping pursuant to Subsection 16.19.100.C, Graffiti-Limiting Landscaping.

B. **Paint or Coatings.** Walls shall be painted with two coats of flat, exterior, water-based, 100 percent acrylic paints with low volatile organic compounds which meet the standards of the California Air Resources Board. If the wall includes natural stone, brick, or similar material, a clear coating that allows for graffiti abatement shall be applied to the surface in accordance with manufactures instructions.

1. ***Back-up Walls.***

   a. Back-up walls maintained through the Stockton Consolidated Landscape Maintenance Assessment District shall be painted with two coats of flat, exterior, water-based, 100 percent acrylic paint in a standard color that is readily available from a local paint store or home improvement center. If the wall includes natural stone, brick or similar material, a clear coating that allows for graffiti abatement shall be applied to the surface in accordance with manufactures instructions.

   b. Property owner associations shall be responsible for abatement of all graffiti on back-up walls maintained through a private maintenance association in accordance with all applicable sections of this Municipal Code.

2. ***Materials.*** A supply of paint or compatible graffiti-removal material shall be provided to the City in compliance with Sections 8.24.170 and 8.24.180 of the Municipal Code.

C. **Graffiti-Limiting Landscaping.** Property in front of solid fences and walls shall be landscaped with vegetation that will cover at least 80 percent of the fence / wall within three years. Modifications to this standard may be granted by the Director where site characteristics make it infeasible or impractical to provide the required landscaping and the Director finds that adequate alternative measures have been incorporated into the project to limit graffiti.

16.19.110 Hazardous Materials

A. **Purpose.** The standards of this Section are intended to ensure that the use, handling, storage, and transportation of hazardous materials comply with all applicable State laws (Government Code Section 65850.2 and Health and Safety Code Section 25505, et seq.) and that appropriate information is reported to the City.

B. **Applicability.** The standards of this Section apply to the use, handling, storage, and transportation of hazardous materials.

1. For the purposes of this Section, "hazardous materials" shall include materials that meet the requirements of Tables 105A and 105B and Section 105 (Permits) of the Fire Code adopted by the City of Stockton.

C. **Use Permit Required.** An Administrative Use Permit pursuant to Chapter 16.49, Use Permits, shall be required for any new commercial, industrial, institutional, or accessory use, or additions of ten percent or more of the gross floor area of an existing use within 1,000 feet of a residential zoning district that involves the manufacture, storage, handling, or processing of hazardous materials in sufficient quantities that would require permits as hazardous materials.

D. **Reporting Requirements.** All businesses required by State law (Health and Safety Code, Section 6.95) to prepare hazardous materials release response plans and hazardous materials inventory statements shall upon request submit copies of these plans, including any revisions, to the Fire Department.

E. **Underground Storage.** Underground storage of hazardous materials shall comply with all applicable requirements of State law (Health and Safety Code, Section 6.7 and Chapter 27 of the California Fire Code, or as subsequently amended).

F. **Above-Ground Storage.** Above-ground storage tanks for hazardous materials and flammable and combustible liquids may be allowed subject to the approval of the Fire Department.

G. **New Development.** Structures adjacent to a commercial supply bulk transfer delivery system with at least six-inch pipes shall be designed to accommodate a setback of at least 100 feet from that delivery system. This setback may be reduced if the Director, with recommendation from the Fire Department, can make one or more of the following findings:

1. The structure would be protected from the radiant heat of an explosion by berming or other physical barriers;

2. A 100-foot setback would be impractical or unnecessary because of existing topography, streets, parcel lines, or easements; or

3. A secondary containment system for petroleum pipelines and transition points shall be constructed. The design of the system shall be subject to the approval of the Fire Department.

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

16.19.120 Height Measurement and Height Limit Exceptions

A. **Maximum Height Allowed.** The height of structures shall not exceed the standard established by the applicable zoning district in Division 2, District Regulations, or other provision of this Code,

except as provided in Section 16.19.120.C, Exceptions to Height Limits, or as specifically identified in another section of this Code.

B. **Height Measurement.** Maximum height shall be measured as the vertical distance from the finish grade to an imaginary plane located the allowed distance above, and parallel to, the finish grade, or as provided by the California Building Standards Code.

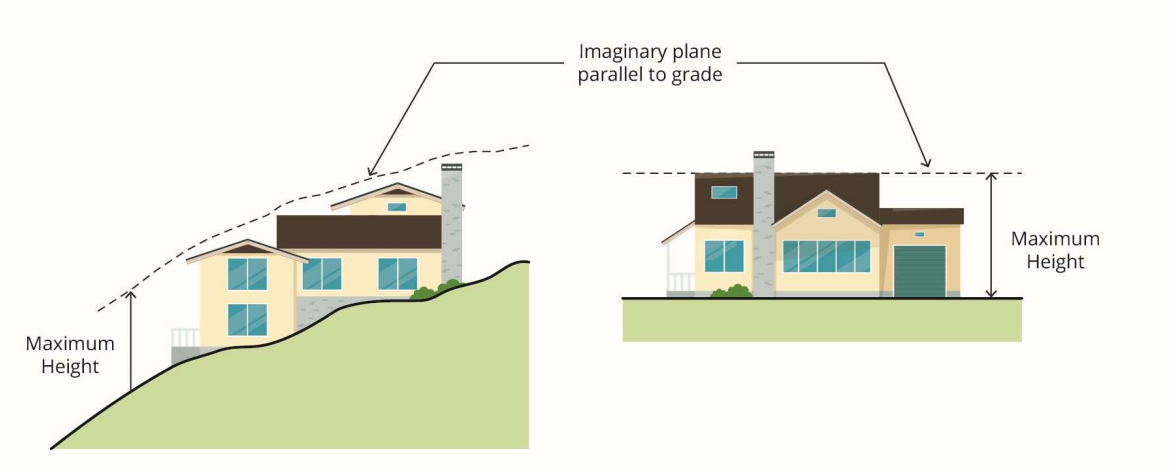


FIGURE 16.19.120.B: MEASURING HEIGHT

C. **Exceptions to Height Limits.** The structures listed below may exceed the maximum permitted height for the district in which they are located, subject to the limitations stated and further provided that no portion of a structure in excess of the height limit may contain habitable areas or advertising.

1. ***Roof-Mounted Structures.*** Roof-mounted structures for the housing of elevators, stairways, tanks, ventilating fans, wind power equipment, chimneys, flag poles, towers, skylights, smokestacks, wireless masts, or similar equipment required to operate and maintain the structure, shall be allowed, up to a maximum of 15 feet above the structure height. The structures shall be screened in compliance with Section 16.19.170, Screening and Buffering. The total square footage of all structures above the heights allowed in the zoning districts shall not occupy more than 25 percent of the total roof area of the structure.

2. ***Parapet Walls.*** Fire or parapet walls in nonresidential zoning districts may extend up to four feet above the allowable height limit of the structure.

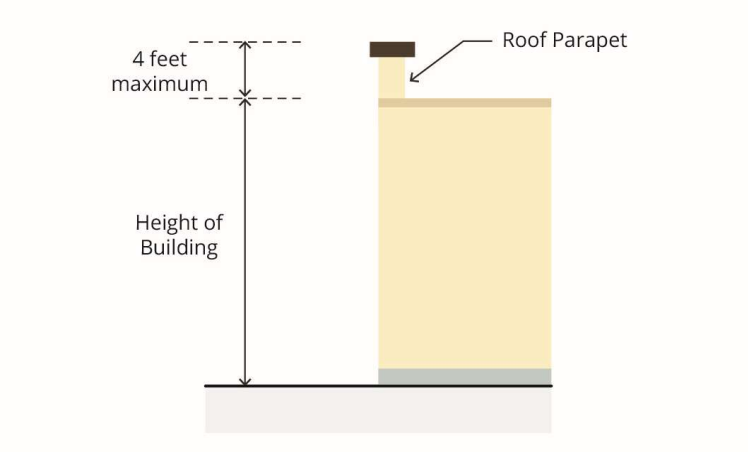


FIGURE 19.19.120.C.2: ADDITIONAL HEIGHT, PARAPET WALLS

3. ***Wireless Communication Facilities.*** Wireless communications facilities, antennas, microwave equipment, and radio towers are subject to the provisions of Section 16.28.340, Wireless Communications Facilities

16.19.130 Historic Resources

A. **Applicability.** The standards of this Section apply to all designated landmarks, historic sites, structures of merit, and historic preservation districts.

B. **Certificate of Appropriateness Required.** Except for exemptions listed below, a Certificate of Appropriateness pursuant to Chapter 16.43, Certificates of Appropriateness, shall be required for the following:

1. Any exterior alteration, expansion, demolition, relocation, or removal of any building, structure, artifact, natural or designed landscape feature, or site within a historic preservation district unless exempted below;

2. Any exterior alteration, expansion, construction, demolition, relocation, or removal of any designated historic landmark or structure of merit unless exempted below;

3. Any new construction within a historic preservation district or on the property of a landmark or structure of merit; and,

4. Any removal, alteration, expansion, or addition of lights, signs, designed landscape feature, street trees, or other frontage improvements in a historic preservation district or property of a landmark and structure of merit.

5. ***Exemptions.*** The requirement for a Certificate of Appropriateness shall not apply to the following:

a. Interior changes to a building or structure;

b. Minor changes, including:

i. Landscaping that does not alter the style or character of the site, building, or structure or adversely impact the general architectural and/or cultural features of the property;

ii. Electronic security systems;

iii. Interior fire and life safety devices and/or systems;

iv. Application of same or similar paint colors to existing buildings except for those surfaces which, in the opinion of the Director, have historically been unpainted (e.g., masonry, wood shingles, chimneys). and,

v. Other conditions the Director determines to be minor.

c. If the Director determines that an emergency or hazardous condition exists and that it needs to be corrected to ensure public health, safety, and welfare.

C. **Historic Resource Demolition / Relocation Permit.** A Historic Resource Demolition / Relocation Permit pursuant to Chapter 16.44, Historic Resource Demolition / Relocation Permit is required for the demolition or relocation of a historic resource.

D. **Maintenance.**

1. ***Responsibility to Maintain.*** All property owners and/or tenants of landmarks, historic sites, structures of merit, and buildings and structures in a historic preservation district shall maintain and keep in repair the historical resources and premises which shall be preserved against decay and deterioration by being kept free from the following structural defects:

a. Deteriorated or inadequate foundation, which jeopardizes structural integrity;

b. Defective or deteriorated floor supports or any structural members of insufficient size to carry imposed loads with safety, which jeopardizes structural integrity;

c. Members of external or interior walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration which jeopardizes structural integrity;

d. Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration or are of insufficient size or strength to carry imposed loads with safety which jeopardizes structural integrity;

e. Deteriorated or crumbling exterior plasters, mortar, or stucco;

f. Lack of weather protection or ineffective waterproofing of exterior walls, roof, and foundations, including broken windows or doors;

g. Peeled paint, rotting, holes, and other forms of decay;

h. Lack of maintenance of the surrounding environment (e.g., accessory structures, fences, gates, landscaping, sidewalks, signs, and steps); or

i. Any deteriorated feature creating, or allowing the creation of, any hazardous or unsafe condition or conditions.

2. ***Time for Correction.*** The owner or the owner's agent shall repair the object, building, structure, or site within the period of time specified in the written order to correct defects or repairs to any historical resource in compliance with Subsection 16.19.130.D.1, Responsibility to Maintain, so that the historical resource shall be preserved and protected in compliance with the purpose of this Chapter.

3. ***Property Maintenance Standards.*** The property shall be maintained in compliance with Chapter 8.36, Property Maintenance Standards, of the Municipal Code.

4. ***Ordinary Maintenance and Repair.*** Nothing in this Section shall be interpreted to prevent the ordinary maintenance or repair of any exterior architectural feature in, or on, any

designated historical resource that does not involve a modification or change in design, material, or external appearance.

E. **Economic Hardship.** If a determination of economic hardship is made, the Review Authority shall take it into consideration in making any decision regarding a historic landmark, historic preservation district, or historic site.

1. ***Standards.*** The Board may make a determination of economic hardship if the property owner can demonstrate that one of the following standards apply:

a. *Income Producing Property.* The income producing property would be unable to obtain a reasonable rate of return in its present condition or if rehabilitated; or

b. *Non-Income Producing Property.* The non-income producing property has no beneficial use as a single-family dwelling, duplex, triplex, or institutional use in its present condition or if rehabilitated.

2. ***Lack of Hardship.*** A determination of economic hardship shall not be based on, or include, any of the following circumstances:

a. Willful or negligent acts by the owner;

b. Purchase of the property for substantially more than market value;

c. Failure to perform ordinary maintenance or repairs;

d. Failure to diligently solicit and retain tenants; or

e. Failure to provide normal tenant improvements.

16.19.140 Lighting and Illumination

A. **Applicability.** The standards of this Section apply to all new development and to exterior alterations and additions that involve replacement light fixtures or systems, except as provided below.

1. ***Exemptions.*** The following lighting is exempt from the provisions of this Section.

a. *Street Lighting.*

b. *Athletic Field Lights.* Athletic field lights used within a City parks and private schools and universities.

c. *Safety and Security Lighting.* Safety and security lighting for public facilities.

d. *Construction and Emergency Lighting.* All construction or emergency lighting fixtures, provided they are temporary and are discontinued immediately upon completion of the construction work or abatement of the emergency.

e. *Seasonal Lighting.* Seasonal lighting displays related to cultural or religious celebrations.

B. **Application Requirements.** Any planning application that includes new or replacement light fixtures or systems shall include a photometric plan showing foot-candle levels for proposed lighting intensity at property line(s), except as provided below.

1. Applications for outdoor lighting associated with residential development of less than four units and property-owner installed lighting are not required to submit photometric plans unless requested by the Director due to project location, size, use, and proposed lighting.

C. **Prohibitions.** The following types of exterior lighting are prohibited unless specifically allowed subject to another part of this Code.

1. ***Searchlights.*** The operation of searchlights for purposes other than public safety.
2. ***Mercury Vapor.*** Mercury vapor lights.
3. ***Other Light Types.*** Laser lights or any other lighting that flashes, blinks, alternates, or moves.

D. **Required Illumination.**

1. ***Parking and Access Areas.*** Parking and access areas shall be maintained in compliance with Section 16.19.100.L, Parking Lot Lighting.
2. ***Multi-Unit Residential Buildings.*** Aisles, passageways, and recesses related to and within the building complex shall be illuminated with an intensity of at least one-quarter foot-candle at the ground level during the hours of darkness.
3. ***Non-Residential Buildings.*** All exterior doors, during the hours of darkness, shall be illuminated with a minimum of one-half foot-candle of light.

E. **Maximum Light Levels.** The light level at property lines shall not exceed one foot-candle.

F. **General Requirements.**

1. ***Maximum Height.*** Light standards shall not exceed 20 feet in height except where: the Director allows additional height for activities, uses, or development with unique lighting needs; for accentuating historic architectural features of a building, signage, and/or landscaping features; or, for security purposes, provided the lighting otherwise complies with all other requirements of this Code.
2. ***Fixture Types.*** All luminaries shall meet the most recently adopted criteria of the Illuminating Engineering Society of North America (IESNA) for "Cut Off" or "Full Cut Off" luminaries.
3. ***Design of Fixtures.*** Fixtures shall be appropriate to the style and scale of the architecture. Fixtures on buildings shall be attached only to walls or eaves, and the top of the fixture shall not exceed the height of the parapet or roof or eave of roof.
4. ***Timing Controls.*** All outdoor lighting in nonresidential development shall be on a time clock or photo-sensor system and turned off during daylight hours and during hours when the building is not in use and the lighting is not required for security.
5. ***Light Trespass and Glare Prevention.*** All lights shall be directed, oriented, and shielded to prevent light trespass or glare onto adjacent properties.

16.19.150 Lot Coverage Calculation and Exceptions

A. **Calculation.** Lot coverage is the ratio of the total footprint area of all structures on a lot to the net lot area, expressed as a percentage. The footprints of all principal and accessory structures, including garages, carports, covered patios, and roofed porches, shall be summed to calculate lot coverage.

B. **Exceptions.** The following structures and elements shall be excluded from the calculation of lot coverage.

1. Unenclosed and unroofed decks, uncovered patio slab, porches, landings, balconies and stairways less than 30 inches in height;

2. Eaves and roof overhangs projecting up to five feet from a wall;

3. Trellises and similar structures that have roofs that are at least 50 percent open to the sky through uniformly distributed openings; and

4. Swimming pools and hot tubs that are not enclosed in roofed structures or decks.

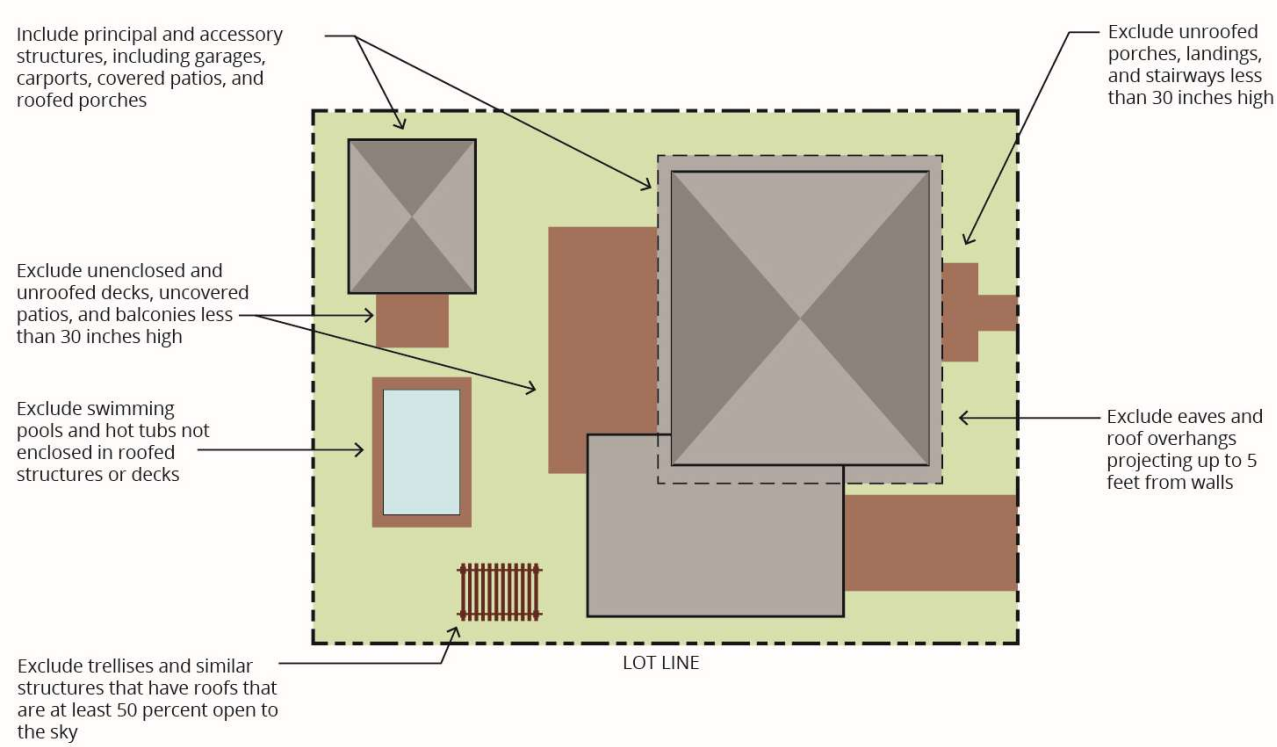


FIGURE 16.19.150: CALCULATING LOT COVERAGE

16.19.160 Open Space

Open space required by this Code shall be provided in accordance with the following.

A. **Configuration.**

1. Private open space typically consists of balconies, decks, patios, fenced yards, and other similar areas outside the residential unit.

2. Common open space typically consists of landscaped areas, patios, swimming pools, barbeque areas, playgrounds, turf, or other such improvements as are appropriate to enhance the outdoor environment of the development; these can be located at the ground level, on parking podiums, or on rooftops, provided they are adequately landscaped.

B. **Minimum Dimensions.**

1. ***Private Open Space.*** Private open space located on the ground level (e.g., yards, decks, patios) shall be a minimum of 100 square feet and have no dimension less than eight feet. Private open space located above ground level (e.g., balconies) shall be a minimum of 60 square feet and have no dimension less than six feet.

2. ***Common Open Space.*** Minimum length and width dimension of 15 feet.

C. **Surfacing.** A surface shall be provided that allows convenient use for outdoor living and/or recreation. Such surface may be any practicable combination of lawn, garden, flagstone, wood planking, concrete, or other serviceable, dust-free surfacing.

D. **Maximum Slope.** Slope shall not exceed ten percent.

E. **Maximum Coverage.** No more than 50 percent of private open space area and no more than 25 percent of common open space area may be covered.

F. **Accessibility.**

1. ***Private Open Space.*** Private open space shall be accessible to only one residential unit through a doorway to a habitable room or hallway.

2. ***Common Open Space.*** Common open space shall be accessible to all residential units on the site.

G. **Screening, Ground Level Private Open Space.** Required private open space located at the ground level shall be screened by a solid fence, wall, or dense hedge a minimum six feet in height except within required front and street side setback areas where the screening fence, wall, or dense hedge shall be between 36 and 42 inches in height.

16.19.170 Screening and Buffering

A. **Screening of Mechanical and Electrical Equipment.** All exterior mechanical and electrical equipment shall be screened or incorporated into the design of buildings so as not to be visible from public rights-of-way or adjacent Residential or Open Space Districts. Equipment to be screened includes, but is not limited to, all roof-mounted equipment, air conditioners, heaters, utility meters, cable equipment, telephone entry boxes, backflow preventers, irrigation control valves, electrical transformers, pull boxes, and all ducting for air conditioning, heating, and blower systems. Screening materials shall be consistent with the exterior colors and materials of the building. Exceptions may be granted by the Director where screening is infeasible due to health and safety or utility requirements.

B. **Common Property Lines**. A solid masonry screening wall eight feet in height shall be provided on the interior lot lines of any lot with an industrial use that abuts a residential use.

1. ***Timing.*** The screening wall shall be provided at the time of new construction or expansion of buildings, or changes of use to an industrial use.

2. ***Location.*** Screening walls shall follow the lot line of the lot to be screened, or shall be so arranged within the boundaries of the lot so as to substantially hide from adjoining lots the building, facility, or activity required to be screened.

3. ***Exception.*** Screening shall not be required along a lot line where a building wall, solid fence or free-standing wall of the required height exists immediately abutting and on the other side of the lot line.

C. **Outdoor Storage Areas.** Outdoor storage areas shall be screened from view from any adjacent public street or freeway, existing or planned residential area, or publicly accessible open space or park and recreation area.

1. ***Height.*** Screening walls and fences shall be at least seven feet tall and no materials or equipment shall be stored to a height greater than that of the wall or fence. Fences and walls shall not exceed the maximum allowable fence heights unless required by the City

for noise abatement or as otherwise allowed through a Modification approval pursuant to Chapter 16.51, Modifications.

2. Site operations in conjunction with outdoor storage, including the loading and unloading of materials and equipment, shall be conducted entirely within a walled area.

3. Incidental outdoor storage shall be permitted, subject to the above standards. Outdoor storage that is a primary land use shall be subject to the applicable zoning district land use regulations identified in Division 2: District Regulations, and the above standards.

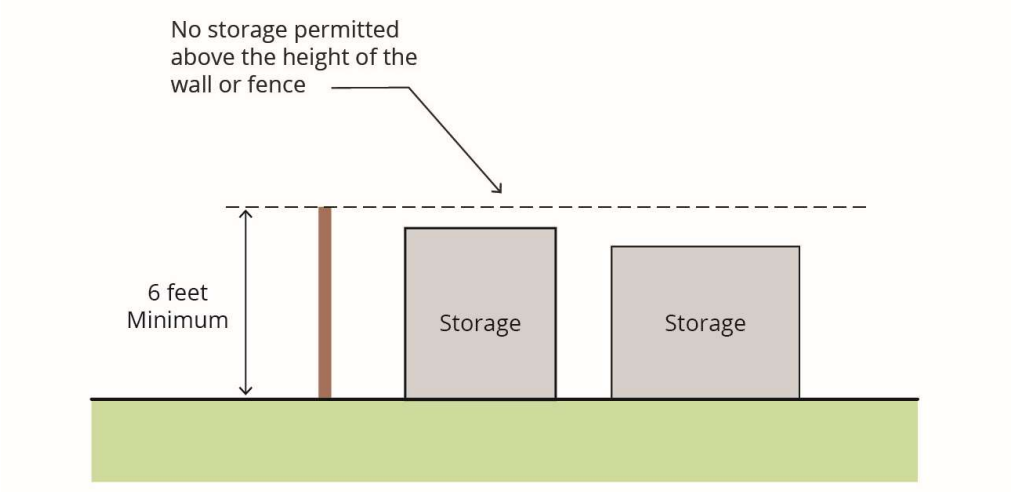


FIGURE 16.19.170.C: OUTDOOR STORAGE AREA SCREENING

D. **Other Outdoor Use Areas.** Where the Director finds that an outdoor use without screening would have a detrimental effect, the outdoor use shall be screened from view from any public street or freeway; existing or planned residential area; or publicly accessible open space or park and recreation area.

E. **Materials.** Unless otherwise specified, screening walls shall be constructed of stucco, decorative block, concrete panel, wood not less than one inch thick, or other substantially equivalent material.

1. ***Supports.*** Supports shall be of four-by-four wood posts, pipe, or masonry piers located on a maximum six-foot center and cemented in place.

2. ***Berms.*** An earth berm may be used instead of or in combination with the above types of screening walls.

3. ***Vegetation.*** Required screening may be provided through an evergreen hedge or mix of evergreen shrubs and trees of a type, density, and spacing so that sight and illumination will be obscured through the screening within three years of planting and the vegetation is maintained at a height between six and ten feet.

F. **Graffiti Prevention.** Fences and walls shall be designed and built to control graffiti pursuant to Section 16.19.100, Graffiti Prevention and Ease of Removal Provisions.

G. **Maintenance.** Screening walls shall be maintained in good repair, including painting, if required, and shall be kept free of litter or advertising. Where hedges are used as screening, trimming or pruning shall be employed as necessary to maintain the maximum allowed height.

16.19.180 Setback Regulations and Exceptions

A. **Measurement of Setbacks.** Setbacks shall be measured at right angles from the nearest point of the corresponding front, side, or rear lot line, except as follows:

1. ***Access Easements and Right-of-Ways.*** If an access easement or street right-of-way line extends into or through a rear yard, the measurement shall be taken from the nearest point of the access easement or right-of-way line

2. ***Irregular Lot.*** In the case of an irregularly shaped lot, where the rear property line is narrower than the front, a ten-foot-long line, drawn within the lot, parallel to and most distant from the front lot line, shall be considered the rear lot line for the purpose of measuring the required rear setback.

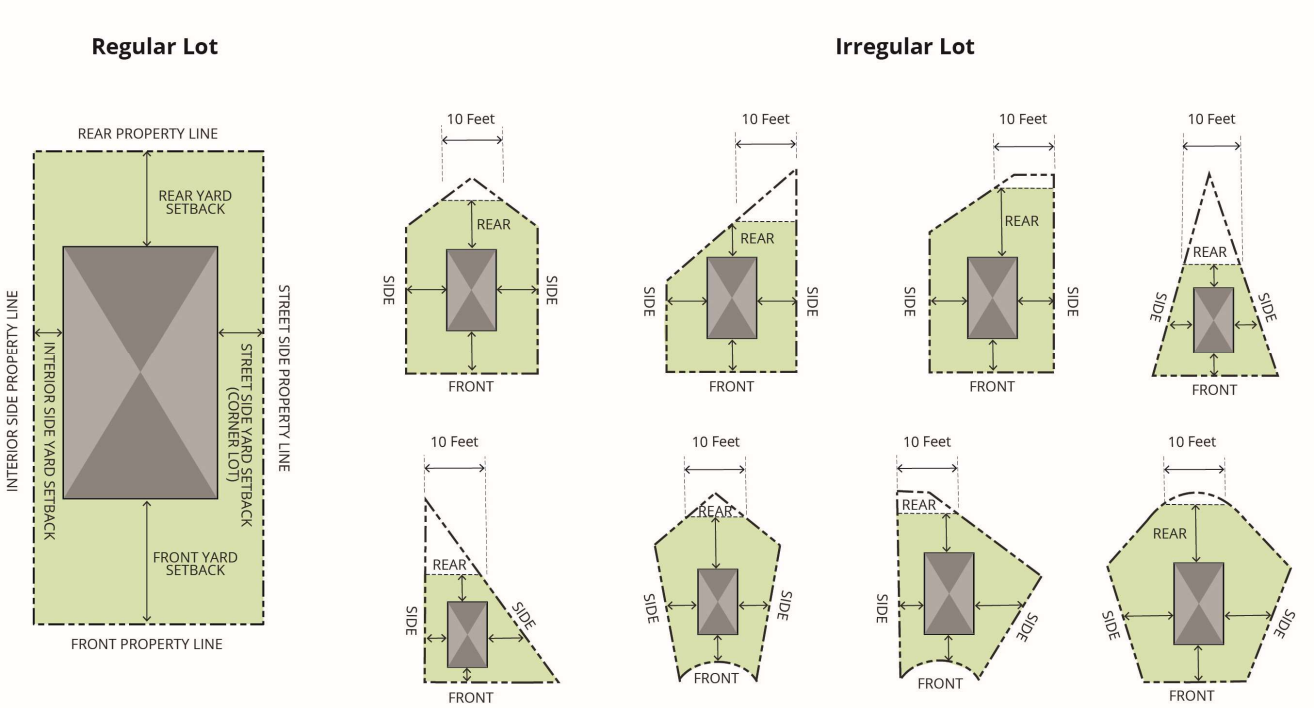


FIGURE 16.19.180.A: MEASURING SETBACKS

B. **Required Setbacks.** In addition to any setback required pursuant to Division 2, District Regulations, or other provision of this Code, the following setback requirements apply.

1. ***Levee Setbacks.*** Setback from the landside toe of any flood control levee shall comply with California Code of Regulations, Title 23, and shall be a minimum of 15 feet. For development greater than five parcels or five acres in size and adjacent to a flood control levee designated by the Director to provide 200-year level flood protection, an additional setback equal to four times the height of the levee or a maximum of 50 feet shall apply. No primary or accessory structures may encroach into the levee setback.

2. ***Lots Abutting an Alley.*** If a lot abuts a public alley, no primary or accessory structure shall project or extend nearer than five feet from the property line abutting the alley, except:

   a. Garages/car ports whose entrance is from the alley shall be a minimum of ten feet from the property line abutting the alley.

3. ***Railroad Setbacks.***

a. *Residential.* Habitable residential buildings adjacent to a railroad track shall be located a minimum of 85 feet from the outer rail of the track.

b. *Commercial and Industrial.* Commercial and industrial buildings adjacent to a railroad track shall be located a minimum of 25 feet from the out rail of the track, except for loading docks utilizing tracks to move goods

C. **Encroachments into Required Setbacks.** Where setbacks and open yard areas are required in this Code, they shall be not less in depth or width than the minimum dimension specified, shall be at every point open, and shall not be obstructed with non-movable features from the ground upward, except as provided in Table 16.19.180, Allowed Encroachments into Required Setbacks, or as specifically identified in another section of this Code.

TABLE 16.19.180: ALLOWED ENCROACHMENTS INTO REQUIRED SETBACKS

Encroachment	*Front Setback*	*Street Side Setback*	*Interior Side Setback*	*Rear Setback*	*Limitations*
All encroachments	No encroachment may extend closer than three feet to an interior lot line or into a public utility easement. Where any allowance of this Code conflicts with applicable building codes, the more restrictive shall apply.				
Architectural features, including decorative balconies and bay windows, belt courses, greenhouse windows, awnings, canopies, cornices, buttresses, ornamental features, eaves, and chimneys	4 ft	4 ft	2 ft	4 ft	Shall not increase the usable area enclosed by the structure
Covered and unenclosed porches located at the same level as the entrance floor of the structure, Covered and unenclosed patios, Outside stairways and balconies, landings, and fire escapes that are not enclosed	4 ft	4 ft	May not encroach	4 ft	
Flagpoles	May encroach up to 5 feet from the property line	May encroach up to 5 feet from the property line	May encroach up to 3 feet from property line	May encroach up to 3 feet from property line	Limited to one flagpole, maximum 15 feet in height
Lampposts	May encroach up to 3 feet from property line	May encroach up to 3 feet from property line	May not encroach	May not encroach	Maximum 6 feet in height
Accessory Structures	May not encroach	May not encroach	May encroach up to 3 feet from the property line	May encroach up to 3 feet from property line	

TABLE 16.19.180: ALLOWED ENCROACHMENTS INTO REQUIRED SETBACKS					
Encroachment	*Front Setback*	*Street Side Setback*	*Interior Side Setback*	*Rear Setback*	*Limitations*
Mechanical Equipment, including air conditioners, water heaters, emergency generators, and stormwater retention equipment	May not encroach	May not encroach	May encroach up to 3 feet from property line	May encroach up to 3 feet from property line	
Ramps and similar structures that provide access for persons with disabilities	Reasonable accommodation will be made, consistent with the Americans with Disabilities Act, See Chapter 16.52, Reasonable Accommodation				

16.19.190 Solid Waste / Recyclable Materials Storage

This Section provides standards for the provision of solid waste (refuse) and recyclable material storage areas in compliance with State law (California Solid Waste Reuse and Recycling Access Act, Public Resources Code Sections 42900 through 42911) and Chapter 8.04, Collection of Solid Waste, Recyclable Materials and Green Waste and Food Waste, of the Municipal Code. Projects that are not subject to a building permit and are only providing solid waste / recyclable materials storage areas (trash enclosures) shall not be subject to the following standards, and are subject to review by Public Works.

A. **Residential Projects.**

1. ***1-3 Units.*** Developments with one to three residential dwelling units shall provide a refuse and recyclable materials storage area that is at least eight and one-half feet wide by six and one-half feet deep and not visible from the public right-of-way.

2. ***4 or More Units.*** Developments with four or more residential dwelling units, shall provide refuse and recyclable material storage areas in the following manner:

   a. *Individual Unit Storage Requirements.* A minimum of three cubic feet shall be provided for the storage of refuse and a minimum of three cubic feet shall be provided for the storage of recyclable material; and

   b. *Common Storage Requirements.* The following are minimum requirements for common refuse and recyclable material storage areas for multifamily developments, which may be located indoors or outdoors as long as they are readily accessible to all residents. These requirements apply to each individual structure. Areas are measured in square feet.

TABLE 16.19.190.A: MINIMUM COMMON TRASH STORAGE AREAS REQUIRED FOR DEVELOPMENTS WITH FOUR OR MORE UNITS			
Number of Units	*Required Area (square feet)*		
	Refuse	*Recycling*	*Total Area*
4-6	12	12	24
7-15	24	24	48

TABLE 16.19.190.A: MINIMUM COMMON TRASH STORAGE AREAS REQUIRED FOR DEVELOPMENTS WITH FOUR OR MORE UNITS

Number of Units	*Required Area (square feet)*		
	Refuse	*Recycling*	*Total Area*
16-25	48	48	96
26-50	96	96	192
51-75:	144	144	288
76-100	192	192	384
101-125	240	240	480
126-150	288	288	576
151-175	316	316	672
176-200	384	384	768
201+	Every additional 25 dwellings shall require an additional 100 sq. ft. for solid waste and 100 sq. ft. for recyclables.		

B. **Nonresidential Structures and Uses.** Nonresidential structures and uses within all zoning districts shall provide refuse and recyclable material storage areas. The following are minimum storage area requirements. These requirements apply to each individual structure. Areas are measured in square feet.

TABLE 16.19.190.B: MINIMUM STORAGE AREAS REQUIRED FOR NONRESIDENTIAL DEVELOPMENT

Structure Floor Area (square feet)	*Required Area (square feet)*		
	Refuse	*Recycling*	*Total Area*
0-5,000	12	12	24
5,001-10,000	24	24	48
10,001-25,000	48	48	96
25,001-50,000	96	96	192
50,001-75,000	144	144	288
75,001-100,000	192	192	384
100,001+	Every additional 25,000 sq. ft. shall require an additional 48 sq. ft. for solid waste and 48 sq. ft. for recyclables.		

C. **Location Requirements.** Refuse and recyclable materials storage areas shall be located in the following manner:

1. Refuse and recyclable material storage shall be adjacent/combined with one another.
    a. They may only be located:
        i. Inside a specially-designated structure;

ii. On the outside of a structure in an approved fence/wall enclosure; or

iii. A designated interior court or yard area with appropriate access or in rear yards and interior side yards.

b. Exterior storage areas shall not be located in a required:

i. Front yard;

ii. Street-side yard;

iii. Parking space; or

iv. Landscaped or open space area.

2. Storage areas shall be accessible to residents and employees at all times. Storage areas within multifamily residential developments shall be located within 250 feet of an access doorway to the dwellings, which they are intended to serve;

3. Driveways or aisles shall provide unobstructed access for collection vehicles and personnel and provide at least the minimum clearance required by the collection methods and vehicles utilized by the designated collector;

4. Storage bins shall be screened in compliance with Section 16.19.170, Screening and Buffering; and

5. Storage areas shall not be closer than 20 feet from doors or operable windows of adjacent structures.

D. **Design and Construction.** The design and construction of the storage areas shall:

1. Be compatible with the surrounding structures and land uses;

2. Be properly secured to prevent access by unauthorized persons, while allowing authorized persons access for disposal of materials;

3. Provide a concrete pad within the fenced or walled areas and a concrete apron, which facilitates the handling of the individual bins or containers;

4. Be handicapped accessible in compliance with the Americans with Disabilities Act (ADA);

5. Protect the areas and the individual bins or containers provided within from adverse environmental conditions that might render the collected materials unmarketable; and

6. Be appropriately located and screened from view on at least three sides. Screening shall consist of solid masonry walls, metal gates, and landscaping. Overhead trellises may be required to screen views from above. The design shall be architecturally compatible with the surrounding structures and subject to the approval of the Director.

16.19.200 Swimming Pools and Spas

Swimming pools, including spas and any body of water having a depth or more than 18 inches, that are not completely enclosed within a building shall comply with the following standards in addition to all other applicable requirements of this Code.

A. **Required Setbacks.** All setbacks are measured from the back of bond beam of the pool.

1. ***Front Yards.*** Swimming pools, spas, and pool equipment shall not be located within a required front yard.

2. ***Side and Rear Yards.*** Swimming pools, spas, and pool equipment may be located within the required side or rear yard provided they meet the following standards.

   a. *In Ground Swimming Pools and Spas.* In ground pools and spas shall be located a minimum of three feet from any property line.

   b. *Above Ground Swimming Pools and Spas.*

      i. Less than 30 Inches. Pools and spas placed directly upon finished grade and less than 30 inches in height above finished grade are exempt from rear and side setback requirements.

      ii. 30 Inches and Over. Pools and spas placed directly upon finished grade and 30 inches or more in height above the surrounding finished grade at any point shall be located a minimum of three feet from any property line.

   c. *Equipment.* Pool and spa equipment, including pumps, shall be located a minimum of three feet from any property line unless the equipment is:

      i. Muffled by a sound barrier; or

      ii. Less than six feet in height and located adjacent to a solid fence or wall at the rear property line.

B. **Required Fencing.** Swimming pools and spas shall be fenced with a self-closing, self-latching gate on the pool side and be in compliance with the latest edition of the Building Code.

16.19.210 Traffic Sight Area

A. The triangular traffic sight area created by the minimum dimensions in Table 16.19.210, Traffic Sight Area Dimensions, measured along the edge of each right-of-way, alley, or driveway, shall be kept free of visual obstructions from the height of 30 inches to eight feet above the nearest street curb elevation.

1. ***Exceptions.*** The requirements for traffic sight areas shall not apply to:

   a. CD Zoning District, the Miracle Mile, and other areas determined by the Director and the City Engineer;

   b. Public utility poles;

   c. Trees trimmed (to the trunk) to a line at least six feet above the level of the intersection;

   d. Saplings or plant species of open growth habits and not planted in the form of a hedge, which are so planted and trimmed as to leave a clear and unobstructed cross view year-round;

   e. Supporting members of appurtenances to permanent structures existing on the effective date of the ordinance codified in this Development Code; and

   f. Official warning signs or signals.

TABLE 16.19.210: TRAFFIC SIGHT AREA DIMENSIONS

Location	*Minimum Dimension*
Street intersection without stop sign or traffic signal	30 ft

TABLE 16.19.210: TRAFFIC SIGHT AREA DIMENSIONS	
Location	*Minimum Dimension*
Street intersection with stop sign or traffic signal	20 ft
Commercial driveway or alley	15 ft
Residential driveway	10 ft

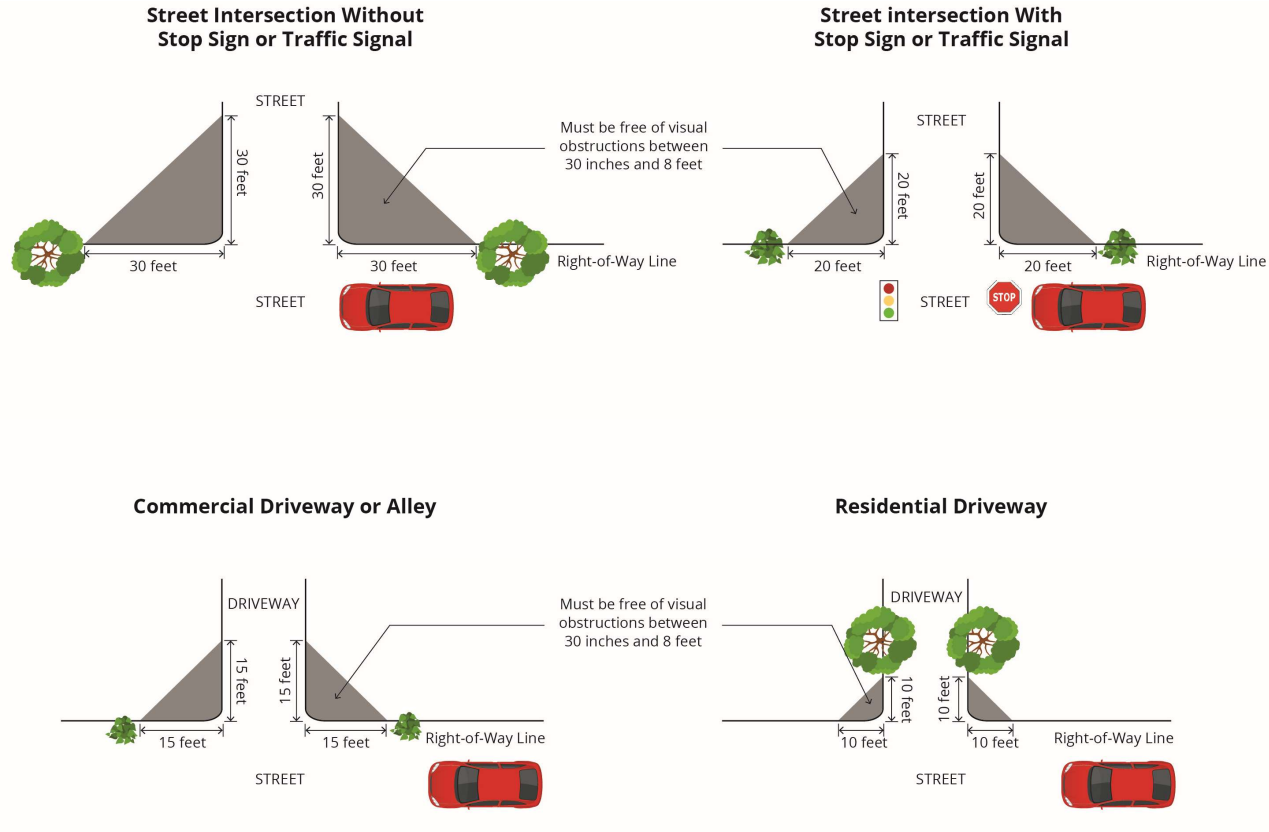


FIGURE 16.19.210: TRAFFIC SIGHT AREA

B. **Exemptions.** Exemptions from the identified standards for traffic sight areas may be granted when reviewed and approved, based on totality of circumstances, by both the Director and the City Engineer.

Chapter 16.20 Affordable Housing Incentives / Density Bonus Provisions

16.20.010 Purpose

This Chapter establishes procedures and requirements for the implementation of State Density Bonus Law (Government Code Section 65915, et seq.) and to accomplish the following:

A. Clear, streamlined procedures that enable the expedited administration of this Chapter.

B. Promote affordable housing production through incentives exceeding State mandates when certain community benefits are provided.

C. Establish standards that implement the goals, objectives, and policies of the Stockton General Plan, including its Housing Element, to address housing needs in the community.

16.20.020 Applicability

This Chapter applies to housing developments conforming to the definition herein. In the event of a conflict between this Chapter and State Density Bonus Law, the provisions of State Density Bonus Law shall prevail.

16.20.030 Definitions

The following terms are specialized for use only in this Chapter.

A. **Affordable Rent.** Monthly rent charged to extremely low-, very low-, low-, and moderate-income households for housing units as calculated in accordance with Section 50053.b of the California Health and Safety Code.

B. **Base Project.** The maximum number of units allowed for the site by zoning district allowances and prior to the inclusion of any units above that amount requested as a density bonus.

C. **Bedroom.** A bedroom is defined as any room that meets the criteria for a bedroom or sleeping room in the California Building Standards Code.

D. **Concession or Incentive.** A modification in development standards, zoning code requirements, architectural design requirements, parking requirements, or other concessions or incentives identified in Government Code Section 65915(k) or any successor provision that results in identifiable and actual cost reductions, in order to provide for affordable housing.

E. **Density Bonus.** As defined by State law (Government Code Section 65915, et seq.), an increase over the maximum density otherwise allowed by the applicable zoning district, that is granted to the applicant of a housing development who agrees to construct a prescribed percentage of dwelling units that are affordable to moderate and/or lower income households. When determining the number of dwelling units that shall be affordable, the units authorized by the density bonus shall not be included in the calculation.

F. **Development Standard.** Site or construction conditions that apply to a housing development in compliance with any ordinance, General Plan element, specific plan, Charter amendment, or other local condition, law, policy, resolution, or regulation.

G. **Eligibility Points.** The number of points calculated pursuant to Section 16.20.050, Concessions or Incentives, Waivers or Reductions, and Eligibility Points, must be earned by an applicant for a housing development to establish eligibility for a supplemental density bonus. Eligibility points are earned through the provision of affordable housing units, or through the provision of affordable housing together with approved community benefits as provided in Section 16.20.050, Concessions or Incentives, Waivers or Reductions, and Eligibility Points.

H. **Equivalent Size.** As required by State law (Government Code Section 65915, et seq.), equivalent size for the purposes of enforcing affordable housing replacement unit provisions shall mean that replacement units must contain at least the same total number of bedrooms as the units being replaced.

I. **Family-Size Units.** A dwelling unit with three or more bedrooms.

J. **Housing Development.** A development project of five or more residential units, including mixed-use developments, as defined by California Government Code Section 65917.2. For the purposes of this Chapter, "housing development" also includes projects defined in California Government Code Section 65915(i), including a subdivision or common interest development, as defined in Section 4100 of the California Civil Code, approved by the City and consisting of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of California Government Code Section 65863.4, where the result of the rehabilitation would be a net increase in available residential units.

K. **Maximum Allowable Residential Density.** The maximum number of dwelling units per acre pursuant to zoning district allowances.

L. **State Density Bonus Law.** Sections 65915 through 65918 of the California Government Code. The City will allow a housing development a 50 percent maximum density bonus and concessions or incentives meeting all the applicable eligibility requirements as set forth in California Government Code Section 65915, et seq.

M. **Waiver or Reduction.** An allowed modification of development standards that would otherwise physically preclude the construction of a development meeting the criteria of this Chapter at the density permitted under State Density Bonus Law or with the concessions and incentives granted under this Section and State Density Bonus Law.

16.20.040 Types of Density Bonuses

Based on the size of the increase requested, the City defines three categories of density bonus applications. Affordable housing provided to establish eligibility for a supplemental density bonus shall be calculated on the "base project," not including State Density Bonus units granted pursuant to this Chapter and California Government Code Section 65915. The types of density bonuses include:

A. **State Density Bonus (0% to 50%).** The City will allow an eligible housing development a 50 percent density bonus maximum and concessions or incentives as set forth in this Chapter and State law.

B. **Tier-1 Supplemental Density Bonus (50% to 75%).** The City will allow an eligible housing development up to a 75 percent maximum density bonus. A request for a Tier-1 density increase shall receive the same concessions or incentives granted in the State Density Bonus; however,

must achieve the minimum Tier-1 eligibility point score of 30 points as defined by Section 16.20.050, Concessions or Incentives, Waivers or Reductions, and Eligibility Points.

C. **Tier-2 Supplemental Density Bonus (76% to 100%).** The City will allow an eligible housing development up to a 100 percent maximum density bonus. A request for a Tier-2 density increase shall receive the same concessions or incentives granted in the State Density Bonus; however, must achieve the minimum Tier-2 eligibility point score of 50 points as defined by Section 16.20.050, Concessions or Incentives, Waivers or Reductions, and Eligibility Points.

16.20.050 Concessions or Incentives, Waivers or Reductions, and Eligibility Points

A. **Applicable Concessions or Incentives.** The City of Sacramento shall grant qualifying housing developments and qualifying land transfers a density bonus, the amount of which shall be as specified in California Government Code Section 65915 et seq., and incentives or concessions also as described in California Government Code Section 65915 et seq. Density bonus projects that do not qualify for incentives or concessions under State law shall receive a total of three of the following concessions or incentives, waivers or reductions:

1. ***Setback Reduction.*** A setback reduction of up to 25 percent, but not to be less than 20 percent below the average of developed lots on the same block face.

2. ***Automatic Reductions for Off-Street Parking Requirements.***

    a. Up to 25 percent reduction for all density bonus types (Section 16.20.040, Types of Density Bonuses).

    b. Up to 50 percent reduction for housing developments that demonstrate at least 25 percent of total units affordable to very-low/low income households.

    c. Up to 75 percent reduction for housing developments that demonstrate at least 50 percent of total units affordable to very-low/low income households.

    d. Up to 100 percent reduction for housing developments that demonstrate at least 75 percent of total units affordable to very-low/low income households.

3. ***Waivers for Lot Coverage and Floor Area Ratio (FAR).***

    a. Up to five percent increase for all density bonus types (Section 16.20.040, Types of Density Bonuses).

    b. Up to ten percent increase for housing developments that demonstrate at least 25 percent of total units affordable to very-low/low income households.

    c. Up to 15 percent increase for housing developments that demonstrate at least 50 percent of total units affordable to lower income households.

    d. Up to 20 percent increase for housing developments that demonstrate at least 75 percent of total units affordable to very-low/low income households.

4. ***Lot Coverage.*** Increase in allowable lot coverage by up to 25 percent of lot area.

5. ***Building Height.*** Increase of the larger of up to 12 feet or ten percent beyond current maximum permitted. Additional height increases may be approved by the Director if the proposed height is shown not to have a negative impact on surrounding land uses.

B. **Waiver of Standards Preventing the Use of Bonuses and/or Incentives.**

1. As required by Government Code Section 65915(e), the City will not apply a development standard that will have the effect of physically precluding the construction of a housing development meeting the criteria of Government Code Section 65915(b) at the densities or with the concessions or incentives allowed by Government Code Section 65915.

2. An applicant may submit to the City a proposal for the waiver or modification of development and zoning standards that would otherwise inhibit the utilization of a density bonus on a specific site, including minimum parcel size, side setbacks, and placement of public works improvements.

3. The applicant shall show that the waiver or modification is necessary to make the housing units economically feasible.

C. **Eligibility Points.** Required for a Tier-1 or Tier-2 supplemental density bonus request, as defined by Section 16.20.040, Types of Density Bonuses. An applicant can propose any combination of the following incentives to achieve the minimum eligibility points needed for the proposed density bonus type. As indicated in Section 16.20.040, Types of Density Bonuses, Tier-1 requests require a minimum 30 eligible points while Tier-2 requests require a minimum of 50 eligible points.

1. ***Affordable Housing.*** One additional point for each additional percent of very low-/low-income units included in the housing development.

2. ***Sustainable Design.***

   a. *LEED Certification.*

      i. Certified: 15 pts.

      ii. Silver: 20 pts.

      iii. Gold: 25 pts.

      iv. Platinum: 30 pts.

   b. *CALGreen Tier I Green Building Standards (Title 24 of the California Code of Regulations) or Equivalent.* All requests require third-party certification. Maximum incentive points: 20 pts.

   c. *Alternative Energy.* Ten percent of total building energy load provided by solar panels or other on-site renewable sources, including co-generation: 15 pts.

3. ***Adaptive Reuse.*** For housing developments improving or rehabilitating properties or building registered as Federal, State, and/or historic landmarks: 20 pts.

4. ***Priority Areas.***

   a. Housing developments within the Downtown Core: 15 pts.

   b. Housing developments within a disadvantaged community: 25 pts.

   c. Housing developments within a qualified opportunity zone as certified by the Secretary of the U.S. Treasury via his or her delegation of authority to the Internal Revenue Service: 25 pts.

16.20.060 Applications and Processing

A. **Applicability.** Developers are entitled to accept a lesser percentage of density bonus, including, but not limited to, no increase in density than they are otherwise eligible to receive pursuant to this Chapter and California Government Code Section 65915. The amount of density increase, if any,

that is accepted by the applicant shall not reduce or otherwise impact eligibility for requested concessions and incentives, waivers or reductions associated with an eligible project.

B. **Application Review.** Density bonus applications are ministerial and shall be subject to State law requirements and the standards of this Development Code.

C. **Concurrent Processing.** A request for a density bonus will be reviewed by Department staff, and current with other requested entitlements, if applicable. Once deemed complete, the density bonus application shall be processed ministerially and determinations made concurrent with the planning entitlement(s) for the housing development. This does not include discretionary actions (i.e., development agreements, variance, use permits) subject to the approval of the Planning Commission or City Council.

D. **Priority Processing.** A housing development including at least 20 percent of total units affordable to lower income households, with the affordability maintained through an agreement with a governmental agency, shall be entitled to priority processing. Priority processing shall mean a timeline for review of the housing development and all associated applications as mutually agreed to by the City and the developer.

E. **Application Submittal Requirements.** A request in accordance with this Chapter shall include the following information:

1. Completed universal planning application form indicating a density bonus is requested. This includes all site plan and architectural review items needed to demonstrate compliance with the City's Development Code and Citywide design standards.
2. A title report not less than 60 days old.
3. A project description indicating:
    a. The location, acreage, zoning and General Plan land use designations, permitted residential density, number of units requested, and the types of density bonus requested pursuant to Section 16.20.040, Types of Density Bonuses.
    b. Include a table indicating the following:
        i. Number of market rate units;
        ii. Number of affordable housing units and their targeted income level;
        iii. Means to ensures affordability (i.e., deed restriction, income verified);
        iv. Other provisions (e.g., land donation), which will demonstrate eligibility for a State Density Bonus under this Chapter.
    c. A section identifying the type of concessions or incentives, or waivers or reductions, that will result in identifiable and actual cost reductions to provide for affordable housing costs. The information should be sufficiently detailed and include a cost evaluation ("pro-forma") showing before and after costs to enable Department staff to examine the conclusions reached by the applicant. This requirement at the time of application does not prevent the developer from substituting a different concession or incentive, or waiver or reduction, from what is initially proposed at a later phase in the application.
    d. A density bonus agreement in accordance with Section 16.20.040, Density Bonus Housing Agreement.

F. **Review Authority.** The Director is the Review Authority for density bonus applications. The decision of the Director is subject to appeal in compliance with Section 16.39.140, Appeals.

16.20.070 Density Bonus Housing Agreement

A. A density bonus housing agreement must be executed prior to recording any final map for the underlying property or prior to occupancy for the housing development, whichever comes first.

B. The density bonus housing agreement shall:

1. Identify the type, size and location of each affordable housing unit required hereunder;
2. Identify the term of the agreement, which would define the term of affordability of the required units;
3. Require that the affordable housing units be constructed and completed by the applicant as specified in this Chapter and in accordance with State law;
4. Require that each affordable housing unit be kept available only to members of the identified income group at the maximum affordable rent during the term of the agreement;
5. Identify the means by which continued availability shall be secured and enforced and the procedures under which the affordable housing units shall be leased and contain such other terms and provisions the City may require. The agreement shall be in a form able to be recorded with the San Joaquin County Recorder;
6. Include a schedule for completion and occupancy of target units;
7. Include any other provisions appropriate to ensure implementation and compliance with this Chapter;
8. Be binding on all future owners and successors of interests of the housing development; and
9. Be reviewed and approved by the Director at the recommendations of the Economic Development Director or the City Attorney, and the affordability of the required units shall be monitored for compliance by the Economic Development Department, Housing Authority, or applicable public funding source.

C. **Required Terms for the Continued Availability of Affordable Housing Units.**

1. ***Low- and Very Low-, and Extremely Low-Income Households.*** An applicant for a housing development providing low and very low-income units in accordance with this Chapter must continue to restrict those units to low or very low-income households for a minimum of 55 years or longer term under another regulatory agreement from the date of initial occupancy.
2. ***Moderate-Income Households.*** In the case of a housing development providing moderate income units, the initial occupant of the unit must be a person or family of moderate income.
3. In the case of for-sale housing developments, the density bonus housing agreement shall provide the terms for future sales and recapture of any equity to ensure continued affordability for the requisite period of time, as described in Government Code 65915, et seq.

16.20.080 Judicial Relief, City Exemption

A. **Judicial Relief.** As provided by Government Code Section 65915(d)(3), the applicant may initiate judicial proceedings if the City refuses to grant a requested density bonus and/or incentive.

B. **City Exemption.** Except upon a written finding, based upon substantial evidence, nothing in this Chapter shall be interpreted to require the City to:

1. Grant a density bonus or incentive or waive or modify development standards, if the bonus, incentive, waiver, or modification, would have a specific, adverse impact, as defined in Government Code Section 65589.5(d)(2), upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact; or

2. Grant a density bonus, incentive, or waive or modify development standards, which would have an adverse impact on any real property that is listed in the California Register of Historical Resources.

Chapter 16.21 Building Design Standards

16.21.010 Purpose

The purpose of this Chapter is to establish standards for building placement, form, and design. These requirements constitute "objective standards" under current state housing law where applicable, including but not limited to Government Code sections 65913.4, 655589.5 and 756852.21, to provide clear development standards that allow for streamlined review processes. Further, the purposes of this Chapter are to implement the Stockton General Plan, including:

A. Improve the visual quality of the urban environment.

B. Provide flexibility for residential development to be feasible.

C. Ensure that exterior remodels and the siting, scale, and design of new development are compatible with surrounding and adjacent buildings, public spaces, and cultural and historic resources.

Standards are provided for four types of buildings: (1) detached single-unit dwellings; (2) multi-unit dwellings (including, but not limited to, duplexes, triplexes, fourplexes, townhouses, and apartment buildings); (3) mixed use buildings; and (4) non-residential buildings. Each of these building types is the subject of one Section of the Chapter.

16.21.020 Applicability

The standards of this Chapter apply in addition to all other provisions, including other design standards, of this Code.

16.21.030 Detached Single Unit Dwellings

A. **Applicability.** All dwelling units that are detached from any other unit except an Accessory Dwelling Unit, shall meet the design standards of this Section. Accessory Dwelling Units are subject to the standards of Section 16.28.040, Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs).

B. **Building Entrances.** All dwelling units shall provide at least one principal entrance that meets the following requirements.

1. All units located along a street or pedestrian walkway shall have a principal entrance facing and visible to the street or pedestrian walkway, except as follows:

    a. Where lots have frontage on two or more streets, units shall have a principal entry on at least one street.

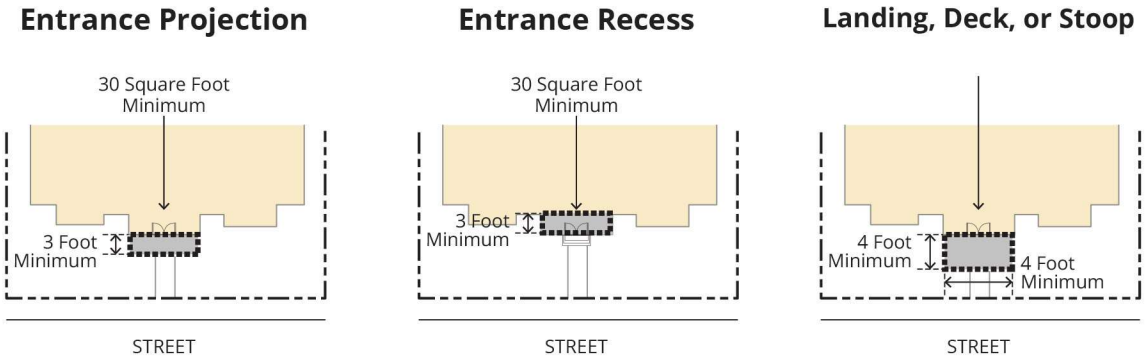
    b. Where lots front only onto an arterial or collector street, the principal entrance may be oriented toward an interior drive or walkway rather than the street.

2. The principal entrance shall be emphasized using at least one of the following methods:

    a. A projection such as a canopy or overhang with a minimum depth of three feet and a minimum horizontal area of 30 square feet.

    b. A recess a with a minimum depth of three feet and a minimum width of six feet.

    c. A landing, deck, or stoop with a minimum four-foot by four-foot area.



16.21.030.B: DETACHED SINGLE UNIT, PRINCIPAL ENTRANCE DESIGN

3. ***Modifications.*** Should the applicant elect not to meet the above objective building entrance standards, the applicant may request a Modification pursuant to Chapter 16.51, Modifications. A Modification to the building entrance requirements may approved upon finding that the project includes alternative designs that create a welcoming feeling toward the street, such as incorporating features such as a trellis, landscaped courtyard entry, enhanced walkway, columns or other architectural features.

C. **Window and Garage Door Trim.** Trim shall be provided around all windows and garage doors. Should the applicant elect not to meet the objective window and garage trim requirement, the applicant may request a Modification pursuant to Chapter 16.51, Modifications. A Modification to the window and garage trim requirement may be approved upon finding that providing window or garage trim would be inconsistent with the architectural style of the structure and alternative methods have been incorporated to create shadow and depth along the facade.



FIGURE 16.21.030.C: DETACHED SINGLE UNIT, WINDOW AND GARAGE DOOR TRIM

D. **Façade Articulation.** No façade shall run in a continuous plane of more than 15 feet without incorporating one or more of the following:

1. A vertical wall shift at least one foot in depth.
2. A change in material.
3. A window or building entrance.
4. A projection such as a stoop, bay, or overhang.
5. ***Modifications.*** Should the applicant elect not to meet the objective façade articulation standards, the applicant may request a Modification pursuant to Chapter 16.51, Modifications. A Modification to the façade articulation requirements may be approved upon finding that adequate design features have been incorporated to create visual variety and avoid a bulky or monolithic appearance.

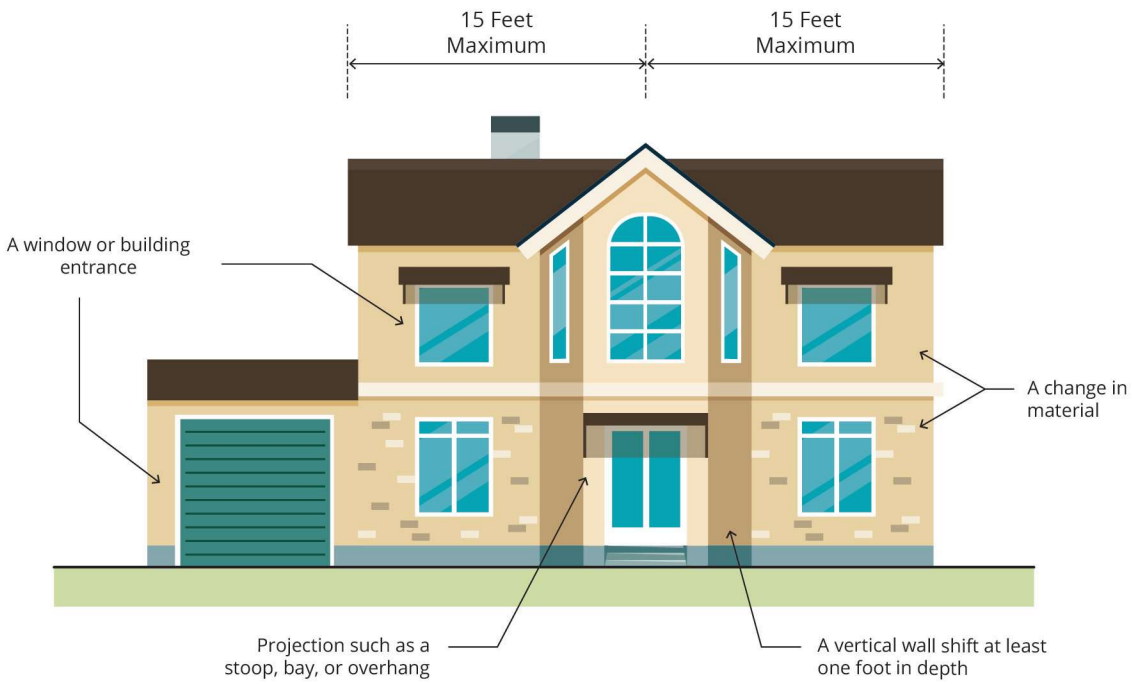


FIGURE 16.21.030.D: DETACHED SINGLE UNIT, FAÇADE ARTICULATION

16.21.040 Multi-Unit Dwellings

A. **Applicability.** Development with two or more dwelling units in a single building (including, but not limited to, duplexes, triplexes, fourplexes, townhouses, and apartment buildings) shall meet the design standards of this Section.

B. **Building Orientation.** Buildings located along a street or pedestrian walkway shall be oriented toward the adjacent street or pedestrian walkway with the building frontage parallel to the fronting street or pedestrian walkway, except as follows:

1. Where lots have frontage on two or more streets, buildings shall be oriented to at least one street.

2. Where lots front only onto an arterial or collector street, buildings may be oriented toward an interior drive or walkway.

3. ***Modifications.*** Should the applicant elect not to meet the above objective building orientation standards, the applicant may request a Modification pursuant to Chapter 16.51, Modifications. A Modification to the building orientation requirements may approved upon finding that orienting the buildings to the street or pedestrian walkway is incompatible design, context, and/or use and street-facing building walls exhibit architectural relief and detail, and are enhanced with landscaping to create visual interest at the pedestrian level.

C. **Entrances.** Entrances to dwelling units shall be designed as individual or shared entrances at the ground floor of the building.

1. ***Shared Entrances.*** All buildings with any exterior entrance that provides access to more than one unit shall provide a minimum of one principal shared entranceway per building in accordance with the following standards.

a. Buildings located along a street shall provide a principal entrance facing and visible to the street, and connected directly to a public sidewalk via a private pedestrian walkway, except as follows:

   i. Where lots have frontage on two or more streets, buildings must have a principal entry on at least one street.

   ii. Where lots front only onto an arterial or collector street, the principal entrance may be oriented toward the interior of the lot.

b. Principal entrances located in the interior of a site shall be accessed from a pedestrian walkway that is a minimum of four feet wide and connects to a public walkway.

c. The principal entrance shall lead to a common area a minimum of 10-feet in each dimension.

d. The principal entrance shall be emphasized utilizing at least one of the following methods:

   i. A roofed projection over the door (such as an awning, canopy, or overhang) with a minimum depth of five feet and a minimum horizontal area of 30 square feet.

   ii. A recessed entry bay with a minimum width of 15 feet and a minimum depth of five feet.

   iii. A landing, deck, or stoop with a minimum six foot by six-foot area.

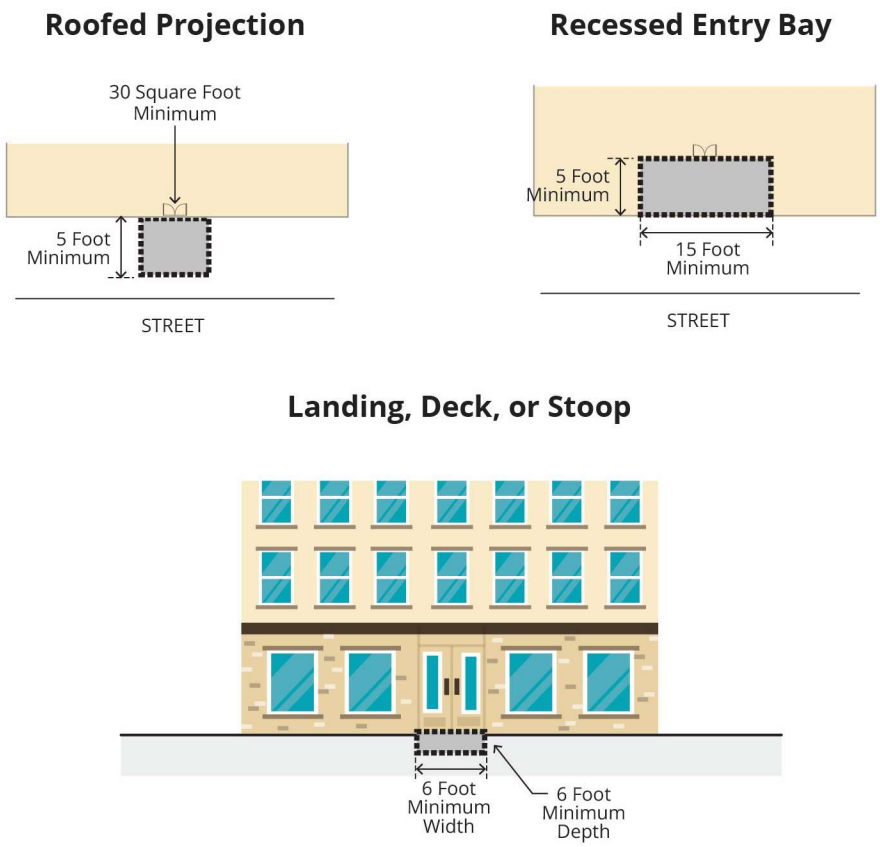


FIGURE 16.21.040.C.1: MULTI-UNIT DWELLINGS, SHARED ENTRANCE DESIGN

2. ***Individual Entrances.*** All units accessed through ground level individual entrances from the exterior shall provide a minimum of one principal individual entrance per unit that creates both a presence on the street and establishes a clear separation between the public and private realms in accordance with the following standards.

   a. All individually accessed units located along a street or pedestrian walkway shall have a principal entrance oriented to and facing a street or pedestrian walkway, except as follows:

      i. Where lots have frontage on two or more streets, units must have a principal entrance on at least one street.

      ii. Where lots front only onto an arterial or collector street, the principal entrance may be oriented toward the interior of the lot.

   b. All principal entrances located in the interior of a site shall be accessed from a pedestrian walkway that is a minimum of four feet wide and connects to a public sidewalk.

   c. The principal entrance shall be emphasized using at least one of the following methods:

      i. A projection such as a canopy or overhang with a minimum depth of three feet.

ii. A recess a with a minimum depth of three feet and a minimum width of three feet.

iii. A landing, deck, or stoop with a minimum four-foot by four-foot area.

d. Any individual entrance located within ten feet of a front or street-side property line shall be raised a minimum of 18 inches above grade.

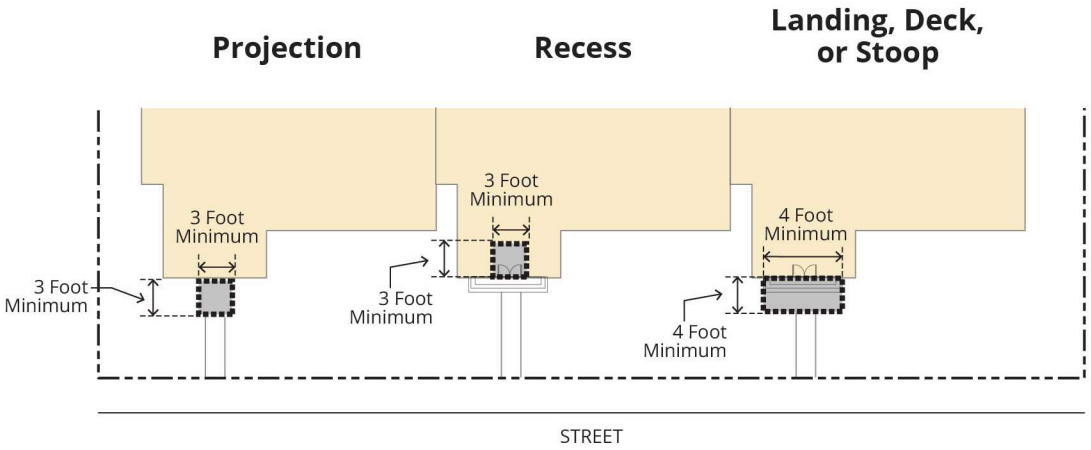


FIGURE 16.21.040.C.2: MULTI-UNIT DWELLINGS, INDIVIDUAL ENTRANCE DESIGN

3. ***Modifications.*** Should the applicant elect not to meet the above objective entrance standards, the applicant may request a Modification pursuant to Chapter 16.51, Modifications. A Modification to the entrance requirements may approved upon finding that, the project includes features that create a welcoming feeling toward the street, such as a trellis, landscaped courtyard entry, enhanced walkway, columns or other architectural features.

D. **Building Design.** Buildings shall include the following design features to create visual variety and avoid a large-scale and bulky appearance.

1. ***Massing Increment.*** For building facades 150 feet or longer, a change in façade plane with a recess a minimum of 15 feet wide and ten feet deep shall be provided for every 150 feet of building frontage.

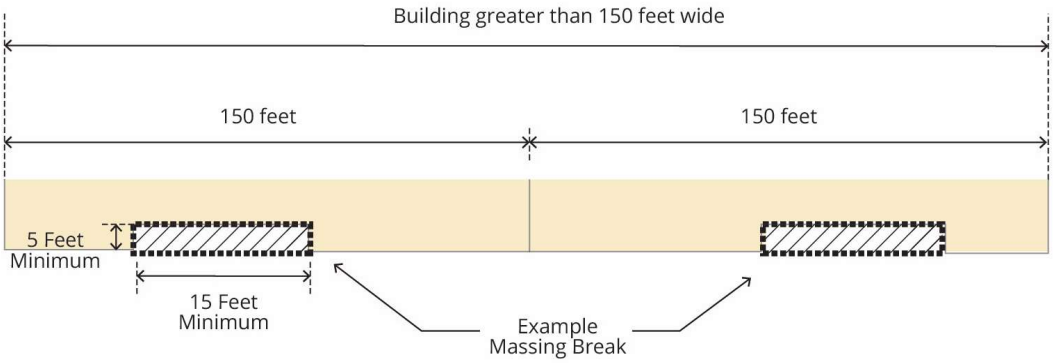


FIGURE 16.21.040.D: MULTI-UNIT DWELLINGS, MASSING INCREMENT

2. ***Roof Line.*** Roof lines shall be varied and designed to minimize the bulk of a building, screen roof-mounted equipment, and enhance the building's architectural design through the following methods:

   a. A minimum of one roof line offset of at least 18 inches in height and 15 feet in length shall be provided for every 150 feet of façade length.

   b. Where parapets are provided, the minimum 18-inch offset in height required above may be substituted by an offset of at least 18 inches in depth. All parapets shall provide returns of at least six feet in depth at the end of the parapet face to avoid a false front appearance.

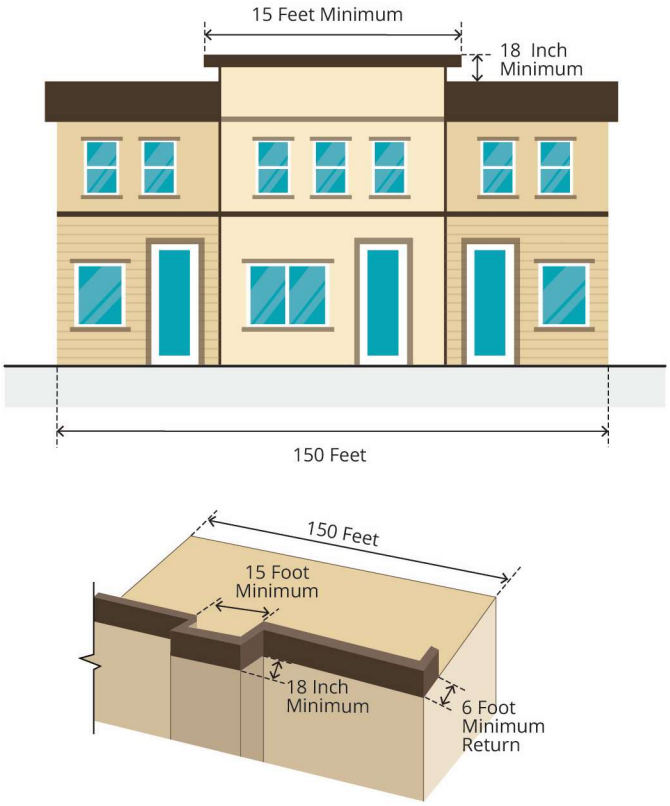


FIGURE 16.21.040.D.2: MULTI-UNIT DWELLINGS, ROOF LINE

3. ***Vertical Articulation.*** In buildings of two or more stories, upper and lower stories shall be distinguished by incorporating one or more of the following features. These features may be applied to the transitions between any floors, except where otherwise specified.

   a. A change in façade materials, along with a change in plane at least four inches in depth at the transition between the two materials.

   b. A horizontal design feature such as an awning, overhang, cornice line, water table, or belt course.

   c. A base treatment a minimum of four feet at the ground floor consisting of a material such as stone, concrete masonry, or other material distinct from the remainder of the façade and projecting at least two inches from the wall surface of the remainder of the building.

   d. Setting back the top floor or floors of the building at least five feet from the remainder of the façade.

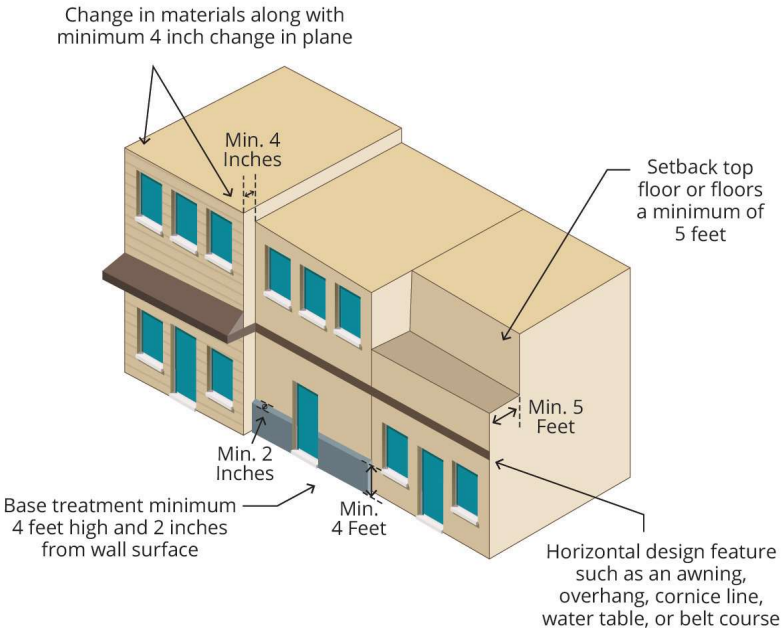


FIGURE 16.21.040.D.3: MULTI-UNIT DWELLINGS, VERTICAL ARTICULATION

4. ***Townhomes and Rowhouses.*** In addition to the other building design requirements of this Section, attached side-by-side dwelling units shall meet the following requirements.

   a. *Unit Articulation.* Individual units shall be emphasized through two or more of the following methods. The methods chosen to meet this requirement may count toward other design requirements provided the necessary criteria are met.

      i. Variations of two feet or more between the horizontal planes of the primary entrance façade of adjacent units.

      ii. A change in roof orientation between adjacent units (e.g., a gable roof adjacent to a hipped roof).

      iii. A roofline offset of at least 18 inches for each unit exposed on the associated elevation.

      iv. Change of colors or materials.

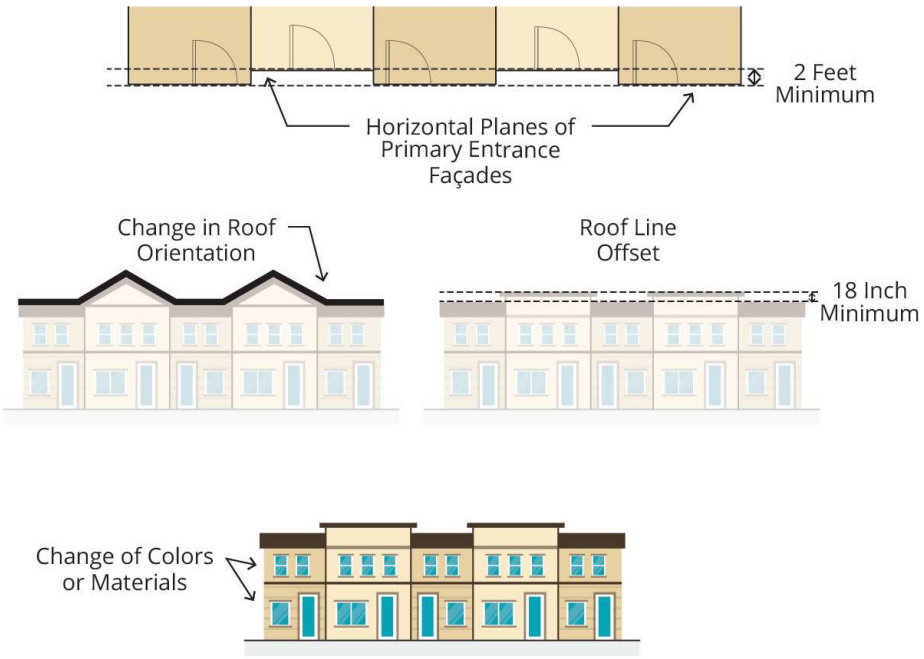


FIGURE 16.21.040.D.4: TOWNHOMES AND ROWHOUSES, UNIT ARTICULATION

5. ***Modifications.*** Should the applicant elect not to meet the objective building design standards, the applicant may request a Modification pursuant to Chapter 16.51, Modifications. A Modification to the building design requirements may be approved upon finding that adequate design features have been incorporated to create visual variety and avoid a large-scale and bulky appearance.

E. **Window and Garage Door Trim or Recess.** Windows and garage doors shall have trim at least three inches wide and one-half inch in depth, or be recessed at least two inches from the plane of the surrounding exterior wall. Should the applicant elect not to meet the objective window and garage trim or recess requirement, the applicant may request a Modification pursuant to Chapter 16.51, Modifications. A Modification to the window and garage trim or recess requirement may be approved upon finding that providing the required window or garage trim or recess would be inconsistent with the architectural style of the structure and alternative methods have been incorporated to create shadow and depth along the facade.

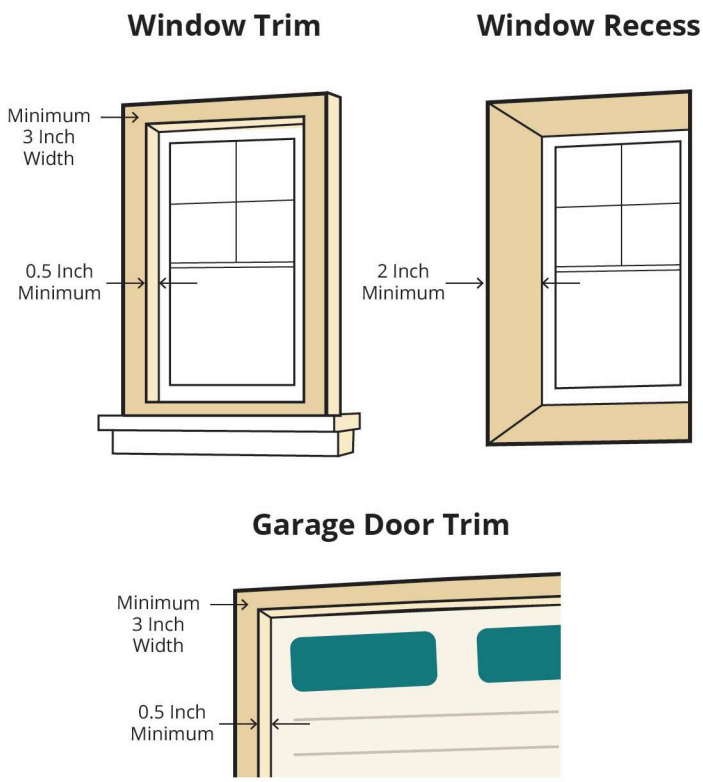


FIGURE 16.21.040.E: MULTIPLE UNIT DWELLINGS, WINDOW AND GARAGE DOOR TRIM OR RECESS

F. **Residential Street Frontage Transparency.** Exterior walls facing a street shall include windows or doors, inclusive of inset frames, for at least 25 percent of the ground floor building wall. No wall shall run in a continuous plane of more than 30 feet without a window, door, or other opening.

1. ***Modifications.*** Should the applicant elect not to meet the above objective residential street frontage transparency standard, the applicant may request a Modification pursuant to Chapter 16.51, Modifications. A Modification to the residential street frontage transparency requirement may approved upon finding that:

   a. The proposed project or its location has certain characteristics with which providing the required windows and openings is incompatible; and

   b. Street-facing building walls exhibit architectural relief and detail, and are enhanced with landscaping to create visual interest at the pedestrian level.

G. **Structured Parking.** The maximum height of a parking podium within 20 feet of the primary street facing property line shall be three feet from finished grade.

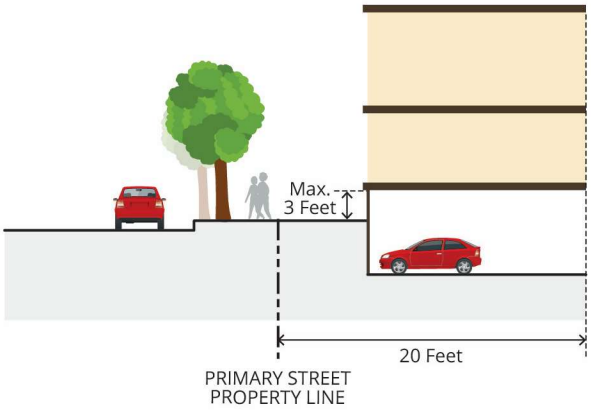


FIGURE 16.21.040.G: STRUCTURED PARKING, MAXIMUM PODIUM HEIGHT

16.21.050 Mixed-Use Buildings

A. **Applicability.** Buildings containing residential and nonresidential uses as primary uses in a single building, including live-work units, shall meet the design standards of this Section.

B. **Building Orientation.** Buildings located along a street or pedestrian walkway shall be oriented toward the adjacent street or pedestrian walkway with the building frontage parallel to the fronting street or pedestrian walkway, except as follows:

1. Where lots have frontage on two or more streets, buildings shall be oriented to at least one street.

2. Where lots front only onto an arterial street, buildings may be oriented toward an interior drive or walkway.

3. ***Modifications.*** Should the applicant elect not to meet the above objective building orientation standards, the applicant may request a Modification pursuant to Chapter 16.51, Modifications. A Modification to the building orientation requirements may approved upon finding that the design, context, and/or use of the project make orienting the buildings to the street or pedestrian walkway incompatible and the project includes designs that create a welcoming feeling toward the street, such as incorporating features such as a trellis, landscaped courtyard entry, enhanced walkway, columns or other architectural features.

C. **Entrances.**

1. ***Ground Floor Residential Uses.*** Ground floor residential units shall meet the entrance requirements of Section 16.21.040.C, Entrances, above.

2. ***Ground Floor Nonresidential Uses.*** There shall be a minimum of one principal entrance for every 50 feet of building frontage with a maximum separation of 100 feet between entrances. Principal entrances shall be designed in accordance with the following standards.

   a. In buildings located within 30 feet of a street-facing property line, the principal building entrance shall face the street. Alternatively, the principal building entrance may face perpendicular to the street, provided it is within ten feet of the street-facing property line.

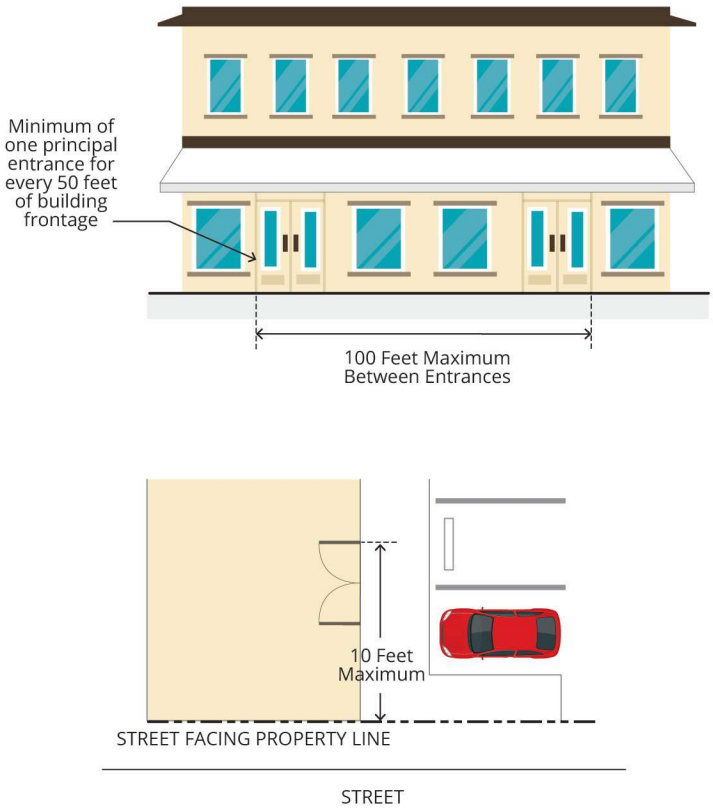


FIGURE 16.21.050.C.2: GROUND FLOOR NONRESIDENTIAL USES, ENTRANCE DESIGN

b. Buildings located at corners shall provide a principal entrance toward each street or have a corner entrance that provides a common entrance to the building from both streets.

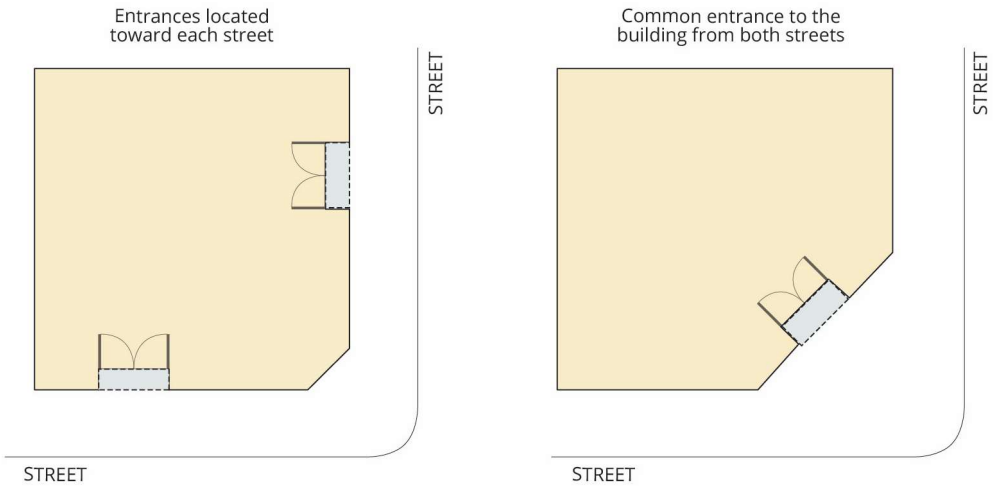


FIGURE 16.21.050.C.2.B: GROUND FLOOR NONRESIDENTIAL USES, CORNER BUILDINGS ENTRANCE DESIGN

3. ***Modifications.*** Should the applicant elect not to meet the above objective entrance standards, the applicant may request a Modification pursuant to Chapter 16.51, Modifications. A Modification to the entrance requirements may approved upon finding that the design, context, and/or use of the project make the entrance requirements incompatible and that street-facing building walls incorporate architectural features, exhibit relief and detail, and are enhanced with landscaping to create visual interest at the pedestrian level.

D. **Building Design.** Buildings shall include the following design features to create visual variety and avoid a large-scale and bulky appearance.

1. ***Massing Increment.*** For building facades 150 feet or longer, a change in façade plane with a recess a minimum of 15 feet wide and ten feet deep shall be provided for every 150 feet of building frontage.

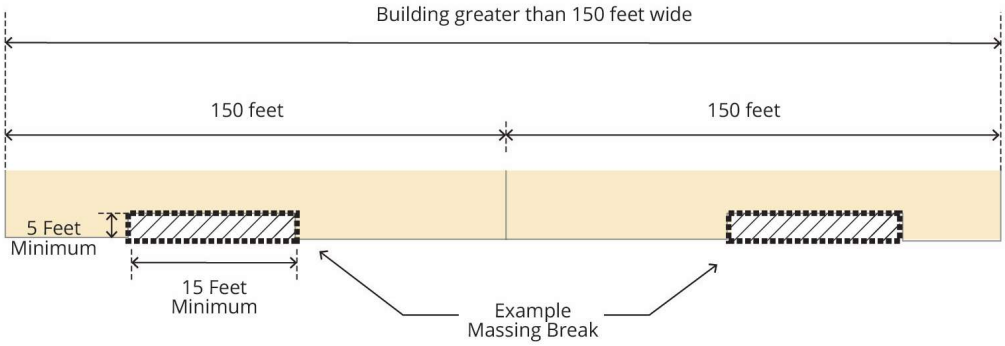


FIGURE 16.21.050.D.1: MIXED USE BUILDINGS, MASSING INCREMENT

2. ***Roof Line.*** Roof lines shall be varied and designed to minimize the bulk of a building, screen roof-mounted equipment, and enhance the building's architectural design through the following methods:

a. A minimum of one roof line offset of at least 18 inches in height and 15 feet in length shall be provided for every 150 feet of façade length.

b. Where parapets are provided, the minimum 18-inch offset in height required above may be substituted by an offset of at least 18 inches in depth. All parapets shall provide returns of at least six feet in depth at the end of the parapet face to avoid a false front appearance.

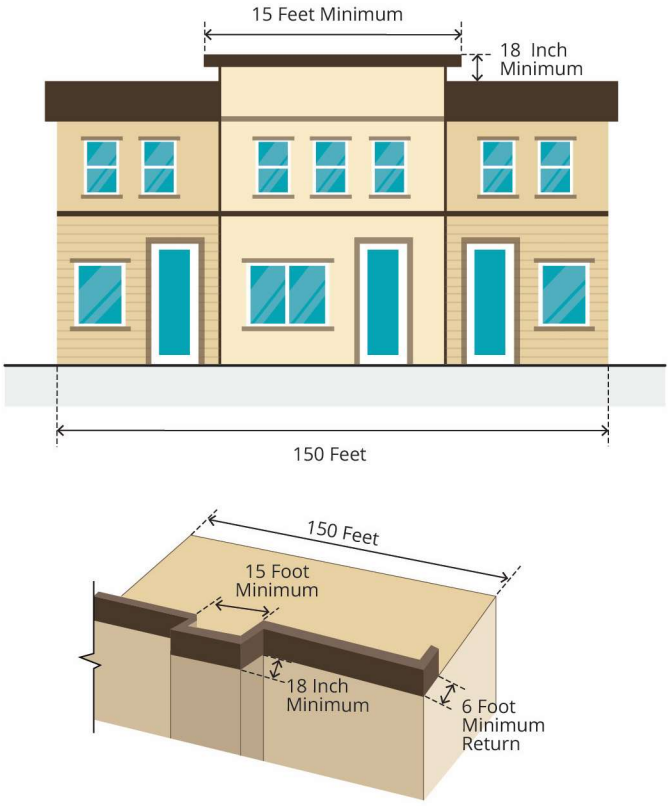


FIGURE 16.21.050.D.2: MIXED USE BUILDINGS, ROOF LINE

3. ***Vertical Articulation.*** In buildings of two or more stories, upper and lower stories shall be distinguished by incorporating one or more of the following features. These features may be applied to the transitions between any floors, except where otherwise specified.

   a. A change in façade materials, along with a change in plane at least one inch in depth at the transition between the two materials.

   b. A horizontal design feature such as an awning, overhang, cornice line, water table, or belt course.

   c. A base treatment a minimum of four feet at the ground floor consisting of a material such as stone, concrete masonry, or other material distinct from the remainder of the façade and projecting at least two inches from the wall surface of the remainder of the building.

   d. Setting back the top floor or floors of the building at least five feet from the remainder of the façade.

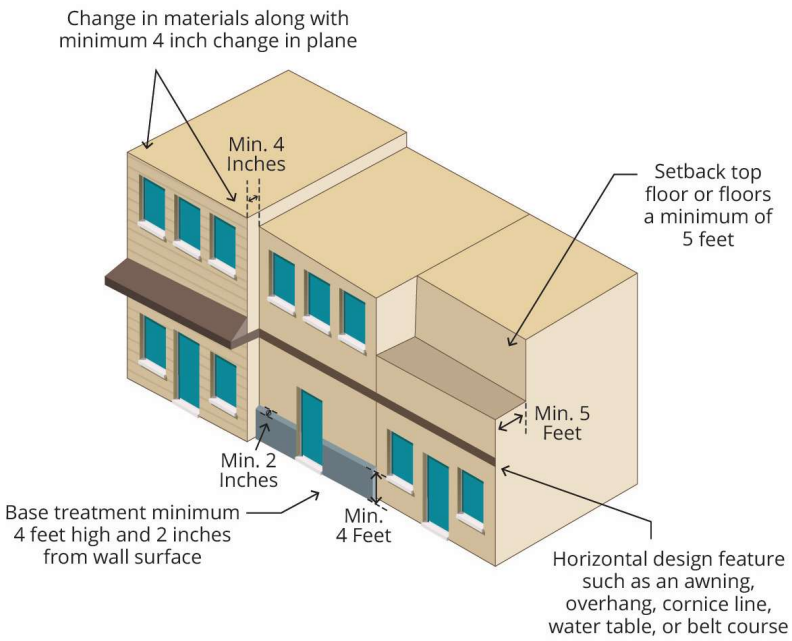


FIGURE 16.21.050.D.3: MIXED USE BUILDINGS, VERTICAL ARTICULATION

4. ***Modifications.*** Should the applicant elect not to meet the objective building design standards, the applicant may request a Modification pursuant to Chapter 16.51, Modifications. A Modification to the building design requirements may be approved upon finding that adequate design features have been incorporated to create visual variety and avoid a large-scale and bulky appearance.

E. **Windows and Openings.**

1. ***Nonresidential Uses: Building Transparency/Required Openings.*** Exterior walls facing a street or pedestrian walkway shall include windows, doors, or other openings for at least 50 percent of the building wall area located between two and a half and seven feet above the level of the sidewalk.

   a. *Design of Required Openings*. Openings fulfilling this requirement shall have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three feet deep.

   b. *Modifications.* Should the applicant elect not to meet the above objective building transparency/required openings standards, the applicant may request a Modification pursuant to Chapter 16.51, Modifications. A Modification to the building transparency/required openings requirements may approved upon finding that:

      i. The proposed use has certain operational characteristics with which providing the required windows and openings is incompatible; and

      ii. Street-facing building walls exhibit architectural relief and detail, and are enhanced with landscaping to create visual interest at the pedestrian level.

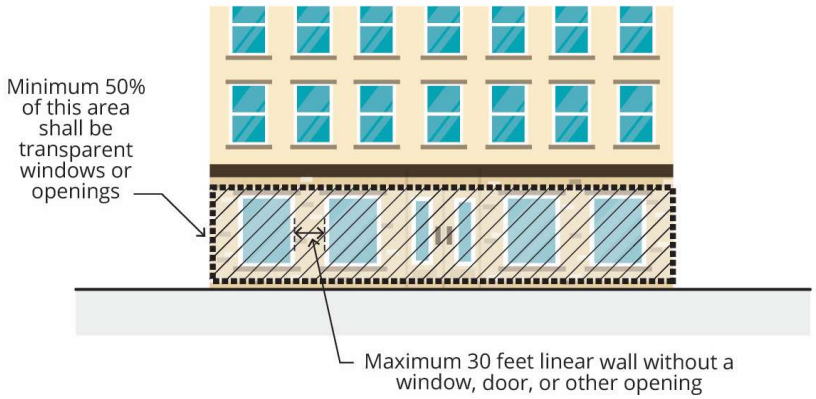


FIGURE 16.21.050.E.1: MIXED USE BUILDINGS, NONRESIDENTIAL USES: BUILDING TRANSPARENCY/REQUIRED OPENINGS

2. ***Residential Uses: Window Trim or Recess.*** Windows for residential uses shall have trim at least three inches wide and one-half inch in depth, or be recessed at least two inches from the plane of the surrounding exterior wall. Should the applicant elect not to meet the objective window trim or recess requirement, the applicant may request a Modification pursuant to Chapter 16.51, Modifications. A Modification to the window trim or recess requirement may be approved upon finding that providing the required window trim or recess would be inconsistent with the architectural style of the structure and alternative methods have been incorporated to create shadow and depth along the facade.

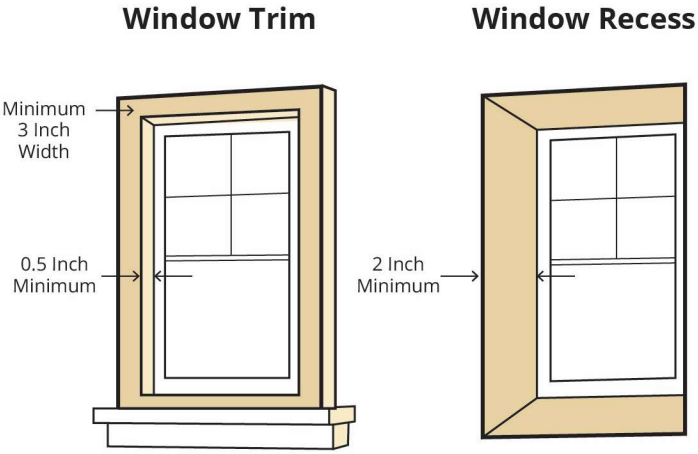


FIGURE 16.21.050.E.2: MIXED USE BUILDINGS, RESIDENTIAL USES: WINDOW TRIM OR RECESS

F. **Structured Parking.** The maximum height of a parking podium within 20 feet of the primary street facing property line shall be three feet from finished grade.

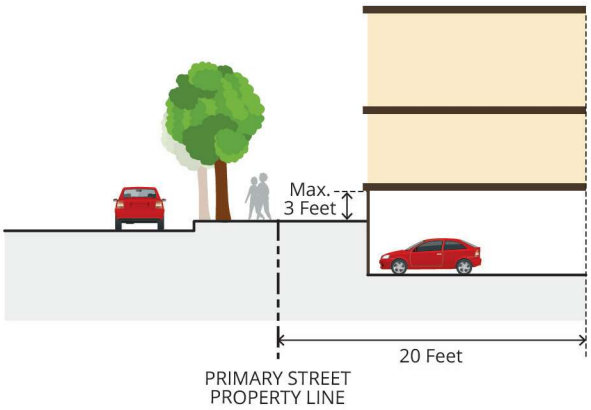


FIGURE 16.21.050.F: STRUCTURE PARKING, MAXIMUM PODIUM HEIGHT

16.21.060 Nonresidential Buildings

A. **Applicability.** Buildings containing solely nonresidential uses located in a Commercial or Residential District shall meet the design standards of this Section.

1. ***Not Applicable in Industrial Districts or Public and Semi-Public Districts.*** The standards of this Section do not apply to buildings located in Industrial Districts or Public and Semi-Public Districts.

B. **Required Building Location.** The following building location requirements apply in the CN and CD Districts:

1. ***Build-to Line.*** Buildings shall be located within ten feet of the required setback line for at least 40 percent of the linear street frontage.

2. ***Corner Build Area.*** Buildings shall be located within ten feet of the required setback line within 30 feet of the street corner.

3. ***Frontage Improvements.*** The area between buildings and the property line shall be improved as part of a wider sidewalk, as outdoor dining/seating area, or with landscaping.

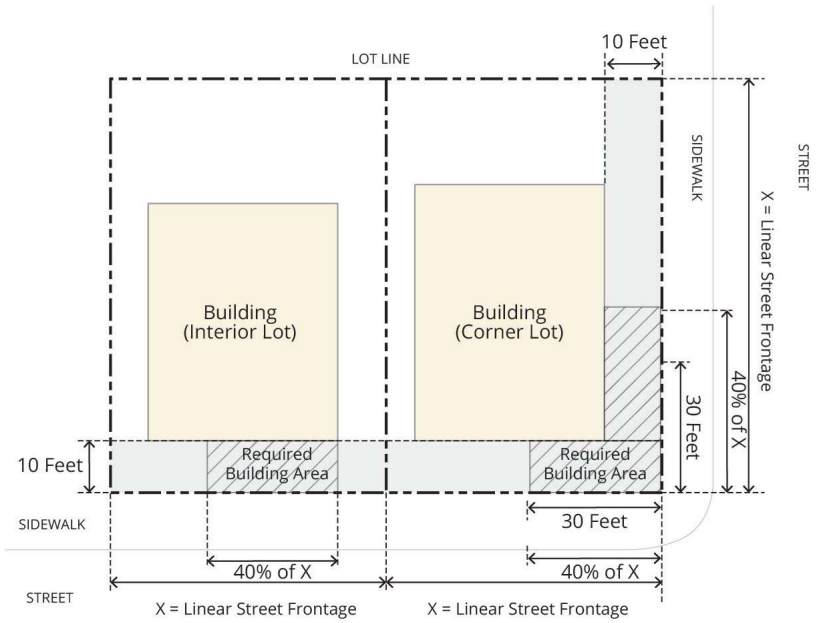


FIGURE 16.21.060.B: NONRESIDENTIAL BUILDINGS, REQUIRED BUILDING LOCATION

C. **Building Entrances.** All buildings shall provide a principal entrance that faces and is visible to a street, pedestrian walkway, or parking area.

1. ***Additional Entrance Requirements, CN and CD Districts.*** In addition to the entrance requirements above, the following entrance requirements apply in the CN and CD Districts.

a. There shall be a minimum of one entrance for every 50 feet of building frontage with a maximum separation of 100 feet between entrances.

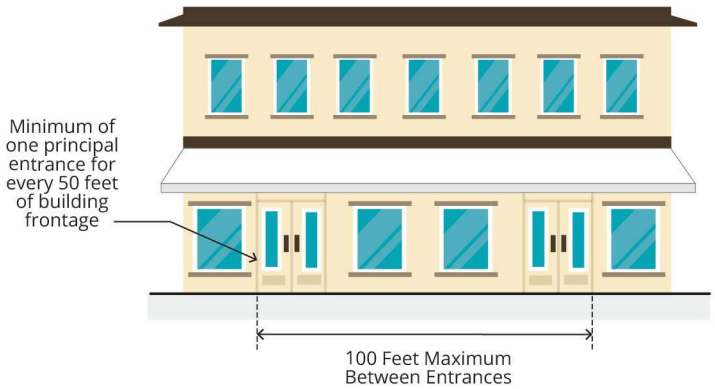


FIGURE 16.21.060.C: NONRESIDENTIAL BUILDINGS, BUILDING ENTRANCES

b. Buildings located at corners shall provide an entrance toward each street or have a corner entrance that provides a common entrance to the building from both streets.

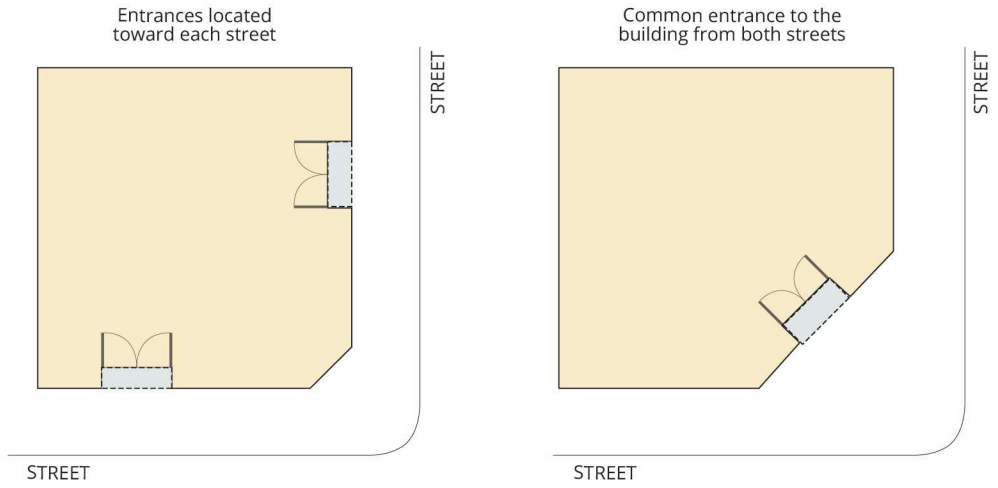


FIGURE 16.21.060.C.B: NONRESIDENTIAL BUILDINGS, BUILDING ENTRANCES AT CORNERS

D. **Building Design.** Nonresidential buildings shall meet the building design requirements of Section 16.21.050, Building Design.

E. **Building Transparency/Required Openings.** Exterior walls facing and within 30 feet of a front or street side lot line or pedestrian walkway shall include windows, doors, or other openings for at least 50 percent of the building wall area located between two and a half and seven feet above the level of the sidewalk.

1. ***Design of Required Openings.*** Openings fulfilling this requirement shall have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three feet deep.

2. ***Modifications.*** Should the applicant elect not to meet the above objective building transparency/required openings standards, the applicant may request a Modification pursuant to Chapter 16.51, Modifications. A Modification to the building transparency/required openings requirements may approved upon finding that:

    a. The proposed use has certain operational characteristics with which providing the required windows and openings is incompatible; and

    b. Streetfacing building walls exhibit architectural relief and detail, and are enhanced with landscaping to create visual interest at the pedestrian level.

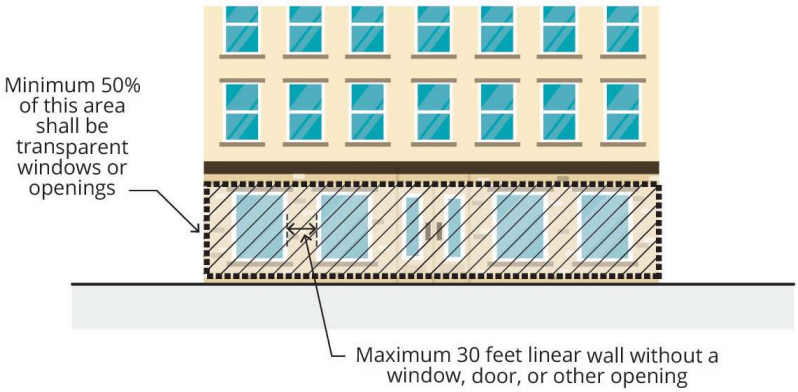


FIGURE 16.21.060.E: NONRESIDENTIAL BUILDINGS, BOULD TRANSPARENCY/REQUIRED OPENINGS

F. **Structured Parking.** The maximum height of a parking podium within 20 feet of the primary street facing property line shall be three feet from finished grade.

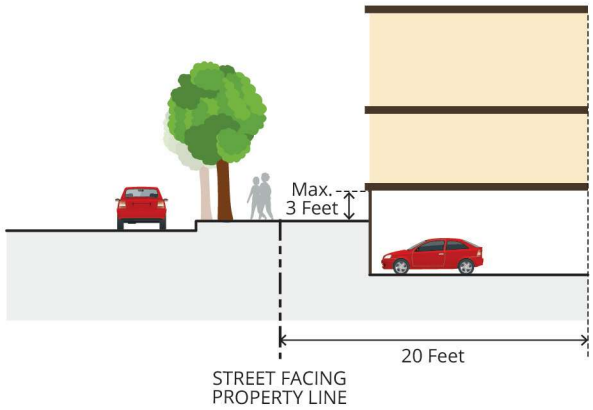


FIGURE 16.21.060.F: STRUCTURED PARKING, MAXIMUM PODIUM HEIGHT

Chapter 16.22 Landscaping

16.22.010 Purpose

The purpose of this Chapter is to:

A. Enhance the aesthetic appearance of the City by providing standards related to the quality and functional aspects of landscaping;

B. Increase the compatibility between abutting land uses and public rights-of-way by providing landscape screening and buffers; and

C. Provide for the conservation and protection of water resources through the efficient use of water, appropriate use of plant materials suitable for climate and location, and regular maintenance of landscaped areas.

16.22.020 Areas Required to be Landscaped

All projects that require approval by the City shall provide and maintain landscaping in compliance with the provisions of this Chapter. Landscaping shall be provided prior to the final certificate of occupancy or final building permit, except for extensions granted by the Director for such issues as seasonal conditions, in the following locations.

A. **Exemptions.** The following projects shall be exempt from landscaping requirements:

1. Areas screened from public view;
2. Undeveloped portions of nonresidential project sites intended for future development;
3. Undeveloped portions of residential subdivisions;
4. Property that is in agricultural production;
5. Parcels for which there are no final or parcel map or which are identified as remainder parcels on a final or parcel map; and
6. Parcels for which a building permit is obtained for:
    a. Tenant improvements;
    b. Maintenance, repair, and/or replacement of building elements;
    c. Electronic security systems;
    d. Fire and life safety devices and/or systems;
    e. Emergency or hazardous conditions which must be corrected in the interest of public health, safety, and welfare; and
    f. Other conditions which the Director determines to be immaterial.

B. **Existing Uses and Structures.** If existing physical constraints on the site, (e.g., structures, parking, circulation, etc.) limit the amount of landscaping that can be provided when there is an addition or change to the existing use, the applicant shall provide whatever additional landscaping the site can accommodate in compliance with the landscape area requirements of this Chapter.

C. **Required Setbacks.** All required setbacks shall be landscaped except for areas used for exit and entry. A minimum of 50 percent of the required setback area shall be planted with live plants.

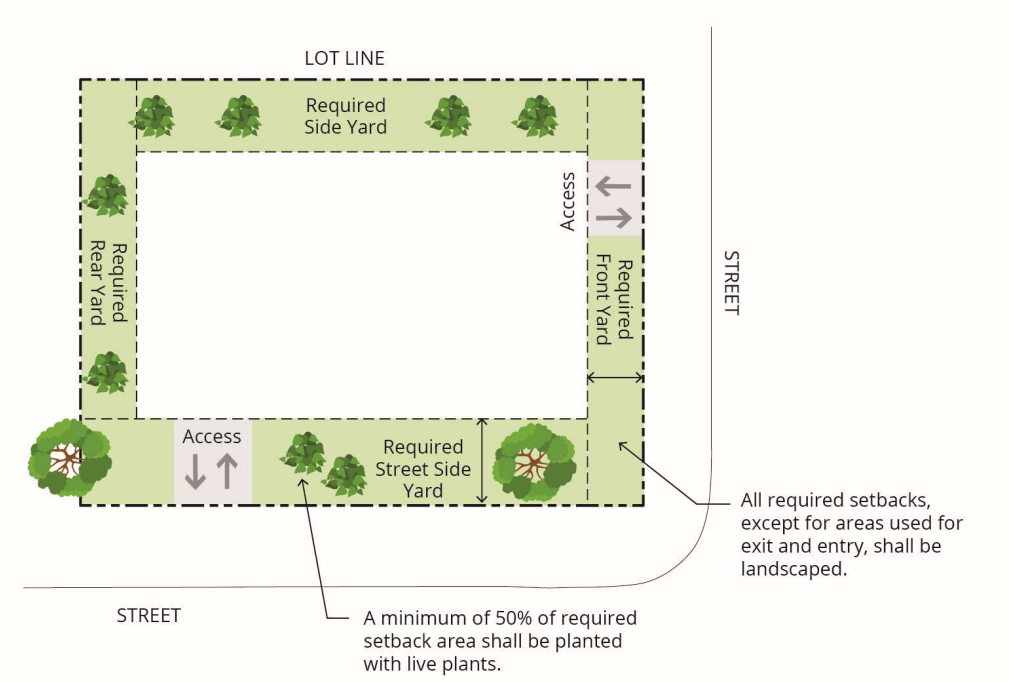


FIGURE 16.22.020.C: REQUIRED LANDSCAPING, REQUIRED SETBACKS

D. **Nonresidential Use Abutting or Within Residential Districts.** Whenever a non-residential use is located within or adjacent to a Residential District, a ten-foot-wide landscape buffer planted with a minimum of one tree and three shrubs for every ten linear feet shall be provided along all interior property lines.

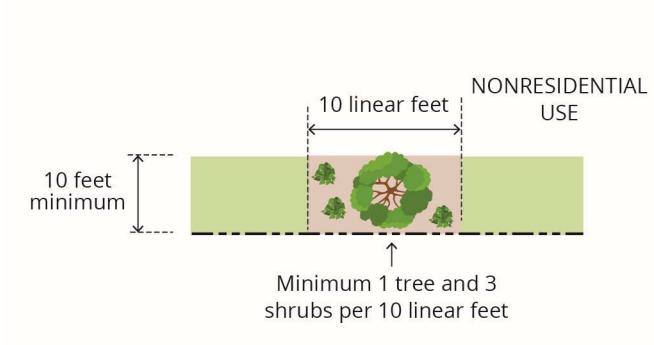


FIGURE 16.22.020.D: REQUIRED LANDSCAPING, NONRESIDENTIAL USES ABUTTING OR WITHIN RESIDENTIAL DISTRICTS

E. **Parking Areas.** Parking areas shall be landscaped in compliance with Section 16.24.100, Parking Area Design and Development Standards.

F. **Public Rights-of-Way.** Public rights-of-way shall be landscaped in compliance with Chapter 16.26, Public Improvements.

1. Property owners may trim, prune, and maintain a City street tree adjacent to their property without a permit, provided the maintenance does not result in the effective removal of a street tree.

16.22.030 Landscape Plans

Landscape plans shall be submitted for all multifamily and nonresidential projects. The landscape plans shall be prepared by a landscape design professional.

16.22.040 Landscape Standards

Landscaping shall be designed, installed, and maintained as follows:

A. **General Design Standards.** The following features shall be incorporated into the design of landscaped areas.

1. Landscaping shall be planned as an integral part of the overall project design and not simply located in excess space after parking areas and structures have been planned.
2. Landscaped areas shall be provided with an automatic irrigation system(s).
3. Landscaping may include lawn, groundcover, trees, shrubs, and other live plant materials. Landscaping may also include small amounts of accessory decorative outdoor landscape elements (e.g., artificial turf, ponds, fountains, sculpture, and paved or decorated surfaces) excluding driveways, parking, and storage areas.
4. Sidewalks providing pedestrian access shall be considered in the design of all landscaped areas, including the need to locate plants so as not to interfere with the ability of pedestrians to have an adequate view of paths and surrounding areas to ensure their safety.
5. Landscape planting shall be provided within adjacent public street rights-of-way, in compliance with Chapter 16.26, Public Improvements.
6. Landscaping over 30 inches in height shall not be allowed within a traffic sight area formed by the intersection of public rights-of-way, parking lot entrances and exits, pedestrian rights-of-way, driveways, or alleys as determined by the City Engineer in compliance with Section 16.19.210, Traffic Sight Area.

B. **Plant Materials.** Plant materials shall be selected and installed to comply with the following requirements:

1. A mix of plant materials shall be provided.
2. Trees and shrubs shall be planted so that at maturity they do not interfere with service lines and traffic sight areas.
3. Trees and shrubs shall be planted and maintained in a manner that protects the basic rights of adjacent property owners, particularly the right to solar access.
4. Trees planted near public sidewalks or curbs shall be of a species and installed in a manner that prevents physical damage to sidewalks, curbs, gutters and other public improvements.
5. The selection of plant materials shall include both evergreen and deciduous trees, shrubs and attractive erosion preventing ground cover. Seventy-five percent of the plants selected in non-turf areas shall be well suited to the climate of the region and require minimal water once established in the landscape. Plants that require similar water needs should be grouped together and irrigated separately. Attention shall be given to appearance, height,

spread, growth rate, moisture requirements, potential root damage, disease, pest susceptibility, climate adaptability, soil type slope, function, and decreased maintenance.

6. A minimum of three inches of mulch shall be added in non-turf areas to the soil surface after planting. Plant types that are intolerant to mulch shall be excluded from this requirement.

C. **Planting Size, Spacing, and Planter Widths.** In order to achieve an immediate effect of a landscape installation and to allow sustained growth of planting materials, minimum plant material sizes, plant spacing, and minimum planter widths (inside measurement) are as follows:

1. ***Trees.*** The minimum planting size for trees shall be 15 gallon. For nonresidential development, tree spacing within the perimeter planters along streets and abutting residential property shall be planted no further apart on center than the mature diameter of the proposed species.

2. ***Shrubs.*** Shrub planting shall be a minimum five-gallon size. When planted to serve as a hedge or screen, shrubs shall be planted with two to four feet of spacing, depending on the plant species.

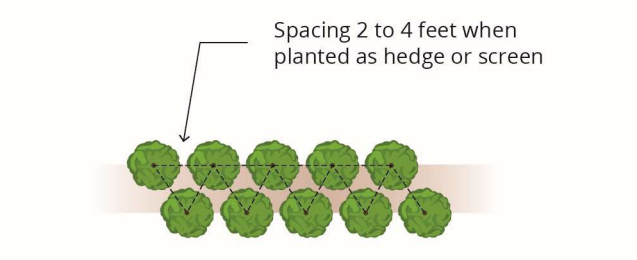


FIGURE 16.22.040.C.2: SHRUB PLANTING

3. ***Groundcover.*** Plants used for mass planting may be grown in flats of up to 64 plants or in individual one-gallon containers. Rooted cuttings from flats shall be planted no farther apart than 12 inches on center, and containerized woody, shrub groundcover plantings shall be planted no farther apart than three feet on center in order to achieve full coverage within one year.

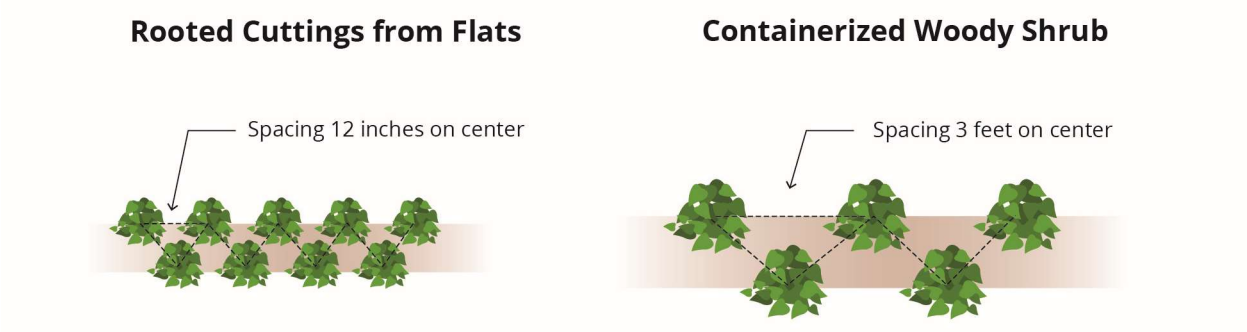


FIGURE 16.22.040.C.3: GROUNDCOVER PLANTING

D. **Compliance with State Model Water Efficient Landscape Ordinance.** For any new building permit, new landscaping installed shall be done so in compliance with the current version of the Water Efficient Landscape Ordinance, as adopted by the City Council at the time of building permit issuance.

16.22.050 Water Waste Prohibited

A. Landscape areas shall be maintained to ensure water efficiency, avoid runoff, and promote conservation in compliance with Chapters 13.28 and 13.32 of the Municipal Code. Suggested means: checking, adjusting and repairing irrigation equipment; resetting automatic controllers; aerating and detaching turf areas; adding or replenishing mulch, fertilizer and soil amendments; and pruning and weeding all landscaped areas.

B. Water waste resulting from inefficient landscape irrigation leading to excessive runoff, low head drainage, overspray, and other similar conditions where water flows onto adjacent property, non-irrigated areas, sidewalks, roadways, or structures shall be prohibited. Recirculating water shall be used for fountains and water features.

16.22.060 Maintenance Required

Landscape areas shall be maintained in a healthful and sound condition at all times in compliance with Chapter 8.36, Minimum Property Maintenance Standards, of the Municipal Code.

16.22.070 Public Education

Developers shall provide the following:

A. Information to prospective buyers or tenants regarding water-efficient landscaping techniques. A sample of the information to be provided shall be submitted to the Director (of the Community Development Department) for approval before issuance of a building permit.

B. A sample water-efficient landscaped garden at a model home for residential subdivisions of 100 acres or more.

Chapter 16.23 Nonconforming Uses, Structures, and Parcels

16.23.010 Purpose

This Chapter is intended to permit the use of lots, continuation of uses, and continued occupancy and maintenance of structures that were legally established but do not comply with all of the standards and requirements of this Code in a manner that does not conflict with the General Plan or impact public health, safety, or general welfare. To that end, this Chapter establishes the circumstances under which a nonconforming lot, use, or structure may be continued or changed and provides for the removal of nonconforming uses and structures when their continuation conflicts with the General Plan and public health, safety, and general welfare.

16.23.020 Applicability

The provisions of this Chapter apply to structures, lots, and uses that have become nonconforming by adoption of this Code as well as structures, lots, and uses that become nonconforming due to subsequent amendments to this Code or to the Zoning Map.

16.23.030 Legal Nonconformity

Any use, structure, or parcel shall not be designated as having a legal nonconforming status unless the use was legal at the time it was initiated, the structure was legally built, or the parcel was legally created. The owner/applicant is responsible for providing evidence that the use, structure, and parcel are legal, based on the following criteria:

A. **Use.** A nonconforming use shall be deemed to be a legal nonconforming use, if:

1. There is an existing valid use permit, if required;
2. There is evidence that the use was an allowed use at the time it was established;
3. There is evidence that the use was an allowed use, or had a use permit if required by the County, at the time it was annexed into the City; or
4. If the above information is not available, the Director shall review the evidence for status as to the legality of the nonconformity and issue a determination based upon information provided by the applicant and payment of a filing fee set by the Council's fee resolution.

B. **Structure.** A nonconforming structure shall be deemed to be a legal nonconforming structure, if:

1. A building permit was issued by the City or County for the structure;
2. The structure existed at the time it was annexed into the City or before code requirements;
3. The structure was built before 1950; or
4. If the above information is not available, the Director shall review the evidence for status as to the legality of the nonconformity and issue a determination based upon information provided by the applicant and payment of a filing fee set by the Council's fee resolution.

C. **Parcel.** A nonconforming parcel shall be deemed to be a legal nonconforming parcel, if:

1. The parcel was legally created through a subdivision approved by the City or the County before City annexation / incorporation;

2. The parcel is under one ownership, and was legally created by a recorded deed before the effective date of the zoning amendment that made the parcel nonconforming;

3. The parcel was approved through the Variance procedure, in compliance with Chapter 16.53, or resulted from a lot line adjustment in compliance with Chapter 16.34;

4. The parcel was created in compliance with the provisions of this Development Code, but was made nonconforming when a portion of the parcel was acquired by a governmental entity so that the parcel size was decreased not more than 20 percent and the required front yard setback facing a public right-of-way was decreased by no more than 50 percent; or

5. There is a certificate of compliance issued by the City or County.

16.23.040 Unlawful Uses and Structures

A. Uses and structures which do not comply with the applicable provisions of this Development Code or prior planning and zoning regulations when established are violations of this Development Code and are subject to the provisions of Chapter 16.60, Enforcement.

B. The right to continue occupancy of property containing an illegal use or structure is not granted by this Chapter.

C. The activity shall not be lawfully allowed to continue unless or until permits and entitlements required by this Development Code and the Municipal Code are first obtained.

16.23.050 Right to Continue

Any use or structure that was lawfully established prior to the effective date of this Code or of any subsequent amendments to its text or to the Zoning Map may only be continued and maintained provided there is no alteration, enlargement, addition, or other change to any building or structure; no substitution, expansion, or other change including an increase in occupant load or any enlargement of the area, space, or volume occupied by or devoted to such use, except as otherwise provided in this Chapter.

A. The right to continue a nonconforming use or structure shall attach to the land and shall not be affected by a change in ownership.

B. The right to continue a nonconforming use or structure shall not apply to uses or structures deemed to be a public nuisance because of health or safety conditions.

C. The right to continue a nonconforming use shall not apply if the nonconforming use has been abandoned or vacated for the relevant period of time described in Section 16.23.100, Abandonment of Nonconforming Uses.

16.23.060 Nonconforming Parcels

A. A legal nonconforming parcel may be used as a building site subject to compliance with all applicable requirements of this Code.

B. A nonconforming parcel shall not be further reduced in area, width, or depth, unless such reduction is required as part of a public improvement.

C. Nonconforming contiguous lots held by the same owner shall be involuntarily merged if one or more of the lots does not conform to the minimum lot size in compliance with Government Code Section 66451.11.

16.23.070 Maintenance of and Alterations and Additions to Nonconforming Structures

Legal nonconforming structures may be continued and maintained in compliance with the requirements of this Section unless deemed by the Building Official to be a public nuisance because of health or safety conditions.

A. **Maintenance and Repairs.** Structural and nonstructural maintenance, repair, and interior alterations to a nonconforming structure are permitted if the changes and improvements do not enlarge the structure, change the building footprint, or increase building height.

B. **Alterations and Additions.** Alterations and additions to nonconforming structures are allowed if the alteration or addition complies with all applicable laws and requirements of this Code, the use of the property is conforming, and there is no increase in the discrepancy between existing conditions and the requirements of this Code (i.e., there is no increase in the nonconformity).

C. **Nonconforming Signs.** Legally established signs that do not conform to the requirements of this Code may only be maintained in compliance with the requirements of Chapter 16.27, Sign Standards.

16.23.080 Repair and Replacement of Damaged or Destroyed Nonconforming Structures

A legal nonconforming structure that is damaged or partially destroyed by fire, explosion, earthquake, or natural disaster which is not caused by an act or deliberate omission of a property owner, their agent, or person acting on their behalf or in concert with, may be restored or rebuilt subject to the following provisions.

A. **Restoration When Cost of Repair is 50 Percent or Less of Value.** If the cost of repair or reconstruction is less than or equal to 50 percent of its market value as determined on the last equalized assessment roll at the time of destruction or by an appraisal which was prepared within the last 12 months by a licensed appraiser, whichever is greater, replacement of the damaged portions of the structure is allowed by right provided that the replaced portions are the same size, extent, and configuration as previously existed, reconstruction meets current Building Code requirements, and reconstruction Building permits must be obtained within one year of the date of the damage or destruction and construction shall be diligently pursued to completion.

B. **Restoration When Damage Exceeds 50 Percent of Value.** If the cost of repair or reconstruction exceeds 50 percent of its market value as determined on the last equalized assessment roll at the time of destruction or by an appraisal which was prepared within the last 12 months by a licensed appraiser, whichever is greater, the land and building shall be subject to all of the requirements of this Code, except as provided below.

   1. ***Non-residential Uses and Structures.*** Any nonconforming use must permanently cease. The structure may be restored and used only in compliance with the requirements of this Code.

   2. ***Residential Uses and Structures.*** Legal nonconforming residential uses may be reconstructed, restored, or rebuilt up to the size and number of dwelling units prior to the damage and the nonconforming use, if any, may be resumed provided the rebuilt development complies with all current design and property development standards.

a. *Timing.* Building permits must be obtained within one year of the date of the damage or destruction and construction shall be diligently pursued to completion unless another time period is specified through Administrative Use Permit approval.

16.23.090 Expansions, Changes, and Substitutions of Nonconforming Uses

Nonconforming uses shall not be expanded, moved, or changed except as provided below.

A. **Expansion.** Legal nonconforming uses shall not be enlarged or increased in any manner (e.g., area, space, volume, or occupant load) nor extended to occupy a greater area than it lawfully occupied before becoming a nonconforming use except as allowed with Administrative Use Permit approval where the Review Authority makes the following findings.

1. ***Required Findings.***

a. The nonconforming use was legally established.

b. The proposed expansion of the nonconforming use would not be detrimental to public health, safety, or general welfare.

2. ***Conditions.*** When making its decision on an application for an expansion of a nonconforming use, the Review Authority may establish conditions that are necessary to accomplish the purposes of this Chapter, including, but not limited to:

a. Required improvement of, or modifications to existing improvements on, the property;

b. Limitations on hours of operations; and

c. Limitations on the nature of operations.

B. **Change in Tenancy, Ownership, or Management.** Any legal nonconforming use may change ownership, tenancy, or management where the new use is of the same use classification as the previous use, as defined in Chapter 16.61, Use Classifications.

C. **Change from Nonconforming to Permitted Use.** Any nonconforming use may be changed to a use that is allowed by right in the zoning district in which it is located and complies with all applicable standards for such use.

D. **Absence of Permit.** Any use that is nonconforming solely by reason of the absence of a permit or approval may be changed to a conforming use by obtaining the appropriate permit or approval.

16.23.100 Abandonment of Nonconforming Uses

A. A nonconforming use may not be resumed, reestablished or reopened after it has been abandoned or vacated for a period of 12 months.

1. ***Extension.*** The owner may request a one-year extension if evidence shall be submitted to the Community Development Department indicating the owner has made a “good faith” effort to continue the nonconforming use. Evidence can include leasing agreements, occupancy or building records, and marketing brochures. Only one extension can be granted.

B. A use shall be considered abandoned or vacated when the use ceases and any one of the following occurs:

1. The site is vacated;
2. The business license lapses;
3. Utilities are terminated; or
4. The lease is terminated.

16.23.110 Nuisances

In the event that a legal nonconforming use or structure is found to constitute a public nuisance, the Director shall take the following appropriate actions:

A. **Abatement.** Abatement in compliance with Section 1.36.040 of the Municipal Code.

B. **Revocation or Modification.** Revocation or modification in compliance with Section 16.39.130, Revocation of Permits.

C. **Use Permit.** Refer any written complaint to the Commission that:

1. Is filled by an aggrieved person; or
2. Alleges that the nonconforming use has become a public nuisance either through a decline in appearance; through the emission of noise, smoke, or vibrations; or by becoming a persistent police problem through the conduct of its operations. The Commission may require the removal of the nonconforming use after a public hearing.

Chapter 16.24 Off-Street Parking and Loading Standards

16.24.010 Purpose

The purposes of the parking and loading regulations are to:

A. Require parking spaces and loading spaces for all land uses that are sufficient in number, size, and arrangement;

B. Minimize the negative environmental and urban design impacts that can result from parking lots, driveways, and drive aisles within parking lots;

C. Ensure that adequate off-street bicycle parking facilities are provided;

D. Establish standards and regulations for safe and well-designed parking, loading, and vehicle circulation areas that minimize conflicts between pedestrian and vehicles within parking lots and, where appropriate, create buffers from surrounding land uses; and

E. Offer flexible means of minimizing the amount of area devoted to parking by allowing reductions in the number of required spaces in transit-served locations, shared parking facilities, and other situations expected to have lower vehicle parking demand.

16.24.020 Applicability

The requirements of this Chapter apply to the establishment, alteration, expansion, or change in any use or structure, as provided in this Section.

A. **New Development.** Parking and loading in accordance with this Chapter shall be provided at the time any primary building or structure is erected or any new land use is established.

B. **Existing Non-Residential Buildings.**

1. When a change in use, expansion of a use, or expansion of floor area creates an increase of 30 percent or more in the number of required parking or loading spaces, additional parking and loading shall be provided for such addition, enlargement, or change in use and not for the entire building or site.

    a. *Exception, Commercial, Business, and Service Uses.* Additional parking and loading spaces are not required for the change of use from one Commercial, Business, and Service Use to another Commercial, Business, and Service Use.

2. The existing parking and loading not in excess of the minimum requirements, as applicable, shall be maintained.

3. If the number of existing parking or loading spaces is greater than the requirements for such use, the number of spaces in excess of the prescribed minimum may be counted toward meeting the parking and loading requirements for the addition, enlargement, or change in use.

4. Additional parking and loading spaces are not required for the reconstruction of an existing building when there is no increase in floor area.

C. **Existing Residential Buildings.** Parking in accordance with this Chapter shall be provided where additional dwelling units are created through the alteration of an existing building or construction of an additional structure or structures.

16.24.030 General Provisions

A. **When Constructed.** Parking and loading facilities required by this Chapter shall be constructed or installed prior to the issuance of a Certificate of Occupancy for the uses that they serve.

B. **Existing Parking and Loading to be Maintained.** No existing parking and/or loading serving any use may be reduced in amount or changed in design, location or maintenance below the requirements for such use, unless equivalent substitute facilities are provided. This provision does not apply to stalls converted to accommodate ADA parking.

C. **Nonconforming Parking or Loading.** An existing use of land or structure shall not be deemed to be nonconforming solely because of a lack of parking and/or loading facilities required by this Chapter, provided that facilities used for parking and/or loading as of the date of adoption of this Code are not reduced in number to less than what this Chapter requires.

D. **Accessibility.** Parking and loading areas must be accessible for the intended purpose during all hours of operation.

E. **Stacked Parking.** Stacked or valet parking is allowed if an attendant is present or an automated system is in place to move vehicles. If stacked parking managed by an attendant is used for required parking spaces, an acceptable form of guarantee must be filed with the Director ensuring that an attendant will be present while the lot is in operation.

F. **Vehicles for Sale.** Vehicles, trailers, or other personal property shall not be parked upon a private street, parking lot, or private property for the primary purpose of displaying the vehicle, trailer, or other personal property for sale, hire, or rental, unless the property is appropriately zoned, and the vendor is licensed to transact a vehicle sales business at that location. Vehicles shall not be parked on public streets for the purpose of sale, hire, or rental, except for buses and taxis in compliance with Title 10 of the Municipal Code.

G. **Inoperable Vehicles.** Inoperable, abandoned, wrecked or dismantled vehicles, or vehicle parts shall not be stored on public or private property in compliance with Chapter 8.12, Abandoned Vehicles, of the Municipal Code.

H. **Parking in Residential Zones.** In Residential Zones, front and side yard setback areas shall only be used for the temporary parking of motor vehicles.

1. Storage of vehicles in this area shall not be allowed.
2. No vehicles shall be parked in the front and/or street side setback areas other than on a paved driveway. Paved driveways shall be limited to no more than 50 percent of the front and/or street side setback area.
3. No parking shall be allowed in the landscaped areas.

I. **Recreational Vehicles and Boats.** Recreational vehicles (RVs) and boats shall:

1. Not park in the front or street side yards;
2. Be partially screened by a fence that is a minimum of six feet in height; and
3. Be parked on improved surface.

16.24.040 Required Parking Spaces

A. **Minimum Number of Spaces Required.** Each land use shall be provided at least the number of parking spaces stated in Table 16.24.040, Required Parking Spaces, except as provided below.

1. ***Magnolia Historic District.*** Parking requirements for the Magnolia Historic District shall be in compliance with Chapter 16.16, Magnolia Historic (-MHD) Overlay District.

2. ***Downtown Parking.*** Parking requirements for the Central Parking District and Parking Improvement District No. 2001-1 shall be in compliance with Section 16.24.060, Parking Assessment Districts.

3. ***Transit-Oriented Development.*** There is no minimum off-street parking requirement for development projects within one-half mile of a major transit stop as defined in Section 21155 of the Public Resources Code, or any other project that qualifies for an exemption pursuant to AB2097 and Section 65863.2 of the Government Code or any other State law.

The parking requirement for any use not listed in Table 16.24.040, Required Number of Parking Spaces, shall be determined by the Director based upon the requirements for the most similar comparable use, the particular characteristics of the proposed use, and any other relevant data regarding parking demand.

TABLE 16.24.040: REQUIRED NUMBER OF PARKING SPACES

Land Use Classification	*Required Parking Spaces*
Residential Uses	**As specified for each land use classification below**
Residential Housing Types	
Single-Unit Dwelling, Detached	2 per unit, located within an enclosed garage
Single-Unit Dwelling, Attached	Downtown Core: .5 per unit Outside of the Downtown Core: 1 per unit
Multi-Unit Dwelling	Greater Downtown and Downtown Core: .5 per unit Outside of Greater Downtown and Downtown Core: 1 per unit plus 1 guest parking space for every 5 units
Accessory Dwelling Unit	None required for the accessory dwelling unit
Affordable Housing Developments	.5 per unit plus 1 guest parking space for every 8 units
Senior Residential Projects	.25 per unit plus 1 guest parking space for every 10 units
Family Day Care	
Small	None beyond what is required for the Residential Housing Type
Large	1 for each nonresident employee plus parking required for the residential use
Group Residential	1 per sleeping room
Mobile Home Park	1 per unit Guest parking: 1 for every 4 units
Residential Care Facilities	
Small	None beyond what is required for the Residential Housing Type
Large	1 for every 5 beds

TABLE 16.24.040: REQUIRED NUMBER OF PARKING SPACES	
Land Use Classification	*Required Parking Spaces*
Residential Facility, Assisted Living	1 for every 5 beds
Single Room Occupancy (SRO)	1 per sleeping room
Supportive Housing	None beyond what is required for the Residential Housing Type
Transitional Housing	None beyond what is required for the Residential Housing Type
Public/Semi Public, Recreational, and Institutional Uses	**1 per 250 square feet of floor area except as specified below**
Collection Box	None
Community Assembly	1 for each 6 permanent seats or 1 for every 75 square feet of assembly area where no seats or where temporary or moveable seats are provided
Community Garden	None
Emergency Shelter	1 for every 5 beds and/or 1 per bedroom intended for families plus 1 per employee
Hospitals	1 for every bed
Skilled Nursing Facility	1 for every 3 beds
Park and Recreation Facilities	As determined by the Director
Parking Lots and Structures	None
Schools	High School: 4 spaces per classroom plus 1 for every 300 square feet of office Other schools: 2 spaces per classroom plus 1 for every 300 square feet of office
Commercial, Business, and Service Uses	**1 per 250 square feet of floor area plus 1 per 2,000 square feet of outdoor display and storage area except as specified below**
Commercial Entertainment and Recreation	Cinema/Theaters: 1 for each 6 permanent seats Other Commercial Entertainment and Recreation uses: As determined by the Director
Eating and Drinking Establishments	1 per 120 square feet of customer area, including outdoor seating areas
Farmer's Markets	None
Funeral Parlors and Interment Services	1 for each 6 permanent seats or 1 for every 75 square feet of assembly area where no seats or where temporary or moveable seats are provided
Hotels	1 for each guest room Additional parking required for ancillary uses, such as restaurants, according to the parking requirements for the ancillary use

TABLE 16.24.040: REQUIRED NUMBER OF PARKING SPACES	
Land Use Classification	*Required Parking Spaces*
Industrial Uses	**1 per 500 square feet of floor area for the first 20,000 square feet plus 1 for each 1,000 square feet of floor area after, plus 1 per 2,000 square feet of indoor warehousing or storage area and outdoor use area, except as specified below**
Personal Storage	1 space per employee, plus 1 per 20,000 square feet of floor area, plus 1 for every vehicle or boat storage space. A minimum of 3 customer spaces shall be provided.
Transportation, Communication, and Utility Uses	**1 per 250 square feet of office floor area plus 1 for every fleet vehicle**
Agriculture and Resource Related Uses	**1 per 250 square feet of office floor area plus 1 for every fleet vehicle**

B. **Calculation of Required Spaces.** The number of required parking spaces shall be calculated according to the following rules:

1. ***Floor Area.*** Where a parking or loading requirement is stated as a ratio of parking spaces to floor area, the floor area is assumed to be gross floor area, unless otherwise stated.
2. ***Employees.*** Where a parking or loading requirement is stated as a ratio of parking spaces to employees, the number of employees shall be based on the largest shift that occurs in a typical week.
3. ***Bedrooms.*** Where a parking requirement is stated as a ratio of parking spaces to bedrooms, any rooms meeting the standards of the Building Code as a sleeping room shall be counted as a bedroom.
4. ***Seats.*** Where parking requirements are stated as a ratio of parking spaces to seats, each 36 inches of bench-type seating at maximum seating capacity is counted as one seat.
5. ***Sites with Multiple Uses.*** If more than one use is located on a site, the number of required parking spaces and loading spaces shall be equal to the sum of the requirements calculated separately for each use unless a reduction is approved pursuant to Section 16.24.050, Parking Reductions.

16.24.050 Parking Reductions

The number of parking spaces required by Section 16.24.040, Required Parking Spaces, may be reduced as follows. Parking reductions are cumulative; all applicable parking reductions may be applied in determining the number of required parking spaces.

A. **Motorcycle Parking.** Motorcycle parking may substitute for up to five percent of required automobile parking. Each motorcycle space must be at least four feet wide and seven feet deep.

B. **Additional Bicycle Parking.** Developments that provide additional secure bicycle parking facilities over and above the minimum requirement may reduce their parking requirement by one vehicle space for every five additional bicycle spaces provided, up to a maximum reduction of five percent of required parking.

C. **Preferred Carpool/Vanpool Parking Spaces.** Developments that guarantee preferred parking spaces (e.g., covered, shaded, or near building entrance) to employees or residents who participate regularly in a carpool or vanpool may reduce their parking requirement by one vehicle space for every one space which is marked and reserved for carpools/vanpools at a preferred location, up to a maximum reduction of five percent of required parking.

D. **Electric Vehicle Charging Stations.** Developments that provide electric vehicle charging stations beyond the minimum requirements of the California Building Standards Code, may reduce their parking requirement by one vehicle space for every space served by electric vehicle supply equipment in excess of the minimum number of electric vehicle charging stations required by the California Building Standards Code, up to a maximum reduction of ten percent of required parking.

E. **Shared Parking.** Where a shared parking facility serving more than one use will be provided, the total number of required parking spaces may be reduced with approval of a Modification, if the Review Authority finds that:

1. The peak hours of use will not overlap or coincide to the degree that peak demand for parking spaces from all uses will be greater than the total supply of spaces;
2. The proposed number of parking spaces to be provided will be adequate to serve each use; and
3. Agreements are in place to assure provision for and maintenance of the required parking spaces.

F. **Other Parking Reductions.** Required parking for any use may be reduced through approval of a Modification as follows.

1. ***Criteria for Approval.*** A Modification for a parking reduction may be approved if the Review Authority finds that special conditions exist that will reduce parking demand at the site. Conditions include but are not limited to, the nature of the proposed operation; proximity to frequent transit service; transportation characteristics of persons residing, working, or visiting the site; or because the applicant has undertaken a transportation demand management program.
2. ***Parking Demand Study.*** In order to evaluate a proposed project's compliance with the above criteria, submittal of a parking demand study that substantiates the basis for granting a reduced number of spaces may be required.

16.24.060 Parking Assessment Districts

A. **Off-Street Parking Exemption.** Whenever public off-street parking facilities have been established by means of a special parking assessment district, all uses and structures within the district, as established by the City Council, shall be exempt from the parking requirements of this Chapter if the owners/operators of the uses or structures pay the assessment, except as follows:

1. Where the use of a structure that was erected after the levying of the special parking district assessment, or after the establishment of public off-street parking facilities creates the need for an unusual or exceptional amount of off-street parking; or
2. Where an alteration, expansion, or change in use of a structure, after levying of a special parking district assessment, or the establishment of public off-street parking facilities, creates a need for off-street parking spaces in excess of the spaces required for the structure or use before the alteration, expansion, or change in use.

B. **Parking Improvement District No. 2001-1.** The boundaries of the City of Stockton Parking Improvement District No. 2001-1 shall be the boundaries of the West End Redevelopment Area (generally bounded by Park Street on the north, Mormon Slough on the west, Sonora Street on the south, and the Union Pacific Railroad tracks on the east).

1. Any property located within these boundaries, except residential land uses, religious facilities, schools, and emergency shelters, shall have the option of providing all off-street parking on-site as required by this Chapter or annexing to the City of Stockton Parking Improvement District No. 2001-1 if any of the following occur:

    a. New construction of a structure on a vacant parcel;

    b. Remodeling or reconstruction of an existing building or structure to the extent that the cost of remodeling exceeds 50 percent of the assessed value of the property. All remodeling costs within a five-year period shall be cumulative to determine if it exceeds 50 percent;

    c. Additions to the square footage of an existing structure which exceeds ten percent of the existing square footage or floor area; or

    d. Change in use of the property that increases the number of required parking spaces in compliance with this Chapter.

2. If a property is annexed into the City of Stockton Parking Improvement District No. 2001-1, it shall no longer be subject to the Central Parking District assessments.

3. Residential land uses, religious facilities, schools, and emergency shelters that opt to not be part of the district shall meet the parking requirements of this Chapter.

16.24.070 Location of Required Parking

A. **Front and Street-Side Setbacks.** Parking spaces required pursuant to this Chapter shall not be located within a required front or street-side setback.

B. **On-Site Parking Required.** Required parking shall be located on the same lot as the use it serves except as allowed below.

1. ***Allowance for Off-Site Parking.*** Required parking may be located off-site provided the off-site parking facility is located within 500 feet, along a pedestrian route, of the principal entrance containing the use for which the parking is required.

    a. *Evidence of Access and Right to Use.* The applicant shall provide evidence of a recorded covenant guaranteeing the required parking is available and will be maintained for the exclusive use of off-site parking for the subject use or activity for the life of the use or activity.

16.24.080 Bicycle Parking

A. **Required Number of Spaces.** Bicycle parking spaces shall be provided at a rate of at least ten percent of the number of required automobile parking spaces.

B. **Configuration.** Bicycle parking spaces may be designed as short-term spaces, intended to serve shoppers, customers, messengers, guests and other visitors to a site who generally stay for a short time, or long-term spaces serving employees, students, residents, commuters, and others who generally stay at a site for four hours or longer, except as provided below.

1. A minimum of 50 percent of the bicycle parking shall be designated for long-term bicycle parking for facilities with over 100 employees or with a parking requirement that exceeds 50 parking stalls.

C. **Location.** Bicycle parking must be located within 50 feet of a main entrance to the building it serves. Where the bicycle parking area is not visible from the main entrance of the building, signs located at the main entrance or in an entry lobby of the building shall identify the location of bicycle parking.

1. Short-term bicycle parking may be located in the right-of-way with an encroachment permit issued by the City.

D. **Anchoring and Security.**

1. ***Short-term Bicycle Parking Spaces.*** For each short-term bicycle parking space required, a stationary, securely anchored object shall be provided to which a bicycle frame and one wheel (two points of contact) can be secured with a high-security U-shaped shackle lock if both wheels are left on the bicycle. One such object may serve multiple bicycle parking spaces.

2. ***Long-term Bicycle Parking Spaces.*** All required long-term bicycle parking must be covered. Covered parking can be provided inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures. Long-term bicycle parking must be in:

a. An enclosed bicycle locker;

b. A fenced, covered, locked or guarded bicycle storage area;

c. A rack or stand inside a building that is within view of an attendant or security guard or visible from employee work areas or within secure/restricted bicycle storage room; or

d. Other secure area approved by the Director.

E. **Size and Accessibility.** Each bicycle parking space shall be a minimum of two feet in width and six feet in length and shall be accessible without moving another bicycle. Two feet of clearance shall be provided between bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, and pedestrian ways and at least five feet from vehicle parking spaces.

F. **Bicycle Parking Reductions.** A Modification for a reduction in the number of required bicycle parking spaces or to other standards of this Section may be granted pursuant to Chapter 16.51, Modifications, if the Review Authority finds that:

1. Adequate site space is not available on an existing development to provide bicycle parking; or

2. Reduced bicycle parking is justified by reasonably anticipated demand; or

3. Other criteria based on unusual or specific circumstances of the particular case as deemed appropriate by the Review Authority.

16.24.090 Loading

A. **Number of Loading Spaces Required.** Nonresidential uses with less than 10,000 square feet of gross floor area shall provide one off-street loading space, which may be combined with an off-street parking space. Nonresidential uses with 10,000 square feet of floor area or more shall provide off-street loading spaces in compliance with Table 16.24.090. Requirements for uses not

specifically listed shall be determined by the Director based upon the requirements for comparable uses and upon the particular characteristics of the proposed use.

TABLE 16.24.090: REQUIRED LOADING SPACES		
Type of Land Use	*Total Gross Floor Area*	*Loading Spaces Required*
Manufacturing, research and development, institutional, and service uses	10,000 to 30,000 sq. ft.	One
	More than 30,000 sq. ft.	One for each additional 20,000 sq. ft., plus additional as required by Director.
Office uses	10,000 to 70,000 sq. ft.	One
	More than 70,000	One for each additional 35,000 sq. ft., plus additional as required by Director.
Commercial and other allowed uses	10,000 to 20,000 sq. ft.	One
	More than 20,000	One for each additional 10,000 sq. ft., plus additional as required by Director.

B. **Development Standards for Off-Street Loading Areas.** Off-street loading areas shall be provided in the following manner:

1. ***Dimensions.*** Loading spaces shall be not less than ten feet in width, 25 feet in length, with 14 feet of vertical clearance;

2. ***Lighting.*** Lighting in compliance with Section 16.19.140, Lighting and Illumination, shall be installed to provide adequate illumination for security and safety;

3. ***Plans.*** Plans for loading ramps or truck wells shall be accompanied by a profile drawing showing the ramp, ramp transitions, and overhead clearances;

4. ***Location.*** Loading spaces shall be located and designed as follows:

    a. As near as possible to the main structure and limited to the rear two-thirds of the parcel, if feasible,

    b. Situated to ensure that the loading facility is screened from adjacent streets as much as possible,

    c. Situated to ensure that loading and unloading takes place on-premises and in no case within adjacent public rights-of-way or other traffic circulation areas on-premises,

    d. Situated to ensure that vehicular maneuvers occur on-premises, and

    e. Situated to avoid adverse impacts upon neighboring residential properties;

16.24.100 Parking Area Design and Development Standards

All parking areas except those used exclusively for stacked or valet parking, shall be designed and developed consistent with City standards and specifications for parking facilities and the following standards. Parking areas used exclusively for attended stacked or valet parking are subject only to access and

surfacing requirements; stacked or valet parking areas which will allow parking at some times without attendants must designed and developed consistent with the requirements of this Section.

A. **Tandem Parking.** Tandem parking may be permitted to satisfy parking requirements in accordance with the following.

1. No more than two vehicles shall be tandem parked together.
2. Both spaces shall be assigned to a single dwelling unit or nonresidential establishment.
3. The maximum number of tandem parking spaces shall not exceed 50 percent of the total number of spaces.
4. Tandem parking to meet required parking for nonresidential uses may be used for employee parking.
5. Tandem parking shall not be used to meet the guest parking requirement.

B. **Electric Vehicle Charging Stations.** Electric vehicle charging stations are permitted in all required and non-required off-street parking spaces.

C. **Carsharing Programs.** Required automobile parking spaces may be designated Carshare Vehicle parking spaces, pursuant to the following:

1. Up to 20 percent of the required automobile parking spaces may be designated as Carshare Vehicle parking spaces.
2. Carshare Vehicles shall be maintained for active use by Carshare Service and not for other purposes. No sales, servicing, storage, repair, administrative or similar functions shall occur and no personnel shall be employed on the site except for occasional short-term maintenance of vehicles unless otherwise permitted by the land use regulations in the zoning district.
3. Carshare Vehicles shall be made available to members of the Carsharing Service through an unattended, self-service operation 24 hours a day, seven days a week.

D. **Access.** Off-street parking shall be accessible by drives and aisles as follows:

1. ***Parking Areas.*** Access to off-street parking areas shall be provided in the following manner:
    a. *Nonresidential and Multi-Unit Development.* Parking areas for nonresidential development and multi-unit development with more than three units:
        i. Shall provide suitable maneuvering room so that vehicles enter an abutting street or alley in a forward direction.
        ii. The Director may approve exceptions for parking areas immediately adjoining a public alley, provided suitable maneuvering room is provided to enter an abutting street in a forward direction.
    b. *Other Residential.* The required parking spaces for residential development with three or fewer units shall not be located within 20 feet of any right-of-way, measured along the centerline of the driveway from the property line.
2. ***Access to Adjacent Sites.*** Applicants for nonresidential developments are encouraged to provide shared vehicle and pedestrian access to adjacent nonresidential properties for convenience, safety, and efficient circulation. A joint access agreement guaranteeing the continued availability of the shared access between the properties and running with the

land shall be recorded by the owners of the abutting properties, as approved by the Director.

E. **Parking Space and Aisle Dimensions.** The development of parking lots and parking spaces shall comply with the City's standard specifications and plans and the following:

1. ***Parking Spaces.***

a. *Standard Spaces.* Parking spaces shall be:

i. Striped. Striped in parking lots; and

ii. Dimensioned. Dimensioned a minimum of nine feet wide by 19 feet long.

b. *Compact Spaces.* Up to 30 percent of the required parking spaces may be developed to compact space size standards: minimum of nine feet wide by 15 feet long and dispersed throughout the parking lot.

2. ***Aisle Dimensions.*** The width of aisles in parking lots shall depend on the configuration of the parking lot in compliance with the City's standard specifications and plans.

F. **Directional Arrows and Signs.**

1. Parking spaces, driveways, circulation aisles, and maneuvering areas shall be clearly marked with directional arrows and lines to ensure the safe and efficient flow of vehicles.

2. The Director may require the installation of the traffic signs in addition to directional arrows to ensure the safe and efficient flow of vehicles in a parking facility.

G. **Striping and Identification.** All parking stalls except in a garage or carport containing two or fewer parking spaces shall be clearly outlined with striping.

1. ***Vehicular.*** Parking spaces shall be clearly outlined with four-inch-wide lines painted on the surface of the parking facility. Compact and carpool spaces shall be clearly identified for compact vehicle and carpool usage respectively.

2. ***Disabled.*** Parking spaces for the disabled shall be striped and marked so as to be clearly identified in compliance with the applicable State standards.

H. **Surfacing.**

1. Parking spaces and maneuvering areas shall be paved and permanently maintained with asphalt, concrete, or interlocking paving stones in compliance with current City standards. Surfacing of temporary lots shall be approved by the City Engineer.

2. Paving thickness shall comply with the City's standard specifications and plans.

3. Optional materials may be approved by the City Engineer.

I. **Wheel Stops/Curbing.** Continuous concrete curbing at least six inches tall and five and one-half inches wide shall be provided for parking spaces located adjacent to fences, walls, property lines, landscaped areas, and structures. Individual wheel stops may be provided in lieu of continuous curbing when the parking is adjacent to a landscaped area, and the drainage is directed to the landscaped area subject to the approval of the Director. Wheel stops shall be placed to allow for two feet of vehicle overhang area within the dimension of the parking space.

J. **Drainage.** All parking areas shall be drained consistent with applicable stormwater runoff regulations.

K. **Heat Island Reduction.** In order to reduce ambient surface temperatures in parking areas, at least 50 percent of the areas not landscaped shall be shaded, of light-colored materials with a Solar Reflectance Index of at least 29, or a combination of shading and light-colored materials.

1. Shade may be provided by canopies, shade structures, trees, or other equivalent mechanism.

L. **Parking Lot Lighting.** Parking areas designed to accommodate three or more vehicles shall be provided with a minimum of one foot-candle and a maximum of three foot-candles of light over of the parking and access surface during the hours of use from one-half hour before dusk until one-half hour after dawn. All lighting shall comply with the standards of Section 16.19.140, Lighting and Illumination.

M. **Landscaping and Screening.** Surface parking areas designed to accommodate three or more vehicles must be landscaped according to the general standards of Chapter 16.22, Landscaping, as well as the standards of this Subsection.

1. ***Landscape Area Required.*** A minimum of eight percent of the parking lot area, including all driveways and maneuvering areas shall be landscaped.

2. ***Trees Required.***

a. *Number and Location.* For purposes of providing shade and reducing the heat island effect, trees shall be evenly spaced throughout the interior parking area at a rate of one tree for every five parking spaces.

i. The required number of trees shall not include required street trees.

ii. Shade structures with solar panels (if any) over parking spaces may be substituted for parking lot trees only to the extent necessary to facilitate the structure(s). The maximum feasible amount and height of trees and/or other landscape vegetation must be provided at endcaps and perimeter areas where this substitution occurs.

iii. If shade is provided by trees, the amount of required shading is to be reached within 15 years.

b. *Size.* All trees within the parking area shall be a minimum 15-gallon container stock with a caliper size, at time of planting, which is appropriate for a normal, healthy example of the specified tree variety and no less than three-fourths inch in diameter.

3. ***Planting Areas.*** Trees shall be located in planting areas that are designed and constructed throughout the parking area. In order to be considered within the parking area, trees shall be located in planters that are bounded on at least three sides by parking area paving. Planters shall have a minimum interior dimension of six feet. All ends of parking lanes shall have landscaped islands.

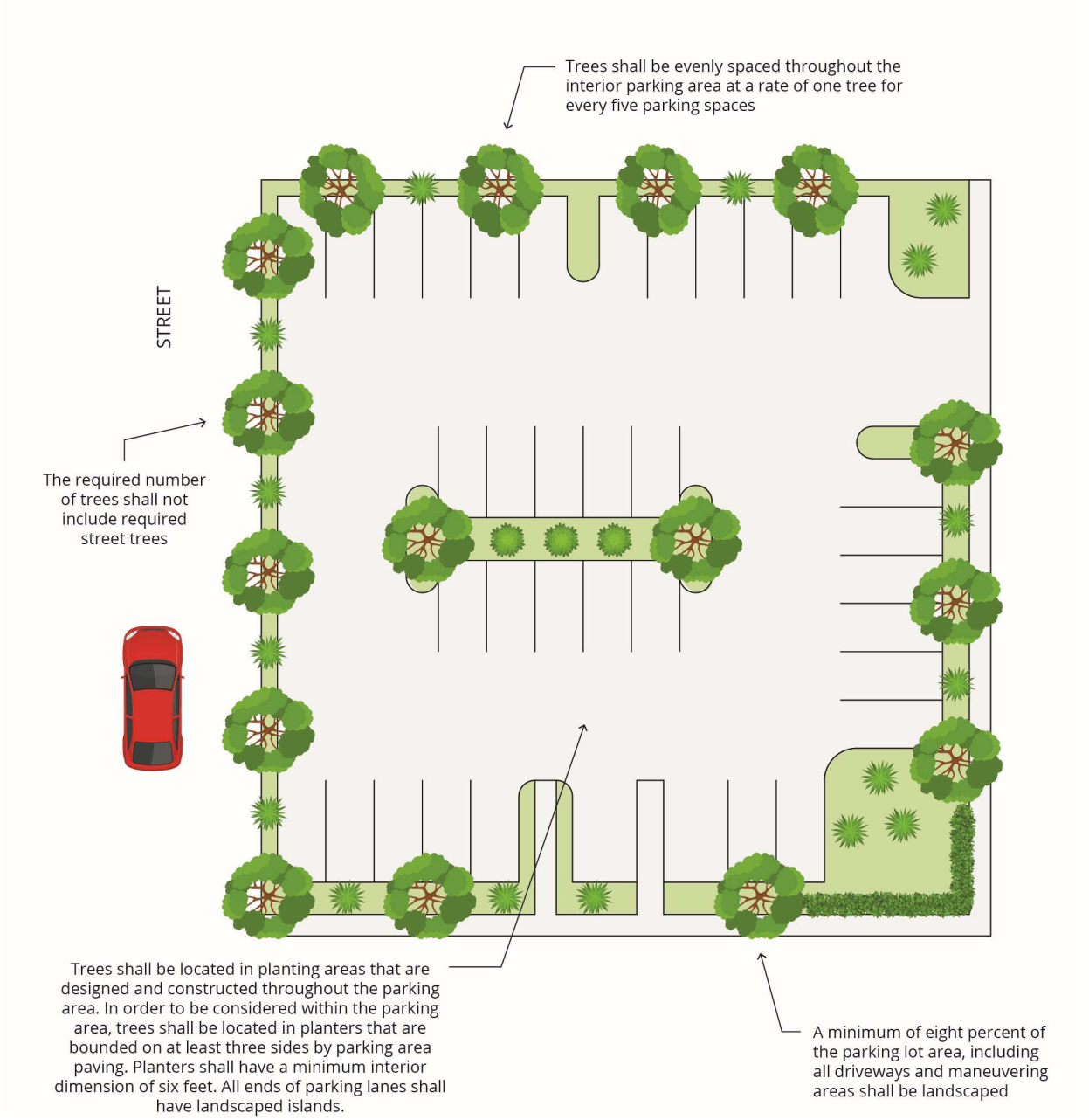


FIGURE 16.24.100.M: PARKING LOT LANDSCAPING

4. ***Landscaping and Screening Adjacent to Streets and Alleys.*** Landscaping and screening shall be provided between any surface parking area and any adjacent public or private street or alley in compliance with the following:

   a. A landscaped area at least five feet wide shall be provided.

   b. Screening a minimum 30 inches in height and consisting of one or any combination of the following methods shall be provided.

i. Walls. Low-profile walls located a minimum of four feet from the property line consisting of brick, stone, stucco, or other quality durable material approved by the Director, and including a decorative cap or top finish as well as edge detail at wall ends.

ii. Planting. Plant materials consisting of compact evergreen plants that form an opaque screen.

iii. Berms. Berms a minimum of two feet in height and planted with appropriate shrubs and ground cover.

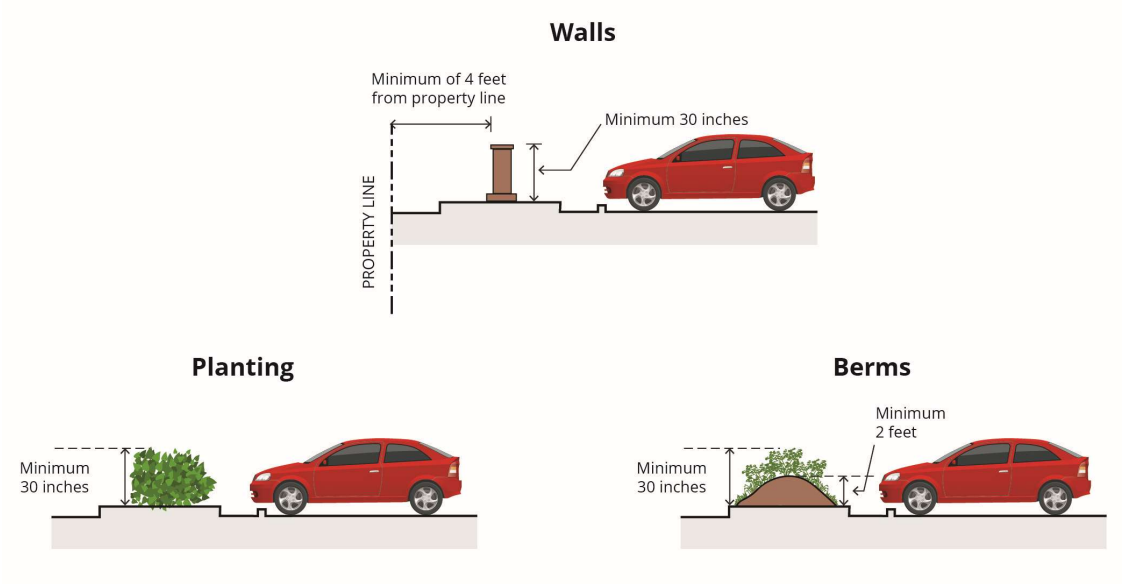


FIGURE 16.24.100.M.4: PARKING LOT SCREENING, STREETS AND ALLEYS

5. ***Landscaped and Screening Abutting Interior Lot Lines.***

a. *Adjacent to a Residential District.* Landscaping and screening shall be provided between any surface parking area and any adjacent lot in a Residential District in compliance with the following:

i. A landscaped area at least ten feet wide shall be provided.

ii. A six-foot-tall solid masonry wall shall be located between the landscaped area and the property line of the Residential zoned lot.

b. *Adjacent to Any Other District.* A landscaped area at least three feet wide shall be provided between any surface parking area and any adjacent lot in any district other than Residential for the length of the parking area.

6. ***Visibility and Clearance.*** Landscaping in planters at the end of parking aisles shall not obstruct driver's vision of vehicular and pedestrian cross-traffic. Mature trees shall have a foliage clearance maintained at eight feet from the surface of the parking area. Other plant materials located in the interior of a parking lot shall not exceed 30 inches in height.

N. **Alternative Parking Area Designs.** Where an applicant can demonstrate to the satisfaction of the Director that variations in the requirements of this Section are warranted in order to achieve an equivalent or better design, an alternative parking area design may be approved.

O. **Maintenance.** Parking lots, including landscaped areas, driveways, and loading areas, shall be maintained free of refuse, debris, or other accumulated matter and shall be kept in good repair at all times.

Chapter 16.25 Performance Standards

16.25.010 Purpose

The purpose of this Chapter is to establish uniform performance standards for development within the City that promotes compatibility with surrounding areas and land uses.

16.25.020 Applicability

The minimum requirements in this Chapter apply to all land uses in all zoning districts except as provided below. Uses of the land that existed on the effective date of the ordinance codified in this Chapter shall not be altered or modified so as to conflict with, or further conflict with, these standards.

A. The following uses and activities are exempt from compliance with the requirements of this Chapter:

1. Legal nonconforming uses, which have an established right not to comply with the provisions of this Chapter.
2. Temporary events with approved Temporary Activity Permits or other required permits, where such activities otherwise comply with other applicable provisions of this Code and the Stockton Municipal Code.
3. An emergency activity on the part of the City or a private party.
4. Temporary construction activity where such activity is explicitly regulated by and in conformance with other regulations of the Municipal Code.
5. Other uses and activities as otherwise specified in this Code.

16.25.030 General Standard

Land or buildings shall not be used or occupied in a manner creating any dangerous, injurious, or noxious fire, explosive or other hazard that would adversely affect the surrounding area.

16.25.040 Evaluation of Impacts

Unless otherwise specified in this Code, measurements necessary for determining compliance with the standards of this Chapter shall be taken at the lot line of the establishment or use that is the source of a potentially objectionable condition, hazard, or nuisance.

A. **Proposed Projects.** If requested by the Director or the Review Authority, applicants shall provide evidence to the Director that the proposed project complies or would comply with the provisions of this Chapter.

16.25.050 Air Pollution

The operation of facilities shall not directly or indirectly discharge air contaminants into the atmosphere, including smoke, sulfur compounds, dust, soot, carbon, noxious acids, fumes, gases, mist, odors or particulate matter, or any other air contaminants or combination which exceeds any local, State, or Federal air quality standards or which might be obnoxious or offensive to anyone residing or conducting business either on-site or abutting the site. Sources of air pollution shall comply with rules identified by the Environmental Protection Agency, the California Air Resources Board, and the San Joaquin Valley Unified

Air Pollution Control District. If requested by the Director, uses, activities, or processes that require Air Pollution Control District approval to operate shall file a copy of the permit with the Department within 30 days of its approval.

16.25.060 Electrical Interference

Uses, activities, and processes shall be conducted so as not to produce electric and/or magnetic fields that adversely affect public health, safety, and welfare including interference with normal radio, telephone, or television reception from off the premises where the activity is conducted, except for amateur radio operations that comply with Federal Communication Commission regulations. Existing or proposed uses that generate electrical disturbances that may be considered hazardous or a nuisance shall be shielded, contained, or modified to prevent any disturbances. Operators of these uses shall comply with all applicable Federal Communications Commission regulations.

16.25.070 Graffiti

Graffiti as defined in Section 8.24.020 of the Municipal Code, is prohibited and shall be removed in compliance with Chapter 8.24 Graffiti, of the Municipal Code.

16.25.080 Light and Glare

Light or glare from mechanical or chemical processes or from reflective materials used or stored on a site shall be shielded or modified to prevent emission of light or glare beyond the property line, or upward into the sky.

16.25.090 Noise

A. **Purpose.** The purpose of this Section is to:

1. Establish standards to protect the health, safety, and welfare of those living and working in the City.
2. Implement goals and policies of the General Plan Noise Element.
3. Facilitate compliance with the State Noise Insulation Standards (California Code of Regulations, Title 24) and the California Building Standards Code.
4. Provide community noise control regulations and standards which are consistent with, or exceed, the guidelines of the State Office of Noise Control and the standards adopted by the Federal Highway Administration (FHWA), California Department of Transportation (Caltrans), or other government or regulatory agencies.

B. **Exempt Activities.** The following activities shall be exempt from the provisions of this Section:

1. ***Emergency Exemption.*** The emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work.
2. ***Warning Device.*** Warning devices necessary for the protection of public safety, (e.g., police, fire and ambulance sirens, properly operating home and car burglar alarms, and train horns).
3. ***Outdoor Play/School Ground Activities.*** Activities conducted on parks and playgrounds and school grounds, between 7:00 a.m. and 10:00 p.m., except for additional hours that may be granted by the City Manager.

4. ***Railroad Activities.*** The operation of locomotives, rail cars, and facilities by a railroad that is regulated by the State Public Utilities Commission.

5. ***State or Federal Pre-Exempted Activities.*** Any activity, to the extent the regulation of it has been preempted by State or Federal law.

6. ***Public Health and Safety Activities.*** All transportation, flood control, and utility company maintenance and construction operations at any time on public rights-of-way, and those situations that may occur on private property deemed necessary to serve the best interest of the public and to protect the public's health and well being, including, debris and limb removal, removal of damaged poles and vehicles, removal of downed wires, repairing traffic signals, repair of water hydrants and mains, gas lines, oil lines, and sewers, restoring electrical service, street sweeping, unplugging sewers, vacuuming catch basins, etc. The regular testing of motorized equipment and pumps shall not be exempt.

7. ***Maintenance of Residential Real Property.*** Noise sources associated with the minor maintenance of residential real property, provided the activities take place between the hours of 7:00 a.m. and 10:00 p.m.

8. ***Stationary Emergency Generators.*** Sound resulting from the operation of any stationary emergency generator operated during an emergency situation in compliance with the following standards.

    a. *Emergency Service Only.* Stationary emergency generators are limited to stationary or nonportable internal combustion engines that serve solely as a secondary source of mechanical or electrical power when the primary source is disrupted or discontinued during a period of emergency due to a situation beyond the control of the owner. A stationary emergency generator that serves as an energy or power source in circumstances other than emergency situations or for standard testing, such as load shedding or peak shaving, shall not be considered a stationary emergency generator.

        i. Emergency situation is defined as loss of primary power due to power outage, on site disaster, area-wide natural disaster, or circumstances beyond the control of the owner/operator. An emergency situation shall not include power interruptions pursuant to an interruptible power service agreement, engine testing or scheduled maintenance.

    b. *Operation.* A stationary emergency generator shall operate only during emergency situations or for standard performance testing procedures as required by law or by the engine manufacturer.

    c. *Enclosure.* All stationary emergency generators shall be enclosed in a sound absorbing encasement and in no event shall the sound rating value of generators in any district exceed 76 Lmax dBA at 23 feet.

    d. *Testing.* Stationary emergency generators may be operated for testing purposes one time for a period not to exceed 30 minutes in any seven-day period. Testing of stationary emergency generators is permitted between the hours of 7:00 a.m. through 10:00 p.m. Monday through Saturday.

C. **Prohibited Activities.** The following are prohibited and are therefore deemed violations.

1. ***Construction Noise.*** Operating or causing the operation of tools or equipment on private property used in alteration, construction, demolition, drilling, or repair work between the

hours of 10:00 p.m. and 7:00 a.m., so that the sound creates a noise disturbance across a residential property line, except for emergency work of public service utilities.

2. ***Loading and Unloading Operations.*** Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects on private property between the hours of 10:00 p.m. and 7:00 a.m. in a manner to cause a noise disturbance.

3. ***Public Nuisance Noise.*** Public nuisance noise is noise that is generally not associated with a particular land use but creates a nuisance situation by reason of its being disturbing, excessive, or offensive. Examples would include excessively loud noise from alarms, animals, horns, musical instruments, stereos, tape players, televisions, vehicle or motorboat repairs and testing, and similar noise as required by Chapter 8.20 and Sections 9.40.040 and 9.40.050 of the Municipal Code.

4. ***Stationary Nonemergency Signaling Devices.*** Sounding or allowing the sounding of an electronically amplified signal from a stationary bell, chime, siren, whistle, or similar device intended primarily for nonemergency purposes, from private property for more than ten consecutive seconds in any hourly period.

5. ***Refuse Collection Vehicles.***

   a. Operating or allowing the operation of the compacting mechanism of any motor vehicle that compacts refuse and that creates, during the compacting cycle, a sound level in excess of 85 dBA when measured at 50 feet from any point of the vehicle.

   b. Collecting refuse, or operating or allowing the operation of the compacting mechanism of any motor vehicle that compacts refuse in a Residential Zoning District between the hours of 5:00 p.m. and 5:00 a.m. the following day.

6. ***Sweepers and Associated Equipment.*** Operating or allowing the operation of sweepers or associated sweeping equipment (e.g., blowers) on private property between the hours of 10:00 p.m. and 7:00 a.m. the following day in, or adjacent to, a Residential Zoning District.

7. ***Vehicle or Motorboat Repairs and Testing.*** Modifying, rebuilding, repairing, or testing any motor vehicle, motorcycle, or motorboat in a manner as to cause a noise disturbance across the property line of a noise-sensitive use greater than the noise level standards in Table 16.25.090.D, Maximum Allowable Noise Exposure.

D. **Noise Standards.**

1. ***Applicability.*** All new and expansion of existing noise-sensitive land uses and all projects that include the development of new transportation facilities, the expansion of existing transportation facilities, creation of new noise sources, or expansion of existing noise sources shall be required to mitigate their noise levels so that the resulting noise does not exceed the standards in Table 16.25.090.D, Maximum Allowable Noise Exposure.

   a. *Exceptions, Infill Sites.*

      i. Noise-Sensitive Land Uses on Noise-Impacted Infill Sites. New and expansion of existing noise-sensitive land uses on infill sites that are within an “existing” or “projected” 60 dB Ldn transportation noise contour, as identified in the General Plan or adjacent to a land use-related noise source exceeding the noise standards in Table 16.25.090.D, Maximum Allowable Noise Exposure, shall be required to mitigate the existing and projected noise levels from those sources so that the resulting noise levels

within the interior of the noise-sensitive land uses do not exceed the indoor space standards in Table 16.25.090.D, Maximum Allowable Noise Exposure.

ii. Noise-Generating Land Uses and Transportation-Related Sources in the Vicinity of Infill Sites. Noise generating land uses and transportation-related projects, which are approved for development or expansion in the vicinity of existing noise-sensitive infill sites, shall be required to mitigate:

(1) Exterior noise levels (measured at the property line nearest the noise source) so that the ambient noise levels at the time of development and the maximum exterior noise standards for commercially and industrially-zoned properties are not exceeded; and

(2) Interior noise levels (measured at least four feet from the interior side of the wall nearest the noise source) so that the resulting noise levels within the interior of any impacted noise-sensitive land uses do not exceed the interior space standards in Table 16.25.090.D, Maximum Allowable Noise Exposure.

TABLE 16.25.090.D: MAXIMUM ALLOWABLE NOISE EXPOSURE

Transportation-Related Noise Standards		
Noise-Sensitive Land Use Type	*Maximum Allowable Noise Exposure (LdndB)*	
	Outdoor Activity Areas	*Indoor Spaces*
Residential (all types)	65	45
Child care	—	45
Educational facilities	—	45
Libraries and museums	—	45
Live-work facilities	65	45
Lodging	65	45
Medical services	—	45
Multi-use (with residential)	65	45
Land Use-Related Noise Standard		
Noise Level Descriptor	*Outdoor Activity Areas*	
	Day (7:00 a.m. to 10:00 p.m.)	*Night (10:00 p.m. to 7:00 a.m.)*
Hourly equivalent sound level (Leq), dB	55	45
Maximum sound level (Lmax), dB	75	65

Notes:

(1) The noise standard shall be applied at the property line of the receiving land use. When determining the effectiveness of noise mitigation measures, the standards shall be applied on the receiving side of noise barriers or other property line noise mitigation measures.

(2) Each of the noise level standards specified shall be decreased by five for impulse noise, simple tone noise, or noise consisting primarily of speech or music.

2. ***Maximum Sound Level.***

a. *Commercial Zoning Districts.*

i. The maximum sound level (Lmax) produced by land uses in Commercial Districts shall not exceed 75 dB.

ii. The hourly equivalent sound level (Leq) from land uses in Commercial Districts shall not exceed 65 dB during daytime or nighttime hours.

b. *Industrial Zoning Districts.*

i. The maximum sound level (Lmax) produced by land uses in Industrial Districts or in the Public Facilities (PF) District shall not exceed the following:

(1) 75 dB in an abutting Commercial District.

(2) 80 dB in other areas.

ii. The hourly equivalent sound level (Leq) from land uses in Industrial Districts or in the Public Facilities (PF) District shall not exceed the following:

(1) 65 dB during daytime or nighttime hours in an abutting Commercial District.

(2) 70 dB during daytime or nighttime hours in other areas.

E. **Thresholds of Significance.** The threshold for determining the potential significance of a noise impact under CEQA shall be:

1. An incremental increase of three dB Ldn or greater to exterior or interior noise levels; or

2. Any exceedance of existing maximum noise standards, which may constitute a significant cumulative noise impact.

F. **Acoustical Study.** An acoustical study prepared by a qualified acoustical consultant shall be required for any proposed project which could create or be subject to a noise exposure greater than those specified in Table 16.25.090.D, Maximum Allowable Noise Exposure or greater than that deemed “normally acceptable” by the Noise Element of the General Plan. At a minimum, the acoustical study shall include the following:

1. ***Project and Site Description.*** A general description of the project’s physical and operational characteristics and of the site’s location, physical features, and land use setting (including appropriately scaled maps);

2. ***Identification of Noise Sources.*** Identification of the noise sources from the project and from the area surrounding the site;

3. ***Description of Noise Assessment Methodology.*** A description of the methodology that will be used to assess noise impacts, including a listing of all assumptions and data used in any computer models:

a. Computer models that will be used for noise predictions shall be standard versions approved by the Federal Highway Administration (FHWA), Federal Aviation Administration (FAA), California Department of Transportation (CalTrans), or other government agencies;

b. For traffic noise studies, the computer models, SOUND32 or other proprietary models based on the 1978 "FHWA Highway Traffic Noise Prediction Model (FHWA-RD-77-108)," as amended, shall be used. The FHWA's new "Traffic Noise Model" (TNM) shall be used after its phase-in period. For aircraft noise studies, the latest version of the FAA's "Integrated Noise Model" (INM) shall be used;

c. If standard government approved models do not exist (e.g., railroad and industrial noise sources), a description of the model shall be provided;

4. ***Existing and Projected Noise Levels.*** A description of existing and future (20 years minimum) noise levels together with a comparison of these noise levels to the noise level standards specified in Table 16.25.090.D, Maximum Allowable Noise Exposure;

5. ***Impacts of or Impacts on the Project.*** Discussion of the noise impacts generated by the project and/or the impacts of existing and future noise levels on the project, including anticipated quantifiable changes in the noise environment, shall be presented; and

6. ***Noise Attenuation/Mitigation Measures.*** Recommended noise attenuation/mitigation measures to achieve compliance with the standards specified in Table 16.25.090.D, Maximum Allowable Noise Exposure (e.g., noise barriers/walls, site design, setbacks, enclosure of noise-generating uses and equipment, equipment modification and muffling, structure soundproofing), or a detailed explanation stating why mitigation is infeasible.

G. **Required Noise Attenuation/Mitigation Measures.** If the existing noise levels affecting a project are greater than those allowed, the developer shall mitigate the noise as follows:

1. ***Infill Projects.*** For infill projects, site planning and construction techniques shall be used to reduce sound levels to allowed maximum interior sound levels or below. Examples of noise reducing techniques include orienting building openings away from the noise source, appropriate subdivision design for noise avoidance, landscape setbacks and berms, use of acoustical barriers and walls, enclosure of noise-generating uses and equipment, and use of appropriate building construction technology and materials to reduce interior noise levels.

2. ***Other Projects.*** For other projects, a noise attenuation barrier shall be constructed and/or noise attenuation measures described above shall be applied to the structures, as applicable, to bring sound levels down to allowed maximum interior and exterior sound levels or below.

3. Other measures identified in an acoustic study conducted for the project as necessary to reduce noise levels to achieve compliance with the standards specified in Table 16.25.090.D, Maximum Allowable Noise Exposure.

16.25.100 Odor

Sources of odorous emissions shall comply with the rules and regulations of the San Joaquin Valley Unified Air Pollution Control District and the State Health and Safety Code. Noxious odorous emissions in a matter or quantity that is detrimental to or endanger the public health, safety, comfort, or welfare is declared to be public nuisance and unlawful, and shall be modified to prevent further emissions release, except for agricultural operations in compliance with Section 16.19.050, Agricultural Preservation.

16.25.110 Vibration

Uses that generate vibrations that may be considered a nuisance or hazard on any adjacent property shall be cushioned or isolated to prevent generation of vibrations. Uses shall be operated in compliance with the following provisions:

A. Uses shall not generate ground vibration that is perceptible without instruments by the average person at any point along or beyond the property line of the parcel containing the activities;

B. Uses, activities, and processes shall not generate vibrations that cause discomfort or annoyance to reasonable persons of normal sensitivity or which endangers the comfort, repose, health or peace of residents whose property abuts the property lines of the parcel;

C. Uses shall not generate ground vibration that interferes with the operations of equipment and facilities of adjoining parcels; and

D. Vibrations from temporary construction/demolition and vehicles that leave the subject parcel (e.g., trucks, trains, and aircrafts) are exempt from the provisions of this Section.

16.25.120 Water Pollution

No liquids of any kind shall be discharged into a public or private sewage or drainage system, watercourse, body of water, or into the ground, except in compliance with applicable regulations of the California Regional Water Quality Control Board (California Administrative Code, Title 23, Chapter 3 and the California Water Code.

Chapter 16.26 Public Improvements

16.26.010 Purpose of Chapter

A. **Purpose.** Except as provided in Municipal Code Title 15, Buildings and Construction, the intent of this Chapter is to supplement and implement the Subdivision Map Act, Government Code Sections 66410, et seq., and to specify the public improvement requirements for subdivisions and single-parcel developments.

B. **Regulatory Controls.** This Chapter regulates and controls the extent and installation of public improvements for subdivisions and single-parcel developments. The regulations outlined in this Chapter are determined necessary for the preservation of the public health, safety, and general welfare; to promote orderly growth and development; and to ensure provisions for adequate traffic circulation, utilities, and services.

16.26.020 Applicability

The requirements of this Chapter shall apply to all subdivisions and single-parcel developments, except where it states that a specific requirement only applies to a subdivision or single-parcel development. All subdivisions are also subject to the standards in Division 4, Subdivisions.

16.26.030 Area of Benefit

A. **Purpose and Authority.**

1. ***Purpose.*** The purpose of this Section is to make provision for assessing and collecting fees as a condition of approval of a map, condition of development approval, or as a condition of issuing a building permit for the purpose of defraying the actual or estimated cost of constructing the public improvements pursuant to the City's authority to make and enforce all ordinances and regulations with respect to municipal affairs under the California Constitution, Article 11, Section 5 and Stockton Municipal Charter, Article III, Section 300.

2. ***Authority.*** This Chapter shall be the exclusive procedure for the establishment and operation of areas of benefit in the City.

B. **Findings.** No area of benefit shall be established unless the City Council finds that the construction of the public facilities or improvements provided for by the area of benefit fees is required for subsequent developments, and that the fees are fairly apportioned within the area on either:

1. The basis of benefits conferred on property proposed for development; or

2. The need for such facilities created by the proposed development and development of other property within the area.

C. **General Requirements.** The City Council may by resolution adopt an area of benefit for the purpose of defraying the actual or estimated costs of public improvements.

1. An area of benefit may be used for the following purposes:

   a. To reimburse a developer who installs public improvements which benefit property outside the subdivision or development.

   b. To reimburse the City or County for construction of public improvements which benefit property.

c. To establish a fund for the future construction of a needed public improvement. Public improvements for which area of benefits may be established are:

i. Curb, gutter, and sidewalk;

ii. Street structural section;

iii. Tree wells and sprinkler system;

iv. Fence;

v. Street lighting;

vi. Street signs;

vii. Traffic signals;

viii. Storm drainage facilities;

ix. Sanitary sewer facilities;

x. Water facilities;

xi. Fire hydrants;

xii. Storm drain and sanitary sewer pump stations;

xiii. Railroad crossings;

xiv. Bridges and major thoroughfares;

xv. Libraries;

xvi. Fire stations;

xvii. Police substations; and

xviii. Parks.

d. To reimburse a developer or the City for the preparation of a specific plan, precise road plan, master utility plan, area-wide traffic analysis, and similar studies which benefit property located within the designated plan area.

2. By resolution, the City Council shall establish the boundaries of the area of benefit, the estimated or actual cost, a fair method of allocation of costs, fee apportionment, and the applicable fees to be paid. The cost shall include design, construction, inspection, acquisition of land or easements, contingencies, and incidental expenses.

3. The area of benefit fees shall include a City administrative charge of ten percent of the total cost.

D. **Fee Adjustment.** The actual or estimated cost of the public improvement shall be adjusted in accordance with the Engineering Construction Cost Index as published by Engineering News Record for the elapsed time between the date the area of benefit is formed and the date the fee is collected. The revised area of benefit fee shall equal the adjusted cost plus a City administrative fee of ten percent of the adjusted cost. Should a County, school district, or other public agency develop a parcel of land within a tentative map area, and the agency is found to be exempt from payment of area of benefit fees, the assessment for the parcel shall be prorated equally as an adjustment upon the balance of the unpaid parcels within the approved tentative map area.

E. **Separate Funds.** Area of benefit fees, less the ten percent City administrative charge, shall be deposited in separate funds. Monies in such funds shall be expended solely for the construction or

reimbursement for construction of the public improvements serving the area to be benefited. These funds shall also accrue interest.

F. **Life of Area of Benefit.** An area of benefit shall remain in existence for 20 years or until all fees have been collected, whichever occurs first.

G. **Surplus Distribution.**

1. After completion of the public improvements and payment of all claims from any area of benefit, the City Council may determine by resolution the amount of the surplus, if any, remaining in any of those funds.

2. Any remaining portion of the surplus which has not been paid to or claimed by the persons entitled within two years from the date of either the completion of the improvements, or the adoption by the resolution declaring a surplus, whichever is later to occur, shall be transferred to the General Fund.

H. **Payment of Fees Required.** Prior to the issuance of a Building Permit or the filing of any final or parcel map, the developer shall pay all area of benefit fees. The fees shall be paid for the entire area included located on the map, including developed parcels.

I. **Exemptions.** Payment of area of benefit fees shall not be required for:

1. The following accessory structures: private garages, children's playhouse, radio and television receiving antennas, windmills, silos, tank houses, shops, barns, coops, and other buildings which are accessory to one-family or two-family dwellings.

2. The use, alteration, or enlargement of any existing structure(s) or the erection of one or more structures on the same parcel of land, provided the total value, as determined by the Community Development Department, of all such alterations, enlargements, or construction does not exceed 25 percent of the current market value, as determined by the Department, of all existing structures on the parcel of land, and the alteration or enlargement of the structure would not change its classification or occupancy as defined by the California Building Standards Code. This is a one-time exemption and subsequent development shall require full payment of all areas of benefit fees.

J. **Reimbursements.**

1. A developer who installs public improvements, which benefit property outside the development, is eligible for reimbursement. An area of benefit will be established to reimburse the developer a proportionate share of the cost. The developer will be reimbursed from area of benefit payments from future development. The amount of reimbursement shall equal the area of benefit payments less the ten percent City administrative charge.

2. Reimbursement shall be payable to heirs, successors, and assigns of the developer. Payment to more than one individual, corporation, or partnership must be approved by the City.

K. **Notice of Hearing.** Before the adoption of a resolution creating an area of benefit under this Section and at least ten days before the date and time set for the hearing before the City Council, a notice of the date, time, and location of the hearing and a statement of the nature of the improvement to be constructed under the area of benefit, the actual or estimated costs of the project, and the proposed boundaries of the area of benefit shall:

1. Be sent to the owners of all property proposed for inclusion in the area of benefit by first class mail, to the addresses shown on the latest equalized assessment roll of the County; and

2. Be published at least once in a newspaper of general circulation in the City.

L. **Hearing.** A hearing on a proposed area of benefit shall take place before the City Council, at which time all interested parties shall be heard. The City Council shall establish the boundaries of the area of benefit, the costs, whether actual or estimated, and a fair method of allocation of costs to the area of benefit and fee apportionment.

M. **Runs with Land.** The area of benefit shall bind and run with the land.

16.26.040 Dedications and Exactions

A. **Findings Required for Dedications and Exactions**. Dedications or exactions may be required by the Review Authority through conditions of approval of a proposed tentative map or other forms of discretionary approval, only after first making findings which:

1. Identify the purpose for the dedication or exaction; and

2. Demonstrate that there is a reasonable relationship between the need for the dedication, or exaction and the characteristics and impacts of the development from which the dedication or exaction is required.

B. **Public Utilities and Utility Easements.**

1. ***Utilities.*** Public utilities, including electricity, gas, water, sewer, storm drains, telecommunications services, cable television, and traffic signal detector loops shall be installed as part of the improvements within all subdivisions as provided by this Section.

2. ***Easements.***

a. *Minimum Width.* The minimum width of easements for public or private utilities, street tree planting, sanitary sewers, or water distribution systems shall be determined by the Review Authority based on the recommendations of:

i. The City Engineer for City facilities other than utilities; and

ii. Recommendations of the applicable utility provider for public or private utilities.

b. *Overhead Lines.* New overhead utility lines shall not be permitted.

3. ***Installation.*** Lateral connections to all underground utilities, water lines, and sanitary sewers shall be laid to sufficient lengths to avoid the need for disturbing the street improvements when service connections are made.

C. **Park Land Dedications and Fees.**

1. ***Purpose.*** This Section provides for the dedication of land and/or the payment of fees to the City for park and recreational purposes and/or the construction of park and recreational facilities.

2. ***Applicability.***

a. *Land Dedication and/or Fee Payment and/or Construction of Park and Recreational Facilities.* The subdivider shall dedicate land and/or pay a fee and/or

construct park and recreational facilities in compliance with this Section for the purpose of developing new or rehabilitating existing park or recreation facilities.

b. *Exemptions.* This Section does not apply to industrial or commercial subdivisions, condominium projects, or stock cooperatives, which consist of the subdivision of airspace in an existing apartment building, which is more than five years old, when no new dwelling units are added.

3. ***Amount of Parkland Required.*** The amount of acreage required to be dedicated by a residential subdivider for park and recreational purposes shall be based upon the number of dwelling units expected in the subdivision. The required dedication shall be computed using the following formula:

a. X = .005(UP)

b. Where:

i. X = Amount of park land required, in acres.

ii. U = Total number of approved dwelling units in the subdivision.

iii. P = The projected average number of residents per dwelling unit in the proposed subdivision, as determined by the Director.

4. ***General Park Land Fees.***

a. *Basis for Fee.* The park land fee shall be based on the estimated proportionate cost that would be needed to acquire the land and develop facilities for a park thereon and shall be established by City Council resolution.

b. *Administrative Guidelines.* The City Council shall by resolution, adopt administrative guidelines to provide procedures for the calculation, reimbursement, credit, or deferred payment of parkland dedication and fees.

5. ***Criteria for Requiring Dedication, Construction, and Fees.*** In subdivisions of over 50 parcels, the City may require the subdivider to dedicate both land and pay a fee, and/or construct park and recreation facilities in compliance with the administrative guidelines and/or applicable tentative map conditions.

6. ***Suitability of Land to be Dedicated.*** Each park site proposed for dedication in compliance with this Section shall be suited for the intended use and shall meet all criteria established by the General Plan.

a. Land which is made part of a park site for subdivision design purposes, but which is physically unsuited for park use, shall not be considered when calculating the area of the park site provided in compliance with this Section. The park space provided shall be calculated from the road rights-of-way and interior property lines abutting the site, and not from any abutting roadway centerline.

b. If the Community Development Director determines that any of the land proposed to be dedicated is not suitable for park use, he or she may reject all or any portion of the land offered, and in that event the subdivider shall provide an alternative site or, at the discretion of the Director instead pay a fee in compliance with Subsection 4, above.

7. ***Conveyance of Land, Payment of Fees.*** Real property being dedicated for park purposes shall be conveyed by the parcel or final map or by grant deed, to the City by the subdivider,

free and clear of all encumbrances except those which, in the opinion of City Attorney, will not interfere with use of the property for park and recreational purposes, and which the City Council agrees to accept. The amount of the required fees shall be deposited with the City at the time of submittal of the Building Permit. The subdivider shall provide the instruments required to convey the land and title insurance approved by the City Attorney in favor of the City in an amount equal to the value of the land.

8. ***Maintenance Entity for Dedicated Park Land.***

a. Prior to recordation of any final map or in conjunction with the formation of a homeowner's association, the developer shall provide a mechanism or system to ensure that the subdivision permanently pays its proportionate share of costs associated with the maintenance of any park site within the service area of the subdivision or serving the subdivision. The mechanism for doing so may be by annexation into the City's consolidated landscape maintenance district or by the formation of a new zone of the City's consolidated landscape maintenance district to ensure that properties are assessed for the maintenance costs.

b. The owner, developer, or successor-in-interest shall be responsible for maintenance of the park site until such time as the zone of the Stockton consolidated maintenance district, through which the park shall be maintained, generates sufficient revenue to assume such responsibility.

D. **Right-of-Way Dedications.** All right-of-way dedications for subdivisions and single-parcel developments shall comply with the standard plans and specifications, and the following requirements: All development is responsible to construct minimum frontage improvements (half section of a local street) including but not limited to curb, gutter, sidewalk, 18 feet of pavement, and streetlights.

1. ***Additional Requirements for Development that Results in Increased Trip Generation.*** Where the redevelopment of a site or development of a vacant or undeveloped site result in increased trip generation, rights-of-way dedication, and construction of improvements greater than the standard on-half section of a local street shall be provided in accordance with Table 16.26.040.

a. This table does not apply when a precise road plan amendment is a part of the development application.

b. This table does not apply when new/additional access is requested, and improvements are required to accommodate the new/additional access.

TABLE 16.26.040: RIGHT-OF-WAY DEDICATION AND CONSTRUCTION OF IMPROVEMENTS GREATER THAN THE STANDARD ONE-HALF SECTION OF A LOCAL STREET

Situation	*Responsibility for R/W and Improvements*	*Remarks*
Redevelopment of site; No increase in trip generation	City	
Redevelopment of site; Increased trip generation	Developer	If budgeted, (not just listed in CIP) City to construct and sets up AOB to recover fair share.
Vacant or underdeveloped; Increased trip generation	Developer	

2. ***Offers of Dedication Required.*** The developer shall dedicate via a grant of easement or make an irrevocable offer of dedication for all land within the development that is determined by the Review Authority to be needed for public streets, including access rights

and abutters' rights; drainage; and scenic easements, public utility easements, and any other necessary public easements.

3. ***Improvements.*** The developer shall construct or agree to construct all improvements approved or required for the development, including access rights and abutters' rights, in compliance with the standard plans and specifications.

4. ***Rights-of-Way.*** Rights-of-way shall be consistent with any specific plan, precise road plan, or Master Development Plan, and be of sufficient size to accommodate the required improvements.

5. ***Access Rights.***

   a. *Residential Development.* Where residential property is to be developed adjacent to an existing or proposed divided street, major or minor arterial, or collector, the developer shall be limited to backup parcel design and access rights shall be dedicated to the City.

   b. *Nonresidential Development*. Where commercial or industrial property is to be developed adjacent to an existing or proposed divided street, major or minor arterial, or collector, access rights shall be dedicated to the City in compliance with the requirements of this Development Code.

   c. *Specific Plan, Precise Road Plan, or Master Development Plan Requirements.* Where restricted access is noted on an adopted specific plan, precise road plan, or Master Development Plan, the developer shall dedicate access rights to the City.

6. ***Alternative Transportation Systems.*** Whenever a development falls within an area designated for the development of fixed guide way systems, transit facilities, bike paths, or hiking or equestrian trails in the General Plan, parks and recreation or bikeways master plans, applicable specific plan, precise road plan, or Master Development Plan, or by implementing legislation, the developer shall dedicate land as is necessary to provide for these ways. Further, bicycle paths and transit facilities shall be dedicated as follows:

   a. *Bicycle Paths.* If the approved subdivision contains 200 or more parcels, any subdivider who is required to dedicate roadways to the public shall dedicate additional land for, and construct bicycle paths, which are consistent with the City's master bikeway plan to benefit the residents of the subdivision. (Section 66475.1 of the Map Act). Before recordation of any final map, the developer shall provide a mechanism or system to ensure that the subdivision permanently pays its proportionate share of costs associated with the maintenance of any Class 1 bicycle path within the subdivision or serving the subdivision. The mechanism for this may be a homeowner's association, annexation into the City's consolidated landscape maintenance district, or formation of a new zone of the City's consolidated landscape maintenance district.

   b. *Transit Facilities.* Dedications in fee simple or irrevocable offers of dedication of land within the subdivision will be required for local transit facilities including bus turnouts, benches, shelters, landing paths, and similar items that directly benefit the residents of the subdivision if:

      i. The subdivision as shown on the tentative map has the potential for 200 dwelling units or more if developed to the maximum density shown in the General Plan or contains 100 acres or more; and

ii. The Review Authority finds that transit services are or will, within a reasonable period, be available to the subdivision. (Section 66475.2 of the Map Act).

16.26.050 Improvements (Plans, Agreements, and Security)

A. **Applicability.** After the approval of a final or parcel map, a land use permit, or a Building Permit requiring the installation of improvements, the subdivider or developer shall diligently proceed to complete any improvements necessary to fulfill the conditions of approval. Improvement shall be defined as any infrastructure including streets, storm drains, sewers, and other similar improvements.

B. **General Requirements for Improvements.** The construction methods and materials for all improvements shall conform to the standard plans and specifications. The process of construction shall comply with the following requirements and all other applicable requirements of this Chapter.

1. ***Prerequisites for Construction.*** Prior to the start of construction, the following items are required:

   a. Approval of the City Engineer for:

      i. Improvement plans prepared in compliance with this Section,

      ii. Deferred improvement agreements for single-parcel development or subdivisions of four or fewer parcels, and

   b. Encroachment Permit;

   c. Insurance certificate naming City as additional insured; and

   d. Pre-construction conference with contractor and City Engineer or authorized representative.

2. ***Post-Construction Requirements.*** After the improvements are completed to the satisfaction of the City Engineer, the developer's engineer shall submit record drawings based in part on information compiled and furnished by others. The developer shall submit a cash deposit or warranty security to the City covering all improvements for one year after final acceptance. Performance security may be retained for 12 months after acceptance in lieu of warranty security.

3. ***Timing.*** Improvements necessary to serve a structure shall be completed and accepted by the City prior to final building inspection or occupancy of that structure within the subdivision or development.

C. **Deferral of Improvements.**

1. ***Criteria for Deferral.*** The City Engineer may approve the deferral of public improvements for the following cases, subject to the approval of a deferred improvement agreement in compliance with Subsection E.2 of this Section below.

   a. Single-parcel development in an active Community Development Block Grant Program area designated by the City Council, where construction or reconstruction of street improvements is proposed in the plan for improvement.

   b. The use, alteration, or enlargement of an existing structure or the construction of one or more structures on the same parcel, provided that:

i. The total value of all alterations, enlargements, or construction does not exceed one-fourth of the current market value, as both values are determined by the Department, of all existing structures on the parcel; and

ii. The alteration or enlargement of the structure does not change its classification or occupancy as defined by Section 501 of the California Building Standards Code.

c. Private garages, children's playhouses, radio, and television receiving antennas, windmills, silos, tank houses, storage sheds, shops, barns, and other structures that are accessory to one-family or two-family dwellings.

d. Single-parcel development or subdivisions of four or fewer parcels where the construction is impractical due to physical constraints, or the surrounding neighborhood is absent of similar improvements.

2. ***Deferred Improvement Agreement.*** When improvements are deferred, the developer shall enter into an agreement with the City for the installation of all public improvements at such a time in the future as required by the City. The agreement shall provide:

a. That the improvement security shall be provided at the time the deferred improvement agreement is approved.

b. Construction of the improvements shall begin within 90 days of the receipt of the notice to proceed from the City.

c. That in the event of default by the owner(s), developer(s), and/or successor(s)-in-interest, the City is authorized to complete the construction and to charge the entire cost and expense to the owner(s), developer(s), and/or successor(s)-in-interest, including interest from the date of notice of the cost and expense. This agreement shall be recorded with the County Recorder at the expense of the owner(s) and shall constitute notice to all successors-in-interest of the title to the real property of the obligation to pay the costs, expenses, and interest. A lien shall be placed for the amount to fully reimburse the City, including interest, and is subject to foreclosure in the event the payment is in default.

d. That in the event of litigation caused by any default of the owner(s), developer(s), and/or successor(s)-in-interest, the owner(s), developer(s), and/or successor(s)-in-interest agree to pay all costs involved, including reasonable attorney's fees, which shall become part of the lien against the property.

e. That the term "owner" shall include not only the present owner but also heirs, successors, executors, administrators, and assigns. The obligations shall run with the real property and shall constitute a lien against it.

3. ***Standards for Deferred Improvements.*** The agreement shall not relieve the owner from any other specific requirements. The construction of deferred improvements shall conform to the provisions of this Development Code and all applicable sections of the Municipal Code in effect at the time of construction.

4. ***Prerequisites for Agreement.*** Prior to the approval of the deferred improvement agreement, the developer shall provide:

a. All applicable fees for street tree planting, installation of street signs, traffic signals, and participation in area of benefit for drainage and sanitary sewers, bridge

crossings, major thoroughfares, and other public improvements, and inspection fees as established by the City Council fee resolution.

b. Deeds for dedication of easements or rights-of-way where necessary to effectuate specific plans or precise road plans, or where necessary for traffic circulation.

D. **Improvement Agreements, Land Use Permits, Building Permits, and Security.** A developer may file a parcel or final map before completion of all the improvements required by this Development Code and conditions of approval of the tentative map or applicable land use permit, only when the subdivider first obtains Review Authority approval of an improvement agreement executed and submitted for Review Authority review by the developer and provides the City performance security as required by this Section. Improvement agreements and required security shall also comply with Chapter 5 of the Map Act.

1. ***Contents of Improvement Agreement.*** A subdivision improvement agreement shall be submitted on a form provided by the City Engineer and approved by the City Attorney and shall include the following provisions:

a. *Description of Improvements.* A description of all improvements to be completed by the developer, with reference to the approved subdivision improvement plans.

b. *Time Limit for Construction.* The period within which all required improvements will be completed to the satisfaction of the City Engineer.

c. *Completion by City.* Provide that if the developer fails to complete all required improvements within the specified time, the City may elect to complete the improvements and recover the full cost and expenses thereof from the developer or the surety, including any attorney and legal fees associated with enforcement of the agreement.

d. *Surety Requirement.*

i. Require the developer to secure the agreement by furnishing security to insure full and faithful performance and to ensure payment to laborers and material suppliers, as specified in Subsection E.2 of this Section below. The amount of surety shall be based on an engineer's cost estimate submitted by the developer as provided by Subsection B of this Section above and approved by the City Engineer. The total cost of improvements to be guaranteed shall be as provided in the approved engineer's cost estimate.

ii. The developer shall provide the City with a cash deposit of one percent of the construction cost or a minimum of $5,000.00, whichever is greater. The deposit may be used at the discretion of the City to correct deficiencies and conditions caused by the developer or contractor that may arise during or after the construction of the subdivision. Any unexpended amount shall be returned to the developer at the time all bonds are released.

e. *Phased Construction.* Provisions for the construction of improvements in units, at the option of the developer.

f. *Time Extensions.* Provisions for an extension of time under conditions specified therein, at the option of the developer, consistent with the requirements of Subsection H of this Section below.

g. *Progress Payments.* Provide for progress payments from surety deposits, in compliance with the requirements of Subsection J.3 of this Section below, provided that no progress payment shall be construed to be accepted by the City of any portion of the required improvements or any defective work or improper materials.

2. ***Security Required to Guarantee Improvements.*** A subdivision improvement agreement, deferred improvement agreement, or a subdivision road maintenance and repair agreement, land use permit, or Building Permit shall be secured by adequate surety in a form approved as to form by the City Attorney and sufficiency by the City Engineer, as follows:

a. *Type of Security.*

i. A guarantee for "faithful performance," in the amount of 50 percent of the engineer's estimate; and

ii. A guarantee for "materials and labor," in the amount of 50 percent of the engineer's estimate. Subdivision improvement agreements, land use permits, or Building Permits shall be secured by all of the following in Subsection E.2.b above.

b. *Form of Security.* The required surety shall consist of one or more of the following forms selected by the City Engineer for the full amounts specified in Subsection E.1 of this Section above:

i. A deposit, either with the local agency or a responsible escrow agent or trust company, at the option of the local agency, of money (cash, check, money order) or negotiable bonds of the kind approved for securing deposits of public monies;

ii. A bond or bonds executed by one or more duly authorized corporate sureties;

iii. An instrument of credit from an agency of the State, Federal, or local government when any said agency provides at least 20 percent of the financing for the portion of the act or agreement requiring security, or from one or more financial institutions subject to regulation by the State or Federal government pledging that funds necessary to carry out the act or agreement are on deposit and guaranteed for payment; or a letter of credit issued by such a financial institution;

iv. A lien upon the property to be divided, created by contract between the owner and the City, where the Review Authority finds that it would not be in the public interest to require the installation of the required improvement sooner than two years after the recordation of the map; or

v. Any form of security, including security interests in real property, which is acceptable to the local agency.

E. **Improvement Plans**. Before the construction of any improvements, the subdivider or developer shall submit plans to the City as follows and as noted in Chapter 16.22, Landscaping:

1. ***Preparation and Content.*** Improvement plans shall be prepared by a registered civil engineer licensed to practice in the State. Improvement plan submittals shall include the following information:

a. Any drawings, specifications, calculations, design reports, and other information required by the City Engineer shall be in compliance with the City's standard specifications and plans;

b. Subdivision utility master plans (water, sewer, and storm drainage) as approved by the Director of Municipal Utilities;

c. Pump station plans (water, sewer, and storm drainage) as approved by the Director of Municipal Utilities;

d. Grading, drainage, erosion and sediment control, and a storm water pollution prevention plan (SWPPP) for the entire subdivision for review and approval by the Director of Municipal Utilities;

e. A vellum or Mylar copy of the approved landscape and irrigation plans for the City record shall be provided for any landscaping installed along streets or public areas;

f. The improvement plan/specification checking and construction inspection fees as required by the City Council's fee resolution; and

g. In compliance with this Subsection, the subdivider shall also submit to the City Engineer a detailed cost estimate of all improvements upon:

i. The submittal of initial improvement plans, and

ii. The approval of improvement plans.

2. ***Submittal of Plans.*** Improvement plans shall be submitted to the City Engineer.

3. ***Review and Approval.*** Improvement plans shall be reviewed and approved by the City Engineer, in compliance with any approved/adopted utility master plan, within the time limits provided by Map Act Section 66456.2.

4. ***Effect of Approval.*** The final approval of improvement plans shall generally be required before approval of a parcel or final map. The approval of improvement plans shall not bind the City to accept the improvements nor waive any defects in the improvements as installed.

5. ***Changes to Approved Plans.*** See Subsection I of this Section below.

F. **Construction of Improvements.** Improvements required by this Chapter shall be constructed/installed in compliance with this Section.

1. ***Timing of Improvements.*** Required improvements shall be constructed or otherwise installed only after the approval of improvement plans in compliance with Subsection F of this Section above, and before the approval of a parcel or final map, if applicable, in compliance with Chapter 16.32, Parcel Maps and Final Maps, or before any final building inspection or any certificate of occupancy, except where:

a. Improvements are deferred in compliance with Subsection C of this Section above; or

b. Improvements are required as conditions on the approval of a subdivision of four or fewer parcels, in which case construction of the improvements shall be required, as specified in the Map Act (Section 66411.1 of the Map Act);

2. ***Pre-Construction Conference.*** Prior to any construction, the developer shall arrange for a pre-construction conference with the supervisor and/or contractor, subcontractors, utility companies, and the City Engineer, or the City Engineer's authorized representative.

3. ***Inspection of Improvements.*** The construction and installation of required improvements shall occur as follows:

   a. *Supervision.* Before starting any work:

      i. Authorized Representative. The contractor engaged by the developer shall designate in writing an authorized representative who shall have the authority to represent and act for the contractor in contacts with the City.

      ii. Fee and Permit. The inspection fees shall be paid, and encroachment permit issued before inspections shall be permitted.

      iii. Supervisor. The designated representative shall be present at the work site at all times while work is in progress.

      iv. Emergency Work. At times when work is suspended, arrangements acceptable to the City Engineer shall be made for any emergency work that may be required.

   b. *Inspection Procedures.*

      i. Inspections Required. The City Engineer shall make any inspections deemed necessary to ensure that all construction complies with the approved improvement plans. Where required by the City Engineer, the developer shall enter into an agreement with the City to pay the full cost of any contract inspection services determined to be necessary by the City Engineer.

      ii. Acceptance. Work performed without inspections shall not be accepted by the City for maintenance.

4. ***Additional Deficiencies.*** The developer shall be responsible for correcting any deficiencies that may subsequently be discovered.

G. **Time Extensions.** An extension of time for completion of improvements under a subdivision improvement agreement shall be granted only as follows:

1. ***City Engineer's Report.*** The City Engineer notifies the City Council that either the subdivider is proceeding to do the work required with reasonable diligence or is not yet ready to develop the subdivision and has given satisfactory evidence of being able and willing to complete all required work within the time of the requested extension.

2. ***Agreement by Sureties.*** The sureties agree in writing to extend for the additional period of time at the original amount of the bond or other surety, or if recommended by the City Engineer, at an increased amount.

3. ***Updating.*** In consideration of a subdivision improvement agreement extension, the following may be required:

   a. Revision of improvement plans to provide for current design and construction standards when required by the City Engineer;

   b. Revised improvement construction estimates to reflect current improvement costs as approved by the City Engineer;

   c. Increase of improvement securities in accordance with revised construction estimates; and/or

   d. Inspection fees may be increased to reflect current construction.

4. ***City Council Action.*** The City Council approves the extension by a majority vote. As a condition of granting a time extension, the City Council may impose whatever additional requirements the City Council deems reasonable to protect the public interest.

H. **Revisions to Approved Plans.** Revisions to public improvement plans may be proposed, reviewed, and approved or disapproved as follows:

1. ***By Developer.*** Requests by the developer or the engineer for revisions to the approved plans appearing necessary or desirable during construction shall be submitted in writing to the City Engineer or authorized representative and shall be accompanied by a revised drawing showing the proposed revision. If the revision is acceptable, the original shall be returned to the developer's engineer for revising. The revised plans shall be immediately transmitted to the City Engineer for initialing. Construction of any proposed revision will not be permitted to commence until revised plans have been initialed by the City Engineer.

2. ***By City Engineer.*** When revisions are deemed necessary by the City Engineer to protect public health and safety, or as field conditions may require, a request in writing shall be made to the developer and engineer. The developer's engineer shall revise the plans and transmit the original to the City Engineer for initialing within the time specified by the City Engineer. Construction of all or any portion of the improvements may be stopped by the City Engineer until revised drawings have been submitted. The developer may appeal revisions required by the City Engineer to the City Council by filing an appeal with the City Clerk within two working days following receipt of the request to revise the plans.

I. **Acceptance of Improvements.**

1. ***Verification.*** Before acceptance for maintenance or final approval by the City Council of development improvements, the City Engineer shall verify that the improvement work has been completed in substantial compliance with the approved plans and specifications, and the developer shall provide deeds for dedication of easements or rights-of-way where necessary to effectuate specific plans or where necessary for traffic circulation.

2. ***Acceptance.*** After all items are completed and all items on the deficiency list have been corrected and as-built improvement plans received, the City Council, by this Section, designates the City Engineer the authority to accept subdivision improvements. Single-parcel development and parcel maps of four or fewer parcels may also be accepted by the City Engineer.

3. ***Acceptance of a Portion of the Improvements.*** When requested by the developer in writing, the City may consider acceptance of a portion of the improvements as recommended by the City Engineer. The improvements shall be accepted by the City only if it finds that it is in the public interest and such improvements are for the use of the general public. Acceptance of a portion of the improvements shall not relieve the developer from any other requirements of this Development Code.

4. ***Landscape Improvements.*** See Section 16.26.060.B.4, below regarding landscape maintenance after installation.

5. ***Notice of Completion.*** If the subdivision is accepted by the City, the City Clerk shall file a notice of completion with the County Recorder.

16.26.060 Landscaping Requirements

A. **Applicability.** Landscaping shall be provided as follows, and in compliance with Chapter 16.22, Landscaping and Section 16.24.100, Parking Area Design and Development Standards, where applicable.

B. **General Landscaping and Street Tree Standards.**

1. ***Plant Materials and Irrigation.***

a. All proposed and/or required trees, shrubs, groundcovers, vines, turf, and other plant materials shall be of a type approved by the Director and, to the greatest extent practicable, shall be of drought-resistant and drought-tolerant types or varieties typical of Mediterranean environments.

b. Plant materials and irrigation systems shall comply with the requirements of Chapter 16.22, Landscaping.

c. In addition to the above-mentioned permanent landscaping mechanism, each owner, developer, and/or successor-in-interest shall be responsible to provide the maintenance during the transition period from the time that the City accepts the final landscape construction project improvements and the time when the landscape maintenance entity (district or association) takes over the maintenance.

2. ***Rights-of-Way and Planting Easements.***

a. Public Works shall be responsible for the planning, removal, replacement, or relocation of any street tree in the City rights-of-way and planting easements.

b. A permit from the Director shall be required for anyone, including a utility company operating under a franchise granted by the City, to trim, prune, plant, remove, replace, or relocate a tree within City rights-of-way or planting easement, except for regular maintenance by Public Works and for the following provided that it does not result in effective removal of the tree as defined in Division 6, Terms and Definitions:

i. Trimming branches of trees that interfere with:

(1) The visibility of traffic signs, or

(2) The movement of pedestrians on sidewalks or vehicles on streets;

ii. Removal of dead branches; and/or

iii. Removal of mistletoe.

c. To obtain a permit:

i. A written request shall be addressed to the Director and shall clearly state the reasons for the request.

ii. The Director may approve or deny the request and shall designate the following to trim, prune, plant, remove, replace, or relocate the tree:

(1) The City; or

(2) The applicant subject to the approval of the City.

iii. The Director’s decision shall be based on:

(1) Structural weakness;

(2) Disease and/or insect infestation;

(3) Destructive root system causing excessive damage to public and/or private improvements;

(4) Obstruction to a driveway or entrance-way;

(5) Interference with the normal use and enjoyment of public and/or private property;

(6) The issuance of an encroachment permit by the City for sidewalk and curb improvements;

(7) The moving of a house;

(8) New construction.

iv. The permit expires 30 days after the date of issuance.

v. If the request is for the benefit of the applicant, the cost shall be borne by the applicant.

vi. Anyone who does not obtain a permit to trim, prune, plant, remove, replace, or relocate a tree or shrub shall pay a fine in compliance with the City Council's fee resolution. All fines shall be used to purchase and plant replacement trees and shrubs in compliance with Subsection (B)(2)(d) below.

vii. During the erection, repair, or alteration of any structure, all street trees in the rights-of-way or planting easement shall be protected so as to prevent injury or damage to the tree during construction work.

d. The Director shall be responsible for the City's Official Street Tree Planting List composed of types and species of trees and shrubs that are suitable and desirable for planting, as well as the area and conditions appropriate for the planting of the trees and shrubs. All trees and shrubs planted in the rights-of-way or planting easement shall be in compliance with the Official Street Tree Planting List, as revised from time to time.

e. Anyone who removes a street tree shall replace them on a one by one basis. The size of the replacement shall be determined by the Director based on the size of the tree that was removed, with the minimum size being a 15-gallon container stock. If possible, the replacement tree shall be planted on the same parcel as the tree that was removed; if not possible, it shall be planted in a City park or some other location determined by the Director.

3. ***Deferral of Installation.*** The installation of required landscaping may be deferred until the development of the subdivided parcels through the provisions of Section 16.26.050, Improvements (Plans, Agreements, and Security), provided that:

a. Interim erosion and sediment control measures are first installed in compliance with Section 16.26.070, Grading, Erosion, and Sediment Control;

b. Approved landscape plan improvements are appropriately incorporated in the subdivision improvement plans so as to assure proper installation of under-pavement service items for such deferred landscape improvements; and

c. If the landscaping has been deferred for more than 12 months, plans shall be subject to re-evaluation by the City and possible revision as deemed appropriate by the Director, based on the best interest to the general public.

4. ***Maintenance of Landscaping.*** The owners, developers, and/or successors-in-interest shall provide a mechanism or system for the permanent maintenance of any common area

or open space landscaping, either a mandatory homeowners' association or incorporation into the City's consolidated landscape maintenance district.

5. ***Street Tree Planting Security.*** Before the approval of the final map or issuance of a Building Permit, the developer shall provide street tree planting security to the City by paying the sum required by City Council resolution or providing a letter of credit or a performance bond, either of which equal to 125 percent of the sum, for each street tree to be planted in a tree well and/or on a residential parcel. The number, location, and type of tree shall be determined by the Director. The purpose for this requirement is to provide security for the cost of furnishing, locating, planting, and fertilizing street trees. Street trees shall be planted and maintained by the developer in compliance with Subsection B.7 below, until a permanent irrigation system is installed and operational.

6. ***Release of Security.*** The Director shall authorize the release of the performance security or portion thereof upon the fulfillment of the above requirements and the acceptance of the landscape improvements.

7. ***Developer Installation of Trees.*** The developer shall plant those street trees that are located in median strips and adjacent to back-up fences along major arterials, in tree wells and within the City right-of-way or planting easement adjacent to residential parcels in compliance with the following:

    a. Prepare and submit landscape construction plans prepared by a licensed landscape architect showing all proposed landscaping, street trees, and irrigation to be installed with preference given to drought tolerant plant species, to the satisfaction of Public Works;

    b. Install all street trees and all landscaping in medians and along back-up fences per approved plans before acceptance of subdivision improvements;

    c. Establish a maintenance entity acceptable to the City for the ongoing care, maintenance, and/or replacement of street trees and the installed improvements in the median and along back-up fences; and

    d. Install street trees in compliance with Subsections B, C, and D in this Section.

8. ***Rules and Regulations***. The planting of street trees shall be in compliance with the most current Department handout for street trees and trees planted in a City right-of-way or public utility easement.

9. ***Permit.*** A Street Tree Permit from the Director shall be required for anyone, including a utility company operating under a franchise granted by the City, to plant or remove a street tree in compliance with Chapter 16.46, Street Tree Permit. The tree shall be planted in compliance with Subsections B, C, and D in this Section. A Street Tree Permit shall not be required for the planting of trees in compliance with a plan approved by Public Works for a City capital improvement project or volunteer project, for the emergency removal of trees by the City, or for regular maintenance by Public Works.

10. ***Responsibility of Landscaping on Other Property.*** Property owners shall be responsible for the landscaping, removal, cutting, trimming, pruning, and general maintenance of any tree except a street tree in compliance with Subsection B.2 above and in Subsection C.1.a below, shrub, or other plant in a planting strip and/or public utility easement adjacent to the street rights-of-way.

11. ***EBMUD Right-of-Way Landscaping.*** Owners, developers, and/or successors-in-interest of proposed developments abutting the East Bay Municipal Utilities District (EBMUD) rights-of-way property shall be required to enter into a landscaping sublicense agreement

with the City and be required to provide landscaping with irrigation and, if deemed necessary by the Director, a 12-foot Class 1 bike path within the EBMUD right-of-way in compliance with the master bikeway plan. Plans for the landscaping, irrigation, and bike path shall be prepared by a licensed landscape architect and shall be subject to approval by the appropriate EBMUD authority and the Director. Plans for the improvements shall be prepared by an experienced licensed landscape architect and shall be subject to review and approval by the appropriate EBMUD authority, Public Works, and the City Engineer.

C. **Landscaping in Residential Subdivisions.**

1. ***Street Trees.***

a. Each proposed parcel in a residential subdivision shall have at least one street tree planted within the City rights-of-way or public utility easement for interior parcels and three trees planted within the City right-of-way or public utility easement for corner parcels.

b. Street trees shall be maintained by an entity acceptable to the City for the ongoing care, maintenance, and/or replacement of street trees and the installed improvements in the median and along back-up fences.

2. ***Required Landscaping Areas.*** Arterial streets and collectors that are adjacent to or within residential subdivisions shall have at least a 15-foot-wide landscaped parkway, including the sidewalk. Where back-up walls are required, the parkway shall be located between the back of the curb and the face of the back-up wall and shall include a sidewalk of a minimum of five feet in width. Where the City bikeway plan requires a Class 1 bike path, an additional seven feet of parkway shall be required, and the sidewalk/bike path shall be widened to 12 feet.

a. Landscaping shall be maintained by a landscape maintenance district incorporated into the City's consolidated landscape maintenance district or by a homeowners' association.

b. Landscaping shall (at a minimum) include trees, shrubs, groundcover, and vines (to grow on walls for graffiti control), with no more than ten percent of the landscape being nonliving ground cover materials (excluding sidewalk square footage).

c. Landscape plans shall be:

i. Prepared by a licensed landscape architect;

ii. Submitted to the Director in City standard format for review and approval by the City Landscape Architect and City Engineer; and

iii. Submitted at the same time subdivision improvement plans are submitted and shall be coordinated with the proposed subdivision infrastructure improvements.

d. Landscape and irrigation design shall comply with subsection B (Plant materials, irrigation).

D. **Landscaping in Nonresidential Subdivision.** Nonresidential subdivisions shall, at a minimum, be provided the following landscaping:

1. ***Street Trees.***

a. *Location.* Trees shall be planted within ten feet of back of curb, or six feet from back of sidewalk unless tree wells and irrigation have been provided per the City

standard sidewalk construction detail. Tree wells shall be located no closer than 25 feet from any streetlight.

b. *Tree Wells*. Where the City requires a sidewalk with tree wells:

i. The developer shall pay the appropriate street tree fee;

ii. The City shall be responsible for the planting and long-term pruning of the trees Subsection B.7 above; and

iii. Tree wells shall have a minimum of four-foot by four-foot opening. If a seven-foot walk is necessary, the required four foot by four-foot tree well opening shall be enclosed by an approved cast iron tree well grate that is satisfactory to the City Engineer. The developer shall be required to pay for and install the cast iron tree grates. Tree well size may be adjusted with approval from the City Engineer and Public Works.

c. *Open Area Trees.* Trees planted adjacent to streets, which are not in tree wells (open area trees):

i. Should be planted with a 30- to 50-foot on center spacing;

ii. Shall be provided and installed by the developer and maintained by the developer or successor-in-interest; and

iii. Shall be properly irrigated by the developer

d. *Permits.* Permits relating to landscape utilities shall be the responsibility of the developer.

e. *Discretion and Approval.* All of the above requirements shall be subject to the discretion and approval of the Director.

f. *Construction of Improvements*. Landscaping improvements shall be constructed in compliance with Section 16.26.050, Improvements (Plans, Agreements, and Security).

16.26.070 Grading, Erosion, and Sediment Control

New development shall be designed so that all proposed grading incorporates appropriate erosion and sediment control measures in compliance with Chapter 15.48 of the Municipal Code and the City's standard specifications and plans.

16.26.080 Access, Circulation, and Streets

A. **Applicability.** Proposed subdivisions shall be designed to provide adequate City street access from each new parcel in compliance with this Section and Section 16.19.030, Access. Streets shall be provided in compliance with the requirements of Section 16.26.090, Street Improvements.

B. **General Access and Circulation Requirements.** The subdivider shall provide a comprehensive street system, designed, and constructed in compliance with this Section, the City's standard specifications and plans, and with the Circulation Element of the General Plan.

1. Street design shall provide for safe vehicular operation at a specified design speed.

2. Public streets shall be required when:

a. The street is shown as an arterial or collector in the Circulation Element of the General Plan, or any other specific or precise plan;

b. The street will be used by the public as a through access route; or

c. A public street is necessary for special needs including bus routes, public service access, bicycle routes, and pedestrian access.

3. Private streets are allowed only in compliance with Subsection E of this Section, below.

C. **Access.** Access shall be provided as follows:

1. ***Access to Subdivision.*** Every subdivision shall be designed to have access to a public street. Access shall be provided:

a. The subdivision abutting a public street, where the length of the subdivision along the street, the street rights-of-way, and the width of the rights-of-way will accommodate the construction of all road improvements required by this Section; or

b. The subdivision being connected either:

i. To a public street by a street/utility right-of-way easement where the right-of-way shall be:

(1) Offered for dedication;

(2) Unencumbered by any senior rights that might serve to restrict its proposed use; and

(3) Of a width and location to accommodate the construction of all improvements required by this Chapter in compliance with the City's standards, specifications, and plans.

ii. By a private street or easement for street, utility, and appurtenant drainage facilities purposes, where the easement shall be:

(1) Offered for dedication as a public utility easement (PUE);

(2) Unencumbered by any senior rights that might serve to restrict its proposed use; and

(3) Of a width and location to accommodate the construction of all improvements required by this Chapter in compliance with the City's standards, specifications, and plans.

2. ***Access to New Parcels.*** Parcels within a proposed subdivision shall provide access as follows:

a. *Street Access Required.* Each parcel within a proposed subdivision shall provide access by being located on an existing public street, a new public street, private street, or access easement designed and improved in compliance with this Section. Private streets and alleys shall be allowed in compliance with Subsection E of this Section below.

b. *Access Denial.* When a State highway or a street classified as a major or minor arterial or collector in the Circulation Element of the General Plan passes through or abuts a proposed residential subdivision, direct access to the highway or street, as defined above, shall not be permitted to serve proposed parcels. Access rights

shall be dedicated to the State or City, as appropriate, where required to control access over certain parcel lines. See Section 16.26.040, Dedications and Exactions, for dedication requirements.

c. *Frontage Roads.* When parcels are proposed to front on a major arterial or State highway, the Review Authority may require the subdivider to dedicate and improve a service or frontage road separate from the arterial or highway.

d. *Alleys.* Alleys may be proposed as private facilities only, subject to the requirements of this Section, Subsection E of this Section below, and at least 25 feet wide.

D. **Design and Improvement of Proposed Streets.** New streets proposed or required within a new subdivision or adjacent to a new subdivision shall be located and designed as follows, and in compliance with the City's improvement standards.

1. ***Alignment.*** The alignment of streets shown on a tentative map shall be:

   a. Consistent with the Circulation Element of the General Plan, where applicable;

   b. Consistent with any applicable Master Development Plan, precise road plan, or specific plan; and

   c. Located to be in alignment with existing adjacent streets by continuation of their centerlines, or by adjustments by curves.

2. ***Right-of-Way and Surfaced Width.*** The width of the rights-of-way and improved surface of streets shown on a tentative map shall be as provided by the City's improvement standards.

3. ***Access to Unsubdivided Property.*** When a proposed subdivision abuts vacant land that is designated by the General Plan for future subdivision and development, the Review Authority may require that streets that will be constructed within the proposed subdivision be extended to the boundary of the property to provide access to the future development.

4. ***Improvements to Existing Streets.*** When an existing City street provides access to, passes through, or is contiguous with a proposed subdivision, the Review Authority may require dedication of additional rights-of-way and/or improvements in compliance with the General Plan.

5. ***Length of Cul-de-Sacs and Temporary Dead-End Stub Streets.*** The maximum length of a cul-de-sac or temporary dead-end stub street shall be 500 feet from the first intersecting through-street, except in the case of industrially zoned and developed property where the maximum length may be 1,000 feet and shall be subject to increased width standards as identified in the City's improvement standards.

6. ***Major Collectors and Minor/Major Arterials.*** The following shall apply to property located adjacent to major collectors and minor/major arterials:

   a. Neighborhood and smaller parks and elementary schools shall not be located adjacent to major collectors and minor/major arterials; and

   b. The following parcels shall not have direct access to a major collector or minor/major arterial:

      i. Parcels located on the inside or outside of a curve of a road that is determined by the City Engineer to be inappropriate for direct access, and

ii. Parcels located across the street from the side of the school property that provide access to the school.

7. ***Intersections.*** Intersections shall not be located on the curve of a road that is determined by the City Engineer to be inappropriate for an intersection.

E. **Private Streets.** Private streets and alleys are allowed as follows. Private streets shall not be permitted except where the Planning Commission determines that a private street system will adequately serve the proposed subdivision, will not be a substantial detriment to adjoining properties and will not disrupt or prevent the establishment of an orderly circulation system in the vicinity of the subdivision.

1. ***Maintenance Requirements.*** Provisions satisfactory to the City Engineer shall be made for a homeowner's association or other organization to assume responsibility for the maintenance of private streets.

2. ***Design and Improvement Standards.*** Private streets shall be designed and improved in compliance with City standards for a structural cross-section.

3. ***Security and Conditions.*** The Planning Commission may require any guarantees and conditions it deems necessary to carry out the provisions of this Development Code pertaining to private roads. Private streets and easements providing access to parcels within a subdivision shall be located and shown on the parcel or final map.

F. **Alternative Circulation Systems.** Proposed subdivisions shall be designed and improved to provide rights-of-way and improvements for pedestrian paths, bikeways, and multiple use trails consistent with the Circulation Element of the General Plan, Master Development Plans, precise road plans, specific plans, and/or other applicable General Plan provisions.

G. **Waterway Access.** A proposed subdivision that fronts upon a river, stream, or other public waterway shall be designed and improved to provide public access to the water in compliance with the Map Act Sections 66478.4, 66478.5, and 66478.6.

16.26.090 Street Improvements

New development shall be designed to meet the street improvements and specifications required in City's standard specifications and plans.

16.26.100 Bridges

A. **Existing Bridges.** The developer shall be responsible for the full cost of widening existing bridges to conform to the street improvements.

B. **New Bridges.** The developer shall be responsible for the full cost of bridges within the development. On peripheral streets and bridges adjacent to the development, the developer shall initially be responsible for the full cost of the bridges, and the developer may request the City to attempt to form an Area of Benefit to reimburse the developer a proportionate share of the cost.

16.26.110 Encroachment Permit

A. **Permit.** All excavations, construction, maintenance, and/or repairs in a public street, alley, or other public place in the City shall require an encroachment permit from the Director. Everyone, including any Department of the City or other governmental agency or authority, is required to obtain an

encroachment permit to excavate/perform work in the public streets, alleys, or other public place in the City.

B. **Definitions.**

1. Conduit means a pipe or tube through which water, wastewater or gas is conveyed, or which is used to protect electrical or communications cables.

2. Facility means any tangible asset in public rights-of-way required to provide utility service. Includes any and all cables, cabinets, ducts, conduits, converters, equipment, drains, handholds, manholes, pipes, pipelines, splice boxes, surface location markers, tracks, tunnels, utilities, vaults, and other appurtenances or tangible things owned, leased, operated, or licensed by an owner or person that are located or are proposed to be located in public rights-of-way.

3. Public Rights-of-Way means the areas across, along, beneath, in, on, over (above), under, upon, and within the dedicated public alleys, boulevards, bridges, courts, lanes, roads, sidewalks, spaces, streets, and tunnels.

4. Restoration means the process by which public rights-of-way and surrounding areas, including, but not limited to, pavement and foundations, are returned to the same or better condition than existed before permitted activities.

5. Trench means a form of excavation to install underground infrastructure or utilities such as fiber optic cables, gas or water mains, or electric lines.

6. Utility Service includes those services provided by a public utility as defined under applicable California statutes.

C. **Application Filing, Processing, and Decision.**

1. ***Filing.*** An application for an Encroachment Permit shall be completed and filed with the Department. Applications must include the following information:

   a. Location.

   b. Description of work.

   c. Compliance with the Completion of Work requirement of Subsection F below.

   d. Compliance with Annual Utility Work Plan filing requirements of Subsection F.2 below.

   e. Compliance with the Coordination and Scheduling requirements of Subsection G below.

2. ***Excavation.***

   a. *Backfilling the Excavation.* Following completion of the excavation, the excavation site shall be backfilled with materials and compacted in compliance with the City's Standard Specifications and Plans.

   b. *Barrier.*

      i. From the commencement of the excavation until the excavation has been completed and properly refilled and compacted, a substantial barrier shall be positioned around the excavation site. Lights shall be placed at the beginning and end and along the length of the barrier no more than 50 feet apart; the lights shall be on from sunset to sunrise. The material of the barrier and the lighting shall be approved by Public Works.

ii. It is unlawful to interfere with a barrier or to travel on any street paving or repairs protected by a barrier.

3. ***Authority.*** Each application shall be analyzed by the Director for completeness and a decision rendered.

4. ***Denial.*** The Director may deny or refuse to issue an Encroachment Permit under the following conditions:

   a. When the Director finds that the work specified in the Encroachment Permit will be detrimental to the public health, safety, or welfare; and

   b. When the Director finds that the applicant has failed to comply with the requirements of Section 16.26.110, Encroachment Permit.

D. **Fees.** The permittee, including any Department of the City, or other governmental agency to the extent permitted by law, shall pay the City an encroachment permit fee and reimburse the City for the costs of permit plan check, issuance, and inspection, as required by the City Council's fee resolution.

E. **Completion of Work.**

1. ***Time.*** Work on the permitted activity shall proceed with due diligence, and limit any obstruction of the street, sidewalk, alley or other public place. If there is a lack of progress or, in the opinion of the Public Works Director, a failure to comply with the terms of the encroachment permit, the Public Works Director shall notify the permittee of the requirement to complete the work in a timely manner. Failure to comply with the notice shall result in the Public Works Director having the work completed at the expense of the permittee. The notice shall be either personally served or served by leaving it at the residence or place of business of the permittee, or if the permittee or their address is unknown or the address outside the City, the notice may be served by depositing it in the United States Post Office, postage prepaid, addressed to the permittee.

2. ***Supervision and Inspection.*** All permitted activities, including excavations and backfilling of excavations, made or done under this Section shall be under the supervision and direction of the Public Works Director.

3. ***Standard Specifications.*** All work performed under an approved Encroachment Permit shall comply with the Section 100 of the City's Standard Specifications and Plans.

F. **Utilities.** An applicant for an Encroachment Permit under this Section for the placement of underground conduit in, along, across, or through public rights-of-way shall comply with the requirements of this Section.

1. ***Pipes and Mains.*** It is unlawful and a misdemeanor for any person, firm, or corporation to lay any gas or water surface pipe or main pipe, or sewer, or any drain or other conduit in any street or other public place which is less than three feet below the established grade of the gutter of the street or alley, or less than two feet below the surface of any other public place in the City, as approved by the Public Works Department.

2. ***Annual Utility Work Plan.*** Any utility owning, operating or installing in public rights-of-way facilities providing water, sewer, gas, electric, communication, video or other utility services, shall prepare and submit to the Public Works Director an annual utility work plan, in a format specified by the Public Works Director, that shows the location of the utility's existing facilities in public rights-of-way, and shows all of the utility's planned utility work in public rights-of-way for the next year to the extent known. Utilities shall submit an initial annual utility work plan no later than 180 days after the effective date of the ordinance

adopting this Section. Thereafter, each utility shall submit annually, on the first regular business day of August, a revised and updated annual utility work plan. A utility may extend its deadline to submit its annual utility work plan by submitting written notice to the Public Works Director of the reason of the delay within 30 days from the original deadline.

3. ***Roadway Maintenance.*** Each year, the Public Works Director shall notify the utilities of the roads and streets selected for resurfacing and other capital projects that the City is performing in public rights-of-way or any other large-scale maintenance activities performed by the City (the "annual pavement maintenance list"). Any utility or public agency may mail written notice to the Public Works Director of their intention to excavate in public rights-of-way that have been identified in the annual pavement maintenance list by identifying the location and dimensions of the planned excavation and the estimated commencement and completion dates of the work. The date of completion of the planned excavation shall be no later than three years after the date of notice of the annual pavement maintenance list. The notice of intention to excavate shall be mailed not more than 60 days after mailing of the annual pavement maintenance list. After receipt of a timely notice, the City may delay any anticipated repaving of the affected public rights-of-way to a date after the planned excavation.

G. **Coordination and Scheduling**.

1. ***Meet and Confer.*** Prior to applying for an encroachment permit, any person planning to excavate in the public right-of-way in excess of 300 lineal feet, shall review the annual utility work plans and the City's roadway maintenance list on file with the Public Works Director and shall coordinate, to the extent practicable, with the utility and street work shown on such plans to minimize damage to, and avoid undue disruption and interference with, the use of public rights-of-way. Such coordination shall include the provision that whenever two or more parties (e.g., the City or any applicant) have proposed an excavation in the same block, they shall meet and confer with the Public Works Department regarding whether it is feasible to conduct a joint operation excavation.

2. ***Anticipated Project Plan.*** To encourage coordination of excavation and pavement scheduling and planning between the City and excavators, the City shall update at least annually its anticipated project plans. The anticipated project plans shall also identify the public rights-of-way which are subject to moratorium provisions, and the moratorium expiration date for each such rights-of-way. A copy of the anticipated public rights-of-way which are then subject to the moratorium provisions of project plans shall be available for review at the Department of Public Works by any interested person. All currently observed moratoriums of general applicability will be applicable to wireless communication providers, only when such moratoriums do not unreasonably or indefinitely delay deployment and are competitively neutral. However, all street restoration shall conform to Section 100 of the City's Standard Specifications and Plans.

3. ***Utility Coordination Group.*** The Public Works Director shall conduct a utility coordination group meeting at least once each year at which time utilities and public agencies and other interested parties may meet to coordinate excavation and project schedules. The Public Works Director shall maintain a list of those requesting notice of the working group meeting, and, at least 30 days prior to the meeting date, shall mail notice of the time and location of the meeting to each person who has requested notice. If the initial working group meeting is not completed on the designated meeting date, the meeting may continue a subsequent date as the Public Works Director announces at the end of the first meeting.

4. ***Spare Conduits.*** To avoid future excavations and to reduce the number of street excavations, telecommunication companies shall be requested, when practical, to allow installation of spare conduits by other entities.

16.26.120 Revocable Permit

A. **Applicability.** A Revocable Permit shall be required to construct or maintain any planter, sidewalk café, monument, wall, fence, structure, utility, or any object over, on, or under any public rights-of-way owned or controlled by the City, unless allowed under terms of a valid state or local franchise or maintenance agreement.

B. **Application.**

1. An applicant shall apply to the Director for a revocable permit. Applications shall be filed with the Department and shall be accompanied by the fee required by the City Council's fee resolution.

2. If an application is denied, the applicant may appeal to the Director within ten days; the Director's decision shall be final.

C. **Standards.** All revocable permits shall be subject to the "Standard Conditions Applicable to Revocable Permits" adopted by City Council resolution. The Director may add additional conditions; if the applicant disagrees with these conditions, the applicant may appeal the Director's decision to the Manager by submitting a written appeal that is accompanied by the fee required by the City Council's fee resolution within ten days, the decision of the Manager shall be final.

D. **Revocation.** A revocable permit may be revoked by the Director, at the Director's discretion, after a 30-day notice to the permittee. If the permittee fails to respond after 30 days, the Director may revoke the permit at the expense of the permittee.

16.26.130 Railroad Crossings

A. **Applicability.** Railroad crossings shall be constructed in compliance with the standards of the State Public Utilities Commission. The developer shall submit all documents incident to an application to the State Public Utilities Commission.

B. **New and Existing Crossings.**

1. For new and existing railroad crossings within, or on peripheral streets contiguous to nonresidential development, the developer shall be responsible for a proportionate share of the cost of relocating and upgrading existing crossings, and constructing new crossings, to conform to the street improvements.

2. For new residential development contiguous to or containing an existing or new at-grade crossing, the developer shall be responsible to upgrade the crossing to quiet zone standards of the Federal Railroad Administration, unless the at-grade crossing will be grade separated in the future as defined in the Circulation Element of the General Plan, in which case the upgrading to quiet zone standards will not be required.

C. **Future Crossings.** Where the crossing is not constructed because the street is nonexistent on the other side of the railroad, the developer shall pay his or her proportionate share of the crossing cost before approval of the map, or issuance of the Building Permit for single-parcel development. A separate fund shall be established and money in the fund shall be expended solely for the construction of the crossing. The fund shall also accrue interest to offset increased future project costs. If the crossing is within or on peripheral streets contiguous to a residential development, the project cost shall include compliance with quiet zone standards.

D. **Area of Benefit.** If the crossing improvements benefit other areas, the developer may request the formation of an area of benefit as specified in Section 16.26.030, Area of Benefit, to reimburse the developer a proportionate share of the cost.

16.26.140 Traffic Signals

A. **Purpose.** The developer shall pay to the City the traffic signal development fee and construct the traffic signal improvements as outlined in this Section.

B. **Applicability.** The traffic signal fee required by this Chapter is an exercise of the City's police powers and shall not be in lieu of any other contribution of funds or construction of traffic signals.

C. **Traffic Signal Fee.**

1. ***Purpose and Intent.*** It is determined that the public interest, convenience, health, welfare, and safety require that developers share in the cost of traffic signals. The need for traffic signals is related to development, whether or not a location of a traffic signal is immediately adjacent to a development. Each land development would generate additional traffic in the vicinity of the development and City-wide that would contribute to degradation in traffic safety and mobility. Further, the installation of warranted traffic signal systems can provide for increased traffic safety and mobility by reducing the frequency of certain types of accidents, by providing an interruption to main street traffic when a demand is detected to the cross street, and by allowing a constant flow of vehicular traffic through several intersections.

2. ***Standards.*** The traffic signal fee shall be computed using the formula: the average total daily trip ends generated by the development or the increase in trips generated by redevelopment or structure modifications multiplied by the total traffic signal cost divided by the traffic signal volume warrant factor. The amount of the fee shall be as set and established from time to time by City Council resolution.

    a. The average daily trip generation factor for each development shall be determined by the City Engineer from a resolution of the City Council adopting a traffic signal fee schedule for all developments in the City. For any structure type not listed, the City Engineer shall determine the most comparable trip generation factor. The City Engineer may recommend adjustment or modification of the trip generation factors listed in Exhibit A of resolution establishing the fee schedule for traffic signals, when deemed necessary.

    b. The total trips generated shall equal the trip generation factor multiplied by the total structure units.

    c. The base fee shall be adjusted after a duly noticed public hearing at the time the City budget is adopted, utilizing the current Construction Cost Index (U.S. 20 cities average) published by the Engineering News Record. This adjustment shall be applied concurrently with the annual fee adoption.

    d. The total traffic signal cost shall include costs of preparing plans and specifications, plus costs of construction engineering, plus the construction cost of traffic signal installations in the City as determined by the City Engineer.

    e. The traffic signal volume warrant factor shall equal the total volume of the State minimum vehicular volume warrant for traffic signals for urban conditions.

3. ***Payment.*** A fee for the development of traffic signals shall be paid by all developers at the time a Building Permit is issued. This fee shall apply to all new developments and any redevelopment or structure modification, which has the potential to increase the site's traffic generation by ten percent or more.

    a. The developer or permittee shall deposit the identified traffic signal fee in cash with the City.

    b. The traffic signal fee shall be deposited by the City into accounts as follows:

        i. 70 percent of the fee is to be used exclusively for the construction of new traffic signal systems or for modifying existing traffic signal systems in the zone where the allowed project is located;

        ii. 30 percent of the fee is to be used exclusively to supplement zone accounts, when needed for construction of new traffic signal systems or for modifying existing traffic signal systems City-wide. The zones shall be as shown on the traffic signal fee schedule.

D. **Traffic Signal Improvements.** The developer shall be responsible for the following traffic signal improvements:

1. Relocation and/or modifications of existing traffic signals to conform to street improvements to be constructed by the developer;
2. Traffic signals within the development shall be installed when warrants are met or when required by the City Engineer;
3. Conduits, pull boxes, and foundations for future traffic signals within or adjacent to the development to facilitate future traffic signal construction and to minimize street excavation;
4. Traffic signals to mitigate the adverse environmental impacts of the development shall be located within the sphere of influence of the development; and
5. Interconnection conduits and pull boxes and cabling to the City's traffic signal system as determined by the City Engineer.

E. **Security.** The developer shall be required to provide security for traffic signal improvements before approval of the map, or issuance of the building permit for single-parcel development.

F. **Area of Benefit.** If traffic signal improvements benefit other areas, the developer may request the formation of an area of benefit to reimburse the developer a proportionate share of the cost in compliance with Section 16.26.030, Area of Benefit.

16.26.150 Street Lighting

A. **Applicability.** A proposed subdivision shall incorporate street lighting facilities determined by the Review Authority to be consistent with the character of the area and the needs of public safety. The developer shall furnish, install, and dedicate to the City the streetlights and standards and wiring to the standards from a terminal supply and shall be governed as to their location and installation by the standard plans and specifications. The developer shall also pay Pacific Gas & Electric connection charges.

B. **Existing Streetlights.** Existing streetlights on wooden poles shall not be used in fulfilling the requirement for streetlights. The developer shall be required to install standard streetlights. The City shall be responsible for the removal of the streetlights on the wooden poles.

C. **Median Street Lighting.** The developer shall be responsible for all the median street lighting for streets within the development. Median street lighting on peripheral streets shall be installed by the developer. The City will pay 50 percent of the cost when the opposite side of the street is completely developed. If the opposite side of the street is not completely developed, the developer may request that the City establish an Area of Benefit to reimburse the developer. The City would pay the proportionate share of the developed parcels.

D. **In Lieu Fee.** The following requirements apply to subdivisions of four or fewer parcels, single-parcel developments on unimproved parcels, and single-parcel developments that increase existing nonresidential floor space by ten percent or more. Increases in nonresidential floor space of less than ten percent and addition(s) to, or remodel(s) of, an existing single-family residences or existing multi-unit residences that does not increase the dwelling occupancy are exempt from the following requirements:

1. The developer may, in lieu of installing streetlights required by this Chapter, pay a fee based on the estimated proportionate cost for the installation.
2. For the purposes of this Section, “existing floor space” is defined as usable space for nonresidential development.
3. The fee shall be established by City Council resolution and shall be due and payable before or upon the issuance of a Building Permit.

16.26.160 Street Names

A. **Street Naming Standards.** All streets within a proposed subdivision shall be named in compliance with the following:

1. ***Designations.*** The following designations with the accompanying acceptable abbreviations for sign making, mapping, and recordkeeping purposes shall apply to:
    a. *Arterials and Collectors.* Arterials and collectors shall be designated as:
        i. Street (St);
        ii. Avenue (Ave);
        iii. Boulevard (Blvd);
        iv. Drive (Dr);
        v. Road (Rd).
    b. *Local Streets.*
        i. Circular or Loop Streets. Circular or loop streets shall be designated as “Circles.” In instances where there is more than one access point from different streets to the loop street, only one of the access points shall be designated as “Circle.”
        ii. Cul-de-Sacs. Cul-de-sacs shall be designated as “Place” (Pl), “Point” (Pt), or “Court” (Ct).
        iii. Other. All other local streets shall be designated as “Street” (St), “Road” (Rd), “Way” (Wy), or “Lane” (Ln).
2. ***Frontage Road.*** Frontage roads shall bear the identical designation as the main traveled way except when the main traveled way is a designated State or Federal route, names shall be designated for the frontage roads.

3. ***Cul-de-Sacs.*** Only one cul-de-sac may retain the name of the street that provides sole access. All cul-de-sacs, regardless of length, shall be named. In instances where there is more than one cul-de-sac off of the same street, the names selected for the cul-de-sacs shall be in alphabetical sequence utilizing the street numbering sequence as a guide. Cul-de-sac endings of a street, regardless of depth, shall bear the name of that street.

4. ***Circles.*** Where a segment of the circle is in alignment with an existing street, the circle shall not be designated as the extension of the existing street.

5. ***Alleys.*** Alleys shall not be named, except in those cases where a parcel lacks access to a public or private street and it is approved by the Community Development Director.

6. ***Extensions/Continuations.*** Extensions or continuations of existing rights-of-way shall bear the same name as the existing roadway.

7. ***Direction Change.*** Where a through street makes a distinguishable change in direction and cannot be considered a circle or continuous street with no other access or intervening roadways, separate names shall be employed.

8. ***Split Streets.*** Where the continuation of the through street is restricted by design to be split into separate sections, the roadway shall not retain its identity for each separate section. Separate and different names shall be designated for the various lengths of the roadway.

9. ***Prohibited Names.*** The following street names shall not be allowed:

    a. *Duplicated Names.* Names for new streets shall not duplicate existing or platted street names within the City unless a new street is a continuation of, or in alignment with, the existing platted street. Sound-a-likes shall constitute a duplication. A change in the designation (i.e., Street to Avenue, Drive to Way, Place to Court, etc.) is not acceptable and constitutes a duplication.

    b. *Compass Designation.* Compass designation (i.e., north, south, east or west) shall not be acceptable as part of a street name (i.e., Westdale or Eastridge). In addition, using combinations of alpha characters or initials (i.e., E.T., TTY, LLM, etc.) or letter and number combinations (i.e., 1A or B5) will not be acceptable as street names.

10. ***Length of Name.*** New street names shall not exceed 11 letters, excluding prefix and street type designation, in keeping with the “c” series adopted by the City for sign making purposes.

11. ***Private Streets.*** Private streets maintained by homeowners’ associations shall also adhere to the adopted street naming policy.

12. ***Themes.*** Street names for new subdivisions with an extensive street system shall, as much as reasonably possible, contain a theme. Use of local historical names is encouraged.

13. ***Names of People.*** New streets utilizing names of persons shall be restricted to use of last names and/or use of first names. Initials are expressly prohibited.

B. **Review Authority.** Street names shall be approved by the Director. In the event the application for a street name(s) requires clarification or a determination of consistency with the street naming standards, the DRC shall review the proposal and make a recommendation to the Director. The Director’s decision may be appealed to the Planning Commission.

16.26.170 Street Signs

Before the approval of a map or issuance of a Building Permit, the developer shall pay to the City the sum required by City Council resolution for each street sign to be installed and maintained by the City as required for the development. When only a part of an intersection requiring a street sign is within, or contiguous to the development, the fee shall be proportional to the number of corners of the intersection that is within, or contiguous to the development.

16.26.180 Energy Conservation

The design of a subdivision for which a tentative and final map are required by this Development Code shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivisions, in compliance with Map Act Section 66473.1, including orientation of a structure for southern exposure, shade, or prevailing winds.

16.26.190 Drainage Canals

Whenever a development interrupts the natural flow of surface water, or if the leveling of land or the installation of improved streets changes the natural flow of water, the developer shall construct facilities, which would adequately provide for the standard design flow of water through or around the development to the satisfaction and approval of the City Engineer.

16.26.200 Storm Drainage Facilities

Stormwater runoff from developments shall be collected and conveyed by an approved storm drain system and shall include conveyance to the point of terminal discharge. The storm drain system shall be designed for ultimate development of the drainage area. The storm drain facilities shall provide for the protection of abutting and off-site properties that would be adversely affected by any increase in runoff attributed to the development; off-site storm drain improvements may be required to satisfy this requirement.

A. **Open Land Development.**

1. ***50 Percent or More of Delineated Area.*** Whenever a developer proposes a development that exceeds 50 percent of the developed area within a delineated drainage area:

    a. The developer shall:

        i. Design and submit for approval of the City Engineer and Municipal Utilities Director a drainage plan for the entire delineated drainage area. The design shall essentially conform to the City drainage plan for the area in which the development lies;

        ii. Construct the internal collection system for the development including without limitation all branches, laterals, catch basins, and trunk lines; and

        iii. Concurrently with the first unit of the subdivision construct the outfall works and over-sized trunk lines to a sufficient size and capacity, as determined by the City Engineer, to handle the drainage generated by all potential upstream users within the delineated drainage area.

    b. The developer may request that an area of benefit be formed to reimburse the developer for the cost of the drainage improvements equal to the difference between the amount it would have cost the developer to install the improvements to serve the development only and the actual cost of the improvements (e.g., the

cost of drainage improvements which were oversized to handle drainage from upstream users).

2. ***Less Than 50 Percent of Delineated Area.*** Whenever a developer proposes a development that does not exceed 50 percent of the developed area within a delineated drainage area:

   a. The developer shall:

      i. Design and submit for approval of the City Engineer a drainage plan for the entire delineated drainage area. The design shall essentially conform to the City drainage plan for the area in which the development lies;

      ii. Construct the internal collection system for the development including without limitation all branches, laterals, catch basins, and trunk lines;

      iii. Construct internal oversized trunk lines of sufficient size and capacity as determined by the City Engineer to handle drainage generated by all potential upstream users within the delineated drainage area; and

      iv. Concurrently with the first unit of the subdivision, design and construct an interim terminal drainage facility, approved by the City Engineer, of sufficient size and capacity to handle internal drainage as well as that of all potential upstream users within the delineated drainage basin.

   b. The developer may request that an area of benefit be formed to reimburse the developer a proportionate share of the interim terminal drainage facility cost equal to the difference between the amount it would have cost to serve the development only and the actual cost of the improvements (e.g., the cost of interim terminal drainage facility improvements which were oversized to handle drainage from future upstream users).

3. ***Area of Benefit.*** The developer may request that an area of benefit be formed for the delineated drainage area. The cost would include the major storm drain lines and the outfall works for the entire delineated drainage area. The developer would pay the area of benefit fee for the entire development minus credits for any portion of the major storm drain lines and outfall works installed. Whenever the credits exceed the area of benefit fee, the City would reimburse the developer from subsequent payments.

B. **Infill Development.** Whenever a developer proposes the construction of improvements on land for which no tentative or final map is required, and where the land is either not served with drainage facilities, or the facilities are inadequate, or where the facilities have already been constructed by an advance of money from the general fund secured by monies to be collected and paid into an "area of benefit" fund, the developer shall:

1. Be assessed and required to pay an area of benefit fee for the entire development for the prorated share of the estimated or actual cost of the major storm drain lines and the outfall works;

2. Make provisions and construct on-site facilities necessary to handle on-site drainage on an interim basis (until the time that a permanent drainage facility is established for the delineated drainage area) in a manner satisfactory to and approved by the City Engineer;

3. Dedicate easements and rights-of-way as may be required by the City Engineer to accommodate the future permanent drainage facility planned for the delineated drainage areas;

4. Enter into an agreement with the City to connect to the permanent drainage facility when it is available. The agreement shall be approved by the City Engineer and shall provide that:

   a. Construction shall commence within 90 days of the receipt of the notice to proceed from the City;

   b. In the event of default by the owner, developer, and/or successors-in-interest, the City is authorized to cause the construction to be done and charge the entire cost and expense to the owners, developers, and/or successors-in-interest, including interest from the date of notice of the cost and expense until paid;

   c. The agreement shall be recorded in the office of the County Recorder at the expense of the owner and shall constitute notice to all successors-in-interest of the title to the real property of the obligation set forth, and also a lien in an amount to fully reimburse the City, including interest as above, subject to foreclosure in event of default in payment.

   d. In the event of litigation occasioned by any default of the owner, successors or assigns, the owners, developers, and/or successors-in-interest agree to pay all costs involved, including reasonable attorney's fees, and that the same shall become a part of the lien against the real property; and

   e. The term "owner" shall include not only the present owner but also heirs, successors, executors, administrators, and assigns, it being the intent of the parties that the obligations undertaken shall run with the real property and constitutes a lien against it.

C. **Pump Stations.** Pump stations incorporated as part of a permanent drainage discharge system shall be designed in compliance with the standard specifications and plans and municipal utilities pump station design guidelines and approved by the Municipal Utilities Director.

D. **Additional Requirements.** Maintenance districts may be formed, and continuing assessments levied, and payments collected for the purpose of operating and maintaining drainage facilities.

16.26.210 Water Supply

A. **Applicability.** Each approved parcel shall be served by an approved domestic water system.

B. **General Requirements.** The developer shall install an adequate water system with mains of sufficient size and having enough outlets to furnish an adequate water supply for each parcel of the subdivision as well as providing adequate fire protection for the development. The fire flow shall be determined in each case by the City Fire Marshal. The developer shall also install or cause to be installed fire hydrants in compliance with plans approved by the City Fire Marshal.

C. **Standards.** The water system shall be designed in compliance with State water standards and American Water Works Association (AWWA) standards, including the use of non-potable/recycled water systems, as appropriate. The water system shall comply with the City's standard specifications and plans and the requirements of the State Department of Drinking Water.

D. **City Water Service Area.** Should the development be within the City water service area, the water system shall conform to the City master water plan as approved by City Council resolution. The water system shall be constructed and be dedicated to the City in compliance with the City water rates and regulations. Reimbursement for oversizing and extensions would conform with the City water rates and regulations.

16.26.220 Sanitary Sewers

This Section establishes an equitable basis for the financing and construction of sanitary sewer facilities within the City. Each approved parcel shall be served by the regional water quality control facility, in compliance with the approved sanitary sewer master plans on file with the Municipal Utilities Department and the following:

A. **Master Plan.** With the filing of the improvement plans for a development or for the first dwelling unit in any subdivision, the developer shall submit a master sanitary sewer plan conforming to the City master sanitary sewer plan, as approved by City Council resolution.

B. **Improvements.** The developer shall provide and dedicate the sanitary sewer system, which shall include all branches, manholes, laterals, trunk lines, and any required pumping plant.

1. ***Pump Stations.*** Pump stations incorporated as part of a permanent sanitary sewer system shall be designed in compliance with the City's standard specifications and plans and municipal utilities pump station design guidelines and approved by the Municipal Utilities Director.

2. ***Area of Benefit.*** For trunk lines more than the size required for the development, but in no case less than 12 inches in diameter, and for permanent pumping plants designated in the City Council approved City master sanitary sewer plan, the developer may receive a credit or reimbursement through an area of benefit for any cost over the development's proportionate share of the sanitary sewer.

C. **Fees.** Before the approval of the map or issuance of a Building Permit for a single-parcel development, the developer shall pay any area of benefit fees for the actual or estimated cost of constructing sanitary sewer facilities.

16.26.230 Undergrounding Utilities

A. **Applicability.** Utilities in new subdivisions and single parcel developments shall be installed underground, as outlined in this Section.

B. **When Undergrounding is Required.**

1. All existing and proposed utility distribution facilities (including electric, telecommunications, and cable television lines) installed in and for the purpose of supplying service to any subdivision shall be installed underground.

2. Electric and telephone facilities, fire alarm conduits, street lighting wiring, cable television, and other wiring conduits and similar facilities shall be placed underground by the developer for all new development on an existing parcel and when a new electrical hookup is provided in conjunction with the installation/replacement of an electric service panel. Utility vaults shall be subject to review by the Community Development Director. The Director may grant a modification or waiver of this requirement, after considering the general purposes and nature of the proposed development, except when the subject property is within an established underground utility district.

C. **Exceptions.** Undergrounding of existing utilities is not required along street frontages less than an aggregate of 300 lineal feet, or for:

1. Facilities exempted by the Public Utilities Commission (PUC);

2. Any municipal equipment or facilities installed under the supervision and to the satisfaction of the City Engineer;

3. Poles or electroliers used exclusively for street lighting;

4. Overhead wires attached to the exterior surface of a structure by means of a bracket or other fixture and extended from one location on the structure to another location on the same structure or to an adjacent structure on the same parcel without crossing any public street;

5. Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of 34,500 volts;

6. Antennas, associated equipment and supporting structures used by a utility for furnishing communication services;

7. Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects, or installed and maintained for a period not to exceed ten days in order to provide emergency service;

8. Overhead utility facilities along existing peripheral street frontages of an affordable housing subdivision or development, that is part of an infrastructure financing district, so long as the adjoining property is already developed and the utility facilities on the peripheral street are overhead;

9. A development or subdivision which has existing overhead utility distribution facilities serving other developed property(s) and which has existing overhead utility distribution facilities that are adjacent to an existing boundary of the development or subdivision whose boundary is not peripheral to and/or within an existing, proposed, or future street(s);

10. Development of an “infill site” as defined in Division 6, Terms and Definitions; and

11. Single parcel industrial development with a parcel size of ten net acres or less conforming to the definitions of “single parcel development” and “infill development” in Division 6, Terms and Definitions.

D. **Responsibilities of Developer.** The developer is responsible for complying with the requirements of this Section and shall make the necessary arrangements with the affected utility companies for facility installation.

E. **Location of Installation.** Underground utility lines may be installed within street rights-of-way or along a parcel line, subject to appropriate easements being provided if necessary. When installed within street rights-of-way, their location and method of installation, as it affects other improvements within the street rights-of-way, shall be subject to the approval of the City Engineer.

F. **Timing of Installation.** Underground utilities that are to be installed under or adjacent to street paving or sidewalks shall be installed before the final improvement of the street.

G. **Utility Equipment.** Utility equipment shall be in compliance with Section 16.19, General Development Standards.

16.26.240 Public Facilities Fee

A. **Purpose.** To implement the goals and objectives of the General Plan and to mitigate the impacts caused by future development in the City, certain public facilities must be or have been required to be constructed, and/or compensation measures must be or have been required to be taken to offset resources lost due to the future development. The City Council has determined that a public facilities fee is needed to finance these public facilities, and/or compensation measures, and to pay for each development’s fair share of the construction costs of these improvements, and/or the costs of the compensation measures. In establishing the fee described in the following sections the City

Council has found the fee to be consistent with its General Plan and pursuant to Government Code Section 65913.2 has considered the effects of the fee with respect to the City's housing needs as established in the Housing Element of the General Plan.

B. **Public Facilities Fee Established.**

1. A public facilities fee is hereby established on issuance of Building Permits for development in the City to pay for municipally owned public facilities, including but not limited to City office space, fire stations, libraries, police stations, community recreation centers, street improvements, and water and sewage facilities, and to pay for acquisition, enhancement, restoration, maintenance, and/or operation of habitat/open space conservation lands.

2. The City Council shall, in a resolution adopted after a duly noticed public hearing, set forth the amount of the fee, describe the benefit and impact area on which the public facilities fee is imposed, list the municipally owned public facilities to be financed, describe the estimated cost of these facilities, and describe the reasonable relationship between the fee and the various types of new developments. The base fee shall be adjusted annually after a duly noticed public hearing at the time the City budget is adopted, utilizing the current Construction Cost Index (U.S. 20 cities average) published by the Engineering News Record.

C. **Use of Fee Revenues.** The revenues raised by payment of the public facilities fee shall be placed in separate and special accounts as provided by City Council resolution and such revenues, along with any interest earnings on that account, shall be used for the following purposes:

1. To pay for design and construction of designated public facilities and reasonable costs of outside consultant studies related thereto;

2. To reimburse the City for designated public facilities constructed by the City with funds (other than grants or gifts) from other sources;

3. To reimburse developers who have designed and constructed designated public facilities which are oversized with supplemental size, length, or capacity;

4. To pay for and/or reimburse costs of program development and ongoing administration of the public facilities fee program; or

5. To pay for the acquisition, enhancement, restoration, maintenance, and/or operation of habitat/open space conservation lands, which compensate for such lands lost because of future development.

D. **Developer Construction of Facilities.** If a developer is required, as a condition of approval of a development permit, to construct a public facility that has been designated to be financed with public facilities fees and if the facility has supplemental size, length, or capacity over that needed for the impacts of that development, a reimbursement agreement with the developer and a credit against the fee otherwise levied by this Development Code on the development project shall be offered. The reimbursement amount shall include all eligible costs of such improvements included in the calculation of the public facilities fee program.

E. **Administrative Guidelines.** The City Council shall, by resolution, adopt Administrative Guidelines to provide procedures for the calculation, reimbursement, credit, or deferred payment of the public facilities fee.

16.26.250 Homeowner's Associations for Subdivisions

A. The owners, developers, and/or successors-in-interest shall be responsible for the establishment of a Homeowner's Association and covenants, conditions, and restrictions (CC&Rs) for all single-family subdivisions of five or more parcels to maintain all landscaping, structures, and walls/fences on the private properties and common areas within the subdivision area.

1. The CC&Rs shall be subject to review and approval by the City Attorney and the Director before their recordation.

2. The owners, developers, and/or successors-in-interest shall be responsible for the recording of the CC&Rs and payment of the recording expenses prior to or in conjunction with the recordation of any final map for the subdivision.

3. The City shall be declared to be a third-party beneficiary of the CC&Rs and shall be entitled, without obligation, to take appropriate legal action to enforce the CC&Rs.

B. Before the recordation of any small parcel final map (or concurrently with the formation of a Homeowner's Association), the owners, developers, and/or successors-in-interest shall establish a maintenance entity acceptable to the City to provide funding for the maintenance of, and if necessary replacement at the end of the useful life of, improvements, including common area landscaping, parks, pocket parks, access parcels, landscaping in the right-of-way, streetlights, soundwalls and/or back-up walls, and all "Improvements" serving, or for the special benefit of, this subdivision.

Chapter 16.27 Sign Standards

16.27.010 Purpose

The purpose of this Chapter is to promote the public health, safety, and welfare through a comprehensive system of reasonable, effective, consistent, content-neutral, and nondiscriminatory sign standards and requirements. More specifically, this Chapter is intended to:

A. Balance public and private objectives by allowing adequate avenues for both commercial and non-commercial messages;

B. Allow signs to serve as an effective channel of communication while preventing visual clutter that will detract from the aesthetic character of the City;

C. Maintain and enhance the City's appearance by regulating the location, number, type, quality of materials, size, illumination, and maintenance of signs;

D. Restrict signs that may create a nuisance to nearby properties, violate privacy, or create hazards or unreasonable distractions for pedestrians or drivers;

E. Provide clear and unambiguous sign standards that enable fair and consistent enforcement; and

F. Ensure that the constitutionally guaranteed right of free speech is protected.

16.27.020 Applicability

A. The provisions of this Chapter apply to all signs in all zoning districts, unless otherwise specified, constructed or physically altered on or after the effective date of this Chapter.

1. Nothing in this Chapter shall be construed to prohibit a person from holding a sign while picketing or protesting on public property that has been determined to be a traditional or designated public forum, so long as the person holding the sign does not block ingress and egress from buildings, create a safety hazard by impeding travel on sidewalks, in bike or vehicle lanes, or on trails, or violate any other reasonable time, place, and manner restrictions adopted by the City.

2. The provisions of this Chapter shall not require alteration of the display of any registered mark, or any trademark, service mark, trade name, or corporate name that may be associated with or incorporated into a registered mark, where such alteration would require the registered mark to be displayed in a manner differing from the mark as exhibited in the certificate of registration issued by the United States Patent and Trademark Office. It is the responsibility of the applicant to establish that a proposed sign includes a registered mark.

B. **Regulatory Interpretations.** The provisions of this Chapter shall be applied in a content-neutral manner. Non-communicative aspects of all signs, not related to the content of the sign, shall comply with the provisions of this Chapter. "Non-communicative aspects" include the time, place, manner, location, size, height, illumination, spacing, and orientation of signs.

16.27.030 Exempt Signs

The following signs are exempt from the permit requirements of this Chapter, and they do not count toward the total sign area limit for a site, provided that they conform to the specified standards.

A. **Address Signs.** Required address identification signs that are in conformance with the Building Code.

B. **Commercial Displays on Vehicles.** Displays on vehicles related to the goods or services provided by the vehicle owner or operator and public transit/public carrier graphics on properly licensed buses, taxicabs, and similar vehicles for hire that legally pass through the City.

C. **Directional Signs.** Directional and/or informational signs not more than six square feet in area or five feet in height for the direction or convenience of the public such as outlining/assisting vehicle and pedestrian circulation within a site, egress, ingress, and any public facilities such as restrooms, telephones, walkways, and other similar features.

D. **Directory Signs.** Directory signs containing a list of tenants and their location in an individual building or integrated center, provided that the signs:

1. Do not exceed a maximum height of seven feet;
2. Are designed and erected or mounted as a wall sign, monument sign, or on or within a kiosk; and
3. Are located at or near the main pedestrian entrance to a building or integrated center.

E. **Flags.** Flags that do not display a commercial message. The maximum allowable height of flagpoles in nonresidential districts is 60 feet. In residential districts, flagpoles are subject to the height limitations of the district in which the flag is located.

F. **Government Signs.** Official notices issued by a court, public body, or office and posted in the performance of a public duty; notices posted by a utility or other quasi-public agency; signs erected by a governmental body to direct or regulate pedestrian or vehicular traffic; non-commercial bus stop signs erected by a public transit agency, or other signs required or authorized by law.

G. **Historic Plaques and Memorial Signs.** Historic plaques, memorial signs or tablets, or commemorative signs, including signs and markers for historic landmarks or districts or points of interest.

H. **Interior Signs.** Signs that are in the interior areas of a building or site not visible from the public right-of-way, and at least three feet from a window, door, or other exterior wall opening.

I. **Manufacturer's Mark.** Manufacturer's marks, including signs on items such as vending machines, gas pumps, and ice containers with a maximum allowable sign area of four square feet per sign.

J. **Murals and Art Works.** Artist renderings or paintings on fences or structures or sculpture or other art work shall only be allowed on private property with the permission of the owner of the property and on public property with the permission of the appropriate governmental body.

K. **Mobile Vendor Signs.** Signs fixed to mobile vending vehicles that identify or advertise the name, product, or service provided by the vendor. Each mobile vending vehicle is limited to a maximum sign area of eight square feet.

L. **Nameplate.** One nameplate for each tenant or occupancy not to exceed two square feet in area indicating the name of the occupant or tenant.

M. **Political Signs.** Signs informing of political candidates, parties, issues, measures, propositions, philosophies or personal beliefs, and which are not commercial messages, shall be exempt from all regulations of this Chapter, except that such signs shall not be placed within the public right-of-

way. Political signs shall conform to the requirements of the Elections Code for placement and removal.

N. **Real Estate Signs.** Real estate signs offering property for sale, lease, or rent are allowed in any zoning district on the property being advertised or on real property owned by others with their consent, subject to the following limitations:

1. ***Types of Signs.***

   a. For single-unit dwellings, one sign per street frontage, not to exceed six square feet in area and six feet in height.

   b. For development other than single-unit dwellings, one sign per street frontage not to exceed 40 square feet in area and six feet in height.

   c. Additional Signs for Multi-Tenant Development. In addition to the sign allowances per street frontage above, one sign for each tenant space available not to exceed six square feet to be located at the individual tenant space for rent or lease.

   d. Signs advertising model homes and homes for sale within the subdivision where the sign is located.

2. ***Duration.*** Real estate signs may be placed on the site at the time of the listing or the availability of the rental space and shall be removed no later than the date of the completion of the sale or the signing of the lease.

O. **Garage Sale Signs.** Signs that announce the occurrence of a garage or yard sale, subject to the following limitations:

1. ***Maximum Size.*** Six square feet.

2. ***Duration.*** Limited to one day before the sale and during the time of the sale. Signs shall be promptly removed at the end of the sale.

P. **Future Tenant Signs.** Future tenant identification signs that announce the future use of a project while under construction subject to compliance with the following limitations:

1. One sign per street frontage except for projects having an excess of 500 lineal feet of street frontage, one additional sign may be allowed;

2. Signs shall be limited to a maximum of 40 square feet in area and six feet in height. Maximum of 50 square feet if combined with a construction sign; and

3. Signs shall be removed before occupancy of the site.

Q. **Construction Signs.** Signs that provide the names of the architects, engineers, and contractors working on the site of a development project subject to compliance with the following limitations:

1. One sign per street frontage not to exceed 40 square feet in area with a maximum height of six feet. Maximum size of 50 square feet in area if combined with a future tenant sign; and

2. Signs shall be removed before first occupancy of the site.

R. **Temporary Commercial Advertising/Promotional Signs and Devices.** Temporary advertising/ promotional signs painted on a window or constructed of paper, cloth, or similar disposable materials, windblown devices (e.g., pennants, streamers, and banners), and inflatable devices may be allowed for commercial uses subject to the following limitations:

1. Signs and other devices may be displayed for a maximum of 15 days on six separate occasions within a 12-month period to promote a particular event, sale, or product;

2. The total area of all temporary signs and banners shall not exceed 100 square feet per business; and

3. Tethered balloons and inflatable devices may exceed the zoning district maximum height requirement.

S. **Temporary Business Identification Signs.** Until permanent signs can be erected, a maximum of two temporary signs for the identification of a new business or a change in the name of the business, are allowed for a period not to exceed 90 days. A one-time extension of 30 days may be granted by the Director. Maximum sign area is limited to 32 square feet.

T. **Holiday Decoration Signs.** Holiday decorations and holiday decoration signs. Holiday decoration signs shall be removed within three days of the end of the holiday.

U. **Temporary Special Event Signs.** A special event sign, balloon, or banner intended to inform the public of a unique happening, action, purpose, or occasion, (e.g., a community event) shall comply with the following standards:

1. An organization may be allowed to display special event signs, balloons, or banners in any zoning district for a period of up to two weeks. Periods up to 60 days may be approved by the Director if the applicant provides written justification;

2. Special event signs shall not include promotional commercial advertising; and

3. Special event signs shall be removed no later than three days after the end of the special event.

16.27.040 Prohibited Signs

The following signs are inconsistent with the purposes and standards of this Chapter and are, therefore, prohibited in all zoning districts:

A. Abandoned signs in compliance with Section 16.27.140, Abandoned Signs, and/or dilapidated signs and sign structures;

B. Banners, streamers, and pennants, except for those affixed to poles along the rights-of-way of commercial areas with an Encroachment Permit and Revocable Permit for purposes of civic identity or as specifically allowed by the provisions of Section 16.27.030, Exempt Signs;

C. Bench signs, except at approved bus passenger loading areas;

D. Inflated signs, balloons, and figures, except temporary signs specifically allowed by the provisions of Section 16.27.030, Exempt Signs;

E. Obscene or offensive signs containing statements, words, figures or pictures of an obscene, indecent or immoral character which appeal to the prurient interest in sex, or which are patently offensive and do not have serious literary, artistic, political, or scientific value in accordance with Chapter 5.60 of the Municipal Code;

F. Off-premises signs not specifically allowed by the provisions of Section 16.27.100, Standards for Off-Premises Signs;

G. Signs painted, placed or located on any roof, except as described in H, below;

H. Roof signs extending above the eave of the roof or a parapet, whichever is higher, except for roof signs located on the Miracle Mile and Yosemite Shopping Center;

I. Portable signs (e.g., A-frame signs), except as provided by Section 12.80.010 of the Municipal Code;

J. A sign erected in a manner that a portion of its surface or supports would interfere with the free use of a fire escape, exit, or standpipe or obstruct a required ventilator, door, stairway, or window;

K. Signs emitting audible sounds, odors, or visible matter;

L. Signs that conflict with or imitate traffic control devices due to color, wording, design, location or illumination;

M. Signs that interfere with the safe and efficient flow of vehicular and/or pedestrian traffic that adversely affect traffic safety;

N. Signs on public property or projecting within the public right-of-way except as provided in Municipal Code Chapter 12.80;

O. Signs placed on properties of public utility companies (light poles, telephone poles, utility poles, equipment containers, etc);

P. Signs attached to or painted on motor vehicles or trailers that are parked on or adjacent to public or private property, the principal purpose of which is to attract attention to a product sold or to a business located on or near the property where the vehicle or trailer is located, except for company vehicles parked on an interim basis;

Q. Graffiti as defined in Section 8.24.020 of the Municipal Code; and

R. Signs not in compliance with the provisions of this Chapter.

16.27.050 Sign Measurement

A. **Sign Area.**

1. ***Surface Area of Sign.***

a. If the lettered or illustrative material of a sign is located on a sign board or sign structure or has a defined sign background, the surface area of the sign shall be the area of the surface or face of the board or sign structure that is used for advertising.

b. If the lettered or illustrative material of a sign is not located on a sign board or does not have a defined background (e.g., letters placed on a wall), the surface area of a sign shall be the area that would be encompassed within a frame or frames that are parallel to the top and sides of the structure on which the sign is located and which extend two inches beyond the outermost boundaries of the lettered or illustrative material.

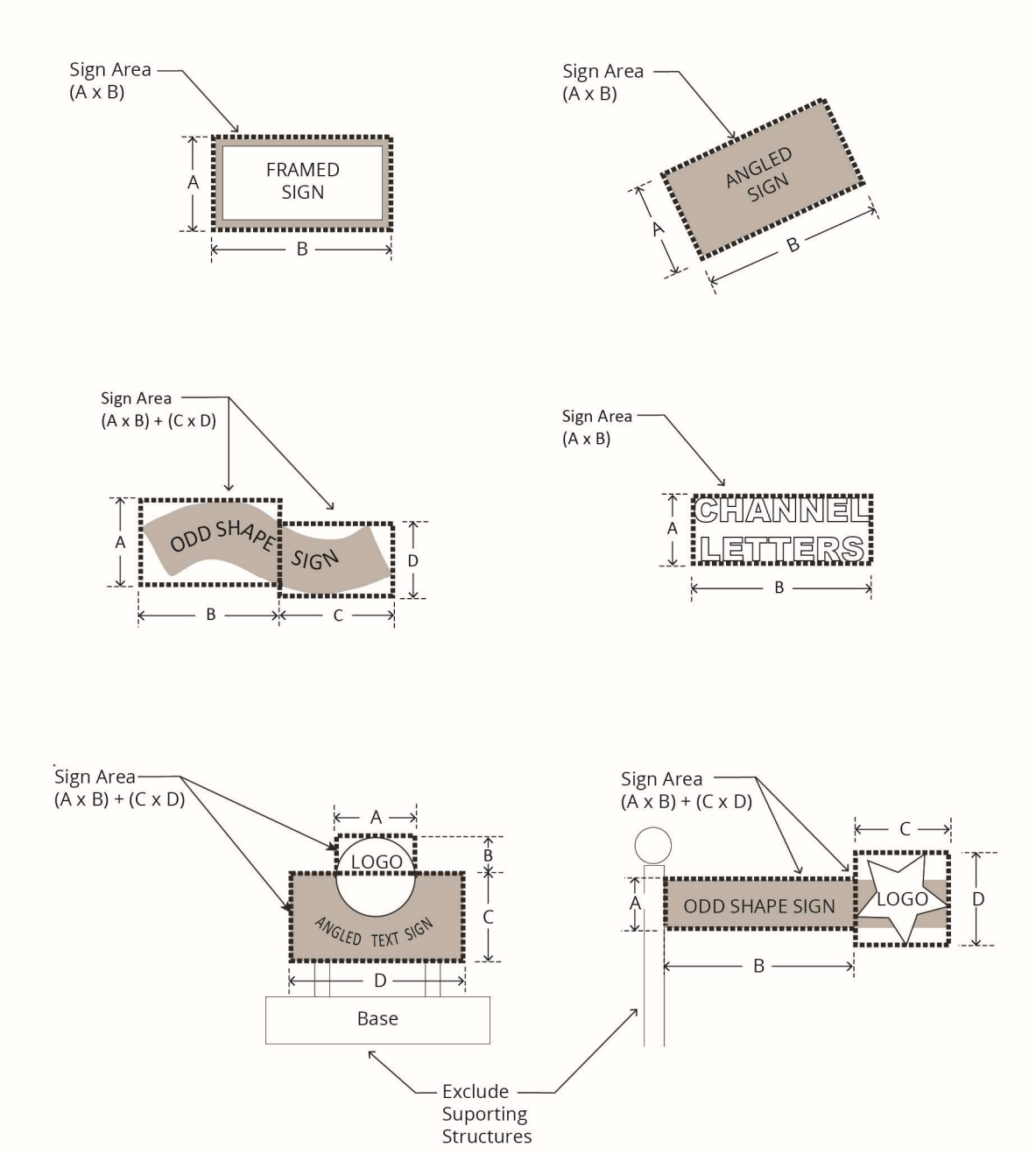


FIGURE 16.27.050.A.1: MEASURING SIGN AREA

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

3. The area of a double-faced sign (two sign faces approximately parallel) shall be calculated as having only a single face provided that the distance between each sign face does not exceed 24 inches at any point. If the sign faces are not the same size, the larger sign face shall be used to establish the sign area.

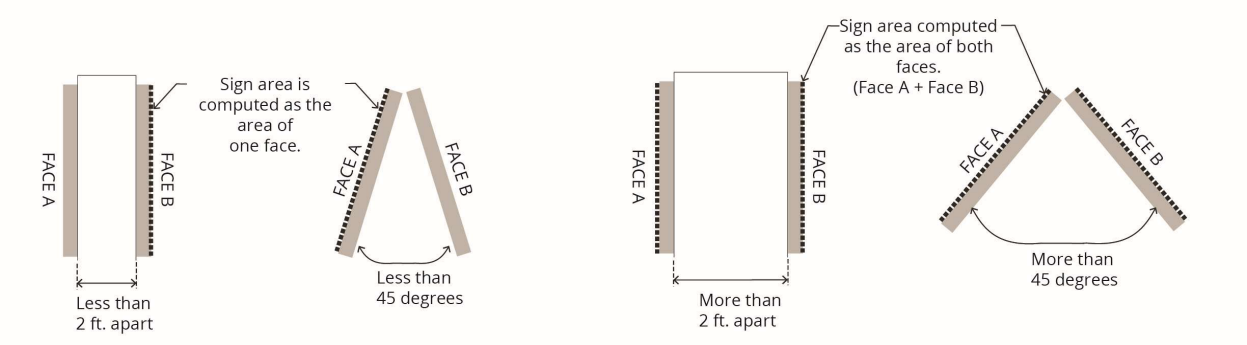


FIGURE 16.27.050.A.3: MEASURING DOUBLE-FACED SIGNS

4. Where a sign consists of one or more three dimensional objects (i.e., balls, cubes, clusters of objects, sculpture or statue-like trademarks), the sign area shall be measured at their maximum projection upon a vertical plane.

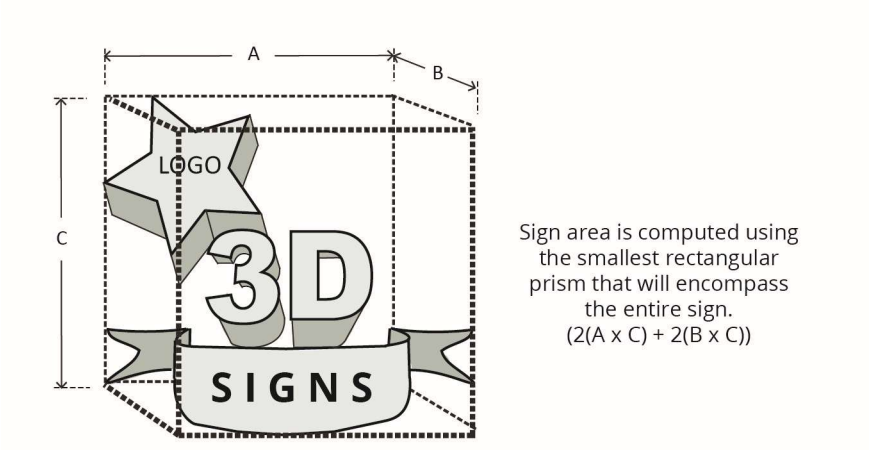


FIGURE 16.27.050.A.4: MEASURING THREE DIMENSIONAL SIGNS

5. For signs that incorporate time and temperature devices only, the area of these devices shall not be included in the total area of the sign.

6. If the allowed area of a sign is based on the linear footage of a structure's wall (e.g., two square feet of sign area per linear foot of structure wall), the measurement of the structure's wall shall be based on the width of each individual tenant space as measured in a straight line at the base of the wall, not including any recesses, alcoves, or projections.

B. **Measuring Sign Height.** The height of a sign is the vertical distance from the uppermost part of the structure of the sign to the elevation of the lowest elevation point of the finished grade immediately adjacent to the sign support structure.

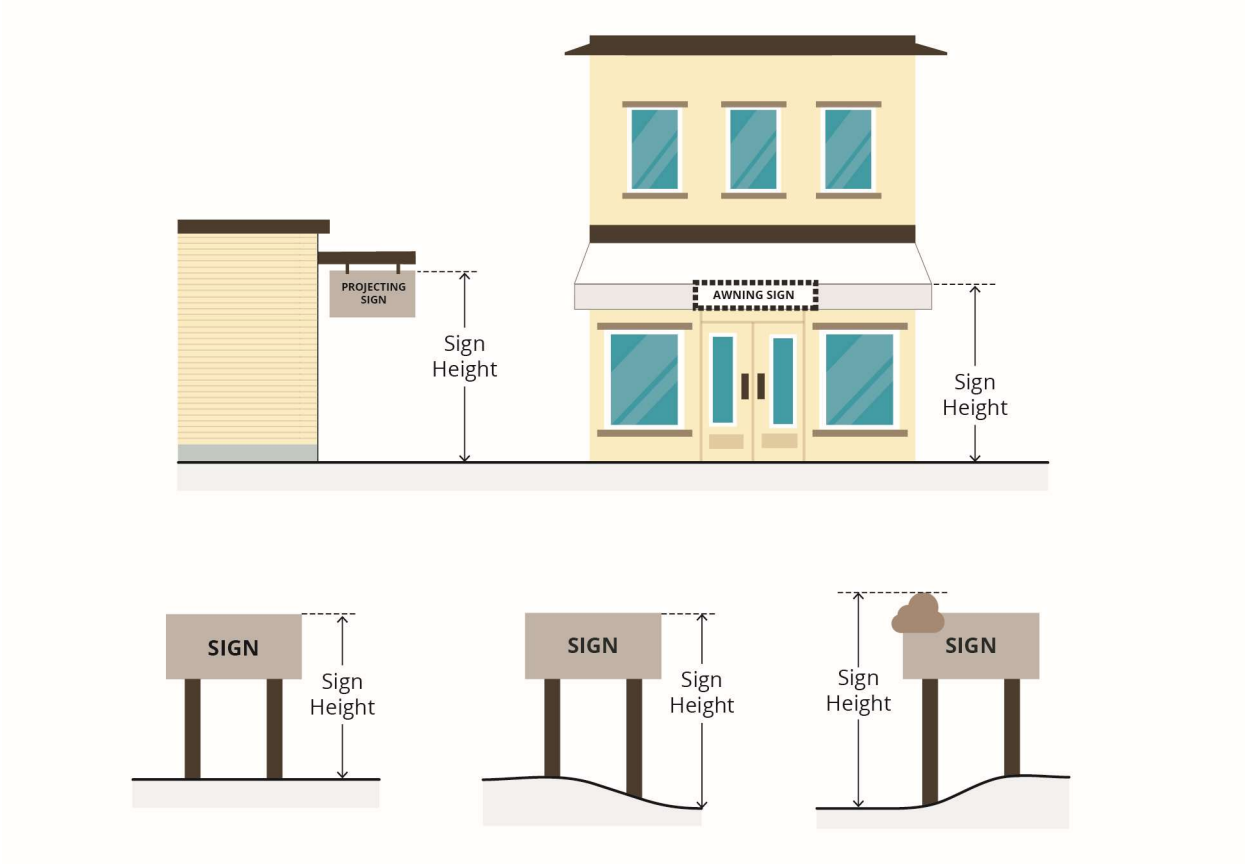


FIGURE 16.27.050.B: MEASURING SIGN HEIGHT

C. **Measuring Sign Clearance.** Sign clearance shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or background embellishments.

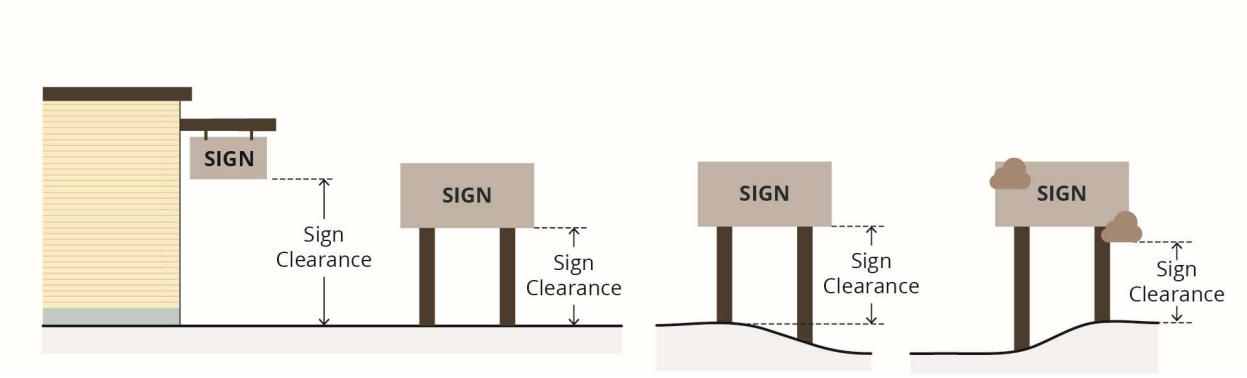


FIGURE 16.27.050.C: MEASURING SIGN CLEARANCE

D. **Building Frontage.** Building frontage shall be measured as the widest lineal dimension, parallel to the ground, of a continuous frontage on or oriented toward a street, highway, or pedestrian way. A building's frontage is considered continuous if projections or recesses in a building wall do not

exceed ten feet in any direction. For buildings with two or more frontages, the length of the frontage and allowable sign area shall be calculated separately for each building frontage.

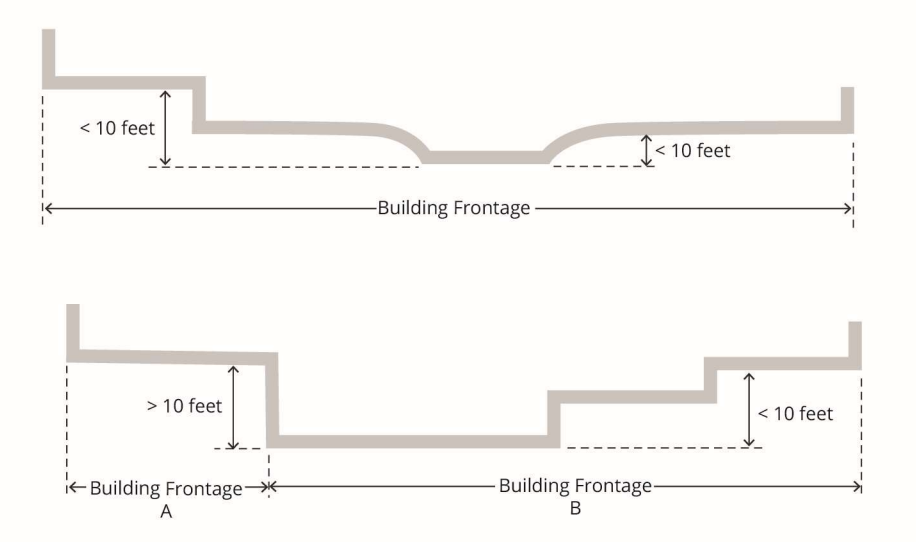


FIGURE 16.27.050.D: MEASURING BUILDING FRONTAGE

E. **Street Frontage.** The length of street frontage is measured along the property line adjacent to the public right-of-way.

16.27.060 General Provisions

A. **Applicable Codes.** In addition to complying with the provisions of this Section, all signs must be constructed in accordance with the Uniform Building code, the Uniform Sign Code, the Electrical Code, and all other applicable laws, rules, regulations, and policies.

B. **Sign Copy.** The sign copy (text) of permanent on-premises signs shall relate only to the name and/or nature of the business and/or of the integrated center, as applicable, and may contain any related trademark or logo, and/or other graphics used to identify the business or center.

C. **Changes to Copy of Approved Signs.** Changes to the copy of approved signs that were legally established and have not been modified so as to become illegal are exempt from permitting pursuant to this Chapter. Changes to copy do not include changes to the type or level of illumination of an approved sign.

D. **Noncommercial Signs.** Non-commercial signs are allowed wherever commercial signage is permitted and are subject to the same standards and total maximum allowances per site or building of each sign type specified in this Chapter. For purposes of this Chapter, all non-commercial speech messages will be deemed to be “on-site,” regardless of location.

E. **Message Substitution.** A non-commercial message of any type may be substituted, in whole or in part, for any duly permitted commercial message, any non-commercial message may be substituted for any other non-commercial message, and any on-site commercial message may be substituted, in whole or in part, for any other on-site commercial message.

1. ***No Additional Approval.*** Such substitution of message may be made without any additional approval, permitting, registration, or notice to the City. The purpose of this

provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other noncommercial message.

2. ***Limitations.*** This message substitution provision does not: 1) create a right to increase the total amount of signage on a parcel, lot or land use; 2) affect the requirement that a sign structure or mounting device be properly permitted; 3) allow a change in the physical structure of a sign or its mounting device; or 4) authorize the substitution of an off-site commercial message in place of an on-site commercial message or in place of a non-commercial message.

F. **Materials.** Signs shall be made of sturdy, durable materials. Paper, cardboard and other materials subject to rapid deterioration shall be limited to temporary signs. Fabric signs are limited to awnings, canopies, flags, and temporary signs.

G. ***Changeable Copy.***

1. ***Manual Changeable Copy.*** Manually changeable copy is allowed.

2. ***Automatic Changeable Copy and Electronic Message Center Signs.*** Electronic Message Center (EMC) signs and automatic changeable copy in which copy can be changed or altered by electric, electro-mechanical, electronic, or any other artificial energy means, are allowed subject to the following standards.

a. *Allowable Districts.* Electronic Message Center (EMC) signs and automatic changeable copy are allowed in the CG, CD, IL, IG, PF, PT, MX, and UC zoning districts, except they shall not be permitted in the following areas.

i. The Miracle Mile area along Pacific Avenue between Harding Way and Alpine Avenue.

ii. Any historic preservation district established by the City Council.

b. *Location Limitations.*

i. Electronic Message Center (EMC) signs and automatic changeable copy shall be located a minimum of 300 feet from any residential use, except as provided below:

(1) The sign is not visible from the residential use; or

(2) The sign is for a stadium and/or theater use associated with a school and the Planning Commission approves a Commission Use Permit in consideration of the following:

(a) Placement of the sign in relation to residential structures,

(b) No advertising on the flashing/moving portion of the sign,

(c) Size and height of the proposed sign,

(d) Traffic safety,

(e) Type and design of the electronic display,

(f) Intensity of lighting, and

(g) Other factors that would ensure the integrity of residential neighborhoods.

ii. All electronic or moving display portions of a sign located less than 25 feet from top of curb shall be located a minimum of 25 feet from any right-of-way line and a minimum of 100 feet from the corner point (intersection point of two right-of-way lines) of a major or minor arterial.

c. *Permit Requirement.* Electronic Message Center (EMC) signs and automatic changeable copy shall require Land Development Permit approval in compliance with Chapter 16.47, Land Development Permits, except for one interior window sign per business that does not exceed five square feet

d. *Display Duration.* The display shall change no more frequently than once every eight seconds and must have an unlighted interval between copy displays of 0.3 second or more.

e. *Static Message.* Displays shall contain static messages only, and shall not have movement, or the appearance or optical illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement of any illumination, or the flashing, scintillating or varying of light intensity.

f. *Light Intensity.* 0.3 foot-candles over ambient lighting conditions when measured at a distance equal to the square root of 100 times the area of the sign in square feet. All electronic copy must be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 foot-candle measurements.

g. *Automatic Controls.* All electronic message displays shall be equipped with automatic controls to allow for adjustment of brightness based on ambient lighting conditions.

H. **Illumination.** The artificial illumination of signs, either from an internal or external source, shall be designed to eliminate impacts on surrounding properties and streets. The approval of an illuminated sign is not final until 30 days after installation, during which period the Building Official may order the dimming of any illumination found to be excessively bright.

1. External light sources shall be directed and shielded to limit direct illumination of any object other than the sign.

2. The light from an illuminated sign shall not be of an intensity or brightness, which would interfere with the reasonable enjoyment of residential properties in direct visual proximity to the sign.

3. Colored lights shall not be used at a location or in a manner so as to be confused or construed as traffic control devices.

4. Neither the direct nor reflected light from primary light sources shall create a hazard to operators of motor vehicles.

I. **Sign Location.**

1. Signs shall be located so as not to block visibility within traffic sight areas pursuant to Section 16.19.210, Traffic Sight Area, or interfere with circulation.

2. Signs shall not be located within a non-buildable public utilities easement (PUE) or in a public right-of-way, except when authorized by the applicable utility company.

3. Signs shall be located in compliance with the requirements of Section 16.27.090, Standards for Specific Sign Types.

4. Existing street trees shall be taken into consideration when locating signs. Unless a benefit to the public, as determined by the Director, is demonstrated, no living, healthy tree that has been planted by the City shall be removed or trimmed for purposes of sign visibility.

16.27.070 Signage Allowances by Zoning District

This Section establishes the types of signs allowed per zoning district. These signs are also subject the regulations in Section 16.27.060, General Provisions, and Section 16.27.090, Standards for Specific Sign Types.

A. **Types of Signs Allowed.** Table 16.27.070, Allowed Signs by Zoning District, establishes the types of signs allowed per zoning district.

TABLE 16.27.070: ALLOWED SIGNS BY ZONING DISTRICT

✓ *Allowed (subject to compliance with this Chapter)*			- *Not Allowed*			
District	*Sign Type*					
	Awning Signs	*Freestanding Signs*	*Marquee Signs*	*Projecting and Shingle Signs*	*Wall Signs*	*Window Signs*
All Districts						
See Section 16.27.080, Signage Allowances for Specific Uses and Development						
Residential Districts						
RE	-	✓	-	-	✓	-
RL	-	✓	-	-	✓	-
RM	-	✓	-	-	✓	-
RH	-	✓	-	-	✓	-
Commercial Districts						
CO	✓	✓	-	-	✓	✓
CN	✓	✓	✓	✓	✓	✓
CG	✓	✓	✓	✓	✓	✓
CD	✓	✓	✓	✓	✓	✓
Industrial Districts						
IL	✓	✓	-	✓	✓	✓
IG	✓	✓	-	✓	✓	✓
PT	Signs are allowed in compliance with the Rough and Ready Island Development Plan for the Port of Stockton					
Public and Semi-Public Districts						
PF	✓	✓	✓	✓	✓	✓
OS	✓	✓	-	-	✓	-

TABLE 16.27.070: ALLOWED SIGNS BY ZONING DISTRICT						
✓ *Allowed (subject to compliance with this Chapter)*				- *Not Allowed*		
District	*Sign Type*					
	Awning Signs	*Freestanding Signs*	*Marquee Signs*	*Projecting and Shingle Signs*	*Wall Signs*	*Window Signs*
Other Districts						
MX	Signs are allowed in compliance with the approved Master Development Plan					
UC	Signs are allowed in compliance with the approved Master Development Plan					

16.27.080 Signage Allowances for Specific Uses and Development

This Section establishes signage allowances for specific uses and development. These signs are allowed in addition to the signs allowed by zoning district in Section 16.27.070, Allowed Signs by Zoning District. These signs are also subject to the regulations in Section 16.27.090, Standards for Specific Sign Types, unless otherwise stated.

A. **Non-Residential Uses in Residential Districts.** Nonresidential uses in Residential Districts are allowed signage in accordance with the sign allowances for the CN District.

B. **Residential Developments.** Residential developments of five or more units or lots are allowed freestanding and wall signs, subject to the following standards.

1. ***Maximum Number of Signs.*** Two signs per street frontage.
2. ***Maximum Aggregate Sign Area.*** 80 square feet per street frontage.
3. ***Maximum Size per Sign.*** 40 square feet.
4. ***Maximum Height, Freestanding Signs.*** Seven feet.

C. **Service Station Pricing Signs.** In addition to other signage allowed pursuant to this Chapter, service stations shall be allowed pricing signs in accordance with the following.

1. Pricing signs shall be designed and located so as to comply with Section 9.64.210 of the Municipal Code.
2. The pricing signs shall be incorporated into a freestanding sign that meets the standards of Subsection 16.27.090.B, Freestanding Signs.
3. All logos shall be limited to no more than 20 percent of the area of the sign.

D. **Subdivision Signs.** Temporary signs offering property within a subdivision for sale shall be subject to the following:

1. One sign per street frontage;
2. Signs shall not exceed 40 square feet in area and six feet in height;
3. Signs shall not be placed on any public property or rights-of-way, including properties of public utility companies; and
4. The sign shall be removed no later than 30 days after the sale of the last home or lot within the subdivision being advertised.

16.27.090 Signage Standards for Specific Sign Types

This Section establishes standards for specific sign types that apply to all zones where such signs are allowed.

A. **Awning Signs.** Signs painted or printed on awnings, canopies, arcades, or similar attachments or structures are subject to the following standards.

1. ***Maximum Allowable Sign Area.*** Awning signs shall have a maximum allowable sign area of ten square feet, or 25 percent of the total awning area, whichever is less.

2. ***Sign Location.*** Awning signs are limited to ground level and second story occupancies.

3. ***Minimum Sign Clearance.*** Awning signs shall have a minimum sign clearance of eight feet.

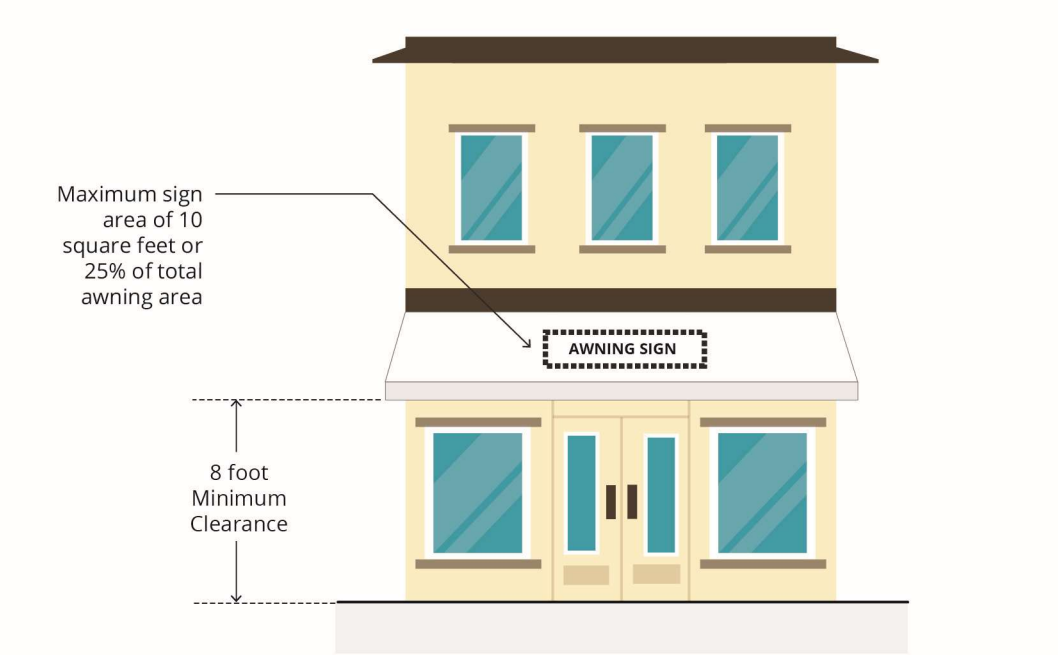


FIGURE 16.27.090.A: AWNING SIGNS

B. **Freestanding Signs.** Freestanding signs are subject to the following standards.

1. ***Minimum Separation.*** Freestanding signs shall be located a minimum of 75 feet from any other freestanding sign. The Director may waive this requirement in situations where its enactment would be impractical due to the locations of existing signs on adjacent properties or the size of the parcels.

2. ***Residential and Public and Semi Public Districts.***

a. *Maximum Number of Signs.* One freestanding sign per parcel.

b. *Minimum Setback.* Freestanding signs shall be located a minimum of five feet from any property line.

c. Maximum Allowable Sign Area. 50 square feet per face.

d. *Maximum Sign Height.* Seven feet.

e. *Required Landscaped Area.* Signs shall be located within a landscaped area, provided at the base of the sign equal to twice the area of one face of the sign maintained to preclude obstruction of the sign copy.

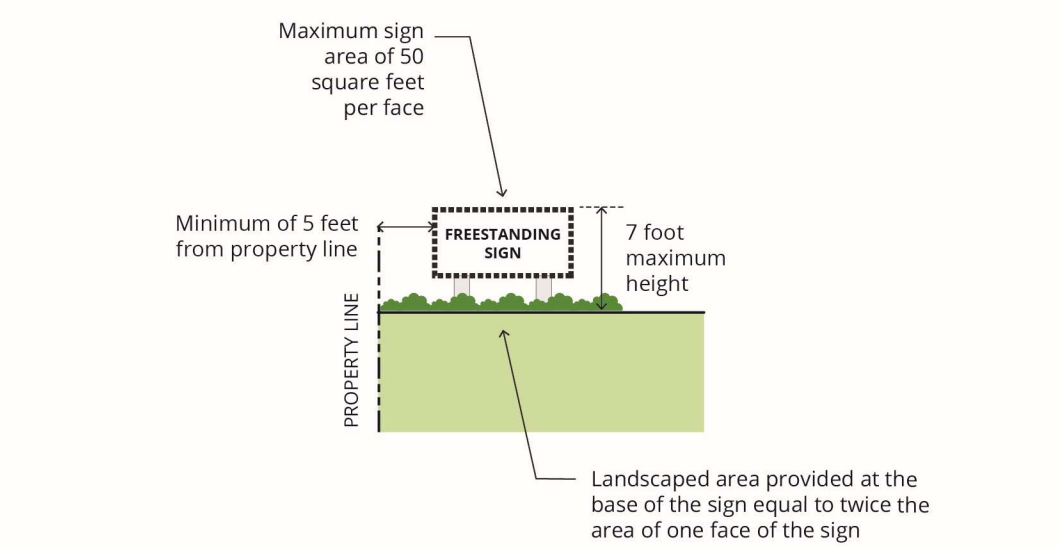


FIGURE 16.27.090.B.2: FREESTANDING SIGNS, RESIDENTIAL AND PUBLIC AND SEMI PUBLIC DISTRICTS

3. ***Commercial and Industrial Districts.*** The following freestanding signs are allowed in Commercial and Industrial Districts.

   a. *Primary Sign.* One primary freestanding sign consistent with the following standards is allowed per parcel.

      i. Minimum Setback.

         (1) Signs seven feet or less in height and 50 square feet or less in sign area shall be located a minimum of five feet from any property line.

         (2) Signs more than seven feet in height or more than 50 square feet in sign area shall be located a minimum of ten feet from any property line.

      ii. Maximum Allowable Sign Area. 150 square feet per face, except that signs located within 500 feet of a freeway or within 1,000 feet of a freeway interchange may be up to 300 square feet in sign area.

      iii. Maximum Sign Height. 30 feet, except that signs located within 500 feet of a freeway or within 1,000 feet of a freeway interchange may be up to 35 feet above the freeway road surface (excluding access ramps) as measured to the nearest point of the sign, up to a maximum overall height of 75 feet.

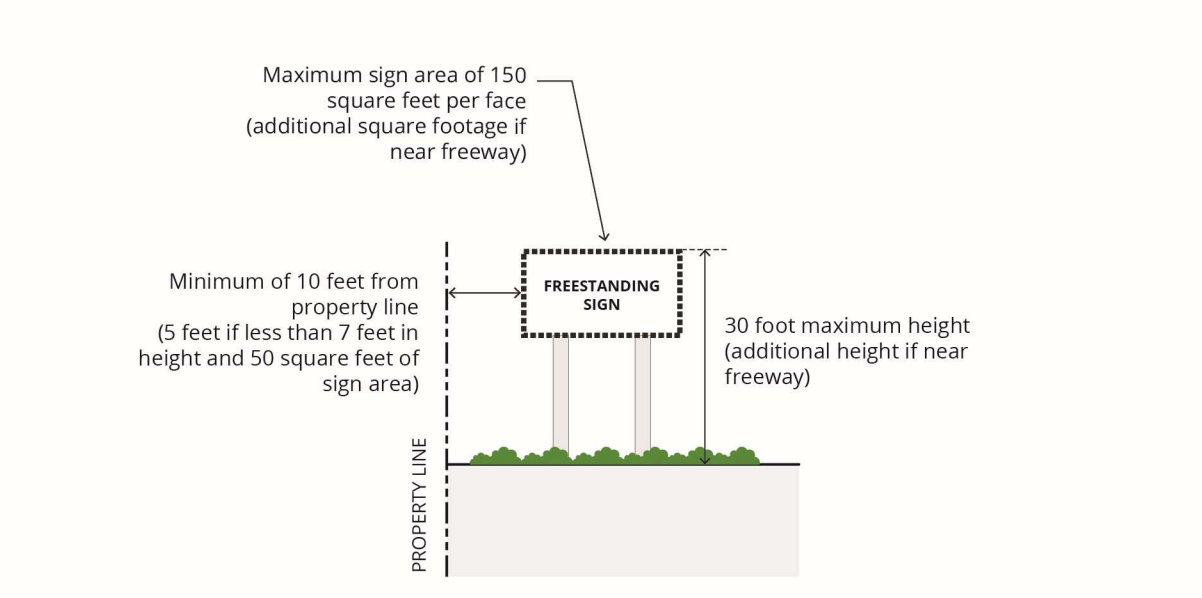


FIGURE 16.27.090.B.3.A: PRIMARY FREESTANDING SIGN, COMMERCIAL AND INDUSTRIAL DISTRICTS

b. *Secondary Frontages.* On parcels with multiple street frontages, one freestanding sign consistent with the following standards is allowed for each additional street frontage.

i. Minimum Setback. Freestanding signs along secondary frontages shall be located a minimum of five feet from any property line.

ii. Maximum Allowable Sign Area. 50 square feet per face.

iii. Maximum Sign Height. Seven feet.

iv. Required Landscaped Area. Signs shall be located within a landscaped area, provided at the base of the sign equal to twice the area of one face of the sign maintained to preclude obstruction of the sign copy.

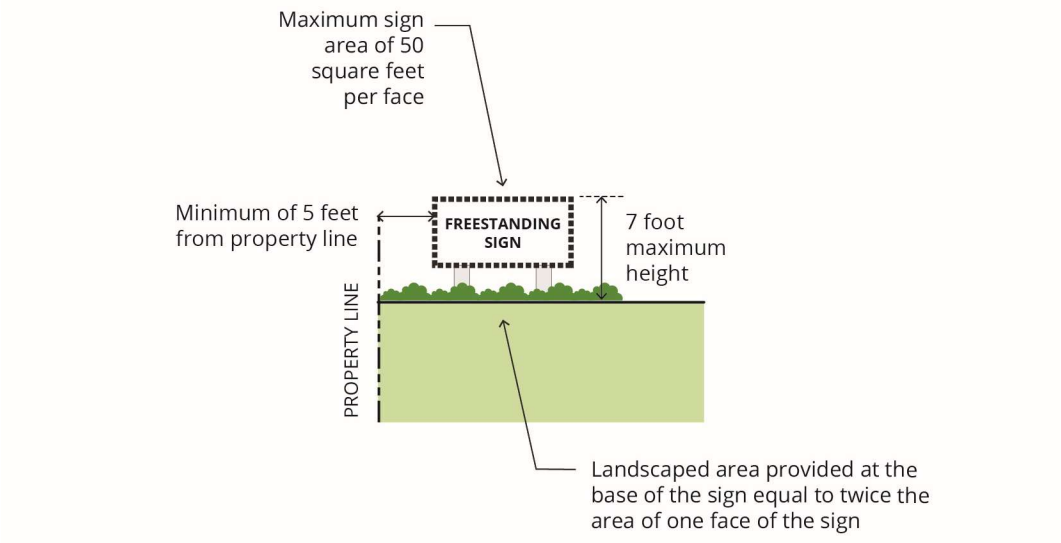


FIGURE 16.27.090.B.3.B: SECONDARY FRONTAGE FREESTANDING SIGNS, COMMERCIAL AND INDUSTRIAL DISTRICTS

c. *Building Pads.* On parcels with multiple individual building pads, one additional freestanding sign consistent with the following standards is allowed for each building pad.

i. Minimum Setback. Freestanding signs for individual building pads shall be located a minimum of five feet from any property line.

ii. Maximum Allowable Sign Area. 50 square feet per face.

iii. Maximum Sign Height. Seven feet.

iv. Required Landscaped Area. Signs shall be located within a landscaped area, provided at the base of the sign equal to twice the area of one face of the sign maintained to preclude obstruction of the sign copy.

C. **Marquee Signs.** Signs mounted on the front or sides of a marquee are subject to the following standards.

1. Signs shall not project more than six inches from the face of a marquee;

2. Signs shall not extend above the top of a marquee;

3. The maximum area for marquee signs shall be calculated in conjunction with, and shall be subject to, the maximum sign area allowance for wall signs pursuant to Section 16.27.090.E, Wall Signs.

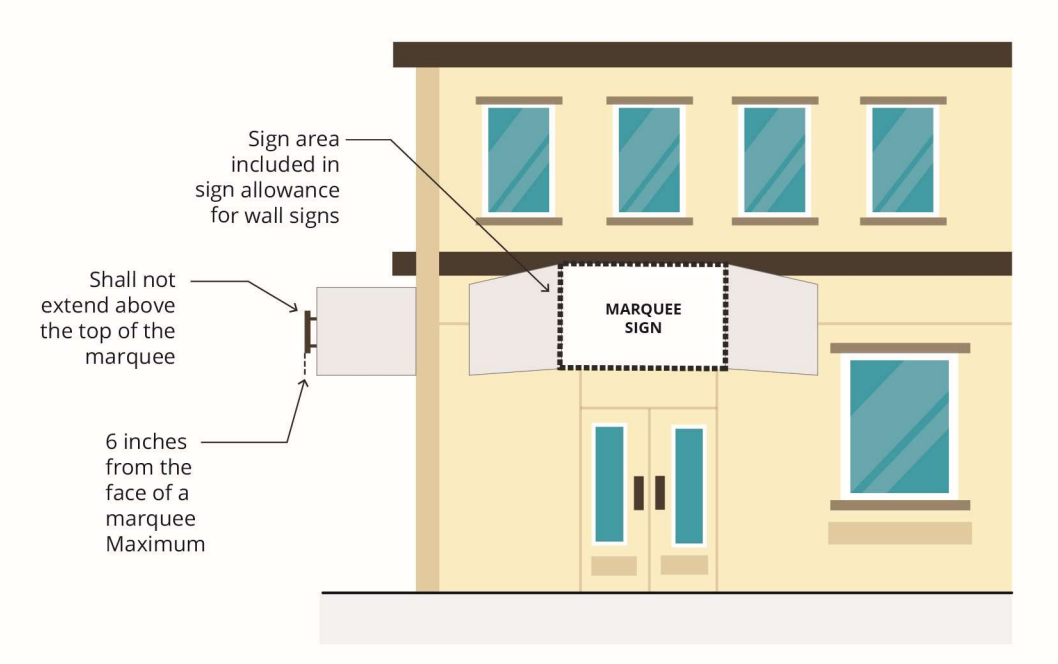


FIGURE 16.27.090.C: MARQUEE SIGNS

D. **Projecting and Shingle Signs.** Signs that project horizontally from the exterior wall of a building or are suspended beneath a marquee, covered walkway, canopy, or awning, are subject to the following standards.

1. ***Maximum Allowable Sign Area.*** Ten square feet.
2. ***Maximum Sign Height.*** 15 feet; 20 feet if located above a driveway or other drive aisle.
3. ***Minimum Sign Clearance.*** Ten feet; 15 feet if located above a driveway or other drive aisle.
4. ***Maximum Number of Signs.*** One for each tenant space.
5. ***Projection Allowed.***
   a. *Projecting Sign.* A projecting sign cannot extend more than six feet from the building to which it is attached and no part of a sign shall be located within two feet of a curb.
      i. No sign shall project over the right-of-way, except for the Miracle Mile.
   b. *Shingle Sign.* A shingle sign cannot extend further than the outer edge of the marquee, covered walkway, canopy, or awning from which it is suspended.

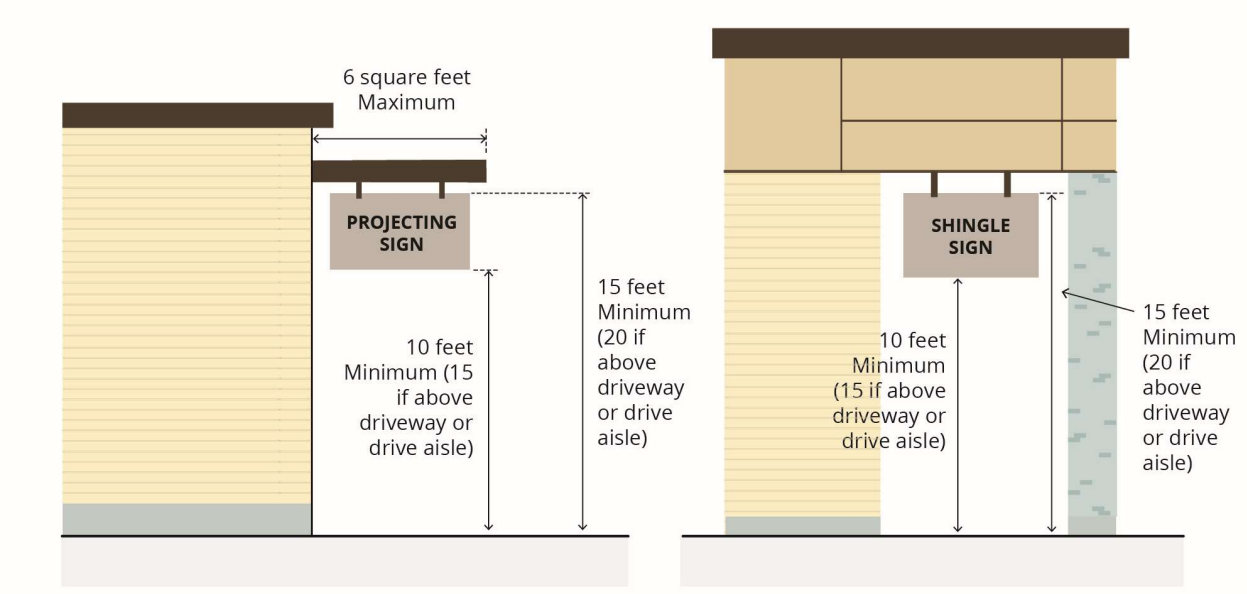


FIGURE 16.27.090.D: PROJECTING AND SHINGLE SIGNS

E. **Wall Signs.** Wall signs include any sign attached to, erected against or painted upon the wall of a building or structure. Wall signs are subject to the following standards.

1. ***Maximum Allowable Sign Area.*** Two square feet of sign area for every linear foot of building frontage. In all cases, wall sign copy shall not occupy more than 25 percent of the total area of the wall to which the sign is attached.

2. ***Location of Sign.***

   a. Wall signs shall not be placed higher than the second story of a building.

   b. Wall signs shall not cover or interrupt major architectural features, including such features as doors, windows, or tile embellishments.

   c. Wall signs shall not extend higher than the building wall upon which they are attached.

3. ***Maximum Number of Signs.*** One per building frontage or tenant space.

4. ***Attachment.*** Wall signs shall be attached according to the following standards:

   a. Wall signs shall not project from the surface upon which they are attached more than required for construction purposes and in no case more than 12 inches;

   b. Wall signs shall not project above the eave of a roof or parapet; and

   c. Wall signs shall not be placed to obstruct any portion of a window.

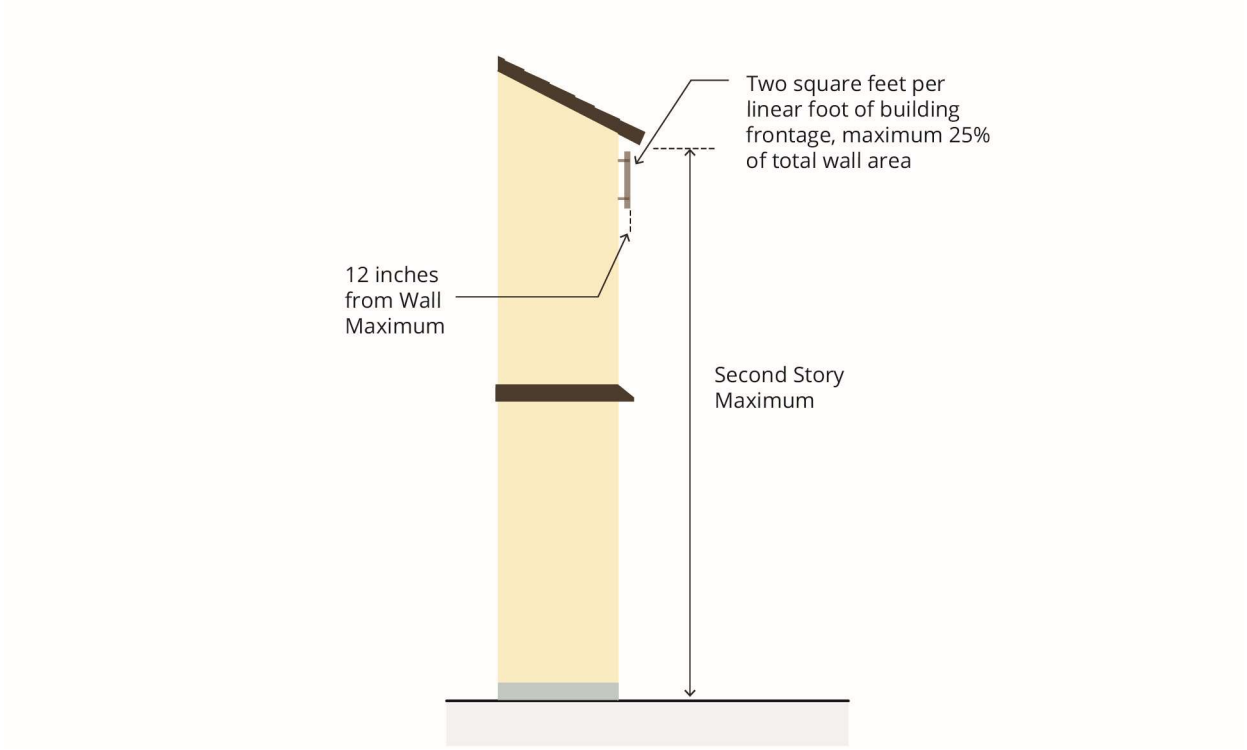


FIGURE 16.27.090.E: WALL SIGNS

F. **Window Signs.** Signs painted on or otherwise adhered directly onto a window and signs that block a window in any way are subject to the following standards.

1. ***Maximum Allowable Sign Area.*** 20 percent of the window area.

2. ***Maximum Sign Height.*** Window signs shall not be placed on windows higher than the second story.

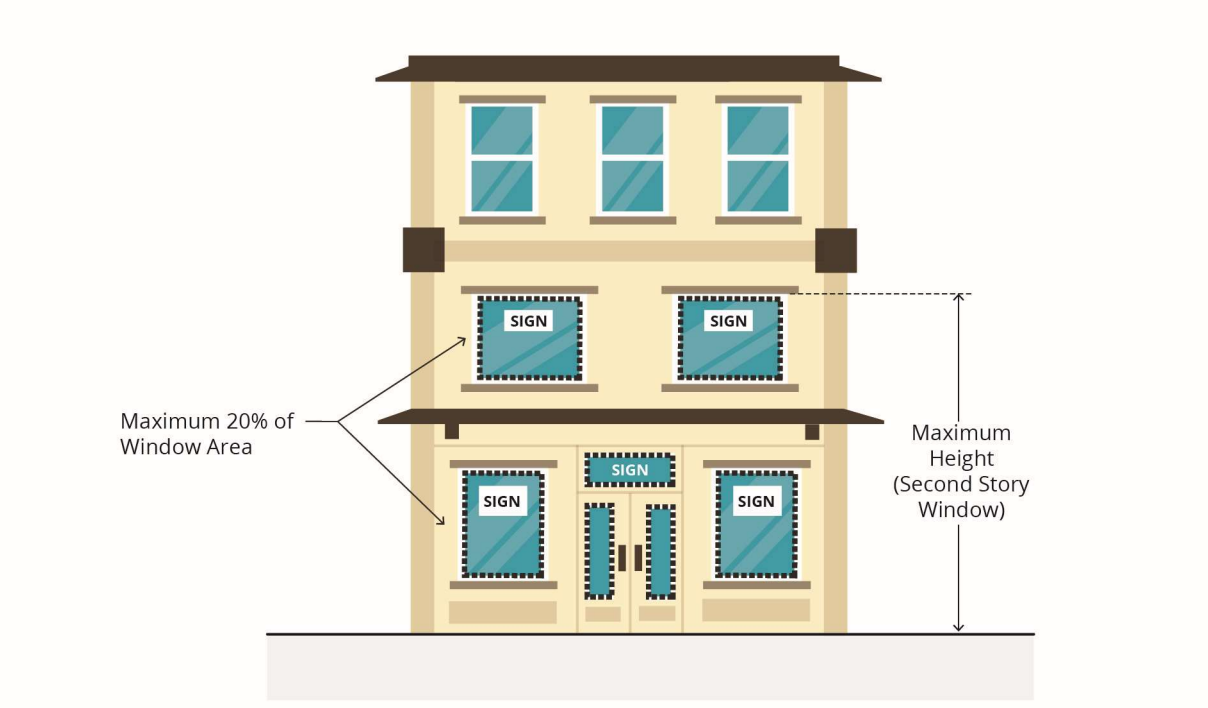


FIGURE 16.27.090.F: WINDOW SIGNS

16.27.100 Standards for Off-Premises Signs

A. **Purpose.**

1. The provisions of this Section are intended to provide minimum standards to safeguard life, health, property and public welfare in the City, and in keeping with the character of the City, by regulating and controlling the construction, location, and the maintenance of off-premises signs, and to:

   a. Protect and enhance the character of neighborhoods and property values by prohibiting obtrusive and incompatible off-premises signs;

   b. Provide a reasonable and comprehensive system of control of off-premises signs to promote traffic safety;

   c. Encourage a desirable urban character which has a minimum of visual clutter and/or blight; and

   d. Enhance the value of the overall community and each of its areas through regulation of off-premises signs.

2. This Section shall not be interpreted or applied in a way that would give a preference or a greater degree of protection to a sign conveying a commercial message than would be given a similar sign that conveys a noncommercial message. In the event of any ambiguity, it shall be resolved in favor of allowing noncommercial signs the same benefits, exemptions, and other protects as may be given to a similar commercial sign.

B. **Cap and Replace.**

1. ***The Cap.*** The total number of all off-premises signs shall never increase. Further said cap shall be reduced by the number of signs removed pursuant to relocation agreements for digital/electronic/moving displays/signs. Otherwise, new off-premise signs shall only be allowed subject to a minimum sign face square footage replacement ratio of two to one. This means that for every new off-premise sign, existing off-premise signs equal to or greater than two times the sign face square footage of the new sign shall be removed.

2. ***Static Signs.*** The only zoning districts where static off-premises signs are allowed to be erected and maintained are the IL and IG districts, unless the City and the sign company have entered into a relocation agreement. Pursuant to the relocation agreement, and subject to the cap and subject to all the other standards of this Section, a static off-premises sign may be relocated to the CD or CG districts based on a sign face square footage replacement ratio of three to one. This means that for every new static sign allowed, existing signs equal to three times the sign face square footage of the new sign shall be removed.

3. ***Digital/Electronic/Moving Displays/Signs.*** The total number of digital/electronic/moving off-premises displays/signs shall be as established by City Council resolution but shall never exceed 12 signs (one double-faced sign installation at six locations) citywide. Digital/electronic/moving off-premise displays/signs are allowed to be erected and maintained only on City-owned or controlled property in the IL, IG, CD, CG, or PF districts subject to the City and the sign company entering into a relocation agreement. Pursuant to the relocation agreement, and subject to all other standards of this Section, a digital/electronic/moving off-premises display/sign may be relocated to City-owned or controlled property in the above noted zoning districts based on a minimum sign face square footage replacement ratio of nine to one. This means that for every new digital/electronic/moving display/sign allowed, existing signs equal to or greater than nine times the sign face square footage of the new sign shall be removed.

4. ***Sign Removal.*** Signs to be removed under the requirements of this Section shall be removed prior to any construction or installation of the replacement or relocated signs.

C. **Off-Premises Signs Prohibited.**

1. Notwithstanding Subsection 16.27.100.B, Cap and Replace, off-premises signs shall be prohibited in the following areas:

   a. The Miracle Mile area along Pacific Avenue between Harding Way and Alpine Avenue;

   b. The Channel Area Overlay District;

   c. Any established redevelopment project area, except on City-owned or controlled property;

   d. Any historic preservation district established by the Council; and

   e. Any property adjacent to any “landscaped freeway” except on City-owned or controlled property if the sign is designed to be viewed primarily by persons traveling along the landscaped freeway, and the sign is located within 660 feet of the outer limits of the landscaped freeway.

2. No off-premises sign shall be erected at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device.

3. Off-premises signs shall be prohibited if any portion of the sign is located within 300 feet of any Residential District unless the display/sign is not visible from a Residential District. The distance shall be measured in a straight line from the nearest point of the proposed sign to the nearest applicable boundary line of a Residential District.

4. No off-premises sign shall be physically attached to the roof of any structure except on City-owned or controlled property.

D. **Standards for All Off-Premises Signs.**

1. ***Size.*** The maximum size of any off-premises sign shall be 672 square feet.

2. ***Height.*** All off-premises signs shall be subject to a maximum height of 45 feet, except those signs oriented towards a freeway and located within 660 feet of a freeway right-of-way line shall be subject to a maximum height of 35 feet above the adjacent Freeway surface or the adjacent freeway sound attenuation structure whichever is greater and shall not exceed 90 feet in height.

3. ***Separation.*** No off-premises sign, which is greater than 300 square feet in size, shall be located nearer than 1,000 feet to any portion of another off-premises sign. All other off-premises signs, 300 square feet or less in size, shall be separated by at least 750 feet.

4. ***Type.*** All off-premises signs shall require an Administrative Use Permit and as applicable, a City Council approved relocation agreement.

5. ***Other Regulations.*** All off-premises signs shall be consistent and comply with all provisions of the Outdoor Advertising Act as applicable.

E. **Additional Standards for Digital/Electronic/Moving Off-Premises Displays/Signs.**

1. ***Separation.*** No off-premises digital/electronic/moving display/sign shall be located nearer than 500 feet to any portion of another off-premises sign and no nearer than 5,000 feet to any other off-premises digital/electronic/moving display/sign.

2. ***Location.*** Digital/electronic/moving off-premises displays/signs shall only be located along freeways or access controlled State highways. There shall be a maximum of two digital/electronic/moving off-premises display/sign locations along qualifying sections of Interstate 5, a maximum of two digital/electronic/moving off-premises display/sign locations along qualifying sections of State Route 99, and a maximum of two digital/electronic/moving off-premises display/sign locations along qualifying sections of State Route 4. A maximum of one double-faced display/sign is allowed per location.

3. ***Type.*** All digital/electronic/moving off-premises displays/signs shall require a Commission Use Permit and a City Council approved relocation agreement.

4. ***Duration of Display/Message.*** A digital/electronic/moving off-premises display/sign shall only display a series of still images, each of which must be displayed for a minimum of eight seconds. Still images may not move or present the appearance of motion. Transition/blank screen time between one still image and the next shall not exceed one second.

F. **Nonconforming Signs.**

1. It is the intent of this Section to recognize that the eventual elimination of existing off-premises signs not in conformity with the provisions of this Development Code is as important as the prohibition of new signs that would violate these regulations. It is also the intent of this Chapter that the elimination of nonconforming signs shall be effected so as to avoid any unreasonable invasion of established property rights. All off-premises signs which do not meet the requirements of this Chapter are deemed nonconforming.

2. If any legal nonconforming off-premises sign shall be damaged, deteriorated, or dilapidated to a point that repair or rehabilitation would require expenditures in an amount exceeding 50 percent of the fair market value of the sign, the sign shall be removed within 90 days of a determination of the condition, as evidenced by written notification by the Director to the owner of the sign.

3. No additions, enlargements, or changes which increase the nonconformity or life of the sign shall be made to any nonconforming off-premises sign except the periodic replacement of copy thereon. Repairs and maintenance of an ordinary nature may be made in any period of 12 consecutive months to an extent not to exceed ten percent of the fair market value of the sign.

G. **Relocation.** If, due to a City or redevelopment project, a nonconforming off-premises sign must be removed, it may be relocated on the same parcel of land, if feasible and if all parties (landowner, sign owner, City, and/or agency) agree. This also applies to a conforming sign as long as the relocation does not make the sign nonconforming. Any relocation on the same parcel of land in compliance with this Section shall not be subject to the three to one cap and replacement ratio in Subsection 16.27.100.B, Cap and Replace.

16.27.110 Sign Permit Required

A. **Sign Permit Required.** Except as otherwise provided in this Chapter, it is unlawful for any person to affix, place, erect, suspend, attach, construct, structurally or electrically alter (not including a face change of sign copy), move, or display any temporary or permanent sign within the City without first obtaining a sign permit from the Building Division. No sign permit is required for exempt signs or normal maintenance of a previously approved sign, unless a structural or electrical change is made.

B. **Application.** Application for a permit shall be made upon forms provided by the Building Division and accompanied by the required fee and application materials showing the following:

1. Site plan showing the location and dimensions of existing structures and the relationship of the proposed sign to the existing structures;

2. Location, dimension, and design of all existing signs; and

3. Location, dimension, and design of proposed sign.

C. **Review.** Upon acceptance of a sign application, the Director shall review the request for compliance with the standards and requirements of this Chapter, and with any standards established in a Comprehensive Sign Program pursuant to Section 17.10.110, Comprehensive Sign Program.

D. **Permit Number Identification.** A tag issued by the City indicating the Sign Permit number shall be affixed to the sign so as to be readily visible by City inspectors.

16.27.120 Comprehensive Sign Program

The purpose of a Comprehensive Sign Program is to provide a method for an applicant to integrate the design and placement of signs within a project with the overall development design to achieve a more unified appearance.

A. **Applicability.** A comprehensive sign program shall be required whenever any of the following circumstances exist, except in the MX District, which shall comply with the applicable Master Development Plan:

1. New nonresidential multitenant developments of three or more separate tenants;
2. New multifamily developments of 100 or more units;
3. Whenever five or more signs are proposed for a new or existing single-tenant development; and
4. Nonresidential planned developments in compliance with Chapter 16.17, Planned Development (-PD) Overlay District.

B. **Application.** Comprehensive Sign Program applications shall contain all written and graphic information needed to fully describe the proposed sign program, including the amount and type of signage allocated to each tenant, proposed location and dimension of each sign, as well as proposed color schemes, font types, materials, methods of attachment or support, and methods of illumination. A Comprehensive Sign Program application shall also include calculation of total allowed sign area, and total proposed sign area, for the site.

1. A Comprehensive Sign Program may be submitted separately or as part of the permit application for the project.

C. **Allowable Modifications.** A Comprehensive Sign Program may provide for deviations from the standards of this Chapter.

D. **Review Authority.** All Comprehensive Sign Programs are subject to review and approval by the Director, except as provided below.

1. ***Requests for Modifications.*** All Comprehensive Sign Programs that include a request for a deviation from the standards of this Chapter are subject to review and approval by the Planning Commission.

E. **Required Findings.** In order to approve a Comprehensive Sign Program, the Planning Commission must find that all of the following are met, in addition to other applicable regulations in this Chapter.

1. The proposed signs are compatible in style and character with any building to which the signs are to be attached, any surrounding structures and any adjoining signage on the site;
2. Future tenants will be provided with adequate opportunities to construct, erect or maintain a sign for identification; and
3. Directional signage and building addressing is adequate for pedestrian and vehicular circulation and emergency vehicle access.

F. **Lessees to Be Informed of Comprehensive Sign Program.** Lessees within developments subject to the requirements of an approved comprehensive sign program shall be made aware of the program in their lease and their responsibility to follow the approved comprehensive sign program.

16.27.130 Nonconforming Signs

A. **Continued Use.** A legally established sign which fails to conform to this Chapter shall be allowed to continue in use as follows:

1. Nonconforming signs shall not be expanded, moved, relocated, or replaced;

2. Nonconforming signs and sign structures may be maintained and repaired, but the maintenance and repair shall not exceed 50 percent of the sign's fair market value;

3. The sign copy and sign faces for nonconforming signs may be changed; and

4. Other modifications/replacements of sign elements which constitute an improvement to an existing nonconforming sign may be allowed at the discretion of the Director.

B. **Annexation**. Signs in areas annexed to the City after the date of adoption of the Ordinance codified in this Chapter, which were legally erected in the County but do not conform to the provisions of this Chapter, shall be regarded as nonconforming signs.

16.27.140 Abandoned Signs

This Section provides for the removal of abandoned on-premises and off-premises signs.

A. **Removal Required.** Abandoned signs, including all brackets, poles, and other supports, shall be removed. If the owner or lessee fails to remove the sign, the Director shall give the owner 30 days written notice to remove it. Upon failure to comply with the notice, the Director may have the sign removed at the owner's expense in compliance with Municipal Code Section 14 602 and California Business and Professions Code Section 5497.

1. ***On-Premises Signs.*** If a sign identifies a business that is no longer conducted on the premises, it shall be removed as follows:

   a. On-premises sign structures that have not been maintained shall be removed within 90 days of the close of the business.

   b. Sign copy for signs that are maintained shall be replaced with blank sign copy within 90 days of the close of the business, and shall only be allowed to remain for a total of 18 months. These signs may contain a "for rent" sign to indicate that the space is available for rent.

   c. All sign structures shall be removed within 18 months of the close of business.

2. ***Off-Premises Signs.*** An off-premises sign shall be removed within 30 days of the owner of the property and/or owner of the advertising display being noticed that the sign is not being maintained.

B. **Authority to Abate.** The Director is authorized to abate illegal and abandoned signs on private property.

C. **Recovery of Costs.** When the City is required to remove an abandoned sign in compliance with this Section, the reasonable cost of the removal may be assessed against the owner of the sign and/or the property owner.

16.27.150 Illegal Signs

A. **Illegal Signs in the Public Right-of-Way.** Illegal signs posted in the public right-of-way or upon public property may be removed by Public Works and/or the Police Department without notice or hearing in compliance with Section 12.80.030 of the Municipal Code.

B. **Authority to Abate.** The Director is authorized to abate illegal signs on private property.

C. **Recovery of Costs.** When the City is required to remove illegal signs in compliance with this Section, the reasonable cost of the removal may be assessed against the owner of the signs and/or the property owner.

16.27.160 Maintenance

All signs, together with all of their supports, braces, guys and anchors, shall be kept in repair and in proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times.

A. When existing signs are removed or replaced, all brackets, poles, and other supports that are no longer required shall be removed. Unpainted areas shall be painted to match the adjacent portion of the structure or sign support structure.

B. Any location where business goods are no longer sold or produced or where services are no longer provided or where sign copy has been removed from the sign structure shall have 120 days to remove any remaining nonconforming or derelict on-premises signs or sign structures following notification by the City, and at the expense of the owner of said property. Where due written notification has been given by the City and compliance has not been made within the required 120 day period the City may cause removal of such signs with the cost for such removal to be attached to the property.

Chapter 16.28 Standards for Specific Uses

16.28.010 Purpose

The purpose of this Chapter is to establish standards for specific uses that are permitted or conditionally permitted in several or all zoning districts. These provisions are supplemental standards and requirements intended to minimize the impacts of these uses on surrounding properties and to protect the health, safety, and welfare of their occupants and of the general public.

16.28.020 Applicability

A. The uses covered in this Chapter shall comply with the requirements of the applicable Section.

B. These standards are in addition to any applicable standard this Code requires in the zoning district where the use or activity is proposed, all other applicable provisions of this Code, and any other deemed necessary or appropriate to ensure compatibility with existing or permitted uses in the vicinity, if applicable.

C. The uses covered in this Chapter shall be located only where allowed by zoning district, specific plan, and planned development use regulations.

D. The uses that are subject to the standards in this Chapter are allowed only when authorized by the planning permit required by zoning district, specific plan, or planned development regulations, such as a Commission Use Permit, except where this Chapter establishes a different planning permit requirement for a specific use.

16.28.030 Accessory Uses

A. **Allowed Uses.** Accessory uses that are clearly incidental to and customarily associated with a primary use on the site are allowed in conjunction with the principal use to which it relates. The following uses shall always be considered accessory to a principal use:

1. Accessory Dwelling Units
2. Drive-In and Drive-Through Facilities
3. Family Day Care
4. Food and Beverage Tasting
5. Home Occupations
6. Live Entertainment
7. Short-term Accessory Outdoor Sales
8. Outdoor Dining and Seating
9. Outdoor Display and Sales

B. **Applicable Regulations.** Accessory uses shall be subject to the same regulations as the principal use and any standards applicable to specific uses and activities found in this Chapter.

1. Unless otherwise allowed or further limited elsewhere in this Code, accessory uses shall not exceed 25 percent of the floor area of the principal use nor ten percent of the total site area of the principal use.

16.28.040 Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs)

This Section provides standards for the establishment of Accessory Dwelling Units and Junior Accessory Dwelling Units in a manner consistent with Government Code Sections 65852.2 (Accessory Dwelling Units) and 68582.22 (Junior Accessory Dwelling Units).

A. **Review Procedures.** The Review Authority shall issue a ministerial building permit for an Accessory Dwelling Unit (ADU) or Junior Accessory Dwelling Unit (JADU) without discretionary review or a hearing, consistent with the provisions of this Section and State law, unless otherwise provided.

B. **Primary Dwelling Unit Required.** The lot must be in a zoning district that allows single-unit or multi-unit dwellings and contain an existing primary dwelling unit or multi-unit dwelling at the time an application for an ADU is submitted, or the application for an ADU may be made in conjunction with the development of a primary single-unit dwelling.

C. **Number of Accessory Dwelling Units Allowed.** One ADU shall be allowed per parcel except as follows:

1. When a parcel has existing multi-unit development, at least one ADU, but not more than 25 percent of the existing dwelling units are permitted when concerning the conversion of storage rooms, boiler rooms, passageways, attics, basements, or garages, if each ADU complies with the applicable provisions of Title 15.
2. When the parcel has existing multi-unit development, a maximum of two detached ADUs are permitted, above and beyond the 25 percent limit described above.
3. One attached ADU and/or one JADU internal to the primary dwelling unit may be constructed on lots with proposed or existing single-unit dwellings in accordance with Government Code Section 65852.2(e)(1)(A) and (B).
4. When a parcel has been subdivided under Government Code Sections 65852.21, 66411.7, and 66452.6, only one ADU per subdivided parcel shall be permitted.

D. **Development Standards.** ADUs shall comply with the development standards of the base, overlay, or specific plan district in which it is located, except as modified below.

1. ***Density.*** An ADU shall not be included in the calculation of the density of the lot on which it is located.
2. ***Setbacks.***
    a. Attached and detached ADUs may encroach into the rear, street side and side yard setback when a minimum setback of three feet is provided.
    b. When an existing detached accessory structure is converted in whole or part to an ADU, only those portions located outside the existing building envelope are subject to a minimum setback of three feet.
3. ***Floor Area.***
    a. The maximum floor area of a detached ADU is 1,200 square feet, excluding, where present, any enclosed parking spaces, exterior stairs, or similar non-habitable features.

b. The total floor area of an attached ADU shall not exceed 50 percent of the existing primary dwelling or 850 square feet, whichever is greater, except where this limitation would conflict with Government Code Section 65852.2(e)(1)(A).

c. The maximum floor area of a JADU is 500 square feet.

4. ***Passageway.*** No passageway shall be required in conjunction with the construction of an ADU. However, ADUs attached to single-unit dwellings shall have independent, exterior access and side and rear setbacks sufficient for fire and safety.

E. **Parking.**

1. No off-street parking is required for ADUs.

2. If off-street parking space is voluntarily provided, the following standards apply:

a. It may be uncovered, covered, or enclosed;

b. It must be on a paved surface and accessible from a paved driveway; and

c. A maximum of 60 percent of the front and/or street side setback area may be paved.

3. When an existing garage, carport or covered parking structure is demolished in conjunction with the construction of an ADU, there is no replacement requirement.

F. **Rental or Sale of Unit.** An ADU may be rented. The rental term shall be at least 30 days. The ADU shall not be sold or otherwise conveyed separately from the main dwelling unit, except as provided at Government Code Section 65852.26.

G. **Junior Accessory Dwelling Units.** In addition to the other standards provided in this Section, each JADU shall be subject to compliance with the building permit requirements and the following standards:

1. Each JADU may contain separate sanitation facilities or may share sanitation facilities with the primary dwelling unit.

2. Each JADU shall include a separate entrance from the main entrance to the primary dwelling unit and may include an interior entry to the main living area of the primary dwelling unit. A second, “double” interior door may be included for sound attenuation.

3. Each JADU shall, at a minimum, include an efficiency kitchen, as required by the building code, which shall include all of the following:

a. A cooking facility with appliances; and

b. Food preparation counters and storage cabinets.

4. One JADU is permitted per lot zoned for single-unit dwellings that is developed or proposed to be developed with a single-unit dwelling.

5. Additional parking is not required for a JADU.

6. Owner-occupancy is required in the primary dwelling unit in which the JADU will be permitted. The owner may reside in either the primary dwelling unit or the newly created JADU. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

7. Recordation of a deed restriction, which shall run with the land, shall be filed with the permitting agency, and shall include both of the following:

a. A prohibition on the sale of the JADU separate from the sale of the primary dwelling, including a statement that the deed restriction may be enforced against future purchasers.

b. A restriction on the size and attributes of the JADU that conforms with this Chapter.

16.28.050 Adult-Related Establishments

A. **Purpose.** The purpose of this Section is to regulate the location of sexually-related establishments to promote the health, safety, morals, and general welfare of the citizens of the City and to establish reasonable and uniform regulations to prevent any deleterious location and concentration of sexually-related establishments within the City, thereby reducing or eliminating the adverse secondary effects from these establishments (e.g., crime, degraded commercial districts, and residential neighborhoods).

B. **Establishment and Separation of Businesses Regulated.** No person, whether an owner, principal or agent, clerk, or employee either for themselves or any other person, or an officer of a corporation shall place, maintain, own, or operate any Adult-Related Establishment in the following locations:

1. Within 500 feet of a Residential District;
2. Within 1,000 feet of any other Adult-Related Establishment; or
3. Within 500 feet of the nearest property line of a school, religious institution, park, playground, or community center that is attended by minors.

16.28.060 Alcoholic Beverage Sales

A. **Title and Purpose.** These provisions shall be known as the alcoholic beverage sales regulations. The general purposes of these regulations are to protect and promote the public health, safety, comfort, convenience, prosperity, and general welfare of the residents of the City of Stockton by requiring alcoholic beverage sales activities to comply with the operational standards in this Section and to achieve the following objectives:

1. Protect residential, commercial, industrial, and civic areas from and minimizing the adverse impacts of alcoholic beverage sales activity.
2. Provide opportunities for alcoholic beverage sales establishments to operate in a mutually beneficial relationship to each other and to other commercial and civic services.
3. Provide mechanisms to address problems associated with the public consumption of alcoholic beverages such as litter, loitering, graffiti, unruly behavior, and escalated noise levels.
4. Ensure that alcoholic beverage sales activities are not a source of undue public nuisance in the community.
5. Provide for properly maintained alcoholic beverage sales establishments so that the negative impacts generated by these activities are not harmful to the surrounding environment in any way.
6. Monitor deemed approved activities or establishments to ensure they do not substantially change in mode or character of operation such that they pose a nuisance to the surrounding area.

The provisions of this Section are intended to complement the State of California alcohol-related laws. The City does not intend to replace or usurp any powers vested in the California Department of Alcoholic Beverage Control.

B. **Applicability of Alcoholic Beverage Sales Regulations.** These regulations shall apply, to the extent permissible under other laws, to all new and deemed approved alcoholic beverage sale activities or establishments within the City.

1. ***Duplicate Regulation.*** Whenever any provision of these regulations or any other provision of law, whether set forth in this Development Code, or in any other law, ordinance, or resolution of any kind, imposes overlapping or contradictory regulations, or contain restrictions covering the same subject matter, the provision that is more restrictive or imposes higher standards shall control, except as otherwise expressly provided in these regulations.

C. **Definitions.**

1. ***Alcoholic Beverage.*** Alcohol, distilled spirits, liquor, wine, beer, and any liquid or solid containing alcohol, distilled spirits, wine, or beer, that contains one-half of one percent or more of alcohol by volume that is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances, the sale of which requires an ABC license.

2. ***Alcoholic Beverage Sales Activity.*** The retail sale of alcoholic beverages for on-site or off-site consumption, including liquor stores, convenience stores, markets, taverns, bars, and restaurants with bars. This does not include restaurants that serve alcoholic beverages as part of a meal.

3. ***Alcoholic Beverage Sales Establishment.*** An establishment where alcoholic beverage sales activity occurs, including but not limited to: liquor stores, beer and wine stores, convenience markets, neighborhood specialty food markets, retail sales establishments, wine shops, service stations, taverns, clubs, cocktail lounges, ballrooms, cabarets, dance bars, piano bars, billiard or game parlors, bowling alleys, nightclubs, dance halls, cafes, bars, restaurants with bars, full-service restaurants, and fast food establishments.

4. ***California Department of Alcoholic Beverage Control (ABC).*** The Department empowered by the State of California to act pursuant to Article 20, Section 22, of the California Constitution and authorized to administer the provisions of the Alcoholic Beverage Control Act.

5. ***Crime Reporting District.*** A geographically designated area used by the Police Department to track crime statistics in the City of Stockton.

6. ***Deemed Approved Activity or Establishment.*** Any previous legal nonconforming alcoholic beverage sales activity or establishment that continues its activities after the effective date of the Ordinance codified in this Section in compliance with all deemed approved standards and provisions.

7. ***Illegal Activity.*** An activity that has been determined to be out of compliance with the alcoholic beverage sales standards.

8. ***Incidental or Secondary Use.*** Revenue from the sale of alcohol that is equal to or less than 40 percent of the establishment's total gross revenue. Records of gross receipts shall be provided to the Department upon request.

9. ***Legal Nonconforming Alcoholic Beverage Sales Activity or Establishment.*** Alcoholic beverage sales activity or establishment pursuant to Chapter 16.23, Nonconforming Uses, Structures, and Parcels, for which a valid state of California Alcoholic Beverage Control

license had been issued and used in the exercise of the rights and privileges conferred by the license at a time prior to the effective date of the Ordinance codified in this Section.

10. ***Off-Sale Alcoholic Beverage Establishment.*** An establishment that conducts retail sales of alcoholic beverages for consumption off the premises where sold.

11. ***On-Sale Alcoholic Beverage Establishment.*** An establishment that conducts retail sales of alcoholic beverages for consumption on the premises where sold.

D. **Deemed Approved Alcoholic Beverage Sales.**

1. ***Deemed Approved Status.*** All alcoholic beverage sales activities or establishments, that were legal nonconforming activities or establishments immediately before the effective date of the Ordinance codified in this Section shall automatically become deemed approved activities as of the effective date of the deemed approved alcoholic beverage sale regulations and shall no longer be considered legal nonconforming activities.

2. ***Notification to Owners of Deemed Approved Activities.*** The City or its designated enforcement authority shall notify the owner of each deemed approved activity, and also the property owner if not the same, of the activity's deemed approved status. The notice shall be sent by regular mail and shall include a copy of the operational standards in this Section with the requirement that they be posted in a conspicuous and unobstructed place visible from the entrance of the establishment for public review. This notice shall also provide that the activity is required to comply with all operational standards and that the activity is required to comply with all other aspects of these regulations.

3. ***Termination and Discontinuance of Deemed Approved Status.*** The deemed approved status shall be terminated when any one of the following occurs:

    a. Failure to meet the operations standards in Subsection 16.28.060.D.4, Operational Standards, below.

    b. The alcoholic beverage sales activity is changed to another use.

    c. The alcoholic beverage sales activity discontinues active operation for more than 180 consecutive days except for closure for purposes of repair, provided the repair does not change the nature of the premises and does not increase the square footage of the business used for the sale of alcoholic beverages.

    d. The alcoholic beverage sales activity ceases to be licensed by the State Department of Alcoholic Beverage Control (ABC) for a period of 180 days or greater, including revocation or suspension.

    e. The alcoholic beverage sales activity changes its activity so that ABC requires a different type of license.

    f. The alcoholic beverage sales activity substantially changes its mode or character of operation, including, but not limited to, the following:

        i. Material or substantial physical changes of the premises, or in the usage of the premises as defined in Title 4 of the California Code of Regulations Section 64-2(b).

        ii. An increases the floor or land area or shelf space devoted to the display or sales of any alcoholic beverage.

iii. Expansion of the sale or service of any alcoholic beverages and/or increase in the number of customer seats primarily devoted to the sale or service of any alcoholic beverages.

iv. Extension of the hours of operation.

4. ***Operational Standards.*** All deemed approved alcoholic beverage sales activity or establishments shall operate in conformance with the following.

a. The deemed approved activity shall not cause adverse effects to the health, peace or safety of persons residing or working in the surrounding area.

b. The deemed approved activity shall not jeopardize or endanger the public health, or safety of persons residing or working in the surrounding area.

c. The deemed approved activity shall not allow repeated nuisance activities within the premises or in close proximity of the premises, including, but not limited to: disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, or lewd conduct.

d. The deemed approved activity shall comply with all provisions of local, state or federal laws, regulations, or orders, including, but not limited to, those of the ABC, California Business and Professions Code Sections 24200, 24200.6, and 25612.5, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders. This includes compliance with annual City business license fees.

e. The deemed approved activity's upkeep and operating characteristics shall be compatible with and not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.

f. A copy of these operational standards, any applicable ABC or City operating conditions, and any training requirements shall be posted in at least one prominent place within the interior of the establishment where it will be readily visible and legible to the employees and patrons of the establishment.

g. The owners and all employees of deemed approved establishments involved in the sale of alcoholic beverages shall complete an approved course in Licensee Education on Alcohol and Drugs (LEAD), or other "Responsible Beverage Service" (RBS) training or any other ABC approved course within 60 days of hire for employees hired after the effective date of this Ordinance, or within six months of the passage of this Ordinance for existing employees. To satisfy this requirement, the RBS course must be recognized by the California Department of Alcoholic Beverage Control. The RBS course shall include at a minimum the following: a review of ABC laws and regulations; administrative, criminal and civil liabilities; acceptable forms of identification; and how to identify minors and persons already intoxicated.

i. Exception for Restaurants. Sit down restaurants that continue to serve menu items until closing and whose predominant function is the service of food and where the on-site sale of alcoholic beverages is incidental or

secondary are exempt from this training requirement. Fraternal organizations and veterans clubs where the on-sale of alcoholic beverages is an incidental or secondary use are exempt from this training requirement.

ii. Exception for Retail Establishments. Retail establishment containing 10,000 square feet or more with a maximum of ten percent of its gross floor area devoted to the sale, storage and/or display of alcohol, and subject to this training requirement may elect to send only supervisory employees to the RBS training or any other ABC approved course. The supervisory employees would then be responsible for training all employees who are involved in the sale of alcoholic beverages.

E. **Upgrades of Off-Sale Alcoholic Beverage Licenses.** Upgrading an existing off-sale alcoholic beverage license at the same location in a census tract where there is already an over-concentration of off-sale alcoholic beverage licenses as defined by Business and Professions Code Section 23958.4 shall:

1. Not result in a net increase of the number of such licenses in a census tract where an over-concentration currently exists.
2. Transfer the existing off-sale alcoholic beverage license to outside another census tract or cancel such license.
3. Obtain a new Commission Use Permit.

F. **Transfers of Off-Sale Alcoholic Beverage Licenses.** Transferring an existing off-sale alcoholic beverage license from one location to another location within the same census tract where there already exists an over-concentration of off-sale alcoholic beverage licenses shall:

1. Not result in a net increase of the number of such licenses in a census tract where an over-concentration currently exists.
2. Comply with the location restrictions of Subsection 16.28.060.G.1, Location Restrictions.
3. Voluntarily surrender a previously-approved Commission Use Permit, if applicable, at the original location from the property owner. The form for “Surrender of Use” shall be notarized by a notary public.
4. Obtain a new Commission Use Permit.

G. **New Alcoholic Beverage Sales.** All new alcoholic beverage sales activity or establishments shall be located, developed, and operated in conformance with the following.

1. ***Location Restrictions.*** New alcoholic beverage sales activity or establishments shall be located in conformance with the following standards except where waived by the applicable Review Authority to promote and support local economic business growth throughout the City and the findings in Subsection 16.28.060.H, Required Findings, can be made or exempted pursuant to Subsection 16.28.060.G.1.d, Exemptions.

   a. New alcoholic beverage sales activities or establishments shall not be located within 500 feet of any of the following:

      i. A public or private academic school for students in kindergarten through 12th grade, nursery school, preschool, or day-care facility.

      ii. A public park, playground, recreational area, or youth facility.

      iii. An existing on-sale alcoholic beverage establishment.

b. New alcoholic beverage sales activities or establishments shall not be located in a crime reporting district, where the average number of crimes in that district exceeds the average number of crimes for all reporting districts citywide by more than 20 percent.

c. New alcoholic beverage sales activities or establishments shall not be located in any location that would lead to the grouping of more than four such alcoholic beverage establishments within a 1,000-foot radius.

d. *Exemptions.* The following new alcoholic beverage sales activities or establishments (on-sale and off-sale) are exempt from location restrictions:

i. Retail Stores. Establishments containing 10,000 square feet or more with a maximum of ten percent of its gross floor area devoted to the sale, display, and/or storage of alcohol, including, but not limited to, supermarkets and drug stores, which do not sell alcoholic beverages as their principal business.

ii. Full-Service Restaurants. A place which is regularly and in a bona fide manner used and kept open for the serving of at least lunch and dinner to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for such meals. The sale or service of sandwiches (whether prepared in a kitchen or made elsewhere and heated up on the premises) or snack foods shall not constitute a full-service restaurant. A "full-service restaurant" shall make actual and substantial sales of "meals" to guests for compensation. Substantial sales shall mean that no less than 60 percent of total revenue shall be generated from food service and no more than 40 percent of revenue from the sales of alcohol.

iii. Incidental or Secondary Uses. Establishments where the on-site consumption of alcoholic beverages is allowed as an incidental or secondary use, subject to consideration by and recommendations from the Police Department, including, but not limited to, beauty salons, nail salons, movie theaters, membership clubs, social, veterans or fraternal organizations.

iv. Ancillary Tasting Rooms. Establishments with an ancillary tasting room.

2. ***Permitting Requirements.*** A Commission Use Permit is required for all new alcoholic beverage sales activities and establishments except as follows.

a. *Land Development Permit.* Land Development Permit approval is required for the following alcoholic beverage sales activities and establishments.

i. Incidental or Secondary Uses. Establishments where the on-site consumption of alcoholic beverages is allowed as an incidental or secondary use, subject to consideration by and recommendations from the Police Department, including, but not limited to, beauty salons, nail salons, movie theaters, membership clubs, social, veterans or fraternal organizations.

ii. Ancillary Tasting Rooms. Establishments with an ancillary tasting room.

b. *By-Right Uses.* The following alcoholic beverage sales activities shall be by-right uses.

i. Full-Service Restaurants. A place which is regularly and in a bona fide manner used and kept open for the serving of at least lunch and dinner to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for such meals. The sale or service of sandwiches (whether prepared in a kitchen or made elsewhere and heated up on the premises) or snack foods shall not constitute a full-service restaurant. A "full-service restaurant" shall make actual and substantial sales of "meals" to guests for compensation. Substantial sales shall mean that no less than 60 percent of total revenue shall be generated from food service and no more than 40 percent of revenue from the sales of alcohol.

ii. Retail Stores. Establishments containing 40,000 square feet or more with a maximum of ten percent of its gross floor area devoted to the sale, display, and/or storage of alcohol, including, but not limited to, super markets, drug stores, or retail stores which do not sell alcoholic beverages as their principal business.

iii. Establishments with a temporary alcohol license issued by the California Department of Alcoholic Beverage Control and established in compliance with all City codes and regulation.

iv. Catering businesses for private parties or banquets in compliance with ABC regulations.

v. Wholesale of alcoholic beverages on-line or in a commercial or warehouse building.

H. **Required Findings.** In approving a Commission Use Permit or Land Development Permit to allow an alcoholic beverage sales activity, the Review Authority shall make all of the following findings.

1. The proposed use is not likely to interfere with the comfortable enjoyment of life or property in the area.

2. The proposed use will not increase or encourage the deterioration or blight of the area.

3. The establishment of an additional use of this type in the area will not be contrary to any program of neighborhood conservation, improvement, or redevelopment, either residential or nonresidential.

4. The proposed use will not result in repeat nuisance activity on or in close proximity to the premises, including, but not limited to: disturbing the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination/defecation, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noise (especially in the late night or early morning hours), traffic violations, curfew violations, lewd conduct, or police detentions and arrests.

5. The owners and all employees of the establishment will complete an approved course in Licensee Education on Alcohol and Drugs (LEAD), or other "Responsible Beverage Sales" (RBS) or any other California Department of Alcoholic Beverage Control Board (ABC) approved program within 60 days of hire for employees hired after the passage of this Ordinance or within six months of the passage of this Ordinance for existing employees. To satisfy this requirement, a certified program must meet the standards of the Alcohol Beverage Control Responsible Beverage Service Advisory Board, Service Advisory Board or other certifying/licensing body designated by the State of California.

6. The proposed use will comply with all provisions of local, state and federal laws, rules, regulations, policies, or orders, including, but not limited to, those promulgated and or enforced by the ABC, California Business and Professions Code Sections 24200, 24200.6, and 25612.5, and any condition imposed on any valid permit issued pursuant to applicable laws, regulations or other authority. This includes compliance with annual City business license fees.

7. If required by Business and Professions Code Section 23958.4, public convenience or necessity would be served by the issuance of this permit. In making a determination of public convenience or necessity, the applicable Review Authority may consider criteria, including, but not limited to, the following:

   a. Proximity and number of other establishments selling alcohol;

   b. Proximity of the establishment to schools, playgrounds, and other facilities serving young people;

   c. Proximity of the establishment to residential neighborhoods;

   d. Whether the establishment provides a wide range of desirable goods and services or a unique type of goods or services;

   e. Whether the establishment has Building Code and/or Health Code violations; and

   f. Whether the establishment will negatively influence the rate of criminal activity in the neighborhood, including, but not limited to, the following: loitering and vandalism, public drinking and drunkenness, illegal drug usage and sales, theft or violent behavior.

I. **Conditions of Approval.** The Review Authority may impose reasonable conditions deemed necessary to ensure compliance with the required findings listed in Subsection 16.28.070.H, Required Findings, including, but not limited to the following.

1. ***All Alcoholic Beverage Establishments.***

   a. *Pay Telephone.* Pay telephones on the site of the establishment shall be required to be of the type restricted to allow only outgoing calls and shall be located inside the building in a visible and well-lit area, subject to approval by the Chief of Police.

   b. *Program.* A “complaint response community relations” program established and maintained by the establishment conducting the alcoholic beverage sales activity may be required. The program may include the following:

      i. Posting at the entry of the establishment that provides the telephone number for the area commander of the local law enforcement substation.

      ii. Coordinating efforts with the Police Department to monitor community complaints about the establishment’s activities.

      iii. Having a representative of the establishment meet with neighbors, or the applicable neighborhood association on a regular basis and at their request to attempt to resolve any neighborhood complaints regarding the establishment.

   c. *Posting and Presentation of Documents.* The Commission Use Permit or Land Development Permit shall be posted in a conspicuous place and shall be immediately made available to City personnel or police officers upon inspection of the premises.

d. *Hours of Operation.* The City may limit the hours of operation for alcoholic beverage sales activities or establishments.

e. *Security Cameras.* Prior to the initiation of alcoholic beverage sales activity, the most current technology for a video surveillance system with at least a seven day continuous recording capability shall be in place. Video recordings shall be archived for at least 30 days. The video surveillance system shall cover the entire exterior of the premises, including the parking lot and the entrances to the building.

f. *Security Guards.* An establishment may be required to retain a specified number of security guards. The number of security guards shall vary, based upon the specific facts and circumstances of each establishment and the proposed operation. All security guards shall be required to have all applicable State and City permits and licenses in place prior to the initiation of alcoholic beverage sales activity.

g. *Loitering*. The establishment's operators or employees shall be required to discourage loitering on or near the premises and to ask persons loitering longer than 15 minutes to leave the area and contact local law enforcement officials for enforcement of applicable trespassing and loitering laws, if persons requested to leave fail to do so.

h. *Lighting.* Exterior areas of the premises and adjacent parking lots shall be provided with sufficient lighting in a manner that provides adequate illumination for alcoholic beverage sales establishment patrons while not spilling onto surrounding parcels and rights-of-way. A photometric study may be required to demonstrate compliance once the use is initiated.

i. *Mitigating Alcohol-Related Problems.* The establishment shall be required to operate in a manner appropriate with mitigating alcohol-related problems that negatively impact those individuals living or working in the neighborhood, including, but not limited to, sales to minors, the congregation of individuals, violence on or near the premises, drunkenness, public urination, solicitation, drug-dealing, drug use, loud noise, and litter.

j. *Training Program.* The owners and all employees of the alcoholic beverage sales establishment who are involved in the sale of alcoholic beverages shall complete an approved course in "Responsible Beverage Sales" (RBS), or any other ABC approved course, within 60 days of hire for employees hired after the passage of the ordinance codified in this Section or within six months of the passage of the ordinance codified in this Section for existing employees. To satisfy this requirement, a certified program must meet the standards of the Alcohol Beverage Control Responsible Beverage Service Advisory Board, other certifying/licensing body Service Advisory Board, or other certifying/licensing body designated by the State of California.

k. *Expiration.* The Commission Use Permit or Land Development Permit shall be valid for the duration of the use, but if the alcohol sale license is revoked by the State of California, is transferred off-site, or if the establishment does not sell alcohol for a period of 24 months or more, the permit may be subject to revocation.

2. ***Additional Conditions of Approval, Off-Sale Alcoholic Beverage Establishments.*** In addition to the conditions listed in 16.28.070.I.1, above, the following conditions may be imposed by the applicable Review Authority:

   a. *Prohibited Products.* To discourage nuisance activities, off-sale alcoholic beverage establishments may be prohibited from selling one or more of the following products:

      i. Wine or distilled spirits in containers of less than 750 milliliters.

      ii. Malt beverage products with alcohol content greater than five and one-half (5 1/2) percent by volume.

      iii. Wine with an alcoholic content greater than 14 percent by volume unless in corked bottles and aged at least two years.

      iv. Beer or malt liquor sold individually in containers of 40 ounces or less.

      v. Containers of beer or malt liquor not in their original factory packages of six packs or greater.

      vi. Distilled spirits in bottles or containers smaller than 375 milliliters.

      vii. Cooler products, either wine- or malt beverage-based, in less than four pack quantities.

   b. *Chilled Alcoholic Beverages.* An off-sale alcoholic beverage sales establishment may be prohibited from maintaining refrigerated or otherwise chilled alcoholic beverages on the premises.

   c. *Cups.* In off-sale alcoholic beverage establishments, the sale or distribution to the customer of paper or plastic cups in quantities less than their usual and customary packaging may be prohibited.

   d. *Signs.* The following signs are required to be prominently posted in a readily visible manner on an interior wall or fixture, and not on windows, in English, Spanish, and any other predominant language of the patrons:

      i. “California State Law prohibits the sale of alcoholic beverages to persons under 21 years of age.”

      ii. “No Loitering or Public Drinking” signs shall be posted on the exterior of the business.

      iii. The business shall post E.A.S.Y. (Eliminate Alcohol Sales to Youth) materials that are visible from outside the business.

      iv. The consumption or carrying of open containers of alcoholic beverages on the premises of the off-sale alcohol establishment is not permitted. Signs advising patrons of this prohibition shall be posted adjacent to the front door on the interior of the building.

   e. *Drug Paraphernalia.* Off-sale alcoholic beverage establishment shall be prohibited from selling drug/tobacco paraphernalia products as defined in Health and Safety Code Sections 11014.5 and 11364.5. “Drug paraphernalia” means all equipment products and materials of any kind, that are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting,

inhaling, or otherwise introducing into the human body a controlled substance in violation of the California Uniform Controlled Substances Act, commencing with California Health and Safety Code Section 11000.

f. *Prohibited Vegetation.* Exterior vegetation shall not be planted or maintained, if it could be used as a hiding place for persons on the premises. Exterior vegetation shall be planted and maintained in a manner that minimizes its use as a hiding place.

g. *Window Obstructions.* No more than 20 percent of windows or clear doors shall bear advertising of any sort and all advertising signage shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the premises, including the area in which the cash registers are maintained, from the exterior public sidewalk or entrance.

J. **Violations and Penalties.**

1. ***Penalty.*** Any person or entity that violates or permits another person to violate any provision of this Section is guilty of either an infraction or a misdemeanor.

a. Any violation of this Section may result in any or all of the following actions and/or fines:

i. A misdemeanor punishable by either six months in jail, and/or $1,000.00 fine;

ii. Issuance of administrative citations and/or an order to abate violations of this Section with a fine for each and every safety violation of $1,000.00, plus any administrative expenses incurred in the enforcement of this Section;

iii. Administrative injunction ordering the action constituting a violation of this Section to immediately cease and desist; such an order may require an order that the property be immediately vacated to protect the health, safety and welfare of the community;

iv. In addition to all other remedies or penalties provided by law, violation of the provisions contained in this Section are punishable in the same manner as set forth in Chapter 1.32, as follows:

(1) $200.00 administrative citation for the first violation;

(2) $500.00 administrative citation for the second and subsequent violations.

b. Each day the violation continue shall be deemed a new violation subject to additional citations, penalties, and fines.

c. Violation of any provision of this Section may be filed as an infraction or a misdemeanor at the discretion of the City Attorney.

d. All fines shall be the obligation of the owner and/or responsible party and are due and payable within 30 days of issuance of the citation, provided that when a request for a hearing is made, the fines and administrative expenses shall be due and payable within 30 days of the date of the Administrative Hearing Officer's written decision. Any fine or administrative expense not paid within the time limits set forth shall be collected pursuant to Title 1 of the Stockton Municipal Code.

e. Public Nuisance. In addition to the penalties provided in this Section, any use or condition caused or permitted to exist in violation of any of the provisions of these regulations shall be and is declared to be a public nuisance and may be abated as such by the City.

2. ***Investigative Procedures of Potential Violations.*** Upon the City's receipt of a complaint from a Code Enforcement Officer, Police Officer or any other interested person, that a violation exists, the following procedures apply:

a. The officials responsible for enforcement of the Development Code, or duly authorized representatives, may enter on any site or into any structure for the purpose of investigation, provided they shall do so in a reasonable manner, whenever they have cause to suspect a violation of any provision of these regulations, or whenever necessary to the investigation of violations to the deemed approved operational standards or conditions of approval prescribed in these regulations. An owner or occupant or agent thereof who refuses to permit such entry and investigation shall be guilty of infringing upon the violations and penalties as outlined in Subsection 16.28.070.J.1, Penalty, and subject to related penalties thereof.

b. If the officials responsible for enforcement of the Development Code, or their duly authorized representatives, determine that the activity is in violation of this Section and/or conditions of approval, the Code Enforcement Officer may issue an administrative citation or an administrative civil penalties notice, which then may be subject to a hearing by the Administrative Hearing Officer, pursuant to Stockton Municipal Code Chapters 1.32, 1.40, and 1.44.

c. Any administrative citation or administrative civil penalties notice issued under this Section shall be issued, processed, and enforced in compliance with the provisions of Stockton Municipal Code Chapters 1.32, 1.40, and 1.44, unless otherwise expressly provided herein.

3. ***Administrative Hearing.*** The procedures for Administrative Hearings are the same as the procedures in Stockton Municipal Code Chapter 1.44 and the following.

a. *Determination.* The Administrative Hearing Officer shall determine whether the activity is in compliance with this Section and/or conditions of approval of the Commission Use Permit, Land Development Permit, or deemed approved status.

b. *Considerations.* In reaching a determination as to whether a use has violated the standards of this Section or conditions of approval of the Commission Use Permit, Land Development Permit, or deemed approved status, or as to the appropriateness of imposing additional or amended conditions on a use, recommending revocation of a use, or assessing administrative or civil penalties, the Administrative Hearing Officer may consider:

i. The length of time the activity has been out of compliance.

ii. The impact of the violation on the community.

iii. Any information regarding the owner of the activity's efforts to remedy the violation, including, but not limited to:

(1) Timely calls to the Police Department that are placed by the permit holder or responsible party.

(2) Requesting that those persons engaging in activities causing violations of this Section and/or conditions of approval, cease those activities, unless the permit holder or responsible party.

(3) Making improvements to the property or operations, including, but not limited to, the installation of lighting sufficient to illuminate the area within the property line, the installation of security cameras, the clearing of window obstructions, the cleaning of sidewalks, and the abatement of graffiti.

c. *Decision.* Based on this determination, the Administrative Hearing Officer may find that the establishment is:

i. In compliance with this Section or conditions of approval of the Commission Use Permit, Land Development Permit, or deemed approved status and dismiss the citation; or

ii. In violation of this Section or conditions of approval of the Commission Use Permit, Land Development Permit, or deemed approved status and impose administrative civil penalties, pursuant to Stockton Municipal Code Chapter 1.40; or

iii. In violation of this Section or conditions of approval of the Commission Use Permit, Land Development Permit, or deemed approved status and impose reasonable conditions, similar to those imposed on new alcoholic beverage sales activities or establishments in Subsection 16.28.070.I, Conditions of Approval, to ensure compliance with this Section or conditions of approval of the Commission Use Permit, Land Development Permit, or deemed approved status; or

iv. In violation of this Section or conditions of approval of the Commission Use Permit, Land Development Permit, or deemed approved status and refer the matter to the Planning Commission with a recommendation to modify or revoke the Commission Use Permit, Land Development Permit, or deemed approved status.

d. *Revocation.* If in the judgment of the Administrative Hearing Officer, the establishment's activities constitute a nuisance, the owner is unable or unwilling to abate the nuisance, and the nuisance is shown to be a threat to the public health and safety of the surrounding neighborhood, the Administrative Hearing Officer may recommend that the Planning Commission modify or revoke the activity's permit.

16.28.070 Animal Regulations

A. **Purpose.** The purpose of this Section is to ensure that the raising and maintenance of animals does not create an adverse impact on adjacent properties by reason of dust, noise, visual blight, odor, fumes, bright lights, or insect infestations.

B. **Pre-Existing Uses.** Any legally established nonconforming animal-keeping use that became nonconforming upon adoption of this Development Code, shall be allowed to continue subject to Chapter 16.23, Nonconforming Uses, Structures, and Parcels.

C. **Existing Lots of Record.** Animals may be kept on legally established lots of record, even if less than the minimum lot size referenced in Table 16.28.070, Animal Keeping Standards, subject to

compliance with setback regulations of the underlying zoning district and the requirements of this Development Code.

D. **Uses Not Allowed.** Live hogs, swine, shoats, pigs, pot-bellied pigs, roosters, cockerels, and wild animals (as defined in Section 6.04.020 of the Municipal Code) shall not be permitted within the corporate limits of the City, except as exempt under Chapter 6.04.480 of the Municipal Code.

E. **Allowed Uses.** Animal-keeping uses allowed in Division 2, District Regulations, shall comply with the standards provided in Table 16.28.070, Animal Keeping Standards, and with all other standards and requirements of this Section and this Development Code and with all other applicable sections of the Municipal Code.

F. **Animal-Keeping Standards.** The standards in Table 16.28.070, Animal Keeping Standards, shall apply to all animal-keeping uses.

TABLE 16.28.070: ANIMAL KEEPING STANDARDS

Type of Animal	*Maximum Number of Animals per Site*	*Minimum Lot Size*	*Setback from Property Lines*	*Zoning Districts*
Aviary (raising for commercial purposes)	50 birds per acre	1/2 acre	50 feet	IL, IG
Cats or dogs	Total of 3 cats and/or dogs over the age of 4 months	None	None	All
Chinchilla, hamsters, guinea pigs, cavy and similar small animals (raising for commercial purposes)	100 per acre	1/2 acre	50 feet	IL, IG
Small household pets (e.g., birds, domesticated rodents, homing pigeons, nonpoisonous reptiles other than snakes)	Any combination totaling 10	None	None	All
Aquariums	Unlimited	None	None	All
Poultry, fowl (e.g., chickens, ducks) (not including roosters or cockerels)				
Commercial/farm	150 animals per acre	1/2 acre	5 feet	RE, IG, OS
Residential (hobby)	4 per 5,000 square feet	5,000 square feet	5 feet	RL, RM, RH
Market garden/urban farm	4 per 5,000 square feet	5,000 square feet	5 feet	CO, CN, CD, CG, IL
Market garden/urban farm	Subject to District approval			PT
Dog kennels, catteries, animal shelters, and dog and cat breeding facilities.	Subject to Commission use permit	1/2 acre	50 feet	RE, IL, IG
Horses, cows, bison, or similar sized animals				

TABLE 16.28.070: ANIMAL KEEPING STANDARDS				
Type of Animal	*Maximum Number of Animals per Site*	*Minimum Lot Size*	*Setback from Property Lines*	*Zoning Districts*
Commercial/farm	Subject to an Administrative Use Permit	1 acre	100 feet	RE, IG
Residential (hobby)	1 per 10,000 square feet	12,000 square feet	50 feet	RE, OS
Market garden/urban farm	1 per 10,000 square feet	12,000 square feet	50 feet	RE, IG, OS
Sheep, goats, and similar sized animals (not including pigs)				
Commercial/farm	Subject to an Administrative Use Permit	1 acre	50 feet	RE, IG
Residential (hobby)	5 per 10,000 square feet	12,000 square feet	50 feet	RE
Market garden/urban farm	5 per 10,000 square feet	12,000 square feet	50 feet	RE, RL, IG, OS
Worm farms, fish farms, and similar uses	Subject to an Administrative Use Permit	1 acre	50 feet	RE, IG
Bee keeping				
Commercial/farm	Subject to an Administrative Use Permit	1 acre	50 feet	RE, IG
Residential (hobby)	2 hives	5,000 square feet	10 feet*	RE, RL
Market garden/urban farm	2 hives per ½ acre	½ acre	50 feet	RE, RL, CG, CN, IG, IL
Notes: * If a flyway barrier is established per Section 16.28.330, setback may be reduced to 5 feet.				

G. **Keeping of Chickens/Ducks—Restrictions.**

1. It is unlawful to keep, possess, or maintain chickens/ducks on any parcel of property located in the City, except in accordance with the following restrictions:

   a. The maximum number of hen chickens/ducks kept on a developed lot used for residential purposes, is subject to Table 16.28.070, Animal Keeping Standards.

   b. All hen chickens/ducks shall be confined in a pen, coop, cage, or other enclosure when not supervised. Supervision is being physically present, or within an immediate distance, and available to respond immediately. Enclosures within residential districts shall be subject to accessory structure requirements as referenced in Section 16.19.040, Accessory Structures.

      i. “Other” enclosures shall be determined on a case by case basis by the Director.

c. Pens, coops, cages, or other enclosures shall be maintained in an orderly manner and kept clean.

d. In addition to property line setbacks identified in Table 16.28.070, Animal Keeping Standards, all hen chickens/ducks shall be kept within an enclosure that is at least 20 feet distant from the nearest neighbors dwelling on an adjacent parcel. Enclosures shall be situated in either the side or rear yard behind a solid fence, structure, or wall. Enclosures shall not obstruct or partially obstruct any required exits from any dwelling unit, as determined by the Building Official.

e. No hen chickens/ducks shall be kept in the front yard on any developed lot used for residential purposes.

f. The keeping of hen chickens/ducks is subject to Section 8.20.040, Animal Noise.

g. No hen chickens/ducks shall be slaughtered on any residentially zoned lot.

2. Roosters shall not be permitted within the corporate limits of the City.

16.28.080 Animal Services

Animal service establishments shall be located, developed and operated in compliance with following standards.

A. All structures used for the care or sheltering of animals shall be located a minimum of 40 feet from any residential structure.

B. All structures used for the care or sheltering of animals shall be soundproofed to the extent that no animal sounds originating from within the structure shall be audible to the human ear unaided at a distance of ten feet from any exterior wall of the structure.

C. All animal pens, runs, and exercise areas shall be within the enclosed soundproof structure.

D. Ventilation of all structures used for the care or sheltering of animals shall be provided solely by mechanical means, and no odors shall be detectable outside the boundaries of the property.

16.28.090 Automobile/Vehicle Sales and Services Establishments

Automobile/vehicle sales and service establishments shall be located, developed and operated in compliance with following standards.

A. **Landscaping and Screening.**

1. A masonry wall at least eight feet in height shall be provided along all property lines adjacent to a Residential District. Where the wall reaches the required front yard setback line of the adjoining residentially zoned parcel, the wall shall decrease to a height of three feet.

2. At least ten percent of the site shall be landscaped. All landscaped areas shall be permanently maintained in compliance with Chapter 16.22, Landscaping.

3. A landscaped planter with a minimum inside width of five feet and enclosed within a six-inch-tall curb shall be provided along the street side property lines, except for vehicular circulation openings, and along interior property lines adjoining a Residential District. Trees shall be provided at a rate of one tree for every 20 lineal feet of planter area.

4. A 200-square-foot planter with a minimum dimension of ten feet shall be provided at the corner of intersecting streets unless a building is located at the corner.

5. Additional screening and landscaping may be required where necessary to prevent visual impacts on adjacent properties.

B. **Additional Standards for Specific Automobile/Vehicle Sales and Service Activities.** In addition to the other standards of this Section, the following provisions apply to automobile/vehicle sales and service activities.

1. ***Automobile/Vehicle Sales and Leasing.*** Automotive servicing or repair is permitted as an accessory use for automobile/vehicle sales and leasing establishments that offer maintenance and servicing of the type of vehicles sold on site.

2. ***Automobile/Vehicle Service and Repair, Major and Minor.*** Major and minor automobile/vehicle service and repair uses, as well as any other uses, such as auto dealerships or service stations, that perform auto servicing as an accessory activity, are subject to the following standards.

a. *Noise.* All body and fender work or similar noise-generating activity shall be conducted within an enclosed building with sound-attenuating construction to absorb noise. Air compressors and other service equipment shall be located inside a building.

b. *Work Areas.* All work shall be conducted within an enclosed building except: pumping motor vehicle fluids, checking and supplementing various fluids, and mechanical inspection and adjustments not involving any disassembly.

c. *Vehicle Storage.* Vehicles being worked on or awaiting service or pick-up shall be stored within an enclosed building or in a parking lot on the property. Unattended vehicles may not be parked or stored on the sidewalk adjoining the property, in the street, or in any portion of the public right-of-way within the City.

d. *Litter.* The premises shall be kept in an orderly condition at all times. No used or discarded automotive parts or equipment or permanently disabled, junked, or wrecked vehicles may be stored outside a building.

3. ***Service Stations.*** Service stations and any other commercial use that includes pumps for dispensing automotive fuels are subject to the following standards.

a. *Minimum Site Area.* 15,000 square feet.

b. *Minimum Frontage.* 150 feet on at least one arterial street.

c. *Pump Islands.* Pump islands shall be located:

i. A minimum of 18 feet from any property line to the nearest edge of the pump island. A canopy or roof structure over a pump island may be constructed to within five feet of a street side property line.

ii. A minimum of 28 feet from pump island to pump island or pump island to any structure.

iii. A minimum of 38 feet from pump island to then end of a parking stall.

d. *Access.* There shall be no more than two vehicular access points from the public right-of-way.

e. *Vehicle Stacking.* There shall be a minimum vehicle stacking distance of 38 feet from the end pump for each pump aisle. The stacking area shall not interfere with access to the site or with internal parking.

f. *Work Areas.* All work shall be conducted within an enclosed building except: pumping motor vehicle fluids, checking and supplementing various fluids, and mechanical inspection and adjustments not involving any disassembly.

g. *Abandonment.* Any service station shall in the case of abandonment or non-operation of the primary use be dismantled and the site cleared within 12 months subsequent to the close of the last business day.

4. ***Vehicle Washing.*** Vehicle washing facilities are subject to the following standards.

a. *Washing Facilities.* No building or structure containing washing facilities shall be located within 30 feet of any public street or within 20 feet of any interior property line of a Residential District. Vehicle queuing lanes shall be screened from public streets to a height of 40 inches. Screening devices shall consist of walls and/or berms with supplemental plant materials.

b. *Hours of Operation.* Vehicle washing facilities are limited to 7:00 a.m. to 10:00 p.m., seven days a week. When abutting a Residential District, the hours of operation shall be between 8:00 a.m. to 8:00 p.m., seven days a week.

16.28.100 Cannabis Business Types

A. **Retailer Operator Permit – Storefront (Retailer Operator)—Land Use Process.**

1. ***Non-Storefront Retailer (Delivery Only).*** At the time this Code goes into effect, active retailer operators shall be permitted to engage in non-storefront retail (delivery only) by-right. Operators must amend their Operators Permit and City Business License.

2. ***Eligible Applicants.*** To apply for a Commission Use Permit, a retailer operator permit applicant must first be selected from either the general pool or equity pool after submitting an intent to apply. Refer to Subsection 16.28.110.K, Limited Cannabis Business Expansion Process—Equity Program.

3. ***Commission Use Permit Required.*** A Commission Use Permit is required to sell medical or adult-use cannabis at a retail location.

4. ***Operators Permit Required.*** After acquiring a Commission Use Permit, a retailer operator permit applicant must obtain and maintain at all times a valid Cannabis Operators Permit as required by Chapter 5.100. An Operators Permit is required whether the retailer intends on selling medical and/or adult-use cannabis.

5. ***Zoning Districts.*** A retailer operator permit shall only be issued for property located in Commercial, Office (CO), Commercial, Neighborhood (CN), Commercial, General (CG), Commercial Downtown (CD), Industrial, General (IG) or Industrial, Limited (IL) zones, as indicated in the land use regulations in Division 2: District Regulations. They are also allowed in the Mixed Use (MX) zone.

6. ***Location Requirements.*** The following location requirements apply to all retailer operator permits:

a. No retailer operator shall be established or located within 300 feet, measured from the nearest property lines of each of the affected parcels, of any existing residential zone;

b. No retailer operator shall be established or located within 600 feet, measured from the nearest property lines of each of the affected parcels, of any park, school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center, childcare center, child care, in-home (family day care home), religious facilities, drug abuse, or alcohol recovery/treatment facility that is in existence at the time the land use permit is issued;

c. As permitted by 16 Cal. Code Regs. 5026(b), the Review Authority may waive the location requirements as provided in Chapter 16.51, Modifications. Modifications shall only be considered for unique situations where the literal application of the distance requirement is not reasonable. Modification determinations will be made on a case-by-case basis.

Only those uses established and in operation as of the date that the application for a retailer operator Commission Use Permit is determined or deemed to be complete shall be considered for purposes of determining whether the location requirements are met.

7. ***Conditions of Approval.*** The Planning Commission may address development and operational standards through conditions on the Commission Use Permit as it is determined to be necessary or appropriate for the cannabis retailer operator Commission Use Permit under consideration; provided, that conditions shall not conflict with the provisions of Chapter 5.100, relating to operating requirements of retailer operator permit and shall be subordinate to conditions placed on the retailer operator permit issued under Chapter 5.100.

8. ***Parking.*** Off-street parking shall be provided as required under Chapter 16.24, Off-Street Parking and Loading Standards.

9. ***Application.*** The application for a Commission Use Permit for a retailer operator permit shall include a floor plan, site plan, and neighborhood context map. The Director may also require more and/or different information, at his or her discretion.

10. ***Pre-Existing Cannabis Dispensaries—Nonconforming.*** No retailer operator permit operating or purporting to operate without a valid business license and Commission Use Permit prior to the adoption of the ordinance codified in this Section, shall be deemed to have been a legally established use under the provisions of this Code, nor shall the operation of such dispensary be deemed a legal nonconforming use under this Title 16.

11. ***Additional Grounds for Revocation of Retailer Operator Permit Commission Use Permit.*** In addition to the grounds stated in Section 16.39.130.C, Required Findings, for revocation of a Commission Use Permit, a Commission Use Permit for a retailer operator may be revoked on either of the following grounds in accordance with the procedure under Section 16.39.130, Revocation of Permits:

    a. The retailer operator permit is operated in a manner that violates any of the provisions of State law or this Code; or

    b. The retailer operator permit does not have a valid retailer operator permit in accordance with Chapter 5.100.

12. ***Adult-Use Sales.*** Existing retailer operator permits in possession of a valid, active Commission Use Permit, may also sell adult-use cannabis by-right with a valid amendment to their retailer operator permit in accordance with Chapter 5.100.

13. ***Distribution and Non-Volatile Manufacturing.*** At the time this Code goes into effect, existing retail operators whose operations are located in the Industrial, Light (IL) or

Industrial, General (IG) zone shall be permitted to engage in distribution and non-volatile manufacturing by-right. Retail operators must amend their operators permit and City business license.

B. **Non-Storefront Retail Operator Permit (Delivery Only)—Land Use Process.**

1. ***Administrative Use Permit Required.*** An Administrative Use Permit is required to establish and operate a non-storefront retail cannabis delivery business.

2. ***Operator Permit Required.*** After acquiring an Administrative Use Permit, the non-storefront retail operator (delivery only) must obtain and maintain a valid cannabis business operators permit as required by Chapter 5.100.

3. ***Zoning Districts.*** A non-storefront retail operator permit (delivery only) shall only be issued for property located within the Commercial, Office (CO), Commercial, Neighborhood (CN), Commercial, General (CG), Commercial, Downtown (CD), Industrial, Limited (IL), and Industrial, General (IG) as indicated in the land use regulations in Division 2: District Regulations. They are also allowed in Mixed Use (MX) zones.

4. ***Location Requirements.*** The following location requirements apply to all non-storefront retail operators (delivery only):

   a. No non-storefront operator shall be established or located within 300 feet, measured from the nearest property lines of each of the affected parcels, of any existing residential zone;

   b. No non-storefront operator shall be established or located within 600 feet, measured from the nearest property lines of each of the affected parcels, of any park, school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center, childcare center, child care, in-home (family day care home), religious facilities, drug abuse, or alcohol recovery/treatment facility that is in existence at the time the land use permit is issued;

   c. As permitted by 16 Cal. Code Regs. 5026(b), the Review Authority may waive the location requirements as provided in Chapter 16.51, Modifications. Modifications shall only be considered for unique situations where the literal application of the distance requirement is not reasonable. Modification determinations will be made on a case-by-case basis.

5. ***Conditions of Approval.*** The administrator may address development and operational standards through conditions on the Administrative Use Permit as it determined to be necessary or appropriate for the non-storefront operator permit (delivery only) Administrative Use Permit under consideration; provided, that these conditions do not conflict with provisions of Chapter 5.100 relating to operating requirement of non-storefront operators (delivery only) sites and shall be subordinate to conditions placed on the cannabis operators permit issued under Chapter 5.100.

6. ***Parking.*** Off-street parking shall be provided as required under Chapter 16.24, Off-Street Parking and Loading Standards.

7. ***Application.*** The application for an Administrative Use Permit for a non-storefront operator site shall include a floor plan, site plan, and neighborhood context map. The Director may also require more and/or different information, at their discretion.

8. ***Pre-Existing Cannabis Non-Storefront Operator (Delivery Only) Sites—Nonconforming.*** No non-storefront operator (delivery only) operating or purporting to operate without a valid business license and Administrative Use Permit prior to the

adoption of the ordinance codified in this Section, shall not be deemed, to have been a legally established use under the provision of this Code, nor shall the operation of such non-store front (delivery only) operation site be deemed a legal nonconforming use under this Title 16.

9. ***Additional Grounds for Revocation of Cannabis Non-Storefront Operation (Delivery Only) Site Administrative Use Permit.*** In addition to the grounds stated in Section 16.39.130.C, Required Findings, for revocation of an Administrative Use Permit, an Administrative Use Permit for a non-storefront operator (delivery only) may be revoked on either of the following grounds in accordance with the procedure under Section 16.39.130, Revocation of Permits:

    a. The non-storefront operator is operated in a manner that violates any of the provisions of State law or this Code; or

    b. The non-storefront operator does not have a valid cannabis operator permit as required by Chapter 5.100.

C. **Cultivator Operator Permit Application (Cultivator Operator).**

1. ***Eligible Applicants.*** To apply for a cultivator Commission Use Permit, an applicant must first be selected from either the general pool or equity pool after submitting an intent to apply. Refer to Subsection 16.28.100.K, Limited Cannabis Business Expansion Process—Equity Program.

2. ***Commission Use Permit Required.*** A Commission Use Permit is required to establish or operate a cannabis cultivation operation.

3. ***Adult-Use Cannabis Cultivation.*** A permitted medical cannabis cultivation site is allowed to grow adult-use cannabis by-right.

4. ***Distribution.*** At the time this Code goes into effect, active cultivator operators shall be permitted to engage in distribution by-right. Operators must amend their operators permit and City business license.

5. ***Non-Volatile Manufacturing.*** At the time this Code goes into effect, active cultivator operators shall be permitted to engage in non-volatile manufacturing by-right. Operators must amend their operators permit and City business license.

6. ***Non-Storefront Retailer (Delivery Only).*** At the time this Code goes into effect, active cultivator operators shall be permitted to engage as a non-storefront retailer by-right. Operators must amend their operators permit and City business license.

7. ***Operators Permit Required.*** After acquiring a Commission Use Permit, a cannabis cultivation site must obtain and maintain at all times a valid cannabis operators permit as required by Chapter 5.100.

8. ***Zoning Districts.*** A cultivator operator permit shall only be issued for property located within the Industrial, Limited (IL), Industrial, General (IG), Port (PT), or Open Space (OS), as indicated in the land use regulations in Division 2: District Regulations. They are also allowed in Mixed Use (MX) zones.

9. ***Location Requirements.*** The following location requirements apply to all cannabis cultivator operators:

    a. No cultivator operator shall be established or located within 300 feet, measured from the nearest property lines of each of the affected parcels, of any existing residential zone;

b. No cultivator operator shall be established or located within 600 feet, measured from the nearest property lines of each of the affected parcels, of any park, school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center, childcare center, child care, in-home (family day care home), religious facilities, drug abuse, or alcohol recovery/treatment facility that is in existence at the time the land use permit is issued;

c. As permitted by 16 Cal. Code Regs. 5026(b), the Review Authority may waive the location requirements as provided in Chapter 16.51, Modifications. Modifications shall only be considered for unique situations where the literal application of the distance requirement is not reasonable. Modification determinations will be made on a case-by-case basis.

Only those uses established and in operation as of the date that the application for a cultivator operator Commission Use Permit is determined or deemed to be complete shall be considered for purposes of determining whether the location requirements are met.

10. ***Limit on Growth Square Footage.*** The cumulative area of total canopy size on the premises of a cultivator operator shall not exceed 22,000 square feet.

11. ***Conditions of Approval.*** The Planning Commission may address development and operational standards through conditions on the Commission Use Permit as it is determined to be necessary or appropriate for the cultivator operator Commission Use Permit; provided, that conditions do not conflict with the provisions of Chapter 5.100 relating to operating requirements of cultivator operator and shall be subordinate to conditions placed on the cultivator operator permit issued under Chapter 5.100.

12. ***Parking.*** Off-street parking shall be provided as required under Chapter 16.24, Off-Street Parking and Loading Standards.

13. ***Application.*** The application for a Commission Use Permit for a cultivator operator shall include a floor plan, site plan, and neighborhood context map. The Director may also require more and/or different information, at his or her discretion.

14. ***Pre-Existing Cannabis Cultivation Sites—Nonconforming.*** No cultivator operator operating or purporting to operate without a valid business license and Commission Use Permit prior to the adoption of the ordinance codified in this Section, shall be deemed to have been a legally established use under the provisions of this Code, nor shall the operation of such cultivation site be deemed a legal nonconforming use under this Title 16.

15. ***Additional Grounds for Revocation of Cultivator Operator Commission Use Permit.*** In addition to the grounds stated in Section 16.39.130.C, Required Findings, for revocation of a Commission Use Permit, a Commission Use Permit for a cultivator operator may be revoked on either of the following grounds in accordance with the procedure under Section 16.39.130, Revocation of Permits:

    a. The cultivator operator is operated in a manner that violates any of the provisions of State law or this Code; or

    b. The cultivator operator does not have a valid cannabis operator permit as required by Chapter 5.100.

16. ***Retail Storefront Operation.*** At the time this Code goes into effect, existing cultivator operators shall be permitted to engage in retail storefront operations by-right. Operators must amend their operators permit and City business license.

D. **Volatile Manufacturer Operator Permit Applicant (Volatile Manufacturer Operator).**

1. ***Eligible Applicants.*** To apply for a volatile manufacturer operator Commission Use Permit, an applicant must first be selected from either the general pool or equity pool after submitting an intent to apply. Refer to Subsection 16.28.100.K, Limited Cannabis Business Expansion Process—Equity Program.

2. ***Commission Use Permit Required.*** A Commission Use Permit is required to engage in commercial volatile manufacturing of cannabis.

3. ***Operators Permit Required.*** After acquiring a Commission Use Permit, a volatile manufacturer operator must obtain and maintain at all times a valid cannabis operators permit as required by Chapter 5.100.

4. ***Zoning Districts.*** A volatile manufacturer operator permit shall only be issued for property located within the Industrial, Limited (IL), Industrial, General (IG), or Port (PT) as indicated in the land use regulations in Division 2: District Regulations. They are also allowed in Mixed Use (MX) zones.

5. ***Location Requirements.*** The following location requirements apply to all cannabis volatile manufacturers.

    a. No volatile manufacturer operator shall be established or located within 300 feet, measured from the nearest property lines of each of the affected parcels, of any existing residential zone;

    b. No volatile manufacturer operator shall be established or located within 600 feet, measured from the nearest property lines of each of the affected parcels, of any park, school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center, childcare center, child care, in-home (family day care home), religious facilities, drug abuse, or alcohol recovery/treatment facility that is in existence at the time the land use permit is issued;

    c. As permitted by 16 Cal. Code Regs. 5026(b), the Review Authority may waive the location requirements as provided in Chapter 16.51, Modifications. Modifications shall only be considered for unique situations where the literal application of the distance requirement is not reasonable. Modification determinations will be made on a case-by-case basis.

6. ***Conditions of Approval.*** The Planning Commission may address development and operational standards through conditions on the Commission Use Permit as it is determined to be necessary or appropriate for the volatile manufacturer operator Commission Use Permit under consideration; provided, that conditions shall not conflict with the provisions of Chapter 5.100, relating to operating requirements of volatile manufacturer operator and shall be subordinance to conditions placed on the cannabis operators permit issued under Chapter 5.100.

7. ***Parking.*** Off-street parking hall be provided as required under Chapter 16.24, Off-Street Parking and Loading Standards.

8. ***Application.*** The application for a Commission Use Permit for a volatile manufacturer operator shall include a floor plan, site plan, and neighborhood context map. The Director may also require more and/or different information, at his or her discretion.

9. ***Pre-Existing Cannabis Volatile Manufacturers—Nonconforming.*** No volatile manufacturer operator operating or purporting to operate without a valid business license and Commission Use Permit prior to the adoption of the ordinance codified in this Section, shall be deemed to have been a legally established use under the provisions of this Code,

nor shall the operation of such manufacturing be deemed a legal nonconforming use under this Title 16.

10. ***Additional Grounds for Revocation of Volatile Manufacturer Operator Commission Use Permit.*** In addition to the grounds stated in Section 16.39.130.C, Required Findings:

    a. The cannabis volatile manufacturer operator is operated in a manner that violates any of the provision of State law or this Code; or

    b. The volatile manufacturer operator does not have a valid cannabis manufacturer operators permit required by Chapter 5.100.

E. **Non-Volatile Manufacturer Operator Permit Applicant (Manufacturer Operator).**

1. ***Commission Use Permit Required.*** A Commission Use Permit is required to engage in commercial non-volatile manufacturing of cannabis.

2. ***Operators Permit Required.*** After acquiring a Commission Use Permit, a non-volatile manufacturer operator must obtain and maintain at all times a valid cannabis operators permit as required by Chapter 5.100.

3. ***Zoning Districts.*** A non-volatile manufacturer operator permit shall only be issued for property located within the Industrial, Limited (IL), Industrial, General (IG), or Port (PT) as indicated in the land use regulations in Division 2: District Regulations. They are also allowed in Mixed Use (MX) zones.

4. ***Location Requirements.*** The following location requirements apply to all cannabis non-volatile manufacturers:

    a. No non-volatile manufacturer operator shall be established or located within 300 feet, measured from the nearest property lines of each of the affected parcels, of any existing residential zone;

    b. No non-volatile manufacturer operator shall be established or located within 600 feet, measured from the nearest property lines of each of the affected parcels, of any park, school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center, childcare center, child care, in-home (family day care home), religious facilities, drug abuse, or alcohol recovery/treatment facility that is in existence at the time the land use permit is issued;

    c. As permitted by 16 Cal. Code Regs. 5026(b), the Review Authority may waive the location requirements as provided in Chapter 16.51, Modifications. Modifications shall only be considered for unique situations where the literal application of the distance requirement is not reasonable. Modification determinations will be made on a case-by-case basis.

5. ***Conditions of Approval.*** The Planning Commission may address development and operational standards through conditions on the Commission Use Permit as it is determined to be necessary or appropriate for the non-volatile manufacturer operator Commission Use Permit under consideration; provided, that conditions shall not conflict with the provisions of Chapter 5.100, relating to operating requirements of non-volatile manufacturer operator and shall be subordinance to conditions placed on the cannabis operators permit issued under Chapter 5.100.

6. ***Parking.*** Off-street parking hall be provided as required under Chapter 16.24, Off-Street Parking and Loading Standards.

7. ***Application.*** The application for a Commission Use Permit for a non-volatile manufacturer operator shall include a floor plan, site plan, and neighborhood context map. The Director may also require more and/or different information, at his or her discretion.

8. ***Pre-Existing Cannabis Non-Volatile Manufacturers—Nonconforming.*** No non-volatile manufacturer operator operating or purporting to operate without a valid business license and Commission Use Permit prior to the adoption of the ordinance codified in this Section, shall be deemed to have been a legally established use under the provisions of this Code, nor shall the operation of such non-volatile manufacturing be deemed a legal nonconforming use under this Title 16.

9. ***Additional Grounds for Revocation of a Non-Volatile Manufacturer Operator Commission Use Permit.*** In addition to the grounds stated in Section 16.39.130.C, Required Findings:

    a. The cannabis non-volatile manufacturer operator is operated in a manner that violates any of the provision of State law or this Code; or

    b. The non-volatile manufacturer operator does not have a valid cannabis non-volatile manufacturer operators permit required by Chapter 5.100.

F. **Distributor Operator Permit Applicant (Distributor Operator).**

1. ***Commission Use Permit Required.*** A Commission Use Permit is required to establish or operate a distributor operator permit, except as otherwise noted for existing cannabis cultivations.

2. ***Operators Permit Required.*** After acquiring a Commission Use Permit, distributor operators must obtain and maintain at all times a valid cannabis operators permit as required by Chapter 5.100.

3. ***Zoning Districts.*** A distributor operator permit shall only be issued for property located within the Industrial, Limited (IL), Industrial, General (IG), or Port (PT) as indicted in the land use regulations in Division 2: District Regulations. They are also allowed in Mixed Use (MX) zones.

4. ***Location Requirements.*** The following location requirements apply to all distributor operator:

    a. No distributor operator shall be established or located within 300 feet, measured from the nearest property lines of each of the affected parcels, of any existing residential zone;

    b. No distributor operator shall be established or located within 600 feet, measured from the nearest property lines of each of the affected parcels, of any park, school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center, childcare center, child care, in-home (family day care home), religious facilities, drug abuse, or alcohol recovery/treatment facility that is in existence at the time the land use permit is issued;

    c. As permitted by 16 Cal. Code Regs. 5026(b), the Review Authority may waive the location requirements as provided in Chapter 16.51, Modifications. Modifications shall only be considered for unique situations where the literal application of the distance requirement is not reasonable. Modification determinations will be made on a case-by-case basis.

5. ***Conditions of Approval.*** The Planning Commission may address development and operational standards through conditions on the Commission Use Permit as it is determined to be necessary or appropriate for the distributor operator Commission Use Permit under consideration; provided, that conditions shall not conflict with the provisions of Chapter 5.100 relating to operating requirements of distributor operator sties and shall be subordinate to conditions placed on the cannabis distributor operators permit issued under Chapter 5.100.

6. ***Parking.*** Off-street parking shall be provided as required under Chapter 16.24, Off-Street Parking and Loading Standards.

7. ***Application.*** The application for a Commission Use Permit for a distributor operator site shall include a floor plan, site plan, and neighborhood context map. The Director may also require more and/or different information, at his or her discretion.

8. ***Pre-Existing Cannabis Distributor Sites—Nonconforming.*** No distributor operator operating or purporting to operate without a valid business license and Commission Use Permit prior to the adoption of the ordinance codified in this Section, shall not be deemed to have been a legally established use under the provisions of this Code, nor shall the operation of such cultivation site be deemed a legal nonconforming use under this Title 16.

9. ***Additional Grounds for Revocation of Cannabis Distributor Site Commission Use Permit.*** In addition to the grounds stated in Section 16.39.130.C, Required Findings, for revocation of a Commission Use Permit, a Commission Use Permit for a distributor operator may be revoked on either of the following ground in accordance with the procedure under Section 16.39.130, Revocation of Permits:

    a. Distributor operator site is operated in a manner that violates any of the provisions of State law or this Code; or

    b. The distributor operator site does not have a valid cannabis operators permit as required by Chapter 5.100

G. **Testing Laboratory Operator Permit Applicant (Testing Laboratory Operatory).**

1. ***Land Use Requirement.*** Testing laboratories land use is allowed by-right. All other requirements set forth in this Section must be met.

2. ***Operators Permit Required.*** The testing laboratory operator must obtain and maintain a valid cannabis testing facility permit as required by Chapter 5.100.

3. ***Zoning Districts.*** A testing laboratory operator permit shall only be issued for property located within the Commercial, Office (CO), Commercial, Neighborhood (CN), Commercial, General (CG), Commercial, Downtown (CD), Industrial, Limited (IL), or Industrial, General (IG), as indicated in the land use regulations in Division 2: District Regulations. They are also allowed in Mixed Use (MX) zones.

4. ***Location Requirements.*** The following location requirements apply to all testing laboratory operators:

    a. No testing operator shall be established or located within 300 feet, measured from the nearest property lines of each of the affected parcels, of any existing residential zone;

    b. No testing operator shall be established or located within 600 feet, measured from the nearest property lines of each of the affected parcels, of any park, school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center, childcare center, child care, in-home (family day care home),

religious facilities, drug abuse, or alcohol recovery/treatment facility that is in existence at the time the land use permit is issued;

c. Testing facilities are not allowed to vertically integrate or have other cannabis business types as a part of the business;

d. As permitted by 16 Cal. Code Regs. 5026(b), the Review Authority may waive the location requirements as provided in Chapter 16.51, Modifications. Modifications shall only be considered for unique situations where the literal application of the distance requirement is not reasonable. Modification determinations will be made on a case-by-case basis.

5. ***Parking.*** Off-street parking shall be provided as required under Chapter 16.24, Off-Street Parking and Loading Standards.

6. ***Pre-Existing Cannabis Testing Facility Sites—Nonconforming.*** No testing laboratory operator operating or purporting to operate without a valid business license and operators permit prior to the adoption of the ordinance codified in this Section, shall be deemed to have been a legally established use under the provisions of this Code, nor shall the operation of such testing site be deemed a legal nonconforming use under this Title 16.

7. ***Additional Grounds for Revocation of Cannabis Testing Facility Site By-Right Allowance.*** The land use rights for a testing laboratory operator may be revoked on either of the following grounds:

a. The testing laboratory operator is operated in a manner that violates any of the provisions of State law or this Code; or

b. The testing laboratory operator does not have a valid testing cannabis operator permit as required by Chapter 5.100.

H. **Microbusiness Operator Permit—Land Use Process.**

1. ***Eligible Applicants.*** To apply for a microbusiness operator Commission Use Permit, an applicant must first be selected from either the general pool or equity pool after submitting an intent to apply. Refer to Subsection 16.28.100.K, Limited Cannabis Business Expansion Process—Equity Program.

2. ***Use Permits Required.*** Based on subtype, the following use permits are required to establish and operate a microbusiness:

RDC		RDM	
Retailer or	CUP	Retailer or	CUP
Retailer (Non-Storefront)	AUP	Retailer (Non-Storefront)	AUP
Distributor or	CUP	Distributor or	CUP
Distributor (Transport Only)	CUP	Distributor (Transport Only)	CUP
Cultivation (less than 10,000 sq. ft.)	CUP	Manufacturer (Level 1, Type 6)	CUP
RCM		**DCM**	
Retailer or	CUP	Distributor or	CUP
Retailer (Non-Storefront)	AUP	Distributor (Transport Only)	CUP
Cultivation (less than 10,000 sq. ft.)	CUP	Cultivation (less than 10,000 sq. ft.)	CUP
Manufacturer (Level 1, Type 6)	CUP	Manufacturer (Level 1, Type 6)	CUP

a. In the case of microbusinesses only, the multiple Commission Use Permit application requirement shall be processed as a single Commission Use Permit application for review and approval by the Planning Commission.

3. ***Operator Permit Required.*** After acquiring the required use permits, the microbusiness must obtain and maintain a valid cannabis operators permit as required by Chapter 5.100.

   a. In the case of microbusinesses only, a single cannabis business operators permit application addressing all subtypes (as submitted by the applicant) shall be processed for review and approval by the Chief of Police.

4. ***Zoning Districts.*** A microbusiness permit shall only be issued for property located within the Industrial, Limited (IL) and Industrial, or General (IG) zones, as indicated in the land use regulations in Division 2: District Regulations. They are also allowed in Mixed Use (MX) zones.

5. ***Location Requirements.*** The following location requirements apply to all cannabis microbusines:

   a. In the case of microbusinesses with non-storefront operator (delivery only), microbusiness must be located within a fully-enclosed building and the interior of the building must not be visible from the public right-of-way;

   b. No microbusiness operator shall be established or located within 300 feet, measured from the nearest property lines of each of the affected parcels, of any existing residential zone;

   c. No microbusiness operator shall be established or located within 600 feet, measured from the nearest property lines of each of the affected parcels, of any park, school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center, childcare center, child care, in-home (family day care home), religious facilities, drug abuse, or alcohol recovery/treatment facility that is in existence at the time the land use permit is issued;

   d. As permitted by 16 Cal. Code Regs. 5026(b), the Review Authority may waive the location requirements as provided in Chapter 16.51, Modifications. Modifications

shall only be considered for unique situations where the literal application of the distance requirement is not reasonable. Modification determinations will be made on a case-by-case basis.

6. ***Conditions of Approval.*** The administrator may address development and operational standards through conditions on the Administrative Use Permit as it is determined to be necessary or appropriate for the microbusiness use permits under consideration; provided, that these conditions do not conflict with provisions of Chapter 5.100 relating to operating requirement of microbusiness sites and shall be subordinate to conditions placed on the cannabis operators permit issued under Chapter 5.100.

7. ***Parking.*** Off-street parking shall be provided as required under Chapter 16.24, Off-Street Parking and Loading Standards.

8. ***Application.*** The application for a use permit for a microbusiness site shall include a floor plan, site plan, and neighborhood context map. The Director may also require more and/or different information, at his or her discretion.

9. ***Pre-Existing Cannabis Microbusiness Sites—Nonconforming.*** No microbusiness operating or purporting to operate without a valid business license and required use permits prior to the adoption of the ordinance codified in this Section, shall not be deemed, to have been a legally established use under the provision of this Code, nor shall the operation of such microbusiness operation site be deemed a legal nonconforming use under this Title 16.

10. ***Additional Grounds for Revocation of Cannabis Microbusiness Site Use Permit.*** In addition to the grounds stated in Section 16.39.130.C, Required Findings for revocation of a use permit, a use permit for a microbusiness may be revoked on either of the following grounds in accordance with the procedure under Section 16.39.130, Revocation of Permits.

    a. The microbusiness is operated in a manner that violates any of the provisions of State law or this Code; or

    b. The microbusiness does not have a valid cannabis operator permit as required by Chapter 5.100.

I. **Prohibition of Certain Cannabis Businesses.** The following cannabis businesses shall be prohibited in the City of Stockton:

1. Any cannabis business engaging in the sale of medical or adult-use cannabis or cannabis products at a location other than that permitted through cannabis operators permit.

J. **Prohibition of Outdoor Personal Cannabis Cultivation.**

1. Cannabis cultivation for personal use must be located inside a private residence, or inside an accessory structure to a private residence located upon the grounds of a private residence that is fully enclosed and secure.

2. All cannabis cultivation for personal use within a private residence must be conducted in a manner that prevents cannabis plants from being visible from any street, sidewalk, or other place freely accessible by the public and prevents the odor of cannabis from permeating beyond the boundaries of the parcel or property where the indoor cultivation is occurring.

K. **Limited Cannabis Business Expansion Process—Equity Program.**

1. ***Program Intent.*** The goal of the equity program is to promote equitable business ownership opportunities in the cannabis industry in order to decrease disparities in life

outcomes for marginalized communities and address the disproportionate impacts of cannabis in adversely-impacted and lower income communities.

2. The City shall create an equity program to aid those persons from economically disadvantaged communities that experience high rates of poverty.

3. To qualify to be an equity applicant, greater than 50 percent of the ownership, as determined by equity sharing, for the permit must be:

    a. A resident of Stockton; and

    b. One of the following: be an MBE/WBE business, live in an opportunity zone, live in the SB 535 disadvantaged area, or live in a HUD designated area.

4. On an annual basis, the City of Stockton shall allow for the following numbers of new permits for cannabis businesses:

    a. Two retail Commission Use Permits.

    b. Two cultivator Commission Use Permits.

    c. Two volatile manufacturer Commission Use Permits.

    d. Two microbusiness Commission Use Permits.

5. Permits shall be issued in the following manner:

    a. *Lottery System.*

        i. All applicants, equity and nonequity, shall annually submit an intent to apply with paperwork that proves that the applicant has identified property that meets all City locational criteria and zoning requirements. All applications for the year will be due by a date determined by the City.

        ii. If the applicant wishes to be designated as an equity applicant, then they must submit paperwork establishing that over 50 percent of the business owners, as determined by equity sharing, meet the requirements as listed. All applicants wishing to be designated as an equity applicant must do so at the time of submitting an intent to apply for a permit.

        iii. After closing the application process, the City will randomly select one application from the general pool first for each of the following permit types: retail operator, cultivator operator and volatile manufacturer operator, and microbusiness. Then the City will randomly select one application from the equity applicants for each of the following permit types: retail operator, cultivator operator, volatile manufacture operator, and microbusiness.

        iv. All applications must show continual good faith efforts to obtain the permit or else communicate that he or she is no longer pursuing the application.

        v. If the City determines that the application is not progressing, the City shall notify the applicant of the intent to deny the application and the required next steps for the applicant to rectify. The applicant shall have 30 days from the date of the issuance of the notification to meet the next steps, or the application shall be denied.

        vi. If an application is denied or the applicant decides not to pursue the application, the City shall select at random from the pool of applicants from which the denied or abandoned application was selected.

vii. If an applicant is seeking to permit the following commercial cannabis types: non-volatile manufacture, distribution, testing laboratory, and non-storefront retailer (delivery only); they will not be subject to the lottery system. There are no limitations on the number of land use permits allowed for said commercial cannabis business types.

b. *Exemptions.* Testing laboratory, non-storefront retailer, distributor, and non-volatile manufacturer permits shall not be subject to the lottery system as described in this title. There are no limitations on the number of land use permits allowed for said commercial cannabis business types.

L. **Administrative Guidelines.** In addition to rules and regulations that may be established by the City Council pursuant to this Section, the City Manager may establish and amend administrative guidelines as needed to administer this ordinance. The administrative guidelines shall have the force of law and shall be enforceable in the same manner and to the same extent as the provisions of this Chapter. The administrative guidelines referenced herein shall be one and the same as those referenced in Section 5.100.300 of this Code.

16.28.110 Co-living Facilities

Co-living facilities shall be located, developed, and operated in compliance with the following standards.

A. **Maximum Occupancy.** Each co-living unit shall be designed to accommodate a maximum of two persons.

B. **Minimum Size.** A co-living unit must have at least 150 square feet of floor area, excluding closet and bathroom. No individual unit may exceed 400 square feet.

C. **Entrances.** All co-living units must be independently accessible from a single main entry, excluding emergency and other service support exits.

D. **Cooking Facilities.** Cooking facilities shall be provided either in individual units or in a community kitchen. Where cooking is in individual units, units shall have a sink with hot and cold water; a counter with dedicated electrical outlets and a microwave oven or properly engineered cook top unit pursuant to Building Code requirements; a small refrigerator; and cabinets for storage.

E. **Bathroom.** A co-living unit is not required to but may contain partial or full bathroom facilities. A partial bathroom facility shall have at least a toilet and sink; a full facility shall have a toilet, sink and bathtub, shower or bathtub/shower combination. If a full bathroom facility is not provided, common bathroom facilities shall be provided in accordance with the California Building Code for congregate residences with at least one full bathroom per floor.

F. **Laundry Facilities.** Laundry facilities must be provided in a separate room at the ratio of one washer and one dryer for every 20 units or fractional number thereof.

G. **Utility Closet.** A cleaning supply storeroom and/or utility closet with at least one laundry tub with hot and cold running water must be provided on each floor.

H. **Closet.** Each co-living unit shall have a separate closet.

I. **Tenancy.** Tenancy of co-living units shall be limited to 30 or more days.

J. **Facility management.** A co-living facility with ten or more units shall provide full-time on-site management. A co-living facility with less than ten units shall provide a management office on-site.

K. **Management Plan.** A management plan shall be submitted with the permit application for all co-living projects. At minimum, the management plan must include the following:

1. ***Security/Safety.*** Proposed security and safety features such as lighting, security cameras, defensible space, central access, and user surveillance;
2. ***Management Policies.*** Management policies including desk service, visitation rights, occupancy restrictions, and use of cooking appliance;
3. ***Rental Procedures.*** All rental procedures, including weekly and monthly tenancy requirements;
4. ***Staffing and Services.*** Information regarding all support services, such as job referral and social programs; and
5. ***Maintenance.*** Maintenance provisions, including sidewalk cleaning and litter control, recycling programs, general upkeep, and the use of durable materials.

16.28.120 Commissary

This Section provides standards for development and operation of all Commissaries on private property. Commissaries shall be located only where allowed by zoning district, specific plan, and planned development use regulations and shall comply with the following standards.

A. **Purpose and Application.**

1. The general purpose of this Section is to ensure the safe and sanitary operation of Commissaries; to enforce rules consistent with California Health and Safety Code and San Joaquin County Environmental Health Department; to establish rules and regulations for the use of private property to maintain and operate Commissaries under which permits shall remain in compliance, be suspended, or revoked, and provide penalties for violations thereof.
2. Compliance determination will encompass all the provisions set forth in this Section, including, but not limited to, site plan, parking availability, traffic movement, aesthetics, zoning, setbacks, environmental requirements, and conformity with the City's General Plan.

B. **General Commissary Operational Standards.** The following provisions outline operational standards of a Commissary.

1. ***Required Functions.*** A Commissary shall meet all the applicable requirements as defined by the California Health and Safety Code and the San Joaquin County Environmental Health Department to accommodate all operations necessary to support Motorized Food Wagons or Mobile Commissaries. Applicable requirements shall include, but are not limited to, the following:
    a. Sanitary disposal of liquid wastewater (grease interceptors)
    b. Proper handling and disposal of garbage and refuse (solid) waste (grease containers)
    c. Permanent potable water sources (faucets) shall be installed per Motorized Food Wagon parking spot
    d. Hot and cold water for cleaning

e. A safe and secure space to store Motorized Food Wagons, food, utensils, and supplies

f. Servicing areas at commissaries shall be provided with overhead protection, except areas used only for the loading of water or the discharge of sewage and other liquid waste through the use of a closed system of hoses need not be provided with overhead protection

g. Servicing area used for vehicle washing/cleaning shall be sloped and drained to an approved wastewater system (sand/oil separator)

h. Permanent electric power connections shall be installed per Motorized Food Wagon parking spot

i. Restrooms (minimum 100°F)

2. ***Optional Functions.*** A Commissary may provide the following services to support Motorized Food Wagons:

a. Refrigeration space

b. Dry storage space

c. Food service equipment repair maintenance

d. Three Compartment Sink (required if food preparation space will be provided)

e. Propane (LP-Gas) services (The use and storage LP-Gas is regulated pursuant to the California Fire Code (CFC), Chapter 61, and the National Fire Protection Association – Standard 58)

C. **Commissary Permitting Requirements.**

1. All Commissaries shall comply with acceptable land use entitlement requirements outlined in this Section.

a. The property line containing a Commissary shall not be adjacent to residential zoning or located within 30 feet of a building containing a residential use.

2. All construction must comply with the current building code and follow the appliable building permit process.

3. All Commissaries shall obtain all necessary approvals from the San Joaquin County Environmental Health Department.

4. All Commissaries shall obtain the necessary City's fire permits required for operation specified in California Fire Code, including, but not limited to, an Operational Fire Permit.

5. No Commissary shall be utilized for any other purpose than their intended use, with exception of the Food Truck Park/Commissary Co-locations as defined in Chapter 16.61, Use Classifications.

D. **Commissary Development Standards.** The following development standards apply to all Commissaries.

1. ***Motorized Food Wagon Parking Area and Setback Requirements.*** Setback requirements for Motorized Food Wagon parking are pursuant to California Fire Code, including, but not limited to, maintaining a ten feet noncombustible space around Motorized Food Wagons.

2. ***Commissary Area Requirements.***

   a. Minimum gross area shall be 10,000 square feet.

   b. Minimum number of Motorized Food Wagons serviced at the Commissary shall be two.

3. ***Enclosed Use Requirements.*** Commissaries located in IL (Industrial, Limited) District are pursuant to Section 16.07.030.A, Enclosed Use Requirements and Exceptions.

4. ***Surfacing.*** Parking spaces, driveways, maneuvering aisles and turnaround areas shall be paved in accordance with Stockton Municipal Code Section 16.24.100.H, Surfacing.

5. ***Off-Street Parking Requirements.***

   a. Commissary off-street parking requirements shall comply with Chapter 16.24, Off-Street Parking Standards.

      i. Off street parking for Commissary Staff shall be provided at the minimum ratio of one parking space per 250 square feet of indoor gross floor area, with exception of a Food Truck Park/Commissary Co-location as defined in Section 16.28.180.F, Food Truck Park/Commissary Co-location.

      ii. Off street parking for Motorized Food Wagon Vendors shall be provided at the rate of two parking spaces per Motorized Food Wagon, with exception of the Food Truck Park/Commissary Co-locations as defined in Section 16.28.180.F, Food Truck Park/Commissary Co-location.

         (1) One parking space requirement may be met through the Motorized Food Wagon parking space.

6. ***LP-Gas (Liquid Petroleum).*** The use and storage LP-Gas is regulated pursuant to the California Fire Code (CFC), Chapter 61, and the National Fire Protection Association – Standard 58.

7. ***Fencing.*** Perimeter fencing shall be installed and shall comply with Section 16.19.090, Fences, Hedges, and Walls. Gates for motorized food wagons and for pedestrian access are required to be unlocked during operating hours.

8. ***Access.*** Ingress and egress are required pursuant to Section 19.19.030, Access. Adequate vehicular and pedestrian circulation is required.

9. ***Landscaping.*** Landscaping is required pursuant to Chapter 16.22 Landscaping, and Chapter 16.24, Off-Street Parking and Loading Standards.

10. ***Solid waste/Recyclable Materials Storage.***

    a. Solid Waste/Recyclable Materials Storage is pursuant to Section 16.19.190, Solid Wase/Recyclable Materials Storage.

    b. Size of the solid waste/recyclable storage shall be determined by Table 16.19.190.B, Minimum Storage Areas Required for Nonresidential Development, based upon the gross square footage of the Commissary property.

11. ***Discharge of Wastewater, Gray Water and Fats, Oils, and Grease (FOG).***

    a. Commissaries and Motorized Food Wagons are prohibited from draining or spilling of wastewater, gray water and/or fats, oils, and grease into the storm drain system or on the ground.

b. Discharge of fats, oils, and grease to the sanitary sewer is pursuant to Stockton Municipal Code Chapter 13.40.

c. Minimum Standards. A Commissary shall meet the following requirements to accommodate the operational needs of Motorized Food Wagons.

i. Installation of a grease interceptor with regular maintenance and pumping. Grease interceptor requirements are pursuant to Stockton Municipal Code Section 13.40.100.

ii. Yellow grease receptacles and routine hauling is required.

12. ***Property Maintenance/Cleanup.*** Property Maintenance is required pursuant to Chapter 8.36 Property Maintenance of the Stockton Municipal Code.

13. ***Lighting.*** Adequate lighting shall be installed to ensure user safety. Lighting fixtures shall be permanent and shall be consistent with Section 16.19.140, Lighting and Illumination.

14. ***Utilities.*** Permanent electric outlet hookups and potable water connections shall be installed for each Motorized Food Wagon parking space.

15. ***Noise.*** Commissary noise shall comply with Section 16.25.090, Noise.

16. ***Signage.*** Commissary signage shall comply with Chapter 16.27 Sign Standards.

16.28.130 Community Gardens

This Section provides standards for the use of public and private property for the purpose of maintaining and operating a community garden. Community gardens shall be allowed in zoning districts identified in the land use regulations in Division 2: District Regulations.

A. **Standards.** The following standards apply to all community gardens:

1. ***Setbacks.*** Structures and sheds shall comply with the setback requirements for the applicable zoning district.

2. ***Maintenance/Cleanup.*** Weeds and garden refuse shall be disposed of on at least a weekly basis.

3. ***Garbage and Compost.*** Garbage and compost receptacles must be screened from view from public streets and adjacent properties by utilizing measures such as landscaping, fencing, or storage within or behind structures. All garbage shall be removed from the site weekly. Compost piles and containers shall be setback at least 20 feet from the property line of a residentially zoned lot).

4. ***Watering.*** Irrigation and any other use of water shall be conducted in compliance with any City adopted water use regulations, including, but not limited to, Title 13, Public Services and Section 16.22.050, Water Waste Prohibited.

5. ***Development.*** Installation, operation, or use of structures, fences, sheds, irrigation systems, sanitary facilities, etc., as accessory uses, shall be in compliance with this Development Code and all local, State, and Federal codes and regulations.

6. ***Separation.*** A minimum separation of five feet shall be maintained between the garden plots and any adjacent property line. This separation shall be maintained so as to be free of any weeds, garden refuse, sheds, structures, irrigation systems, or other combustible materials, and shall not be used for storage of any equipment, vehicles, or any other materials.

7. ***Lighting.*** Installation or use of any electrical or other artificial lighting structures or equipment is prohibited.

8. ***Management.*** A manager shall be designated for each community garden who shall serve as liaison between the gardeners, nearby property owners, and the City.

    a. The community garden shall be posted with name and 24-hour contact phone number of the manager. The posting shall be no less than four inches by six inches and shall contain, along with the name and 24-hour contact number, the words "THIS COMMUNITY GARDEN MANAGED BY [INSERT MANAGER NAME]" and "TO REPORT PROBLEMS OR CONCERNS CALL [INSERT MANAGER PHONE NUMBER] OR EMAIL [INSERT MANAGER EMAIL ADDRESS]." The posting shall be placed on a stake of sufficient size to support the posting in a location that is visible from the street to the front of the property but not readily accessible to vandals. If vandalized, the sign shall be promptly replaced. Exterior posting must be constructed of and printed with weather-resistant materials.

    b. Property owner permission to operate a community garden on subject property must be granted in writing and available if requested by the City.

9. ***Animals.*** The keeping or raising of animals shall not be permitted.

10. ***Operation.*** Community gardens shall only be allowed to be tended between dawn and dusk.

11. ***Plots.***

    a. Pathways between plots shall comply with Americans with Disabilities Act regulations.

    b. Plots shall be a minimum of five feet from all property lines.

12. ***Storage.*** Material and equipment storage is limited to those necessary to carry out on-site cultivation and maintenance activities and shall be screened from the street and adjacent properties by utilizing landscaping, existing buildings, fencing or storage within structures.

13. ***Sales.*** Sales on-site are limited to incidental sales of produce grown on-site and subject to the following standards:

    a. Sales within residential zoning districts shall only occur Friday through Monday from 7:00 a.m. to 7:00 p.m.

    b. Sales within nonresidential zoning districts shall not have day/hour limitation.

    c. When not in use, produce stands must be removed from the premises or stored on-site within an enclosed structure or behind screening consisting of landscaping, fencing or wall obstructing sight from a public street or adjacent property. Community garden produce stand operations that do not comply with this standard shall be subject to a code enforcement action.

B. **Violations.** It is unlawful for a property owner or any other person to establish or operate a community garden that is not in compliance with the requirements of this Section.

16.28.140 Crematoriums

A. **Purpose.** This Section provides development standards for the establishment of facilities providing internment services. The purpose of these standards is to control objectionable effects of

internment services. These standards shall apply to all new internment services or establishments requiring consideration and approval of a use permit or Land Development Permit under the Development Code for the purpose of achieving the following objectives:

1. Protect surrounding neighborhoods from potential harmful effects and to minimize the adverse impacts of nonconforming and incompatible uses.
2. Ensure that funeral facilities and services are not the source of undue public nuisances in the community.
3. Ensure that sites for funeral facilities and services are conducted and properly maintained so that negative impacts generated by these activities are not harmful to the surrounding environment in any way.

The provisions of this Section are intended to complement the State of California funeral-related laws. The City does not intend to replace or usurp any powers vested in the California Department of Consumer Affairs Cemetery and Funeral Bureau.

B. **Standards of Approval.**

1. ***Location Requirements.***

   a. All Crematoriums shall be a minimum of 500 feet from any residential use, school or childcare center. The distance shall be measured from the nearest portion of the crematorium building to the nearest portion of the residential, school, or childcare center parcel.

2. ***Standards.*** The following conditions may be imposed by the applicable Review Authority:

   a. Crematoriums shall be established as either for human or pet purposes but not both.

   b. Crematoriums may accept bodies from multiple funeral home clients.

   c. All activity relating to the dead shall be handled discreetly and be screened from public view to the maximum extent possible, including delivery and storage of the remains.

   d. Crematoriums shall not be used for the disposal of any waste materials.

   e. Crematoriums shall not emit any visible air emissions nor generate odors which are discernable beyond their lot lines.

   f. The applicant or applicant's representative for a Crematorium shall submit a report on the proposed cremation equipment including emission control devices and chimney stack height. Such presentation shall include plans for ongoing emission monitoring and performance testing and documentation that all emissions fall within accepted industry practices and meet all applicable state or federal air quality standards.

   g. Crematoriums shall be constructed, installed, operated and maintained in accordance with all manufacturers' specifications and all applicable federal, state and local permits, as amended.

   h. Prior to the issuance of a certificate of occupancy for any Crematorium, the operator shall provide documentation to the City that all applicable federal, state and local permits have been obtained.

16.28.150 Day Care Centers

Day care centers shall be located, developed and operated in compliance with the following standards:

A. **License.** The operator shall secure and maintain a license from the State of California Department of Social Services.

B. **Parcel Size.** The minimum parcel size for a day care center is 8,000 square feet.

C. **Fence or Wall.** A six-foot-tall solid decorative fence or wall shall be constructed on all property lines, except in the front yard or visibility triangle. Fences or walls shall provide for safety with controlled points of entry. A minimum three-foot-wide landscaped area shall be provided adjacent to the wall/fence and shall include a dense hedge of evergreen shrubs a minimum of 15 gallons in size.

D. **Hours of Operation.** Unless otherwise stated in the use permit, hours of operation shall be confined to between 6:00 a.m. and 10:00 p.m. In no case shall an individual child stay for a continuous period of 24 hours or more.

E. **Separation Standards.**

1. The main assembly areas shall be located a minimum of 30 feet from adjacent residential property.
2. The facility shall not be located within 500 feet of another licensed large family day care home or day care center.

F. **Pick-up and Drop-off Plan.** A plan and schedule for the pick-up and drop-off of children or clients shall be submitted for approval by the Director. The plan shall demonstrate that adequate parking and loading are provided to minimize congestion and conflict points on travel aisles and public streets. The plan shall include an agreement for each parent or client to sign that includes, at a minimum:

1. A scheduled time for pick-up and drop-off with allowances for emergencies; and
2. Prohibitions of double-parking, blocking driveways of neighboring properties, or using driveways of neighboring properties to turn around.

16.28.160 Drive-in and Drive-through Facilities

Drive-in or drive-through facilities shall be located, developed and operated in compliance with the following standards:

A. **Location.** All drive-through windows, ordering and pick-up areas, menus, and speakers shall be located a minimum of 50 feet from any Residential District. Shall be located away public right-of-way.

B. **Drive-In and Drive-Through Aisles.** Drive-in and drive-through aisles shall be designed to allow safe, unimpeded movement of vehicles at street access points and within the travel aisles and parking space areas.

1. A minimum 10-foot interior radius at curves and a minimum 12-foot width is required.
2. Each entrance to an aisle and the direction of flow shall be clearly designated by signs and pavement markings or raised curbs outside of the public right-of-way.

3. Each drive-through entrance/exit shall be at least 50-feet from an intersection of public rights-of-way, measured at the closest intersecting curbs, and at least 25-feet from the curb-cut on an adjacent property.

C. **Drive-In and Drive-Through Queue Area.** Each drive-through aisle shall provide a minimum car queue distance of at least 100 feet from the menu/order board or pick-up window where there is no menu/order board. The queue area shall not interfere with public rights-of-ways or streets, or with on- or off-site circulation and parking. Exceptions to the queue size may be granted based on an interior traffic circulation study prepared for review by the Planning Commission.

D. **Landscaping.** In addition to the landscaping requirements of Section 16.22, Landscaping, each drive-through aisle shall be screened with a combination of decorative walls and landscape to a minimum height of 20 inches to prevent headlight glare and direct visibility of vehicles from adjacent streets and parking lots. A five foot-wide planter between the drive-through aisle and the parking area that includes shade trees consistent with those used in the parking area

E. **Screening.** In addition to the screening requirements of Section 16.19.170, Screening and Buffering, a minimum eight-foot-tall solid decorative wall shall be constructed on each property line that adjoins a residentially zoned or occupied parcel. The design of the wall and the proposed construction materials shall be subject to the approval of the Director. A minimum five-foot landscaped planter area shall be provided between the fence and any driveway. When the drive-thru lane is abutting the public right-of-way a minimum three foot-tall, maximum four foot-tall planter with low shrubs that screens the drive-through lane to minimize the visual impact of readerboard signs and directional signs. At no time shall this landscape barrier be pruned in a manner that allows the vehicle headlights from the drive-through lane to be visible from abutting street rights-of-way.

F. **Pedestrian Walkways.** Pedestrian walkways shall not intersect drive-in or drive-through aisles, unless no alternative exists. In such cases, pedestrian walkways shall have clear visibility, emphasized by enhanced paving or markings, and signage.

16.28.170 Emergency Shelter

Emergency shelters shall be located, developed, and operated in compliance with the following standards.

A. **Location.** An emergency shelter shall not be established or operated at any location less than 300 feet from another emergency shelter.

B. **Maximum Number of Beds per Facility.** The maximum number of beds per facility shall be determined and as allowed by Building and Fire Codes.

C. **Waiting Area.** If the intake of clients occurs on-site there shall be provided an on-site client intake and waiting area in a location not adjacent to the public right-of-way, that is fully screened from public view, and provides consideration for weather events including shade and rain cover. The intake and waiting area shall be suitably sized to prevent queuing in the public right-of-way or within any parking lot, but shall occupy a maximum area of 400 square feet.

D. **Security.** The facility shall have on-site security during all hours when the shelter is open.

E. **Limited Terms of Stay.** No person shall stay within an emergency shelter for more than six months in a consecutive 12-month period.

F. **Emergency Shelter Management.** On-site management shall be provided to address good neighbor issues, transportation, client supervision, client services and food services. The on-site management shall, at minimum, possess the property owner's and operator's names and contact information, provide on-site security and enact anti-loitering measures. this Chapter

G. **Compliance with Other Applicable Codes and Regulations.** Each emergency shelter shall comply with all applicable local and state health and safety codes such as, but not limited to, the California Building Code, California Fire Code, and California Health and Safety Code.

H. **Shelter Crisis.** In the event that the City Council declares a shelter crisis, pursuant to California Government Code Section 8698.2, the following shall apply in regards to emergency/temporary housing:

1. ***Temporary Housing.*** Temporary structures for habitation, including, but not limited to, trailers, recreational vehicles, manufactured homes, tiny homes, and similar configurations are permitted on parcels in zoning districts that permit emergency shelters by-right, subject to the approval of a Temporary Activity Permit.

    a. *Information Required, Multiple Temporary Units.* For proposals that include multiple temporary housing units on a single parcel, the application shall also include details of the operations of the use, including, but not limited to, a description of the following:

        i. Number of proposed units.

        ii. Cooking facilities.

        iii. Sanitation facilities and management thereof.

        iv. Power source and associated noise mitigation.

        v. Site lighting.

        vi. Site security and management, including the number of staff on site at any given time.

        vii. Location of proposed parking.

        viii. On-going site maintenance.

        ix. Duration of temporary housing.

        x. Clean-up/returning the site to its original condition following termination of the use.

2. ***Development Standards.***

    a. *Number of Units Permitted.* The number of temporary housing units, either individual, or single-family units, permitted on a parcel shall be determined through the Temporary Activity Permit process.

    b. *Lighting.* Adequate external lighting shall be provided for security purposes in compliance with Section 16.19.140, Lighting and Illumination.

    c. *On-Site Management.* Temporary housing with five or more units on a single parcel shall provide at least one on-site facility manager during hours of operation.

    d. *Sanitation Facilities.* The number of bathrooms and showers required on site shall be determined through the building permit process, and shall be consistent with the California Building Code.

e. *Parking.* No parking is required for temporary housing.

f. *Water and Wastewater Services.* Water and wastewater service shall be available on the site proposed for temporary housing structures unless an alternative source is approved by the City of Stockton Municipal Utilities Department and Cal Water (if applicable) and complies with any applicable provisions of the California Building Code.

i. Water. To protect the public water system, the appropriate approved backflow device shall be required. Initial testing certification of backflow devices is required and shall be performed by an entity as determined by the water purveyor.

ii. Wastewater. To protect public health, connection to the wastewater system is required. The City of Stockton Municipal Utilities Department will determine the appropriate connection requirement.

g. *Electrical Service.* Electrical services shall be available on the site proposed for temporary housing structures unless an alternate source is approved by the Director, and is in accordance with any applicable provisions of the California Building and Electrical Codes. All temporary or permanent electrical service shall be located on the subject site.

3. ***Duration of Use.*** The duration of a temporary housing use shall be determined by the Director. It shall be the responsibility of the property owner to ensure that temporary housing units are vacated in accordance with law on or before expiration of the Temporary Activity Permit.

16.28.180 Food Truck Parks

This Section provides standards for development and operation of all Food Truck Parks on private property. Food Truck Parks shall be located only where allowed by zoning district, specific plan, and planned development use regulations and shall comply with the following standards this Section.

A. **Purpose and Application.**

1. The general purpose of this Section is to ensure the safe and sanitary operation of Food Truck Parks; to enforce rules consistent with California Health and Safety Code and San Joaquin County Environmental Health Department; to establish rules and regulations for the use of private property to maintain and operate the Food Truck Park under which permits shall remain in compliance, be suspended, or revoked, and provide penalties for violations thereof.

2. Compliance determination will encompass all the provisions set forth in this Section, including, but not limited to, site plan, parking availability, traffic movement, aesthetics, zoning, setbacks, environmental requirements, and conformity with the City's General Plan.

B. **Food Truck Park Permitting Requirements.** The following provides permit requirements for using private property to maintain and operate Food Truck Parks.

1. All Food Truck Parks shall comply with the following applicable land use requirements:

Number of Motorized Food Wagons on property		Duration of Operations		
		One time event held over seven consecutive days or less within a calendar year per parcel.	Recurring event held on three or fewer days per week.	Permanent (Seven days a week)
Food Truck Pod	Two to five	Temporary Activity Permit (TAP)	Land Development Permit (LDP)	Land Development Permit (LDP)
Food Truck Hub	Six to ten	Temporary Activity Permit (TAP)	Administrative Use Permit (AUP)	Administrative Use Permit (AUP)
Food Truck Plaza	11 or more	Temporary Activity Permit (TAP)	Commission Use Permit (CUP)	Commission Use Permit (CUP)
Food Truck Park/Commissary Co-locations	-	Commission Use Permit (CUP)	Commission Use Permit (CUP)	Commission Use Permit (CUP)

2. All construction must comply with the current building code and follow applicable building permit process.

3. All Food Truck Parks shall obtain the necessary City Fire permits required for operation specified in California Fire Code, including, but not limited to, an Operational Fire Permit.

C. **Development and Operation Standards.** The following development standards apply to all Food Truck Parks.

1. ***Food Truck Park Area Requirements.***

   a. Minimum gross area shall be 5,000 square feet.

   b. Minimum number of Motorized Food Wagons at the Food Truck Park shall be two.

2. ***Motorized Food Wagon Area and Setback Requirements.***

   a. The use and storage of LP-gas at the site are regulated pursuant to the California Fire Code (CFC), Chapter 61, and the National Protection Association. Requirements shall include, but are not limited to, the following:

      i. Motorized Food Wagons shall be set back a minimum of ten feet from all property lines.

      ii. Motorized Food Wagons shall be located a minimum of ten feet from any other Motorized Food Wagon.

      iii. Motorized Food Wagons shall be located a minimum of ten feet from any other structures on the site.

3. ***Site Improvements (Surfacing).*** Parking spaces, driveways, maneuvering aisles and turnaround areas shall be paved in accordance with Section 16.24.100.H, Surfacing.

4. ***Off-Street Parking Requirements.*** Food Truck Park off-street parking requirements shall comply with Chapter 16.24, Off-Street Parking and Loading Standards.

   a. Off-street parking shall be provided at the ratio of three parking spaces per maximum number of Motorized Food Wagons permitted on-site (exclusive of spaces provided for Motorized Food Wagon).

5. ***Fencing.*** If perimeter fencing is installed, it shall comply with Section 16.19.090, Fences, Hedges, and Walls. Gates for Motorized Food Wagons and for pedestrian access are required to be unlocked during operating hours.

6. ***Access.*** Ingress and egress are required pursuant to 16.19.030, Access. Adequate vehicular and pedestrian circulation is required.

7. ***Landscaping.*** Landscaping is required pursuant to Stockton Municipal Code Chapter 16.22 Landscaping Standards, and Chapter 16.24 Off-Street Parking and Loading Standards.

8. ***Solid waste/Recyclable Materials Storage.***

    a. Solid Waste/Recyclable Materials Storage is pursuant to 16.19.190, Solid Waste/Recyclable Materials Storage.

    b. Size of the solid waste/recyclable storage shall be determined by 16.19.190.B, Minimum Storage Areas Required for Nonresidential Development, based upon the gross square footage of the Food Truck Park and Food Truck Park/Commissary Co-location property.

9. ***Discharge of Wastewater, Gray Water and Fats, Oils, and Grease (FOG).***

    a. Motorized Food Wagons are prohibited from draining or spilling of wastewater, gray water and/or fats, oils, and grease into the storm drain system or on the ground.

    b. Discharge of fats, oils, and grease to the sanitary sewer is pursuant to Stockton Municipal Code Chapter 13.40.

10. ***Maintenance/Cleanup.*** Property Maintenance is required pursuant to Chapter 8.36 Property Maintenance of the Stockton Municipal Code.

11. ***Lighting.*** Lighting fixtures shall be installed to ensure user safety. Lighting fixtures shall be permanent and shall be consistent with Section 16.16.19.140, Lighting and Illumination.

12. ***Seating.***

    a. Seating (eating area) is required for Food Truck Hubs, Food Truck Plazas, and Food Truck Park/Commissary Co-locations at the rate of three seats per Motorized Food Wagon. Seating is not required for Food Truck Pods.

    b. Provided seating must be arranged or situated so that it does not create a hazard to pedestrians or encroach on a required building exit, vehicle travel lane, driveway, or any public street.

    c. A minimum of four feet of clearance must be provided around any tree, newsstand, bike rack, planter, trash receptacle, etc.

    d. Seating area must be maintained in a manner such that it does not create an unsightly appearance.

13. ***Restroom Facilities.*** All Food Truck Parks and Food Truck Park/Commissary Co-locations must provide permanent on-site restrooms for both the Food Truck Park vendors and patrons.

    a. A minimum of one restroom facility shall be provided which is ADA accessible for Food Truck Parks up to ten trucks.

b. At least one additional restroom facility shall be provided for Food Truck Parks with 11 or more trucks.

c. Restrooms shall have, at a minimum, handwashing facilities with warm water (minimum 100°F), pump dispensed liquid hand soap and singleuse towels in dispensers or other approved hand drying devices.

14. ***Pedestrian Protections.***

a. Accessibility routes must be provided and maintained as required by the California Building Code.

b. Path of travel and seating/eating area requires permanent affixed pedestrian protections.

15. ***Alcohol Sales.***

a. Alcohol sales shall not occur from Motorized Food Wagons.

b. Food Truck Park or Food Truck Park/Commissary Co-location owners/operators may apply for an on-sale alcoholic beverage sales establishment in accordance with Section 16.28.060, Alcoholic Beverage Sales

16. ***Truck Storage.*** Motorized Food Wagons shall not be stored at the Food Truck Park and must return to their Commissary daily, with exception of the Food Truck Park/Commissary Co-locations as defined in Section 16.28.180.F, Food Truck Park/Commissary Co-locations.

17. ***Live Entertainment.***

a. Live Entertainment is allowed consistent with the Live Entertainment regulations consistent with Section 16.28.200, Live Entertainment.

b. A dedicated performance and viewing area are required for Live Entertainment.

18. ***Utilities.***

a. Electric outlet hookups are required to be installed for each Motorized Food Wagon parking space and must be used while the Motorized Food Wagon is on the premises. No generators shall be utilized in the Food Truck Park or Food Truck Park/Commissary Co-location.

b. Permanent potable water hookup sources are required to be installed for each Motorized Food Wagon parking space and must be used while the truck is on the premises. Potable water hookup is not required for Food Truck Pods.

19. ***Noise.*** Food Truck Park and Food Truck Park/Commissary Co-location noise shall comply with Section 16.25.090, Noise.

20. ***Signage.*** Food Truck Park and Food Truck Park/Commissary Co-location signage shall comply with Section 16.27, Sign Standards.

21. ***Operating Hours.*** Food Truck Park and Food Truck Park/Commissary Co-location hours of operation shall not be earlier than 7:00 AM, or later than 10:00 PM.

22. ***Operator Responsibility for Motorized Food Wagon Compliance.*** The property owner or property owner's authorized agent is responsible to ensure that all Motorized Food Wagons and vendors operating at the Food Truck Park have obtained the necessary San

Joaquin County Environmental Health Permit, and Stockton Business Licenses for the Motorized Food Wagons and their staff.

D. **Food Truck Parks (Occurring three or fewer days per week) at a set location.**

1. ***Location.*** Recurring Food Truck Parks that are the primary use of a site shall comply with all the provisions of above standards (Section 16.28.180.C). Recurring Food Truck Parks that are located on a site where the Food Truck Park is not the primary use of the site shall comply with the following provisions:

   a. *Siting.* Temporary Fencing, bollards, or similar barriers shall be required to delineate the Recurring Food Truck Park site.

   b. *Landscaping.* Landscaping may be installed but is not required.

   c. *Solid Waste.* Dumpsters and trash enclosures may be provided but are not required.

   d. *Lighting.* Temporary lighting may be provided in lieu of permanent lighting.

   e. *Utilities.* If electric outlet hookups are not available, the use of generators is permissible.

   f. *Restrooms.*

      i. A minimum of one restroom providing hot water (100 F/ 37.7 C), which is also ADA accessible, shall be provided.

      ii. Portable restroom facilities must be serviced during nonbusiness hours.

   g. *Pedestrian Protections.* Temporary Pedestrian Protections shall be provided.

   h. *Seating.* Seating may be provided at the discretion of the operators.

   i. *Utility Hookups.* Electric Outlet hookups for temporary food truck parks are not required.

E. **Temporary Food Park Truck Event (One-Time Event occurring 7 or less days per calendar year)**

1. Temporary Food Park Truck Events must comply with all the provisions with above standards (Section 16.28.180.D).

2. A Temporary Food Truck Park Event requires a Temporary Activity Permit.

3. Restrooms.

   a. A minimum of one restroom providing hot water (100 F/ 37.7 C), which is also ADA accessible, shall be provided.

   b. Portable restroom facilities must be serviced during non-business hours.

F. **Food Truck Park/Commissary Co-locations Permitting General Development Standards.**

1. All Food Truck Park/Commissary Co-locations shall provide Commissary services (per Section 16.28.120, Commissaries) to Motorized Food Wagons that permanently reside at the site. Non-resident Motorized Food Wagons shall not receive Commissary services from the Food Truck Park/Commissary Co-location.

2. All Food Truck Park/Commissary Co-locations shall be subject to all the provisions set forth in Section 16.28.180.C, Development and Operation Standards, and 16.28.120, Commissaries, with the exception outlined below.

   a. *Food Truck Park/Commissary Co-location Area Requirements.*

      i. Minimum gross area shall be 10,000 square feet.

      ii. Minimum number of Motorized Food Wagons serviced at the Food Truck Park/Commissary Co-location shall be two.

   b. *Off-Street Parking Requirements.* Off-street parking spaces shall be provided at a rate of five spaces per motorized food wagon, two for Motorized Food Wagon workers and three for Motorized Food Wagon patrons.

   c. *Hours of Operations.* The Food Truck Park/Commissary Co-location hours of operation shall not be earlier than 7:00 AM, or later than 10:00 PM.

   d. *Fencing.* Perimeter fencing shall be installed and shall comply with Section 16.19.090, Fences, Hedges, and Walls. Gates for motorized food wagons and for pedestrian access are required to be unlocked during operating hours.

3. In the event of conflicting regulations between the respective provisions of this Section (16.28.180.C, Development and Operation Standards, or Section 16.28.120, Commissaries, the more restrictive of the two will take precedence.

16.28.190 Home Occupations

Home occupations shall be located, developed, and operated in compliance with the following standards.

A. **Purpose.** The provisions of this Section are intended to allow the conduct of home enterprises which are incidental to and compatible with surrounding residential uses.

B. **Applicability.** This Section applies to home occupations in any residential unit in the City regardless of the zoning designation. It does not apply to family day care, which is regulated separately.

C. **Business License Required.** Where applicable, a separate City of Stockton business license is required for each home occupation.

D. **Operational Standards.** Home occupations shall comply with the following operating standards:

   1. ***Residential Appearance.*** The residential appearance of the unit within which the home occupation is conducted shall be maintained, and no exterior indication of a home occupation is permitted.

   2. ***Location.*** All home occupation activities shall be conducted completely within the enclosed living space of the residence or accessory structure. If the business is conducted within a garage, the use shall not encroach within the required parking spaces for the residence. The vehicle door to the garage shall remain closed while the business activity is being conducted.

   3. ***Floor Area Limitation.*** The home occupation shall not occupy an area equivalent to more than ten percent of the habitable area of the dwelling unit.

   4. ***Storage.*** There shall be no exterior storage of materials, supplies, and/or equipment for the home occupation.

5. ***Employees.*** No employees or independent contractors other than residents of the dwelling unit shall be permitted to work at the location of a home occupation except as otherwise allowed for cottage food operations.

6. ***Client Visits.***

   a. Clients or customers shall not visit the home occupation between the hours of 7 p.m. and 9 a.m.

   b. There shall be no more than two clients or customers on the premises at any one time.

7. ***Direct Sales Prohibition.*** Home occupations involving the display or sale of products or merchandise are not permitted from the site except by mail, telephone, internet, or other mode of electronic communication or except as otherwise allowed for cottage food operations.

8. ***Equipment.*** Gasoline and/or diesel powered engines are not allowed, and any mechanical or electrical equipment used in the home occupation shall not use an electrical motor exceeding 15 amps at 110 volts.

9. ***Hazardous Materials.*** Activities conducted and equipment or materials used shall not change the fire safety or occupancy classifications of the premises, nor use utilities different from those normally provided for residential use. There shall be no storage or use of toxic or hazardous materials other than the types and quantities customarily found in connection with a dwelling unit.

10. ***Nuisances.*** A home occupation shall be conducted such it does not create levels of glare, light, noise, electrical interference, dust, heat, odor, solid waste, vibration, or other characteristics in excess of that customarily associated with similar residential uses.

11. ***Vehicles.*** One vehicle that is clearly commercial may be used as part of the home occupation provided it has a rated carrying capacity of no more than one ton, the vehicle is parked on-premises when not in use, and the vehicle is not visible from the right-of-way.

12. ***Traffic and Parking Generation.*** Home occupations shall not generate a volume of pedestrian, automobile, or truck traffic that is inconsistent with the normal level of traffic in the vicinity or on the street on which the dwelling is located or which creates the need for additional parking spaces, or involve deliveries to or from the premises in excess of that which is customary for a dwelling unit.

E. **Cottage Food Operations.** A cottage food operation is allowed as a home occupation and an accessory use to any legally established residential unit subject to the following standards:

1. ***Registration.*** Cottage food operations shall be registered as “Class A” or “Class B” cottage food operations and shall meet the respective health and safety standards set forth in Section 114365 et seq. of the California Health and Safety Code.

2. ***Sales.*** Sales directly from a cottage food operation are limited to the sale of cottage food products. A cottage food operation shall not have more than $50,000 in gross annual sales in each calendar year.

3. ***Operator and Employee Allowed.*** Only the cottage food operator and members of his or her household living in the unit, as well as one full-time equivalent cottage food employee, may participate in a cottage food operation.

4. ***Equipment.*** Cottage food operations may employ kitchen equipment as needed to produce products for which the operation has received registration, provided that equipment would not change the residential character of the unit, result in safety hazards,

or create smoke or steam noticeable at the lot line of an adjoining residential property. Venting of kitchen equipment shall not be directed toward neighboring residential uses.

F. **Prohibited Home Occupations.** The following specific uses, either by operation or nature, are not incidental to or compatible with residential activities and shall therefore not be permitted as home occupations:

1. Adult businesses;
2. Automobile/vehicle sales and services;
3. Eating and drinking establishments;
4. Hotels and motels;
5. Hospitals and clinics;
6. Personal services; and
7. Storage, sale, or use of explosive, guns, ammunition, or flammable or hazardous materials.

16.28.200 Live Entertainment

Live entertainment shall be located and conducted in compliance with the following standards.

A. To the extent required by the latest edition of the California Fire Code, the area used for live entertainment shall be posted by the Fire Department for maximum occupancy prior to the beginning of the use. If there is a dance floor, that area shall also be posted for maximum occupancy prior to the beginning of the use.

B. To the extent required by the latest edition of the California Building Code, any improvements required for the live entertainment use shall be completed pursuant to a building permit which shall be finalized prior to the beginning of the use.

C. Noise decibel levels shall be monitored by the establishment to ensure compliance with the applicable General Plan Noise Standards and the Noise Standards found in Section 16.25.090, Noise.

D. "No Loitering" signs shall be posted on the exterior of the establishment and in the parking lot. The operator of the establishment shall monitor the area surrounding the establishment to prevent loitering outside and in the parking lot.

E. After 10:00 p.m., the establishment shall provide the following number of State-licensed, uniformed security officer according to the number of patrons in the establishment. Security officers shall remain on duty from 10:00 p.m. until one hour after the live entertainment has ended. Security officers shall patrol inside and outside the establishment, including the parking lot.

TABLE 16.28.200: LIVE ENTERTAINMENT, SECURITY REQUIRED

Number of Patrons	*Required Number of Security*
0-49	0
50-100	1
101-200	2
201-300	3

TABLE 16.28.200: LIVE ENTERTAINMENT, SECURITY REQUIRED	
Number of Patrons	*Required Number of Security*
Over 300	1 additional per every 100 patrons or fraction thereof

F. Doors and windows shall remain closed during the hours of live entertainment, except as needed to allow for the normal entry and exit of patrons to and from the establishment.

16.28.210 Market Gardens/Urban Farms

This Section provides standards for the use of private property for the purpose of maintaining and operating a market garden/urban farms. Market gardens/urban farms shall be allowed in zoning districts identified in the land use regulations in Division 2: District Regulations.

A. **Standards.** The following standards apply to all market garden/urban farms:

1. ***Setbacks.*** Primary and accessory structures shall comply with the setback requirements of Title 16, Development Code.

2. ***Maintenance/Cleanup.*** Weeds and garden refuse shall be disposed of, at a minimum, on a weekly basis.

3. ***Garbage and Compost.*** Garbage and compost receptacles must be screened from view from public streets and adjacent properties by utilizing measures such as landscaping, fencing, or storage within or behind structures. All garbage shall be removed from the site weekly. Compost piles and containers shall be setback at least 20 feet from the property line of a residentially zoned lot.

4. ***Watering.*** Irrigation and any other use of water shall be conducted in compliance with any City adopted water use regulations, including, but not limited to, Title 13, Public Services and Section 16.22.050.

5. ***Development.*** Installation, operation, or use of structures, fences, sheds, irrigation systems, sanitary facilities, etc., as accessory uses, shall be in compliance with this Development Code and all local, State, and Federal codes and regulations.

6. ***Separation.*** A minimum separation of five feet shall be maintained between the garden plots and any property line. This separation shall be maintained so as to be free of any weeds, garden refuse, sheds, structures, irrigation systems, or other combustible materials, and shall not be used for storage of any equipment, vehicles, or any other materials.

7. ***Lighting.*** All lighting should adhere to Section 16.19.140.

8. ***Management.*** A manager shall be designated for each market garden/urban farm who shall serve as liaison between the gardeners, property owners, and the City.

    a. The market garden/urban farm shall be posted with name and 24-hour contact phone number of the manager. The posting shall be no less than four inches by six inches and shall contain, along with the name and 24-hour contact number, the words “THIS MARKET GARDEN/URBAN FARM MANAGED BY_____” and “TO REPORT PROBLEMS OR CONCERNS CALL _____.” The posting shall be placed on a stake of sufficient size to support the posting in a location that is visible from the street to the front of the property but not readily accessible to

vandals. If vandalized, the sign shall be promptly replaced. Exterior posting must be constructed of and printed with weather-resistant materials.

b. Property owner permission must be granted in writing and available if requested by the City.

9. ***Animals.*** The keeping or raising of animals shall be consistent with Section 16.28.070, Animal Regulations, of the Stockton Municipal Code.

10. ***Operation.*** Market garden/urban farms shall operate between the hours of 7:00 a.m. and 7:00 p.m.

11. ***Plots.***

a. Pathways between plots shall comply with Americans with Disabilities Act regulations.

b. Pathways shall be a minimum five feet from all property lines.

12. ***Storage.*** Material and equipment storage is limited to those necessary to carry out on-site cultivation and maintenance activities and shall be screened from the street and adjacent properties by utilizing landscaping, existing buildings, fencing or storage within structures.

13. ***Sales.*** Sales on-site are limited to incidental sales of produce, flowers, fiber, nuts, seeds, herbs, honey and/or eggs and limited as follows:

a. Sales from market garden/urban farms within residential zoning districts shall occur daily from 7:00 a.m. to 7:00 p.m., unless otherwise stipulated in conditions of approval (if applicable).

b. Portable market garden/urban farm produce portable stands must be removed from the premises or stored inside an on-site structure during non-operating hours. Portable market garden/urban farm produce stand operations that do not comply with this standard shall be subject to a code enforcement action.

c. Market gardens/urban farms are not exempt from Title 5, Business Licenses and Regulations, of this Code.

14. ***Pre-Existing Uses.*** Any established nonconforming market garden/urban farm use that became nonconforming upon adoption of this Development Code, shall be allowed to continue subject to Chapter 16.23, Nonconforming Uses, Structures, and Parcels.

16.28.220 Massage Establishments

Massage establishments shall be located, developed, and operated in compliance with the following standards.

A. The hours of operation shall be limited to between 7:00 a.m. and 10:00 p.m.

B. Birth control or sexually transmitted disease prevention products or devices shall not be permitted on the premises.

C. No treatment/massage shall be administered unless the patron wears clothing and/or a gown and/or is covered by a sheet or drape that fully covers the genitals, and breasts if the patron is female.

D. At no time shall the patron, or any employee or agent of the establishment, engage in any touching, arousal, stimulation, or manipulation of the genitals or breasts of the patron, employee, or agent of the establishment.

E. All persons administering a massage shall be fully clothed. The clothing shall not be transparent or expose the employees' breasts, buttocks, or genitals. Swim attire shall not be worn unless the person performing the massage is providing a water-based massage modality approved by the California Massage Therapy Council. Attire worn in a manner that constitutes a violation of Section 314 of the California Penal Code; and/or manner that is otherwise deemed by the California Massage Therapy Council to constitute unprofessional attire based on the custom and practice of the profession in California is not allowed.

F. There shall be no shower or bathing facilities located on the premises of a stand-alone massage establishment.

G. Massages shall be administered only on standard or portable massage tables, with the exception of "Thai," "Shiatsu," and similar modalities of massage therapy, which may be performed on a padded mat on the floor. Beds, floor mattresses, waterbeds and similar furnishings are not permitted on the premises of any massage establishment.

H. No person or persons shall be allowed to live inside a massage establishment at any time. Dwellings shall be separate from the massage establishment.

I. The massage therapist shall obtain a background check from the Police Department in compliance with Sections 5.48.060 and 5.48.080 of the Stockton Municipal Code if they are not certified (as defined by State law).

16.28.230 Mini-storage Facilities

Mini-storage facilities shall be located, developed, and operated in compliance with the following standards.

A. **Parcel Size.** The minimum parcel size shall be 20,000 square feet.

B. **Setback.** Mini-storage facilities shall be set back 15 feet from the front property line.

C. **Perimeter Wall.** A solid masonry wall shall be provided around the perimeter of the facility. The wall shall be at least six feet in height when adjacent to nonresidential zones and at least eight feet in height when adjacent to residential zones, except:

1. The walls of the storage structures may serve as the required perimeter walls along interior and rear property lines; and

2. No air-conditioning or other noise-producing activities, uses, or openings shall be allowed within ten feet of any property line adjacent to residential zoning districts.

D. **Landscaping.** Landscaping shall be provided between perimeter walls and adjacent residential and street side property lines to effectively screen the perimeter wall and reduce the visual impact of long, flat wall surfaces.

E. **Architectural Compatibility.** The facility, including perimeter walls, shall be designed to be architecturally compatible with the surrounding land uses.

F. **Aisles.** Aisles shall be a minimum of 25 feet in width between structures to provide unobstructed and safe circulation.

G. **Site Paved.** Except for structures and landscaping, the site shall be entirely paved in compliance with the City's standard specifications and plans.

H. **Business Activity.** No business activity of any kind shall be conducted on the site, other than:

1. The rental of storage spaces for inactive storage use;
2. The sale of incidental storage supplies (e.g., packing boxes, wrapping paper);
3. The sale of unclaimed items; and
4. The rental of up to three personal moving vehicles, provided they are screened from the public right-of-way and incidental to the mini-storage facility.

I. **Storage Enclosed.** All storage shall be located within a fully-enclosed structure.

J. **Hazardous Material.** Flammable or otherwise hazardous materials shall not be stored on-premises.

K. **Lights.** Lighting shall not reflect on any residentially zoned property.

L. **Manager/Caretaker Quarters.** Residential quarters for a manager or caretaker may be provided in the development.

M. **Parking.** Parking shall be provided in compliance with Chapter 16.24, Off-Street Parking and Loading Standards

N. **Fire Sprinklers.** National Fire Protection Association (NFPA) 13 compliant fire sprinklers and waterflow detection shall be required on all covered mini-storage facilities.

O. **Mini-storage facilities in the Commercial, Downtown (CD) zone.** Mini-storage facilities in the CD zone may be permitted with the approval of a Commission Use Permit and are limited to 60-percent of the leasable interior space within an existing building. These facilities may not be constructed as standalone facilities or new construction.

1. ***Applicability.*** These standards shall apply to mini-storage facilities within the CD zone.
2. ***Limit.*** No mini-storage facility may be permitted within one-quarter (1/4) mile radius of another mini-storage facility within the CD zone, measured from the edge of the parcel.
3. ***Size and Location.*** All mini-storage facilities in the CD zone shall comply with the following standards:
    a. The entire operation must be enclosed within the interior of an existing building and not occupy more than 60 percent of the leasable space of the entire building.
    b. Ground floor storage uses cannot exceed 70 percent of the leasable ground floor space.
    c. To maintain street-level activity intended for the CD zoning district, mini-storage facilities are prohibited from being located along the building's primary entrance or main street-facing frontage.
4. ***Stealthing.*** Mini-storage facilities in the CD zone are permitted as an accessory use along the main street-facing frontage. Pedestrian entry to the storage facility at the main street-facing frontage is limited to interior access. The building's primary entrance shall remain pedestrian and retail-service oriented, consistent with the General Plan policies for Downtown activity. A variety of techniques shall be used to disguise or mitigate the visual presence of the mini-storage facility, such as blending elements of pedestrian-scale retail

storefront components into the façade of the building including reliefs, murals, landscaping, transparent display windows, or windows affording views into retail, office, or lobby space.

5. ***Façade Improvements.*** To create cohesive and well-crafted building facades with human-scale details that incorporate textures, colors, and other details that are compatible with and enhance the surrounding area, facility layout, design, exterior building materials and treatment for all structures including, but not limited to, fences, walls, gates, buildings, and landscaping shall be of high quality and aesthetically pleasing when viewed from adjacent properties and the public right-of-way. The Secretary of Interior's Standards for Rehabilitation will apply in cases of historic structures through the preservation of historic materials and surfaces. Façade improvements shall be consistent with the Downtown Commercial Design Guidelines to emphasize a sense of history, unique character, pedestrian orientation, quality development, safety, art and culture.

    a. *Entryways.* The entryway to the building shall complement the building style, the relationship of the building to the site access, and shall incorporate pedestrian-scaled details, architectural articulation, and quality craftsmanship. The entrance shall have a clearly defined, highly visible customer entrance with canopies, porticos, recesses/projections, arcades, raised corniced parapets over the doors, peaked roof forms, arches, outdoor patios, display windows, architectural details that are integrated into the building structure and design, or integral planters or wing walls that incorporate landscaped areas and/or places for sitting, as appropriate.

    b. *Breaks in Blank Walls.* A break in a blank building wall may be provided by any of the following:

        i. Doors, windows, or other building openings that enhances the architectural character of the building;

        ii. Building projections or recesses, doorway and window trim or other details that provide architectural articulation and design interest;

        iii. Varying wall planes, where the wall plane projects or is recessed at least six inches;

        iv. Non-fabric awnings, canopies, or arcades;

        v. Substantial variations in building materials. For example, adding brick or stone veneer to a stucco building or changing from vertically-oriented board and baton style siding to horizontally-oriented lap siding; or

        vi. A living wall. At least 20 percent of the street-facing building wall surface area is covered in a directly integrated living wall or building integrated vegetation. Plans submitted for living walls and building integrated vegetation must include a long-term maintenance plan that includes documentable evidence of on-going maintenance and operation strategies to ensure the long-term viability of the wall. Living walls and building integrated vegetation must include an integrated water delivery system.

6. ***Landscaping.*** Landscaping is regulated by Section 16.22.040, Landscape Standards, and 16.26.060, Landscaping Requirements. Landscaping in the CD zone will be consistent with the Downtown Commercial Design Guidelines.

7. ***Parking and Loading.*** Parking and loading standards are regulated by Chapter 16.24, Off-Street Parking and Loading Standards.

8. ***Hours of Operation.*** All Mini-storage use shall be restricted to daytime use from 7 AM to 10 PM as defined by the Stockton Municipal code.

9. ***Signage.*** Onsite signage is regulated by Chapter 16.27, Sign Standards. Signage in the CD zone will be consistent with the Downtown Commercial Design Guidelines.

16.28.240 Mobile Home Parks and Subdivisions

Mobile home parks and subdivisions shall be located, developed, and operated in compliance with the following standards.

A. **State and Federal Requirements.** The standards of this Section are supplemental to applicable standards of the State of California Mobilehome Act or Federal Housing Administration enforced by the California Department of Housing and Community Development, Division of Building and Housing Standards (the State) and do not relieve the developer from complying with those State or Federal standards not covered herein.

   1. Prior to any construction on a mobilehome park, plans and specifications shall be submitted and approved by the State.

B. **Access.** Access to the mobilehome park shall be directly to a major arterial street identified in the Circulation Element of the General Plan or within 500 feet of freeway access ramps.

C. **Setback Requirements.** Mobilehome spaces, buildings, parking or recreational areas, and other structures shall be set back a minimum of 20 feet from all property lines along public streets.

D. **Parking.**

   1. 1.5 automobile parking spaces shall be required for each mobilehome unit. One space shall be required for resident use and ½ space shall be required for guest parking.

   2. Supplemental storage areas shall be required for boats, campers, travel trailers, and similar recreational vehicles if such vehicles are permitted to be kept within the mobilehome park.

   3. Parking located outside of the mobilehome facility and not under the authority of the State, shall be reviewed in compliance with Chapter 16.24, Off-Street Parking and Loading Standards.

E. **Landscaping.** All areas outside of the mobilehome park, and not under the authority of the State, shall be landscaped and maintained in accordance with Chapter 16.22, Landscaping.

F. **Screening.** A minimum six foot tall solid masonry wall shall be provided around the entire perimeter of the mobilehome park subject to compliance with the setback requirements of Section 16.19.090, Fences, Hedges, and Walls.

G. **Operational Standards.**

   1. An accessory service use such as a laundromat is permitted within the mobilehome park, for use of the residents. In mobilehome parks with 100 or more spaces, incidental business uses may be permitted as part of the project approval.

   2. Mobilehomes may be sold within the mobilehome park by the owner provided they are located on a mobilehome space, and not more than one mobilehome which is for sale shall be placed on any one space.

   3. The renting of mobilehomes in a mobilehome park is prohibited unless the mobilehome bears the insignia of the State of California Division of Building and Housing Standards and is licensed by the Division for this purpose.

16.28.250 Outdoor Dining and Seating

Outdoor dining and seating shall be located, developed, and operated in compliance with the following standards:

A. **Applicability.** The standards of this Section apply to outdoor dining and seating located on private property. Outdoor dining and seating located in the public-right-of-way is subject to a Revocable Permit pursuant to Chapter 16.26.120, Revocable Permit.

B. **Accessory Use.** Outdoor dining and seating shall be conducted as an accessory use to a legally established eating and drinking operation that is located on the same lot or an adjacent lot.

C. **Operation.** The hours and manner of operation, including outdoor music, are limited to the hours of operation of the associated eating and drinking operation, shall be consistent with the Noise Ordinance, and any applicable approval or condition of approval.

D. **Cleanup Facilities.** Outdoor dining areas, whether part of a single restaurant or shared by several restaurants, shall provide adequate cleanup facilities, and associated procedures, in the following manner.

1. ***Cleaning Schedule.*** Outdoor dining areas shall be cleaned on a continual basis for removal of litter and food items which constitute a nuisance to public health and safety; and

2. ***Waste Receptacles.*** Outdoor dining areas shall contain waste receptacles, which shall not be allowed to overflow, for use by the public and/or restaurant employees.

16.28.260 Outdoor Display and Sales

Outdoor display and sales shall be located, developed, and operated in compliance with the following standards:

A. **Applicability.** The standards of this Section apply to permanent or ongoing outdoor display and sales of merchandise. The temporary outdoor display and sale of merchandise shall comply with Section 16.28.320, Temporary Uses and Activities, and Chapter 16.49, Use Permits.

B. **Relationship to Main Use.** The outdoor display and sales area shall be directly related to a business occupying a primary structure on the subject parcel;

C. **Allowable Merchandise.** Only merchandise sold at the business is permitted to be displayed outdoors.

D. **Height of Displayed Materials.** The outdoor display of merchandise shall not exceed a height of ten feet above finished grade.

E. **Location of Merchandise.** Displayed merchandise shall occupy a fixed, specifically approved and defined location that does not disrupt the normal function of the site or its circulation, and does not encroach upon driveways, landscaped areas, parking spaces, or pedestrian walkways. Displays shall not obstruct traffic sight areas or otherwise create hazards for vehicle or pedestrian traffic;

F. **Screening Required.** Outdoor sales and activity areas shall be screened from adjacent public rights-of-way by decorative walls, fences, and/or landscaping in compliance with Section 16.19.170, Screening and Buffering. This requirement shall not apply to:

1. Plant nurseries;

2. Vehicle, boat, motorcycle, or recreational vehicle sales;

3. Limited on-site walkway displays adjacent to commercial development greater than 50,000 square feet; or

4. Outdoor displays of tires for sale shall be permitted provided the display does not exceed 42 inches in height and is no more than a total of 40 linear feet in length;

G. **Operating Hours.** The hours of operation shall be restricted to 8:00 a.m. to 10:00 p.m., if within 300 feet of a residential zoning district, or as identified in a permit;

H. **Waste Collection and Disposal.** Solid, hazardous, and toxic waste collection, recycling, and/or disposal shall be provided;

16.28.270 Produce Stands, Commercial

This Section provides development and operational standards for the establishment of produce stands to provide a method for allowing growers of produce that is grown on the site to market their goods directly to consumers and to protect and maintain public health, safety, and welfare. Produce stands do not include Christmas/holiday sales facilities, including Christmas tree lots or pumpkin patches and farmers' markets in compliance with Section 16.28.320, Temporary Uses and Activities.

A. **Accessory Use.** A produce stand shall be allowed only as an accessory use to an agricultural production use on the same or adjacent site. At least 50 percent of the area of the site shall be devoted to agricultural production. The operator of the produce stand shall be the owner or lessee of the land where the agricultural production occurs.

B. **Laws and Regulations.** Produce stand operations (including agricultural operations) shall be subject to the laws and regulations administered by other City departments, San Joaquin County Public Health Services, Environmental Health Department, San Joaquin County Agricultural Commissioner's Office, as well as the requirements of other applicable agencies (e.g., the San Joaquin Valley Unified Air Pollution Control District, California Department of Transportation (CalTrans), and the California Department of Food and Agriculture).

C. **Application.** An appropriate application shall be filed with the department as provided below.

1. ***Permit Required.*** A temporary activity permit in compliance with Chapter 16.50, Temporary Activity Permits, shall be required for a produce stand, except that a Land Development Permit shall be required for any community garden with retail sales of produce grown on the site.

2. ***Site Plan.*** A site plan shall accompany the application showing:

   a. The location and dimensions of the proposed temporary structures, parking areas (with each parking space illustrated), signs, portable restrooms, and other temporary improvements;

   b. Location of ingress and egress points;

   c. Setbacks of structures and signs from property lines; and

   d. A north (compass) orientation, adjacent streets, and identifying physical features where applicable.

3. ***Period of Operation.*** A statement of proposed days/hours of operation and the proposed beginning and ending date of the use shall be provided with the application. The time period

allowed for each produce stand shall be the same as, or less than, the harvest season related to the produce grown and sold on-premises.

D. **Standards.**

1. Only one produce stand shall be allowed per parcel.
2. The produce stand shall be set back in compliance with the regulations in the zoning district in which the use is located, except as otherwise permitted in Section 16.28.130, Community Gardens.
3. Parking shall be provided as follows:
    a. A minimum of three off-street parking spaces shall be provided;
    b. An all-weather surface or compacted crushed rock, compacted crushed asphaltic concrete, compacted crushed Portland cement concrete or equivalent surface shall be provided for the vehicle ingress, egress, circulation, and off-street parking areas, subject to the approval of the City Engineer.
4. The surface for the produce stand site shall be constructed and maintained in a manner that prevents mud/dirt from being carried onto adjacent public streets and prevents fugitive dust generation in compliance with City standards and San Joaquin Valley Unified Air Pollution Control District, Regulation VIII—Fugitive Dust Prohibitions.
5. There shall be safe ingress and egress for the site as determined by review of the City Engineer.
6. Signs for produce stands shall be in compliance with Chapter 16.27, Sign Standards.
7. A building permit shall be required for all structures larger than 120 square feet.
8. Structures/accessory structures/appurtenances deemed by the Director to have the potential to adversely affect the life, safety, and/or welfare of the public shall not be allowed, regardless of size.
9. No permanent electrical wiring or hookups of any kind are allowed.
10. Produce stand establishment and operation shall comply with all applicable sections of the latest edition of the California Building Code and the California Fire Code (CFC), Chapter 24.
11. The parcel on which the produce stand is located shall be kept clean of trash and debris at all times.
12. The parcel on which the produce stand is located shall be completely free of all evidence of the use within seven days following the termination of the use. Produce stand operations that do not comply with this standard shall be subject to a code enforcement action.
13. If restrooms are provided, they shall conform to all applicable rules, regulations, and codes of the San Joaquin County Public Health Services, Environmental Health Department, and any other requirements governing the use of these facilities.
14. Agricultural products may not be sold from a motorized vehicle.

16.28.280 Produce Stands, Urban Agriculture

This Section provides development and operational standards for produce stands when associated with an urban agriculture use and to provide a method for allowing growers of produce that is grown on-site to sell

said produce in a form and scale that is appropriate for the urban context and to protect and maintain public health, safety, and welfare.

Urban agriculture produce stands do not include Christmas/holiday sales facilities, including Christmas tree lots or pumpkin patches and farmers' markets in compliance with Section 16.28.320, Temporary Uses and Activities, market garden/urban farms in compliance with Section 16.28.210, and community gardens in compliance with Section 16.86.130.

A. **Accessory Use.** An urban agriculture produce stand shall be allowed only as an accessory use subject to Section 16.28.030, Accessory Uses, and the operator of the stand shall be the owner or lessee of the land where the urban agricultural production occurs.

B. **Laws and Regulations.** Urban agriculture produce stand operations (including agricultural operations) shall be subject to the laws and regulations administered by other City departments, San Joaquin County Public Health Services, Environmental Health Department, San Joaquin County Agricultural Commissioner's Office, as well as the requirements of other applicable agencies (e.g., the San Joaquin Valley Unified Air Pollution Control District, California Department of Transportation (CalTrans), and the California Department of Food and Agriculture).

C. **Operating Hours.** Urban agriculture produce stands shall only be allowed to operate between dawn and dusk.

D. **Standards.**

1. Only one urban agriculture produce stand shall be allowed per parcel.
2. The urban agriculture produce stand shall be set back a minimum five feet from all property lines.
3. Signs for urban agriculture produce stands shall be consistent with Section 16.27.030.O, Garage Sale Signs. All signs shall be located outside of the public right-of-way.
4. A building permit shall be required for all structures larger than 120 square feet.
5. Structures/accessory structures/appurtenances not requiring a building permit and deemed by the Director to have the potential to adversely affect the life, safety, and/or welfare of the public shall not be allowed, regardless of size.
6. No permanent electrical wiring or hookups of any kind are allowed.
7. Urban agriculture produce stand establishment and operation shall comply with all applicable sections of the latest edition of the California Building Code and the California Fire Code (CFC), Chapter 24.
8. The parcel on which the urban agriculture produce stand is located shall be kept clean of trash and debris at all times.
9. When not in use and/or during non-operating hours, the urban agriculture produce stand shall be stored away from view from the public right-of-way and adjacent properties. Noncompliance with this standard shall be subject to enforcement action subject to Title 1.
10. If restrooms are provided, they shall conform to all applicable rules, regulations, and codes of the San Joaquin County Public Health Services, Environmental Health Department, and any other requirements governing the use of these facilities.
11. Agricultural products may not be sold from a motorized vehicle.

E. **Exemptions.**

1. Urban agriculture produce stands are exempt from obtaining a Temporary Activity Permit under Chapter 16.50.

16.28.290 Recycling Facilities

Recycling facilities shall be located, developed, and operated in compliance with the following standards.

A. **Reverse Vending Machines.** Reverse vending machines are subject to the following standards:

1. Reverse vending machines shall be installed as accessory uses in compliance with the applicable provisions of this Development Code, and shall not require additional parking;
2. If located inside of a structure, reverse vending machines shall be within 30 feet of the entrance and shall not obstruct pedestrian circulation;
3. If located outside of a structure, reverse vending machines shall not occupy required parking spaces, and shall be constructed of durable waterproof and rustproof materials;
4. Reverse vending machines shall not exceed 50 square feet for each installation, including any protective enclosure, nor eight feet in height;
5. The maximum sign area on a reverse vending machine is four square feet per machine, not including operating instructions;
6. Operating hours shall be consistent with the operating hours of the main use; and
7. Reverse vending machines shall be illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn, in compliance with Section 16.19.140, Lighting and Illumination.

B. **Redemption Centers.** Redemption centers are subject to the following standards.

1. ***All Redemption Centers.*** All redemption centers shall be subject to the following standards.
    a. *Supermarket Convenience Zones.* Redemption centers shall only be located within a "supermarket convenience zone," as defined by the State of California Department of Resources Recycling and Recovery (CalRecycle) and only as needed to satisfy the minimum requirements of CalRecycle for the zone;
    b. Redemption Centers shall not be the primary use of the parcel or integrated center;
    c. Redemption centers shall not be located within 300 feet of a residential use and public and/or private academic schools for students in kindergarten through grade 12;
    d. Redemption centers shall not operate between the hours of 6:00 p.m. and 10:00 a.m.;
    e. Redemption centers shall only accept empty beverage containers with a California Redemption Value (CRV), including those made from aluminum, glass, paper and plastic; and
    f. The site shall be maintained, kept clean, sanitary, free of litter and any other undesirable materials and shall be cleaned of loose debris on a daily basis.
2. ***Minor Redemption Centers.*** In addition to the requirements of Subsection B.1 above, minor redemption centers are subject to the following standards.

a. Minor redemption centers shall be located within an existing building and shall not be the primary use of the parcel or integrated center.

b. Minor redemption centers shall not use power-driven processing equipment, except for reverse vending machines.

3. ***Major Redemption Centers.*** In addition to the requirements of Subsection B.1 above, major redemption centers are subject to the following standards.

a. Major redemption centers shall be located within an enclosed freestanding structure.

b. In addition to the requirements of Subsections a through f above, redemption centers that are not located within an existing building are subject to the following standards.

i. The redemption center shall be located within an enclosed freestanding structure

ii. One parking space shall be provided for the attendant. The redemption center shall not be allowed if it would reduce the number of off-street parking spaces below the minimum number required for the primary uses of the parcel or integrated center.

C. **Recycling Processing Facilities.** Recycling processing facilities are subject to the following standards:

1. The facility shall not be located within 100 feet of a residential use.

2. Exterior storage of material shall be in sturdy containers or enclosures that are maintained and secured in good condition. Outdoor storage shall be separated from public rights-of-way by solid masonry walls. Storage, excluding truck trailers, shall not be visible above the height of the required screen or walls.

3. Containers provided for “after hours” donation of recyclable materials shall be permanently located at least 100 feet from any Residential District; constructed of sturdy, rustproof materials; have sufficient capacity to accommodate materials collected; and be secured from unauthorized entry or removal of the materials.

16.28.300 Short Term Accessory Outdoor Sales

Short-term Accessory Outdoor Sales, including Motorized Mobile Sales and Services, Non-Motorized Mobile Sales, Motorized Food Vehicle, and Temporary Non-Mobile Sales, shall be located, developed, and operated in compliance with the following standards.

A. **General.** All Short-term Accessory Outdoor Sales shall comply with the following:

1. Be limited to one per parcel and have a floor area that is less than 25 percent of the floor area covered by the primary use;

2. Obtain a valid city business license;

3. If food or drink is served, comply with the requirements of the San Joaquin County Environmental Health Department;

4. If alcohol is served, comply with the requirements of Title 16 and Alcohol and Beverage Control.

5. Be located on pavement per City standards;

6. Not utilize, or be located on, parking spaces required for the primary use;

7. Not interfere with access, aisles, circulation, driveways, or fire lanes and shall not operate in a place where the operation will create a traffic hazard;

8. Temporary Outdoor Sales located within a Public Park are subject to a Special Events Permit pursuant to Chapter 12.72; and

9. Short-term Accessory Outdoor Sales located in the public right-of-way are subject to Title 5.

B. **Motorized Food Vehicles.** Motorized food vehicles, as defined in Division 6: Terms and Definitions, shall be allowed as an outdoor accessory use in a Commercial and Industrial zoning districts in compliance with the following:

1. Be limited to one per parcel and have a floor area that is less than 25 percent of the floor area covered by the primary use;

2. Be accessory to a primary use excluding Auto/Vehicle Services: Inoperable Vehicle Storage, Auto/Vehicle Services: Parking Facilities, Auto/Vehicle Services: Vehicle Storage;

3. Use of motorized food vehicles during events, shall be permitted subject to Chapter 16.50, Temporary Activity Permits, or Chapter 12.72, Special Event Permit.

4. Use of a public right-of-way shall be allowed in compliance with Section 5.72.060 of the Municipal Code.

C. **Motorized Sales and Services.** Motorized Sales and Services, as defined in Division 6: Terms and Definitions, shall be allowed as an outdoor accessory use in a Commercial and Industrial zoning districts in compliance with the following:

1. Be limited to one per parcel and have a floor area that is less than 25 percent of the floor area covered by the primary use;

2. Be accessory to a primary use excluding Auto/Vehicle Services: Inoperable Vehicle Storage, Auto/Vehicle Services: Parking Facilities, Auto/Vehicle Services: Vehicle Storage;

3. Use of motorized sales and services during events, shall be permitted subject to Chapter 16.50, Temporary Activity Permits, or Chapter 12.72, Special Event Permit.

4. Use of a public right-of-way shall be allowed in compliance with Section 5.72.060 of the Municipal Code.

D. **Non-Motorized Mobile Sales.** Non-Motorized Mobile Sales, as defined in Division 6: Terms and Definitions, shall be allowed as an outdoor accessory use in Public Facility and Commercial zoning districts, in compliance with the following:

1. Provide sufficient room surrounding any merchandise display to allow for accessibility and to meet fire codes and ADA requirements;

2. Not interfere with pedestrian movement or create a pedestrian hazard;

3. Use of a public right-of-way shall be allowed in compliance with Section 5.08.280 of the Municipal Code.

E. **Temporary Non-Mobile Sales.** Temporary Non-Mobile Sales, as defined in Division 6: Terms and Definitions, shall be allowed as an outdoor accessory use in Public Facility and Commercial zoning districts in compliance with the following:

1. Temporary Non-Mobile Sales are limited to occurring no more than eight days per calendar year. For a time period greater than eight days, a Temporary Activity Permit will be required subject to the restrictions of Chapter 16.50.

2. Temporary Non-Mobile Sales in public right-of-way shall be subject to Title 5.

16.28.310 Supportive and Transitional Housing.

A. **Supportive and Transitional Housing, Generally.** Pursuant to California Government Code Section 65583(c)(3), transitional and supportive housing constitute a residential use and are subject only to those restrictions that apply to other residential uses of the same type in the same zoning district.

B. **Supportive Housing, Up to 50 Units.** Pursuant to California Government Code Section 65651, supportive housing development with up to 50 supportive housing units shall be permitted by right in all zones where multi-family and mixed use residential development are permitted provided the development satisfies all of the following requirements:

1. All supportive housing units within the development are subject to a recorded affordability restriction for 55 years.

2. One hundred percent of the units, excluding managers' units, within the development are dedicated to lower income households and are receiving public funding to ensure affordability of the housing to lower income Californians. For purposes of this paragraph, “lower income households” has the same meaning as defined in Section 50079.5 of the Health and Safety Code.

3. At least 25 percent of the units in the development or 12 units, whichever is greater, are restricted to residents in supportive housing who meet criteria of the target population. If the development consists of fewer than 12 units, then 100 percent of the units, excluding managers' units, in the development shall be restricted to residents in supportive housing.

4. The developer shall provide the information required by California Government Code Section 65652 to the Planning Division.

5. Nonresidential floor area shall be used for onsite supportive services in the following amounts:

   a. For a development with 20 or fewer total units, at least 90 square feet shall be provided for onsite supportive services.

   b. For a development with more than 20 units, at least 3 percent of the total nonresidential floor area shall be provided for onsite supportive services that are limited to tenant use, including, but not limited to, community rooms, case management offices, computer rooms, and community kitchens.

6. The developer replaces any dwelling units on the site of the supportive housing development in the manner provided in paragraph (3) of subdivision (c) of Section 65915 .

7. Units within the development, excluding managers' units, include at least one bathroom and a kitchen or other cooking facilities, including, at minimum, a stovetop, a sink, and a refrigerator.

8. Notwithstanding any other provision of this Section to the contrary, the local government shall, at the request of the project owner, reduce the number of residents required to live in supportive housing if the project-based rental assistance or operating subsidy for a

supportive housing project is terminated through no fault of the project owner, but only if all of the following conditions have been met:

a. The owner demonstrates that it has made good faith efforts to find other sources of financial support.

b. Any change in the number of supportive service units is restricted to the minimum necessary to maintain project's financial feasibility.

c. Any change to the occupancy of the supportive housing units is made in a manner that minimizes tenant disruption and only upon the vacancy of any supportive housing units.

16.28.320 Temporary Uses and Activities

This Section establishes standards for certain uses and activities that are intended to be of limited duration of time and that will not permanently alter the character or physical facilities of the site where they occur.

A. **Applicability.**

1. The provisions of this Section apply to temporary activities on private property. Temporary uses and activities in the public right-of-way or on public property are subject to Stockton Municipal Code Chapters 5.08, License Taxes, and 12.72, Special Events, and Section 16.26.110, Encroachment Permit.

2. Short-term Accessory Outdoor Sales, including Motorized Mobile Sales and Services, Non-Motorized Mobile Sales, Motorized Food Vehicles, and Temporary Non-Mobile Sales, are subject to Section 16.28.300, Short-term Accessory Outdoor Sales.

B. **Business License Required.** All businesses shall obtain a valid City business license. Where applicable, a separate business license is required for each vendor.

C. **Temporary Uses and Activities Not Requiring a Temporary Activity or Use Permit.** The following types of temporary uses may be conducted without a temporary activity or use permit. Other permits, such as building permits, may be required.

1. ***Temporary Events Subject to a City Special Event Permit.*** Uses and activities that are permitted with a Special Events Permit pursuant to Stockton Municipal Code Chapter 12.72, Special Events.

2. ***Yard/Garage Sales.*** Sales of personal property conducted by a resident of the premises occurring no more than four days per calendar year

3. ***Non-Profit Fund Raising.*** Fund raising activities by tax exempt organizations pursuant to 501(C) of the Federal Revenue and Taxation Code are allowed in non-residential zones with no limitation on the number of occasions and duration where there is no disruption to the normal circulation of the site; encroachment upon driveways, pedestrian walkways, or required parking or landscaped areas; obstruction to sight distances; or other created hazard for vehicle or pedestrian traffic, except as provided below.

a. *Car Washes.* Car washes are limited to ten days per calendar year per location and ten days per calendar year for each sponsoring organization.

4. ***Seasonal Sales.*** The annual sales of holiday related items such as Christmas trees, pumpkins, and similar items may be permitted in accordance with the following standards. This subsection is only applicable to temporary seasonal sales that are not in conjunction with an existing business and are not applicable to farmers' markets or the sale of fireworks.

a. *Location.* Seasonal sales are limited to Nonresidential Districts or on any church or school site that abuts a collector or arterial roadway, as designated in the General Plan.

b. *Time Period.*

i. Seasonal sales associated with holidays are allowed up to a month preceding and one week following the holiday.

ii. The subject lot shall not be used for seasonal sales more than four times within the calendar year.

c. *Display.*

i. Location of the displayed merchandise shall not disrupt the normal circulation of the site, nor encroach upon driveways, pedestrian walkways, or required parking or landscaped areas, or obstruct sight distances or otherwise create hazards for vehicle or pedestrian traffic.

ii. All items for sale, as well as signs and temporary structures, shall be removed within 14 days after the associated holiday, and the appearance of the site shall be returned to its original state.

5. ***Temporary On-Site Construction Yards and Trailers.*** On-site temporary construction yards and trailers or mobilehomes used as construction offices during the period of construction or remodeling while a valid building permit is in force.

6. ***Sales Offices and Model Homes.*** Model homes with sales offices and temporary information/sales offices used solely for the sale of lots or units within the development may be established within the area of an approved development project and kept until the project is sold out.

7. ***Personal Celebrations.*** Noncommercial events at which people celebrate personal occasions such as birthdays, weddings, anniversaries, graduations, and similar events, in compliance with the following:

a. There shall be no charge for admission or use of the facility.

b. There shall be no donations.

c. There shall be no public advertisements, announcement, or flyer.

d. It shall not be open to the public.

e. It shall comply with all applicable noise standards.

D. **Temporary Uses Requiring a Temporary Activity Permit.** Other temporary uses may be permitted pursuant to Chapter 16.50, Temporary Activity Permits, subject to the following standards. Additional or more stringent requirements may be established through the Temporary Activity Permit process to prevent the use from becoming a nuisance with regard to the surrounding neighborhood or the City as a whole.

1. ***Temporary Events.*** Short-term special events may be permitted in accordance with the following standards.

a. *Location.* Events are limited to Nonresidential Districts.

b. *Number of Events.* No more than six events at one site shall be allowed within any 12-month period.

c. *Duration.* The maximum duration of a single event is two consecutive days, with a minimum of 14 days between each event.

2. ***Temporary Residences.*** A mobilehome used as a temporary residence while a valid building permit for a new single-unit dwelling in in force on the same site.

E. **Temporary Uses and Activities Requiring an Administrative Use Permit.** Other temporary uses and activities that do not meet the standards for temporary uses not requiring a permit or requiring a Temporary Activity Permit may be allowed in Nonresidential Districts with the approval of an Administrative Use Permit so long as they are determined to be temporary in nature and will not unreasonably impair circulation or the operation of other uses in the area or otherwise create significant impacts.

16.28.330 Urban Agriculture

This Section provides standards for development and operation of urban agriculture land uses. Urban agriculture shall be allowed in zoning districts identified in the land use regulations in Division 2: District Regulations and shall comply with the standards in this Section as well as the standards in the applicable Zoning District.

A. **Maintenance.** Urban agriculture uses shall be maintained in an orderly manner, including litter removal, irrigation, weeding, pruning, pest control and removal of dead or diseased plant materials.

B. **Equipment.**

1. Use of mechanized farm equipment is prohibited in residential zoning districts.

2. Exceptions.

a. Heavy equipment may be used initially to prepare the land for agriculture use.

b. Landscaping equipment designed for household use is permitted.

c. Heavy equipment may be used if operating a market garden/urban farm in compliance with Section 16.28.210.

d. Equipment when not in use must be enclosed or otherwise screened from sight from a public street and adjacent parcel.

C. **Structures.** Structures to support urban agriculture, such as storage sheds, hoop-houses, and greenhouses, are considered accessory structures and subject to the regulations defined in Section 16.19.040, Accessory Structures.

D. **Aquaculture Operations.**

1. Aquaculture operations are allowed in the Industrial, Limited (IL) and Industrial, General (IG) zoning districts.

E. **Urban Beekeeping.** It is unlawful to permanently keep, have or ranch more than two beehives on a single parcel of residentially zoned property within the City, unless such parcel of property is zoned “RE” and utilized as a market garden/urban farm. Nothing in this Section shall be deemed to authorize anyone to keep, harbor or maintain any such hives in violation of any other applicable law.

1. Hives shall be placed in a quiet area and at least 20 feet distant from any dwelling on an adjacent parcel.

2. Where there is no fence or flyway barrier, the hive entrance shall be oriented away from building entrances and walkways, and toward the most distant property line.

3. A clear flight path shall be maintained at least ten feet from the hive entrance.

4. When colony is situated less than ten feet from a property line, the beekeeper must establish a flyway barrier. This should be at least six feet tall and extend ten feet beyond the colony on either side. It can be solid, vegetative or any combination of the two, that forces the bees to cross the property line at a height of six feet.

5. All colonies shall be located at least 20 feet from a public sidewalk, alley, street, or road.

6. All bee equipment and hives shall be maintained in good condition.

7. A substantial barrier/fence shall be erected to prevent animals and children from coming into close contact with the hives. The barrier/fence should be at least six feet tall and extend ten feet beyond the colony on either side.

8. Bees shall have access to an adequate water source at all times.

9. Urban beekeeping activities shall comply with the provisions in the Apiary Protection Act (Food and Agriculture Code 29000, et seq.).

F. Urban agriculture activities shall include best practices to prevent pollutants from entering the stormwater conveyance system and shall comply with all applicable Federal, State, and local laws, ordinances, or regulations, including, but not limited to, the stormwater management and discharge control code in Chapter 13.16 and the grading, erosion, and sediment control ordinance in Chapter 15.48.

16.28.340 Wireless Communication Facilities

A. **Purpose and Intent.**

1. This Section is intended to establish reasonable and uniform standards and procedures for the location and installation of wireless communications facilities consistent with State and Federal law.

2. The standards and procedures contained in this Section are intended to, and should be applied, consistent with and to the extent permitted by law to protect and promote public health, safety, and welfare, and balance the benefits that flow from robust, advanced wireless services with the City's local values, including, but not limited to, the aesthetic character of the City, its neighborhoods, and community.

3. This Section is also intended to reflect and promote the community interest by:

   a. Ensuring balance between public and private interest.

   b. Protecting the City's visual character from potential adverse impacts or visual blight created or exacerbated by wireless communications infrastructure.

   c. Protecting and preserving the City's environmental resources.

   d. Promoting access to high-quality advanced wireless services for the City's residents, businesses, and visitors.

B. **Permit Requirements.**

1. ***Private Property.*** The following permit requirements apply to wireless communications facilities located on private property.

a. *Satellite Antennas, Amateur Radio Communication Facilities, and Citizen Band (CB) Radio Antennas.* Satellite Antennas, Amateur Radio Communication Facilities, and Citizen Band (CB) Radio Antennas consistent with Subsection 16.28.330.D, are permitted by right.

b. *Replacement, Removal, or Co-location of Transmission Equipment (Eligible Facilities Request).* The co-location of new transmission equipment, removal of transmission equipment, or the replacement of transmission equipment is permitted by right provided the modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station.

c. *Co-located Facilities.* Permitted by right when proposed to be co-located on a facility that was subject to a discretionary permit issued on or after January 1, 2007 and an environmental impact report was certified, or a negative declaration or mitigated negative declaration was adopted for the wireless telecommunication collocation facility in compliance with the California Environmental Quality Act and the collocation facility incorporates required mitigation measures specified in that environmental impact report, negative declaration, or mitigated negative declaration.

d. *Minor Facilities.* The following facilities are permitted in all Nonresidential Districts subject to Site Plan Review approval.

   i. Stealth facilities in which the antenna and equipment are hidden from view in a structure or concealed as an architectural feature.

   ii. Structure or roof-mounted facilities less than ten feet in height above the roof ridge line.

   iii. All small wireless facilities as defined by the FCC in 47 C.F.R. Section 1.6002(l).

   iv. Within the public right-of-way that is stealthed or otherwise designed to match the underlying structure, or is structurally integrated into or on top of a light standard, utility pole, or a metal or precast concrete monopole that is similar in design to a street light pole, or similar structure

e. *Major Facilities.* Facilities that do not meet the criteria of Replacement, Removal, or Co-location of Transmission Equipment, Co-located Facilities, or Minor Facilities described in a through c above are permitted in the IG and PT Districts with Site Plan Review approval and in other Nonresidential Districts subject to Administrative Use Permit approval.

2. ***Public Right-of-Way.*** The following permit requirements apply to wireless communications facilities located in the public right-of-way.

a. *Encroachment Permit.* All facilities located in a public right-of-way, are required to obtain an Encroachment Permit pursuant to Section 16.26.110, Encroachment Permits.

b. *Master License Agreement.* All facilities located in a public right-of-way are required to enter into a Master License Agreement with the City.

C. **Standards.** Wireless communication facilities shall be located, developed, and operated in compliance with all of the following standards and with applicable standards of the zoning district in which they are located.

1. ***Private Property.***

a. *Location.* Major and minor facilities shall be located in compliance with the order of site preferences below. Applicants for minor and major facilities shall provide written documentation demonstrating a good faith effort to locate facilities in compliance with this Section.

i. Minor Facilities.

(1) Existing structures that allow a façade-mounted antenna.

(2) New or existing structures integrating a stealth design.

(3) Existing structures that allow roof-mounted antennas.

(4) Collocation on existing structures at a height at or below the existing structure height.

(5) New freestanding stealth facility (whether co-location or single carrier).

ii. Major Facilities.

(1) Co-location on existing wireless communication facilities above the height of the existing structure.

(2) New freestanding facility designed with space for future co-location.

(3) New freestanding facility for single carrier.

(4) Major facilities are strongly encouraged to locate as follows:

(a) Separate from residential areas to the greatest extent feasible but in no case shall they locate in or within 500 feet of a residential zoning district.

(b) On parcels within the IG (industrial general) zoning district. major facilities locating within an IG zone shall be allowed by right with no height limitation or screening requirement.

(5) Major facilities shall not be located within 1,000 feet of an existing major facility except when collocated on the same structure unless the applicant can justify to the satisfaction of the Director, or designee, that it is infeasible to locate on an existing major facility.

(6) For the purposes of this Section, distances shall be measured in a straight line without regard to intervening structures, from the nearest point of the proposed facility to the nearest applicable boundary line of a residential zone described, or to the nearest point of another major facility.

iii. Height Criteria. Structure- or roof-mounted minor facilities that do not incorporate a stealth design shall not exceed ten feet in height above the roof ridge line regardless of the overall structure/structure height.

(1) *Minor Facilities.* Minor facilities that are stealth designed (freestanding or roof-mounted) shall not exceed 75 feet in overall height from finished grade.

(2) *Major Facilities.* Major facilities shall not exceed 75 feet in overall height from finished grade, unless the applicant can justify to the satisfaction of the Director that the proposed height necessary to achieve the required technical service objective.

iv. Design. All wireless facilities must to the maximum extent feasible use design elements and techniques that mimic or blend with the underlying support structure, surrounding environment and adjacent uses.

v. Setbacks. Wireless facilities on private property must be compliant with all setback requirements of the district in which it is located. Where a freestanding wireless communication facility abuts a residential use in a Nonresidential District, the setback shall be equal to the height of the proposed facility plus 25 feet, or the highest engineered break point, whichever is lower.

vi. Noise. Wireless facilities and all transmission equipment must comply with all noise regulations under Section 16.25.090, Noise. The approval authority may require the applicant to incorporate appropriate noise-baffling materials and/ or strategies to avoid any ambient noise from equipment that exceeds the applicable noise regulations.

vii. Landscaping. All wireless facilities must include landscape features and a landscape maintenance plan when proposed to be placed in a landscaped area. Additional landscape features may be required to screen the wireless facility from public view, avoid or mitigate potential adverse impacts on adjacent properties or otherwise enhance the concealment required under this Section. All plants proposed or required must be native and/or resistant to drought.

viii. Site Security Measures. Wireless facilities, where appropriate, may incorporate reasonable and appropriate site security measures, such as locks and anti-climbing devices, to prevent unauthorized access, theft, or vandalism. All wireless facilities components shall be constructed from graffiti-resistant materials. Additional concealment elements may be required to blend the security measures and other improvements into the natural and/ or built environment.

ix. Backup Power Sources. No backup power sources that emit noise above the level allowed under Section 16.25.090, Noise, or exhaust fumes shall be allowed.

x. Lights. Wireless facilities may not include exterior lights other than as may be required under FAA, FCC, other applicable governmental regulations or applicable pole owner policies related to public or worker safety. All exterior lights permitted or required to be installed must be installed in locations and within enclosures that mitigates illumination impacts on other properties to the maximum extent feasible. Any lights associated with the electronic equipment shall be appropriately shielded from public view. The provisions in this subsection shall not be interpreted to prohibit installations on street light poles or the installation of luminaires on new poles when required by the City.

xi. Signage—Advertisements. All wireless facilities must include signage that accurately identifies the equipment owner/operator, the owner/operator's site name or identification number and a toll-free number to the owner/operator's network operations center. Wireless facilities may not bear any other signage or advertisements unless expressly approved by the City or as required under FCC or other United States governmental agencies for compliance with RF emissions regulations.

xii. Future Collocations and Expansions. To the extent feasible and aesthetically desirable, all new wireless communication facilities should be designed and sited in a manner that accommodates potential future collocations and equipment installations that can be integrated into the proposed wireless facility or its associated structures with no or negligible visual changes to the outward appearance. The requirements in this Section may be waived if the Director determines future collocations at a proposed wireless facility would be aesthetically undesirable.

xiii. Utilities. All cables and connectors for telephone, primary electric and other similar utilities must be routed underground to the extent feasible in conduits in areas of the City where undergrounding utilities is required. To the extent feasible, undergrounded cables and wires must transition directly into the pole base without any external doghouse. Meters, panels, disconnect switches and other associated improvements must be placed in inconspicuous locations to the extent possible. The approval authority shall not approve new overhead utility lines or service drops merely because compliance with the undergrounding requirements would increase the project cost. Microwave or other wireless backhaul is discouraged when it would involve a separate and unconcealed antenna.

xiv. Compliance with Laws. Wireless facilities must be designed and sited in compliance with all applicable federal, state and local laws, regulations, rules, restrictions and conditions, which includes without limitation the California Building Standards Code, Americans with Disabilities Act, General Plan and any applicable specific plan, the Stockton Municipal Code and any conditions or restrictions in any permit or other governmental approval issued by any public agency with jurisdiction over the project.

xv. Public Safety. Wireless communication facilities shall not interfere with access to a fire hydrant, fire station, fire escape, water valve, underground vault, valve housing structure or any other public health or safety facility. No person shall install, use or maintain any facilities, which in whole or in part rest upon, in or over any public right-of-way, when such installation, use or maintenance endangers or is reasonably likely to endanger the safety of persons or property, or when such site or location is used for public utility purposes, public transportation purposes or other governmental use, or when such facilities unreasonably interfere with or unreasonably impede the flow of pedestrian or vehicular traffic including any legally parked or stopped vehicle, the ingress into or egress from any residence or place of business, the use of poles, posts, traffic signs or signals, hydrants, mailboxes, permitted sidewalk dining, permitted street furniture or other objects permitted at or near the location where the wireless facilities are located.

2. ***Public Right-of-Way.*** Wireless communication facilities located in the public right-of-way shall conform to the small cell design and deployment standards or as otherwise stipulated by the Director.

D. **Satellite Antennas, Amateur Radio Communication Facilities, and Citizen Band (CB) Radio Antennas.** Satellite antennas, amateur (noncommercial) radio communication facilities, and citizen band radio antennas, shall be located, constructed, installed, and maintained in the following manner:

1. ***Exempt.*** The following noncommercial, receive-only antennas for the sole use of a resident occupying a residential structure shall not be regulated by this Section:

   a. A ground- or structure-mounted, radio or satellite dish antenna which does not project above the roof ridge line and does not have a diameter greater than one meter; and

   b. Roof-mounted radio or television aerials not exceeding 75 feet in overall height.

2. ***Satellite Antennas.*** Satellite antennas, including portable units and dish antennas, shall be designed, installed and maintained in compliance with the Federal Communications Commission (FCC) and the California Public Utilities Commission (CPUC) as follows, when these provisions are not in conflict with applicable State and Federal regulations:

   a. Antennas shall not be located within required front or side yard setback areas. In addition, no portion of an antenna shall extend beyond the property lines.

   b. The antennas and supporting structure shall be painted a single, neutral, non-glossy color (e.g., earth-tones, gray, black, etc.) and, to the extent possible, compatible with the appearance and character of the surrounding neighborhood.

   c. Electrical and antenna wiring shall be placed underground whenever possible.

   d. In Residential Districts, antennas shall be subject to the following standards:

      i. Antennas shall be located only within the rear yard, at least five feet from the rear lot line and at least 15 feet from any street side property line;

      ii. The diameter of the ground-mounted antenna (dish) shall not exceed ten feet;

      iii. The height of the antennas shall not exceed 20 feet at the highest point of the antenna;

      iv. Antennas shall not project or overhang into areas in which antennas are not allowed to locate;

      v. Only one antenna with a diameter greater than one meter may be allowed on a site; and

      vi. The antennas shall be used for private, noncommercial, purposes only.

   e. In Nonresidential Districts, antennas may be roof- or ground-mounted which do not exceed 14 feet in diameter.

3. ***Single Pole/Tower Amateur Radio Communication Facilities.*** Single pole/tower amateur radio communication facilities shall be designed, constructed, installed, and maintained in the following manner:

   a. The maximum overall height (including antennas) shall not exceed 75 feet, measured from finished grade;

b. Where a parcel has one pole/tower structure greater than 40 feet in overall height (including antennas), a second pole/tower structure shall be allowed with an overall height not to exceed 40 feet (including antennas);

c. A boom or other active element/accessory shall not exceed 35 feet in length (wire type antennas, no larger than ten gauge in size, with two or less elements and no boom are exempt from this limitation);

d. The pole/tower and/or antennas may be roof- or ground-mounted;

e. The pole/tower and/or antennas may not be located in any required front or side yard setback areas;

f. The pole/tower and/or antennas shall be located at least five feet from the rear lot line and at least 15 feet from any street side property line;

g. The pole/tower and/or antennas shall not project or overhang into areas in which they are not allowed to locate;

h. The pole/tower and/or antennas shall be a natural metal finish or painted a single, neutral, nonglossy color (e.g., earth-tones, gray, black, etc.) and, to the extent possible, compatible with the appearance and character of the surrounding neighborhood;

i. The pole/tower and/or antennas shall be used for private, noncommercial, purposes only; and

j. Operators shall be responsible to operate in compliance with all applicable regulations, specifically those regulations related to radio interference with electronic devices as set forth by the Federal Communications Commission (FCC)

4. ***Citizen Band (CB) Radio.*** Citizen band radio antennas shall be designed, constructed, installed and maintained in the following manner except for antennas mounted on vehicles or to handheld units:

a. *Standards.*

i. Citizen band radio antennas shall not exceed 20 feet above the highest point of a structure, or structure on which it is mounted, and in no case shall it exceed 60 feet in overall height; and

ii. Citizen band radio antennas shall comply with requirements applicable to single pole/tower amateur radio communication facilities provided in Subsections C.3.d through j of this Section.

b. *Prohibition of Certain Citizen Band Radios.* It shall be a violation of this Development Code to use citizen band radio equipment not authorized by the Federal Communications Commission or the unauthorized operation of citizen band radio equipment on a frequency between 24 MHz and 35 MHz.

c. *Exempt Stations.* A station that is licensed by the Federal Communications Commission pursuant to Section 301 of the Communications Act of 1934 in any radio service for the operation at issue shall not be subject to this Section. A citizens band radio equipment on board a “commercial motor vehicle,” as defined in Section 31101 of Title 49, United States Code, shall require probable cause to

find that the commercial motor vehicle or the individual operating the vehicle is in violation of Federal Communications Commission citizens band radio regulations.

d. *Appeal.* Any person subject to this Section may submit to the Federal Communications Commission an appeal of the decision on the grounds that the City enacted the ordinance codified in this Section outside the auto route provided by Section 302 of the Communications Act of 1934. A person shall submit his or her appeal on a City decision to the Federal Communications Commission, if at all, not later than 30 days after the date on which the City's decision becomes final, but prior to seeking judicial review of the decision.

E. **Safety Requirements.**

1. ***Prevention of Failures and Accidents.*** Any person who owns a wireless communications facility sited in the public right-of-way shall at all times employ ordinary and reasonable care to prevent failures and accidents that may cause damage, injury, or nuisance to the public.

2. ***Compliance with Fire Safety and FCC Regulations.*** Wireless communications facilities, wires, cables, fixtures, and other equipment shall be installed and maintained in substantial compliance with the requirements of the National Electric Code, all FCC, State, and local regulations, and in such manner that will not interfere with the use of other property.

F. **Modifications.**

1. ***General.*** Modifications to all approved wireless facilities not regulated by Section 6409(a) shall comply with Section 16.39.120, Revisions to an Approved Project.

2. ***6409(a) Modifications.*** Section 6409(a) of the Middle-Class Tax Relief and Job Creation Act of 2012, Pub. L. 112-96, codified in 47 U.S.C. Section 1455(a), generally requires that State and local governments "may not deny, and shall approve" requests to collocate, remove or replace transmission equipment at an existing tower or base station.

a. *Applicability.* This Subsection applies to all eligible facilities requests to modify or collocate on an existing wireless tower or base station submitted with a written request for approval pursuant to Section 6409(a).

b. *Approval.* Any request to collocate, replace or remove transmission equipment at an existing wireless tower or base station shall be approved upon Director's determination that the eligible facilities request application qualifies as an eligible facilities request.

c. *Other Regulatory Approvals.* No collocation or modification approved under any Section 6409(a) approval may occur unless the applicant also obtains all other applicable permits or regulatory approvals from the City and State or Federal agencies. Furthermore, any Section 6409(a) approval granted under this Section shall remain subject to any and all lawful conditions or requirements associated with such other permits or regulatory approvals from the City and state or federal agencies.

d. *Process.* All applications for Section 6409(a) modifications are subject to the review process under 47 C.F.R. Section 1.6100(c).

i. Timeframe for Review. The 60-day period begins to run when the application is filed and may be tolled only by mutual agreement or where the City determines that the application is incomplete. The timeframe for

review of an eligible facilities request is not tolled by a moratorium on the review application.

ii. Tolling. To toll the timeframe for incompleteness, the City must provide written notice to the applicant within 30 days of receipt of the application, clearly and specifically delineating all missing documents or information. Such delineated information is limited to documents or information meeting the standard under paragraph (c)(1) of 47 C.F.R. 1.6100(c).

(1) The timeframe for review begins running again when the applicant makes a supplemental submission in response to a notice of incompleteness.

(2) Following a supplemental submission, the City has ten days to notify the applicant that the supplemental submission did not provide the information identified in the original notice delineating missing information. The time frame is tolled in the case of second or subsequent notices pursuant to the procedures identified in this subsection. Second or subsequent notice of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

iii. Notice of Decision. The Director shall notify the applicant in writing, prior to expiration of the FCC timeframe for review, when the Director determines that the application does not qualify for approval. Failure to act on an application within 60 days shall result in a deemed approval.

(1) *Criteria for Denial.* Notwithstanding any other provisions in this Section, and consistent with all applicable Federal laws and regulations, the Director may deny without prejudice an application submitted for approval pursuant to Section 6409(a) when it finds that the proposed project:

(a) Does not satisfy the criteria for an eligible facility;

(b) Violates any legally enforceable standard or permit condition reasonably related to public health and safety then in effect; or

(c) Involves the replacement of the entire support structure.

iv. Applications Deemed Withdrawn. To promote efficient review and timely decisions, an application will be automatically deemed withdrawn by the applicant when the applicant fails to tender a substantive response to the City within 90 calendar days after the City deems the application incomplete in a written notice to the applicant. As used in this subsection, a “substantive response” must include the materials identified as incomplete in the approval authority’s notice. The Director may, in his or her discretion, grant a written extension when the applicant submits a written request prior to the 90th day that shows good cause to grant the extension. Delays due to circumstances outside the applicant’s reasonable control will be considered good cause to grant the extension.

v. Failure to Act. In the event the City fails to approve or deny a request seeking approval under this Section within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant shall become effective when the applicant notifies the City

in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

vi. Remedies. These facilities are subject to Site Plan Review, which upon issuance, are not subject to appeal pursuant to Section 16.38.140. Applicants or City may bring claims related to Section 6409(a) to any court of competent jurisdiction.

G. **Abandonment-Removal**

1. The operator of a communications facility shall be required to remove all unused or abandoned equipment, antennas, poles, and/or towers if the facility has not been operational for a consecutive six month period or a total of 12 months over a consecutive 30-month period. A facility is considered abandoned if it no longer provides communication services. The removal shall comply with proper health and safety requirements and occur no later than 90 days following the end of the applicable cessation period.

2. A written notice of the determination of abandonment shall be sent or delivered to the operator of the facility by the Department. The operator shall have 30 days to remove the facility or provide the Department with evidence that the use has not been discontinued. The Planning Commission shall review evidence and shall determine whether the facility is abandoned. Facilities not removed within the required 90-day period shall be in violation of this Section and operators of the facility and the owners of the property shall be subject to penalties for violations under the enforcement and penalty provisions of the Municipal Code.

3. In the event that a communication facility is not removed within 90 days after the applicable cessation period ends, as described in subsection A of this Section (Abandonment—Removal), the facility may be removed by the City and the costs of removal charged to licensee.

16.28.350 Industrial Warehouse Standards

This Section establishes standards for logistics warehouses in zoning districts where they are allowed in compliance with the provisions of Division 2, District Regulations.

A. **Applicability.** The standards will apply to the following applications:

1. These standards shall apply to logistics warehouses 100,000 square feet in size or greater.

B. **Development Standards.**

1. ***Site Plan Design.*** The following standards shall apply to all entitlement reviews (site plan), grading and improvement plans, and construction permit reviews associated with facilities subject to the Logistics Warehouse standards. A copy of these standards shall be included on the approved (issued) construction plan and kept on-site during all phases of construction.

a. Unless determined to be physically impossible, when adjacent to sensitive receptors, a loading dock door shall be oriented away from the sensitive receptor and located a distance of 300- feet from said receptor, unless the dock doors are utilized by zero emission trucks and equipment only. The building and auto parking can be located within the 300-foot distance. A sensitive receptor shall be defined as schools, health care facilities, libraries, churches, correctional facilities, parks/recreational facilities, in home daycare, health facilities (hospitals, long term

care facilities, retirement, and nursing homes) or more than two directly contiguous residential units.

b. A 20-foot landscaped planter (buffer) shall be installed along the property line adjacent to a sensitive receptor.

c. The buffer shall be landscaped and not be less than 50 percent of the total buffer size with two rows of 15-gallon trees planted along the length of the property line adjacent to the sensitive receptor.

d. The buffer landscape can include areas to be used for bioswales, retention/detention areas and/or other stormwater and water quality management areas in compliance with Chapter 16.22, Landscaping.

e. The buffer area shall include a minimum 10-foot solid decorative wall(s), or landscaped berm and wall, or landscaped berm adjacent to sensitive receptors unless a noise analysis indicates an alternative height is needed for sound attenuation.

f. All on and off-site landscaping shall comply with Chapter 16.22, Landscaping.

g. All landscaping shall be drought tolerant and, to the extent feasible, comprised of species with low biogenic emissions. Palm trees shall not be utilized.

h. All landscaping areas shall be properly irrigated for the life of the facility to allow for plants and trees to maintain growth with no undue pruning.

i. Tree maintenance shall comply with Chapter 16.22, Landscaping, as a certified Landscape Architect must prepare the Preliminary and Final Landscape plan and certify the planting is water efficient at the time of construction permit approval.

j. Trees shall be installed in automobile parking areas to provide at least 35% shade cover of passenger vehicular parking areas within fifteen years. Trees shall be planted that can meet this requirement. The 35% shade created by trees amount can be substituted for solar canopy upon approval by the Director.

k. To facilitate the installation of future electric vehicle charging stations for heavy-heavy duty (HHD) trucks, in connection with each individual development proposal, the subject building improvement plans shall identify an area for future HHD truck charging stations and the subject developer shall install conduit from the power source to the identified area.

l. Provide EV charging stations for automobiles per building code and provide conduit to a future designated area for Heavy Duty Turck Charging Facility.

m. All truck turning movements at entrances, exits, and street intersections shall be located on local industrial, collector or arterial streets and all vehicle entries shall be designed to prevent truck access to local and back-up residential collector streets.

n. All trucks and commercial vehicles serving the facility shall occur in compliance with the City of Stockton Truck Traffic Route Map in SMC 10.08.030 and Surface Transportation Assistance Act (STAA) Truck Route Map.

o. Off-street loading shall comply with Section 16.24.090, off-street loading space standards, and Section 16.19.030, Access, to ensure driveway access and onsite circulation are designed and maintained to increase public safety and reduce congestion on public streets.

p. Signs shall be posted inside and outside of the building and facility indicating all off-site parking is prohibited for adjacent street that do not permit parking.

q. All truck driveway exits shall include signs directing truck drivers to the truck routes identified in the City of Stockton Truck Traffic Route Map and State Highway System designations.

r. Upon commencement of operations, the tenant/operator of the facility shall be required to restrict truck idling on site to a maximum of three minutes, subject to exceptions defined by CARB's commercial vehicle idling requirements.

2. ***Building Design.*** The following standards shall apply to all entitlement reviews (design review), grading and improvement plans, and construction permit reviews associated with facilities subject to the Logistics Warehouse standards. A copy of these standards shall be included on the approved (issued) construction plan and kept on-site during all phases of construction.

a. All qualifying facilities shall be constructed using "cool roof" materials with an aged reflectance and thermal emittance values that are equal to or greater than those specified in the current edition of the California (CAL) Green Building Tier 1 Standards.

b. Architectural and industrial coatings (e.g. paints) applied on the qualifying facility(ies) shall be consistent with the Volatile Organic Compound (VOC) content limits set by the San Joaquin Valley Air Pollution Control District (SJVAPCD) or the current edition of the California Green Building Standards Code (CALGreen), whichever is most restrictive. Developer or tenant is not required to exercise control over materials painted offsite.

c. Qualifying facilities shall be constructed in compliance with the most current edition of all adopted City building codes, including the adopted Green Building Standards Code. Prior to the issuance of building permits, the applicant/developer of the qualifying facility(ies) shall demonstrate (e.g., provide building plans) that the proposed buildings are designed and will be built.

d. Each developer of an individual specific development proposal shall prepare the subject building structures in such a way to accommodate future solar panels pursuant to applicable Building Code requirements.

e. The building permit application for qualifying facilities must demonstrate that sufficient power will be provided from clean energy sources for the operational base power use at the start of operations. Developers shall have the following options, or any combination of options, for procuring clean energy to meet operational base power needs for new building structures. Options may include 1) installing solar panels on the subject building or building site, and/or 2) procuring 100% clean energy from AVA Community Energy, and/or 3) participating in California's Community Solar Program.

f. Operational base power is defined as the amount of power required to supply loads for all ordinary operational uses of the site. Loads for all ordinary operational uses of the site include, as non-exhaustive examples, loads for minimal heating for fire sprinklers, primary office space lighting, HVAC, warehouse power, warehouse lighting, site lighting, minimum power for dock positions (including chargers for yard equipment and any plug-ins for transport refrigeration units), and the amount of light-duty electric vehicle supply equipment required by CalGreen code. Loads for all ordinary operational uses of the site exclude, as non-exhaustive examples, loads for specialized equipment, non-standard automation or material handling systems, and chargers for heavy-duty trucks.

g. The office portion of a building's rooftop that is not covered with solar panels or other utilities shall be constructed with light colored roofing material with a solar reflective index of not less than 78.

h. *Electrical Room Sizing.* To ensure that warehouse electrical rooms are sufficiently sized to accommodate the potential need for additional electrical panels, either a secondary electrical room shall be provided in the building, or the primary electrical room shall be sized 25% larger than is required to satisfy the service requirements of the building or the electrical gear shall be installed with the initial construction with 25% excess demand capacity.

i. *Warehouse Dock Seal Doors.* Exterior loading dock doors that are adjacent to conditioned or indirectly conditioned spaces shall have dock seals or dock shelters installed at the time of permitting.

j. *Onsite Equipment Infrastructure.* Project should provide infrastructure to support charging of electric power onsite equipment.

k. Demonstration of compliance with the San Joaquin Valley Air Pollution Control District (SJVAPCD) Rule 9510 (Indirect Source Review) is required prior to obtaining any building permit for a qualifying facility.

l. Tenant/Operator of the qualifying facility(ies) shall enroll in the United States Environmental Protection Agency's SmartWay Program. Proof of enrollment shall be given to the Community Development Department prior to issuance of a Certificate of Occupancy of a Building Permit for the facility.

3. **Construction Permit Approval.** The following standards shall apply to all construction related activity associated with facilities subject to the Logistics Warehouse standards. A copy of these standards shall be included on the approved (issued) construction plan and kept on-site during all phases of construction.

a. Qualifying facilities shall comply with the San Joaquin Valley Air Pollution Control District (SJVAPCD) requirements prior to beginning construction.

b. All off-road construction equipment, with a power rating of less than 19 kilowatts (e.g., plate compactors, pressure washers, shall be electric-powered.

c. Subject to all other idling restrictions, off-road diesel-powered construction equipment shall not be left in the "on position" for more than 10 hours per day.

d. Temporary electrical hookups to all construction yards and associated work areas shall be required.

e. Temporary signage shall be posted in public view throughout the construction site indicating truck idling lasting more than five minutes is prohibited. The signs shall include contact information for the facility operator or designee responsible for receiving complaints (i.e. excessive dust, fumes, odors) for the site, and contact information for the San Joaquin Valley Air Pollution Control District's on-line complaint system and its complaint call-line for those interested in filing a complaint. Any complaints made to the facility operator's designee shall be answered within 72 hours of receipt.

f. The construction contractor(s) shall maintain on the construction site an inventory of construction equipment, maintenance records, and datasheets, including design specifications and emission control tier classifications.

g. The facilities shall require the construction contractor to establish one or more locations for food or catering truck service to construction workers and to cooperate with food service providers to provide consistent food service.

h. The facilities shall require the construction contractor to provide transit and ridesharing information for construction workers.

C. **On-Going Operations:** The following standards shall be implemented during all on-going business.

1. All forklifts, yard trucks, and other equipment used for on-site movement of trucks, trailers and warehoused goods, as well as landscaping maintenance equipment used on the site, shall be electrically powered or zero-emission unless new technology is determined to be commercially unavailable.

2. Where transport by temperature-controlled trucks or trailers is proposed, on-site electrical hookups shall be provided at loading docks. Idling or use of auxiliary truck engine power to power climate-control equipment shall be prohibited.

3. Employers shall provide employees with transit route and schedule information on systems serving the facility area and coordinate ridesharing amongst employees.

4. Employers shall provide on-site locations for food or catering truck service and cooperate with food service providers to accommodate food service to operations employees.

5. All outdoor areas allowing smoking shall be located at least 25 feet from the nearest property line.

6. All trucks, supportive vehicles and equipment shall be kept onsite in all loading, storage, and parking areas, and kept behind locked gates during nonbusiness hours.

7. Truck queuing, idling, or circling of vehicles, on public streets adjacent to the facility is prohibited.

8. Periodic yard and parking area sweeping shall be provided to minimize dust generation.

9. Diesel Generators are prohibited, except in emergency situations and during construction when establishing the facility's new electrical service connection. In those temporary cases, all generators shall have Best Available Control Technology (BACT) that meets CARB's Tier 4 emission standards.