

C/O COMMUNITY DEVELOPMENT DEPARTMENT
345 NORTH EL DORADO STREET – PERMIT CENTER
STOCKTON, CA 95202-1997 (209) 937-8266

PLANNING COMMISSION MEMBERS

Christopher Kontos, Chair (Dist. 1)
Sandra Davis (Dist. 2)
Ed Surritt (Dist. 4)
Samuel E. Fant, Jr. (Dist. 6)

PLANNING COMMISSION MEMBERS

Christina Fugazi, Vice Chair (Dist. 3)
Constance Smith (Dist. 5)
Randy Hatch (At Large)

**PLANNING COMMISSION AGENDA
REGULAR MEETING**

DATE/TIME: THURSDAY, SEPTEMBER 24, 2009 AT 6:00 P.M.

LOCATION: COUNCIL CHAMBERS, SECOND FLOOR, CITY HALL,
425 NORTH EL DORADO STREET, STOCKTON, CA

- A. PLEDGE TO THE FLAG
- B. ROLL CALL
- C. CONSENT ITEMS: D-1

*Agendas can be viewed on the City of Stockton web site www.stocktongov.com/cd/pages/PCagendas.cfm
Copies of staff reports are available upon request.*

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS: *State legislation requires disclosure of campaign contributions of \$250 or more, made to any Planning Commissioner, by any person who actively supports or opposes any application pending before the Planning Commission, and such person has a financial interest in the decision. Active support or opposition includes lobbying a Commissioner and/or testifying for or against such an application. Any person having made a \$250 or larger contribution within the preceding 12 months must disclose that fact during the public hearing or on said application.*

The official City Planning Commission policy is that applications pending before this Commission should not be discussed with the Commission members outside of a public hearing. If any representations are made privately, they must be identified and placed in the public record at the time of the hearing.

If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at, or prior to, the public hearing.

NOTE: *All proceedings before the City Planning Commission are conducted in English. The City of Stockton does not furnish interpreters and, if one is needed, it shall be the responsibility of the person(s) needing one.*

CONSENT ITEMS: *Information concerning the consent items listed above have been forwarded to the Planning Commission prior to the meeting. Unless a Planning Commissioner or member of the audience has a questions concerning a particular item and asks that it be removed from the Consent Calendar, the items are approved at one time by a roll call vote. Anyone wishing to speak on a consent item or public hearing item, please complete a "Request to Speak Card" and submit it to the Recording Secretary prior to the meeting.*

D. MINUTES

CONSENT

- D-1)** Approval of the minutes for the meeting of August 27, 2009.
Approval of the minutes for the joint meeting of June 3, 2009.

E. PUBLIC HEARINGS/ENVIRONMENTAL ASSESSMENTS

- E-1)** Public Hearing regarding the City-initiated Development Code Amendment to adopt an ordinance amending Chapter 16 of the Stockton Municipal Code for the first 2009 Biannual Development Code Update, modifying various sections of the Code within the following chapters: Chapter 16.16 (Zoning Districts Established, Zoning Map Adopted); Chapter 16.20 (Allowable Land Uses and Permit Requirements); Chapter 16.24 (Zoning District Development Standards); Chapter 16.28 (Overlay Zoning District Land Use and Development Standards); Chapter 16.36 (General Development and Use Standards); Chapter 16.40 (Affordable Housing Incentives/Density Bonus Provisions); Chapter 16.44 (Communications Facilities); Chapter 16.48 (Fences, Hedges, and Walls); Chapter 16.56 (Landscaping Standards); Chapter 16.64 (Off-Street Parking and Loading Standards); Chapter 16.68 (Planned Development (Permit) Standards); Chapter 16.72 (Public Improvements); Chapter 16.76 (Sign Standards); Chapter 16.80 (Standards for Specific Land Uses); Chapter 16.84 (Application Filing, Processing, and Fees); Chapter 16.88 (Review Procedures); Chapter 16.116 (Amendments (General Plan, Development Code, and Zoning Map); Chapter 16.120 (Design Review); Chapter 16.140 (Master Development Plans); Chapter 16.148 (Precise Road Plans); Chapter 16.162 (Street Tree Permit); Chapter 16.164 (Temporary Activity Permits); Chapter 16.188 (Tentative Map and Tentative Parcel Map Filing and Processing); Chapter 16.192 (Parcel Maps and Final Maps); Chapter 16.196 (Condominiums and Condominium Conversions); Chapter 16.212 (Administrative Responsibility); Chapter 16.220 (Cultural Resources); Chapter 16.228 (Nonconforming Uses, Structures, and Parcels); and Chapter 16.240 (Definitions of Specialized Terms and Phrases) Citywide (CA09-002).

- E-2)** Public hearing regarding the possible revocation/modification of the Land Development Permit for the operation of a recycling facility/small redemption center at an existing grocery store at 1255 Buena Vista Avenue (LDP8-07)

F. OTHER BUSINESS

G. COMMUNICATION

H. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

I. COMMISSIONERS' SUGGESTION

J. **AUDIENCE PARTICIPATION**

For any person wishing to address the Planning Commission on any planning matter not on the printed agenda.

K. **COMMISSIONERS' RESPONSE**

L. **ADJOURNMENT**

The next meeting of the Planning Commission is scheduled for October 22, 2009.

MICHAEL M. NIBLOCK, SECRETARY
CITY PLANNING COMMISSION

**MINUTES
PLANNING COMMISSION
AUGUST 27, 2009**

**CITY HALL
CITY COUNCIL CHAMBERS
STOCKTON, CALIFORNIA**

A. PLEDGE TO THE FLAG 6:00 PM

B. ROLL CALL 6:00 PM

Roll Call 6:00 PM

Present:

Commissioner Davis

Commissioner Hatch

Commissioner Surritt

Vice Chair Fugazi

Chair Kontos

Absent:

Commissioner Fant, and Commissioner Smith.

C. CONSENT ITEMS: D-1 6:01 PM

D. MINUTES 6:01 PM

**CONSENT D-1) Approval of the minutes for the meeting of
July 23, 2009. 6:01 PM**

Commissioner Hatch - a formatting question on pages 9 and
13; Commissioner's comments should be removed from the
listing of those speaking in favor of the application.

Motion: Approve CONSENT D-1) Approval of the minutes as
amended for the meeting of July 23, 2009.

Moved by: Commissioner Hatch, seconded by Commissioner Surritt.

Vice Chair Fugazi - noted that she did not attend the meeting of July 23, 2009 and recused herself from voting.

Vote: Motion carried 4-0

Yes: Commissioner Davis, Commissioner Hatch, Commissioner Surritt, and Chair Kontos.

Recuse: Vice Chair Fugazi.

Absent: Commissioner Fant, and Commissioner Smith.

E. PUBLIC HEARINGS/ENVIRONMENTAL ASSESSMENTS 6:05 PM

- E-1) **Public hearing regarding the request of the City of Stockton to adopt an ordinance amending Chapter 16 of the Stockton Municipal Code by modifying Section 16.20.020 (Table 2-2, Land Uses, Recreation, Education, and Public Assembly Uses) Section 16.80.180 (Live Entertainment), Section 16.80.190 (Massage Therapy), and Section 16.240.020 (Definitions of Specialized Terms and Phrases) to modify the provisions for Live Entertainment and the provisions for Massage Therapy (CA09-003) 6:05 PM**

The public hearing was declared open and the Affidavit of Mailing was filed.

Planning Manager David Stagnaro summarized the staff report with the aid of a PowerPoint presentation "filed". Mr. Stagnaro described modification to Table 2-2 to reflect that 'massage therapy' is permitted in the Commercial Office (CO) zoning district.

Director Niblock - noted that the item was reviewed by Planning Commission Development Code Amendment subcommittee; recommendation for Planning Commission approval

Commissioner Surritt - comments regarding the subcommittee's work on this item

No one wishing to be heard, the Chair declared the public hearing closed.

Motion: Approve E-1) Public hearing regarding the request of the City of Stockton to adopt an ordinance amending Chapter 16 of the Stockton Municipal Code by modifying Section 16.20.020 (Table 2-2, Land Uses, Recreation, Education, and Public Assembly Uses) Section 16.80.180 (Live Entertainment), Section 16.80.190 (Massage Therapy), and Section 16.240.020 (Definitions of Specialized Terms and Phrases) to modify the provisions for Live Entertainment and the provisions for Massage Therapy, including the amendment to Table 2-2 as described by staff. (CA09-003)

Moved by: Commissioner Hatch, seconded by Vice Chair Fugazi.

Chair Kontos - thanked the subcommittee and staff for their work on this item.

Vote: Motion carried 5-0

Yes: Commissioner Davis, Commissioner Hatch, Commissioner Surritt, Vice Chair Fugazi, and Chair Kontos.

Absent: Commissioner Fant, and Commissioner Smith.

- E-2) **Continuance of Public hearing regarding the request of Charan Singh Dhillon, et al. for a Use Permit to supercede a previously approved Use Permit (UP62-03) for the off-sale of beer and wine to allow the off-sale of general alcoholic beverages in an existing convenience store at 2057 South El Dorado Street (UP74-08). 6:12 PM**

This public hearing was continued from the meeting of July 23, 2009.

Planning Manager Richard Larrouy summarized the staff report with the aid of a PowerPoint presentation "filed".

Stockton Police Detective Takeda delivered a presentation

"filed" that discussed the calls for service and reported crimes that have occurred at the subject site.

Commissioner's comments and/or questions regarding the requested Use Permit to which Detective Takeda or staff responded: 6:28 PM

Vice Chair Fugazi

Chair Kontos

Commissioner Surritt

Chair Kontos

Commissioner Davis

Commissioner Hatch

The applicant spoke in favor of the Use Permit. 6:35 PM

Charan Singh Dhillon

The following spoke in favor of the Use Permit: 6:38 PM

Martin Hernandez

Inderpal Singh

The following spoke in opposition of the Use Permit: 6:46 PM

Pat Carido, NBC

Sonia Ambriz

Jim Young

Gloria Nomura

No one wishing to be heard, the Chair declared the public hearing closed.

Commissioner's final comments: 6:59 PM

Vice Chair Fugazi

Chair Kontos

Motion: Deny E-2) request of Charan Singh Dhillon, et al. for a Use Permit to supercede a previously approved Use Permit (UP62-03) for the off-sale of beer and wine to allow the off-sale of general alcoholic beverages in an existing convenience store at 2057 South El Dorado Street (UP74-08).

Moved by: Chair Kontos, seconded by Vice Chair Fugazi.

Vote: Motion carried 5-0

Yes: Commissioner Davis, Commissioner Hatch, Commissioner Surritt, Vice Chair Fugazi, and Chair Kontos.

Absent: Commissioner Fant, and Commissioner Smith.

- E-3) **Public hearing regarding the request of California Green Strategies for a Channel Area Use Permit to construct an approximately 15,500 gross-square-foot office, on property located on the west side of Lincoln Street, approximately 400 feet south of Weber Avenue (P09-103). 7:02 PM**

The public hearing was declared open and the Affidavit of Mailing was filed.

Planning Manager Richard Larrouy summarized the staff report with the aid of a PowerPoint presentation "filed".

Director Niblock - noted that the project was presented in partnership with the City's Revitalization Department; a disposition and development agreement within the redevelopment project area was approved by the City Council August 25, 2009 allowing the Redevelopment Agency to sell it to the applicant.

The following Commissioners had questions/comments regarding the project to which staff responded: 7:08 PM

Vice Chair Fugazi

Commissioner Surritt

Chair Kontos

Commissioner Hatch

The applicant spoke in favor of the Use Permit. 7:13 PM

Kirk Khasigian, representative for the applicant

**Commissioner's comments/questions for the applicant
7:14 PM**

Commissioner Hatch

The following spoke in favor of the Use Permit: 7:16 PM

Ava Langston-Kenney, Project Manager Revitalization Department

Commissioner Davis - question for Ms. Langston-Kenney

No one else desired to be heard and the public hearing was declared closed.

Commissioner's final comments: 7:20 PM

Vice Chair Fugazi

Commissioner Hatch

Commissioner Surritt

Motion: Approve E-3) Public hearing regarding the request of California Green Strategies for a Channel Area Use Permit to construct an approximately 15,500 gross-square-foot office, on property located on the west side of Lincoln Street, approximately 400 feet south of Weber Avenue (P09-103).

Moved by: Commissioner Davis, seconded by Chair Kontos.

Vote: Motion carried 5-0

Yes: Commissioner Davis, Commissioner Hatch, Commissioner Surritt, Vice Chair Fugazi, and Chair Kontos.

Absent: Commissioner Fant, and Commissioner Smith.

- E-4) **Public hearing regarding the request of Valley Brewing Co. Inc., for a Channel Area Use Permit for the off-sale of beer with an accessory tasting room in an existing brewery at 1950 West**

Fremont Street (P09-123). 7:26 PM

The public hearing was declared open and the Affidavit of Mailing was filed.

Planning Manager Richard Larrouy summarized the staff report with the aid of a PowerPoint presentation "filed".

The applicant spoke in favor of the Use Permit. 7:30 PM

Kelly Jacobs

Commissioner's comments or questions regarding the Use Permit to which the applicant or staff responded: 7:30 PM

Commissioner Surritt

Chair Kontos

Commissioner Surritt

Vice Chair Fugazi

No one else desired to be heard and the public hearing was declared closed.

Motion: Approve E-4) Public hearing regarding the request of Valley Brewing Co. Inc., for a Channel Area Use Permit for the off-sale of beer with an accessory tasting room in an existing brewery at 1950 West Fremont Street (P09-123).

Moved by: Commissioner Hatch, seconded by Vice Chair Fugazi.

Vote: Motion carried 5-0

Yes: Commissioner Davis, Commissioner Hatch, Commissioner Surritt, Vice Chair Fugazi, and Chair Kontos.

Absent: Commissioner Fant, and Commissioner Smith.

- E-5) **Public hearing regarding the request of Anita Woo, et al, to utilize approximately 3,100 square feet of an existing building to operate a therapeutic massage facility with a maximum of seven tables at 3410 West Hammer Lane, Suite F. (P09-143). 7:38 PM**

The public hearing was declared open and the Affidavit of Mailing was filed.

Planning Manager Richard Larrouy summarized the staff report with the aid of a PowerPoint presentation "filed".

Commissioner's comments or questions regarding the Use Permit and state certification to which staff repoded: 7:43 PM

Commissioner Hatch

Commissioner Surritt

Chair Kontos

The applicant spoke in favor of the Use Permit. 7:47 PM

Anita Woo

Director Niblock - noted that new Ordinance, effective September 1, 2009, will allow a state certified facility to remain open until 10:00 p.m.

Chair Kontos - questioned if the Commission has discretion to change the hours from 10:00 p.m. for a state certified facility

The following spoke in favor of the Use Permit 7:51 PM

Garry Lynn

No one else desired to be heard and the public hearing was declared closed.

Vice Chair Fugazi - in support of the request; in favor of a 10:00 p.m. closing

Chair Kontos - in support of the request; in favor of a 10:00 p.m. closing

Commissioner's comments or questions regarding the issue of state certification and non-certification to which staff or Police Sergeant Chraska responded: 7:55 PM

Commissioner Hatch

Vice Chair Fugazi

Motion: Approve E-5) Public hearing regarding the request of Anita Woo, et al, to utilize approximately 3,100 square feet of an existing building to operate a therapeutic massage facility with a maximum of seven tables at 3410 West Hammer Lane, Suite F with amended condition #3 to allow a 10:00 p.m. closing (P09-143).

Moved by: Vice Chair Fugazi, seconded by Commissioner Surritt.

Commissioner Surritt

Chair Kontos

Chair Kontos

Chair Kontos

Vice Chair Fugazi

Commissioner Hatch

Commissioner Davis - point of order matter

Chair Kontos

Chair Kontos

Commissioner Surritt

Commissioner Surritt

Commissioner Hatch

Chair Kontos

Commissioner Surritt - seconds Vice Chair Fugazi's motion with amended Condition #3 to allow a 10:00 p.m. closing and a one year review.

Chair Kontos - comments supporting Use Permit request

Vote: Motion carried 4-1

Yes: Commissioner Davis, Commissioner Surritt, Vice Chair Fugazi, and Chair Kontos.

No: Commissioner Hatch.

Absent: Commissioner Fant, and Commissioner Smith.

- E-6) **Public hearing regarding the request of Taste Ultra Lounge of Stockton, LLC for a Use Permit to supercede a previously-approved Use Permit (UP22-85) to allow a night club and a restaurant with the on-sale of general alcoholic beverages at 509 East Main Street (UP47-08). 8:20 PM**

The public hearing was declared open and the Affidavit of Mailing was filed.

Planning Manager Richard Larrouy summarized the staff report with the aid of a PowerPoint presentation "filed".

The applicant spoke in favor of the Use Permit. 8:26 PM

Jared Foster, representative for the applicant

Vice Chair Fugazi - questions to the applicant

Jared Foster - question to staff regarding the new ordinance and live entertainment

Commissioner's comments or question to which the applicant, staff or Stockton Police Department responded:

Vice Chair Fugazi

Chair Kontos

Vice Chair Fugazi

Chair Kontos

Vice Chair Fugazi

No one else desired to be heard and the public hearing was declared closed.

Motion: Approve E-6) Public hearing regarding the request of Taste Ultra Lounge of Stockton, LLC for a Use Permit to supercede a previously-approved Use Permit (UP22-85) to allow a night club and a restaurant with the on-sale of general alcoholic beverages at 509 East Main Street (UP47-08).

Moved by: Commissioner Hatch, seconded by Vice Chair Fugazi.

Vote: Motion carried 5-0

Yes: Commissioner Davis, Commissioner Hatch, Commissioner Surritt, Vice Chair Fugazi, and Chair Kontos.

Absent: Commissioner Fant, and Commissioner Smith.

F. OTHER BUSINESS - none 8:43 PM

G. COMMUNICATION - none 8:43 PM

H. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT 8:43 PM

Director Niblock

-provided an update on the Development Oversight Commission;
Commission will provide oversight and recommendations on the Permit review process, fee structures and operations; will go before the Council at

the September 22, 2009 meeting.

Staff responded to the following Commissioner's questions or comments regarding the Development Oversight Commission:

Commissioner Davis

Chair Kontos

Commissioner Davis

Chair Kontos

Commissioner Hatch

Chair Kontos

Commissioner Davis - a question regarding the status of the Maxim's lawsuit to which staff responded

Deputy Director Meissner

- provided a brief update on the Climate Action Plan Advisory Committee
- the Green House Gas (GHG) Inventory completed; established an interim GHG reduction target of 862,000 metric tons based on Business As Usual; the interim GHG reduction target will be presented to Council at the September 1, 2009 meeting
- initiated a Transit Gap Analysis, a joint project with San Joaquin RTD
- initiated a subcommittee on the development of a Green Building Code
- developed a climate action plan organizational outline
- upcoming actions: development of a transit program; policies to promote downtown in-fill; policies to balance fringe and in-fill development

I. COMMISSIONERS' SUGGESTION - none

J. AUDIENCE PARTICIPATION - none

K. COMMISSIONERS' RESPONSE 9:03 PM

Vice Chair Fugazi - announced she will be absent for the meetings of September 24 and October 22, 2009 meeting.

Commissioner Surritt - announced he will be absent for the September 24, 2009 meeting

Commissioner Hatch - Inquired about the League of California Cities ballot

Chair Kontos - also inquired about the League of California Cities ballot

The following Commissioners discussed a possible study session, or Joint Council study session, for new commissioners on the General Plan, village concepts and the changes caused by the settlement agreement to which staff responded: 9:08 PM

Commissioner Hatch

Chair Kontos

Commissioner Davis

Commissioner Hatch

Chair Kontos

Vice Chair Fugazi

Commissioner Hatch

L. ADJOURNMENT 9:21 PM

MICHAEL M. NIBLOCK
SECRETARY
PLANNING COMMISSION

MEMORANDUM

September 9, 2009

TO: HONORABLE MAYOR AND CITY COUNCILMEMBERS
HONORABLE PLANNING COMMISSION MEMBERS

FROM: KATHERINE GONG MEISSNER, CITY CLERK

**MINUTES OF JUNE 3, 2009 – JOINT CITY COUNCIL/PLANNING
COMMISSION**

I apologize for the lateness in submitting the June 3, 2009 minutes of the Joint City Council/Planning Commission to you for approval. Due to passing of my brother in June, we were negligent in preparing and finalizing this particular set of minutes.

If you have any questions, I may be reached at 937-8458.



KATHERINE GONG MEISSNER
CITY CLERK

MINUTES
SPECIAL CITY COUNCIL
JUNE 3, 2009

Civic Auditorium South Hall
525 N. Center Street
STOCKTON, CALIFORNIA

JOINT STOCKTON CITY COUNCIL/PLANNING COMMISSION

Mayor Johnston opened the meeting and asked for the roll to be called.

I. ROLL CALL 3:00 PM

Roll Call 3:00 PM

Present:

Councilmember Eggman

Councilmember Fritchen

Councilmember Holman

Councilmember Lowery

Councilmember Martin

Vice Mayor Miller

Mayor Johnston

Commissioner Davis

Commissioner Fant

Commissioner Smith

Commissioner Surritt

Vice Chair Fugazi

Absent:

Commissioner Hatch, and Chair Kontos.

Note: Commissioner Fant arrived at 3:01 p.m. Vice Mayor Miller arrived at 3:08 p.m. Councilmember Eggman arrived at 3:11 p.m. Commissioner Davis arrived at 3:18 p.m.

Mayor Johnston welcomed the public and introduced Revitalization Director Dave Harzoff.

III. WATERFRONT REDEVELOPMENT MASTER PLAN 3:02 PM

Dave Harzoff, Revitalization Director

Mr. Harzoff gave a brief overview of the Stockton Waterfront and

Fremont Park Neighborhoods Master Plan (draft dated 6/1/09 filed) and why it is necessary. He introduced Kitty Walker, Program Manager III of his department.

Kitty Walker, Program Manager

Kitty Walker, Program Manager introduced the presentation covering the overall planning framework approach with the aid of a powerpoint presentation (filed). She introduced Bruce Race who continued with the powerpoint presentation and gave the details of the Plan.

Bruce Race, Consultant

Bruce Race, Consultant, spoke to the overall planning framework approach and implementation strategies for the Waterfront Master Plan. He introduced Andy Plescia, his economic development consultant. Mr. Race continued with the powerpoint presentation and spoke about the following:

- Evolution of the Waterfront;
- Stockton Waterfront and Fremont Park Neighborhoods Master Plan;
- Creating Addresses-Neighborhood Places;
- Living on the Water from the perspective of the North Shore, South Shore, and the Fremont Park Neighborhood;
- Recreation on the Water;
- Historic and Cultural Resources;
- Open Space;
- Mixed-Mode Access;
- Neighborhood Planning-Making it Happen;
- Merger and Greater Downtown District;
- Greater Downtown Planning Framework;
- Design Framework-Neighborhood Places;
- Land Use Framework;
- Additional Parking;
- New and Improved Streets;
- Infrastructure as it relates to New and Improved Streets, Utilities, Water Quality BMPs (Best Management Practices);
- Case Studies pertaining to the Waterfront Neighborhood, Fremont Street Live-work Townhouses, Iron /Works and Office, Weber Institute Redevelopment, Fremont Park Neighborhood and Mixed Uses;
- Implementation-Regulatory Actions;
- Urban Standards;
- Qualitative Guidelines;
- Implementation relative to Public Actions ("Setting the Table"), Planning & Predevelopment Actions,

- Redevelopment Actions, Financial Incentive Actions; and
- Summary and Next Steps which will include a Community Presentation at 6:30 p.m. at the Civic Auditorium, an update report based on City Council and community input, and coordinating with the General Plan and Settlement Agreement implementation.

Mayor Johnston thanked the consultant for the presentation.

Questions posed by the Council, Commissioners, and public members included:

- Area east of I-5;
- Pedestrian bridge;
- What size boats will the Marina guest dock accommodate;
- Is it too late to change the size for guest boats?
- Residential component-differential;
- In-Shape Fitness Club;
- Department of Motor Vehicles-how will this fit into this plan? and
- What is the timing on this plan?

There was also a suggestion from a public member relative to incorporating Steven's Yacht Boat Company-Five Star Marina.

Bruce Race, Consultant

Bruce Race spoke about the Council's role as policy makers.

Questions arose relative to the following:

- Nuisances, i.e. garbage collection and/or containers;
- Parking, security;
- Crime prevention through developmental design;
- Management of neighborhoods, and using Downtown Alliance as a partner;
- How much retail vs. restaurants, nightclubs, commercial; and
- Need to start with one project and move forward--choose one or two priorities as a catalyst to starting this project up.

There were also comments regarding A.G. Spanos settlement, upgrading the infrastructure, key timing, and federal fund availability.

Comments and questions from Council included the following:

- Destination locations,
- Sports venues,

- Children's Museum,
- Arena,
- Miner's Levee,
- Where do people go now?
- Importance of populating and activating the waterfront, and
- Leasing space.

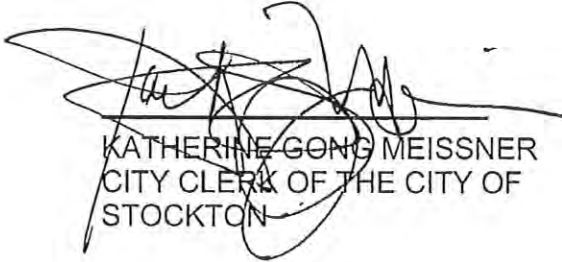
There was discussion about promoting what the City has--it doesn't have to be new, and the importance of recognizing the programming of events.

II. PUBLIC COMMENT 4:28 PM

Though comments from the public were taken throughout the presentation, the Mayor asked for further public comment. Members of the public spoke about the following:

- Waterfront is unique, and small apartments would not be conducive to this area;
 - Do it right, do not just spend the funds because the City has them; and
 - Catalyst projects are needed on how to attract workers downtown.
- It is critical in hard economic times to keep in mind that the City should not make processes too bureaucratic

IV. ADJOURNMENT 4:33 PM



KATHERINE GONG MEISSNER
CITY CLERK OF THE CITY OF
STOCKTON



**PLANNING COMMISSION
STAFF REPORT
SEPTEMBER 24, 2009**

EXHIBIT 1

STAFF REPORT
P.C. Agenda
September 24, 2009

STAFF REPORT

Item E-1: PUBLIC HEARING – Code Amendment Case No. CA09-002, City of Stockton-Initiated

Data: The City of Stockton is requesting a Code Amendment to the text of Chapter 16 of the Stockton Municipal Code (SMC) by changing multiple Sections in the code. The proposed Code Amendment is attached as Exhibit 2; a summary chart is also included in this staff report.

General Plan: The proposed Code Amendment is consistent with the goals and policies of the General Plan.

Environmental Clearance: The project is statutorily exempt from the California Environmental Quality Act (CEQA) under the "General Rule" that CEQA applies only to projects which have the potential for causing significant environmental effects, as specified in Section 15061 (B)(3) of the State CEQA Guidelines.

Discussion: Staff is proposing an amendment that includes the following items, which are in alphabetical order rather than the order of the numerical code amendment section with definitions to be added or modified listed at the end. The section number in the code amendment is listed in the right column of the table for ease in finding a specific item.

Topic	Discussion	Section
Throughout Development Code	Removed and amended several references to Public Works Department, Parks and Recreation, etc. due to reorganization, code references were updated to the correct numbers	Throughout code
Amendments to General Plan, Development Code, and Zoning Map	Added City Manager to those who can initiate	16.116.030
Alcoholic Beverage Sales	Included standards for Sidewalk Café	16.80.040
Architectural Review Committee	Change Director to review authority, added a 2 review limit by Committee then referral to Director for decision	16.120.040, 16.120.050
Christmas Tree/Holiday Sales Facilities	Included references Fire Permit requirements	16.80.100

City Engineer	Removed signature on Tentative Maps based on DRC recommendation	16.212.080
Commercial Downtown (CD) zoning	Multi-family and Commercial land use requirements are amended to give flexibility in the CD zone	16.24.100
Commercial Parking lots	Clarified wording to prohibit long-term parking day	16.64.030
Communication Facilities	Changed 45 comment period for Parks and Golf Courses to as determined by the City Parks Facility Planner/Landscape Architect	16.44.020
Compatible General Plan and Zonings (Table 2-1)	Added Institutional General Plan designation as compatible to University/College zoning district	16.16.020, Table 2-1
Density Bonuses	Updated to be consistent with CA law, more detailed	16.40
Development Review Committee	Changed wording, references rules and regulations of DRC, additional Entitlements included in required DRC review	16.212.050
Driveways, Encroachment Permits, and Revocable Permits	Requirements moved from Title 9 to Title 16, due to reorganization	16.36.030, 16.72.125, 16.72.127
Electronic message board and flashing/moving display/signs	Updated to require Land Development Permit instead of Use Permit, and made reference standards for specific types	16.76.100
Graffiti	Clarification of graffiti standards consistent with other sections of the SMC (requirements for graffiti resistant coatings and landscaping expanded)	16.32.060, 16.48.055
Hazardous Material	Changed reference to correct section of CA fire code	16.36.080
Height limit exceptions	Added wind power equipment to height limit exceptions	16.36.090
Magnolia Overlay	Accessory Structure setbacks amended to give flexibility	16.28.060
Medical related facilities	Change in permitting requirements, modified the definition to exclude drug treatment (included in Social Services Facilities - Drug Abuse, Alcohol Recovery/Treatment Facilities)	16.20.020, Table 2-2, 16.240.020
Mini Storage Facilities	Included reference Fire sprinkler requirement	16.80.200
Neighborhood meetings	Added Neighborhood meeting section for applications requiring Council review	16.88.025
Parking requirements table	Added specific parking standards for health/fitness facilities, revised standards for shopping centers	16.64.040 Table 3-9
Parking space size	Changed to 9x19 (inadvertent change from previous code)	16.64.080
Port	There is now reference to the Port Master Plan, as applicable	Throughout code
Pre-application conference	Added clarification to required pre-application meetings and reference to fees	16.84.030
Public Hearing	Added legal notice requirement for Heritage Tree Permit (previously in chapter 12)	16.88.030
Refunds	Updated fee refund wording	16.84.080

Screening and Buffering	Added "other material as approved by Director"	16.36.100
Site Plan Review Committee	Changed wording, references rules and regulations of SPRC, additional Entitlements added to require SPRC review	16.212.060
Street Trees	Changes that reflect the direction of the Council sub-committee	16.56.020, 16.72.085, 16.72.180, 16.72.240, 16.162
Subdivision Design and Improvements	Requirements moved from Title 9 to Title 16, due to reorganization	16.72.080
Wind Power Equipment	Added screen requirements for avian safety	16.80.375
Definitions		16.240.020
<u>Added</u> Channelized Intersection Compact Residential Lots Driveway – Non-residential and Residential Encroachment Permit Mixed Residential Revocable Permit Site Plan Wind Power Equipment City Approved Plan City Landscape Architect Effective Removal (Tree) Public Place Standard Plans and Specifications Street Tree		<u>Modified</u> City Engineer Density Bonuses & related definitions Frontage Medical Services Multi-family Dwellings Personal Services Restricted Personal Services Unrestricted Social Service Facilities Structure Stockton Channel Area Semi-Truck changed to Tractor-Trailer Massage – included state licensed and not

On September 26, 2006, the City Council authorized staff to prepare up to two code amendments per year for the purpose of keeping the Development Code updated and to address any issues that may have arisen. This is the first authorized code amendment for 2009.

There are several key changes in the Development Code. The revisions related to Street Trees have been included under the direction and review of the City Council Legislation/Environmental Committee. Those changes clarify the requirements in the Development Code and remove the permitting requirement for Street Tree maintenance. There have also been revisions to the Density Bonus Section of the Development Code. These changes provide additional wording and information in compliance with California State regulations. In addition to those changes, due to the recent reorganization of the Community Development Department, there have been changes throughout the Development Code in reference to various departments and department directors as well as moving several sections of Title 9 to Title 16.

The proposed ordinance has been circulated for review and has notice has been given per Stockton Municipal Code section 16.88.030 (Public hearing notices).

The Planning Commission Development Code Update Ad-Hoc Committee met on August 7, 2009 to discuss the proposed code amendment. After a point by point

review, the Ad-Hoc Committee recommended forwarding the code amendment to the entire Planning Commission for their review and approval.

Recommendation: Approval based on the following findings:

1. The proposed amendment ensures and maintains internal consistency with general land uses, objectives, policies, programs, and actions of all elements of the General Plan on balance and would not create any inconsistencies with this Development Code;
2. The proposed amendment will not endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the City;
3. The proposed amendment would be internally consistent with other applicable provisions of this Development Code; and
4. The proposed amendment complies with the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines. It has been determined that there is no potential for significant adverse environmental impacts to occur as a result of implementation of this ordinance. Therefore, this amendment is exempt from CEQA pursuant to Section 15061 (B)(3) of the State CEQA Guidelines.

September 15, 2009

Note: Staff reports are prepared well in advance of the Planning Commission consideration of the proposal and reflect the staff's view based on the best available information at the time the report was formulated. Evidence submitted during the course of the public hearing may require a re-evaluation of the staff's position.

Staff Report prepared by Associate Planner Carrie VanGorkum.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 16 OF THE STOCKTON MUNICIPAL CODE (SMC) BY AMENDING VARIOUS SECTIONS AS PART OF A BIENNIAL DEVELOPMENT CODE UPDATE

SECTION. AMENDMENT OF CODE.

16.16.020 – Zoning Districts Established

C. Industrial zoning districts.

3. **PT (Port) District.** The PT zoning district is applied to areas of the City that are operated by "port districts" as formed under the Harbors and Navigation Code Section 6210 et seq. for the operation of port facilities, including wharves, dockage, warehousing, and related port facilities. The PT zoning district is consistent with the Industrial land use designation of the General Plan and the Rough and Ready Island Development Plan for the Port of Stockton (as applicable).

D. Special Purpose Zoning Districts.

1. **PF (Public Facilities) District.** The PF zoning district is applied to areas appropriate for a variety of public and quasi-public land uses, including facilities and lands owned by the City, County, State, or Federal governments as well as religious facilities. The PF zoning district is consistent with the institutional and parks and recreational land use designations of the General Plan.

Table 2-1 - ZONING DISTRICTS AND EQUIVALENT GENERAL PLAN DESIGNATIONS

UC	University/College	Administrative Professional, Institutional
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TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															Specific use standards:
	R E	R L	R M	R H	C O	C N	C G	C D	C L	C A	IL	IG	P T	P F	O S	
SERVICES – Continued																
Medical services																
Ambulance service					A		P	P	P		P		P	L		
Clinics and laboratories					L	A	P	P	P				P	L		
Extended care	C	C	C	A	A		A	A						L		
Health-Related					A	A	A		A					A		
Hospitals					C		C	C						C		16.80.190
Medical-related facilities					L P	A P	P	P	P					L P		

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															Specific use standards:
	R E	R L	R M	R H	C O	C N	C G	C D	C L	C A	IL	IG	P T	P F	O S	
RECREATIONAL, EDUCATION, AND PUBLIC ASSEMBLY USES																
Religious Facilities	A	A	A	A	L	A	L	L	A		L				L	16.80.080

SECTION. AMENDMENT OF CODE.

16.20.020 - Allowable Land Uses and Permit Requirements

A. Requirements for primary uses:

1. Permit requirements for primary uses.

b. Land Development Permit (L). All land uses shown as "L" in the table that require construction of new structures or improvements, the expansion of an existing facility, or a change to a more intensive use, as determined by the Director, require the approval of a Land Development Permit (Division 16.136). If there will be no construction, expansion of an existing facility, or a change to a more intensive use, the use is allowed without a new Land Development Permit.

B. Allowable uses and permit requirements for the MX₁ and UC₁ and PT districts.

The uses of land that may be allowed within the MX₁ and UC₁ and PT zoning districts and the land use permit requirements for each allowable use shall be identified in the Master Development Plan applicable to the specific site, in compliance with Division 16.140 (Master Development Plans) and the Rough and Ready Island Development Plan for the Port of Stockton, CA for the PT zoning district (as applicable).

SECTION. AMENDMENT OF CODE.

16.24.100 – CD (Commercial, Downtown) Zoning District Standards

The following standard shall apply to land uses and development within the CD (Commercial, Downtown) zoning district.

A. Multi-family land uses. Multi-family land uses in the CD zoning district shall not be subject to the site plan and open space requirements for multi-family development (16.80.220.A-H). The requirements for a Landscape Maintenance Plan and Management Plan/Agreement shall still apply (16.80.220.I)

B. Commercial Land Uses. Commercial land uses in the CD zoning district shall not be subject to the requirements for Shopping Centers and Large-Scale Commercial Retail Uses (16.80.330).

C. Warehouse Retail Stores – Limitation on use. Warehouse retail stores located in the CD zoning district that devote ten percent or more of the total sales

floor area to the sale of non-taxable merchandise shall contain no more than 100,000 square feet of gross floor area, except for stores charging membership dues or otherwise restricting merchandise sales to customers paying a periodic access fee. Warehouse retail stores shall not be subject to the requirements for Shopping Centers and Large-Scale Commercial Retail Uses (16.80.310).

SECTION. AMENDMENT OF CODE.

16.24.150 – PT (Port) Zoning District Standards

There are no zone-specific standards for the PT (Port) Zoning District. The uses of land allowed within the PT (Port) Zoning District shall be in compliance with the Rough and Ready Island Development Plan for the Port of Stockton, California (Development Plan) within the area specified in the plan. Any land zoned PT outside of the plan area shall be in compliance with this Development Code. The Development Plan and amendments to the Development Plan shall be consistent with the City of Stockton General Plan as determined by the Director, subject to appeal to the Commission in compliance with Division 16.100 (Appeals).

The number of off-street parking spaces required in the PT (Port) Zoning District for industrial land under the control of the Stockton Port District, including refining, processing, recycling, terminalling, warehousing, wholesaling, distributing, shipping, receiving, cross-docking, or transloading operations, shall be:

- A. A minimum of three parking spaces for every four employees and a maximum of one off-street parking space for each employee computed on the basis of the maximum number of employees which can be employed on the largest shift at any one time; and
- B. One space for each company vehicle.

SECTION. AMENDMENT OF CODE.

16.28.060 - Magnolia Historic (-MHD) Overlay District

F. **Accessory structures.** All accessory structures shall be in compliance with 16.80.020 (Accessory Uses and Structures), except as follows:

- 1. **Location.** Accessory structures shall not be allowed in the front yard. Accessory structures may be located to the side or rear of the primary structure ~~provided no part of the structures are located in the side and/or rear setback area~~ in compliance with 16.80.020 (Accessory Uses and Structures), except:

- a Accessory structures to single family residences may be located up to the side or rear property line in compliance with the separation requirements of the latest editions of the California Building Code and the California Fire Code; and

- b. Accessory structures in compliance with the separation requirements of the latest edition of the California Building Code may be separated from the primary structure by less than five feet.

SECTION. AMENDMENT OF CODE.

16.32.060 – Graffiti

Graffiti, as defined in Section 8.24.020 (a) of the Municipal Code, is prohibited in compliance with Section 8.24 et al of the Municipal Code and the following:

- A. **Removal.** All graffiti shall be removed within 48 hours after notification by the City in compliance with Section 8.24 of the Municipal Code. The City shall have the right to remove any graffiti not removed within 48 hours of notification in compliance with Section 8.24.060 of the Municipal Code.
- B. **Requirements.** ~~In order to ease the removal of~~ facilitate graffiti abatement in multi-family projects, and nonresidential projects, and on back-up walls, anti-graffiti materials paint, graffiti-resistant coatings, or graffiti-limiting landscaping designs may ~~shall~~ be required as follows:
 - 1. Paint or coatings. Walls shall be painted with two coats of flat, exterior, water-based, 100% acrylic paints with low volatile organic compounds (VOC) 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. The applicant shall provide a supply of 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;
 - 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% acrylic paint in a standard color that is readily available from a local paint store or home improvement center. A supply of the paint shall be provided to the City in compliance with Sections 8.24.170 and 8.24.180 of the Municipal Code. 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. The applicant shall provide a supply of 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; and
 - b) Back-up walls maintained through a private maintenance association shall be constructed in compliance with the City's Design Review Guidelines. Owners Association shall be responsible for abatement of all graffiti in accordance with all applicable sections of this Municipal Code.

2. **Graffiti-limiting landscaping.** In addition to required paint or coatings, where space permits, the property in front of the wall shall be landscaped with vegetation that will cover at least 80 percent of the fence/wall within three years. Applicant shall provide a statement on the construction drawings confirming that they have met this requirement.

SECTION. AMENDMENT OF CODE.

16.36.030 - Access, General

The following are general access requirements applicable to all land uses. More specific requirements for access are in 16.72.100 (Access, Circulation, Streets).

- 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 ~~safe and convenient~~ 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. Also refer to 16.80.020 (Accessory Uses and Structures).
- 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 ~~Section 12.40 of the Municipal Code, the City's Standard Specifications and Plans, and~~ 16.64.090.A (Front and Street Side Setback Areas), 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 16.36.030.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:
 - 1) **Single-family 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.
 - 2) **Duplex/triplex projects.** 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.
 - 3) **Planned Development, townhouses, and multi-family projects.** Planned Developments, townhouses, and multi-family projects shall be allowed the following number of driveways:
 - a) **Arterial/collectors.** For projects on streets identified as arterials or collectors:
 - (1) **Less than two acres.** One driveway shall be allowed.
 - (2) **Two or more acres.** Two driveways shall be allowed.
 - b) **Other.** 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:

- 1) **Single-family, duplex, triplex residential development.** 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.
- 2) **Planned Developments, townhouses, multi-family development.** Where two or more driveways serve the same or adjacent townhouse or multi-family 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:

- 1) **Single-family, duplex, triplex development.** 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.
- 2) **Planned Developments, townhouses, multi-family development.** Driveways shall be located as follows:
 - a) **Urban.** Driveways within urban areas shall be located as follows, except as otherwise approved by the City Engineer:
 - (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.
 - b) **Suburban.** Driveways within suburban areas shall be located as follows:
 - (1) **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.

- (2) **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.

e. **Standards.** Driveways for single-family dwellings shall comply with the requirements of 16.64.090.A (Parking in Residential Zoning Districts – Front and Street Side Setback Areas).

3. **Nonresidential.**

a. **Number of driveways.** Nonresidential sites on arterials or collectors streets shall be allowed the following number of driveways:

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

b) **Site of two or more acres and/or integrated center, with at least 150 feet of frontage per street.**

(1) One driveway per street frontage; and

(2) 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.

2) **Suburban.** The number of driveways shall be as follows:

a) **Site of less than two acres/not an integrated center.** One driveway shall be allowed per street frontage; and

- b) **Site of two or more acres and/or integrated center, with at least 400 feet of frontage per street.**

- (1) One driveway per street frontage; and
- (2) 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:

- 1) **Downtown.** The location of driveways shall as approved by the City Engineer.
- 2) **Urban (including special purpose zones and overlay districts).** The location of driveways shall be as follows.

- 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.

- 3) **Suburban.** Driveways to parking areas on arterial and collector streets shall be located as follows:

- a) **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.

- b) **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. See Figure 3-2.

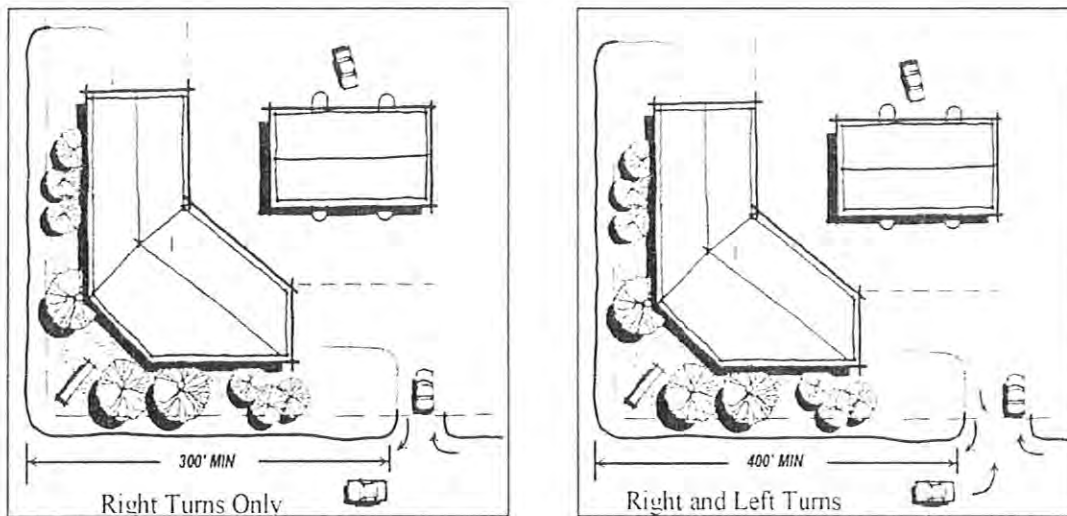


FIGURE 3-2 DRIVEWAY DISTANCE FROM INTERSECTION

- 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:
 1. The standard width of a nonresidential driveway shall not exceed 30 feet. The City Engineer may allow a wider driveway if:
 - a. The total driveway width does not exceed 50% of the frontage of the property.
 - b. The driveway would:
 - 1) 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
 - 2) Not adversely affect pedestrian and traffic safety or adjacent properties, or modify the standards.

2. 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.
3. 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.
4. 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.**

1. **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
2. **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 in compliance with 16.80.320 (Service Stations).

4. **Driveway construction.**

- a. **Permit.** An Encroachment Permit in compliance with 16.72.125 (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.
 - 1) **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.
 - 2) **Permit conditions.**
 - a) 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.

- b) 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.
- c) 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:

- 1) Restore the original curb and gutter section; or
- 2) Complete the work in accordance with the approved plans.

e. **Inspection and approval.**

1) 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.

2) 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 16.36.140 (Traffic Sight Area).

SECTION. AMENDMENT OF CODE.

16.36.080 – Hazardous Materials

C. **Underground Storage.** Underground storage of hazardous materials shall comply with all applicable requirements of State law (Health and Safety Code, Section 6.7 and ~~Articles 679 and 680~~ Chapter 27 of the California Fire Code, or as subsequently amended).

SECTION. AMENDMENT OF CODE.

16.36.090 - Height Measurement and Height Limit Exceptions

B. **Exceptions to height limits.** The Director may approve exceptions to the height limits of this Development Code:

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 16.36.100.B (Screening and Buffering – Mechanical Equipment, Loading Docks, and Refuse Areas). 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. In no case shall a roof-mounted structure be allowed for the purpose of providing or creating additional floor space.

SECTION. AMENDMENT OF CODE.

16.36.100 – Screening and Buffering

This Section provides standards for the screening and buffering of adjoining land uses, equipment, and outdoor storage areas, and surface parking areas. Multi-family and nonresidential land uses shall comply with the requirements of this Section.

A. Standards.

1. **Screening between different land uses.** A screen consisting of plant material and a solid masonry wall, or other material as approved by the Director, shall be installed along parcel boundaries whenever a commercial or industrial development adjoins a residential zoning district or a multi-family project adjoins single-family homes. The screen shall be a minimum of eight feet in height for commercial, or industrial, or development ~~and six feet in height for multi-family development~~, except if the Director determines that no activities will occur adjacent to the residential zoning district that would be harmful to the neighboring properties or that the project is an infill project in compliance with Division 16.52 (Infill Development Standards) or a downtown project. The maximum height of walls shall comply with the provisions of Division 16.48 (Fences, Hedges, and Walls); heights may be increased if needed to mitigate an impact. Landscaping (trees and shrubs) shall be incorporated adjacent to the non-residential side of the walls to help break up and soften the impact of long, flat surfaces at the discretion of the Director.

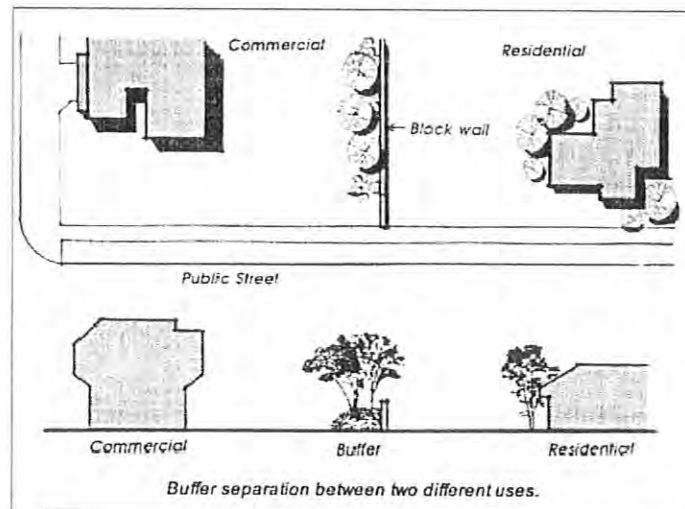


FIGURE 3-5 SCREENING AND BUFFERING

2. **Mechanical equipment, loading docks, and refuse areas.** Roof or ground mounted mechanical equipment (e.g., air conditioning, heating, ventilation ducts and exhaust, etc.), except wind power equipment; loading docks; company-owned vehicles in compliance with 16.64.040.G (Company-Owned Vehicles); refuse storage areas in compliance with the requirements of 16.36.130 (Solid Waste/Recyclable Materials Storage); and utility services shall be screened from public view from abutting public streets and rights-of-

way and abutting area(s) zoned for residential or open space uses. The method of screening shall be architecturally compatible with other site development in terms of colors, materials, and architectural style. Landscaping shall be incorporated adjacent to walls to help soften the impact of long, flat wall surfaces, subject to the discretion of the Director.

§ 3. Outdoor storage areas.

4 a. The use of outdoor areas for storage purposes shall be subject to the following standards:

a. 1) Outside storage areas shall be screened with a solid, sight-obscuring wall not less than six feet nor more than eight feet in height of a type and design approved by the Director. The wall shall include sight-obscuring gates. The wall and gates(s) shall be continuously maintained in good repair; and

b. 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.

2 b. Incidental outdoor storage shall be permitted, subject to the above standards. Outdoor storage which is a primary land use shall be subject to the applicable permitting requirements identified in Table 2-2 (Allowable Land Uses and Permit Requirements) and the above standards.

B. Graffiti. Fences/walls shall be designed and built so as to control graffiti in compliance with 16.32.060 (Graffiti).

SECTION. AMENDMENT OF CODE.

16.36.110 – Setback Regulations and Exceptions

E. Projections into public rights-of-way. A ~~Revocable p~~Permit from the Public Works Department shall be required to project into a public right-of-way.

SECTION. AMENDMENT OF CODE.

Division 16.40 Affordable Housing Incentives/Density Bonus Provisions

Sections:

16.40.010 - Purpose

16.40.020 - Eligibility for Bonus and Incentives

16.40.030 - ~~Types of Bonuses and Incentives Allowed~~ Density Bonuses

16.40.040 - ~~Requirements for Projects with Affordable Units~~ Allowed Incentives

16.40.050 - Continued Availability

16.40.060 - Location and Type of Bonus Units

~~16.40.070 - Development Standards for Targeted Units~~ Processing of Bonus Requests
~~16.40.080 - Processing of Bonus Requests~~ Density Bonus Housing Agreement
~~16.40.090 - Density Bonus Agreement~~ Control of Resale
~~16.40.100 - Judicial Relief, Waiver of Standards~~

SECTION. AMENDMENT OF CODE.

16.40.010 - Purpose

This Division provides incentives for the development of housing that is affordable to the types of households and qualifying residents identified in 16.40.020 (Eligibility for Bonus and Incentives); ~~below~~. In offering these incentives, this Division is intended to implement the requirements of State law (Government Code Sections 65302, 65913, and 65915, et seq) and the goals and policies of the City's Housing Element.

SECTION. AMENDMENT OF CODE.

16.40.020 - Eligibility for Bonus and Incentives

~~In order to be eligible for a density bonus and other incentives as provided by this Division, a proposed residential development project shall:~~

~~A. Be available so that at least:~~

- ~~1. **Lower income.** Twenty percent of the total number of proposed dwelling units are for lower income households, as defined in Health and Safety Code Section 50079.5;~~
- ~~2. **Very low income.** Ten percent of the total number of proposed dwelling units are for very low income households, as defined in Health and Safety Code Section 50105; or~~
- ~~3. **Other qualifying residents.** Fifty percent of the total number of proposed dwelling units are for qualifying residents as determined by Section 51.3 of the Civil Code; and~~

~~B. Satisfy all other applicable provisions of this Division.~~

A density bonus or other incentives may be provided under the following circumstances if the following requirements and all other applicable provisions of this Development Code are met, except as provided by 16.40.040 (Allowed Incentives):

A. **Residents.** A housing development proposed to qualify for a density bonus shall be designed and constructed so that it includes at least one of the following:

1. **Low income households.** Ten percent of the total number of proposed units are for lower income households, as defined in Health and Safety Code Section 50079.5;

2. **Very low income households.** Five percent of the total number of proposed units are for very low income households, as defined in Health and Safety Code Section 50105;
3. **Senior citizen housing/mobile home park.** The project is a senior citizen housing development as defined in Civil Code Sections 51.3 and 51.12, or is a mobile home park that limits residency based on age requirements for housing older persons in compliance with Civil Code Sections 798.76 or 799.5; or
4. **Common interest development.** Ten percent of the total dwelling units in a common interest development (i.e., condominiums) as defined in Civil Code Section 1351 are for persons and families of moderate income, as defined in Health and Safety Code Section 50093; provided, that all units in the development are offered to the public for purchase.

B. Land donation. A density bonus for an entire development may be provided if an applicant for a tentative map, parcel map, or other residential development approval donates land to the City in compliance with all of the following:

1. **Eligibility for increased bonus.** An applicant shall be eligible for the increased density bonus provided all the following conditions are met:
 - a. The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.
 - b. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount that is at least 10 percent of the number of residential units in the proposed development.
 - c. The transferred land:
 - 1) Is at least one acre in size, or of sufficient size to permit development of at least 40 units;
 - 2) Has the appropriate General Plan designation;
 - 3) Is appropriately zoned for development as affordable housing; and
 - 4) Is served by adequate public facilities and infrastructure.
 - d. The land shall have appropriate zoning and development standards to make the development of the affordable units feasible.
 - e. No later than the date of approval of the final subdivision map, parcel map, or of the residential development, the transferred land shall have all of the permits and approvals, other than Building Permits, necessary for the development of the very low income housing units

on the transferred land, except that the City may subject the proposed development to subsequent design review to the extent authorized by Government Code Section 65583.2(l) if the design is not reviewed by the City before the time of transfer.

f. The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with 16.40.050 (Continued Availability), below, which shall be recorded on the property at the time of dedication.

g. The land is transferred to the City or to a housing developer approved by the City. The City may require the applicant to identify and transfer the land to the approved housing developer.

h. The transferred land shall be within the boundary of the proposed development or, if the City agrees, within one-quarter mile of the boundary of the proposed development.

2. **Increased bonus.** This increase shall be in addition to any increase in density required by 16.40.020.A (Residents) up to a maximum combined mandated density increase of 35 percent if an applicant seeks both the increase required for the donation of land, as well as the bonuses provided by 16.40.020.A (Residents).

3. **Condition of development.** The granting of a density bonus shall not preclude the City from requiring a developer to donate land as a condition of development.

C. **Child care facility.** A density bonus may be granted for child care facilities as defined in Division 8. It may be granted for:

1. **Housing developments.** A housing development that complies with the resident and project size requirements of 16.40.020.A (Residents) and also includes as part of that development a child care facility that will be located either on the site as part of the project or on a site adjacent to the development provided the project meets the following:

a. **Requirements.** In compliance with Government Code Section 65915 (i), the City shall require, as a condition of approving the housing development, that:

1) The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable in compliance with 16.40.050 (Continued Availability); and

2) Of the children who attend the child care facility, the children of very low income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income

households, or families of moderate income in compliance with 16.40.020 A. (Residents).

- b. Adequate child care facilities. The City shall not be required to provide a density bonus for a child care facility in compliance with this Section if it finds, based upon substantial evidence, that the community already has adequate child care facilities.

2. Commercial and industrial developments. A commercial or industrial development project, containing at least 50,000 square feet of floor area, if the developer of the project agrees to set aside at least 2,000 square feet of interior floor area and 3,000 outdoor square footage to be used for a child care facility, in compliance with Government Code Section 65917.5 (Commercial density bonus). The requirements to qualify for the additional density bonus shall include all of the following:

- a. For purposes of calculating the allowable density bonus, both the total area contained within the exterior walls of the child care facility and all outdoor areas devoted to the use of the facility in compliance with applicable State child care licensing requirements shall be considered.
- b. The child care facility shall be of a sufficient size to comply with all applicable State licensing requirements in order to accommodate at least 40 children.
- c. This facility may be located either on the project site or may be located off-site as agreed upon by the developer and the City.
- d. If the child care facility is not located on the site of the development project, the City shall determine whether the location of the child care facility is appropriate and whether it complies with the purpose and intent of this Section.
- e. The granting of a density bonus shall not preclude the City from imposing necessary conditions on the development project or on the additional square footage in compliance with Government Code Section 65917.5 (Commercial density bonus).

SECTION. AMENDMENT OF CODE.

16.40.030 – Types of Bonuses and Incentives Allowed

~~A residential development project that satisfies all applicable provisions of this Division shall be entitled to the following density bonus and other incentives. If a density bonus and/or other incentives cannot be accommodated on a parcel due to strict compliance with the provisions of this Development Code, the Council may waive or modify development standards as necessary to accommodate bonus units and other incentives to which the development is entitled.~~

~~A. **Density bonus.** The density bonus allowed by this Division shall consist of at least a 25 percent increase in the maximum density allowed by the zoning district and General Plan designation applicable to the parcel as of the date of the project land use permit application. A single development project shall not be granted more than one density bonus in compliance with this Division.~~

~~1. In determining the minimum number of density bonus units to be granted in compliance with this Division, the maximum residential density for the site shall be multiplied by 0.25. When calculating the number of permitted density bonus units, any fraction of units shall be rounded to the next larger integer.~~

~~2. In determining the number of target units to be provided by this Division, the maximum residential density shall be:~~

~~a. Multiplied by 0.10 where very low income households are targeted; or~~

~~b. Multiplied by 0.20 where lower income households are targeted.~~

~~The density bonus units shall not be included when determining the total number of target units in the housing development. When calculating the required number of target units, any resulting decimal fraction shall be rounded to the next larger integer.~~

~~B. **Other incentives.** If requested by the developer, a qualifying project shall be entitled to at least one of the following incentives identified by State law (Government Code Section 65915 (b)), unless the City makes a written finding that the additional incentive(s) is not necessary to make the housing development economically feasible:~~

~~1. **Requirements.**~~

~~a. **Economic feasibility.** Any development incentive(s) granted shall contribute significantly to the economic feasibility of providing the target units.~~

~~b. **Waivers or modifications.** An owner/developer seeking a waiver or modification of development or zoning standards shall show that the waivers or modifications are necessary to make the housing development economically feasible assuming a reasonable rate of return (e.g., at a minimum an application shall include itemized accounting of projected costs and revenues of the development, both with and without the additional incentives required).~~

~~c. **Revenue.** Project revenues shall include moneys from the sale or rental of all units, including the density bonus units.~~

d. ~~Costs.~~ Project costs:

- 1) ~~Shall not include the "lost opportunity" cost of the target units (e.g., the amount that would have been generated had the target units been rented or sold at market rate).~~
- 2) ~~May include items that are required solely as a result of the inclusion of the density bonus units and would not have been required without the units.~~

e. ~~Financial assistance.~~ If financial assistance is required, the owner/developer shall submit a project financial report (pro forma) to allow the City to evaluate the financial need for the State-mandated additional incentives. The City may retain a consultant to review the financial report. The cost of the consultant shall be borne by the owner/developer except that if the owner/developer is a nonprofit organization, the cost of the consultant may be paid by the City upon prior approval of the Council and/or Redevelopment Agency.

2. ~~Types of incentives.~~ The allocation of additional incentives shall be determined on a case-by-case basis. The additional incentives may include the following:

a. ~~A reduction in site development standards or a modification of the requirements of this Development Code. For applications involving the modification of zoning or development standards, the owner/developer shall show that the waiver or modification is necessary to make the housing units economically feasible. Permissible incentives include:~~

- 1) ~~Reduction of on-site parking requirements.~~
- 2) ~~Reduction of open space requirements.~~
- 3) ~~Reduction of parcel sizes and/or dimensions.~~
- 4) ~~Reduction of setback requirements.~~
- 5) ~~Increase in building height.~~
- 6) ~~Increase in lot coverage.~~
- 7) ~~Grant a density bonus of more than 25 percent.~~
- 8) ~~Deferment of specified public facilities fees as approved by the Council.~~
- 9) ~~Approval of mixed use activities in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and the commercial, office, industrial, or other land uses are compatible with the~~

~~housing project and the existing or planned development in the area and is consistent with the General Plan.~~

- ~~b. Other regulatory incentives proposed by the owner/developer or the City, which result in identifiable cost reductions. Permissible incentives include financial aid (e.g., redevelopment set-aside, Community Development Block Grant (CDBG) funding) in the form of a loan or a grant to subsidize or provide low-interest financing for on or off-site improvements, land, or construction costs as approved by the Council and/or Redevelopment Agency.~~

~~C. Limitations and exceptions.~~

- ~~1. In cases where a density increase of less than 25 percent is requested, no reduction shall be allowed in the number of target units required. In cases where a density increase of more than 25 percent is requested, the requested density increase, if granted, shall be considered an additional incentive.~~
- ~~2. In cases where the developer agrees to construct more than 20 percent of the total units for low income households, and/or more than 10 percent of the total units for very low income households, the developer is entitled to only one density bonus and an additional incentive(s). Similarly, a developer who agrees to construct senior citizen housing with 20 or 10 percent of the units reserved for low or very low income households, respectively, is only entitled to one density bonus and an additional incentive(s). The City may, however, grant multiple additional incentives to facilitate the inclusion of more target units than are required by this Division.~~

~~D. City's right to disapprove project. Nothing in this Division shall limit the City's right to disapprove an affordable housing project if the City finds, based on substantial evidence, any one of the following (consistent with State Code Section 65589.5):~~

- ~~1. The City has adopted an adequate housing element, and the project is not needed for the City to meet its share of the regional housing need of very low and low income housing;~~
- ~~2. The project as proposed would have a specific, adverse impact upon the public health or safety, which cannot be satisfactorily mitigated without rendering it unaffordable to very low and low income households;~~
- ~~3. The project as proposed would have a specific, adverse impact upon real property that is listed in the California Register of Historical Resources;~~
- ~~4. The disapproval of the project or imposition of conditions is required in order to comply with specific State or Federal law and there is no feasible method to comply without rendering the development unaffordable to very low and low income households;~~

- ~~5. Approval of the development project would increase the concentration of very low and/or low income households in a neighborhood that already has a disproportionately high number of low income households;~~
- ~~6. The development project is inconsistent with the City's General Plan land use designation as it existed on the date the application was deemed complete, and the City has adopted a housing element in compliance with State law; or~~
- ~~7. Nothing in this Division shall limit the City's right to disapprove a senior citizen housing project if the City finds, based on substantial evidence, that the project would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the adverse impact identified.~~

16.40.030 – Types of Bonuses Allowed Density Bonuses

The amount of a density bonus allowed in a housing development shall be determined by the review authority as follows:

A. Density bonus. A housing development that complies with the eligibility requirements in 16.40.020 (Eligibility for Bonus or Incentives) shall be entitled to density bonuses as follows, unless a lesser percentage is proposed by the applicant.

- 1. Lower income households.** A housing development that is eligible for a bonus in compliance with the criteria in 16.40.020.A.1 (Ten percent of units for lower income households) shall be entitled to a density bonus calculated as follows:

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

<u>20</u>	<u>35</u>
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2. Very low income households. A housing development that is eligible for a bonus in compliance with the criteria in 16.40.020.A.2 (Five percent of units for very low income households) shall be entitled to a density bonus calculated as follows:

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

3. Senior citizen housing/mobile home park. A housing development that is eligible for a bonus in compliance with the criteria in 16.40.020.A.3 (Senior Citizen Development or Mobile Home Park) shall be entitled to a density bonus of 20 percent.

4. Moderate income units in common interest development.

- a. Common interest development. A housing development that is eligible for a bonus in compliance with the criteria in 16.40.020.A.4 (Ten percent of units in a common interest development for persons and families of moderate income) shall be entitled to a density bonus calculated as follows:

<u>Percentage of Moderate-Income Units Proposed</u>	<u>Percentage of Density Bonus</u>
<u>10</u>	<u>5</u>
<u>11</u>	<u>6</u>
<u>12</u>	<u>7</u>
<u>13</u>	<u>8</u>

<u>14</u>	<u>9</u>
<u>15</u>	<u>10</u>
<u>16</u>	<u>11</u>
<u>17</u>	<u>12</u>
<u>18</u>	<u>13</u>
<u>19</u>	<u>14</u>
<u>20</u>	<u>15</u>
<u>21</u>	<u>16</u>
<u>22</u>	<u>17</u>
<u>23</u>	<u>18</u>
<u>24</u>	<u>19</u>
<u>25</u>	<u>20</u>
<u>26</u>	<u>21</u>
<u>27</u>	<u>22</u>
<u>28</u>	<u>23</u>
<u>29</u>	<u>24</u>
<u>30</u>	<u>25</u>
<u>31</u>	<u>26</u>
<u>32</u>	<u>27</u>
<u>33</u>	<u>28</u>
<u>34</u>	<u>29</u>
<u>35</u>	<u>30</u>
<u>36</u>	<u>31</u>
<u>37</u>	<u>32</u>
<u>38</u>	<u>33</u>
<u>39</u>	<u>34</u>
<u>40</u>	<u>35</u>

b. Condominium conversion projects. A condominium conversion project for which a density bonus is requested shall

comply with the eligibility and other requirements in Government Code Section 65915.5 (Condo conversion incentives for low income housing development) and the requirements of Division 16.196 (Condominiums and Condominium Conversions).

5. **Land donation.** When an applicant for a tentative map, parcel map, or other residential development approval donates land to the City in compliance with 16.40.020.B (Land Donation), the applicant shall be entitled to a 15 percent increase above the otherwise maximum allowable residential density under the applicable General Plan Land Use Element designation and zoning for the entire development, and an additional increase as follows:

<u>Percentage of Very Low-Income Units Proposed</u>	<u>Percentage of Density Bonus</u>
<u>10</u>	<u>15</u>
<u>11</u>	<u>16</u>
<u>12</u>	<u>17</u>
<u>13</u>	<u>18</u>
<u>14</u>	<u>19</u>
<u>15</u>	<u>20</u>
<u>16</u>	<u>21</u>
<u>17</u>	<u>22</u>
<u>18</u>	<u>23</u>
<u>19</u>	<u>24</u>
<u>20</u>	<u>25</u>
<u>21</u>	<u>26</u>
<u>22</u>	<u>27</u>
<u>23</u>	<u>28</u>
<u>24</u>	<u>29</u>
<u>25</u>	<u>30</u>
<u>26</u>	<u>31</u>
<u>27</u>	<u>32</u>

<u>28</u>	<u>33</u>
<u>29</u>	<u>34</u>
<u>30</u>	<u>35</u>

- B. Applicant selection of basis for bonus.** For purposes of calculating the amount of the density bonus for in compliance with 16.40.030.A (Density Bonuses), the applicant who requests a density bonus shall elect whether the bonus shall be awarded on the basis of 16.40.020.A.1., 2., 3., or 4 (Residents).
- C. Bonus units shall not qualify a project.** A density bonus granted in compliance with 16.40.030.A (Density Bonus), shall not be included when determining the number of housing units that is equal to the percentages required by 16.40.020.A.
- D. Greater or lesser bonuses.** The City may choose to grant a density bonus greater than provided by this Section for a development that meets the requirements of 16.40.020 (Eligibility for Bonus or Incentives) or grant a proportionately lower density bonus than required by 16.40.020 (Eligibility for Bonus or Incentives) for a development that does not meet the requirements of this Section.
- E. Density bonus calculations.**
1. The calculation of a density bonus that results in fractional units shall be rounded up to the next whole number, as required by Government Code Section 65915.
 2. For the purpose of calculating a density bonus, the residential units do not have to be based upon individual subdivision maps or parcels.
- F. Location of bonus units.** The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.
- G. Other affordable housing subsidies.** Approval of a density bonus does not, in and of itself, preclude projects from receipt of other government subsidies for affordable housing.
- H. Requirements for amendments or discretionary approval.** The granting of a density bonus in compliance with 16.40.020 (Eligibility for Bonus or Incentives) shall not be interpreted, in and of itself, to require a General Plan Amendment, Rezoning, or other discretionary approval.

SECTION. AMENDMENT OF CODE.

~~16.40.040 – Requirements for Projects with Affordable Units~~

- ~~A. All target units shall be occupied by the household type specified in the written agreement required under Section 16.40.090. The owner(s) obligation to maintain these units as affordable housing shall be evidenced by the Density Bonus Housing Agreement, which shall be recorded as a deed restriction running with the land and be binding upon all future owners, developers, and/or successors in interest.~~
- ~~B. Those units targeted for low income households shall be affordable at a rent that does not exceed current Housing and Urban Development (HUD) income limits for low income households for the County adjusted for household size.~~
- ~~C. Those units targeted for very low income households shall be affordable at a rent that does not exceed current HUD income limits for very low income households the County adjusted for household size.~~
- ~~D. The owner(s) shall submit annually and within 30 days of occupancy of a target unit, a certificate of compliance, which shall include the name, address, and income of each tenant occupying the target unit.~~
- ~~E. The owner(s) shall maintain and keep on file documentation of the income level for each tenant occupying the target units.~~
- ~~F. The owner(s) shall provide to the City any additional information required by the City to insure the long term affordability of the target units by eligible households.~~
- ~~G. The City shall have the right to inspect the owner's project related records at any reasonable time and shall be entitled to audit the owner's records once a year.~~
- ~~H. The City may establish fees associated with the setting up and monitoring of target units.~~
- ~~I. All ownership target units shall be occupied by their purchasers; no renting or leasing shall be allowed.~~

16.40.040 - Allowed Incentives

A. Applicant request and City approval.

1. An applicant for a density bonus may submit to the City a proposal for the specific incentives listed in 16.40.040.C. (Type of Incentives) that the applicant requests and may request a meeting with the Director. The applicant may file the request either before an application for City approval of the proposed project, or concurrently with the application for project approval. The review authority shall grant an incentive request that complies with this Section unless the review authority makes either of the following findings in writing, based upon substantial evidence:
 - a. The incentive is not required to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5, or for rents for the targeted units to be set as specified in Subsection 16.40.050.B. (Unit

cost requirements); or

- b. The incentive would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment, or on any real property listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households.

- 2. The applicant shall show that a waiver or modification of development standards is necessary to make the housing units economically feasible.

B. Number of incentives for residential projects. The applicant for residential projects in compliance with 16.40.020.A (Residents) shall receive the following number of incentives.

- 1. **One incentive.** One incentive for a project that includes:

- a. At least 10 percent of the total units for lower income households;
- b. At least five percent for very low income households; or
- c. At least 10 percent for persons and families of moderate income in a common interest development.

- 2. **Two incentives.** Two incentives for a project that includes:

- a. at least 20 percent of the total units for lower income households;
- b. At least 10 percent for very low income households; or
- c. At least 20 percent for persons and families of moderate income in a common interest development.

- 3. **Three incentives.** Three incentives for a project that includes:

- a. at least 30 percent of the total units for lower income households;
- b. At least 15 percent for very low income households; or
- c. At least 30 percent for persons and families of moderate income in a common interest development.

C. Type of incentive. An incentive may include the following:

1. Residential. A housing development that complies with 16.40.020.A (Residents) and 16.40.040.B.2 (Two Incentives) and 3 (Three Incentives) shall be eligible to receive one or two of the following additional incentives:

a. A reduction in the site development standards of this Development Code (e.g., site coverage limitations, setbacks, reduced parcel sizes, and/or parking requirements (see also Section 16.40.040.C.3 [Parking]), or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission in compliance with Health and Safety Code Section 18901 et seq., that would otherwise be required, that results in identifiable, financially sufficient, and actual cost reductions;

b. Approval of multi-use project not otherwise allowed by this Development Code in conjunction with the housing development, if

1) Nonresidential land uses will reduce the cost of the housing development; and

2) The nonresidential land uses are compatible with the housing development and the existing or planned development in the area where the project will be located;

c. Other regulatory incentives proposed by the applicant or the City that will result in identifiable, financially sufficient, and actual cost reductions; and/or

d. A direct financial contribution granted by the City, in its sole and absolute discretion, including writing-down land costs, subsidizing the cost of construction, or participating in the cost of infrastructure.

2. Child care. Projects providing child care facilities in compliance with 16.40.02.C (Child Care Facilities) shall be subject to the following:

a. Housing developments. A housing development that complies with the resident and project size requirements of 16.40.020.A. (Residents) and the requirements for child care facilities 16.40.020.C.1 (Housing Development) shall receive the following additional incentives. The City shall grant a housing development that includes a child care facility in compliance with 16.40.020.C either of the following:

1) An additional density bonus that is an amount of floor area in square feet of residential space that is equal to or greater than the floor area of the child care facility; or

2) An additional incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

b. Commercial and industrial developments. A developer of a commercial or industrial development project that complies with the requirements of 16.40.C.2 (Child Care Facility) shall receive one of the following:

- 1) A maximum of five square feet of floor area for each one square foot of floor area contained in the child care facility located in an existing child care facility; or
- 2) A maximum of 10 square feet of floor area for each one square foot of floor area contained in the child care facility located in a new child care facility.

3. Parking. An applicant for a development that meets the requirements of 16.40.020 (Eligibility for Incentives) may request additional parking incentives beyond those provided in 16.40.040.B (Number of Incentives) and 16.40.040.C.1 and 2 (Types of Incentives).

a. Number of parking spaces required.

- 1) At the request of the applicant, the City shall authorize the following vehicular parking ratios, inclusive of handicapped and guest parking.
 - a) Zero to one bedrooms: One on-site parking space.
 - b) Two to three bedrooms: Two on-site parking spaces.
 - c) Four and more bedrooms: Two and one-half on-site parking spaces.
- 2) If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number.

b. Location of parking. For purposes of this Section, a development may provide on-site parking through tandem parking or uncovered parking, but not through on-street parking.

D. Effect of incentive. The granting of an incentive in compliance with this Section shall not be interpreted, in and of itself, to require a General Plan amendment, Zoning Map amendment, or other discretionary approval.

SECTION. AMENDMENT OF CODE.

16.40.050 - Continued Availability

The land use permit application for the residential development project shall include the procedures proposed by the developer to maintain the continued affordability of the density bonus units in the following manner:

- ~~A. **Development projects receiving an additional incentive.** Projects receiving a direct financial contribution or other financial incentives from the City, or a density bonus and at least one other concession or incentive shall maintain the availability of the lower income density bonus units for a minimum of 30 years, as required by State law (Government Code Sections 65915(c) and 65916); or~~
- ~~B. **Development projects – Density bonus only.** Privately financed projects that receive a density bonus as the only incentive from the City shall maintain the availability of lower income density bonus units for a minimum of 10 years.~~

The units that qualified the housing development for a density bonus and other incentives shall continue to be available as affordable units in compliance with the following requirements, as required by Government Code Section 65915(c). See also 16.40.090 (Control of Resale).

- A. **Duration of affordability.** The applicant shall agree to, and the City shall ensure, the continued availability of the units that qualified the housing development for a density bonus and other incentives, as follows:
1. **Low-, and very low-income units.** The continued affordability of all low- and very low income qualifying units shall be maintained for a minimum of 30 years, or a longer time if required by the construction or mortgage financing assistance program, mortgage insurance program, rental subsidy program, or by City policy or ordinance.
 2. **Moderate income units in common interest development.** The continued availability of moderate income units in a common interest development shall be maintained for a minimum of 10 years, or a longer time if required by City policy or ordinance.
- B. **Unit cost requirements.** The rents and owner-occupied costs charged for the housing units in the development that qualify the project for a density bonus and other incentives, shall not exceed the following amounts during the period of continued availability required by this Section:
1. **Rental units.** Rents for the lower income density bonus units shall be set at an affordable rent as defined in Health and Safety Code Section 50053.
 2. **Owner-occupied units.** Owner-occupied units shall be available at an affordable housing cost as defined in Health and Safety Code Section 50052.5.
- C. **Occupancy and resale of moderate income common interest development units.** An applicant shall agree to, and the City shall ensure that the initial occupant of moderate income units that are directly related to the receipt of the density bonus in a common interest development as defined in Civil Code Section 1351, are persons and families of moderate income, as defined in Health and Safety Code Section 50093, and that the units are offered at an affordable housing cost, as defined in Health and Safety Code Section 50052.5. The City shall enforce an equity sharing agreement unless it is in conflict with the requirements of

another public funding source or law. The following requirements apply to the equity sharing agreement.

1. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation.
2. The City shall recapture any initial subsidy and its proportionate share of appreciation, which shall then be used within three years for any of the purposes described in Health and Safety Code Section 33334.2(e) that promote home ownership.
 - a. The City's initial subsidy shall be equal to the fair market value of the home at the time of initial sale, minus the initial sale price to the moderate-income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value; and
 - b. The City's proportionate share of appreciation shall be equal to the ratio of the initial subsidy to the fair market value of the home at the time of initial sale.

SECTION. AMENDMENT OF CODE.

16.40.060 - Location and Type of Bonus Units

- ~~A. **On-site.** Target units should be built on-site wherever possible and, when practical, be dispersed within the housing development. The location of density bonus units within the qualifying project shall be at the discretion of the City with the goal to integrate the units into the overall project. However, the inclusionary units shall:~~
- ~~1. Be reasonably dispersed throughout the development where feasible;~~
 - ~~2. Contain on average the same number of bedrooms as the non-inclusionary units; and~~
 - ~~3. Be compatible with the design or use of the remaining units in terms of appearance, materials, and finish quality.~~
- ~~B. **Off-site.** Circumstances may arise in which the public interest would be served by allowing some or all of the target units associated with one housing development to be produced and operated at an alternative development site. Where the owner/developer and the City form an agreement, the resulting linked developments shall be considered a single housing development for purposes of this Division. Under these circumstances, the owner/developer shall be subject to the same requirements of this Division for the target units to be provided on the alternative site.~~

- A. On-site. Target units should be built on-site wherever possible and, when practical, be dispersed within the housing development. The location of density bonus units within the qualifying project shall be at the discretion of the City with the goal to integrate the units into the overall project. However, the inclusionary units shall:
1. Be reasonably dispersed throughout the development where feasible;
 2. Contain on average the same number of bedrooms as the non-inclusionary units; and
 3. Be compatible with the design or use of the remaining units in terms of appearance, materials, and finish quality.
- B. Phasing. If a project is to be phased, the density bonus units shall be phased in the same proportion as the non-density bonus units, or phased in another sequence acceptable to the City.

SECTION. AMENDMENT OF CODE.

~~16.40.070—Development Standards for Targeted Units~~

- A. ~~Target units should be constructed concurrently with non-restricted units unless both the City and the owner/developer agree within the Density Bonus Housing Agreement to an alternative schedule for development.~~
- B. ~~Target units shall remain restricted and affordable to the designated group for a period of 30 years (or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program), if both a density bonus and an additional incentive(s) are granted.~~
- C. ~~Target units shall remain restricted and affordable to the designated group for a period of 10 years if a density bonus is granted and no additional incentive(s) is granted.~~
- D. ~~In determining the maximum affordable rent or affordable sales price of target units the following household and unit size assumptions shall be used, unless the housing development is subject to different assumptions imposed by other governmental regulations:~~
- | | |
|---|----------------------|
| SRO (residential hotel) unit | 1 person |
| 0 bedroom (studio) | 2 person |
| 1 bedroom | 3 persons |
| 2 bedrooms | 5 persons |
| 3 bedrooms | 7 persons |
| 4 bedrooms | 9 persons |
- E. ~~Where feasible, the number of bedrooms of the target units should be equivalent to the bedroom mix of the non-target units of the housing development, except that the developer may include a higher proportion of target units with more bedrooms.~~

~~The design and appearance of the target units shall be compatible with the design of the total housing development. Housing developments shall comply with all applicable development standards, except those that may be modified as provided by this Division.~~

- ~~F. A Density Bonus Housing Agreement shall be made between the owner/developer and the City which indicates the household type, number, location, size, and construction scheduling of all affordable units and any information required by the City to determine the owner's/developer's compliance with this Division.~~

SECTION. AMENDMENT OF CODE.

16.40.080070 - Processing of Bonus Requests

An application for a density bonus shall be processed concurrently with any other application(s) required for the housing development.

- A. **Filing.** The application for a density bonus shall be filed in compliance with Division 16.84 (Application Filing, Processing, and Fees) and the requirements of 16.40.020 (Eligibility for Bonus and Incentives), above, and 16.40.090080 (Density Bonus Housing Agreement), below. An application, whether a pre-application or a formal application, shall include the following information:

SECTION. AMENDMENT OF CODE.

16.40.090080 - Density Bonus Housing Agreement

- A. An owner/developer requesting a density bonus shall draft and agree to enter into a Density Bonus Housing Agreement (Agreement) with the City. The terms of the draft Agreement shall be reviewed and revised as appropriate by the Director, the Housing and Redevelopment Director, and/or the City Attorney. The Director and/or Commission shall make a recommendation regarding the Agreement to the Council for final action.
- B. Following execution of the Density Bonus Housing Agreement by all parties, the completed Agreement, or memorandum thereof, shall be recorded on the parcel or parcels designated for the construction of target units. The approval and recordation shall take place before final map approval, or, where a map is not being processed, before issuance of Building Permits for the parcels or units. The Agreement shall be binding to all future owners, developers, and/or successors in interest.
- B. The Density Bonus Housing Agreement shall include at least the following:
1. The total number of units approved for the housing development, including the number of target units;

2. A description of the household income group to be accommodated by the housing development, and the standards for determining the corresponding affordable rent or affordable sales price and housing cost;
 3. The location, unit sizes (square feet), and number of bedrooms of target units;
 4. Tenure of use restrictions for target units of at least 10 or 30 years, in compliance with ~~16.40.040 (Requirements for Projects with Affordable Units)~~ 16.40.050 (Continued Availability), above;
 5. A schedule for completion and occupancy of target units;
 6. A description of the additional incentive(s) being provided by the City;
 7. A description of remedies for breach of the Density Bonus Housing Agreement by the owners, developers, and/or successors-in-interest of the project; and
 8. Other provisions to ensure implementation and compliance with this Division.
- D. In the case of for-sale housing developments, the Density Bonus Housing Agreement shall provide for the following conditions governing the initial sale and use of target units during the applicable use restriction period:
1. Target units shall, upon initial sale, be sold to eligible very low or low-income households at an affordable sales price and housing cost, or to qualified residents (i.e., maintained as senior citizen housing).
 2. Target units shall be initially owner-occupied by eligible very low or low-income households, or by qualified residents in the case of senior citizen housing.
 3. The initial purchaser of each target unit shall execute an instrument or agreement approved by the City restricting the sale of the target unit in compliance with this ordinance during the applicable use restriction period. The instrument or agreement shall be recorded against the parcel containing the target unit and shall contain provisions as the City may require to ensure continued compliance with this ordinance and State Density Bonus Law.
- E. In the case of rental housing developments, the Density Bonus Housing Agreement shall provide for the following conditions governing the use of target units during the use restriction period:
1. The rules and procedures for qualifying tenants, establishing affordable rent, filling vacancies, and the proper management and maintenance of target units for qualified tenants;
 3. Provisions requiring owners to verify tenant incomes and maintain books and records to demonstrate compliance with this Division; and

4. Provisions requiring owners to submit an annual report to the City, which includes the name, address, and income of each person occupying target units, and which identifies the bedroom size and monthly rent or cost of each target unit.
- F. A Density Bonus Housing Agreement shall be between the owner/developer and the City.
- G. A Density Bonus Housing Agreement shall be a condition of the discretionary planning action (i.e., tentative map, Planned Development Permit, or Use Permit before the Commission), if applicable, for all housing developments provided under the authority of this Development Code. The Agreement shall be recorded as a restriction on the parcel or parcels on which the target units would be constructed.

SECTION. AMENDMENT OF CODE.

16.40.090 - Control of Resale

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

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

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

SECTION. AMENDMENT OF CODE.

16.40.100 - Judicial Relief, Waiver of Standards

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

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 precluding the construction of a development meeting the criteria of Subsection 16.40.020 A. (Residents), at the densities or with the incentives allowed by this Division.
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. City exemption. Notwithstanding the provisions 16.40.100.A (Judicial Relief) and B (Waiver of Standards Preventing the use of Bonuses and Incentives), nothing in this Division 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.

SECTION. AMENDMENT OF CODE.

16.44.020 – Criteria for Minor and Major Communication Facilities

A. Locational criteria.

- 2. Minor communication facilities.**

- a. Minor communication facilities using a stealth design and conforming to all applicable provisions of this Code shall be allowed on residentially-zone sites only with the following established uses:
 - 1) Church sites;
 - 2) Parks, golf courses, when compatible with the nature of the site (as determined by the City Parks Facility Planner/Landscape Architect shall allow 45 days to receive Parks and Recreation Commission comments);
 - 3) Government, school, utility, and institutional sites; or
 - 4) Existing apartment structures, retirement homes, convalescent hospitals, or other similar uses where the structure is at least 45 feet in height.
- b. May be established on property zoned for commercial or industrial land uses; or
- c. Could be allowed within public rights-of-way, subject to the issuance of a Revocable Permit in compliance with 16.72.127 (Revocable Permit) ~~from the Public Works Department.~~

SECTION. AMENDMENT OF CODE.

16.48.040 – General Height Limitations

Fences hedges, and walls may be erected/maintained to the following heights, except for specified mitigation measures:

- A. **Residential.** The heights shown in Table 3-4 (Maximum Height of Fences, Hedges and Walls in Residential Zoning Districts) are allowed within residential zoning districts, except in compliance with Sections 16.48.040 (Exceptions to Height Limitations) and 16.48.090 (Special Wall and Fencing Requirements).

**TABLE 3-4
MAXIMUM HEIGHT OF FENCES, HEDGES, AND WALLS
IN RESIDENTIAL ZONING DISTRICTS***

Location	Maximum Height
Front and street side yards to the setback line	3ft.
Front and street side yards within the building envelope	6 ft.
Rear and interior side yards	6 ft.
Rear and side yards adjacent to levees,	8 ft.

parks, and nonresidential land uses	
Rear and side yards adjacent to parks	Minimum of 8 ft.
At intersections of streets, alleys, and driveways within traffic sight areas (16.36.140)	30 inches

*A Building Permit is required for solid fences over 6 six feet in height with an exception for fences up to seven feet; provided open grillwork or similar open material that allows at least 33 percent view penetration is used above six feet.

SECTION. AMENDMENT OF CODE.

16.48.050 – Exceptions to Setback Limitations

The Review Authority may adjust the requirements for fences, hedges, and walls in compliances with Division 16-585 16.176 (Waiver) under the following conditions:

SECTION. AMENDMENT OF CODE.

16.48.055 – Graffiti

All fences and walls in nonresidential and multi-family projects and all back-up walls in residential and nonresidential projects shall be designed and built so as to control graffiti in compliance with 16.32.060 (Graffiti).

SECTION. AMENDMENT OF CODE.

16.48.060 - Walls Required Between Different Zoning Districts

A. Where a nonresidential zoning district abuts a residential zoning district (RL, RM, and RH) or a noise sensitive use, a solid masonry walls shall be provided (see Figure 3-5) as follows:

1. For a nonresidential property of less than two acres:
 - a. A wall eight feet in height shall be constructed at the time of development along the zone boundary line by:
 - 1) The subdivider if there is a tentative map; or
 - 2) The nonresidential or multi-family owner, if there is no tentative map.
 - b. Walls may be constructed higher than eight feet if:
 - 1) Required as a condition of approval or as a mitigation measure; or

- 2) If the viewshed is not impacted, subject to the approval of the Director.
2. For a nonresidential property of two or more acres, a wall eight feet in height shall be constructed along the zone boundary line by the owner of the nonresidential use at the time of development.
- B. Walls shall be of solid decorative masonry construction, ~~painted with graffiti-resistant paint, designed and built so as to control graffiti in compliance with 16.32.060 (Graffiti), and subject to approval of the Director, and~~

SECTION. AMENDMENT OF CODE.

16.48.070 – Special Wall and Fencing Requirements

- D. **Walls 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 shall be constructed of decorative concrete or masonry materials up to six feet in height, and the exterior of the walls shall be ~~painted with graffiti-resistant paint~~ designed and built so as to control graffiti in compliance with 16.32.060 (Graffiti).
- E. **Retaining walls.** If a fence is placed on top of a retaining wall, the total height of the fence and the retaining wall together shall not be greater than the allowed height of a fence in the zoning district. (See also 16.36.110.D.2.b [Retaining Walls].)

SECTION. AMENDMENT OF CODE.

16.48.100 - Prohibited Fence Materials

- A. **Chain link fencing.** (See Figure 3-13)

SECTION. AMENDMENT OF CODE.

16.56.020 - 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.

- D. **Public rights-of-way.** Public rights-of-way shall be landscaped in compliance with Division 16.72 (Public Improvements)- and the following:

1. **Rules and regulations.** The planting, trimming, care, and removal 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.
2. **Permitting.** A permit from the Director shall be required for anyone, including a utility company operating under a franchise granted by the City of Stockton, to plant, remove or effectively remove, replace, or relocate a street tree in compliance with Division 16.162 (Street Tree Permit).
3. **Interference.** No one shall interfere with the City while engaged in planting, mulching, pruning, trimming, spraying, treating, or removing any street tree in compliance with Section 12.64.040 (Interference with the City of Stockton).
4. **Harming of street trees.** No one shall cause harm to a street tree in compliance with Sections 12.64.050 (Substances Deleterious to Trees or Shrubs Prohibited), 12.64.060 (Prohibition Against Attaching Ropes, Wires, signs, Etc., to Trees or Shrubs), and 12.64.070 (Protection of Trees and Shrubs During Construction Work).

E. Maintenance. Property owners:

1. May trim, prune, and maintain a City street tree adjacent to their property without a permit in compliance with 16.56.020.D (Public Rights-of-Way), provided the maintenance does not result in the effective removal of a street tree.

SECTION. AMENDMENT OF CODE.

16.64.030 - General Parking Regulations

- G. **Commercial parking lots.** Tractor-trailers, either with or without a trailer, shall be prohibited from parking overnight on residentially used property, and shall not be parked on in a commercially used property parking lot for more than 72 hours.
(Amended by Ordinance 001-08 C.S. – Effective February 21, 2008)

SECTION. AMENDMENT OF CODE.

16.64.040 – Number of Parking Spaces Required.

B. Residential uses.

2. A single-family use that does not conform to the provision of this Division shall be brought into compliance at the time additions or alterations to the primary structure are made that cumulatively increase the existing floor area (habitable space) by more than 50 percent, unless waived under 16.64.050.B (Reduction or Waiver of pParking Requirements).

- H. ~~**Semi-trucks.** Semi-trucks, either with or without a trailer, shall be prohibited from parking overnight in residential and commercial zoning districts.~~

(Amended by Ordinance 023-07 – Effective October 18, 2007)

- I. PT (Port) Zoning District. Parking shall be in compliance with the PT (Port) Zoning District in compliance with 16.24.150 (PT (Port) Zoning District Standards) or the Rough and Ready Island Development Plan for the Port of Stockton, CA (Development Plan) as applicable.

J-I. **Parking requirements by land use.**

**TABLE 3-9
PARKING REQUIREMENTS BY LAND USE**

Recreation, Education, and Public Assembly Uses

Commercial Amusement Facilities	1/250
Dance Halls – <u>dance floor area</u>	1/50

Parks and playgrounds Per ~~Parks and Recreation~~

Director

Services

Health/fitness facilities:

Gross Floor Area: 1/250
Other/Additional spaces: Ancillary activities as otherwise designated

Retail Trade

Shopping Centers
Regional (400,000 sq. ft. or more) - ~~2,000 spaces~~ 1/200 up to 400,000 sq. ft. + 1/250 over 400,000

SECTION. AMENDMENT OF CODE.

16.64.080 – Development Standards for Off-Street Parking

C. Parking space and aisle dimensions.

1. Parking spaces.

a. Standard spaces. Parking spaces shall be:

1-) **Striped.** Striped in parking lots; and

2-) **Dimensioned.** Dimensioned a minimum of 9 feet wide by ~~48~~ 19 feet long.

SECTION. AMENDMENT OF CODE.

16.64.090 – Parking in Residential Zoning Districts

- C. **Commercial, company, and nonprofit organization vehicle parking.** Commercial, company, and nonprofit organization vehicles having a gross load capacity greater than one ton or those vehicles having gross load capacity greater than of one ton or more or those vehicles clearly commercial in nature (e.g., tow trucks, ambulances, mini-buses, vehicles with commercial, company, or nonprofit organization signs) or similar vehicles shall not be allowed to park:

SECTION. AMENDMENT OF CODE.

16.68.030 - Development Standards

3. **Setback Requirements.** Structure setbacks, with the exception of outer perimeter front, side, and rear side yard setback provisions for perimeter landscaping (~~subsection (A)(8) of this section~~), may deviate from the setback standards identified in this Development Code and shall conform to the approved planned development permit.
8. ~~**Perimeter landscaping.** The perimeter of the entire site shall be provided with a landscaped strip equal in width to the setback requirement for the applicable zoning district, unless it is determined that the project would result in greater compatibility with surrounding neighborhood(s) without a landscaped perimeter.~~
9. **Maintenance of common areas.** The applicant shall provide for the permanent maintenance of all common area(s), including open space areas, within the development. The applicant shall provide the following:
- a. A plan showing all common areas and areas to be dedicated to/for public and/or private use; and
 - b. If the development consists of:
 - 1) Only one parcel, a plan for maintenance; or
 - 2) More than one parcel, a plan for maintenance and a mandatory homeowners' association to provide permanent maintenance of the common area. If the homeowners' association defaults, the City reserves the right to form a mandatory maintenance district.
409. **Limitations.** The Commission shall have the authority to define and limit the requirements for each approved land use within the area covered by the approved Planned Development Permit.

- ~~44~~10. **Distinct.** All standards apply to each individual Planned Development Permit, and off-site improvements and amenities cannot be used to meet any of the requirements for a specific, individual Planned Development Permit.
- ~~42~~11. **Requirements and standards.** Unless clearly stated otherwise in the approved Planned Development Permit, the provisions, regulations, requirements, and standards governing the development and on-going operation of the site covered by the Planned Development Permit shall be in compliance with this Development Code.
- ~~43~~12. **Development phasing.** If the project would be phased, the applicant shall submit a schedule indicating the development schedule for the project, including open space and amenities.
- a. Projects developed in phases shall be designed so that each successive phase would contain open space and amenities to independently qualify under the provisions of 16.68.030.A.7. (Open Space Requirements), above.
 - b. If the proposed project would be developed with a series of Planned Development Permits for smaller areas within the site, a Master Planned Development Permit shall be prepared for the site. It shall show the location and type of open space and amenities and the location and type of development to be proposed.

SECTION . AMENDMENT OF CODE.

16.72.050 – Area of Benefit

K. Reimbursements.

- 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 ~~Finance Department~~ City.

- M. **Hearing.** ~~4.~~—A hearing on a proposed Area of Benefit shall take place before the Council, at which time all interested parties shall be heard. The 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.

- N. **Runs with land.** ~~2.~~ Following establishment of an Area of Benefit, the City shall record the resolution with the County Recorder. The Area of Benefit shall bind and run with the land, ~~as recorded.~~

SECTION . AMENDMENT OF CODE.

16.72.060 – Dedications and Exactions

C. Park Land Dedications and Fees

6. Suitability of land to be dedicated.

- b. If the Director of Parks and Recreation, or his designated representative, determines that any of the land proposed to be dedicated is not suitable for park use, he/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 of Parks and Recreation, instead pay a fee in compliance with 16.72.060.C.4 (General Parkland Fees), above.

D. Right-of-Way Dedications.

4. Access rights.

- b. **Non-residential 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 and Chapter 9 of the Municipal Code.
5. **EBMUD right-of-way landscaping.** Owners, developers, and/or successors-in-interest of proposed developments abutting the East Bay Municipal Utilities District (EBMUD) right-of-way property shall be required to enter into a landscaping sublicense agreement with the City Parks and Recreation Department 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 of Parks and Recreation. 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, the City Parks Facility Planner/Landscape Architect, and the City Engineer. Maintenance for such improvements shall be in compliance with 16.72.240 (Landscaping), including bike paths.

SECTION . AMENDMENT OF CODE.

16.72.070 – Improvements (Plans, Agreements, and Security)

G. Time extensions.

- 1. **Public Works City Engineer's report.** The City Engineer notifies the Council that either the subdivider is proceeding to do the work required with reasonable diligence or is not yet ready to develop the subdivision, and has given satisfactory evidence of being able and willing to complete all required work within the time of the requested extension.

I. **Acceptance of improvements.**

2. **Acceptance.** After all items are completed and all items on the deficiency list have been corrected and as-built improvement plans received, the Council, by this section, designates the ~~Public Works Director~~ City Engineer the authority to accept subdivision improvements. Single-lot development and Parcel Maps of four or fewer parcels may also be accepted by the City Engineer.

SECTION. AMENDMENT OF CODE.

16.72.080 – Subdivision Design and Improvement Requirements

F. **Easements.** No permanent structure(s) or utilities shall be allowed in an easement without the express permission of all who have a right to that easement.

G. **Homeowners Association.**

1. 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 lots to maintain all landscaping, structures, and walls/fences on the private properties and common areas within the subdivision area.

a. The CC&Rs shall be subject to review and approval by the City Attorney and the Director before their recordation.

b. The owners, developers, and/or successors-in-interest shall be responsible for the recordation 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.

c. The City shall be declared to be a third-party beneficiary of the CC&Rs and shall be entitle, without obligation, to take appropriate legal action to enforce the CC&Rs.

2. Before the recordation of any small lot 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 lots, 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.

SECTION . AMENDMENT OF CODE.

16.72.085 – Parks and Public Places

A. Public parks and recreational facilities

1. **Planning, Design, and Development.** The City Landscape Architect shall be responsible for:
 - a. The planning, design, and development of the City's public parks, recreational and public facilities, and other public places; and
 - b. The supervision, direction and control of the planting, setting out, location, placement, removal, relocation and replacement of trees, shrubs, and other plants in public parks, recreational and public facilities, and other public places.
2. **Maintenance.** The maintenance of public parks shall be the responsibility of Public Works, subject to the review and approval of the City Landscape Architect.
3. **Emergency removal.** In circumstances where the condition of a tree or shrub in a park or public place poses an immediate threat to health or safety or to property, as determined by the Public Works Director or designee, the tree or shrub may be removed by the City without a permit. Each removed tree shall be replaced by the City on at least a one to one basis. The location and size of the replacement tree or shrub shall be determined by the City Landscape Architect based on the available space and the size of the tree or shrub that is removed.

B. Rights-of-ways and planting easements

1. The City Landscape Architect shall be responsible for the planning, removal, replacement, or relocation of any street tree in the City rights-of-way and planting easements in compliance with 16.72.180 (Street Trees) and 16.72.250.A.1.a (Street Trees).
2. A permit from the Director shall be required for anyone, including a utility company operating under a franchise granted by the City of Stockton, to trim, prune, plant, remove, replace, or relocate a tree within the City right-of-way or planting easement, except for the following provided that it does not result in effective removal of the tree as defined in Article 8:
 - a. 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;
 - b. Removal of dead branches: and/or
 - c. Removal of mistletoe.
3. To obtain a permit:

- a. A written request shall be addressed to the Director and shall clearly state the reasons for the request.
 - b. 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.
 - c. 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.
 - d. The permit expires 30 days after the date of issuance.
 - e. If the request is for the benefit of the applicant, the cost shall be borne by the applicant.
 - f. 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 Council's Fee Resolution. All fines shall be used to purchase and plant replacement trees and shrubs in compliance with 16.72.085.B.3, below.
 - g. During the erection, repair, or alteration of any building or structure, all street trees in the right-of-way or planting easement shall be protected so as to prevent injury or damage to the tree during construction work.
4. 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 right-of-way or planting easement shall be in compliance with the Official Street Tree Planting List, as revised from time to time.

5. 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

- C. **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 16.72.085.B (Right-of-Way), 16.72.190 (Street Trees), and 16.72.250.A.1.a. (Street Trees), shrub, or other plant in a planting strip and/or public utility easement adjacent to the street right-of-way.

SECTION . AMENDMENT OF CODE.

16.72.125 – 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.

B. Excavations.

1. **Notice of intention to excavate.** The person, firm, or corporation intending to excavate shall file a written notice of intention with the Director. The notice shall describe the specific location and area proposed for excavation.

2. **Refilling the excavation.** Following completion of the excavation, the excavation site shall be refilled with materials prescribed by the Director and compacted in compliance with the City's Standard Plans and Specifications.

3. Barrier.

- a. From the commencement of the excavation until the excavation have been completed and properly refilled and compacted, a substantial barrier shall be positioned around the excavation site. Lights shall be placed at the end and along the barrier no more than fifty feet apart; the lights shall be on from sunset to sunrise. The material of the barrier and the lighting shall be approved by the Director.

- b. It shall be unlawful to interfere with a barrier or to travel on any street paving or repairs protected by a barrier.
- C. Time for completion of work.** Work on the permitted activity shall proceed with due diligence, and limit any obstruction of the street, alley or other public place. If there is a lack of progress or, in the opinion of the Director, a failure to comply with the terms of the Encroachment Permit, the 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 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.
- D. Supervision and inspection.** All permitted activities, including excavations and refilling of excavations, made or done under this section shall be under the supervision and direction of the Director.
- E. Pipes and mains.** It shall be unlawful and a misdemeanor for any person, firm, or corporation to lay any gas or water surface pipe or main pipe, or private sewer, or any drain or other conduit in any street or other public place which is less than two 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..
- F. Fees.**
 - 1. The permittee shall pay the City an Encroachment Permit fee and reimburse the City for the costs of inspection, as required by the Council's Fee Resolution.
 - 2. Everyone, including any Department of the City or other governmental agency or authority, is required to:
 - a. Obtain an Encroachment Permit to excavate to do work in the public streets or alleys; and
 - b. Pay the associated fee.

SECTION . AMENDMENT OF CODE.

16.72.127 – Revocable Permit

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 right-of-way owned or controlled by the City, unless allowed under terms of a valid state or local franchise or maintenance agreement.

A. 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 Council's Fee Resolution.
 2. If an application is denied, the applicant may appeal to the Manager within ten days; the Manager's decision shall be final.
- B. Standards.** All Revocable Permits shall be subject to the "Standard Conditions Applicable to Revocable Permits" adopted by 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 Council's Fee Resolution within ten days, the decision of the Manager shall be final.
- C. 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.

SECTION AMENDMENT OF CODE.

16.72.180 - Street Trees

- A. Street tree fee planting security.** Before the approval of the final map or issuance of a Building Permit, ~~the~~ the developer shall pay provide street tree planting security to the City before the approval of the final map or issuance of Building Permit, by paying the sum required by Council resolution or providing a letter of credit or a performance bond, either of which equal to 125% of the sum, for each street tree to be planted in a tree well and/or on a residential lot. The number, location, and type of tree shall be determined by the Director of Parks and Recreation, or designated representative. The purpose for this requirement is to provide funds 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 16.72.180.B (Developer Installation of Trees) until a permanent irrigation system is installed and operational. City Parks and Recreation Department, except as provided by 16.72.190.B below.
- B. Developer installation of trees.** The developer may 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 lots except as provided by the City's Standards Specifications and Plans, if the street tree fee is paid as security or a performance bond or letter of credit equal to 125 percent of the fee is posted as an alternative to paying the street tree fee and the developer does the following: in compliance with the following:
1. Prepares and submits 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 the City Landscape Architect; and

2. Install all street trees and all landscaping in medians and along back-up fences as per approved plans before acceptance of subdivision improvements; and
 3. Establishes a maintenance district or a homeowner's association, which signs a Maintenance Agreement with the City 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
 4. Install street trees in compliance with 16.72.180.C (Street Tree Standards).
- C. ~~Release of security.~~ The Director of Parks and Recreation, or appointed representative, 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.
- D. **Street tree standards.**
1. **Location.** Trees shall be planted per City Standard Plans and Specifications and located within 10 feet of the back of curb, or six feet from the back of sidewalk unless tree wells and irrigation have been provided in compliance with the Standard Plans and Specifications. Tree wells shall be located no closer than 25 feet from any street light.
 2. **Care.**
 - a. Developers shall provide proper watering until a permanent irrigation system is installed and in operation.
 - b. Property owners may care for the street trees located adjacent to their property.
 3. **Tree wells.** Where the City requires a sidewalk with tree wells:
 - a. The developer shall ~~pay the appropriate~~ provide street tree fee planting security;
 - b. ~~The City shall be responsible for the planting and long-term pruning of the trees~~ Developer shall be responsible for planting the tree(s) as well as constructing the tree well(s) in accordance with approved plans; and
 - c. Tree wells shall have a minimum four-by-four-foot opening. Larger tree wells are encouraged wherever feasible. Where the overall width of the sidewalk does not allow a minimum 4' clear travel way adjacent to tree wells, tree well grates may be required by the City Engineer. The type of grate and method of installation is subject to approval by the City Engineer and the City Landscape Architect. If a seven-foot sidewalk is necessary, the required four-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 the City Landscape Architect.~~

- D. **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
- E. **Street tree list.** The Director shall be responsible for the City's Official Street Tree Planting List composed of types and species of trees that are suitable and desirable for planting, as well as the area and conditions appropriate for the planting of the trees, and for the designation of the type and species of street tree for a specific street. All street trees shall be in compliance with the Official Street Tree Planting List, as revised from time to time.
- F. **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.
- G. **Permit.** A permit from the Director shall be required for anyone, including a utility company operating under a franchise granted by the City of Stockton, to plant or remove a street tree in compliance with 16.56.020.D.2 (Permitting). The tree shall be planted in compliance with 16.72.180.C (Street Tree Standards). A permit shall not be required for the planting of trees in compliance with a City approved plan or for the emergency removal of trees by the City .

SECTION. AMENDMENT OF CODE.

16.72.240 – Landscaping

A. Landscaping requirements.

1. Residential subdivisions.

a. Street trees.

- 1) Each proposed parcel in a residential subdivision shall have at least one street tree planted within the City right-of-way or public utility easement for interior lots and three trees planted within the City right-of-way or public utility easement for corner lots.
- 2) Unless otherwise approved by the Director, the tree shall be provided and installed by the developer of the property in compliance with 16.72.180 (Street Trees).
- 3) A street tree fee for street trees shall be collected as security for each parcel based upon one tree per interior lot and three trees per corner lot in compliance with 16.72.180 (Street Trees).

- 4) Street trees shall be located in compliance with ~~City Parks and Recreation Department Standards~~ 16.72.180 (Street Trees).
- 5) 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. ~~Establishes a maintenance district or a homeowner's association, which signs a Maintenance Agreement with the City~~
- 6) All of the above requirements shall be subject to the discretion of the ~~City Parks and Recreation Department~~ Director.

b. **Landscaping area.** 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, in compliance with 16.48.090.D (Walls Along Right-of-Way), the parkway shall be located between the back of the curb and the face of the back-up wall and ~~may~~ shall include a sidewalk of a minimum ~~maximum~~ 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.

- 1) Landscaping shall be maintained by a landscape maintenance district incorporated into the City's Consolidated Landscape Maintenance District or by a homeowners' association.
- 2) Landscaping shall (at a minimum) include trees, shrubs, ~~and groundcover and vines (to grow on walls for graffiti control)~~, with no more than 10 percent of the landscape being non-living ground cover materials (excluding sidewalk square footage).
- 3) Landscape plans shall be:
 - a) Prepared by a licensed Landscape Architect;
 - b) Submitted to the ~~Department~~ Director in City standard format for review and approval by the City Landscape Architect and City Engineer; and
 - c) Submitted at the same time subdivision improvement plans are submitted with the subdivision improvement plans and shall be coordinated with the proposed subdivision infrastructure improvements.

- 4) Landscape and irrigation design shall comply with 16-355.250.B. (Plant Materials, Irrigation), below.

SECTION . AMENDMENT OF CODE.

16.76.030 – Prohibited Signs

- B. Banners, streamers, and pennants, except for those affixed to poles along the rights-of-way of commercial areas with an ~~e~~Encroachment ~~p~~Permit (16.72.125) and Revocable Permit (16.72.127) issued by Public Works for purposes of civic identity or as specifically allowed by the provisions of 16.76.040.D (Exemptions from Sign Permits);

SECTION . AMENDMENT OF CODE.

16.76.030 – Prohibited Signs

- N. Signs on public property or projecting within the public right-of-way, except as provided in Municipal Code Section 12.80, ~~except signs with an encroachment permit issued by Public Works.~~

SECTION. AMENDMENT OF CODE.

16.76.040 – Sign Permits

- D. Exemptions from Sign Permits.
 4. Temporary signs without specific size limitations.
 - a. Temporary political signs.
 - 6) Political signs shall be placed no earlier than the filing of official papers for public office and shall be removed within seven days of an election in compliance with ~~14-610.3~~ of the Municipal Code.

SECTION . AMENDMENT OF CODE.

16.76.060 – General Provisions for All Signs

- B. Sign location.
 4. Existing street trees shall be taken into consideration when locating signs. Unless a benefit to the public, as determined by the Director of Parks and Recreation, is demonstrated, no living, healthy tree that has been planted by the City shall be removed or trimmed for purposes of sign visibility.

SECTION. AMENDMENT OF CODE.

16.76.100 – Standards for Specific Types of On-Premise Signs

- D. **Electronic message boards and flashing/moving displays/signs.** Electronic message boards and other types of flashing and/or moving displays/signs may be approved in compliance with the following standards only in the CG, CD, CA, CL, IL, IG, PF, PT, MX, and UC zoning districts. In addition to the following requirements, electronic message boards and other types of flashing and/or moving displays/signs shall comply with the requirements for the specific sign type as specified by Section 16.76.100 (Standards for Specific Types of On-Premise Signs).
1. **Permit requirement.** All electronic message boards and flashing and/or moving displays/signs shall require ~~Administrative Use~~ Land Development Permit approval in compliance with Division ~~16.168~~ 16.136 (Use Land Development Permits), except for one interior window sign per business that does not exceed five square feet.
 2. **Location requirements.** Electronic message boards and ~~Flashing and/or~~ moving displays/signs:
 - a. Shall not be located within 300 feet of any residential ~~zone~~ use as measured in a straight line from the nearest point of the proposed sign to the nearest applicable ~~boundary line of a residentially zone used structure~~, except:
 - 1) If the sign is not visible from a residential ~~zone~~ use; or
 - 2) Signs for a stadium and/or theater use associated with a school which is subject to a Commission Use Permit (Division 16.168) and, at least, 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.
 - b. At or near any intersection with a roadway designated on the General Plan as a major and/or minor arterial or which is signalized, shall be

subject to a 25-foot setback from the right-of-way line within 100 feet of the corner point of the intersection unless the bottom of the electronic message board or flashing and/or moving display/sign is a minimum height of 25 feet from top of curb. The corner point shall be defined as the intersecting point of two right-of-way lines (see Figure 3-18);

E. **Freestanding signs.**

1. **Monument signs.**

b. **Zoning requirements.**

- 2) **CN, CG, CD, CL, CA, IL, and IG and ~~PT~~ zoning districts.** Monument signs shall be allowed in the CN, CG, CD, CL, CA, IL, and IG and ~~PT~~ zoning districts subject to the following:
- 3) **MX, and UC, and PT zoning districts.** Signs are allowed in compliance with the Master Development Plan for the MX and UC zoning districts and the Rough and Ready Island Development Plan for the Port of Stockton, CA for the PT zoning district.

2. **Pole signs.**

b. **Freeway-oriented signs.**

- 1) **CG, CD, CL, CA, IL, and IG, and ~~PT~~ zoning districts.** Freeway-oriented signs shall be allowed in the CG, CD, CL, IL, and IG, and ~~PT~~ zoning districts subject to the following:
- 2) **MX, and UC, and PT zoning districts.** Freeway-oriented signs in the MX, and UC, and PT zoning districts shall not exceed the maximum height, area, and number of freeway-oriented signs allowed in 16.76.100.E.2.b), above, and shall be in compliance with the Master Development Plan for the MX or UC zoning district or the Rough and Ready Island Development Plan for the Port of Stockton, CA for the PT zoning district.

c. **Zoning requirements.** Pole signs shall be allowed in the CG, CD, CL, CA, IL, IG, PT, MX, and UC zoning districts, subject to the requirements of 16.76.100.E.2.a, above, and the following requirements.

- 1) **CG, CD, CL, CA, IL, and IG, and ~~PT~~ zoning districts.**
 - a) **General requirements.** The following shall apply to all development in the CG, CD, CL, CA, IL, and IG, and ~~PT~~ zoning districts, except as provided for on-premise freeway-oriented pole signs

(16.76.100.E.2.b), above, and for integrated centers and the CA zoning district (16.76.100.E.2.c.1)b)), below:

- 2) **MX, and UC, and PT zoning districts.** Pole signs in the MX, and UC, and PT zoning districts shall not exceed the maximum height, area, and number of pole signs allowed in 16.76.100.E.2.c.1)b) (Zoning Requirements – CG, CD, CL, CA, IL, and IG Zoning Districts – Integrated Centers and the CA Zoning District) and shall be in compliance with the Master Development Plan for the MX or UC zoning district or the Rough and Ready Island Development Plan for the Port of Stockton, CA for the PT zoning district.

J. **Wall signs.**

2. **Zoning requirements.** Wall signs shall be allowed in all zoning districts, subject to the requirements of 16.76.100.J.1 (Wall Signs – General Requirements) above, and the following:
 - c. **CN, CG, CL, IL, and IG, and PT zoning districts.** The area of all wall signs shall not exceed a maximum of two square feet per linear foot of wall.
 - f. **MX, and UC, and PT zoning districts.** Wall signs in the MX and UC zoning districts shall conform to the Master Development Plan for the specific district or the Rough and Ready Island Development Plan for the Port of Stockton, CA for the PT zoning district.

L. **Special signs.** The following signs shall be allowed in the identified zones subject to the following requirements:

4. **Service station pricing signs.** Service station pricing signs shall be allowed in the following zoning districts.
 - a. CN, CG, CD, CL, CA, and IL, and PT zoning districts provided:
 - b. MX zoning district subject to the requirements of the Master Development Plan and PT zoning district subject to the requirements of the Rough and Ready Island Development Plan for the Port of Stockton, CA.

SECTION. AMENDMENT OF CODE.

16.76.110 - Standards for Off-Premise Signs

- B. **Cap and replace.** The total number of off-premises signs shall never exceed 306 signs. The only zoning districts where off-premises signs are allowed to be erected and maintained are the IL, and IG zoning districts, unless the City and

the sign company have entered into a Relocation Agreement. Pursuant to the Relocation Agreement, and subject to the cap of 306 and subject to all the other standards of this Section, an off-premises sign may be relocated to the CD, CG, or CL zoning districts based on a sign face square footage replacement ratio of three to one. This means that for every new sign allowed, existing signs equal to three times the sign face square footage of the new sign shall be removed.

SECTION. AMENDMENT OF CODE.

16.80.020 – Accessory Uses and Structures

A. Residential.

3. Detached structures.

e. Distance requirement.

- 2) **Hot tubs and swimming pools/spas.** The setbacks for hot tubs and swimming pools/spas shall be measured from the property line to the inside (water side) wall of the hot tub, swimming pool, or spa, and the hot tub, swimming pool, or spa shall be subject to the following:

Table 3-13 Distance Requirements – Detached Residential Accessory Uses and Structures

TABLE 3-13

DISTANCE REQUIREMENTS – DETACHED RESIDENTIAL ACCESSORY USES AND STRUCTURES*

*See 16.80.020 for exceptions

Residential Uses			
Detached Accessory Use/Structure	Type	Required Distance from Property Line	
		Single-Family, Duplexes, and Triplexes	Multi-Family
Air conditioning equipment, water softener, water heater except as provided in 16.80.020.A.3.e.1)	Front	Same as main structure	Same as main structure
	Side/rear	3 feet	3 feet
	Street side	Same as main structure	Same as main structure

Garage, carport, portable vehicle covers or shelters, except as provided in 16.80.020.A.3.e.4) and 16.76.110.F	Front	20 feet	20 feet
	Side	3 feet	Same as main structure
	Street side	20 feet	20 feet
	Rear	3 feet; if entrance faces right-of-way - 20 feet	Same as main structure
	Alley	10 feet from alley	
			10 feet from alley
Flagpoles in compliance with 16.76.090.B.6 and 16.80.020.A.3.b.	Front	5 feet	5 feet
	Side	3 feet	3 feet
	Street side	5 feet	5 feet
	Rear	3 feet	3 feet
Hot tubs, spas, swimming pool, except as provided in 16.80.020.A.3.e.2)	Front	Same as main structure	Same as main structure
	Side	3 feet	3 feet
	Street side	Same as main structure	Same as main structure
	Rear	3 feet	3 feet
Hot tub, pool, and spa equipment, except as provided in 16.80.020.A.3.e.3)	Front	Same as main structure	Same as main structure
	Side-/rear	3 feet	3 feet
	Street side	Same as main structure	Same as main structure
All other accessory structures, including gazebo, greenhouse, storage shed, workshop, pool houses, patio cover, outdoor play equipment, recreational court, stationary barbeque, fire pit. 16.80.020.A.3.e.1) and 16.76.110.F	Front	Same as main structure	Same as main structure
	Side	3 feet	Same as main structure
	Street side	Same as main structure	Same as main structure
	Rear	3 feet	Same as main structure
	Alley	10 feet from alley	Same as main structure
			10 feet from alley

SECTION. AMENDMENT OF CODE.

16.80.040 – Alcoholic Beverage Sales

C. Sidewalk Cafe. Any sidewalk café that serves alcohol on a public sidewalk or public right-of-way is authorized by the Council, in compliance with Section 9.64.020 (Drinking Liquor in Public), if:

1. A Revocable Permit is obtained in compliance with 16.72.127 (Revocable Permit); and
2. The applicable permit is obtained in compliance with Table 2-2 (Allowable Land Uses and Permit Requirements).

SECTION. AMENDMENT OF CODE.

16.80.100 – Christmas Tree/Holiday Sales Facilities

- G. Fire Prevention Standards. Each Christmas tree/holiday sales facility shall comply with fire prevention standards and permitting requirements as approved and enforced by the Fire Chief, including any burning or open fires or flocking or painting.
- H. Off-street parking. ~~Public Works~~ The City Engineer shall approve all public access and surfacing of the parking area.

SECTION. AMENDMENT OF CODE.

16.80.200 – Mini Storage Facilities

N. Fire Sprinklers. National Fire Protection Association (NFPA) 13 compliant fire sprinklers and waterflow detection shall be required on all covered mini-storage facilities.

SECTION . AMENDMENT OF CODE.

16.80.210 – Mobile Home Parks and Subdivisions

B. Development standards.

8. Other improvements.

- a. Complete frontage improvements shall be installed along public rights-of-way as required by the City Engineer ~~Director of Public Works~~:

- c. Storm water drainage, sanitary sewer, and water systems shall be installed to City standards at locations required by the City Engineer ~~Director of Public Works~~.

SECTION. AMENDMENT OF CODE.

16.80.220 – Multi-Family Development

- E. **Fencing.** A solid eight-foot high fence of wood, masonry, or other suitable material ~~with graffiti-resistant treatment that has been designed and built to control graffiti in compliance with 16.32.060 (Graffiti)~~, as approved by the Director, shall be installed along the interior property lines to within 15 feet of the street side property lines. Additional fencing in compliance with Division 16.48 (Fences, Hedges, and Walls) may be installed.

SECTION . AMENDMENT OF CODE.

16.80.250 –Outdoor Dining and Seating Areas

Outdoor dining and seating areas on private property (for public property see Section ~~9-940~~ of the Municipal Code and Public Works for standard conditions 16.72.127 [Revocable Permit]) are allowed subject to the approval of a Land Development Permit, in compliance with Division 16.136 (Land Development Permit) and the following standards:

SECTION . AMENDMENT OF CODE.

16.80.260 – Outdoor Display and Sales

This Section provides development and operational standards for outdoor uses, including temporary outdoor display and sales in compliance with 16.80.260.A. (Temporary Outdoor Displays and Sales), below, and permanent outdoor display and sales in compliance with 16.80.260.B. (Permanent Outdoor Displays and Sales), below. Outdoor uses on public property within the public right-of-way shall require an ~~encroachment permit issued by Public Works~~ in compliance with ~~Section 5-130 of the Municipal Code~~ 16.72.125 (Encroachment Permit).

SECTION . AMENDMENT OF CODE.

16.80.280 – Produce Stands

D. Standards.

- 3. Parking shall be provided as follows:
 - 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 ~~Public Works Department~~ 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 ~~Public Works Department~~ 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 Public Works Department.~~ The location(s) and configuration of the ingress and egress for the site shall be approved by the City Engineer.
10. Produce stand establishment and operation shall comply with all applicable sections of the ~~Uniform Building Code (UBC)~~ latest edition of the California Building Code and the ~~Uniform Fire Code (UFC), Article 32~~ California Fire Code (CFC), Chapter 24.

SECTION. AMENDMENT OF CODE.

16.80.375 – Wind Power Equipment

Wind power equipment shall have a mesh screen, except as approved by the Director, located in front and in back of the equipment to maximize avian safety.

SECTION. AMENDMENT OF CODE.

16.84.030 – Pre-application Conference

~~At the discretion of the Director, a~~ A pre-application conference may ~~may~~ shall be required ~~for any application for new development or redevelopment which is required to go before the Planning Commission and any subdivision map, to ensure that the applicant is aware of issues and requirements related to the project.~~ Additional applications may require a pre-application conference at the discretion of the Director. Other departments and public agencies may be invited to attend a pre-application conference. The fee for the pre-application conference shall be in compliance with the City Council's most recently published fee schedule.

SECTION. AMENDMENT OF CODE.

16.84.080 – Fees

- B. **Refunds.** ~~1. Partial refunds.~~ In the case of a withdrawal, the Director may authorize a refund based upon the following:

- a1. 100 percent refund, less the refund processing fee required by the Council's Fee Resolution, if the application is:
 - 1) a. Accepted in error (an application that cannot be processed); or
 - 2) b. Determined to not be complete.
- b2. 50 percent refund, if:
 - 1) a. ~~The application has not been publicly noticed, in compliance with Division 16.88 (Review Procedures) or~~
 - 2) Interdepartmental referrals have not been sent out.
- e3. No refund if ~~the~~ application has been publicly noticed, in compliance with Division 16.88 (Review Procedures).

SECTION. AMENDMENT OF CODE.

16.88.025 – Neighborhood Meetings

A neighborhood meeting shall be required for any application requiring Council review. At the discretion of the Director, a neighborhood meeting may be required for other applications.

A. Procedure

- 1. Scheduling
 - a. The applicant shall schedule the meeting at least two weeks prior to the Planning Commission meeting.
 - b. The meeting shall be held Monday through Thursday evening after 5:00 pm not on an evening preceding a legal holiday and not on Halloween.
- 2. Noticing
 - a. The notice of the meeting shall be sent out at least 10 days prior to the meeting.
 - b. Notices/invitations to the neighborhood meeting shall be sent to those names and addresses listed on the public hearing notice list (within 500 feet of the subject property, obtained from the City of Stockton). A copy of the invitation shall also be sent to the members of the City Council, the Planning Commission, and Planning staff.
 - c. The applicant shall host the meeting and present the project for questions and answers.

- d. Verification that the notice was mailed consistent with this Development Code is required before the item will be scheduled for Planning Commission review.

SECTION . AMENDMENT OF CODE.

16.88.030 – Public Hearing Notices

- B. **Method of notice distribution.** ~~Notice of a public hearing required by this Division shall be given~~ provided as follows:

1. **Published notice.** A legal notice shall be published at least once in a local newspaper of general circulation within the City at least ten days before the hearing for:
 - a. All actions in which the Council is the final Review Authority (e.g., Development Agreements, Development Code Amendments, General Plan Amendments, Historical Landmarks/Sites/Districts, Master Development Plans, Precise Road Plans, Specific Plans/Amendments, Street Name Changes, and Zoning Map Amendments);
 - b. Tentative Maps; ~~and~~
 - c. Heritage Tree Permit; and
 - d. Proposed Negative Declarations or Environmental Impact Reports.
2. **Mailed notice.**
 - a. **Actions.** The following actions shall require a mailed notice:
 - 1) **Council actions.** For specified actions in which the Council is the final Review Authority; and
 - 2) **Commission or Director actions.** For all actions in which:
 - a) The Commission is the final Review Authority (e.g., Planned Development Permits, Tentative Maps, Commission Use Permits, and Variances); or
 - b) The Director is the final Review Authority and a public hearing is required (e.g., Administrative Use Permits), except Heritage Tree Permits.

SECTION. AMENDMENT OF CODE.

16.116.030 - Initiation ,

An Amendment may be initiated in the following manner:

A. Council. By the Council with referral to the Commission;

B. Commission. By the Commission;

C. City Manager. By the City Manager;

D. Property owner. An application submitted by a property owner(s) or designated or authorized agents; or

D E. Petition. An application submitted by a petition of ten interested parties for amendments to the text of the General Plan and this Development Code.

SECTION . AMENDMENT OF CODE.

16.120.040 – Applicable Review Authority

A. Nondiscretionary projects. The ARC Director shall be the applicable Review Authority for all nondiscretionary projects, based on the recommendation of the ARC. The ARC shall be composed of a panel of at least two private sector architects appointed by the Community Development Director to perform the function of the Review Authority for Design Review. Two or more panels of architects may be appointed, including one alternate architect for each panel, to perform the design reviews on an alternating weekly schedule.

B. Discretionary projects.

1. **Council.** The Council shall be the applicable Review Authority for all discretionary projects authorized by this Development Code for review by the Council, or appealed to the Council in compliance with Division 16.100 (Appeals).

2. **Commission.** The Commission shall be the applicable Review Authority for all discretionary projects authorized by this Development Code for review by the Commission, or appealed to the Commission in compliance with Division 16.100 (Appeals).

3. **Redevelopment Commission/Agency.**

a. The Redevelopment Commission shall be the applicable Review Authority for all discretionary projects authorized by the Municipal Code for review by the Redevelopment Commission.

b. The Redevelopment Agency shall be the applicable Review Authority for all discretionary projects authorized by the Municipal Code for review by the Redevelopment Agency.

4. ~~Architectural Review Committee (ARC)~~**Director**. The ARC Director, based on the recommendation of the ARC, shall be the applicable Design Review Authority for:
 - a. All Certificates of Appropriateness authorized by the Development Code, based on the recommendation of the Cultural Heritage Board; and
 - b. All discretionary projects authorized by this Development Code for review by the Director.

SECTION . AMENDMENT OF CODE.

16.120.050 - Application Filing, Processing, and Review Procedures

- A. **Optional preliminary design review.** The option of a preliminary design review is strongly encouraged and may be requested by applicants before the formal submittal of an application. This is an informal review by the Director or ARC in order to provide direction/guidance to project proponents before preparation of detailed designs/plans for formal application submittal.
- B. **Application.** The application shall be prepared in compliance with the Department handout for Design Review, filed with the Department, and accompanied by the fee required by the Council's Fee Resolution.
- C. **Initial review.** Each application shall be reviewed by the Director ~~or ARC~~ to ensure that the application is consistent with this Development Code, the City of Stockton Citywide Design Guidelines (Guidelines), other design guidelines that may be adopted by the City, and the purpose and intent of this Division.
- D. **Procedures.**
 1. **Review.**
 - a. **Nondiscretionary permits (Building Permit/allowed uses).** For projects that do not require any type of discretionary approval, the applicant shall submit Design Review Plans before Building Permit submittal. The ARC shall review the submitted plans for compliance with the Guidelines, other design guidelines that may be adopted by the City, and/or applicable Development Code standards, and make recommendations and supporting findings in compliance with 16.120.050.GD.2, ~~below~~. Following the ARC's review of the plans, the Director shall prepare and transmit a list of the ARC's findings and recommendations to the applicant in a timely manner – noting that a request for reconsideration may be submitted, where applicable.
 - b. **Discretionary permit/entitlement.** For projects that require a discretionary approval of a development application (e.g., Use Permit, Variance, Land Development Permit, Planned

Development Permit, etc), the applicant shall submit Design Review Plans for the proposed project at the same time as the discretionary application is submitted to the Department. The Director shall review the project for compliance with the land use and development regulations contained in this Development Code. The ARC shall review the overall design of the project for compliance with the Guidelines and other design guidelines that may be adopted by the City. In reviewing the design of the project, the ARC shall use the guidelines as a reference, and make recommendations and supporting findings in compliance with 16.120.050.D.2, below. Following the ARC's review of the plans, the Director shall prepare and transmit a list of the ARC's findings and recommendations to the applicant in a timely manner - noting that a request for reconsideration may be submitted and/or that the Planning Commission is the final Design Review Authority, where applicable.

2. List of recommendations.

- a. The list of findings and recommendations shall be forwarded:
 - 1) To the applicant within 30 working days from the date the application is deemed complete by the Director.
 - 2) To the applicable Review Authority for consideration simultaneously with any accompanying discretionary permit/entitlement application.
- b. Where the recommendations would substantially alter a proposed development, the applicant may submit revised plans with a request for reconsideration by the ARC.

3. Resubmittals. Following a redesign of, or changes to, a project, the applicant shall resubmit an application for review and recommendation by ARC. If a recommendation has not been reached by the ARC after two reviews, the project shall be referred directly to the Director for a decision.

4. Determination. Following submittal of the list of recommendations to the applicant and the submittal of any revisions and request for reconsideration, if applicable, the Review Authority shall review the design of the project in compliance with the list of recommendations (16.120.050.GD.2), above, and:

- a. **Nondiscretionary permits.** Make a consistency determination.
- b. **Discretionary permit/entitlement.**
 - 1) **ARC Director.** If the final Design Review Authority is the ARC Director, the ARC Director shall make a consistency determination.

- 2) **Other Review Authorities.** If the ARC Director is not the final Design Review Authority, the ARC Director shall make a written recommendation to the Review Authority and the Design Review plans shall be considered with the application(s) by the applicable Review Authority identified in Table 4-1 (Review Authority). Following review of the Design Review plans, the Review Authority shall make a consistency determination.

- E. **On-site review.** The review may include on-site inspection of the subject parcel, if deemed necessary by the ARC or the Director.

SECTION. AMENDMENT OF CODE.

16.140.060 – Application filing, Processing, and Review

- C. **Development Agreement.** A Development Agreement in compliance with Division 16.128 (Development Agreements) to implement the Master Development Plan shall be required to be processed concurrently with the Master Development Plan and General Plan and Zoning Map Amendments. For those Master Development Plans that are initiated by the Council or Commission for a specified area, the Development Agreement shall be required to be processed at the time ~~that that~~ the specific portion of the Master Development Plan area is proposed for development.

SECTION . AMENDMENT OF CODE.

16.148.050 – Preparation and Content

- C. **Traffic analysis.** A traffic analysis shall be prepared by an independent consultant, as an extension of City staff, to determine the impacts, if any of the proposed Precise Road Plan amendment/adoption. The analysis shall be acceptable subject to the approval of the ~~Public Works~~ Director or designee. All supporting documentation shall be provided substantiating the conclusions of the traffic analysis; and

SECTION . AMENDMENT OF CODE.

DIVISION 16.162 STREET TREE PERMIT

16.162.010 – Purpose of Division

It is the purpose of this Division to provide a procedure by which the Director may consider the appropriateness of a request to plant, remove, replace, or relocate a City street tree.

16.162.020 – Review Authority

The Director is the Review Authority for permits to plant, remove, replace, or relocate a street tree. The decision of the Director is subject to an appeal to the Council in compliance with Division 16.100 (Appeals).

16.162.030 – Applicability

A. Permit required. A permit from the Director shall be required for anyone, including a utility company operating under a franchise granted by the City of Stockton, to plant, remove or effectively remove, replace, or relocate a street tree.

B. Permit not required. A permit shall not be required:

1. To trim, prune, or maintain a street tree. Maintenance of trees includes deep root watering; root pruning; installing root barriers; clearance and structural trimming; fertilizing; pest control; removal of mistletoe, dead branches, leaves, and other debris; and the removal of branches to ensure visibility of traffic signs or the movement of pedestrians on sidewalks or vehicles on streets. Maintenance does not include the removal or effective removal of a street tree as defined in 16.240.020 (Definitions).
2. For the planting of trees in compliance with a City approved plan.

16.162.040 – Permit application process

A. Filing. An application to plant, remove, replace, or relocate a street tree shall be completed, filed with the Department, and processed in compliance with Division 16.84 (Application Filing, Processing, and Fees), and shall be accompanied by the fee required by the Council's Fee Resolution.

B. Contents. The application shall include:

1. The number, species, circumference, and condition of existing street tree(s);
2. A clear statement of the reasons for the request;
3. A site drawing (to scale) showing the existing or proposed location of the street tree(s) in relation to the right-of-way and existing or proposed improvements.

C. Decision. Following review of each application, the Director shall, in compliance with 16.88.050 (Review Without Notice Procedure), decide if a permit should be granted.

- 1. Notice.** Notice shall not be required for Street Tree Permits.
- 2. Basis of decision.** The Director shall base the decision to grant the permit on one or more of the following reasons:
 - a. Structural weakness;
 - b. Disease and/or insect infestation;

- c. Destructive root system causing excessive damage to public and/or private improvements;
- d. Obstruction to a driveway or entrance-way;
- e. Sidewalk and/or curb improvements for which an encroachment permit has been issued;
- f. Lack of a street tree in an appropriate location;
- g. House move; and/or
- h. New construction.

2. Director's determination.

- a. **Approval.** If the Director determines that the request is acceptable, the application shall be approved, with or without conditions, and a Street Tree Permit shall be issued.
- b. **Denial.** If the Director determines that the request shall not be granted, the application is denied, and the street tree shall not be planted, removed, replaced, or relocated. The applicant may appeal the Director's decision to the Council in compliance with Division 16.100 (Appeals).

D. Expiration. The permit shall expire 60 days after the date of issuance.

16.162.050 – Costs.

If the request for a permit is solely for the benefit of the applicant and the tree is planted, removed, replaced, or relocated, the cost of the planting, removal, replacement, or relocation shall be borne by the applicant.

16.162.060 – Replacement.

Anyone who removes a street tree shall replace it on a one for one basis. The size and species 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. Such off-site planting shall be performed by a local contractor hired by the City. The applicant shall reimburse the City for the cost of any off-site planting together with a 2.5% administration fee based on the actual cost of the planting contract.

16.162.070 – Emergency removal.

In circumstances where the condition of a street tree poses an immediate threat to health or safety, as determined by the Director or the Public Works Director, or designee, the tree may be removed by the City without a permit. Each removed tree shall be replaced by the City on a one to one basis. The location and size of the

replacement tree shall be determined by the Director based on the available and size of the tree that is removed. Replacement trees may be planted in public parks or public places as determined by the Director.

SECTION . AMENDMENT OF CODE.

16.164.030 – Temporary Activities

- B. **Activities allowed with a Temporary Activity Permit.** The following temporary activities may be allowed, subject to the issuance of a Temporary Activity Permit by the Director upon recommendation from applicable City departments, ~~such as Police and Public Works,~~ issued before the commencement of the activity. Activities that do not fall within the categories defined below shall comply with the use and development regulations and entitlement review provisions that otherwise apply to the property.

SECTION. AMENDMENT OF CODE.

16.188.030 - Preparation and Contents

- B. **Form and content of map.**

10. Proposed improvements to be shown shall include, but not be limited to:
 - a. The location, centerline, radius, right-of-way width, and proposed name of all streets. Show typical sections of all streets proposed to be different than City standards. Show functional classification.
 - b. The location and length of cul-de-sacs.
 - c. The location, with width, and purpose of all easements.
 - d. The approximate lot layout, the number of lots, and the approximate dimensions of each lot and of each building site.
 - e. Proposed contours at one foot intervals shall be shown. Contour intervals shall not be spread more than 150 feet apart. A separate grading plan may be submitted.
 - f. Proposed recreation sites, trails, bike paths, and parks for private or public use.
 - g. Proposed common areas and areas to be dedicated to public open space.
 - h. The location and size of all proposed sanitary sewers, water mains, storm drains, pump stations, and detention ponds and basins necessary to serve the entire subdivision. Show the ability to serve the most remote lot of the subdivision, including points of

connection if not covered by an approved master utility plan or existing development, and identify which lines are public and which are private.

- i. Proposed utility easements and widths.
- j. Proposed height, size, location, and architectural plans for buildings shown on a Vesting Tentative Map.

C. Referrals.

2. Required referrals.

~~d. Parks and Recreation Department.~~ The parks and Recreation Department shall be referred all Tentative Maps and Tentative Parcel Maps for review and comment regarding existing or proposed parks and landscaping easements, and heritage trees.

~~e. Public Works Department.~~ The Public Works Department shall be referred all Tentative maps and Tentative parcel Maps for review and comment regarding proposed easements, storm facilities, public improvements, streets, and other relevant issues.

~~fd. ...~~

~~ge.~~

~~hf.~~

~~ag. ...~~

~~jh.~~

SECTION. AMENDMENT OF CODE.

16.188.070 – Conditions of Approval

A. Mandatory conditions.

- 6. Require the waiver of direct access rights to any existing or proposed streets in compliance with the Development Code and/or as required by the Director of Public Works.

SECTION. AMENDMENT OF CODE.

16.192.020 - Filing and Processing Requirements

- B. **Final Maps.** As required by Section 16.184.020 (Type of Subdivision Approval Required), a Final Map shall be filed and approved to complete the subdivision process for a subdivision of five or more parcels.

2. **Additional information.** The following data, plans, reports and documents shall be submitted with the Final Map.

- a. **Improvement plans.** Improvement plans as required by Section 16.72.070 (Improvements [Plans, Agreements, and Security]).
- b. **Soils report.** A geologic soils report prepared by a civil engineer who is registered by the State, based upon adequate test boring or excavations, unless the Director determines that, due to available information about the soil qualities of the soil of the subdivision or lot, no preliminary analysis is necessary. If the preliminary soils report indicates the presence of critically expansive soils or other soil problems, which, if not corrected, would lead to structural defects, the person filing the map may be required to submit a soils investigation covering each lot in the subdivision, prepared by a California registered civil engineer, which shall recommend corrective action that is likely to prevent structural damage to each dwelling proposed to be constructed on the expansive soil.

The report shall be filed with the Department, which shall approve the soil investigation if it determines that the recommended action is likely to prevent structural damage to each dwelling to be constructed and shall require that the approved recommended action be incorporated in the construction of each dwelling as a condition to the issuance of a building permit. Appeal of the determination shall be to the Building Board of Appeals. If the Director determines that a written geological report is necessary to determine whether the property to be divided is subject to an existing or potential geological hazard, the person filing the map shall submit such a report. The report shall be prepared by a registered civil engineer.

The information may be furnished separately from the map itself. The Director may waive any of the foregoing requirements whenever the Director finds that the type of subdivision is such that compliance is unnecessary or that other circumstances justify the waiver. The Director may require such drawings, data or other information as are deemed necessary.

- c. **Title report.** A title report showing the legal owners at the time of submittal of the final map.
- d. **Improvement bond estimate.** The improvement bond estimate shall include all public improvements within public rights-of-way, easements, or private common areas and utility trench backfill as provided by the developer, except for those utility facilities installed by a utility company under the jurisdiction of the California Public Utilities Commission.

- e. **Deeds for easements or right-of-way.** Deed for off-site easements or rights-of-way required for road or drainage purposes which have not been dedicated on the final map. Written evidence acceptable to the City in the form of rights of entry or permanent easements across private property outside of the subdivision permitting or granting access to perform necessary construction work and permitting the maintenance of the facility.
- f. **Traverse closures.** Traverse closures for the boundary blocks, lots, easements, street centerlines and monument lines.
- g. **Hydrology and hydraulic calculations.** Complete hydrology and hydraulic calculations of all storm drains. Complete hydraulic calculations for all sanitary sewers.
- h. **Tree information.** Type, circumference, location, and elevation of existing trees with a diameter at breast height (DBH) of 15 inches or greater.
- i. **Organization documents.** The submittal of the map or parcel map shall include the draft Declaration of Covenants, Conditions and Restrictions in compliance with 16.72.080.F. (Homeowner's Association), and all other organizational documents for the subdivision in a form as prescribed by Section 1355 of the Civil Code of the State of California. All documents shall be subject to review by the City Engineer and City Attorney.

SECTION. AMENDMENT OF CODE.

16.196.030 – Condominiums – Conversions

E. Tenant and buyer protection.

- 5. **Use of common facilities.** Existing tenants shall retain all privileges relating to the use of the pools, jacuzzis, saunas, laundry facilities, and other common facilities, in compliance with the terms of their existing leases or rental agreements.

SECTION. AMENDMENT OF CODE.

16.212.050 - Development Review Committee (DRC)

- A. **Membership.** The membership and chairperson of the Development Review Committee (referred to in this Development Code as the DRC) shall consist of one representative each from the Community Development Department, the Public Works Department, the Parks and Recreation Department, the Municipal Utilities Department, and the City Manager's Office be defined in the rules and regulations of the DRC.

- B. **Chairperson.** ~~The representative from the City Manager's Office shall serve as the permanent chairperson, and a representative from the Community Development Department shall act as secretary.~~
- G. **Rules and regulations.** The DRC shall adopt rules and regulations for its meetings and shall maintain ~~minutes of its deliberations and~~ a record of its recommendations.
- D.C. **Duties.** The DRC shall perform the following duties:
1. ~~Recommendation to the Director.~~ The DRC shall provide a written recommendation to the Director for all of the following:
 - a 1. **Entitlements.** Annexations, Condominium projects, Development Agreements, Master Development Plans, Multi-family projects, Planned Development Permits, Precise Road Plans, Sphere of Influence Amendments and Updates, Specific Plans, Street Name Changes, and Tentative Maps, and Utility Master Plans and major utility extensions; and
 - B 2. **Other development projects.** Review all other private development and related projects, which may require the integration and evaluation of the various departments represented on the DRC, as deemed appropriate by the Director.
 2. ~~Annexations.~~ Review the City Services Plan for all proposed annexations and provide a written recommendation in the staff report to the City Manager.

SECTION. AMENDMENT OF CODE.

16.212.060 - Site Plan Review Committee (SPRC)

- A. **Membership.** The membership and chairperson of the Site Plan Review Committee (referred to in this Development Code as the SPRC) shall consist of one representative each from the Planning Division, Building Division, Fire Department, the Public Works Department, the Parks and Recreation Department, the Municipal Utilities Department be defined in the rules and regulations of the SPRC.
- B. **Chairperson.** ~~The representative from the Planning Division shall serve as the chairperson and shall also act as secretary.~~
- G. **Rules and regulations.** The SPRC shall adopt rules and regulations for its meetings and shall maintain a record of its recommendations.
- D.C. **Duties.** The SPRC shall perform all of the duties identified in 16.152 (Site Plan Review).

SECTION . AMENDMENT OF CODE.

16.212.065 – Architectural Review Committee (ARC)

- A. Membership.** The Architectural Review Committee (referred to in this Development Code as the ARC) shall consist of a panel of three private-sector architects appointed by the Director. Two or more panels of architects may be appointed, including one alternate architect for each panel, to perform the design reviews on an alternating weekly schedule.
- B. Rules and regulations.** The ARC may adopt rules and regulations for its meetings and shall maintain a record of its recommendations.
- C. Duties.** The ARC shall perform all of the duties identified in Division 16.120 (Design Review) for those projects identified as being subject to the review of the ARC.

SECTION. AMENDMENT OF CODE.

16.212.080 – City Engineer

- I. The acceptance of:
1. Dedications and improvements for subdivisions of four or fewer parcels;
and
- ~~L. Sign Tentative Maps based on the recommendation of the Development Review Committee.~~

SECTION. AMENDMENT OF CODE.

16.220.100 – Structures of Merit

- B. Procedure for designation as a Structure of Merit.**
3. **Board's action.** The Board may designate any structure deserving recognition that has not been designated as a Landmark as a Structure of Merit by a vote of the majority of the Board in compliance with the criteria identified in 16.220.080 100.A

SECTION. AMENDMENT OF CODE.

16.228.020 - Legal Nonconformity

- C. Parcel or zoning district area.**
5. There is a Certificate of Compliance issued by the City ~~Public Works~~ or County ~~Community Development Department~~; or

SECTION. AMENDMENT OF CODE.

16.240.020 – Definitions of Specialized Terms and Phrases

- **Auto and Vehicle Sales – Used (land use).** Establishments selling used automobiles, trucks, and vans. May also include repair shops and the sales of parts and accessories incidental to vehicle dealerships. Does not include: the sale of auto parts/accessories separate from a vehicle dealership ("Auto Parts Sales"); bicycle and moped sales ("Retail Stores"); motorcycle sales ("Recreational Vehicle and Boat Sales, Leasing, and Rental"); tire recapping establishments ("Major Repair/Body Work"); businesses dealing exclusively in used parts ("Recycling – Scrap and Dismantling Yards"); semi- and heavy trucks ("Construction, Farm, and Heavy Equipment Sales"); moving rentals ("Outdoor Retail Sales"); or gas stations ("Auto and Vehicle Services – Fueling Stations").

Channelized intersection. Intersections which are striped to specifically identify travel lanes.

City Approved Plan. Any plan approved by the City Engineer or authorized representative with the signed concurrence of the City Landscape Architect or any plan approved by the Council or City Landscape Architect.

City Engineer. For purposes of this Development Code, the individual person(s) designated by the Council City Manager as the City Engineer, or any a duly designated representative, to fulfill the duties of City Engineer in compliance with 16.212.080 (City Engineer), as well as other duties defined by this Development Code.

City Landscape Architect. An individual designated by the City Manager as Parks Facility Planner (Landscape Architect), or any duly designated representative.

Compact Residential Lots. Lots of less than 5,000 square feet.

Density bonus. A density bonus, as defined by California Government Code Section 65915 et seq., is an increased density of at least 25 percent over the maximum authorized density which is granted to an owner/developer of a housing project agreeing to construct a prescribed percentage of very low and/or low income units an increase in density over the maximum allowable residential density under the applicable zoning ordinance and land use element of the General Plan. It also includes a 25 percent increase in the number of condominium units within an existing condominium structure or a structure proposed for conversion to condominiums and a floor area ratio bonus over the maximum allowed density.

1. **Child care facility.** A facility for the care of children other than a small or large family child care home. Includes child care centers, infant centers, preschools, extended day care facilities, and school age child care enters.
2. **Developer.** The owner or other person, including a lessee, having the right under the applicable zoning ordinance of the City to make application for development approvals for the development or redevelopment of a project (Government Code Section 65917.5 (a)(3).
3. **Development standard.** Site or construction conditions that apply to a

residential development in compliance with any ordinance, General Plan element, Specific Plan, Charter amendment, or other local condition, law, policy, resolution, or regulation.

4. **Floor area (child care facility).** The total area contained within the exterior walls of the facility and all outdoor areas devoted to the use of the facility in compliance with applicable State child care licensing requirements and Government Code Section 65917.5 (a)(4).
5. **Housing development.** One or more groups of projects for residential units constructed in the planned development of the City. Also includes a subdivision or common interest development as defined in Section 1351 of the Civil Code that is 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 Section 65863.4 of the Government Code, where the result of the rehabilitation would be a new increase in available residential units.
6. **Incentive.** A modification of a City development standard or additional units or floor area.
7. **Maximum allowable residential density.** The maximum allowable density for the specific zoning district applicable to the project.
8. **Residential development project.** Detached single-family dwellings, multiple dwelling structures, groups of dwellings, condominium or townhouse developments, condominium conversions, cooperative developments, and multi-use developments that include housing units. Also includes contiguous or non-contiguous parcels that have one or more applications filed within a 24 month period and which are under the same ownership.

Driveway. A means of vehicular access from private property to traveled vehicular way which traverses public right-of-way.

(a) Nonresidential Driveway: A driveway used for nonresidential purposes, including driveways used primarily by commercial vehicles for commercial purposes and to serve a business establishment.

(b) Residential Driveway: A driveway used primarily by private passenger vehicles serving residential properties.

- **Dwelling Group (land use).** A group of two or three single-family homes occupying a parcel of land in one ownership and having a yard or court and parking in common. Does not include multi-family, triplexes, or motels.
- **Educational Facilities**
 - **Specialized Education and Training**

Also includes facilities, institutions, and conference centers that offer specialized programs in personal growth and development, including fitness, environmental awareness, arts, communications, and management. Does not include pre-schools and child day care facilities ("Child Care Facilities"); law and medical schools ("Educational Facilities, Academic Schools - Public" and "Colleges and Universities - Private").

Effective Removal (Tree). Any technique, operation, or activity that could lead to the permanent disfigurement, destruction, or the removal (as determined by the Director) of a tree, including any extreme pruning which is not consistent with proper urban forestry Arboriculture practices.

Encroachment Permit. A permit required to do excavations, construction, maintenance, and/or repairs in a public street, alley, or other public place, including working on public improvements or franchised utilities.

Frontage. The portion of a lot that is adjacent to, and parallel to, the street right-of-way, including all contiguous property owned by or under the control of the applicant. The frontage of a parcel is measured at the required front building setback line.

Height of Structure. See Section 16.36.400090

Integrated Center. A shopping center, office complex, automobile center, industrial park, institutional campus, or other group of commercial, industrial, or institutional uses and/or buildings that includes the following:

1. Two or more businesses or uses in one or more buildings located on one or more parcels;
2. A site of at least two acres; and
3. A site that is developed as follows:
 - a. So that it has shared, common access, and may have shared parking facilities and/or utilities;
 - b. So that it is not necessary to return to a public street to move from one area of the center to another; ~~and/or~~
 - c. As a single project on parcels which may be separated by public right-of-ways or private streets or easements.

Integrated centers do not include parcels that have been developed as single entities before a discretionary application(s) that would create an integrated center was deemed complete.

■ **Medical Services (land use).** Facilities that provide personal health services, ranging from prevention to diagnosis, treatment, and rehabilitation, by physicians, dentists, nurses, and other health and professional personnel, as well as medical testing and analysis services and care facilities. (Amended by Ordinance 023-07 C.S. – Effective October 18, 2007)

- Medical-Related Facilities (land use).** Facilities for activities associated with medical treatment. Includes acupuncture; ~~massage~~ treatment facilities; offices of dentists, doctors, psychiatrists/psychologists, and other medical professionals; medical-related counseling services; pharmacies; and physical therapy. Also includes massage therapists under the direct supervision of a doctor, chiropractor, or physical therapist. Does not include drug abuse or alcohol recovery/treatment facilities ("Social Services Facilities – Drug Abuse, Alcohol Recovery/Treatment Facility"). Amended by Ordinance 023-07 C.S. – Effective October 18, 2007)

Mixed Residential – a project with no more than three adjacent compact lots and with the average size of all lots being 5,000 square feet.

■ **Multi-Family Dwellings (land use).** A building or a portion of a building used and/or designed as residences for four or more living units that are independent of each other. Includes: fourplexes (buildings under one ownership with four dwelling units in the same structure) and apartments (five or more units under one ownership in a single building or complex; and common ownership, attached unit projects including condominiums. Also includes multifamily manufactured homes. Does not include duplexes, and triplexes, and townhouses, which are separately defined.

■ **Offices (land use).** A structure, room, or group of rooms used for conducting the affairs of a business, profession, service, industry, or government and generally furnished with desks, tables, files, and communication equipment. An office building may include ancillary services for office workers, such as a restaurant, coffee shop, health/fitness facilities, newspaper or candy stand which comply with 16.80.020 (Accessory Uses and Structures), and child care which complies with 16.80.100 (Child Care Facilities). Does not include medical services such as the offices of doctors, dentists, chiropractors, physical therapists, etc. ("Medical Services").

■ **Personal Services (land use).** Establishments providing non-medical services of a personal nature to individuals as a primary use. Includes:
(Amended by Ordinance 023-07 C.S. – Effective October 18, 2007)

Restricted (land use).

acupressure	massage - <u>not</u>
<u>licensed by the State of California</u>	
beauty parlors with three or more massage tables	psychic readers/palm
reading	
body piercing	tanning salons
fortune tellers	tattoo parlors

(Amended by Ordinance 023-07 C.S. – Effective October 18, 2007)

Unrestricted (land use). Services for individuals that do not normally have a detrimental impact on surrounding areas.

beauty parlors with one or two massage tables	laundromats (self-
service laundries)	

clothing rental
State of California
dry cleaning pick-up stores
electrolysis
hair cutting/styling
home electronics repair
tailors
travel agent

massage - licensed by the
nail salons
newsstands
shoe repair shops
skin care
tattoo parlors tanning salons

These uses may also include accessory retail sales of products related to the services provided. Does not include real estate agents and travel agents ("Offices"); acupuncture, bodywork, and massage therapists ("Medical Services – Health Related Facilities"); and physical therapists ("Medical Services – Medical-Related Facilities").

Public Place. Any property that is owned, leased, or controlled by the City of Stockton, except rights-of-way and parks.

Revocable Permit. A permit required to place a privately-owned improvement or object in the public right-of-way.

Site Plan. A plan for a project site that delineates the overall layout of a proposed facility, including structures, ingress/egress and circulation, and improvements.

■ **Social Services Facilities (land use).** Establishments providing assistance and aid to those persons requiring counseling and/or treatment for psychological problems, addictions, learning disabilities, and physical disabilities or those persons in need of food and/or shelter.

- **Drug Abuse, Alcohol Recovery/Treatment Facilities (land use).** Establishments that provide assistance, counseling, and/or medical treatment for those persons dependent upon alcohol or drugs ~~other than narcotics~~. Does not include one-on-one counseling and weight loss and smoking clinics and facilities ("Offices"); ~~narcotics~~ drug treatment facilities ("Medical Services – Medical-Related Facilities").

Standard Plans and Specifications. The most recent City of Stockton adopted version of the guide for the standardization of public works installations within the City.

Street Tree. A tree planted by the City, or by another party that has been permitted by the Director to plant in lieu of the City, either in the public right-of-way or public utility easement.

Structure. Anything constructed or erected, the use of which requires attachment to the ground or attachment to something located on the ground. Includes manufactured and modular buildings (residential, commercial, industrial). For the purposes of this Development code, the term "structure" includes "buildings."

1. **Primary Structure.** A structure that accommodates the primary use of the site.

2. **Accessory Structure.** A structure that is physically detached from, secondary and incidental to, and commonly associated with the primary structure. For the purposes of this Development Code accessory structures and uses include: detached garages, greenhouses, tool sheds, artist's studios, and workshops; hot tubs, jacuzzis, spas, and swimming pools, together with any enclosures or associated buildings (e.g., pool houses that may include limited kitchen facilities); and any other open air enclosures, including gazebos and detached patio covers, portable covers, or shelters. See 16.80.020 – Accessory Uses and Structures.
3. **Temporary Structure.** A structure without permanent foundation or footings and that is designed to be removed when the designated time period, activity, or use has ended.

Stockton Channel Area. See "Channel Area." The area that is generally along the north and south shores of the Stockton Channel approximately between Weber Point and Louis Park. Specifically, it begins at the intersection of the centerlines of Weber Avenue and Center Street; then goes west along the centerline of Weber Avenue to its intersection with the centerline of Commerce Street; south along the centerline of Commerce Street to its intersection with the northerly right-of-way line of the Crosstown Freeway; follows the western and then northwestern right-of-way line to the intersection of the freeway and the eastern centerline of Mormon Slough; continuing west along the centerline of Mormon Slough to its intersection with the centerline of the Stockton Channel; then west along the centerline of the Stockton Channel to its intersection with the centerline of Monte Diablo Avenue; then east along the centerline of Monte Diablo Avenue to its intersection with the centerline of Ryde Avenue; then south along the centerline of Ryde Avenue to its intersection with the centerline of Fremont Street; then east along the centerline of Fremont Street to its intersection with the centerline of Monroe Street; then north along the centerline of Monroe Street to its intersection with the centerline of Park Street; then along the centerline of Park Street to its intersection with the centerline of Center Street; and finally along the centerline of Center Street to the beginning point.

Semi-truck Tractor-trailer. A heavy duty truck, usually with a large diesel engine and two or three axels, which is designed to haul long semi-trailers for the transportation of freight. Includes truck and trailer, transfer truck, 18-wheeler, semi, Diesel, and Big Rig.
(Amended by Ordinance 001-08 C.S. – Effective February 21, 2008) (Amended by Ordinance 023-07 C.S. – Effective October 18, 2007)

Wind power equipment. Rotating machines that convert the kinetic energy of the wind into mechanical energy. Includes wind turbines, wind generators, windmills, wind power units (WPU), wind energy converters (WEC).

EXHIBIT 1

STAFF REPORT

P. C. Agenda

September 24, 2009

STAFF REPORT

Item E-2: PUBLIC HEARING – Revocation/Modification of Land Development Permit
Case No. LDP8-07, Srun and Nary Ty and Bernardo Diaz

Data: The Community Development Director is requesting that the Planning Commission consider the possible revocation/modification of Land Development Permit No. LDP8-07 for a small recycling/small redemption center. The site is located behind an existing commercial building at the southwest corner of Buena Vista Avenue and Lucerne Avenue at 1255 Buena Vista Avenue. The parcel on which the site is located is approximately 26,300 square feet in size and contains two buildings, totaling approximately 16,500 square feet, that are used as a grocery store, a laundromat, a salon and a counseling office. The site is zoned CN (Commercial, Neighborhood) and RL (Residential, Low Density) and is bounded to the:

- north across Lucerne Avenue by a single-family residence, a warehouse and a market zoned CN;
- east and west across Buena Vista Avenue by single-family residences zoned RL; and
- south by a vacant parcel zoned CN (see attached exhibits).

General Plan: The General Plan designates this site for Low Density Residential uses.

Environmental Clearance: This request is categorically exempt under the California Environmental Quality Act (CEQA) (Section 10.1, Class 1, of the City of Stockton Guidelines for the Implementation of CEQA and Section 15301, Class 1, of the State CEQA Guidelines).

Discussion: As background, Land Development Permit No. LDP8-07 (Exhibit 14) was approved on April 20, 2007, to establish a recycling facility/small redemption center on the site.

Stockton Municipal Code (SMC) Section 16.240.020 defines a redemption center as:

A facility certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986 for the collection of materials including California Redemption Value (CRV) glass, aluminum, and plastic containers. It may include permanent kiosk-type units and shall be in conjunction with another business, including parking lots. Stand-alone businesses are not allowed.

This facility's operation consists of a storage container located behind the building and staffed by a single employee. The facility accepts California Redemption Value (CRV) cans, bottles and containers and issues a voucher that is redeemed inside the adjacent grocery store for cash or merchandise. The days and hours of operation of the facility are from 9:00 a.m. to 5:00 p.m., Monday through Saturday.

The Community Development Department received several complaints about the recycling/redemption center from nearby residents both by mail and e-mail and through City Councilmember Susan Eggman's office (Exhibits 8 through 13). The residents noted that since the facility opened, people pushing shopping carts have been going through the neighborhood and sorting through garbage cans looking for recyclable materials. Residents also raised the concern that the use was not compatible with their neighborhood.

After an internal meeting with representatives of Code Enforcement, the Police Department and the City Attorney's Office, staff met with the owner of the property and the operator of the facility on August 27, 2009, to discuss the issues that were raised by the neighbors. The owner and operator said that they were both aware of the issues and were discouraging patrons of the business from digging through neighborhood trash containers. In fact, they indicated that they did not accept recyclables from people who appeared homeless or were using shopping carts to transport their recyclables.

Because the Land Development Permit was approved administratively, staff scheduled a formal Administrative Hearing to consider its possible revocation or modification based upon the number and severity of complaints received. The hearing was held on September 3, 2009, at the Permit Center, with the property owner, the operator of the facility, his attorney and several members of the public in attendance. At the hearing the Director made the decision to refer the matter to the Planning Commission for consideration of the possible revocation/modification of the permit.

Stockton Municipal Code (SMC) Section 16.108.030.B.1.a.5 addresses the authority of the City to initiate a revocation/modification of a permit if:

The improvement/use allowed by the permit or entitlement has become detrimental to the public health, safety, or welfare or the manner of operation constitutes or is creating a nuisance

SMC Section 16.224.030.A.2 defines "public nuisance" as:

Any use or structure which is altered, enlarged, erected, established, maintained, moved, or operated contrary to the provisions of this Development Code, any mitigation measure, or any applicable condition(s) of approval (e.g., conditions imposed on any development permit, entitlement, map, or license), is hereby declared to be unlawful and a public nuisance, and shall be subject to the remedies and penalties identified in the Municipal Code, including this Division, and revocation procedures initiated in compliance with Division 16.108 (Revocations and Modifications).

In accordance with the notification provisions of the Development Code for revocation/modification hearings, a certified letter was sent to the owner of the property and the operator of the recycling facility on September 11, 2009, informing them of the public hearing date for the possible revocation/modification of the Land Development Permit for the recycling facility (Exhibit 7).

The Stockton Police Department, other City departments and the surrounding neighborhood have been notified of the revocation request. Notifications were also sent to those residents that submitted e-mails and protest letters regarding this facility. As of the writing of this staff report, no objections have been received from other agencies concerning the proposal to revoke/modify the Land Development Permit. No additional letters of objection to the LDP authorized use were received from neighboring residents as the result of the notification for this hearing.

While the Planning Commission has the option to modify the permit by adding or changing the conditions of approval or taking no action, it is recommended that the Planning Commission revoke the Land Development Permit for the recycling facility/small redemption center at 1255 Buena Vista Avenue based on the determination that this use is not compatible with the surrounding neighborhood. In consideration of the issues brought to light by this matter, staff, as part of the regular Development Code updating process, will consider significantly increasing the current 50-foot setback requirement from a residentially-zoned property to a redemption center.

Recommendation: Revocation of Land Development Permit LDP8-07 for the recycling facility/small redemption center at 1255 Buena Vista Avenue, based on the following findings:

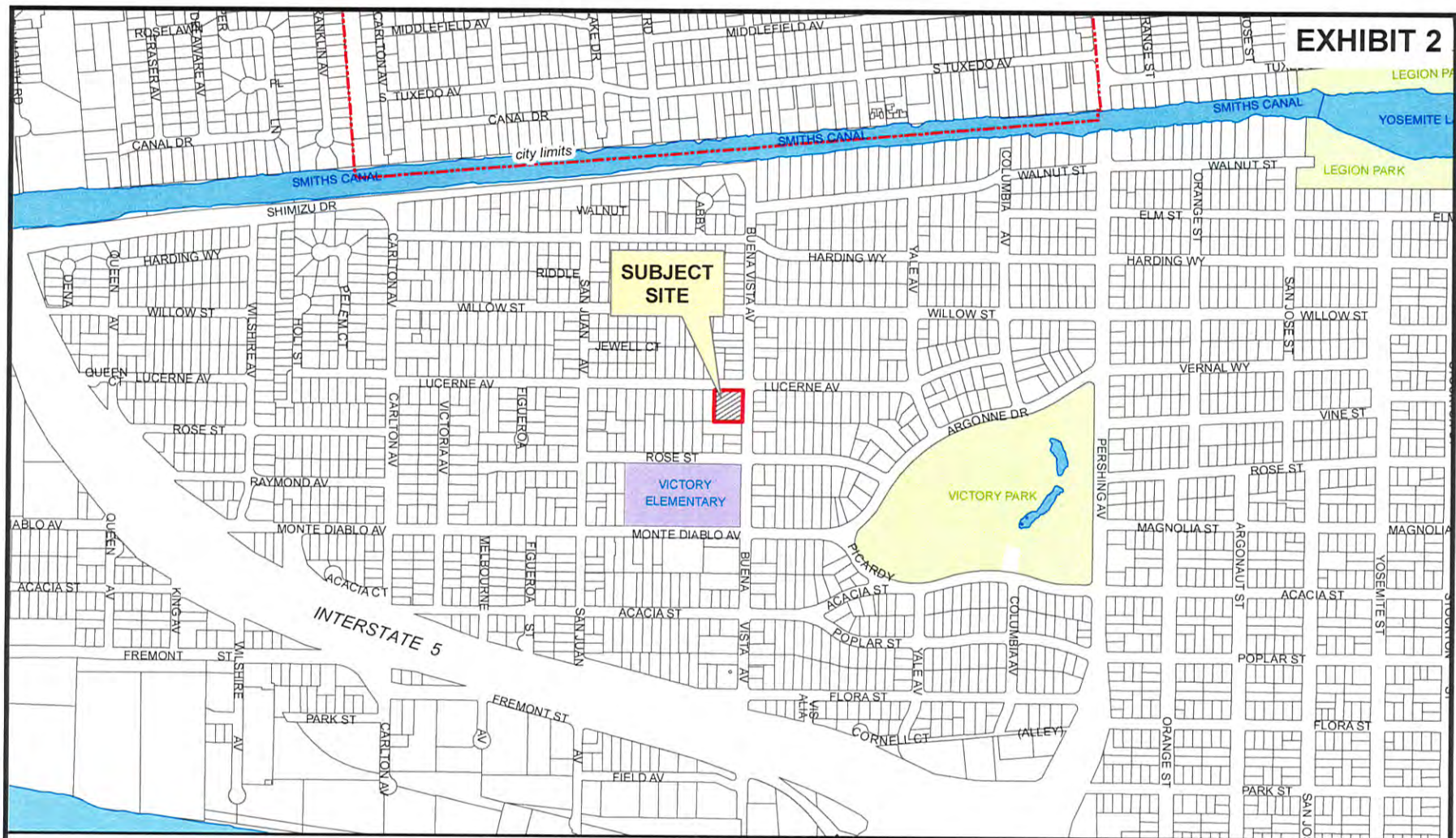
1. The operation of the existing use conflicts with the general findings for Land Development Permit applications found in Section 16.136.060.D of the SMC; specifically, endangering and jeopardizing public convenience, health, interest, safety and general welfare of persons residing or working in the neighborhood of the use.
2. The recycling facility/small redemption center at the existing business is incompatible with surrounding land uses and contributes to increased loitering in the area.
3. The findings required by SMC Section 16.108.030.B.1.a.5, "Revocation and Modification Procedure," can be made in the affirmative; specifically, the activities permitted by the Land Development Permit have become detrimental to the health, safety and/or general welfare of the surrounding area and the recycling facility's manner of operation constitutes a public nuisance.
4. The complaints attributed to this business have created a compelling public necessity to revoke the Land Development Permit attached to this site.

September 15, 2009

Note: Staff reports are prepared well in advance of the Planning Commission consideration of the proposal and reflect the staff's view based on the best available information at the time the report was formulated. Evidence submitted during the course of the public hearing may require a reevaluation of the staff's position.

The staff report for this application was prepared by Associate Planner Jose Rubianes.

EXHIBIT 2



VICINITY MAP

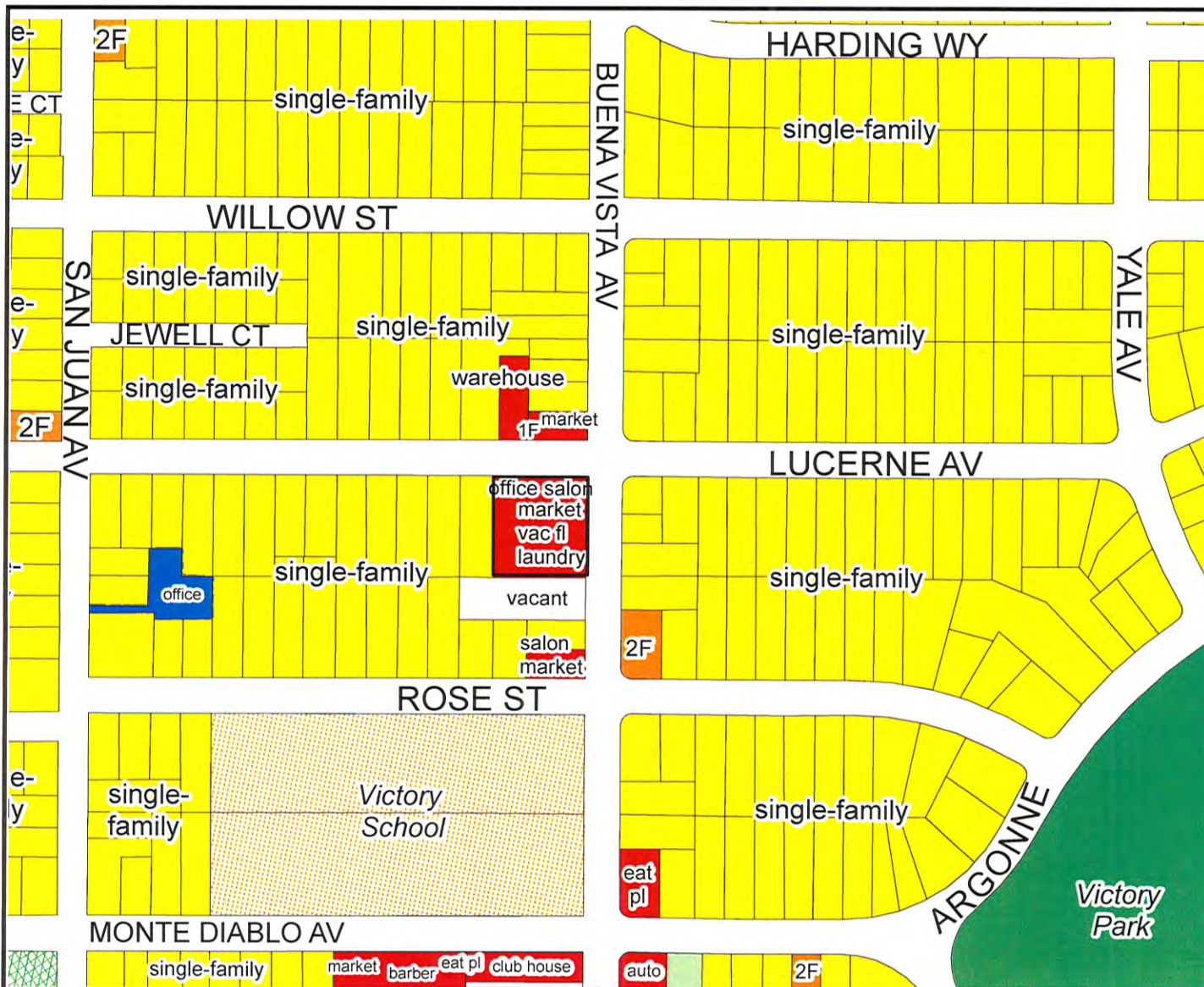
City-Initiated Revocation/Modification LDP8-07



PC DATE: 09-24-09

STOCKTON CITY PLANNING COMMISSION

EXHIBIT 3



LAND USE MAP

LEGEND

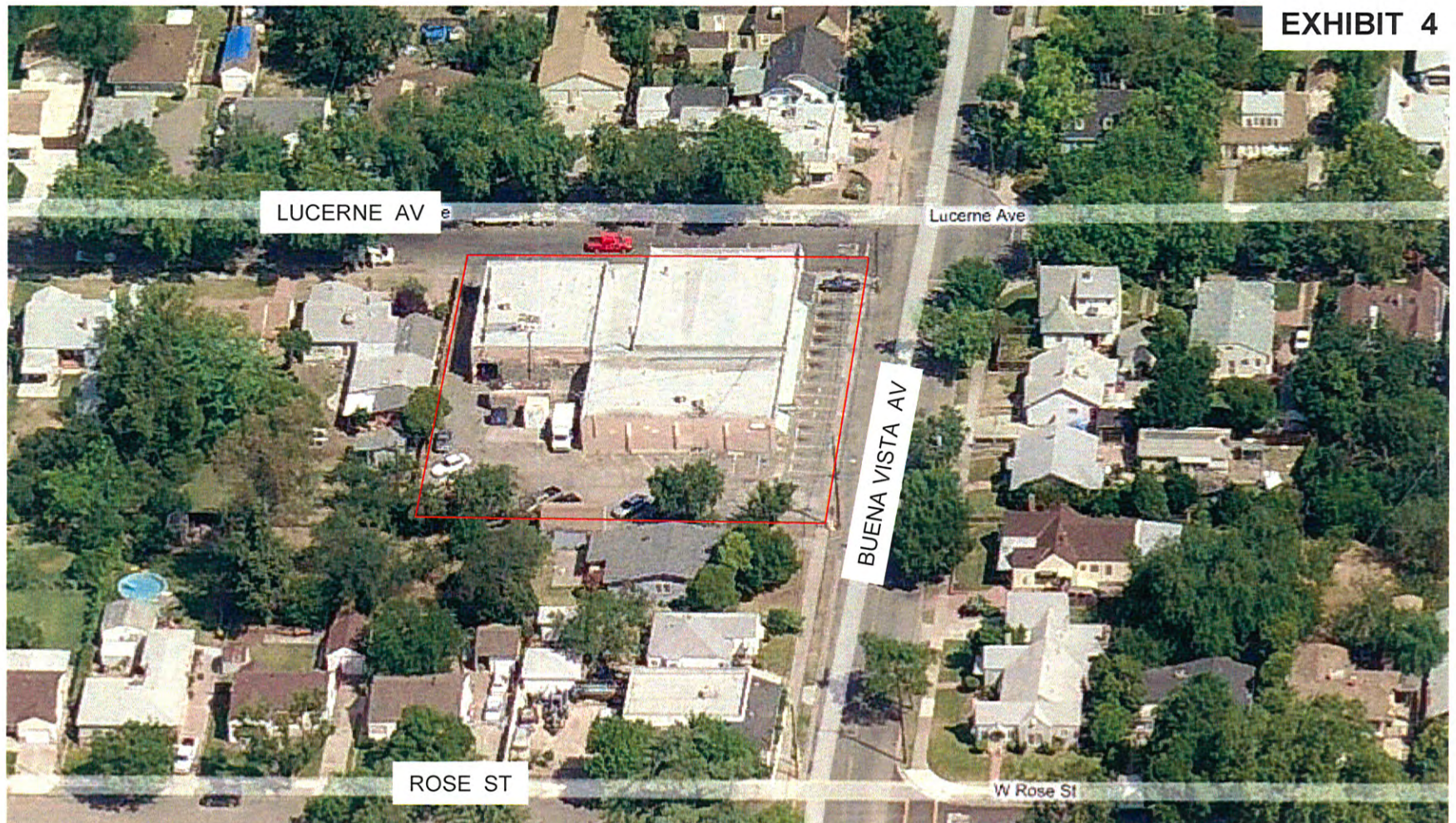
2F two-family

City-Initiated Revocation/Modification LDP8-07

PC DATE: 09-24-09

STOCKTON CITY PLANNING COMMISSION

EXHIBIT 4



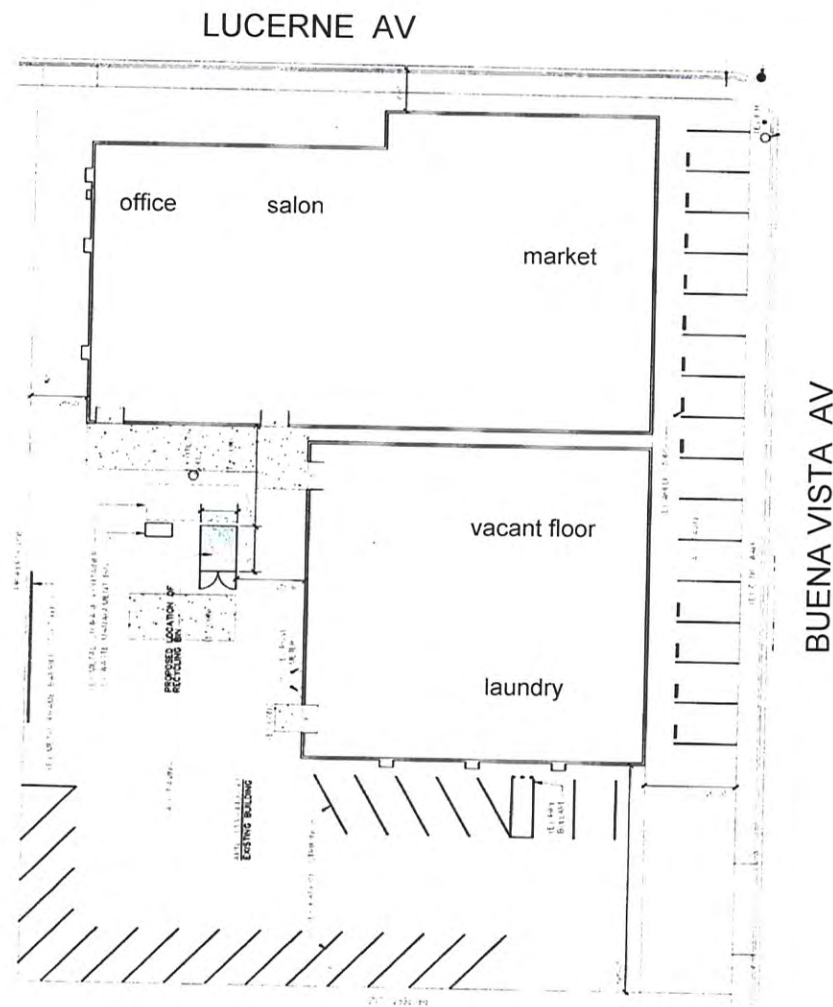
AERIAL

**City-Initiated Revocation/Modification
LDP8-07**



PH: 09-24-09

STOCKTON CITY PLANNING COMMISSION



SITE PLAN

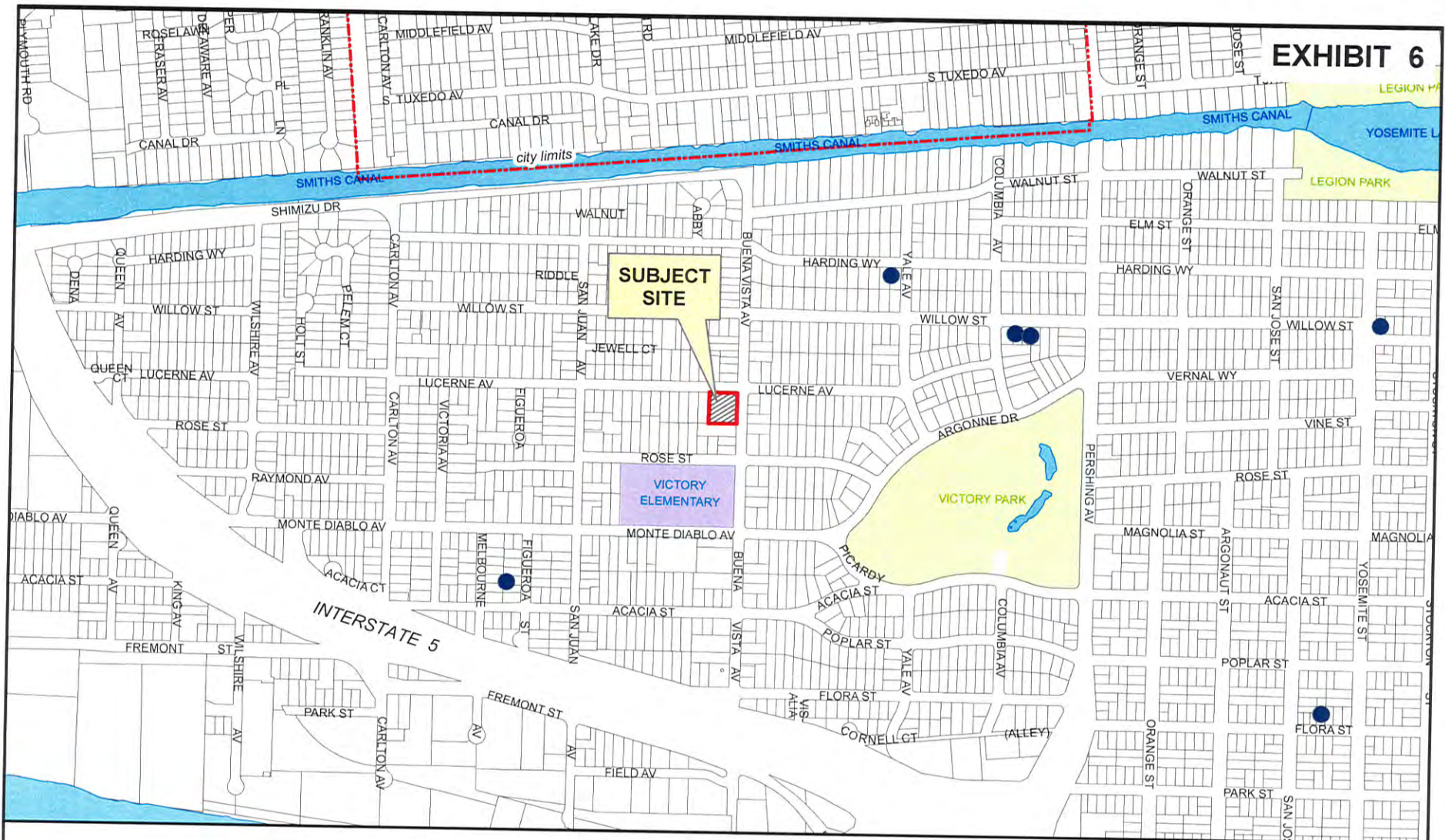
City-Initiated Revocation/Modification
LDP8-07



PH: 09-24-09

STOCKTON CITY PLANNING COMMISSION

EXHIBIT 6



● OBJECTIONS RECEIVED

City-Initiated Revocation/Modification
LDP8-07



PC DATE: 09-24-09

STOCKTON CITY PLANNING COMMISSION

FILE COPY

CITY OF STOCKTON

COMMUNITY DEVELOPMENT DEPARTMENT

City Hall • 425 N. El Dorado Street • Stockton, CA 95202-1997
937-8266

CERTIFIED

September 11, 2009

Srun and Nary Ty
4308 Salmon Point
Stockton, CA 95219

Bernardo Diaz
1223 Wrangle Circle
Stockton, CA 95210

**PLANNING COMMISSION PUBLIC HEARING REGARDING THE POSSIBLE
REVOCATION/MODIFICATION OF THE LAND DEVELOPMENT PERMIT FOR THE OPERATION
OF A RECYCLING FACILITY/SMALL REDEMPTION CENTER AT AN EXISTING GROCERY
STORE AT 1255 BUENA VISTA AVENUE (LDP8-07; APN 133-440-43)**

This letter is to notify you of a Planning Commission public hearing to consider the possible revocation/modification of the above-noted permit. Please be advised that this matter has been scheduled for consideration by the Planning Commission at its public meeting of **September 24, 2009, at 6:00 pm** in the City Hall Council Chambers, at 425 North El Dorado Street, 2nd Floor.

Should you have any questions regarding this matter, you may contact Associate Planner Jose Rubianes at 937-8310.

MICHAEL M. NIBLOCK, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

GREGG S. MEISSNER, DEPUTY DIRECTOR
CDD/PLANNING AND ENGINEERING SERVICES

MMN:GSM:fw

cc: Jose Rodriguez
407 North California Street
Stockton, CA 95202

emc: Guy Petzold, Deputy City Attorney
Michael M. Niblock, Deputy Director, CD/Planning Division
Lynne Goodwin and Kevin Hatano, Police Department
Ron Girard, Neighborhood Services, Police Department



2004
1999



DAVID JAS. BURR

RECEIVED
CITY OF STOCKTON

SEP 01 2009

PERMIT CENTER
PLANNING DIVISION

August 29, 2009

Michael M. Niblock, Director
Community Development Department
345 N. El Dorado Street
City of Stockton, CA 95202

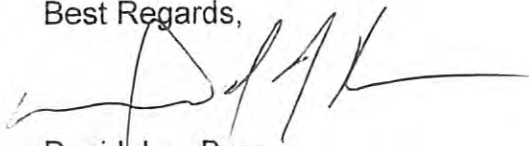
RE: Buena Vista Avenue Recycling Center

Dear Mr. Niblock;

I'd like to express my concern and displeasure over the recycling center on Buena Vista Avenue. I have lived in this area for 10 years and I have enjoyed the charm and relative quietness of the neighborhood. My neighbors and I enjoy sitting on our porches, socializing after a hard day's work. We enjoy the beauty of the Haggin Museum rose garden and we look forward to completion of the improvements currently under construction to the pond. Unfortunately the activity brought on by the recycling center threatens this tranquil environment. Since the recycling center opened, my neighbors and I have been subjected to constant barrage of shopping carts, day and night, rattling past our homes. On garbage pickup day we have can collector after can collector rummaging through our recycling containers, often leaving trash strewn about.

I appreciate that some the individuals selling recyclable materials may have encountered hard times, and I sympathize with them, but a residential neighborhood is not the place for a recycling center. Please, let's keep recycling centers where they belong, in industrial areas not residential areas. Help us restore Victory Park to its former charm, free of unnecessary disturbances.

Best Regards,


David Jas. Burr

1602 W Harding Way,
Stockton, CA 95203-1514

Phone: 209-465-1132 Cell 209-298-9398
E-mail: DavidJBurr@SBCglobal.net

EXHIBIT 9

From: Richard Larrouy
To: Rubianes, Jose
Date: 9/1/2009 17:47
Subject: Buena Vista/Lucerne recycling LDP admin hearing

I wanted to let you know, Jose, that I spoke with Julie Cox today at 5 p.m. regarding the above matter. She is the woman with whom I spoke on Friday, August 21. She lives at 1424 W. Willow Street and her mother lives at 1450 W. Willow Street - the latter is approximately 1,600 feet from the site of the recycling facility. I told her about the administrative hearing on Thursday and she said that she might attend. In case you need to reach her, the telephone number is 939-9856.

From: Jose Rubianes
To: Gealy, Mark
Date: 8/20/2009 13:38
Subject: Re: Recycling center behind 1255 Buena Vista Avenue

CC: Larrouy, Richard; Meissner, Gregg; Niblock, Mike
Good Afternoon:

The Community Development Department is aware of the concerns regarding the recycling center at 1255 Buena Vista Avenue (Land Development Permit LDP8-07). At the request of City Council Member Susan Eggman, the City Community Development Department, Police Department, Code Enforcement, and the owners/operators of the facility are currently working together to explore all of the options available to achieve an acceptable resolution to all the issues that have been raised. We anticipate completing our efforts to achieve a mutually acceptable solution to these issues no later than September 11, 2009, if the issues remain unresolved, formal proceedings to consider revocation or modification of the permit for the recycling center will likely be initiated. If you have any further questions about these issues or would like an update on any City actions related to these issues, you may contact me at this e-mail address or at 937-8310.

Thank You

Jose Rubianes
Associate Planner
Community Development Department
Planning Division
jose.rubianes@ci.stockton.ca.us

>>> Mark Gealy <markgealy@iargalon.com> 8/18/2009 19:34 >>>
Dear Mr Niblock,

I'm writing to complain about the recycling center behind the grocery store at 1255 Buena Vista Avenue.

Recycling centers are, by their nature, noisy, smelly and an eyesore. This one is no exception. Furthermore this one has habitually set out advertising signs that are an eyesore, and usually in front of their neighbor's property.

Recycling centers are materials handling and processing facilities. They do not belong in or adjacent to residential neighborhoods.

The recycling center is an inappropriate use of this property, and needs to be removed.

Sincerely,

Mark Gealy
1009 Figueroa St
Stockton, CA 95203

From: Jose Rubianes
To: Bowden, Kimberly
Date: 8/20/2009 13:37
Subject: Re: Recycling Center on Buena Vista

CC: Larrouy, Richard; Meissner, Gregg; Niblock, Mike
Good Afternoon:

The Community Development Department is aware of the concerns regarding the recycling center at 1255 Buena Vista Avenue (Land Development Permit LDP8-07). At the request of City Council Member Susan Eggman, the City Community Development Department, Police Department, Code Enforcement, and the owners/operators of the facility are currently working together to explore all of the options available to achieve an acceptable resolution to all the issues that have been raised. We anticipate completing our efforts to achieve a mutually acceptable solution to these issues no later than September 11, 2009, if the issues remain unresolved, formal proceedings to consider revocation or modification of the permit for the recycling center will likely be initiated. If you have any further questions about these issues or would like an update on any City actions related to these issues, you may contact me at this e-mail address or at 937-8310.

Thank You

Jose Rubianes
Associate Planner
Community Development Department
Planning Division
jose.rubianes@ci.stockton.ca.us

>>> "Kimberly Bowden" <kbowden@hagginmuseum.org> 8/19/2009 09:18 >>>

Mr. Niblock,
I live on Flora Street near Victory Park and work at The Haggin Museum. I am writing in regards to the increase of recycle cart scavenging and homeless individuals in the area. There is a lot of activity of heavily loaded shopping carts/baby strollers rattling up and down the streets. I often have to wait to leave my house because there is someone on the sidewalk out front. Also, I open the museum and arrive at the park between 6:30-7am. As a woman alone, it is scary for me to get from my car to my workplace with people sleeping in the parking lot and against the building. I believe much of this activity is due to the recycling center at 1255 Buena Vista Avenue which attracts the homeless and requires them to go through residential streets to turn in their items. I know the business is up for permit renewal and I ask that the City of Stockton Community Development Department to assist in getting the request denied. Recycling centers are better suited to commercial areas where the noise and danger factors are not affecting people who wish to enjoy their front yards and city parks. Please keep this in mind when you make your decision.

Kind regards,
~Kimberly Bowden

cc: ASK STOCKTON request form

Kimberly D. Bowden
Curator of Archival Collections
The Haggin Museum
1201 N. Pershing Avenue
Stockton, CA 95203-1699
kbowden@hagginmuseum.org
(209) 940-6324

From: Jose Rubianes
To: Johnson, Karri; Niblock, Mike
Date: 9/2/2009 16:07
Subject: Re: Recycling Center on Buena Vista

CC: Larrouy, Richard; Meissner, Gregg; Niblock, Mike
Good Afternoon:

A formal hearing has been scheduled to consider the possible revocation or modification of the Land Development Permit for this facility will be held on September 3, at 2 p.m. in the Community Development Department Conference Room at 345 North El Dorado Street. Because you have contacted this department about the facility, I am notifying you of this hearing to update our progress in resolving the issues that were raised. If you have any further questions, you may contact me at this e-mail address or at 937-8310.

Thank You

Jose Rubianes
Associate Planner
Community Development Department
Planning Division
jose.rubianes@ci.stockton.ca.us

>>> Karri Johnson <kjohnson2@pacific.edu> 9/2/2009 15:51 >>>
Dear Mr. Niblock,

My husband and I live one house from the corner on Lucerne and Buena Vista. We are very upset and fed up with the effect, which the recycling center behind the Corner Store, has had on our lives.

At all hours of the day and night we have a stream of bums marching through our neighborhood with their shopping carts and/or baby strollers. We have to live with the constant noise of the shopping carts on the pavement and the clanking of the cans and bottles.

Throughout the day there is a constant noise of crushing glass, that makes it very unpleasant, especially when we are trying to enjoy a cup of coffee on a Sunday morning in our back yard.

The Browns
Lucerne Avenue

YAHOO! MAIL
Classic

stockton

Web Search

Mail Contacts Calendar Notepad[What's New?](#) [Mobile Mail](#) [Options](#)

Send Save as a Draft Cancel

Try the new Yahoo! Mail

There was a problem!

Please check all email addresses. Looks like one of them may not be formatted correctly.

[Insert addresses](#) (séparated by commas) [Show Bcc](#)**To:** cdd@ci.stockton,ca,us.**Cc:****Subject:** Victory Park Recycle Facility - Christine Fugazi, Dist. 5[Attach Files](#)[Plain Text](#)

I am writing to express my opposition to the recycle facility near Victory Park. It is becoming a definite nuisance attracting homeless persons who are using it for a living quarters. I don't need to tell you the kind of abuses this behavior brings. Please do not allow it to remain. Thank you.

Arnold S. Eilers
Camera Science
209-469-0961
510-710-2642



Send Save as a Draft Cancel

927 W Willow St

LAND DEVELOPMENT PERMIT NO. LDP8-07**DATE APPROVED:** April 20, 2007**ISSUED TO:** Srun and Nary Ty
4308 Salmon Point
Stockton, CA 95219**DESCRIPTION OF USE:** operation of a recycling facility/small redemption center at an existing grocery store**PROPERTY LOCATION:** 1255 Buena Vista Avenue**PROPERTY ZONED:** CN **APN:** 133-440-43 **CT:** 9.00 **TZ:** 04 **BL:** 09 **PA:** 01**CONDITIONS OF APPROVAL:**

NOTE: THIS PERMIT IS ISSUED PURSUANT TO THE PROVISIONS OF PART II, CHAPTER 16, SMC AND IS SUBJECT TO THE CONDITIONS OF APPROVAL AND ATTACHED DEVELOPMENT PLAN. USE OR CONSTRUCTION MUST BE COMMENCED WITHIN ONE YEAR AFTER THE DATE OF APPROVAL OR AN EXTENSION MUST BE GRANTED AS PROVIDED IN THIS CHAPTER; OTHERWISE, THIS PERMIT SHALL BE NULL AND VOID. THIS PERMIT IS SUBJECT TO REVOCATION AND/OR MODIFICATIONS AS PROVIDED IN THIS CHAPTER.

1. Comply with all applicable Federal, State, County and City codes, regulations and adopted standards and pay all applicable fees.
2. In the event that the use proves detrimental to the health, safety, peace or general welfare of the surrounding neighborhood, this Land Development Permit shall be subject to revocation or modification as provided in the Development Code.
3. Any graffiti on the property shall be removed within twenty-four (24) hours.
4. There shall be no new chain-link fencing, barbed/concertina wire or similar material.
5. Structures shall be constructed/installed in accordance with the approved site plan and conditions of approval and be maintained in a manner so as not to be blighted or deteriorated.
6. All new signs shall be subject to approval by the Community Development Director. Please be advised that the facility must comply with Development Code Section 16-365.260.B.2.a
7. The Land Development Permit shall be immediately made available to City personnel upon inspection of the premises.

Srun Nary Ty
LDP8-07

EXHIBIT 14
Page 2

cc: Bernardo Diaz
1223 Wrangle Circle
Stockton, CA 95210

APPROVED: _____

Barbara Berlin

DATE ISSUED: April 20, 2007

cc: PUBLIC WORKS-TECH PLANNING BUSINESS LICENSE BUILDING MUD FILE COPY

JBR:cmf

NOTICE: To protest the imposition of any development fee, dedication, reservation or other exaction imposed on your project, you must file written notice with the City Clerk's office within 90 days after approval of the project or imposition of the fees, dedications, reservations or other exactions stating that the required payment is tendered or will be tendered when due, or that any conditions which have been imposed are provided for or satisfied, under protest, along with a statement of the factual elements of the dispute and the legal theory forming the basis for the protest.

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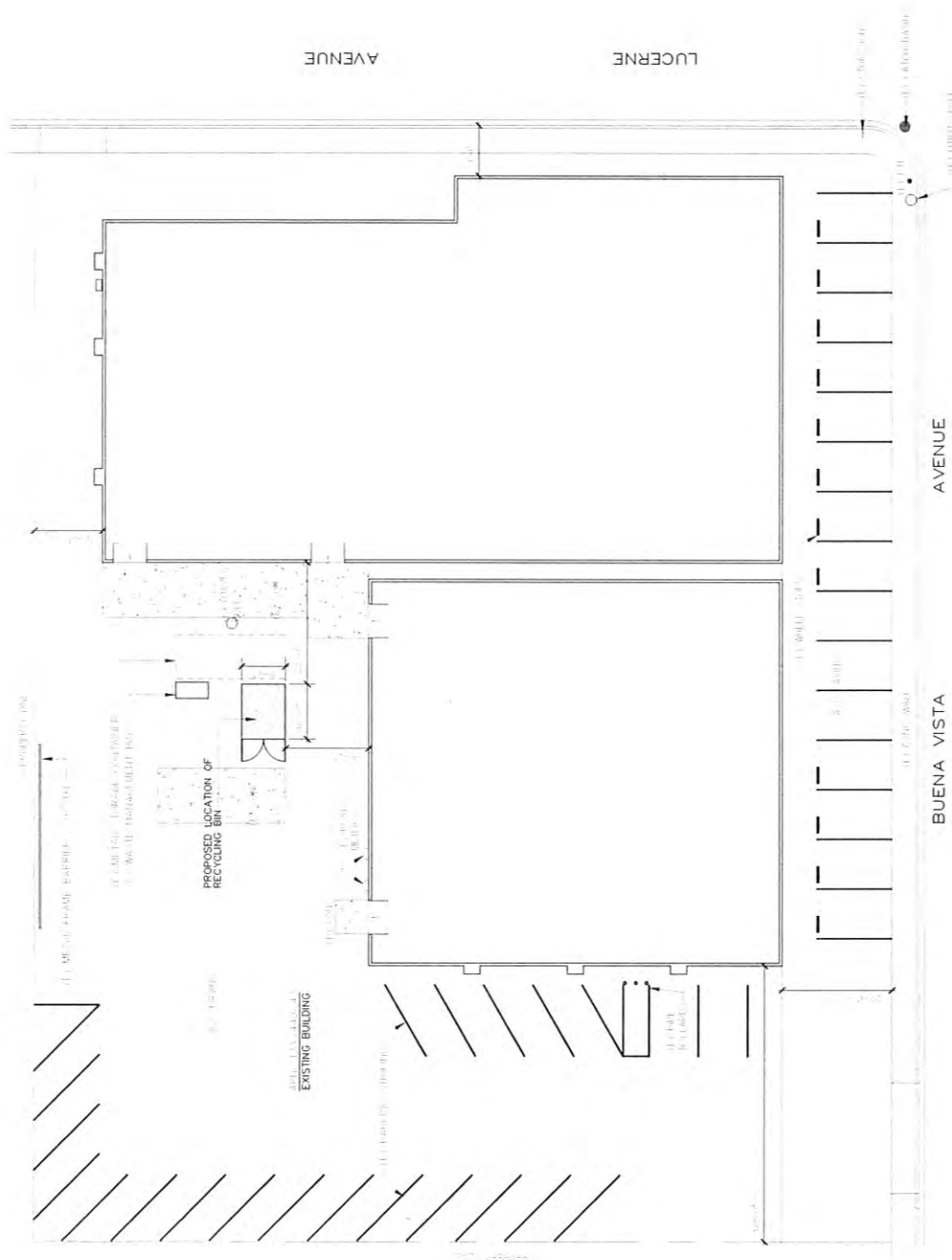
FILE COPY

LDP 8-07



SITE PLAN

PERMIT NO. LDP 8-07
DATE ISSUED April 20, 2007
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
345 NORTH EL DORADO STREET
STOCKTON, CA 95202-1997



BDS
Bernal
Design
Service
1915 S. Drake Ave, Stockton CA
Phone/Fax - (209) 649-5545

DATE: JAN, 12, 2007
DRAWN: MJD
CHECKED:
REVISIONS:

SITE PLAN

Diaz Recycling
1255 Buena Vista Ave.
Stockton, California

JOB NO: 01-007-12
SHEET NO:

C-1

OF SHEETS