DRAFT INITIAL STUDY/NEGATIVE DECLARATION
FOR THE
CITY OF TULELAKE LAND USE ELEMENT
AND
ZONING CODE UPDATES

AUGUST 2023

CITY OF TULELAKE
591 MAIN STREET
TULELAKE, CA 96134

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1.1 Introduction and Regulatory Guidance

This document is an Initial Study, with supporting environmental studies, which concludes that a Negative Declaration is the appropriate CEQA document for the City of Tulelake Land Use Element and Zoning Code Updates (proposed project). This Negative Declaration has been prepared in accordance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 *et seq*., and the State CEQA Guidelines, California Code of Regulations Section 15000 *et seq*.

An Initial Study is conducted by a Lead Agency to determine if a project may have a significant effect on the environment. In accordance with CEQA Guidelines Section 15063, an EIR must be prepared if an Initial Study indicates that the proposed project under review may have a potentially significant impact on the environment that cannot be initially avoided or mitigated to a level that is less than significant. A Negative Declaration may be prepared, if the lead agency prepares a written statement describing the reasons why the proposed project would not have a significant effect on the environment, and therefore why it does not require the preparation of an EIR (CEQA Guidelines Section 15371). According to CEQA Guidelines Section 15070, a Negative Declaration shall be prepared for a project subject to CEQA when either:

a) The initial study shows there is no substantial evidence, in light of the whole record before the agency, that the proposed project may have a significant effect on the environment, or

b) The initial study identifies potentially significant effects, but:

(1) Revisions in the project plans or proposals made by or agreed to by the applicant before the proposed negative declaration is released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and

(2) There is no substantial evidence, in light of the whole record before the agency, that the proposed project as revised may have a significant effect on the environment.

If revisions are adopted in the proposed project in accordance with the CEQA Guidelines Section 15070(b), including the adoption of mitigation measures, a Mitigated Negative Declaration is prepared.

1.2 Lead Agency

The lead agency is the public agency with primary responsibility over a proposed project. Where two or more public agencies will be involved with a project, CEQA Guidelines Section 15051 provides criteria for identifying the lead agency. In accordance with CEQA Guidelines Section 15051(b)(1), “The lead agency will normally be the agency with general governmental powers, such as a city or county, rather than an agency with a single or limited purpose.” Based on the criteria above, the City of Tulelake (City) is the lead agency for the proposed City of Tulelake Land Use Element and Zoning Code Updates.

1.3 Purpose and Document Organization

The purpose of this Initial Study is to evaluate the potential environmental impacts of the proposed Zoning Code Update. This document is divided into the following sections:

1.0 Introduction - This section provides an introduction and describes the purpose and organization of this document.

2.0 Project Information - This section provides general information regarding the project including the project title, lead agency and address, contact person, brief description of the project location, general plan land use designations, zoning designation, identification of surrounding land uses, and identification of other public agencies whose review, approval, and/or permits may be required. Also listed in this section is a checklist of the environmental factors that are potentially affected by the project.

3.0 Project Description - This section provides a detailed description of the proposed project.

4.0 Environmental Checklist - This section describes the environmental setting and overview for each of the environmental subject areas, evaluates a range of impacts classified as "no impact," "less than significant," "less than significant with mitigation incorporated," and "potentially significant" in response to the environmental checklist.

5.0 References - This section identifies documents, websites, people, and other sources consulted during the preparation of this initial study.

1.4 Evaluation of Environmental Impacts

Section 4.0, Evaluation of Environmental Impacts, is the analysis portion of this Initial Study. This section provides an evaluation of the potential environmental impacts of the project. There are 21 environmental issue subsections within Section 4.0, including Mandatory Findings of Significance. The environmental issue subsections, numbered 1 through 21, consist of the following:

1. Aesthetics
2. Agriculture and Forestry Resources
3. Air Quality
4. Biological Resources
5. Cultural Resources
6. Energy
7. Geology and Soils
8. Greenhouse Gas Emissions
9. Hazards and Hazardous Materials
10. Hydrology and Water Quality
11. Land Use and Planning
12. Mineral Resources
13. Noise
14. Population and Housing
15. Public Services
16. Recreation
17. Transportation
18. Tribal Cultural Resources
19. Utilities and Service Systems
20. Wildfire
21. Mandatory Findings of Significance

1. **Project title:** City of Tulelake Land Use Element and Zoning Code Updates

2. **Lead agency name and address:** City of Tulelake
591 Main Street / P.O. Box 847
Tulelake, CA 96134

3. **Contact person and phone number:** Jenny Coelho, City Hall Administrator
(530) 667-5522

4. **Project location:** The project site includes the entirety of the City of Tulelake, California; Section 35, T48N, R4E and Sections 1 & 2, T47N, R4E, Mount Diablo Base & Meridian (Latitude 41°57'21.56"N, Longitude 121°28'38.97"W). See **Figure 3.0-1**.

5. **Project sponsor's name and address:** City of Tulelake
591 Main Street
Tulelake, CA 96134

6. **General Plan designation:** Various.

7. **Current Zoning:** Various.

8. **Description of project:** The project is an update of the City of Tulelake General Plan Land Use Element and an update of Title 17, Zoning, of the Tulelake Municipal Code to eliminate constraints to the maintenance, improvement, and development of housing pursuant to Government Code Section 65583(c)(3); reflect changes to state law and case law; better define land uses, regulations, and exceptions; and facilitate development and redevelopment. As part of the project, mixed-use zoning districts and a mixed-use land use designation would be introduced to better reflect existing development; provide for future integration of compatible residential and non-residential uses: improve access to housing, jobs, services, open space, and other destinations through non-vehicular transit modes; promote economic investment, redevelopment, and revitalization in the community; encourage a compact urban form; and safeguard the character of existing neighborhoods.

9. **Surrounding land uses and setting:** The City of Tulelake is located in the Lower Klamath Basin in far northeastern Siskiyou County approximately 0.4 mile west of the Modoc County line and approximately 2.5 miles south of the Oregon border. The City of Tulelake is predominantly surrounded by active agricultural uses, and State Route 139 (SR 139) and the Union Pacific Railroad

(UPRR) run the length of the city in a northeast to southwest direction.

10. Other public agencies whose approval may be required (e.g., permits, financing approval, or participation agreement):

None.

11. Environmental factors potentially affected:

The environmental factors checked below would be potentially affected by this project, as indicated by the checklist on the following pages.

☐ Aesthetics	☒ Agriculture/Forestry Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☒ Energy
☒ Geology and Soils	☒ Greenhouse Gas Emissions	☐ Hazards/Hazardous Materials
☒ Hydrology/Water Quality	☐ Land Use and Planning	☐ Mineral Resources
☐ Noise	☒ Population and Housing	☒ Public Services
☐ Recreation	☒ Transportation	☐ Tribal Cultural Resources
☒ Utilities/Service Systems	☐ Wildfire	☐ Mandatory Findings of Significance

12. Determination: (To be completed by the lead agency)

On the basis of this initial evaluation:

☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Richard Tinsman Digitally signed by Richard Tinsman Date: 2023.08.20 17:47:22 -07'00'

Signature

August 20, 2023
Date

Richard Tinsman
Printed Name

City of Tulelake
Lead Agency

Contract City Planner
Title

3.1 Project Location

The project site includes the entire City of Tulelake, California; Section 35, T48N, R4E and Sections 1 & 2, T47N, R4E, Mount Diablo Base & Meridian (Latitude 41°57'21.56"N, Longitude 121°28'38.97"W). See **Figure 3.0-1**. The City of Tulelake is located in northern California along State Route 139 (SR 139) approximately 2.5 miles south of the Oregon border and approximately 0.4 mile west of the Siskiyou-Modoc county line. The City of Tulelake occupies an area of approximately 264 acres within the Upper Klamath Basin, a 5.6-million-acre region rich with agriculture and wildlife at the northwest corner of the Great Basin and Range. The elevation of the city is approximately 4,035 feet, and the topography of the city is relatively flat. The city is predominantly surrounded by agricultural lands to the north, south, and west, with the Union Pacific Railroad and SR 139 immediately to the east and agricultural uses beyond. Irrigation canals border the city to the north and west and along portions of the southern and eastern boundaries. According to the U.S. Census Bureau, the population of the City of Tulelake was 902 in 2020.

3.2 Project Overview

In combination with state law, a city's general plan serves as the legal basis for its zoning, subdivision, and other land use related ordinances and resolutions. In accordance with state law, general plans are required to address eight topic areas of community concern: land use, housing, safety, circulation, open space, conservation, noise, and environmental justice. Each topic area is treated to its own element, or chapter, of the general plan, though elements can be combined, and environmental justice issues can be integrated into the other elements rather than being included as a separate element. Cities may also address other topic areas of community concern in their general plans.

Because general plans affect current and future generations, state law requires that general plans take a long-term perspective, typically 10 to 20 years into the future. According to the City of Tulelake General Plan (1978), "The plan tries to indicate how private and public action can achieve certain community goals and policies in the next five (5) to 20 years." At this point, the City of Tulelake General Plan is a fair bit older than 20 years.[1] While older plans are not unusual for rural communities with little growth and relatively few changes that might generate the need for an update, the City recognized the need to update the City of Tulelake General Plan to ensure that the General Plan continues to represent the community's vision for itself and so that the General Plan continues to provide the guidance necessary to accomplish this vision.

For that reason, as well as to: eliminate constraints to the maintenance, improvement, and development of housing pursuant to Government Code Section 65583(c)(3); reflect changes to state law and case law; better define land uses, regulations, and exceptions; and facilitate development and redevelopment, the City of Tulelake applied for and was awarded a SB 2 planning grant to prepare an update of the Land Use Element, Housing Element, and Zoning Code, and a LEAP grant to prepare and update the other required elements of the General Plan. Because of differing grant deadlines and the need to accommodate statutory timelines associated with the housing element, the current project includes only the Land Use Element and Zoning Code updates.

[1] The City of Tulelake Housing Element was most recently updated separately in 2015.

Land Use Element Update

As noted above, the City of Tulelake General Plan Land Use Element was last updated in 1978. Therefore, in addition to updating the Land Use Element to ensure that it is continues to reflect the community's current vision for itself, as informed through surveys and public workshops, the Land Use Element was updated to: address Disadvantaged Unincorporated Communities (DUCs) in accordance with SB 244 (2011); better ensure correlation with the Circulation Element to facilitate a reduction in Vehicle Miles Travelled (VMT) consistent with SB 743 (2013); and establish three land use classifications that are consistent with the existing land use and/or zoning on the properties they would be applied to and/or which can facilitate infill development and redevelopment consistent with and compatible with surrounding land uses.

The three land use classifications that would be established in the Land Use Element Update are Open Space (OS), Mixed Use (MU), and Planned Development (PD).

As proposed, the OS classification would be applied to public lands that provide active and passive recreational opportunities and/or that should be preserved in a natural state for purposes of resource or flood protection. Properties that would be classified Open Space include three city-owned parks: Veteran's Park (APNs 050-061-070, -080, and -090), Otis Roper Park (APN 050-051-010), and Ridgeview Park (APN 050-193-500).

The MU classification would be applied to centrally located areas of the city that are presently zoned Vertical Mixed Use (V-2), Limited Commercial (C-1), Commercial (C-2), and Industrial (M-1) and which support or can support a compatible mixture of residential and nonresidential uses. According to the draft Land Use Element, the classification is intended to "encourage a broad array of retail, professional, entertainment, residential, social, civic, and other uses that contribute to a vibrant, pedestrian-friendly environment," and "promote economic investment, redevelopment, and revitalization; improve access to housing, jobs, services, open space, and other destinations through nonvehicular transit modes; encourage a compact urban form; and safeguard the character of existing neighborhoods."

The PD classification would be applied to approximately 14 acres of city-owned land that currently lacks zoning and which may be suitable for redevelopment with a variety of uses. The property includes APN 050-201-010 (12.0 acres) and an approximately 2.0-acre portion of APN 050-201-020. The City has received a Department of Toxic Substances Control (DTSC) Round 1 Equitable Community Revitalization Grant (ECRG) to prepare a brownfields assessment for the 12.0-acre property in advance of making it available for redevelopment. The property, which is located adjacent to the railroad, is developed and has historically been used for agricultural support industries, including for the storage of fertilizer. The 2.0-acre portion of APN 050-201-020 is undeveloped. The Planned Development classification requires City Council approval of a development plan or specific plan, and completion of CEQA, prior to the subdivision of land.

The draft Land Use Map is included as **Figure 3.0-2** below and the Land Use Element is included in its entirety as **Appendix A**.

Zoning Code Update

Title 17, Zoning, of the Tulelake Municipal Code (i.e., the Zoning Code) was largely established with the adoption of Ordinance 69 in 1950. The zoning code amendments since then have been relatively few and for the most part minor (1959, 1964, 1971, 2015, 2016, and 2020). The Zoning

Code was most recently, and perhaps most significantly, amended in September 2020 when the City established a Vertical Mixed Use (V-2) zoning district and applied it to properties along Main Street north of E Street to encourage redevelopment that preserves the commercial core function of the area.

Most development in the city appears to have followed standards for building height and many lots were plotted prior to the City's incorporation; however, the Zoning Code presently lacks many key elements of a typical zoning code, such as lot requirements (e.g., minimum lot size and dimensions) and development standards (e.g., units per acre, lot coverage, setbacks, and building height limits). The Zoning Code also presently does not include many provisions typically incorporated into a contemporary zoning code to provide for flexible development and to address specific topics of state planning and housing law. This includes allowances for conditionally permitted uses and use permits, accessory dwelling units, low barrier navigation centers, family daycare homes, density bonuses, reasonable accommodations, home occupations, appeals of administrative action, etc. As such, the Zoning Code has been updated consistent with the Land Use Element and state law to: ensure that it provides for uses identified by the community as desirable; include lot requirements and development standards based on historic development patterns and the General Plan; include objective design review standards for streamlined affordable housing projects; eliminate constraints to the maintenance, improvement, and development of housing pursuant to Government Code Section 65583(c)(3); reflect changes to state law and case law; better define land uses, regulations, and exceptions; and facilitate development and redevelopment.

As part of the City's effort to eliminate constraints to development of housing, the City hopes to improve access to conventional financing for owners and buyers of residential and mixed-use properties in what are often considered "nonresidential" zoning districts. According to loan brokers, the word "commercial" in the current Limited Commercial (C-1) and Commercial (C-2) districts and the word "industrial" in the Industrial (M-1) district limits the number of lenders potentially willing to lend on residential improvements in these districts - even though these districts allow residential uses. With fewer banks potentially willing to lend on residential improvements in these districts, this has the potential to discourage investment and redevelopment in large areas of city. To address this, the C-1 and C-2 districts would be reclassified as mixed-use districts, which is what they presently provide for and largely consist of, and several M-1 zoned properties along Modoc Avenue that are developed with residences and compatible nonresidential uses would be rezoned to Mixed Use (MU-2). To further buffer residential uses from potentially incompatible heavier commercial and manufacturing uses, properties developed with heavier commercial and light manufacturing uses would be zoned either General Commercial (G-C) or Manufacturing (M) based on the land use. In short, zoning districts would be renamed, separated, and introduced in the update as shown in the table below.

Table 3.0-1
Current and Proposed Zoning Districts

Current Zoning Districts	Zoning Districts in Update
Single-Family Dwelling, R-1	Low Density Residential, R-1
--	Medium Density Residential, R-2
Multiple-Family Dwellings, R-1/2/3	High Density Residential, R-3
Limited Commercial, C-1	Limited Mixed Use, MU-1
Commercial, C-2	Mixed Use, MU-2

Current Zoning Districts	Zoning Districts in Update
Vertical Mixed Use, V-2	Vertical Mixed Use, MU-3
Industrial, M-1	General Commercial, G-C
	Manufacturing, M
--	Public Facilities, P-F
--	Open Space, O-S
--	Planned Development, P-D

As proposed, the update of Title 17, Zoning, would include the following chapters:

17.04 General Provisions
17.08 Definitions
17.12 Districts Generally
17.16 Low Density Residential, R-1
17.20 Medium Density Residential, R-2
17.24 High Density Residential, R-3
17.28 Limited Mixed Use, MU-1
17.32 Mixed Use, MU-2
17.36 Vertical Mixed Use, MU-3
17.40 General Commercial, G-C
17.44 Manufacturing, M
17.48 Open Space, O-S
17.52 Public Facilities, P-F
17.56 Planned Development, P-D
17.60 Similar Use Determinations
17.64 Off-Street Parking
17.68 Signs
17.72 Nonconforming Structures, Uses, and Parcels
17.76 Use Permits and Variances
17.80 Special Provisions
17.84 Live/Work Units and Home-Based Businesses
17.88 Short-Term Rentals
17.92 Bed and Breakfast Inns
17.96 Mobile Food Sales
17.100 Accessory Dwelling Units
17.104 Wireless Telecommunications Facilities
17.108 Reasonable Accommodations
17.112 Residential Density Bonuses
17.116 Objective Design Standards
17.120 Amendments
17.124 Hearings and Appeals
17.128 Enforcement and Penalties

Each of these chapters is summarized below, and the draft Zoning Code is included in its entirety as **Attachment B**.

17.04, General Provisions

This chapter establishes the purpose of Title 17 and its application to land within the City of Tulelake, and it establishes the standard for interpretation of the zoning regulations.

17.08 Definitions

This chapter identifies and defines many of the terms used in Title 17. With definitions for over 240 zoning-related terms, clarity is significantly enhanced and the need for future zoning code interpretations reduced.

17.12 Districts Generally

This chapter identifies each of the zoning districts in Title 17, provides a process for determining uncertain district boundaries, prohibits split zoning, and establishes the R-1 district as the default zoning for annexed lands.

17.16 Low Density Residential, R-1

This chapter identifies permitted and conditionally permitted uses and development standards within the R-1 district. The R-1 district is intended to be applied to areas suitable for lower density residential development. Much of the city west of Main Street is presently and would remain zoned R-1.

17.20 Medium Residential, R-2

This chapter identifies permitted and conditionally permitted uses and development standards within the R-2 district. The R-2 district is intended to be applied to areas suitable for a combination of low density and medium density residential development. There is no R-2 district at present. Rather, medium density residential development is allowed in the City's current Multiple-Family Dwellings (R-1/2/3) district, which also allows low density and high density residential development. Therefore, to better accommodate a variety of housing types and housing choices in centrally located areas of the city, as well as promote walkability and vitality in the nearby downtown area, approximately 1.05-acre of land on the east side of 2nd Street between A Street and B Street would be rezoned from R-1 to R-2. The property includes APNs 050-042-020, -030, and -040, of which APN 050-042-030 (6,600 sq. ft.) is developed with a single-family dwelling. APNs 050-042-020 and -040 are presently undeveloped and city services are available in the alley at the rear of the lots.

17.24 High Density Residential, R-3

This chapter identifies permitted and conditionally permitted uses and development standards in the R-3 district. The R-3 district is intended to be applied to areas suitable for a combination of low density, medium density, and high density residential development like the current Multiple-Family Dwellings (R-1/2/3) district that it would replace. With the exception of allowances for community gardens in. the R-3, which are being incorporated to strengthen the health and social fabric of the community, encourage sustainable food production and distribution, and increase community access to fresh local produce, the land uses provided for in the R-3 are substantially the same as those in the R-1/2/3.

17.28 Limited Mixed Use, MU-1

This chapter identifies permitted and conditionally permitted uses and development standards within the MU-1 district. The MU-1 district is intended to be applied to areas suitable for a

combination of lower density residential development and compatible nonresidential uses. It is substantially equivalent to the current C-1 district that it would replace.

17.32 Mixed Use, MU-2

This chapter identifies permitted and conditionally permitted uses and development standards within the MU-2 district. The MU-2 zoning district MU is intended to be applied primarily to areas suitable for higher density residential development and compatible nonresidential uses. It is substantially equivalent to the current C-2 district that it would replace.

17.36 Vertical Mixed Use, MU-3

This chapter identifies permitted and conditionally permitted uses and development standards within the MU-3 district. The MU-3 district is intended to be applied to properties along Main Street in areas suitable for a compatible mixture of street-level nonresidential use and residential development on the upper floor(s). It is substantially equivalent to the current V-2 district.

17.40 General Commercial, G-C

This chapter identifies permitted and conditionally permitted uses and development standards within the G-C district. The G-C district is intended to be applied to areas suitable for heavier uses than typically allowed in the mixed-use districts. Areas to be zoned G-C include properties along Modoc Avenue that are currently zoned Industrial (M-1) that are developed with commercial uses and/or which are best suited for development with nonresidential uses (APNs 050-062-030, -040, -060, -070, -080, -090, 050-082-010, -090, -100). Also included is a portion of the currently unclassified and unzoned city-owned property east of the wastewater treatment plant, burn pit, and fire department that is presently developed with an approximately 23,500-sqaure-foot commercial structure and paved parking lot that the City has leased to a food company (APN 050-201-020).

17.44 Manufacturing, M

This chapter identifies permitted and conditionally permitted uses and development standards in the M district. The M district is substantially equivalent to the current Industrial (M-1) district and is intended to be applied to areas suitable for heavier nonresidential uses than permitted in the mixed-use and commercial districts. Areas to be zoned M include the currently unclassified and unzoned railroad property adjacent to SR 139 (APNs 050-021-140, 050-043-060, 050-062-100, 050-082-110), which has traditionally been used for agricultural product processing, packaging, and distribution, and other agricultural support industries.

17.48 Open Space, O-S

This chapter introduces the O-S district and identifies the permitted and conditionally permitted uses and development standards within it. The O-S district is consistent with the proposed OS land use classification and is intended to be applied to public lands that provide active or passive recreational opportunities and/or should be preserved in a natural state. Consistent with the OS land use classification, lands to be zoned O-S include Otis Roper Park, Veteran's Park, and Ridgeview Park. The City's three small parklets along Modoc Avenue (i.e., Earl Ager Park, Harold Clinton Park, and Clarence Schott Park) would be provided for in the MU-2 district.

17.52 Public Facilities, P-F

This chapter introduces the P-F district and identifies the permitted and conditionally permitted uses and development standards within it. The P-F district is consistent with the PA land use classification and is intended to be applied to public lands that house public and quasi-public facilities. Lands to be zoned P-F include the wastewater treatment plant (a portion of APN 050-201-020), elementary school (APNs 050-091-040, -050, -060, -080, and -100), high school (APN 050-181-010), police department (APN 050-072-010), and fire station (a portion of APN 050-201-020).

17.56 Planned Development, P-D

This chapter introduces the P-D district and identifies the permitted and conditionally permitted uses and development standards within it. The P-D district is consistent with the proposed PD land use classification and is intended to be applied to large parcels to provide flexible future development and redevelopment options for these parcels. Parcels proposed to be zoned P-D include approximately 2.0 acres of city-owned land on APN 050-201-020 adjacent to and east of the fire station and the currently unclassified and unzoned 12.0-acre, city-owned parcel immediately north of it (APN 050-201-010).

17.60 Similar Use Determinations

This chapter describes the process that would be used by the City Council to determine whether a proposed use is similar to a permitted or conditionally permitted use when it is unclear whether the proposed use is allowed in a particular zoning district. It provides for a record of decisions and regular Code amendments that reflect those determinations.

17.64 Off-Street Parking

This chapter consolidates the minimum off-street parking requirements for all uses provided for in Title 17. It provides for shared parking facilities, parking for compact vehicles, and reductions and exceptions to the amount of required parking. The chapter also establishes design, construction, and maintenance standards, landscaping requirements for larger parking lots, and the ability to implement in-lieu parking fees to address parking deficits.

17.68 Signs

This chapter updates and replaces the City's existing sign regulations in Tulelake Municipal Code Chapter 15.3 (Signs). Critically it eliminates review of sign message content in accordance with the First Amendment and established United States Supreme Court case law (*Reed v. Town of Gilbert* (2015). It further transfers responsibility for reviewing and approving signs from the City Council to the building inspector to eliminate governmental constraints and ensure that all signs are reviewed for safety considerations.

17.72 Nonconforming Structures, Uses, and Parcels

This chapter establishes special regulations for nonconforming land uses, structures, and parcels that were lawful prior to the adoption of the proposed update, but which would be prohibited, regulated, or restricted differently under the current terms of the update or future amendments. It is the intent of the regulations to allow existing nonconformities to continue, and even expand, under limited conditions and to allow for reconstruction in the event of a disaster.

17.76 Use Permits and Variances

This chapter describes the process for applying for, considering, and approving administrative permits, conditional use permits, and variances, as well as for modification or revocation of same.

17.80 Special Provisions

This chapter describes the standards and requirements for a variety of specific issues and uses, including: site plans; official plan lines; second dwelling units; manufactured homes; manufactured home parks; recreational vehicles; recreational vehicle parks; open space requirements for multifamily developments; single-room occupancy units; emergency shelters; low-barrier navigation centers; fences, walls, hedges, and equivalent screening; outdoor lighting for public, quasi-public, multifamily, commercial, industrial, and institutional uses; temporary structures; commercial outdoor dining and seating; community gardens; garage sales; height limit exceptions; setback exceptions; dish-type or satellite antennas; cargo containers; and screening.

17.84 Live/Work Units and Home-Based Businesses

This chapter describes the conditions under which limited nonresidential activities may be conducted when incidental to residential activities. It provides for live-work units, home occupations, and cottage food operations.

17.88 Short-Term Rentals

This chapter describes the regulations for short-term rentals, including establishing an annual registration requirement, application process, inspection requirement, operational standards, prohibitions, and penalties for noncompliance.

17.92 Bed and Breakfast Inns

This chapter establishes standards for the bed and breakfast inns to assure compatibility with surrounding residential neighborhoods, as well as procedures for the processing of bed and breakfast inn applications.

17.96 Mobile Food Sales

This chapter establishes standards and exceptions for mobile food vendors, whether individuals operating on public or private property or multiple vendors operating from within a mobile food court. It also establishes standards for the establishment and operation of mobile food courts when permitted elsewhere by the Code.

17.100 Accessory Dwelling Units

This chapter provides for accessory dwelling units and junior accessory dwelling units consistent with Government Code Sections 65852.2 and 65852.22.

17.104 Wireless Telecommunications Facilities

This chapter establishes regulations for the establishment and operation of wireless telecommunications facilities consistent with state law and case law.

17.108 Reasonable Accommodations

This chapter describes the procedure for making requests for reasonable accommodations in land use, zoning, and building regulations, policies, practices, and procedures to comply fully with the

intent and purpose of fair housing laws. Specifically, this chapter describes the process for providing individuals with disabilities reasonable accommodation in rules, policies, practices, and procedures to ensure equal access to housing and facilitate the development of housing for individuals with disabilities in accordance with the federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act.

17.112 Residential Density Bonuses

This chapter describes the incentives that are available to developers for the creation of housing for very low-, low-, and moderate-income, special needs, and senior households in accordance with Government Code Sections 65915-65918.

17.116 Objective Design Standards

This chapter establishes objective designs standards for affordable multifamily residential and mixed-use developments that request streamlined processing and ministerial approval pursuant to state law provisions that reference objective design standards (e.g., SB 167, SB 35, and SB 330). The objective design standards supplement the development standards elsewhere in the Zoning Code.

17.120 Amendments

This chapter describes the process for amending Title 17, Zoning.

17.124 Hearings and Appeals

This chapter details the public notice requirements for projects subject to a public hearing, and it establishes a process for appeals of staff and City Council actions.

17.128 Enforcement and Penalties

This chapter requires staff compliance with implementation of the Zoning Code, establishes penalties for violations of the Zoning Code, and it provides for abatement of nuisances associated with the Zoning Code violations.

The proposed update of Title 17, Zoning, is provided in its entirety as **Appendix B**.

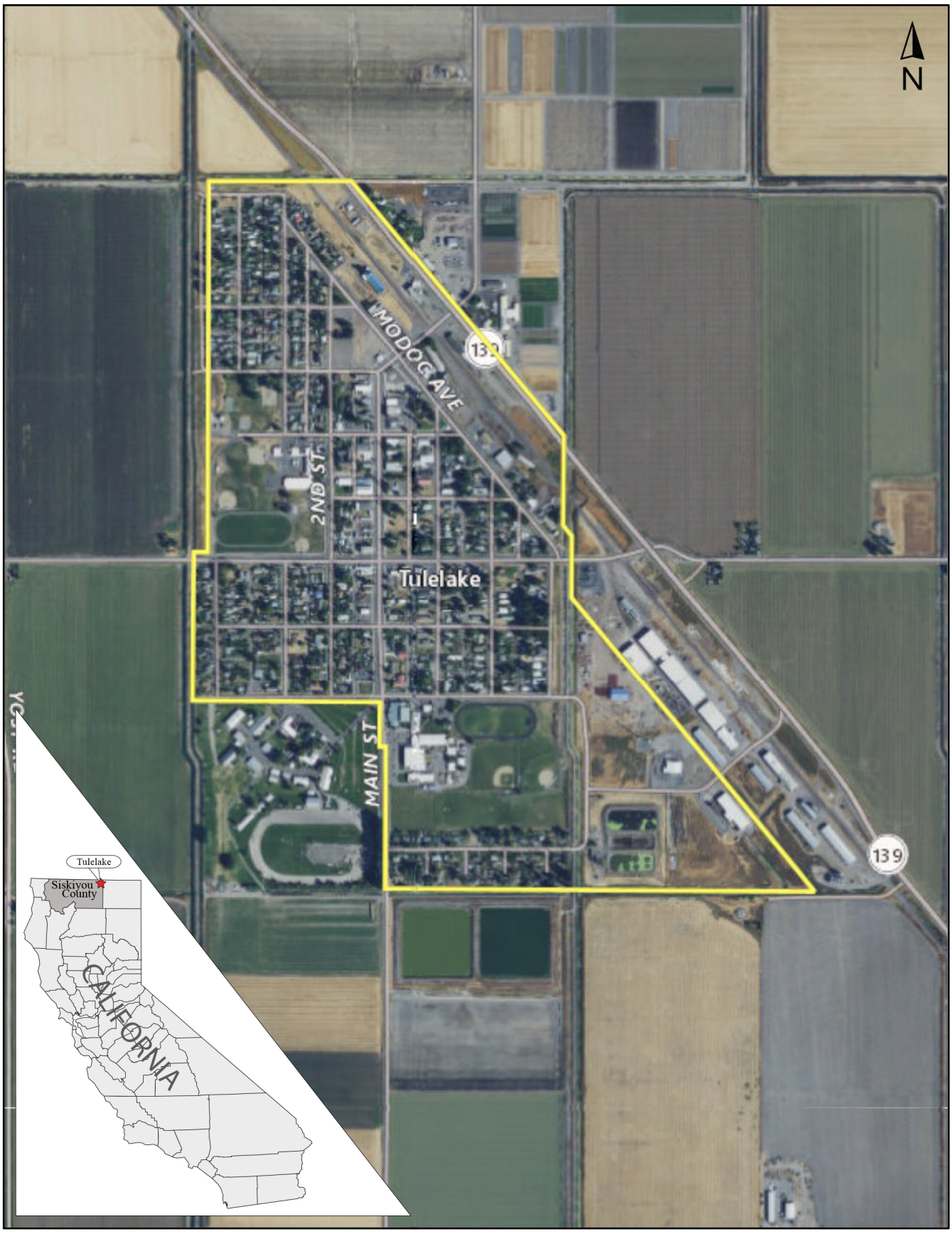


Figure 3.0-1, Project Location

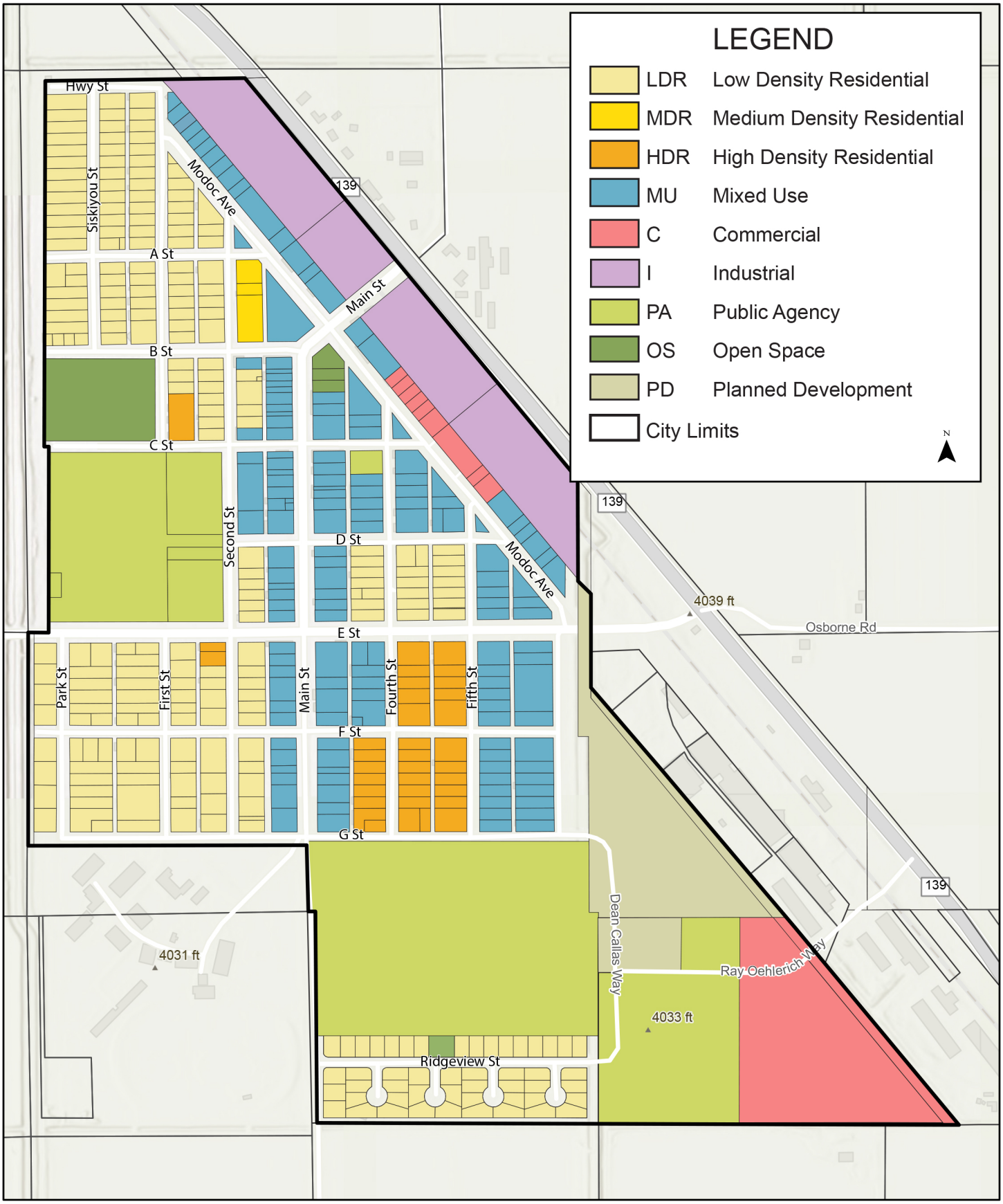


Figure 3.0-2, Proposed Land Use

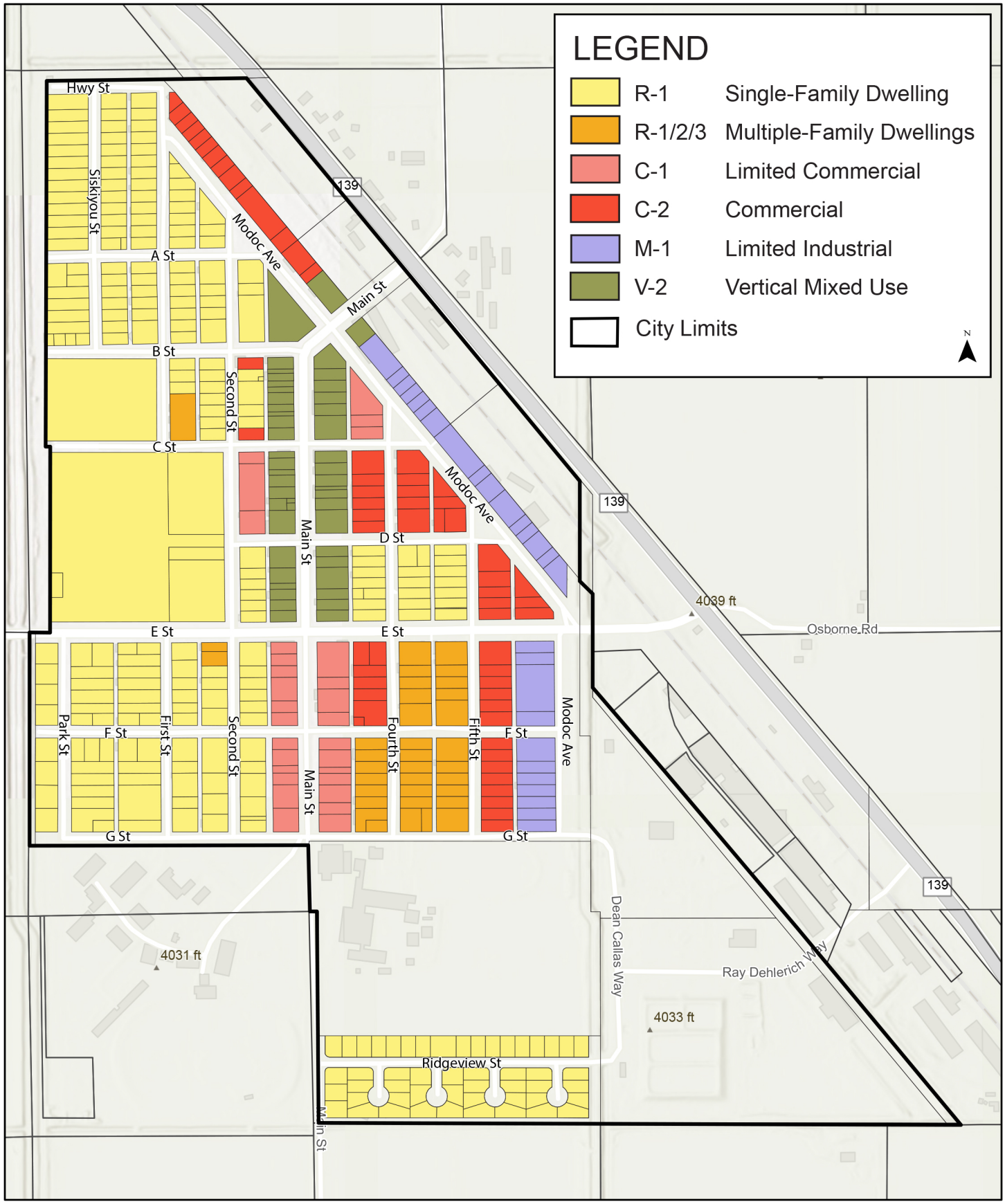


Figure 3.0-3, Current Zoning

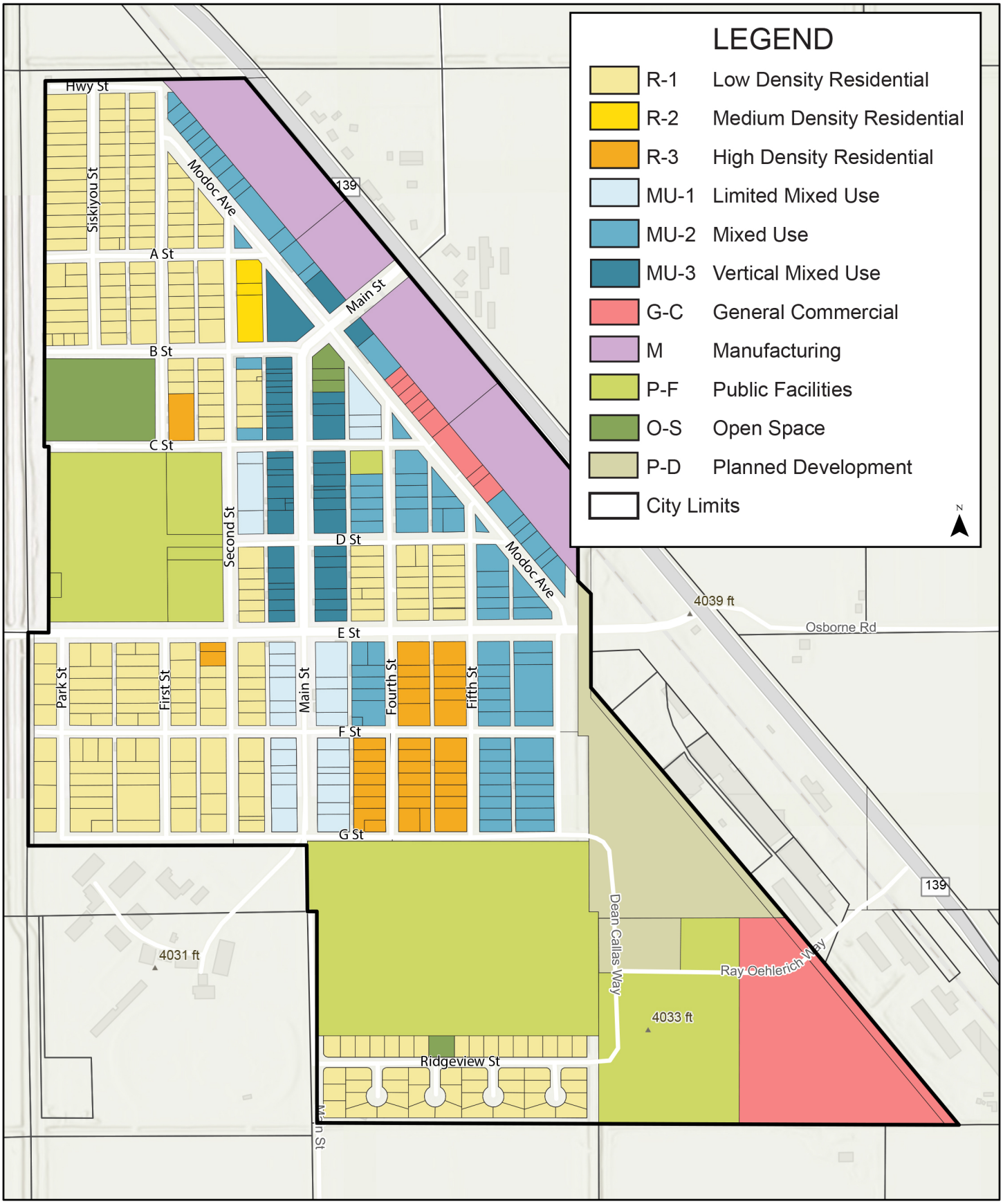


Figure 3.0-4, Proposed Zoning

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
4.1 Aesthetics. Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☐	☒
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

Setting:

The City of Tulelake is located within an area considered to have high scenic value. It is situated in the Lower Klamath Basin, a 5.6-million-acre region rich with agriculture, wildlife, and cultural resources at the northwest corner of the Great Basin and Range. The 39,116-acre Tule Lake National Wildlife Refuge, 50,092-acre Lower Klamath National Wildlife Refuge, and 46,692-acre Lava Beds National Monument are all located nearby. The City of Tulelake (elevation 4,035') is predominantly surrounded by large fields of row crops that afford open space views with mountain backdrops in all directions. Prominent peaks visible from the city include: The Peninsula (elevation 4,370') to the southeast, Sheepy Peak (elevation 5,258') to the west, Barntop Mountain (elevation 5,141') to the southwest, Stukel Mountain (elevation 6,509') to the northwest, and Bryant Mountain (elevation 6,461') to the northeast. On clear days, 14,192' Mount Shasta is visible 53 miles southwest of the city. State Route 139 (SR 139) and the Union Pacific Railroad (UPRR) run adjacent to the city in a northwest-southeast direction.

Discussion of Impacts:

a) *No Impact*. There is no project component that has the potential to adversely impact scenic vistas in and around the city.

b) *No Impact* There are no designated state scenic highways are located in the project vicinity. Although SR 139 is eligible for inclusion in the State's scenic highway program, it has not been designated as a scenic highway. Further, the project would not directly or indirectly damage scenic resources.

c) *No Impact*. See Response 4.1(a). The project is intended to better protect and enhance land use compatibility within the community, including through the introduction of additional safeguards for the city's visual character. This includes the introduction of additional controls for signs, outdoor lighting, commercial trash enclosures, cargo containers, temporary structures, home-based businesses, accessory dwelling units, mobile food sales, and wireless telecommunications facilities, as well as the inclusion of objective design standards for residential and mixed-use development projects that qualify for streamlined, ministerial approval. The project would not degrade the existing visual character or quality of the city.

d) *No Impact*. The project is intended to regulate light and glare through the introduction of Section 17.80.220 (Outdoor lighting) This section would regulate outdoor lighting associated with public, quasi-public, multifamily, commercial, industrial, and institutional uses to: promote a safe, glare-free, and pleasant nighttime environment for residents and visitors; protect and improve safe travel for all modes of transportation; prevent nuisances caused by unnecessary light intensity, glare, and light trespass; protect the ability to view the night sky by restricting unnecessary upward projection of light; better ensure land use compatibility; and promote lighting practices and systems that conserve energy. No new sources of light or glare would result from the project.

Mitigation Measures:

None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
4.2 Agriculture and Forestry Resources. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997), prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resource Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?	☐	☐	☒	☐
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☒	☐
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

Setting:

The California Department of Conservation Farmland Mapping and Monitoring Program (FMMP) provides a current inventory of agricultural resources for each county. As shown in **Figure 4.0-1** below, the FMMP does not identify any lands within the City of Tulelake as being Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (CA Department of Conservation,

2023a). Lands surrounding the city, including lands within the Sphere of Influence, are identified by the FMMP as Prime Farmland, Urban and Built-Up Land, and Farmland of Local Importance. There are no Williamson Act contract lands within the City of Tulelake.

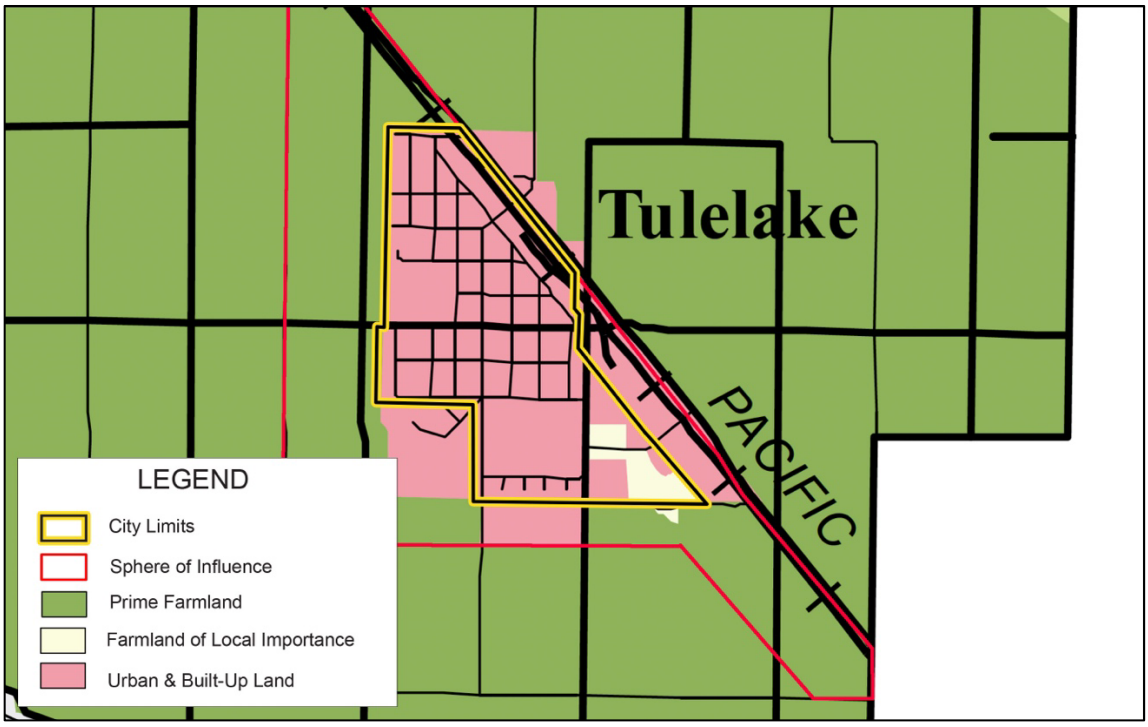


Figure 4.0-1, Important Farmland Map

Discussion of Impacts:

a) *Less Than Significant Impact*. There is no project component with the potential to convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. As identified on the 2018 Siskiyou County Important Farmland Map published by the California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP), no lands within the City of Tulelake are classified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Rather, the FMMP identifies most of the land in the city as Urban and Built-Up Land and an area of approximately 12 acres as Farmland of Local Importance. According to the FMMP, much of the land surrounding the city is Prime Farmland, including a large portion of the Sphere of Influence.

The City of Tulelake General Plan (1978) states, "The City should utilize all available lands within the existing city limits before it considers additional annexations in the future." Consistent with this policy, the project does not include a proposed annexation or any goals, policies, or programs promoting annexation of land outside the city. The project also does not pre-zone land in anticipation of a future annexation. Rather, to promote infill development and the preservation of surrounding agricultural resources, the draft Land Use Element states:

> "Tulelake is now and has always been a city that values, supports, and complements the agricultural community that surrounds it. Due to the city's location in an area of prime agricultural soils, any outward expansion of the city will almost certainly transition the use of land from active agriculture to urban development. As a result, the City wishes to pay particular attention to issues of land use compatibility and to ensure that new development

minimizes the impacts of growth on the agricultural community that has supported Tulelake since its beginnings. Through the use of land use buffers and transitions, sensible design, and a planned and methodical pattern of expansion, the impacts to surrounding agriculture can be minimized.

Further, in an effort to forestall and reduce potential impacts to surrounding agriculture, the draft Land Use Element includes the following goals, policies, and programs:

GOAL LU-4: Sustainable planned growth in the City's planning area balanced with preservation and protection of the viability of agricultural areas surrounding the city.

Policy LU-4.1: Encourage, promote, and facilitate infill development and phased extension of city services in an effort to discourage sprawl and maintain a compact urban form.

Policy LU-4.2: Protect agricultural land uses surrounding the city through maintenance of firm urban boundaries, incorporation of agricultural buffers, and support for the agricultural industry.

Policy LU-4.3: As vacant land in the city becomes limited, encourage the annexation of suitable land within the Sphere of Influence that can be readily served with city utilities, where the relationship between existing and planned land uses moderates Vehicle Miles Traveled (VMT), and where impacts to prime agricultural lands would be minimized.

Program LU-4A: Establish, as a high priority, the conservation of existing residential and commercial structures through preservation and rehabilitation, and support appropriate grant applications when they are proposed to aid this effort.

Program LU-4B: In response to annexation proposals, pre-zone lands within the Sphere of Influence a means to maintain a variety of land uses that meet the needs of the community.

Program LU-4C: To minimize conflicts between urban uses within the city and agricultural uses outside of the city, require a minimum 100-foot-wide physical separation between agricultural uses (not including agricultural support industries) and new residential dwellings. The buffer may include roadways, pedestrian/bicycle routes, stormwater basins, irrigation canals, open space, etc.

Program LU-4D: Working in partnership with residents, businesses, farmers, and economic development partners, develop materials promoting the City of Tulelake as a city that values and supports local agriculture and that fosters opportunities to partner with local businesses to promote the region's agriculture and agricultural heritage.

Accordingly, the project's potential to convert Prime Farmland, Unique Farmland, and Farmland of Statewide Importance to nonagricultural use is considered less than significant.

b) *Less Than Significant Impact*.

Zoning for Agricultural Use

See Response 4.2(a). Agriculture is not currently provided for as either a permitted or conditionally permitted use in the City of Tulelake. The project would introduce "community gardens" as a conditionally permitted use in the R-1, R-2, and R-3 districts and as a principally permitted use in the MU-1, MU-2, and MU-3 zoning districts.

Williamson Act Contracts

There are no lands in the City of Tulelake or the Sphere of Influence that are subject to a Williamson Act contract. Further, no project component has the potential to impact agricultural activity or a Williamson Act contract elsewhere.

c) *No Impact*. There is no component of the project that has the potential to conflict with zoning for or cause rezoning of "forest land," "timberland," or lands zoned Timberland Production. There is no Timber Production or equivalent zoning district in the City of Tulelake, nor are there any zoning districts in the city that provide for timber production. There are also no undeveloped areas within or adjacent to the city that qualify as "forest land" as defined in Public Resources Code (PRC) Section 12220(g) or "timberland" as defined in PRC Section 4526.

d) *No Impact.* See Response 4.2(c) above. There would be no loss of forest land as a result of the project.

e) *No Impact.* See Responses 4.2(a) through 4.2(d) above. The project would not result in any changes in the environment that would result in the conversion of farmland to nonagricultural use or the conversion of forestland to non-forest use.

Mitigation Measures:

None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
4.3 Air Quality. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or state ambient air quality standard?	☐	☐	☐	☒
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒
d) Result in other emissions (such as those leading to odors) affecting a substantial number of people?	☐	☐	☐	☒

Setting:

The City of Tulelake is located in a region identified as the Northeast Plateau Air Basin (NEPAB), which principally includes Siskiyou, Modoc, and Lassen counties. This larger air basin is divided into local air districts, which are charged with the responsibility of implementing air quality programs. The local air quality agency affecting the project area is the Siskiyou County Air Pollution Control District (SCAPCD). Within the SCAPCD, the primary sources of air pollution are wood burning stoves, wildfires, farming operations, unpaved road dust, managed burning and disposal, and motor vehicles.

As noted above, the SCAPCD is the local air quality agency with jurisdiction over the City of Tulelake. The SCAPCD adopts and enforces controls on stationary sources of air pollutants through its permit and inspection programs and regulates agricultural and non-agricultural burning. Other District responsibilities include monitoring air quality, preparing air quality plans, and responding to citizen air quality complaints.

Ambient Air Quality Standards

Air quality standards are set at both the federal and state levels of government (**Table 4.3-1**). The federal Clean Air Act requires the Environmental Protection Agency (EPA) to establish ambient air quality standards for six criteria air pollutants: ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, lead, and suspended particulate matter. The California Clean Air Act also sets ambient air quality standards. The state standards are more stringent than the federal standards, and they include other pollutants as well as those regulated by the federal standards. When the concentrations of pollutants are below the allowed standards within an area, that area is in attainment of the standards.

Table 4.3-1
Federal and State Ambient Air Quality Standards

Pollutant	Averaging Time	California[1]	Federal Primary[2]	Federal Secondary[2]
Ozone	1 Hour 8 Hour	0.09 ppm 0.07 ppm	-- 0.07 ppm	-- 0.07 ppm
Respirable Particulate Matter (PM_{10})	24 Hour Annual	50 µg/m^3 20 µg/m^3	150 µg/m^3 --	150 µg/m^3 --
Fine Suspended Particulate Matter ($PM_{2.5}$)	24 Hour Annual	-- 12 µg/m^3	35.0 µg/m^3 12.0 µg/m^3	35.0 µg/m^3 15.0 µg/m^3
Carbon Monoxide	1 Hour 8 Hour	20 ppm 9 ppm	35 ppm 9 ppm	-- --
Nitrogen Dioxide	1 Hour Annual	0.18 ppm 0.03 ppm	100 ppb 0.053 ppm	-- 0.053 ppm
Sulfur Dioxide	1 Hour 3 Hour 24 Hour Annual	0.25 ppm -- 0.04 ppm --	75 ppb -- 0.14 ppm 0.03 ppm	-- 0.5 ppm -- --
Lead	30 Day Avg Calendar Qtr 3-Month Avg	1.5 µg/m^3 -- --	-- 1.5 µg/m^3 0.15 µg/m^3	-- 1.5 µg/m^3 0.15 µg/m^3
Visibility-Reducing Particles	8 Hour	(See footnote 3)	--	--
Sulfates	24 Hour	25 µg/m^3	--	--
Hydrogen Sulfide	1 Hour	0.03 ppm	--	--
Vinyl Chloride	24 Hour	0.01 ppm	--	--

Source: California Air Resources Board 2022a

[1] California standards for ozone, carbon monoxide (except Lake Tahoe), sulfur dioxide (1 and 24 hour), nitrogen dioxide, suspended particulate matter - PM10, PM2.5, and visibility reducing particles, are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.

[2] National Primary Standards: The levels of air quality necessary, with an adequate margin of safety, to protect the public.

National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.

National standards (other than ozone, particulate matter, and those based on annual averages or annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest eight-hour concentration in a year, averaged over three years, is equal to or less than the standard. For PM10, the 24-hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m3 is equal to or less than one. For PM2.5, the 24-hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard. Contact U.S. EPA for further clarification and current federal policies.

[3] In 1989, the ARB converted both the general statewide 10-mile visibility standard and the Lake Tahoe 30-mile visibility standard to instrumental equivalents, which are "extinction of 0.23 per kilometer" and "extinction of 0.07 per kilometer" for the statewide and Lake Tahoe Air Basin standards, respectively.

Air Quality Monitoring

Ozone (hourly and 8-hour average) and $PM_{2.5}$ (24-hour average) are the only contaminants that receive continuous monitoring in Siskiyou County. The closest air quality monitoring station to the City of Tulelake is located approximately 62 miles southwest in the City of Yreka. **Table 4.3-2** shows the results of monitoring efforts from 2019 – 2021 at the Yreka station.

Table 4.3-2
Siskiyou County Air Quality Data

Pollutant	Standard	Year		
		2019	2020	2021
Ozone (O_3)				
Maximum 1-Hour Concentration (ppm)	- - -	0.069	0.071	0.077
Maximum 8-Hour Concentration (ppm)	- - -	0.059	0.063	0.070
Number of Days Exceeding State 1-Hour Standard	> 0.09 ppm	0	0	0
Number of Days Exceeding State/Federal 8-Hour Standard	> 0.07 ppm	0	0	0
Ultra-Fine Particulates ($PM_{2.5}$)				
Maximum 24-Hour Concentration ($\mu g/m^3$)	- - -	73.9	309.2	134.6
Estimated No. of Days Exceeding Federal 24-Hour Standard	> 35 $\mu g/m^3$	4.1	23.4	32.5

Source: California Air Resources Board 2022b

Monitored and Formerly Monitored Air Pollutants

Ozone is a gas comprising three oxygen atoms. It occurs both in the earth's upper atmosphere and at ground level. Ozone can be either beneficial or detrimental to human health, depending on its concentration and where it is located. Beneficial ozone occurs naturally in the earth's upper atmosphere, where it acts to filter out the sun's harmful ultraviolet rays. Bad ozone occurs at ground level and is created when cars, industry, and other sources emit pollutants that react chemically in the presence of sunlight. Ozone exposure can result in irritation of the respiratory system, decreased lung function, aggravated asthma, and possible lung damage with persistent exposure.

$PM_{2.5}$ (i.e., suspended particulate matter less than 2.5 microns) is a major air pollutant consisting of tiny solid or liquid particles. The size of the particles (about 0.0001 inches or less) allows them to easily enter the lungs where they may be deposited. $PM_{2.5}$ is typically formed in the atmosphere from primary gaseous emissions that include sulfates emitted by power plants and industrial facilities and nitrates emitted by power plants, automobiles, and other types of combustion sources, including wildfires. The chemical composition of fine particles highly depends on location, time of year, and weather conditions. Inhalation of $PM_{2.5}$ can cause persistent coughing, phlegm, wheezing, and other physical discomfort. Long-term exposure may increase the rate of respiratory and cardiovascular illness.

As shown in **Table 3.2** above, neither the City of Tulelake nor Siskiyou County have been identified as having significant air quality problems and the Northeast Plateau Air Basin is

considered to be in attainment or unclassified for all federal and state air quality standards. As a result, the City of Tulelake is not subject to an air quality attainment or maintenance plan.

Discussion of Impacts:

a) *No Impact*. Siskiyou County is classified as being in attainment or unclassified for all federal and state air quality standards and, as a result, the City of Tulelake is not subject to an air quality plan.

b) *No Impact*. See Response 4.3(a).

c) *No Impact.* Sensitive receptors are generally defined as facilities that house or attract groups of children, the elderly, persons with illnesses, and others who are especially sensitive to the effects of air pollutants. Schools, hospitals, residential areas, and senior care facilities are examples of sensitive receptors. Sensitive receptors within the City of Tulelake include the elementary and high schools and residential and mixed-use neighborhoods throughout the community. There is no component of the project that would permit or result in a change in land use or development that is capable of generating substantial pollutant concentrations.

d) *No Impact*. See Response 4.3(c). There is no component of the project that would generate or result in emissions affecting a substantial number of people.

Mitigation Measures:

None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
4.4 Biological Resources. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☐	☒
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal wetlands, etc.), through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Setting:

The United States Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW), and the California Native Plant Society (CNPS) document species that may be rare, threatened or endangered. Federally listed species are fully protected under the mandates of the

Federal Endangered Species Act (FESA). "Take" of listed species incidental to otherwise lawful activity may be authorized by either the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS), depending upon the species.

Under the California Endangered Species Act (CESA), CDFW has the responsibility for maintaining a list of threatened and endangered species. CDFW also maintains lists of “candidate species” and “species of special concern” which serve as “watch lists.” State-listed species are fully protected under the mandates of CESA. "Take" of protected species incidental to otherwise lawful management activities may be authorized under Section 2081 of the Fish and Game Code of California.

Under Section 3503.5 of the California Fish and Game Code, it is unlawful to take, possess, or destroy any birds in the orders of Falconiformes or Strigiformes (raptors) or to take, possess or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.

The Native Plant Protection Act (California Fish and Game Code Sections 1900-1913) prohibits the taking, possessing, or sale within the state of any rare, threatened or endangered plants as defined by the CDFW. Project impacts on these species would not be considered significant unless the species are known to have a high potential to occur within the area of disturbance associated with the project.

Special-Status Species

Special-status species are commonly characterized as species that are at potential risk or actual risk to their persistence in a given area or across their native habitat (locally, regionally, or nationally) and are identified by a state and/or federal resource agency as such. These agencies include governmental agencies such as CDFW, USFWS, or private organizations such as the California Native Plant Society (CNPS). The degree to which a species is at risk of extinction is the limiting factor on a species’ status designation. Risk factors to a species’ persistence or population’s persistence include habitat loss, increased mortality factors (take, electrocution, etc.), invasive species, and environmental toxins. In the context of environmental review, special-status species are defined by the following codes:

1) Listed, proposed, or candidates for listing under the federal Endangered Species Act (ESA) (50 Code of Federal Regulations [CFR] 17.11 – listed; 61 Federal Register [FR] 7591, February 28, 1996 candidates);

2) Listed or proposed for listing under the California Endangered Species Act (CESA) (Fish and Game Code [FGC] 1992 Section 2050 et seq.; 14 California Code of Regulations [CCR] Section 670.1 et seq.);

3) Designated as Species of Special Concern by the CDFW;

4) Designated as Fully Protected by the CDFW (FGC Sections 3511, 4700, 5050, 5515); and

5) Species that meet the definition of rare or endangered under the California Environmental Quality Act (CEQA) (14 CCR Section 15380) including CNPS List Rank 1B and 2.

The possible occurrence of special-status species in the City of Tulelake and surrounding area was assessed through a search of the California Natural Diversity Database (CNDDB) that included the Tulelake, Newell, Copic, Hatfield, the Panhandle, and Captain Jack’s Stronghold 7.5-minute USGS quadrangles (CDFW 2023a); an assessment of special-status plant habitat

requirements per the Jepson eFlora Project (UC Berkeley 2023) and CalFlora database (CalFlora 2023); and an assessment of special-status wildlife requirements per the California Wildlife Habitat Relationships System (CDFW 2023b). Special-status wildlife potentially occurring in and around the city include golden eagle (*Aquila chrysaetos*), prairie falcon (*Falco mexicanus*), greater sandhill crane (*Antigone canadensis tabida*), bank swallow (*Riparia riparia*), tricolored blackbird (*Agelaius tricolor*), greater sage-grouse (*Centrocercus urophasianus*), short-eared owl (*Asio flammeus*), American badger (*Taxidea taxus*), Gray wolf (Canis lupus), western pond turtle (*Emys marmorata*), shortnose sucker (*Chasmistes brevirostris*), Lost River sucker (*Deltistes luxatus*), blue chub (*Gila coerulea*), crotch bumble bee (*Bombus crotchii*), Columbia yellow cress (*Rorippa columbiae*), and others. The complete CNDDB search results are included as **Appendix C**.

Wetlands

A review of the USFWS National Wetland Inventory database indicates the presence of potential jurisdictional wetlands within and adjacent to the city. As shown in **Figure 4.0-2** below, potential jurisdictional wetlands within and adjacent to the city include “freshwater pond” that consists of a portion of the City’s wastewater treatment plant and “riverine” comprised of Tulelake Irrigation District canals.



Figure 4.0-2
USFWS National Wetlands Inventory

Discussion of Impacts:

a) *No Impact.* Based on a review of the California Natural Diversity Database (CDFG 2023a), a variety of special-status plant and wildlife species have the potential to occur in the City of Tulelake and surrounding area. While the project is intended to facilitate development by eliminating constraints, no development is proposed or anticipated as a result of the project. The proposed densities and intensities of development follow present development patterns and zoning would remain substantially the same as it at present and/or would be applied consistent with current deevlopment. Where lands are presently unclassified and unzoned, such as along the Union Pacific Railroad, high school property, fire department, and wastewater treatment plant, land use classifications and zoning would be applied in a manner consistent with the existing land use. Accordingly, the project does not have the potential to adversely impact habitats supportive of special status species, and no impacts to special status species would occur.

b) *No Impact*. See Response 4.4(a). There is no riparian habitat or other sensitive natural community within or adjacent to the City of Tulelake.

c) *No Impact*. See Responses 4.4(a) and 4.4(b). A review of the USFWS National Wetland Inventory database indicates the presence of potential jurisdictional wetlands in and adjacent to the city. These consist of Tulelake Irrigation District canals and a portion of the City's wastewater treatment plant. Nevertheless, there is no development or change in land use proposed or anticipated as a result of the project that has the potential to adversely impact these or other jurisdictional wetlands.

d) *No Impact.* See Responses 4.4(a) and 4.4(b). The nearby Lost River, Tule Lake National Wildlife Refuge, Lower Klamath National Wildlife Refuge, and Tulelake Irrigation District canals serve as wildlife corridors for a host of species. Several species breed and rear young in and around the city, including migratory birds. The project, however, does not have the potential to directly or indirectly interfere with the movement of these species, or any other migratory species, or with the use of nursery sites.

e) *No Impact*. The project would not conflict with any local policies or ordinances protecting biological resources.

f) *No Impact.* The U.S. Fish and Wildlife Service has adopted a comprehensive conservation plan (CCP) for the Lower Klamath, Clear Lake, Tule Lake, Upper Klamath, and Bear Valley National Wildlife Refuges; however, no habitat conservation plans, natural community conservation plans, or similar local or regional plans have been developed for biological resources within or adjacent to the City of Tulelake.

Mitigation Measures:

None required.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
4.5	**Cultural Resources.** Would the project:				
a)	Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	☐	☐	☐	☒
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	☐	☐	☐	☒
c)	Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

Setting:

The City of Tulelake is within the ethnographic territory of the Klamath, Yahooskin, and Modoc peoples. At the time of European contact, the area was home to the Modoc people. Traditional Modoc land extends from Goose Lake to the east, to the Devils Garden and Medicine Lake Highlands to the south, to Mt. Shasta to the west, and just north of the modern Oregon state line. The name Modoc is derived from the tribal name for Tule Lake, móatak or móatak é-ush, which means “lake of the extreme south.”

The first Euroamericans to enter the region were fur trappers with Hudson Bay Company in the 1820s. From the 1820s through the Civil War, contact between white Euro-Americans and the Modoc was intermittent. During this time, miners disturbed streams, traders altered economic life, settlers fenced meadows along lakes, and religious teachers upset traditional ethical behavior.

The Gold Rush of the 1850s had little direct physical effect upon the region. However, the Homestead Act of 1862 allowed traditional Klamath, Yahooskin, and Modoc lands to be obtained by Euro-Americans. As a result, homesteaders and land speculators began to flood into the Klamath Basin. Conflict ensued, and with pressure mounting from the U.S. government, many tribal leaders strove for peaceful resolution. The Treaty between the United States and the Klamath and Modoc Tribes and Yahooskin Band of Snake Indians of 1864 ceded lands of the Tribes beginning south of Bend and extending south and established Klamath Reservation.

Tensions between the Klamath and Modoc tribes over resources resulted in the Modoc leaving the reservation in 1865 and returning to their traditional homeland along the Lost River. There they lived without conflict until they were forced to return to the Klamath Reservation in 1869, which again resulted in conflict between the Klamath and Modoc Tribes. The Modoc again left the reservation only for the Bureau of Indian Affairs to order the Army at Fort Klamath to return the Tribe to the reservation in November of 1872. The Modoc stood their ground at the Lava Beds National Monument until the stronghold was captured in April 1873 and the surviving Modoc were forced to move to Oklahoma (Cardno 2021).

To encourage development of the Tule basin, the U.S. Bureau of Reclamation undertook a massive reclamation project beginning in 1906. The project, named the Klamath Project, constructed a series of seven dams and over 700 miles of canals for the purpose of transforming

some 225,000 acres of rangeland into active farmland. Following the Bureau of Reclamation's successful diversion of the Lost River to the Klamath River in 1912 and subsequent reclamation of much of Tule Lake's ancient lakebed, the first homestead offerings near Tulelake were made available in 1917. Additional homestead offerings followed as did plans for the development of a new town to support agriculture in the region. In 1931, the first lots in Tulelake were auctioned, and shortly thereafter in 1937, the City of Tulelake was incorporated.

In July 2021, a Sacred Lands File (SLF) search was completed for the project by the Native American Heritage Commission (NAHC), the results of which were negative. In addition, tribal representatives identified by the NAHC, including representatives of the Pit River Tribe of California, Karuk Tribe, Quartz Valley Indian Community, Cher-Ae Heights Indian Community of the Trinidad Rancheria, Wintu Tribe of Northern California, Nor-Rel-Muk Nation, Klamath Tribe, Winnemem Wintu Tribe, and Modoc Tribe of Oklahoma, were contacted regarding the project with an invitation for formal consultation pursuant to Government Code Section 65352.3 (Senate Bill 18). Only one response was received, which came from the Culture and Heritage Department of the Klamath Tribes of Oregon. Consultation was not requested, however, the Tribes' Culture and Heritage Department indicated that:

1) All projects that have the ability to disturb the ground need Cultural Resource Surveys completed by a qualified Archaeologist.

2) All cultural sites need to be flagged and avoided, any ground disturbing activities in or around significant areas need to be culturally monitored. Protection activities should include the protection of culturally significant botanicals also.

3) During the recording of significant areas, there will be a need to record negative impacts to the cultural view shed.

Discussion of Impacts:

a) *No Impact*. There is no development or ground disturbance proposed, nor is there any component of the project that has the potential to adversely impact historic structures or any unknown historic resources that may be located in the City of Tulelake.

b) *No Impact*. There are no known archaeological resources in the City of Tulelake, and there would be no development or ground disturbance as a result of the project.

c) *No Impact*. There is no known record of Native American or early European burial sites in the City the Tulelake. There is also no component of the project that has the potential to adversely impact any unidentified burial sites that may be located within it.

Mitigation Measures:

None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
4.6 Energy. Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☒

Setting:

State and local agencies regulate the use and consumption of energy through various methods and programs. As a result of the passage of Assembly Bill 32 (the California Global Warming Solutions Act of 2006), which seeks to reduce the effects of Greenhouse Gas (GHG) emissions, a majority of the state regulations are intended to reduce energy use and GHG emissions. These include, among others, California Code of Regulations Title 24, Part 6 – Energy Efficiency Standards, and the California Code of Regulations Title 24, Part 11 – California Green Building Standards (CALGreen). At the local level, the Tulelake Building Department enforces the applicable requirements of the Energy Efficiency Standards and Green Building Standards in Title 24.

Discussion of Impacts:

a) *Less Than Significant Impact*. The project is intended to facilitate development, however, proposed densities and intensities of development and permitted land uses would remain substantially the same. There is also no development proposed or that would be likely to occur as a result of the project. As such, there would not be a substantial change in energy demand.

b) *No Impact*. See Response 4.6(a). The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

Mitigation Measures:

None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
4.7 Geology and Soils. Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death, involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒

Setting:

As indicated on the Fault Activity Map of California (DOC 2023b), there are several faults in the region. The closest of these are the Gillem Fault that runs along Sheepy Ridge approximately 4.5

miles west of the City of Tulelake, the Saddle Blanket Fault approximately seven miles east of Tulelake, and Big Crack Fault approximately eight miles to the south. Though these faults surround the city and are potentially active (i.e., they show evidence of displacement during the past 1.6 million years), there are no earthquakes recorded as having originated from one of these faults and the area is not very seismically active. The closest active fault, one which has ruptured in the last 11,000 years, is located approximately 23 miles west in the Cedar Mountain Fault System.

As reported by the Siskiyou County General Plan Seismic Safety and Safety Element (1975), earthquake activity in Siskiyou County is very limited, and has resulted in limited structural damage and no known deaths. Nevertheless, the City of Tulelake, like much of California, is located in an area with potential for major damage from earthquakes corresponding to intensity VII on the Modified Mercalli Scale. According to the United States Geological Survey, the nearest recorded earthquake affecting the city was a magnitude 2.5, which occurred approximately 1.9 miles north/northwest of city limits on July 12, 1990, and the largest recorded earthquake affecting the city was a magnitude 6.0 which occurred approximately 41 miles west/northwest of city limits on September 21, 1993.

The City of Tulelake experienced damage to buildings and infrastructure during the 1993 earthquake. This resulted in the demolition of several unreinforced block buildings and other older buildings that were not built to current seismic standards. There may be other older buildings that are subject to hazards from seismic related events.

According to the USDA Natural Resources Conservation Service (NRCS), which classifies soils throughout the United States, soils in and around Tulelake are primarily classified as Tulebasin mucky silty clay loam and Tulana silt loam, 0-1 percent slopes. These are deep to very deep artificially drained soils that formed in lakebed deposits of volcanic ash and diatomite, a chalk-like substance composed mainly of the fossilized skeletons of diatoms. They exhibit low to moderate shrink-swell potential, very slow runoff, and have a slight to moderate erosion potential (see **Table 4.7-1, Tulelake Soils**).

Table 4.7-1
Tulelake Soils - Characteristics and Limitations

Soil	Location	Characteristics
#185 - Tulebasin mucky silty clay loam	Most of the City of Tulelake (approx. 249 acres).	Deep artificially drained soils that formed in lakebed deposits of volcanic ash and diatomite, moderate shrink-swell potential, moderate permeability, very slow runoff, slight hazard of wind erosion, and moderate hazard of water erosion.
#183 – Tulana silt loam, 0-1 percent slopes	Approximately 15 acres at the southeast corner of city limits.	Very deep, artificially drained soils that formed in formed in lakebed deposits of volcanic ash and diatomite, low shrink-swell potential, moderately slow permeability, very slow runoff, moderate wind erosion, and slight hazard of water erosion.

Discussion of Impacts:

a)

i) *No Impact*. The closest mapped active fault lies approximately 23 miles west of the City of Tulelake in the Cedar Mountain Fault System. The California Geologic Survey does not identify the City of Tulelake as being in an area affected by faults in the Cedar Mountain Fault System or in any Alquist-Priolo Earthquake Fault Zones.

ii) *Less Than Significant Impact.* See Response 4.7(a)(i) above. Because the City of Tulelake is located in a seismically active region and is potentially affected by seismic activity occurring elsewhere, structures in the city will likely be subject to future seismic activity. Because of past seismic activity and because the City of Tulelake is developed on former lakebed with a high ground water table, improperly designed and/or constructed structures have been subject to damage. Several older unreinforced buildings were demolished following the 1993 earthquake and the City continues to inspect older buildings for safety. To address seismic hazards, current development in the City of Tulelake is subject to compliance with California Building Code seismic design standards. Relative to the project, proposed densities and intensities of development would follow present development patterns and zoning would remain substantially the same. Where lands are presently unclassified and unzoned, such as the railroad, high school, fire department, and wastewater treatment plant, land use classifications and zoning would be applied in a manner consistent with the existing development. Regardless, there is no development proposed or anticipated as a result of the project.

iii) *Less Than Significant Impact.* Liquefaction occurs when loose sand and silt that is saturated with water behaves like a liquid when shaken by an earthquake. Liquefaction can result in the following types of seismic-related ground failure:

- Loss of bearing strength – soils liquefy and lose the ability to support structures;
- Lateral spreading – soils slide down gentle slopes or toward stream banks;
- Flow failures – soils move down steep slopes with large displacement;
- Ground oscillation – surface soils, riding on a buried liquefied layer, are thrown back and forth by shaking;
- Flotation – floating of light buried structures to the surface;
- Settlement – settling of ground surface as soils reconsolidate; and
- Subsidence – compaction of soil and sediment.

Three factors are required for liquefaction to occur: (1) loose, granular sediment; (2) saturation of the sediment by groundwater; and (3) strong shaking. Although groundwater is relatively shallow in the City of Tulelake, the potential for ground failure and impacts due to ground failure are considered less than significant due to the low incidence of strong seismic activity in the region and because there is no development proposed or anticipated as a result of the project.

iv) *No Impact.* Due to substantially level terrain within and surrounding the City of Tulelake, the potential for landslides is considered very low.

b) *No Impact*. Erosion is the process by which soil material is detached and transported from one location to another by wind or water. Erosion occurs naturally in most systems but is often accelerated by human activities that disturb soil and vegetation. The rate at which natural and accelerated erosion occur is largely a function of climate, soil cover, slope conditions, and inherent soil properties. According to the NRCS, the principal soil types within the city exhibit low to moderate erosion potential. Further, there is no development or ground disturbance proposed or anticipated as a result of the project.

c) *Less Than Significant Impact*. See Responses 4.7(a)(iii) and 4.7(a)(iv). There is no development or ground disturbance proposed or anticipated as a result of the project.

d) *Less Than Significant Impact*. Expansive or shrink-swell soils are soils that swell when subjected to moisture and shrink when dry. Expansive soils typically contain clay minerals that attract and absorb water, greatly increasing the volume of the soil. This increase in volume can cause damage to foundations, structures, and roadways. As shown in **Table 4.7-1**, the soils underlying most of the City of Tulelake have a shrink-swell potential that is considered moderate, and a smaller area of approximately 15 acres has soils with low shrink-swell potential. Regardless, there is no development proposed or anticipated as a result of the project.

e) *No Impact*. Development in the City of Tulelake is served by the City's wastewater collection and treatment system.

f) *No Impact*. There are no documented unique geological or paleontological resources within the City of Tulelake. Further, due to historic ground disturbance and development patterns, and the lack of proposed or anticipated development, no impacts to undocumented paleontological resources or geological features are likely to occur.

Mitigation Measures:

None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
4.8 Greenhouse Gas Emissions. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gasses?	☐	☐	☐	☒

Setting:

Greenhouse gases (GHGs) are released as byproducts of fossil fuel combustion, waste disposal, energy use, land use changes, and other human activities. This release of gases, such as carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), and chlorofluorocarbons, creates a blanket around the earth that allows light to pass through but traps heat at the surface, preventing its escape into space. While this is a naturally occurring process known as the greenhouse effect, human activities have accelerated the generation of GHGs beyond natural levels. The overabundance of GHGs in the atmosphere has led to an unexpected warming of the earth and has the potential to severely impact the earth's climate system.

Each GHG differs in its ability to absorb heat in the atmosphere based on the lifetime, or persistence, of the gas molecule in the atmosphere. CH_4 traps over 25 times more heat per molecule than CO_2, and N_2O absorbs 298 times more heat per molecule than CO_2. Often, estimates of GHG emissions are presented in carbon dioxide equivalents (CO_2e). Expressing GHG emissions in carbon dioxide equivalents takes the contribution of all GHG emissions to the greenhouse effect and converts them to a single unit equivalent to the effect that would occur if only CO_2 were being emitted.

Climate change is a global problem. GHGs are global pollutants, unlike criteria air pollutants and toxic air contaminants, which are pollutants of regional and local concern. Whereas pollutants with localized air quality effects have relatively short atmospheric lifetimes, GHGs can have long atmospheric lifetimes of up to several thousand years. GHGs persist in the atmosphere for long enough time periods to be dispersed around the globe. Although the exact lifetime of any particular GHG molecule is dependent on multiple variables and cannot be pinpointed, it is understood that more CO_2 is emitted into the atmosphere than is sequestered by ocean uptake, vegetation, or other forms. Of the total annual human-caused CO_2 emissions, approximately 55 percent is sequestered through ocean and land uptakes every year, averaged over the last 50 years, whereas the remaining 45 percent of human-caused CO_2 emissions remains stored in the atmosphere.

The quantity of GHGs that it takes to ultimately result in climate change is not precisely known; it is sufficient to say the quantity is enormous, and no single project alone would measurably contribute to a noticeable incremental change in the global average temperature or to global, local, or microclimates. From the standpoint of CEQA, GHG impacts to global climate change are inherently cumulative.

In 2022, the California Air Resources Board (CARB) released the 2022 edition of the California GHG Inventory covering calendar year 2020 emissions. In 2020, California emitted 369.2 million gross metric tons of CO_2e (MMTCO2e), including from imported electricity, which is 35.3 MMTCO2e lower than 2019 levels. While total GHG emissions have been trending downward for several years in response to the State's ongoing efforts, the large decline in total statewide 2020 emissions was likely due in large part to the impact of the COVID pandemic. The transportation sector remained the largest source of GHG emissions in the State. Direct emissions from vehicle tailpipes, off-road transportation sources, intrastate aviation, and other transportation sources, accounted for 37 percent of statewide emissions in 2020. This is a smaller share than recent years, as the transportation sector saw a significant decrease of 26.6 MMTCO2e in 2020. When upstream emissions from oil extraction, petroleum refining, and oil pipelines in California are included, transportation is responsible for about 47 percent of statewide emissions in 2020. Emissions from the electricity sector account for 16 percent of the inventory in 2020 and had a slight decrease of 0.7 MMTCO2e compared to 2019. Continued growth in in-state solar generation and increases in imported renewable electricity more than compensated for the significant drop in in-state hydropower generation due to below average precipitation levels. The industrial sector trend has been relatively flat in recent years but saw a decrease of 7.1 MMTCO2e in 2020. Commercial and residential emissions saw a decrease of 1.7 MMTCO2e (CARB 2022c).

Discussion of Impacts:

a) *Less Than Significant Impact*. While the project is intended to facilitate development, permitted densities, intensities, and land uses would remain substantially the same as they are at present. There is no development proposed or anticipated as a result of the project. As such, there would not be a substantial change in energy demand resulting from the project beyond what would occur without the project under current growth trends, and the project would not increase greenhouse gas emissions or significantly impact the environment.

b) *No Impact*. See Response 4.8(a). The proposed project would not conflict with any adopted plans, policies, or regulations adopted for the purpose of reducing greenhouse gas emissions.

Mitigation Measures:

None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
4.9 Hazards and Hazardous Materials. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan area or, where such a plan has not been adopted, within 2 miles of a public airport or a public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	☐	☐	☐	☒

Setting:

Hazardous Materials

A material is considered hazardous if it appears on a list of hazardous materials prepared by a federal, state, or local agency, or if it has characteristics defined as hazardous by such an agency. A hazardous material is defined in Title 22 of the California Code of Regulations (CCR), Title 22, Section 662601.10, as follows:

A substance or combination of substances which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may either (1) cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or (2) pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported or disposed of or otherwise managed.

Most hazardous material regulation and enforcement in Siskiyou County is managed by the Siskiyou Community Development Department - Environmental Health Division, which refers large cases of hazardous materials contamination or violations to the North Coast Regional Water Quality Control Board (RWQCB) and the California Department of Toxic Substances Control (DTSC). When issues of hazardous materials arise, it is not at all uncommon for other agencies to become involved, such as the Siskiyou County Air Pollution Control District and both the federal and state Occupational Safety and Health Administrations (OSHA).

Under Government Code Section 65962.5, both DTSC and the State Water Resources Control Board (SWRCB) are required to maintain lists of sites known to have hazardous substances present in the environment. Both agencies maintain up-to-date lists on their websites. According to the DTSC Envirostor and SWRCB GeoTracker databases, which were reviewed on August 11, 2023, there are seven DTSC and SWRCB cases associated with potential hazardous material spill sites in the city. Two of the cases involve Leaking Underground Storage Tanks (LUSTs), one is SWRCB Cleanup Program site, and four cases involve evaluation sites identified as part of a DTSC Round 1 Equitable Community Revitalization Grant (ECRG) awarded to the City of Tulelake in 2022. Of the two LUST cleanup cases, one site has been remediated and the case associated with it closed, and the other case, which has been open since 1991 and involves a leak of diesel fuel at the Siskiyou County Public Works property at 647 Main Street remains open with additional ozone remediation recommended prior to closure. The Program Cleanup Program site involves a leak of gasoline at the Staub Oil/Chevron facility on Union Pacific Railroad property at the corner of Main Street and SR 139. The leak was first reported in 1990 and the case remains open and subject to remediation by current and past operators and monitoring by RWQCB. The four cases associated with evaluation sites include: the Old Tulelake Hardware & Sporting Goods Store at 359 Main Street, the Marcha Theatre at 325 Main Street, the vacant Mix Tienda parcel at 319 Main Street, and 800 G Street, an approximately 12-acre commercial property used, at least in part, to store fertilizer. The Old Tulelake Hardware & Sporting Goods Store is the only property under private ownership and the other three sites are city owned. Phase 1 Environmental Site Assessments (ESAs) have been completed for all but the 12-acre site and no recognized environmental conditions (RECs) were identified as a result.

Airport Operations

The Tulelake Municipal Airport, which is neither owned nor operated by the City of Tulelake, is located adjacent to the community of Newell in Modoc County approximately seven miles to the southeast. The airfield sits at an elevation of 4,044 feet MSL, serves general aviation aircraft, and consists of one runway with a northwest-southeast orientation (Runway 12-30).

Wildfire

The risk of wildfire is related to a variety of parameters, including fuel loading (vegetation), fire weather (winds, temperatures, humidity levels and fuel moisture contents), and topography (degree of slope). Steep slopes contribute to fire hazard by intensifying the effects of wind and making fire suppression difficult. Fuels such as grass are highly flammable because they have a high surface-area-to-mass ratio and require less heat to reach the ignition point, while fuels such as trees have a lower surface-area-to-mass ratio and require more heat to reach the ignition point. The California Department of Forestry and Fire Protection (Cal Fire) designates locations around the state based on the severity of fire hazard present, as well as whether fire suppression and prevention are the responsibility of a state or local agency at that location. Cal Fire is responsible for fire suppression and prevention within State Responsibility Areas (SRAs) and non-state or federal agencies are responsible for fire suppression and prevention within Local Responsibility Areas (LRAs). The City of Tulelake is located within a LRA. Within LRAs, Cal Fire's Fire Hazard Severity Zone designations are provided as recommendations. Cal Fire has not recommended that any areas within or adjacent to the City of Tulelake be designated as Very High Fire Hazard Severity Zone (VHFHSZ), or be designated within any Fire Hazard Severity Zone regardless of severity level (Cal Fire 2023).

Within the City of Tulelake fire protection is provided under contract by the Tulelake Multi-County Fire District, an independent volunteer fire department. The Fire District maintains automatic and mutual aid agreements with adjoining jurisdictions, including the Modoc National Forest, Lava Beds National Monument, and fire protection agencies in Klamath County, Oregon. Properties in and adjacent to the City of Tulelake are subject to fire safety and prevention measures in accordance with local and state regulations, including but not limited to Title 24 of the California Code of Regulations and State Fire Safe Regulations enacted pursuant to Public Resources Code Section 4290.

Discussion of Impacts:

a) *No Impact*. There is no component of the project that would result in the routine transport, use, or disposal of hazardous materials.

b) *No Impact*. See Response 4.9(a). There is no component of the project that has the potential to create a significant hazard to the public or the environment through the accidental release of hazardous materials into the environment.

c) *No Impact*. See Responses 4.9(a) and 4.9(b). Schools within one-quarter mile of the City of Tulelake include the Tulelake Basin Elementary School and the Tulelake High School, both of which are located within city limits. There is no component of the project that has the potential to directly or indirectly result in hazardous emissions or the handling of hazardous or acutely hazardous materials, substances, or waste.

d) *No Impact*. As noted above, there is two active spill cases in the city. One case involves a diesel fuel spill at 647 Main Street that was first identified in 1991 and requires additional ozone remediation prior to closure. The other case involves a gasoline spill at the corner of Main Street and SR 139 that was first identified in 1990 and remains open subject to remediation and monitoring. The project does not have the potential to exacerbate risks associated with these or any other identified spill sites or to otherwise create a significant hazard to the public or the environment.

e) *No Impact*. The nearest airport, the Tulelake Municipal Airport, is more than two miles distant. There is no component of the project that has the potential to result in a safety hazard or excessive noise for people residing or working in the project area.

f) *No Impact*. There is nothing about the proposed project that would substantially interfere with an adopted emergency response plan or evacuation plan.

g) *No Impact*. There is an elevated potential for wildland fires in the region due to two major transportation corridors, persistent drought, and a dry summer climate that commonly includes hot days and wind. Nevertheless, the city is not located in a high fire hazard severity zone, there is no development proposed or that would be likely to occur as a result of the project, and permitted densities, intensities, and land uses would remain substantially the same. As a result, the project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

Mitigation Measures:

None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
4.10 Hydrology and Water Quality. Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	☐	☐	☐	☒
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i) Result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☒
ii) Substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	☐	☐	☐	☒
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒
iv) Impede or redirect flood flows?	☐	☐	☐	☒
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	☒

Setting:

The State Water Resources Control Board (SWRCB) regulates the quality of California's water resources, with oversight provided by nine Regional Water Quality Control Boards (RWQCB) around the state. RWQCB boundaries are based on watersheds, while water quality requirements are based on the unique differences in climate, topography, geology, and hydrology for each

watershed. Each RWQCB makes critical water quality decisions for its region, including setting standards, issuing waste discharge requirements, determining compliance with those requirements, and taking appropriate enforcement actions. The City of Tulelake is located within Region 1, which is overseen by the North Coast RWQCB.

One of the duties of each RWQCB is the development of a basin plan, or water quality control plan, for the hydrologic area over which it has jurisdiction. Basin plans are comprehensive in scope, contain a brief description of the region, describe known water quality and quantity issues, and identify current and potential beneficial uses of waters in the region. The water quality objectives contained in a basin plan are prescribed for the purposes of protecting the beneficial uses. The "Implementation Plans" section of a basin plan describes the measures, including specific prohibitions, action plans, and policies, that form the basis for the control of water quality in the region. The *Water Quality Control Plan for the North Coast Region* (2018) establishes water quality objectives for waters throughout the region, including specific temperature, dissolved oxygen, nutrient, and microcystin impairment objectives for the Lost River Hydrologic Area that encompasses the City of Tulelake.

The most significant hydrologic features in the vicinity of the City of Tulelake are the Lost River and Tule Lake. The Tulelake Irrigation District canals are also notable features within and adjacent to the city. The entire city is located within the Lost River basin and the city was developed on former Tule Lake lakebed.

The City of Tulelake is the result of the Newlands Reclamation Act of 1902.The purpose of the Act was to "reclaim" arid land through construction of federal irrigation projects and reservoirs to provide water for agriculture. Through the Act, the U.S. Bureau of Reclamation reclaimed approximately 225,000 acres of rangeland in the Klamath and Tule Lake Basins through the partial drainage of lakes, rerouting of rivers, and the construction of a network of canals between the 1905 and 1948. The project, called the "Klamath Project," is the largest irrigation development in the Klamath River Basin. It serves irrigation water to approximately 210,000 acres of land in Oregon (62 percent) and the Lost River area of California (38 percent). The project's water supply is derived from the Klamath River in Oregon and the Lost River. The principal feature within the basin is the 527,000-acre-foot Clear Lake Reservoir on the Upper Lost River. Runoff and drainage reaching Tule Lake is pumped to Lower Klamath Lake for irrigation and wildlife refuge use. Water not used for irrigation in Lower Klamath Lake is pumped to the Oregon portion of the Klamath River via the Klamath Straits Drain to regulate the water table within the Tule Lake Irrigation District area. The Klamath Project serves a majority of the irrigable land in the Lost River watershed. The Tule Lake Irrigation District, the basin's largest, serves more than 60,600 acres in California with Klamath Project water.

The Tule Lake Subbasin is located within the Upper Klamath Groundwater Basin, which is approximately 8,000 square miles, and is located in South Central Oregon and northeastern California on the east side of the Cascade Mountain Range. The subbasin is bounded to the east and west by fault zones, to south by low-lying volcanic fields, and to the north by faults along a mountain block. In general, two aquifer systems have been identified in the subbasin – the alluvial aquifer system and the volcanic aquifer system. The alluvial aquifer system (primary aquifer) consists of surficial deposits that extend to over 1,000 feet deep in the center of the basin. The volcanic aquifer system consists of the upper, intermediate, and lower basalt units, as well as pyroclastic and tuffaceous deposits. The volcanic units of the subbasin comprise the bedrock and produce groundwater through fractures and voids. The main source of water within the subbasin is surface water from the Klamath River; however, surface water presence in the subbasin is largely dependent upon deliveries of water by the Bureau of Reclamation. Since 2001, the reduction in available surface water supplies has resulted in an increase in groundwater extraction

within the Klamath Project. As a result, recent trends in groundwater elevation are reflective of not only climatic conditions and surface water recharge, but also the generally increased (although varying) levels of annual groundwater extraction.

On September 16, 2014, Governor Jerry Brown signed into law a three-bill legislative package, composed of Assembly Bill (AB) 1739 (Dickinson), Senate Bill (SB) 1168 (Pavley), and SB 1319 (Pavley), collectively known as the Sustainable Groundwater Management Act (SGMA), which is codified in Section 10720 et seq. of the California Water Code. The comply with SGMA, the Tulelake Irrigation District, City of Tulelake, County of Siskiyou, and County of Modoc collectively developed a Groundwater Sustainability Plan (GSP) that intends to bring the Tule Lake Subbasin - a medium priority basin under SGMA - into sustainable groundwater management by 2042.

As mapped by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Mapping program, there is no portion of the City located within a 100-year or 500-year flood hazard area (FIRM Map No. 06093C0875D).

The region's climate is classified as a steppe climate. Most precipitation falls over a roughly five-month period from October/ November until March/April, with most snowfall occurring between December and March. The area receives an average of 10.76 inches of total annual precipitation and 21.3 inches of total average snowfall. The least amount of precipitation occurs during the summer, with July receiving an average of 0.28 inch (Western Regional Climate Center 2023).

Discussion of Impacts:

a) *No Impact.* There is no development proposed or that would be likely to result from the project. Permitted densities, intensities, and land uses would remain substantially the same and consistent with existing development. Accordingly, the project does not have the potential to result in a violation of water quality standards or waste discharge requirements, or otherwise substantially degrade surface or groundwater quality.

b) *Less Than Significant Impact*. See Response 4.10(a). The City of Tulelake obtains its water from groundwater sources using three wells. Although the project is intended to facilitate development, permitted densities, intensities, and land uses would remain substantially the same and there is no development proposed or anticipated as a result of the project.

c)

i) *No Impact.* See Responses 4.10(a) and 4.10(b) above. There is also no development proposed or that would be likely to occur as a result of the project. Accordingly, the project would not impact the existing drainage pattern of the city or surrounding area or result in substantial erosion or siltation.

ii) *No Impact.* See Responses 4.10(a) through 4.10(c)(i) above. There is nothing about the project that has the potential to increase the rate or amount of surface runoff or that has the potential to result in flooding.

iii) *No Impact.* See Responses 4.10(a) through 4.10(c)(ii) above. There would be no increase in stormwater runoff as a result of the project.

iv) *No Impact.* See Responses 4.10(a) through 4.10(c)(iii). As mapped by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Mapping program, there is no portion of the City that is located within a 100-year or 500-year flood hazard area (FIRM Map No. 06093C0875D).

d) *No Impact*. See Responses 4.10(a) through 4.10(c)(iv). There are no flood hazard areas affecting the City of Tulelake and none of the waterbodies in the vicinity of the city, including the Lost River or Tule Lake, have the potential to be affected by seiche or tsunami. The City of Tulelake is not located near an ocean or large body of water.

e) *No Impact.* See Responses 4.10(a) through 4.10(d). The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Mitigation Measures:

None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
4.11 Land Use and Planning. Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
b) Cause a significant environmental impact due to conflict with any land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒

Setting:

The City of Tulelake is a small, compact city surrounded by prime agricultural uses, transportation corridors, and irrigation canals, all features that constrain and influence land use patterns. Most of the city has been developed for single-family residential use on city-sized lots. There are a few multifamily apartment buildings and duplexes, triplexes, and fourplexes scattered throughout the community. Commercial and nonresidential development has historically developed along Main Street and east to Modoc Avenue.

The basis for land use planning in the City of Tulelake is the City of Tulelake General Plan (1978). The Land Use Element of the General Plan provides the primary guidance on issues related to land use and land use intensity. In concert with the General Plan, the Tulelake Municipal Code establishes zoning districts within the City and specifies allowable uses for each district. Under state law, each jurisdiction's zoning must be consistent with its general plan.

Discussion of Impacts:

a) *No Impact.* There is no component of the project that has the potential to result in a physical division of the community.

b) *No Impact.* Although the project includes proposed updates of the Land Use Element and Zoning Code, the project would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Mitigation Measures:

None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
4.12 Mineral Resources. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☒

Setting:

The State Mining and Geology Board has the responsibility to inventory and classify mineral resources and could designate such mineral resources as having a statewide or regional significance. If this designation occurs, the local agency must adopt a management plan for such identified resources. At this time, there are no plans to assess local mineral resources for the City of Tulelake or surrounding area.

Discussion of Impacts:

a) *No Impact.* There is no component of the project that has the potential to result in the loss of available known mineral resources of value to the region or residents of the state.

b) *No Impact.* See Response 4.11(a) above. There are no locally important mineral resource recovery sites within or adjacent to the City of Tulelake delineated in a city or county general plan.

Mitigation Measures:

None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
4.13 NOISE. Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance or of applicable standards of other agencies?	☐	☐	☐	☒
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
c) For a project located within the vicinity of a private airstrip area or and airport land use plan, where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Setting:

Tulelake is a small, rural agricultural community; a setting one normally would not associate with the kinds of noise regularly found in urban environments. Noise sources in the City of Tulelake include traffic on nearby SR 139, railroad operations, and localized noise sources from commercial businesses. Ambient noise levels in areas away from major transportation routes are generally low. Noise in the City of Tulelake is regulated by Chapter 9.20 (Noise Regulation) of the Tulelake Municipal Code.

Discussion of Impacts:

a) *No Impact.* There is no development proposed or that would be likely to result from the project. While the project is intended to facilitate development, permitted densities, intensities, and land uses would remain substantially the same. Accordingly, there would be no increase in noise as a result of the project beyond what would be expected by current growth trends.

b) *No Impact.* See Response 4.13(a). There is no development proposed or that would be likely to occur because of the project. The project does not have the potential to generate groundborne vibration or noise.

c) *No Impact.* The Tulelake Municipal Airport, which is neither owned nor operated by the City of Tulelake, is located adjacent to the community of Newell in Modoc County approximately seven miles to the southeast.

Mitigation Measures:

None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
4.14 Population and Housing. Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	☐	☐	☒	☐
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Setting:

Population growth during the City of Tulelake's early years was steady, increasing from 785 residents in 1940 to 1,028 residents in 1950. However, with an agriculture-based economy and the failure of area farms in the 1950s and 1960s, the City's population experienced a decline that continued into the 1980s. This was followed by a population rebound that peaked around the turn of the century; however, since that time, the population has again been on a decline. The loss of population since 2000 reflects the changing nature of the region and its economy as a result of multiple multiyear droughts (2006-2010, 2011-2017, and 2020-2022) that led to the curtailment and/or halting of irrigation water deliveries to area farms. With diminished agricultural production and the resultant impacts to the economy, former residents have moved elsewhere for jobs. The 2023 population of the City of Tulelake, as estimated by the California Department of Finance, was 878. This represents a decrease of approximately 132 persons since 2010.

Discussion of Impacts:

a) *Less Than Significant Impact*. While the project is intended to facilitate development by eliminating constraints, permitted densities, intensities, and land uses would remain substantially the same, and there is no development proposed or that would be likely to occur as a result of the project. Accordingly, the project would not result in a substantial increase in population beyond what is expected under current growth trends. Moreover, the City's infrastructure was designed for and is capable of serving a larger population than it presently serves.

b) *No Impact.* There is no component of the project that has the potential to, directly or indirectly, displace people or housing.

Mitigation Measures:

None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
4.15 Public Services. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:				
a) Fire protection?	☐	☐	☒	☐
b) Police protection?	☐	☐	☒	☐
c) Schools?	☐	☐	☒	☐
d) Parks?	☐	☐	☐	☒
e) Other public facilities?	☐	☐	☒	☐

Setting:

Fire Protection

Fire protection services for the City of Tulelake and surrounding area are provided under contract by the Tulelake Multi-County Fire District, an independent volunteer fire department. The Fire District, which is located at 1 Ray Oehlerich Way, maintains automatic and mutual aid agreements with adjoining jurisdictions, including the Modoc National Forest, Lava Beds National Monument, and fire protection agencies in Klamath County, Oregon.

Police Protection

Police protection services are provided by the City of Tulelake Police Department. The Police Department has one chief and two sworn officers and is located at 470 C Street. In addition, the City maintains a mutual aid agreement with the City of Malin, Oregon approximately eight road miles distant.

Schools

There is one public school district in the City of Tulelake, the Tulelake Joint Unified School District. The Tulelake Joint Unified School District is comprised of three schools: Tulelake Basin Elementary School, which serves grades K-6; Tulelake High School, which serve grades 7-12; and Tulelake Continuation High School, which serves grades 9-11. During the 2021-2022 school year, Tulelake Basin Elementary School had 230 students enrolled, Tulelake High School had 199 students enrolled, and Tulelake Continuation High School had no enrollment. For perspective, Tulelake Elementary School had 236 students enrolled during the 2016-2017 school year, Tulelake High School had 205 students enrolled at the time, and Tulelake Continuation High School had eight students enrolled (CA Department of Education, 2023).

Parks

The City of Tulelake provides recreational and park services to the community. Parks in the City of Tulelake include the 4.6-acre Otis Roper Park, 0.66-acre Veteran's Park, 0.28-acre Ridgeview

Park, and three smaller parklets along Modoc Avenue (i.e., Earl F. Ager, Harold Clinton, and Clarence Schott).

Other Public Facilities

Other local public facilities found in the city include the United States Postal Service post office at 541 Modoc Avenue, the Department of Motor Vehicles at 399 Main Street, and the Tulelake Branch Library at 451 Main Street. Adjacent to and immediately west/southwest of city limits is the Tulelake Butte Valley Fairgrounds and immediately to the east is the Tulelake Irrigation District and UC Intermountain Research & Extension Center.

Discussion of Impacts:

a) *Less Than Significant Impact.* Although the project is intended to facilitate development, permitted densities, intensities, and land uses would remain substantially the same and there is no development proposed or anticipated as a result of the project. As such, the project would have little to no impact on the provision of fire protection services.

b) *Less Than Significant Impact.* See Response 4.15(a). The project would have little to no impact on the provision of police protection services.

c) *Less Than Significant Impact.* See Response 4.15(a). The project is intended to facilitate residential and mixed-use development by eliminating constraints; however, the project would not create new housing or result in a substantial increase in students such that there would be a need for new or altered school facilities.

d) *No Impact.* See Responses 4.15(a) through 4.15(c). The project would introduce an Open Space (OS) land use classification and Open Space (O-S) zoning district, and the city-owned Otis Roper Park, Veteran's Park, and Ridgeview Park would be classified and zoned accordingly. However, these changes are consistent with the existing land use and would have no impact on these or any other parks.

e) *Less Than Significant Impact.* The project would not have a substantial impact on any other government services or facilities.

Mitigation Measures:

None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
4.16 Recreation.				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Does the project include recreational facilities, or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Setting:

The City of Tulelake provides recreational and park services to the community. Parks in the City of Tulelake include the 4.6-acre Otis Roper Park, 0.66-acre Veterans Park, 0.28-acre Ridgeview Park, and three smaller parklets along Modoc Avenue (i.e., Earl F. Ager, Harold Clinton, and Clarence Schott). The Tulelake Fairgrounds located at 800 Main Street (0.45 miles from project site} includes a racetrack and baseball field. The two public schools in the City include additional sports and recreation fields, and the nearby Tule Lake National Wildlife Refuge, Lower Klamath National Wildlife Refuge, Lava Beds National Monument, and Modoc National Forest offer a host of active and passive recreation opportunities.

Discussion of Impacts:

a) *No Impact.* The project would introduce an Open Space land use classification and zoning district and the Otis Roper Park, Veteran's Park, and Ridgeview Park would be classified and zoned accordingly. However, these changes are consistent with the existing land use and would have no impact on parks.

b) *No Impact.* See Response 4.16(a). The project does not include or require the construction or expansion of recreational facilities.

Mitigation Measures:

None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
4.17 Transportation. Would the project:				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☐	☒
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☒	☐
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☐	☒

Setting:

State Route 139 (SR 139) provides the primary access to the City of Tulelake from the north and south. Once within city limits, roads follow a grid-based system with Main Street, Modoc Avenue, and E Street serving as the major arterials. With most of the regional traffic moving past the city on SR 139, the level of service on the community's streets is quite excellent. However, because retail options are limited, many residents travel north to Oregon for their shopping needs.

With regard to regional and mass transportation, there is no regional bus service that serves the City of Tulelake and although the Union Pacific Railroad (UPRR) is located in and adjacent to the City of Tulelake, UPRR does not provide passenger service. The Tulelake Municipal Mott Airport, which is located seven miles southeast of the City of Tulelake in Modoc County, is utilized by general aviation aircraft and does not provide commercial flights or scheduled service to other destinations.

Discussion of Impacts:

a) *No Impact.* The project would not conflict with any program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.

b) *Less Than Significant Impact.* CEQA Guidelines Section 15064.3(b) provides criteria for analyzing transportation impacts based on a vehicle miles traveled (VMT) methodology instead of the now superseded level of service (LOS) methodology. However, Section 15064.3(b)(3) also allows an agency to determine a project's transportation impact on a qualitative basis if a VMT methodology is unavailable, as is the case with the proposed project.

Although the project is intended to facilitate development in centrally located areas of the city to facilitate a pedestrian-friendly environment, at least in part, there is no development proposed or that would be likely to occur as result of the project. Further, permitted densities, intensities, and land uses would remain substantially the same as they are at present. Where land uses would be introduced and expanded (e.g., community gardens and mobile food sales), the new and expanded uses generate traffic consistent with existing development in the zoning districts where they would be permitted and are intended to promote walkability within the community. As a result, the project would not result in a substantial increase in VMT, area traffic, or otherwise negatively affect the level of service on city roadways.

c) *No Impact.* The Tulelake Municipal Airport property is located approximately seven miles southeast of the City of Tulelake in Modoc County adjacent to the community of Newell. The project would have no effect on air traffic patterns, nor could it result in any changes with the potential to create hazards to air traffic.

d) *No Impact.* No new design elements or equipment associated with incompatible uses would be introduced into or surrounding the City of Tulelake as a result of the project. The project would not increase hazards.

e) *No Impact.* The project would not impair emergency access to or from the City of Tulelake.

Mitigation Measures:

None Required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
4.18 Tribal Cultural Resources. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☐	☐	☐	☒
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☐	☒

Setting:

Please refer to Section 4.5, Cultural Resources, for a brief description of the City of Tulelake's historic and cultural setting. SB 18 (Government Code Sections 65352.3 and 65352.4) requires that, prior to the adoption or amendment of a general plan proposed on or after March 1, 2005, a city or county must consult with Native American tribes with respect to the possible preservation of, or the mitigation of impacts to, specified Native American places, features, and objects located within that jurisdiction. In addition, Assembly Bill (AB) 52 requires that prior to the release of a CEQA document for a project, an agency begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project if: (1) the California Native American tribe requested to the lead agency, in writing, to be informed by the lead agency through formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe and (2) the California Native American tribe responds, in writing, within 30 days of receipt of the formal notification, and requests the consultation.

As discussed in Section 4.5, Cultural Resources, the project area is traditionally affiliated with the Klamath, Yahooskin, and Modoc Tribes. Although no tribe has requested notification of projects pursuant to AB 52, the City notified the Pit River Tribe of California, Karuk Tribe, Quartz Valley Indian Community, Cher-Ae Heights Indian Community of the Trinidad Rancheria, Wintu Tribe of Northern California, Nor-Rel-Muk Nation, Klamath Tribe, Winnemem Wintu Tribe, and Modoc Tribe of Oklahoma pursuant SB 18 at the start of the project. Only a response from the Klamath

Tribes or Oregon was received. The Tribes' response is provided in Section 4.5, Cultural Resources, and is intended to avoid potential impacts to cultural resources as a result of physical development.

Discussion of Impacts:

a) *No Impact.* There are no tribal cultural resources in the city that are listed in, or which are known to be eligible for listing in, the California Register of Historic Resources or a local register of historical resources. There is also no development proposed or that would be likely to occur as a result of the project and no adverse impacts to tribal cultural resources would occur.

b) *No Impact.* See Response 4.18(a). No tribe has requested notification pursuant to AB 52. Nevertheless, the Pit River Tribe of California, Karuk Tribe, Quartz Valley Indian Community, Cher-Ae Heights Indian Community of the Trinidad Rancheria, Wintu Tribe of Northern California, Nor-Rel-Muk Nation, Klamath Tribe, Winnemem Wintu Tribe, and Modoc Tribe of Oklahoma were all notified with an invitation for consultation pursuant to SB 18 at the beginning of the project for the purpose of avoiding potential impacts to tribal cultural resources. No cultural resources were identified as a result.

Mitigation Measures:

None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
4.19 Utilities and Service Systems. Would the project:				
a) Require or result in the relocation or construction of new water, wastewater treatment, stormwater, drainage, electric power, natural gas or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☐	☒
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
c) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?	☐	☐	☒	☐
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☒

Setting:

Water Service

The City of Tulelake obtains its water from groundwater sources using three wells. The water is conveyed via a booster pump to two elevated tanks, with a combined storage capacity of 175,000 gallons, not including well storage. Although the groundwater supply meets drinking water standards without treatment, the water is chlorinated before it is delivered to customers. The City's primary well (Well #5) is reported to recover quickly, with little variability from season to season. Existing water demand varies by season; however, even during recent drought years, there has not been a need to restrict water usage during the summer months.

Wastewater

The City of Tulelake operates a wastewater collection and treatment system that serves development in the city. The collection system was constructed in 1947 and the City's wastewater treatment plant (WWTP) and disposal facility was originally installed in 1973. For many years, the

City discharged treated wastewater to a waterway; a practice that needed to be terminated and upgraded to a new lagoon system. In 2007, the City of Tulelake received a cease and desist order from the RWQCB that required a significant upgrade to the WWTP in order to comply with. After acquiring grant funding for the necessary improvements, two lined and aerated treatment ponds were added in 2016 and the surface water discharge was eliminated and replaced with agronomic reuse. Recycled wastewater is now pumped to two effluent storage ponds and to a feed line that supplies irrigation water for cover crops (Quad Knopf 2021).

Storm Drainage

The City of Tulelake does not have a true storm drain system or curb and gutter throughout most of the city due to the relatively level ground and permeable soil conditions. The City's storm drainage consists of water running into street drains, onto rock, and into a pocket drain, which holds water that is then soaked into the ground.

Solid Waste

The City of Tulelake provides for the removal of the solid waste generated inside city limits. In addition, the City is a member agency of the Siskiyou County Integrated Solid Waste Management Regional Agency, which oversees solid waste collection and disposal throughout Siskiyou County. The nearest transfer station to the city is the Tulelake Transfer Station located on County Road 95001, approximately seven miles northwest of the City of Tulelake. Solid waste originating from within the City of Tulelake is transported to the Tulelake Transfer Station and subsequently disposed of at one of the destination facilities identified in **Table 4.19-1** below. As shown in **Table 4.19-1**, the majority of Siskiyou County's solid waste is exported to Oregon.

Table 4.19-1
Solid Waste Disposal Facilities Used by the Siskiyou County Integrated Solid Waste Management Regional Agency

Destination Facility	Solid Waste Disposal (tons/year)			Landfill Information		
	2017	2018	2019	Remaining Capacity (cubic yards)	Remaining Capacity Date	Cease Operation Date
Altamont Landfill	3.69	14.60	2.66	65,400,000	6/30/2016	12/1/2070
Anderson Landfill Inc.	149.61	1,852.58	257.17	10,409,132	1/1/2015	1/1/2093
Forward Landfill Inc.	-	4.25	7.29	24,720,669	1/31/2020	1/1/2036
McKittrick Waste Treatment	15.78	-	-	769,790	4/5/2012	12/31/2059
Potrero Hills Landfill	22.87	26.29	4.22	13,872.000	1/1/2006	2/14/2048
Recology Hay Road	67.36	35.12	4.97	30,433,000	7/28/2010	1/1/2077
West Central Landfill	46.17	48.20	44.43	13,115,844	12/1/2013	3/1/2032
Yreka Solid Waste Landfill	8,752	1,457.31	631	3,924,000	1/1/2002	1/1/2065
Exported to Oregon	40,264.40	35,904.12	37,345.90	N/A	N/A	N/A
Yearly Total	40,569.88	39,343.68	38,297.64			
Average per Resident (lbs/day)	5.00	3.30	4.70			
Average per Employee (lbs/day)	16.60	11.00	15.60			

Source: CalRecycle 2023a, 2023b, and 2023c

According to CalRecycle, the average individual in Siskiyou County generated 4.7 pounds of garbage per day in 2019. Based on an estimated population of 902 in Tulelake at the time of the 2020 U.S. Census, it is projected that city residents generate roughly 1.5 million pounds (773.69 tons) of garbage per year. In an effort to reduce the amount of organic material being generated inside city limits and deposited in landfills, the City adopted regulations for the recovery of edible food waste consistent with and in accordance with the State of California's Short-Lived Climate Pollutants Organic Waste Reduction Strategy (i.e., SB 1383).

Discussion of Impacts:

a) *No Impact*. The project is intended to facilitate development, however, permitted densities, intensities, and land uses would remain substantially the same and there is no development proposed or anticipated as a result of the project. Accordingly, the project would not require or result in the relocation or construction of new utilities, including but not limited to water, wastewater treatment, stormwater, drainage, electric power, natural gas, and/or telecommunications facilities.

b) *Less Than Significant Impact.* See Response 4.19(a). The project would not generate a substantial increase in water demand beyond what is anticipated under current growth trends. Although the City of Tulelake requires additional storage, it is served by adequate water supplies and has planned for expansion of its water system to accommodate growth.

c) *Less Than Significant Impact.* See Responses 4.19(a) and 4.19(b). With proposed densities, intensities, and land uses remaining substantially the same as they are at present, and no development proposed or anticipated as a result of the project, the project would not generate a substantial increase in wastewater beyond what is anticipated under current growth trends.

d) *Less Than Significant Impact.* See Responses 4.19(a), 4.19(b), and 4.19(c) Because proposed densities, intensities, and land uses would remain substantially the same as they are at present, and no development is proposed or anticipated as a result of the project, the project would not generate a substantial increase in solid waste beyond what is expected under current growth trends.

e) *No Impact.* The City of Tulelake will continue to comply with all state and federal statutes regarding solid waste.

Mitigation Measures:

None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
4.20 Wildfire. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
b) Due to slope, prevailing winds, and other actors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	☒
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒

Setting:

The City of Tulelake is surrounded by large agricultural fields that are typically irrigated during the warm summer months when fire risks are elevated. The City of Tulelake is not rated as being in a "Fire Hazard Severity Zone" pursuant to California Government Code Section 51179. To address potential hazards to the community, including wildfire, the City of Tulelake has adopted the Siskiyou County Multi-Jurisdictional Local Hazard Mitigation Plan (LHMP).

Discussion of Impacts:

a) *No Impact.* The project is intended to facilitate development; however, permitted densities, intensities, and land uses would remain substantially the same, and there is no development proposed or anticipated as a result of the project. As such, there is no component of the project that has the potential to impair an adopted emergency response plan or emergency evacuation plan.

b) *No Impact.* See Response 4.20(a). There is nothing about the project that has the potential to exacerbate wildfire risks or expose a much greater number of people to elevated wildfire risk than without the project. There is no development proposed or that would be likely to occur as a result of the project, and permitted densities, intensities, and land uses would remain substantially the same as they are at present and consistent with existing development.

c) *No Impact.* See Response 4.20(a). The project would not generate the need for installation or maintenance of additional infrastructure, and it does not have the potential to result in improvements that would exacerbate fire risk or result in temporary or ongoing impacts to the environment.

d) *No Impact.* See Responses 4.20(a) and 4.20(b). Wildfires are a regular occurrence in the region, and with climate change fires are growing larger and more destructive. However, the city is not located in a designated fire hazard severity zone, and it is surrounded by large agricultural fields that are typically irrigated during the warm summer months when fire risks are elevated. Moreover, no development is proposed or would be likely to occur as a result of the project, and permitted densities, intensities, and land uses would remain substantially the same as they are at present. Therefore, the project would not exacerbate wildfire-related hazards or expose a much greater number of people to wildfire-related hazards than would occur without the project under current growth trends.

Mitigation Measures:

None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
4.21 Mandatory Findings of Significance				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of rare or endangered plants or animals, or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☒
b) Does the project have impacts that are individually limited, but cumulatively considerable? "Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.	☐	☐	☐	☒
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

Discussion of Impacts:

a) *No impact.* The project does not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of rare or endangered plants or animals, or eliminate important examples of the major periods of California history or prehistory.

b) *No Impact.* There are no project-related impacts that, in conjunction with other approved or pending projects in the region, have the potential to result in cumulatively considerable impacts on the physical environment.

c) *No Impact.* The project does not have the potential to result in environmental effects that could cause substantial adverse effects on human beings.

5.1 Documents Referenced in Initial Study and/or Incorporated by Reference

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APPENDIX A
DRAFT GENERAL PLAN LAND USE ELEMENT

C H A P T E R

2

LAND USE ELEMENT

2.1 INTRODUCTION

The Land Use Element of the General Plan has the broadest scope of all seven required elements. The Land Use Element incorporates the issues, opportunities, and constraints identified throughout the General Plan in an effort to balance them with the community's goals for its future development. Together the Land Use Element and the Land Use Map designate the planned location, distribution, and extent of land uses to shape the future physical development of the community. The Land Use Element sets forth specific goals, policies, and implementation measures to guide land use for the City of Tulelake through 2045.

2.2 STATUTORY REQUIREMENTS

The Land Use Element is one of seven state-mandated Elements of the General Plan. Specifically, California Government Code Section 65302(a) requires that a city's general plan include:

> A land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, greenways, . . . and other categories of public and private uses of land. . . The land use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan.

Also, while certain land uses may be expressed generally, property owners must be able to identify their property's land use classification on the General Plan Land Use Map.

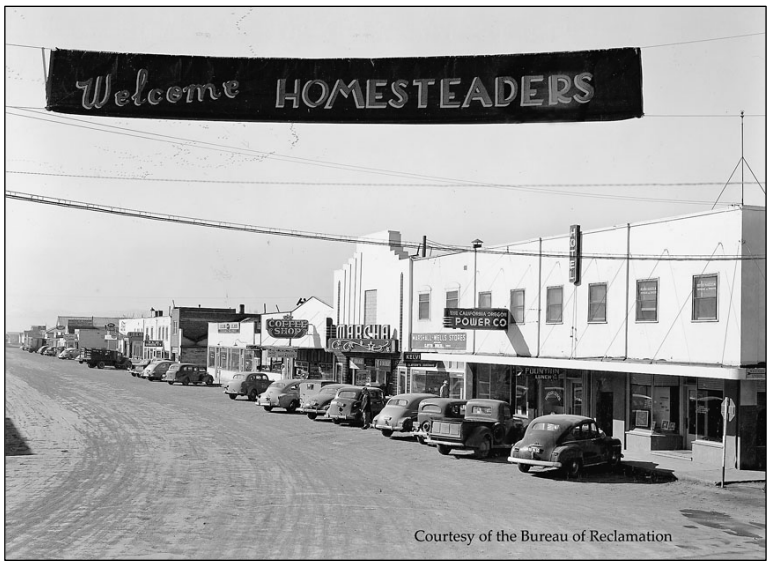
2.3 POPULATION TRENDS

Population projections play an important role in the development of a general plan. The distribution and extent of land use classifications, including the need for supporting public facilities and services, is largely based on the expected demands of the projected population. **Table 2-1** below shows the population of the City of Tulelake from 1940 through 2023.

Table 2-1
Population - City of Tulelake

Year	Population	Percent Change
1940	785	--
1950	1,028	+ 31.0
1960	950	- 7.6
1970	857	- 9.8
1980	783	- 8.6
1990	1,010	+ 29.0
2000	1,020	+ 1.0
2010	1,010	- 1.0
2020	902	- 10.7
2023	878	- 2.7

Sources: U.S. Census Bureau Decennial Census of Population and Housing (1950-2020) and California Department of Finance Table E-5 (2023)



Following the U.S. Bureau of Reclamation's diversion of the Lost River in 1912 and subsequent reclamation of much of Tule Lake's ancient lakebed, the first homestead offerings near Tulelake were made available in 1917. Additional homestead offerings followed as did plans for the development of a new town. In 1931, the first lots in Tulelake were auctioned, and shortly thereafter in 1937, the City of Tulelake was incorporated.

As shown in **Table 2-1** above, population growth during the City's early years was steady; however, with an agriculture-based economy and the failure of area farms in the 1950s and 1960s, the City's population experienced a decline that continued into the 1980s. This was followed by a population rebound that peaked around the turn of the century; however, since that time, the population has again been on a decline. The loss of population since 2000 reflects the changing nature of the region and its economy as a result of multiple multiyear droughts (2006-2010, 2011-2017, and 2020-2022) that led to the curtailment and/or halting of irrigation water deliveries to area farms. With diminished agricultural production and the resultant impacts to the economy, younger persons and families have moved elsewhere for jobs.

With such significant changes in Tulelake's population over the past 40 years, it would be difficult to project the population over the next 20 years with any degree of accuracy. Nevertheless, the California Department of Finance projects that the population of Siskiyou County as a whole will decrease by approximately 5.7 percent between 2023 and 2045. This is equivalent to an annual population decrease over the planning period of 0.267 percent. Should that loss be equally spread throughout the County, it would result in 50 fewer residents in Tulelake.

It is evident that the population growth that occurred in the past is unlikely to return without economic recovery. However, despite an end to the most recent drought, the future of the region and its agricultural economy remain uncertain. While it is likely that many farms will persist, climate change projections for the region are not optimistic. According to the State's climate data platform Cal-Adapt, the region may experience slightly more precipitation in the coming years, however, the average climatic water deficit for the Klamath Basin would still increase as a result of increased temperature. Nevertheless, Tulelake remains an attractive place for families and retired persons seeking a rural, small-town lifestyle. Should the region's economy recover from recent losses, Tulelake would make an attractive community for new businesses and their employees. Further, the addition of a small apartment complex or new subdivision could easily attract residents, potentially adding 30 to 50 people to the community within a few years. Such changes are possible given the strong demand for housing, despite the shortage of better-paying jobs in the region.

For the reasons noted above, **Table 2-2** below projects two growth rates. The "positive" projection assumes a 1.0 percent annual growth rate over the planning period, while the "negative" projection assumes a 0.65 percent annual decrease. For perspective, the City's population has been decreasing by approximately 1.1 percent since 2010. Based on the city's historical growth rates and recognizing current economic conditions, a 1.0 percent annual growth rate may not be reflective of actual future growth potential. However, planning for a slightly higher growth rate ensures that the City can accommodate the development should economic conditions in the region improve, and it helps to ensure the availability of land to accommodate future growth.

Table 2-2
Population Projections - City of Tulelake

Year	1.0% Annual Growth	0.65% Annual Decrease
2025	896	869
2030	942	848
2035	991	827
2040	1,042	806
2045	1,095	786

Over the planning period, the "positive" projection results in a population increase of approximately 24.7 percent, or 217 persons, and the "negative" projection results in a decrease of approximately 10.5 percent, or 92 persons. While it is reasonable to expect the population to increase or decrease within this range, for the reasons previously noted, making projections over the next 20 years is difficult at best.

Under the "positive" growth projection above, the population of Tulelake would rebound to previous levels such that the City's existing infrastructure should be able to accommodate much of the community's foreseeable development needs. However, should positive population growth occur at a significantly faster rate than noted above, the City will want to review the General Plan to determine if amendments to the Plan may be needed to accommodate the greater population and the effects of accelerated growth. Should the population continue its decline, additional sources of funding will eventually be required to maintain the level of service provided by the City.

2.4 LAND USE CLASSIFICATIONS

The City of Tulelake provides a range of land use classifications to meet the needs of the community, including various types of residential, mixed-use, commercial, industrial, public, and open space. For each land use classification, this section includes representative images, typical uses, residential density ranges, and building intensities.

2.4.1 Residential Land Uses

Residential uses in the City of Tulelake consist predominantly of single-family dwellings. The California Department of Finance estimates that these units comprise approximately 69.2 percent of the City's total housing stock in 2023. Single family dwellings are followed by mobile homes, which comprise approximately 17.2 percent of the housing stock. Although permitted in all zoning districts that allow single-family dwellings, most of the mobile homes are located in two manufactured home parks. Small multifamily dwellings, such as duplexes, triplexes, and fourplexes, comprise the remaining 13.6 percent of the housing stock and are scattered throughout the community. A majority of the residential uses in the city are located in the following residential land use classifications:

Low Density Residential

The Low Density Residential (LDR) land use classification is suitable for those areas of the city that are developed with and/or capable of supporting low density residential development and limited, compatible nonresidential uses. Typical uses in the Low Density Residential land use classification include, but are not limited to, single family dwellings, accessory dwellings, childcares, parks, and places of worship and spiritual assembly.



Medium Density Residential

The Medium Density Residential (MDR) land use classification is suitable for those areas of the city developed with and/or capable of supporting low density and medium density residential development and limited, compatible nonresidential uses. Typical uses in the Medium Density Residential land use classification include, but are not limited to, single-family dwellings, accessory dwellings, duplexes, triplexes, childcares, parks, and places of worship and spiritual assembly.



High Density Residential



The High Density Residential (HDR) land use classification is suitable for those areas of the city that are developed with and/or capable of supporting low, medium, and high density residential development and compatible nonresidential uses. Typical uses within the High Density Residential land use classification include, but are not limited to, apartments, single-family dwellings, duplexes, triplexes, townhouses, accessory dwellings, manufactured home parks, childcares, community gardens, parks, and places of worship and spiritual assembly.

More details on the housing stock are provided in the Housing Element of this General Plan.

2.4.2 Mixed-Use Land Uses



The city has two primary commercial areas. These are located downtown along Main Street and along Modoc Avenue. Many properties in these areas are presently vacant or underutilized and the City desires to promote infill development and redevelopment of these properties and surrounding properties with a combination of residential and nonresidential uses, in part through the introduction of a mixed-use land use classification that has been applied to these areas.

Mixed Use



The Mixed Use (MU) land use classification provides for a compatible mixture of residential and nonresidential uses in centrally located areas of the city to encourage a broad array of retail, professional, entertainment, residential, social, civic, and other uses that contribute to a vibrant, pedestrian-friendly environment.

The Mixed Use land use classification more appropriately reflects development and land use patterns in the areas it is

applied to, and it provides for continued integration of compatible residential and non-residential uses in these areas.



The intent of the Mixed Use land use classification is to promote economic investment, redevelopment, and revitalization; improve access to housing, jobs, services, open space, and other destinations through non-vehicular transit modes; encourage a compact urban form; and safeguard the character of existing neighborhoods.



The City has established three mixed-use zoning districts to provide for different development densities and types of mixed use. All three districts are included within the Mixed Use land use classification. In areas developed predominantly with nonresidential uses and classified Mixed Use, such as along Main Street between E Street and the railroad property in the north, zoning generally limits residential use to live-work units and/or upper floors (i.e., vertical mixed use) to preserve the commercial core function of these areas. Elsewhere in the MU, where residential and nonresidential uses have traditionally occurred side-by-side on the same lot or adjacent lots (i.e., horizontal mixed use), such as along Main Street south of E Street and along Modoc Avenue, the zoning permits both horizontal mixed use and vertical mixed use development.



Typical land uses in the Mixed Use land use classification include low, medium, and high density residential uses, restaurants, retail sales, offices, banks, personal services, hotels and motels, community gardens, entertainment facilities, grocery stores, public and quasi-public uses, community gardens, parks, places of worship and religious assembly, and similar nonresidential uses.

2.4.3 Nonresidential and Other Land Uses

Nonresidential lands (i.e., properties designated for commercial, industrial, open space, and public facilities) and previously unclassified lands suitable for redevelopment upon approval of a development plan or specific plan comprise roughly 101.5 acres, or approximately 38.5 percent of the city's total land area.

Commercial



The Commercial (C) land use classification provides for nonresidential uses, including "heavier" commercial uses than typically considered compatible with residential use. Although the "heavier" uses provided for in the Commercial land use classification are generally automobile oriented, the Commercial land use classification provides for a variety of commercial uses, including uses capable of generating and sustaining local, non-vehicular traffic. As such, development of these areas should include sidewalks, bicycle facilities, and interconnected parking lots and pedestrian walkways, where appropriate. Typical land uses in the Commercial land use classification include automobile service stations, banks, business and personal services, entertainment facilities, business and professional offices, restaurants, retail sales, wholesale businesses, and similar nonresidential uses.

Industrial



Due to the rural nature of the community, it is unlikely there will be significant demand for conventional industrial development. However, the area surrounding the railroad has traditionally been used for agricultural product processing, packaging, and distribution, and the railroad and highway access available to these properties continues to make them attractive to businesses that support the region's agriculture as well as to retail and wholesale businesses in general. Typical uses in the Industrial (I) land use classification include agricultural product packaging, processing, and warehousing; equipment sales and rental; and materials processing. These uses may require a large amount of area for outdoor operations or storage and can generate impacts to surrounding parcels and uses in terms of noise, vibrations, glare, dust, and emissions.

Public Agency

The Public Agency (PA) land use classification is intended for larger properties developed with publicly owned and operated facilities, including but not limited to, schools, police and fire departments, and the City's wastewater treatment plant. Smaller parcels developed with public facilities, such as the water tower, City Hall, Post Office, and Department of Motor Vehicles, and open space resources are provided for under other land use classifications.

Open Space





The Open Space (OS) classification is comprised of public lands that provide active and passive recreational opportunities, and/or that should be preserved in a natural state for purposes of resource or flood protection. These areas buffer land uses, provide relief from urbanization, and are an important recreational, cultural, and visual resource for the community. Typical uses in the Open Space land use classification include parks, picnic areas, playgrounds, public facilities, utilities, natural resources, and recreation-related facilities. Periodic and intermittent uses, such as farmers' markets, special events, concessions, and similar uses may also occur within the Open Space land use classification with City approval. Properties included in the Open Space land use classification include Veteran's Park, Otis Roper Park, and Ridgeview Park. The three smaller parks along Modoc Avenue are provided for in the Mixed Use land use classification.

Planned Development



The Planned Development (PD) land use classification is intended to enable and encourage flexibility of design and development of land in such manner as to promote its most appropriate use. Prior to development of properties classified as PD, projects shall be subject to approval of a Development Plan or Specific Plan that, when approved, will be incorporated into a planned development ordinance for the site. Approved development plans and related planned development ordinances for particular sites shall specify the appropriate development standards, code regulations, and performance standards to be applied to development of the site.

2.4.4 Density and Intensity Standards

The term density in a land use context generally refers to the residential development capacity of the land. Residential density is expressed in terms of dwelling units per acre (du/ac). A dwelling

unit is a building or part of a building used for human habitation. This can vary greatly in size from a live work unit to a multifamily apartment to larger single-family dwelling. For example, the density of a residential development with 24 townhouses on three gross acres of land is 8.0 du/ac. Population densities, however, are not absolute limits.

Land use intensity is used to refer to the amount of development allowed on a given parcel of land. Land use intensity can be expressed in different metrics. For the purposes of the Land Use Element, land use intensity is defined by lot coverage, which is the percentage of a lot covered by development, excluding areas designated for parking, landscaping, etc. Lot coverage does not regulate building placement or form, only the spatial relationship between building size and lot size; it represents an expectation of the overall intensity of future development.

The maximums assigned to the land use classifications below do not constitute entitlements, nor are property owners or developers guaranteed that an individual project, when evaluated against General Plan policies, will achieve these maximums. The density and intensity metrics establish a maximum development envelope or density range under appropriate conditions. Many factors, such as applicable zoning standards, state regulations, physical site conditions, and owner or developer choices may impact the final project design and overall density and intensity of development in addition to this Plan. In particular, it should be noted that state regulations allow specified land uses to exceed maximums established by the City or to provide for density averaging.

Table 2-3
Density and Intensity Standards

Land Use Designation	Units/Acre Persons/Acre*	Max. Lot Coverage
Low Density Residential (LDR)	1-6 units/acre 3-20 persons/acre	40%
Medium Density Residential (MDR)	1-12 units/acre 3-39 persons/acre	50%
High Density Residential (HDR)	1-16 units/acre 3-51 persons/acre	75%
Mixed Use (MU)	1-16 units/acre 3-51 persons/acre	Variable
Commercial (C)	NA	100%
Industrial (I)	NA	75%
Open Space (OS)	NA	NA
Public Agency (PA)	NA	NA
Planned Development (PD)	Variable	Variable

* For the purpose of specifying population density in this table, an average of 3.18 people per household is assumed (U.S. Census Bureau, 2020). Calculations resulting in fractions of a person have been rounded accordingly.

2.5 LAND USE AND ZONING CONSISTENCY

The land use classification described above provide a broad description of development expectations within the City of Tulelake. To implement these designations and provide more guidance for property owners, **Table 2-4** identifies those zoning districts that correspond with the land use classifications. These zoning districts are not exclusive and zoning districts of similar nature may also be adopted and used in conformance with the General Plan. Zoning is a

legislative act and can be amended within the parameters established by the land use classification. For example, when the City Council adopts a Planned Development ordinance for a specific project area or changes the mixed-use zoning of property consistent with density and intensity limits for the larger land use classification.

Table 2-4
Land Use Classification & Zone District Consistency

	Land Use Designation		Possible Zone Districts
LDR	Low Density Residential	R-1	Low Density Residential
MDR	Medium Density Residential	R-1	Low Density Residential
		R-2	Medium Density Residential
HDR	High Density Residential	R-1	Low Density Residential
		R-2	Medium Density Residential
		R-3	High Density Residential
MU	Mixed Use	MU-1	Limited Mixed Use
		MU-2	Mixed Use
		MU-3	Vertical Mixed Use
C	Commercial	G-C	General Commercial
I	Industrial	M	Manufacturing
PA	Public Agency	P-F	Public Facilities
OS	Open Space	O-S	Open Space
PD	Planned Development	All zones after adoption of a Planned Development or Specific Plan.	

2.6 SPHERE OF INFLUENCE

In accordance with state law, the Siskiyou Local Agency Formation Commission (LAFCo) has established a Sphere of Influence for the City of Tulelake (see **Figure 2**). The Sphere of Influence includes approximately 401 acres of land outside current city limits and is intended to provide room for future expansion of the city, as needed. Because lands within the Sphere of Influence are potentially critical to the City's ability to expand, the County of Siskiyou Planning Department refers development requests within the Sphere of Influence to the City for review and comment prior to the County taking action on those requests.

Most of Tulelake's Sphere of Influence is prime agricultural land lying west and northwest of the city (roughly 269 acres). Tulelake is now and has always been a city that values, supports, and complements the agricultural community that surrounds it. Due to the city's location in an area of prime agricultural soils, any outward expansion of the city will almost certainly transition the use of land from active agriculture to urban development. As a result, the City wishes to pay particular attention to issues of land use compatibility and to ensure that new development minimizes the impacts of growth on the agricultural community that has supported Tulelake since its beginnings. Through the use of land use buffers and transitions, sensible design, and a planned and methodical pattern of expansion, the impacts to surrounding agriculture can be minimized.

Should the area west of the city be annexed and connected to city water and sewer, it could theoretically accommodate more than 1,000 single-family dwellings at an average of four units per acre. Were there demand for this quantity of housing, it would increase the population of Tulelake by roughly 3,200 persons. Access would be gained by extending those city streets that terminate at the westerly city limits, which would require spanning the existing Tulelake Irrigation District canals immediately west of the city.

A smaller portion of the Sphere of Influence stretches approximately 0.5 mile along Highway 139 east and southeast of the city to the Modoc County line. Immediately to the east of the city are roughly 45 acres of railroad property that the County has zoned Heavy Industrial (M-H) that could support additional commercial and industrial development. The area south of the city includes approximately 87 acres of prime agricultural land that carries the same development concerns as the unincorporated lands lying west and northwest of the city, and again access is constrained by irrigation canals.

The County of Siskiyou currently regulates land use in the City's Sphere of Influence. As discussed above, most of the land in this area is zoned to accommodate agricultural activity. In accordance with Government Code Section 65859, the City may pre-zone the unincorporated area in the Sphere of Influence or zone the land upon annexation consistent with the General Plan. The City General Plan Land Use Map does not propose land uses within the Sphere of Influence. Rather, the City of Tulelake Zoning Code states that "Territory annexed to the city and not shown as part of the city by the zoning map… shall upon the effective date of such annexation be classified and zoned as Low Density Residential (R-1), unless the city council has prior to such effective date zoned said territory to another classification, subject to annexation."

Annexation requests within the Sphere of Influence are initiated by the City at the request of those land owners who wish to obtain city services so that they can develop their land with urban uses. Annexation proposals must be evaluated carefully, taking care to ensure that the annexation and future service needs will not become a burden to the City. For this reason, the annexation process requires that the cost of providing services to the annexed territory be fully disclosed. The City's most recent annexation was a 13-acre addition annexed in 1983 that resulted in development of 49 single-family dwellings and a neighborhood park (i.e., the Ridgeview Estates Subdivision).

2.7 DISADVANTAGED UNINCORPORATED COMMUNITIES

In accordance with Senate Bill 244 (2011), the Land Use Element must address any disadvantaged unincorporated communities located within or adjacent to city limits. A disadvantaged unincorporated community, or DUC, is defined as "a fringe, island, or legacy community in which the median household income is 80 percent or less than the statewide median household income." For the purposes of SB 244, community is defined as "an inhabited area within a city or county that is comprised of no less than 10 dwellings adjacent or in close proximity to one another," and "inhabited territory" means an area with 12 or more registered voters.

The effect of DUCs on the City is of importance when amending the Sphere of Influence and when annexing territory into the City. SB 244 requires that any city annexation proposal greater than 10 acres, or as determined by Local Area Formation Commission (LAFCo) policy, that is contiguous to a DUC cannot be approved without a companion annexation of the DUC unless a prior application for annexation of the same DUC area was received in the prior five years or LAFCo finds, based upon written evidence, that a majority of the residents within the DUC are opposed to annexation. It also requires that, for an update of a sphere of influence for a city or special district that provides public facilities and/or services for sewers, municipal and industrial water, or

structural fire on or after July 1, 2012, a written statement of the present and probable need for those services within the DUC must be reviewed and considered by LAFCo.

DUCs may lack basic infrastructure, such as sewer, water, or stormwater drainage, because they may have been developed prior to infrastructure being installed in proximity to them. Therefore, to promote equality and environmental justice in accordance with SB 244 and adopted local policy, the proximity of any potential "community" to the City was analyzed to determine if any such community exists and should be included in the City's Sphere of Influence. That analysis was based on American Community Survey 2021 median household data developed by the U.S. Census Bureau, a review of Census Designated Places, an understanding of the community and surrounding area, the general distribution, location, and extent of existing and proposed infrastructure, and aerial photographs.

As a result of the City's analysis, it was determined that although the median household income was less than 80 percent of the statewide median household income for the entirety of the city and surrounding unincorporated area in 2021, there are no fringe, island, or legacy communities in proximity to the City of Tulelake. This is because there is no unincorporated territory surrounded by, substantially surrounded by, or outside of city limits that has at least 10 dwellings adjacent to or in close proximity to one another. Accordingly, there are no disadvantaged unincorporated communities located within or adjacent to city limits.

2.8 CORRELATION WITH CIRCULATION ELEMENT

The City of Tulelake maintains its small-town character through sound planning, orderly growth, and good design that recognizes the city's compact, grid-based urban form. The city's compact form enhances non-vehicular circulation opportunities and supports the circulation system. New developments are integrated into and strengthen the existing fabric of the community, and opportunities for new commercial and employment-generating land uses are available.

Should Tulelake grows from a small, densely populated city of under 900 people to become a city significantly larger than its current size, the movement of people in and around the city will be a key issue. Walking, cycling, public transit, and driving will all be important modes of travel. Residents, employees, and visitors should have transportation choices in moving throughout the community and traveling to communities in the region. Streets will need to be designed to facilitate additional modes of travel, and transit options expanded to better serve the needs of the population. Land use and transportation planning will need to go hand in hand to ensure transportation decisions and infrastructure are an integral component of the city's growth.

The Land Use and Circulation elements tie together the relationship between land use and reducing Vehicle Miles Traveled (VMT). Recent legislation also plays a significant role in the development of these elements. The Sustainable Communities and Climate Protection Act of 2008 supports the State of California's climate action goals to reduce greenhouse gas (GHG) emissions through coordinated transportation and land use planning with the goal of more sustainable communities.

2.9 LAND USE ELEMENT GOALS AND POLICIES

According to the State General Plan Guidelines, a goal is an ideal future end related to the public health, safety, or general welfare. Because goals are general expressions of a community's vision for itself, goals may be abstract in nature, and as a result, they are generally not quantifiable or time dependent. Therefore, to aid in reaching the goals, specific statements (i.e., policies) are adopted to guide decision-making and through the implementation of programs that commit the

City to specific courses of action. This section of the Land Use Element contains the City's land use goals and policies, as well as proposed strategies (or programs) to implement these goals and policies.

GOAL LU-1: A sufficient variety and quantity of land uses to meet the housing, employment, service, and social needs of the existing and future population.

GOAL LU-2: A strong economic base that provides more job opportunities for residents of the city.

GOAL LU-3: The City's rural small-town character conserved and enhanced.

GOAL LU-4: Sustainable planned growth in the planning area balanced with preservation and protection of the viability of agricultural areas surrounding the city.

GOAL LU-1: A sufficient variety and quantity of land uses to meet the housing, employment, service, and social needs of the existing and future population.

Policy LU-1.1: Provide for a compatible mix and quantity of land designated and zoned to serve the needs of the community.

Policy LU-1.2: Maintain flexibility within the Zoning Ordinance by allowing development opportunities through the use permit process as well as through approval of similar uses not otherwise listed in the Zoning Ordinance.

Policy LU-1.3: Allow for the development of residential, mixed-use, commercial, and industrial areas where suitable land exists with good access, adequate infrastructure, and where such uses will have a minimum of conflict with current and future adjacent land uses.

Policy LU-1.4: Encourage an integrated mix of housing types and sizes within residential areas to promote housing opportunities for people of all ages and abilities.

Program LU-1A: Adopt the General Plan Land Use Map (Figure 2.1), as the official Land Use Map for the City of Tulelake.

Program LU-1B: Adopt zoning regulations that are consistent with and support implementation of the General Plan Land Use Element.

Program LU-1C: Implement the programs of the Housing Element related to residential development.

GOAL LU- 2: The City's rural small-town character conserved and enhanced.

Policy LU-2.1: Maintain Tulelake's small town character while allowing for population and business growth, as well as increased employment, shopping, cultural, and recreational opportunities, and other tax revenue generating uses.

Policy LU-2.2: Apply land use classifications and zoning in a manner that is consistent with the prominent existing development, taking care not to encroach upon an established neighborhood with potentially incompatible uses.

Policy LU-2.3: Protect existing neighborhoods from added noise, traffic, light, and other characteristics that may negatively affect them.

Policy LU-2.4: When approving discretionary development proposals, ensure that proposed uses would be compatible with existing land uses.

Policy LU-2.5: Avoid the overconcentration of land uses in any area of the city where the resultant increase in traffic, noise, and other impacts would adversely impact the public health, safety, peace, and general welfare of residents.

Policy LU-2.6: Commercial and industrial developments should be kept in scale with the small-town atmosphere, considering the size and height of the structure and the scale and quantity of signs.

Policy LU-2.7: Encourage the design of projects that enhance public safety and discourage crime by orienting homes and buildings toward the street, providing adequate lighting and sight lines, and selectively installing fencing and landscaping.

Program LU-2A: Include development standards in the Zoning Ordinance that provide adeqaute separation, buffering, landscaping, screening, and other provisions as needed to ensure compatibility between potentially incompatible land uses.

Program LU-2B: During review of discretionary proposals, require buffers when warranted between dissimilar land uses; urban uses and open space; environmentally sensitive areas and habitats; biological, historical, and cultural resources; and agricultural lands. Buffers may include additional setbacks, solid barriers, redesign, or other means to protect the resource.

Program LU-2C: Preserve and strengthen the character of existing residential neighborhoods by developing and maintaining sidewalks and encouraging property owners to maintain their properties.

Program LU-2D: Support neighborhood watch initiatives and partner with community and neighborhood organizations to combat crime and promote public safety.

Program LU-2E: Encourage high standards of property maintenance and provide for rapid abatement of conditions contributing to blight.

Program LU-2F: Upon review of discretionary permits, add conditions to the project approval, when warranted, to support the public peace, health, safety, and general welfare.

GOAL LU-3: A strong economic base that provides more job opportunities for residents of the city.

Policy LU-3.1: Support the expansion and retention of existing businesses and facilitate business development in the city.

Policy LU-3.2: Reinforce the downtown area as the physical and cultural center of the city, recognizing its importance to the community's sense of place.

Policy LU-3.3: Encourage infill development, adaptive reuse of existing buildings, and the restoration of historic structures to revitalize the downtown as a center of community activity.

Policy LU-3.4: Promote a mix of daytime and evening uses in the downtown, including restaurants, professional offices, entertainment, and housing to encourage activity throughout the day.

Policy LU-3.5: Foster redevelopment and revitalization of older and deteriorating portions of the city.

> **Program LU-3A:** As resources permit, seek funding via grant and loan programs to aid business development through improvement and expansion of City services and facilities (e.g., roadway improvements, water and sewer infrastructure, streetscaping and other beautification efforts, etc.).
>
> **Program LU-3B:** Develop and maintain an inventory of vacant and underdeveloped mixed-use, commercial, and industrial properties that are or can be served with city utilities to aid businesses in the site selection process.
>
> **Program LU-3C:** Identify and actively promote development of key vacant or underutilized sites for commercial and mixed-use development in and adjacent to the downtown area.
>
> **Program LU-3D:** Evaluate in consultation with residents, and the business community in particular, whether to develop and adopt an objective design review process for the downtown that could be applied to new development and to existing development at the time of façade improvements. Encourage a variety of building styles and types consistent with the community's small-town feel.
>
> **Program LU-3E:** Allow home-based businesses in residential neighborhoods when there is no indication of a home-based business from outside the home, the nonresidential use is compatible with adjacent uses, and the home-based business is at a scale that is accessory to the residential use.
>
> **Program LU-3F:** Support the formation of a merchants' association to provide a forum for promoting healthy local businesses.

GOAL LU-4: Sustainable planned growth in the City's planning area balanced with preservation and protection of the viability of agricultural areas surrounding the city.

Policy LU-4.1: Encourage, promote, and facilitate infill development and phased extension of city services in an effort to discourage sprawl and maintain a compact urban form.

Policy LU-4.2: Protect agricultural land uses surrounding the city through maintenance of firm urban boundaries, incorporation of agricultural buffers, and support for the agricultural industry.

Policy LU-4.3: As vacant land in the city becomes limited, encourage the annexation of suitable land within the Sphere of Influence that can be readily served with city utilities, where the relationship between existing and planned land uses moderates Vehicle Miles Traveled (VMT), and where impacts to prime agricultural lands would be minimized.

Program LU-4A: Establish, as a high priority, the conservation of existing residential and commercial structures through preservation and rehabilitation, and support appropriate grant applications when they are proposed to aid this effort.

Program LU-4B: In response to annexation proposals, pre-zone lands within the Sphere of Influence a means to maintain a variety of land uses that meet the needs of the community.

Program LU-4C: To minimize conflicts between urban uses within the city and agricultural uses outside of the city, require a minimum 100-foot-wide physical separation between agricultural uses (not including agricultural support industries) and new residential dwellings. The buffer may include roadways, pedestrian/bicycle routes, stormwater basins, irrigations canals, open spaces, etc.

Program LU-4D: Working in partnership with residents, businesses, farmers, and economic development partners, develop materials promoting the City of Tulelake as a city that values and supports local agriculture and that fosters opportunities to partner with local businesses to promote the region's agriculture and agricultural heritage.

2.10 CONSIDERATION OF RELATED POLICIES

During the review of discretionary projects, in addition to applying the standards of City adopted ordinances and resolutions, it is necessary to determine that the project is consistent with all applicable General Plan Goals, Policies, and Programs. While attention is usually focused on the Land Use Element, there are many Policies within other Elements that may also be applicable. For example, a project near Highway 139 may be affected by noise and subject to the standards of the Noise Element, or it may be near agricultural lands and subject to policies in the Conservation Element. Therefore, it is important to review all relevant policies of the General Plan Elements when considering a discretionary project.



Figure 2-1, Land Use Map

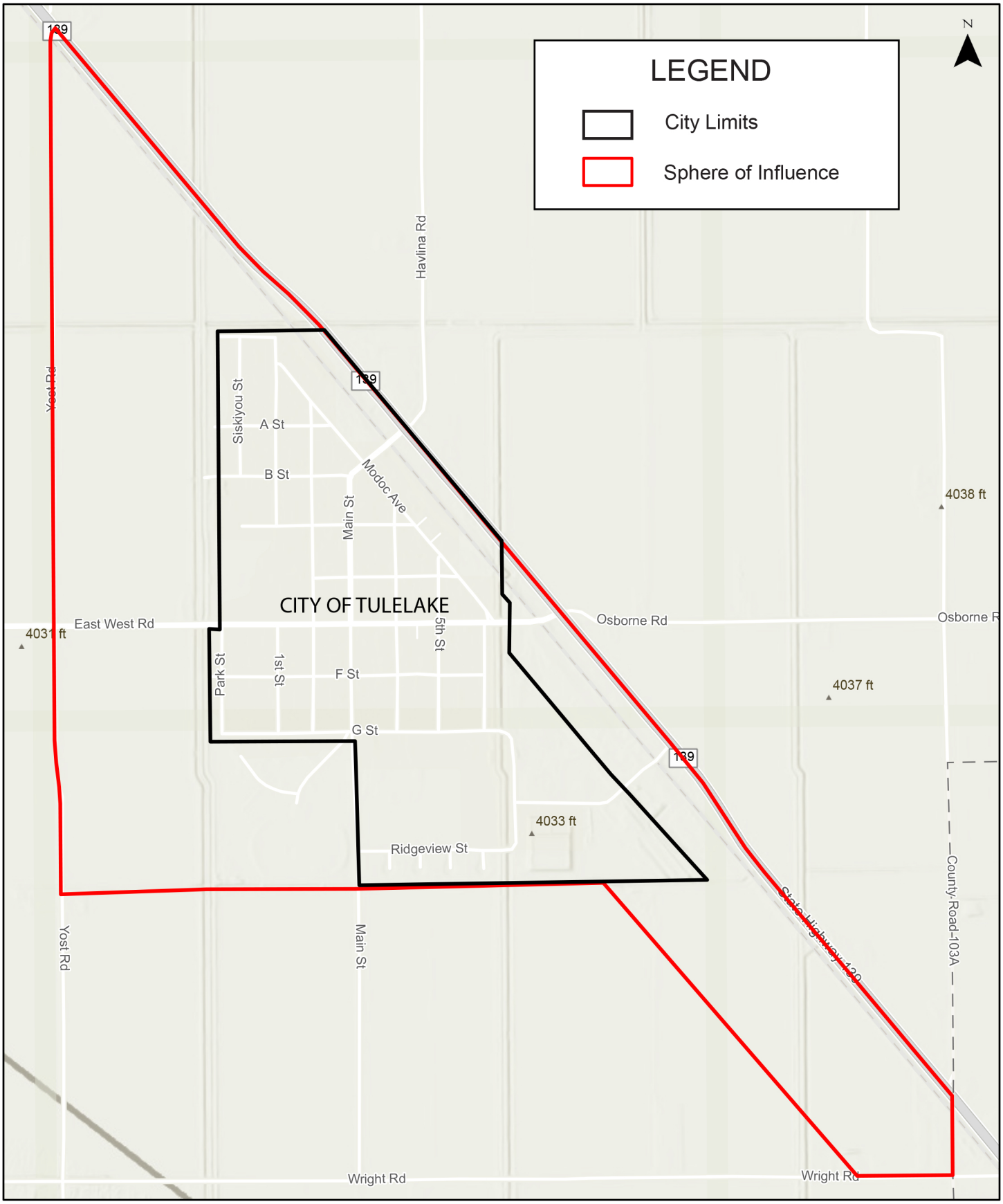


Figure 2-2, Sphere of Influence

APPENDIX B
DRAFT TITLE 17, ZONING,
OF THE TULELAKE MUNICIPAL CODE

CITY OF TULELAKE
DRAFT ZONING CODE

AUGUST 2023

DRAFT

CITY OF TULELAKE
591 MAIN STREET
TULELAKE, CA 96134

TITLE 17
ZONING

Chapters:

17.04 General Provisions
17.08 Definitions
17.12 Districts Generally
17.16 Low Density Residential, R-1
17.20 Medium Density Residential, R-2
17.24 High Density Residential, R-3
17.28 Limited Mixed Use, MU-1
17.32 Mixed Use, MU-2
17.36 Vertical Mixed Use, MU-3
17.40 General Commercial, G-C
17.44 Manufacturing, M
17.48 Public Facilities, P-F
17.52 Open Space, O-S
17.56 Planned Development, P-D
17.60 Similar Use Determinations
17.64 Off-Street Parking
17.68 Signs
17.72 Nonconforming Structures, Uses, and Parcels
17.76 Use Permits and Variances
17.80 Special Provisions
17.84 Live/Work Units and Home-Based Businesses
17.88 Short-Term Rentals
17.92 Bed and Breakfast Inns
17.96 Mobile Food Sales
17.100 Accessory Dwelling Units
17.104 Wireless Telecommunications Facilities
17.108 Reasonable Accommodations
17.112 Residential Density Bonuses
17.116 Objective Design Standards
17.120 Amendments
17.124 Hearings and Appeals
17.128 Enforcement and Penalties

CHAPTER 17.04
GENERAL PROVISIONS

Sections:

17.04.010 Adoption.
17.04.020 Short title.
17.04.030 Purpose.
17.04.040 Establishment of districts.
17.04.050 Application.
17.04.060 Interpretation.

17.04.010 Adoption.

There is hereby adopted a precise zoning plan for the City of Tulelake.

17.04.020 Short title.

This title shall be known as “The City of Tulelake Zoning Code.”

17.04.030 Purpose.

The purpose of this title is to: promote and protect the public health, safety, peace, comfort, and general welfare; promote the orderly growth of the city; protect the character and stability of residential, commercial, mixed-use, industrial, and open space areas; prevent overcrowding and undue congestion of population; provide adequate privacy and convenience of access to property; and to secure for the city and its residents safety from fire and other hazards.

17.04.040 Establishment of districts.

The zoning or districting plan effectuated by this title consists of the establishment of various districts, including all territory within which the use of land, buildings, the space for buildings, and the height and bulk of buildings are regulated.

17.04.050 Application.

A. No building or structure shall be erected, reconstructed, or structurally space altered in any manner, nor shall any building or land, the space above or beneath, be used for any purpose other than as permitted by, and in conformance with this title and all other ordinances, laws, and maps referred to in this title.

B. This title shall apply to all property whether owned by private persons, firms, corporations, or organizations, and to the extent permitted by law, property of the United States of America or any of its agencies, by the State of California or any of its agencies or political subdivisions, by any authority or district organized under the law of the State of California, all subject to the following exceptions:

   1. Public streets and alleys,
   2. Underground utility lines and facilities,
   3. Underground communication lines,
   4. Overhead communication lines,
   5. Overhead electric distribution and transmission facilities, and
   6. Railroad rights-of-way.

17.04.060 Interpretation.

When interpreting and applying the provisions of this title, they shall be held to the minimum requirements adopted for the promotion of the public health, safety, peace, comfort, convenience, and general welfare. Except as specifically herein provided, it is not intended by the adoption of the ordinance codified herein to repeal, abrogate, annul, or in any way to impair or interfere with any existing provisions of law or ordinance, or any rules, regulations, or permits previously adopted or issued, or which shall be adopted or issued pursuant to law relating to the erection, construction, maintenance, establishment, moving, alteration, or enlargement of any building or improvement. Nor is it intended by this title to interfere with or abrogate or annul any easement, covenant, or other agreement between parties, provided, however, that in cases in which this title imposes a greater restriction upon the erection, construction, maintenance, establishment, moving, alteration, or enlargement of buildings, or the use of any such buildings or premises in said several districts or any of them, than is imposed or required by such existing provisions of law or ordinance or by such rules, regulations, or permits or by such easements, covenants, or agreements then in such case the provisions of this title shall control.

CHAPTER 17.08
DEFINITIONS

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17.08.040 Accessory structure.
17.08.050 Accessory use.
17.08.060 Acre.
17.08.070 Administrative permit.
17.08.080 Adult day programs.
17.08.090 Adult-oriented business.
17.08.100 Aggrieved party.
17.08.110 Agricultural processing plant.
17.08.120 Airport.
17.08.130 Alcoholic beverage sales.
17.08.140 Alley.
17.08.150 Ambulance service.
17.08.160 Animal boarding.
17.08.170 Animal grooming.
17.08.180 Animal hospital.
17.08.190 Applicant.
17.08.200 Area.
17.08.210 Artisan crafts manufacturing.
17.08.220 Artist studio.
17.08.230 Automated teller machines (ATMs).
17.08.240 Automobile and vehicle sales and rental.
17.08.250 Automobile parts and supplies sales.
17.08.260 Automobile service stations.
17.08.270 Awning.
17.08.280 Banks and financial services.
17.08.290 Bed and breakfast inn.
17.08.300 Billiard parlor.
17.08.310 Block.
17.08.320 Brewpub.
17.08.330 Building.
17.08.340 Building footprint.
17.08.350 Building frontage.
17.08.360 Building height.
17.08.370 Building intensity.
17.08.380 Building materials stores and yards.
17.08.390 Building official, building inspector.
17.08.400 Building site.
17.08.410 Bus shelter.
17.08.420 Business.
17.08.430 Business day.
17.08.440 Business office.
17.08.450 Business support services.
17.08.460 Car washing and detailing.

17.08.470 Caretaker housing.
17.08.480 Cargo container.
17.08.490 Carport.
17.08.500 Cemetery.
17.08.510 Centerline.
17.08.520 Certified farmers' market.
17.08.530 Chemical product manufacturing.
17.08.540 City property.
17.08.550 Clear vision triangle.
17.08.560 Clothing and fabric product manufacturing.
17.08.570 Clubs, lodges, and private meeting halls.
17.08.580 Collectibles.
17.08.590 Commercial vehicle.
17.08.600 Common area.
17.08.610 Community center.
17.08.620 Community garden.
17.08.630 Community resource center.
17.08.640 Concrete batching or ready-mix concrete manufacturing.
17.08.650 Conditional use permit.
17.08.660 Condominium.
17.08.670 Construction.
17.08.680 Consumer electronics.
17.08.690 Convenience stores.
17.08.700 Corner lot.
17.08.710 Cottage food operation.
17.08.720 Craft food and beverage production.
17.08.730 Customer area.
17.08.740 Date of decision.
17.08.750 Density.
17.08.760 Density bonus.
17.08.770 Density transfer.
17.08.780 Development agreement.
17.08.790 Dormitory.
17.08.800 Drive-in and drive-through sales and services.
17.08.810 Duplex residential.
17.08.820 Dwelling group.
17.08.830 Dwelling unit.
17.08.840 Easement.
17.08.850 Emergency shelter.
17.08.860 Employee housing.
17.08.870 Encroachment permit.
17.08.880 Equipment and material storage yards.
17.08.890 Equipment sales and rental.
17.08.900 Event center.
17.08.910 Explosives.
17.08.920 Family.
17.08.930 Family childcare home.
17.08.940 Fence.
17.08.950 Firearms sales.
17.08.960 Floor area ratio.
17.08.970 Food and beverage manufacturing.

17.08.980 Front yard.
17.08.990 Fuel storage and distribution.
17.08.1000 Furniture and fixtures manufacturing.
17.08.1010 Garage.
17.08.1020 Garage sale, yard sale.
17.08.1030 Garden center, plant nursery.
17.08.1040 General Plan.
17.08.1050 General vicinity, proximity.
17.08.1060 Glass product manufacturing.
17.08.1070 Grocery store, supermarket.
17.08.1080 Gross density.
17.08.1090 Gross floor area.
17.08.1100 Handcraft industries.
17.08.1110 Health clinics, medical offices, and laboratories.
17.08.1120 Hedges and equivalent screening.
17.08.1130 Highway.
17.08.1140 Home occupation.
17.08.1150 Hospice care.
17.08.1160 Hospitals.
17.08.1170 Hotels and motels.
17.08.1180 Household.
17.08.1190 Indemnification.
17.08.1200 Indoor entertainment facility.
17.08.1210 Indoor sports and fitness facility.
17.08.1220 Junior accessory dwelling unit.
17.08.1230 Junk.
17.08.1240 Kitchen.
17.08.1250 Landscaping.
17.08.1260 Legal description.
17.08.1270 Library.
17.08.1280 Live-work unit.
17.08.1290 Living area.
17.08.1300 Lot, parcel
17.08.1310 Lot coverage.
17.08.1320 Lot depth.
17.08.1330 Lot frontage, street frontage.
17.08.1340 Lot line.
17.08.1350 Lot width.
17.08.1360 Low barrier navigation center.
17.08.1370 Lumber and wood product processing facility.
17.08.1380 Main building.
17.08.1390 Manufactured home.
17.08.1400 Manufactured home park.
17.08.1410 Media production.
17.08.1420 Metal products fabrication, machine/welding shops.
17.08.1430 Microbrewery.
17.08.1440 Microdistillery.
17.08.1450 Mixed-use building.
17.08.1460 Mixed-use development.
17.08.1470 Mobile food commissary.
17.08.1480 Mobile food court.

17.08.1490 Mobile food vendor.
17.08.1500 Mobile home.
17.08.1510 Mortuaries and funeral homes.
17.08.1520 Multifamily residential.
17.08.1530 Nanobrewery.
17.08.1540 Net density.
17.08.1550 Net land area.
17.08.1560 Nonconforming building or use.
17.08.1570 Occupancy.
17.08.1580 Official plan line.
17.08.1590 Off-site.
17.08.1600 On-site.
17.08.1610 Open space.
17.08.1620 Outdoor commercial recreation facility.
17.08.1630 Paper product manufacturing.
17.08.1640 Park and ride facility.
17.08.1650 Parking space or facility.
17.08.1660 Parks, picnic areas, and playgrounds.
17.08.1670 Pending applications.
17.08.1680 Permit.
17.08.1690 Personal services.
17.08.1700 Pharmacy.
17.08.1710 Places of worship and spiritual assembly.
17.08.1720 Principally permitted use.
17.08.1730 Printing and publishing.
17.08.1740 Private schools.
17.08.1750 Professional office.
17.08.1760 Project.
17.08.1770 Property line.
17.08.1780 Public agency.
17.08.1790 Public and quasi-public facilities.
17.08.1800 Public nuisance.
17.08.1810 Public right-of-way.
17.08.1820 Public safety facility.
17.08.1830 Public schools.
17.08.1840 Public services.
17.08.1850 Public utility.
17.08.1860 Rear yard.
17.08.1870 Recreational vehicle.
17.08.1880 Recreational vehicle park.
17.08.1890 Recycling facility.
17.08.1900 Residential care facility.
17.08.1910 Residential care home.
17.08.1920 Restricted personal services.
17.08.1930 Restricted retail sales.
17.08.1940 Retail food establishment.
17.08.1950 Retail sales.
17.08.1960 Salvage yard.
17.08.1970 Second dwelling unit.
17.08.1980 Secondhand sales.
17.08.1990 Setback.

17.08.2000 Shopping center.
17.08.2010 Short-term rental.
17.08.2020 Side yard.
17.08.2030 Sign.
17.08.2040 Single-family residential.
17.08.2050 Small equipment maintenance and repair.
17.08.2060 Special event.
17.08.2070 Split zoning.
17.08.2080 Sporting goods.
17.08.2090 Stone product manufacturing.
17.08.2100 Storage facility.
17.08.2110 Structure.
17.08.2120 Supportive housing.
17.08.2130 Taproom brewery.
17.08.2140 Temporary structure.
17.08.2150 Temporary use.
17.08.2160 Theaters and playhouses.
17.08.2170 Townhouse.
17.08.2180 Transient occupancy.
17.08.2190 Transitional housing.
17.08.2200 Uplighting.
17.08.2210 Utility infrastructure.
17.08.2220 Variance.
17.08.2230 Vehicle storage.
17.08.2240 Vehicles for hire.
17.08.2250 Vehicular access.
17.08.2260 Vertical mixed-use development.
17.08.2270 Veterinary office.
17.08.2280 Wholesale business.
17.08.2290 Wireless telecommunications facilities.
17.08.2300 Yard.
17.08.2310 Zero lot line.
17.08.2320 Zoning district.

17.08.010 Generally.

For the purposes of this title certain terms are defined in this chapter. If any of the definitions in this chapter conflict with definitions in other chapters of the Tulelake Municipal Code, these definitions shall prevail for the purposes of this title. If a word used in this title is not defined in this chapter, or other titles of the Tulelake Municipal Code, the most common dictionary definition is assumed to be correct.

A. The present tense shall include the future, the singular number shall include the plural, and the plural the singular.

B. The words "shall," "will," "must," and "is" denote a mandatory action. The word "may" or "should" indicate a permissive action.

17.08.020 Abut, abutting, adjoining.

"Abut," "abutting," or "adjoining" all mean contiguous to or touching.

17.08.030 Accessory dwelling unit.

As defined in Chapter 17.100 (Accessory Dwelling Units).

17.08.040 Accessory structure.

A structure that is physically detached from, secondary, and incidental to, and commonly associated with the existing primary structure. Does not include any tent, trailer, recreational vehicle, or other vehicle, or any building designed or used for human habitation.

17.08.050 Accessory use.

A use that is conducted on the same parcel as the principal use or structure to which it is related, and which is clearly subordinate and incidental to the principal use.

17.08.060 Acre.

An area of land measuring forty-three thousand five hundred sixty (43,560) square feet.

17.08.070 Administrative permit.

Any permit issued as a ministerial act by the city.

17.08.080 Adult day programs.

Facilities licensed by the California Department of Social Services as an Adult Day Program that provide non-medical care and supervision to persons eighteen (18) years of age or older in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of these individuals, in a day care setting, on less than a sixteen (16)-hour basis.

A. Small adult day programs provide supervision and non-medical care to six (6) or fewer adults.

B. Large adult day programs provide supervision and non-medical care to more than six (6) adults.

17.08.090 Adult-oriented business.

A business whose primary purpose is the sale or display of matter that, because of its sexually explicit nature, may, pursuant to state law or local regulatory authority, be offered only to persons over the age of eighteen (18) years.

17.08.100 Aggrieved party.

A person, organization, corporation, concerned citizen, or any individual or group that demonstrates to the city council that they have an interest, either financial or otherwise, in property affected by the decision of the original decision maker. This definition is not intended to and does not confer standing to maintain an action in a court of law where standing would not otherwise exist.

17.08.110 Agricultural processing plant.

A building, facility, area, or location for the refinement, treatment, or conversion of agricultural products where physical, chemical or similar change of an agricultural product occurs. Examples of agricultural processing include, but are not limited to, fruit dehydrators, cold storage houses, hulling operations, and the sorting, cleaning, packing, and storing of agricultural products

preparatory to sale and/or shipment in their natural form including all uses customarily incidental thereto.

17.08.120 Airport.

A place on land or water, where aircraft may land and take off, receive and disembark passengers or cargo, take on fuel, purchase accessories, or obtain service or repair. Includes appurtenant areas, buildings, facilities, and rights-of-way necessary to facilitate such use or intended use.

17.08.130 Alcoholic beverage sales.

A. “On-sale alcoholic beverage sales” means the retail sale of beer, wine, liquor, and/or other alcoholic beverages for on-site consumption as the principal use, typically with a Type 42 or 48 ABC license. This definition shall not include uses wherein the sale, offer, or dispensing of alcohol is incidental to the conduct of a permitted or conditionally permitted use, such as hotels, restaurants, theaters, and playhouses.

B. “Off-sale alcoholic beverage sales” means the retail sale of beer, wine, liquor, and/or other alcoholic beverages for off-site consumption as the principal use. This definition shall not include uses wherein the sale of alcohol is incidental to the conduct of a permitted or conditionally permitted use, such as grocery stores and supermarkets.

17.08.140 Alley.

A public way permanently reserved as a secondary means of access to abutting property at the rear or sides thereof.

17.08.150 Ambulance service.

Emergency medical care and transportation, including incidental storage and maintenance of vehicles.

17.08.160 Animal boarding.

A facility where domestic animals are housed, fed, and cared for, excluding an animal hospital or veterinary clinic, for a period greater than twenty-four (24) hours for commercial purposes.

17.08.170 Animal grooming.

A fixed or mobile facility where domestic animals are trimmed, bathed, or groomed other than by the owner on a regular basis for compensation (no boarding).

17.08.180 Animal hospital.

An enclosed building or buildings where animals are brought for medical and surgical treatment and are held during the time of such treatment, including overnight. Grooming of animals and pet food sales are permitted as accessory to the medical use.

17.08.190 Applicant.

A person who is required to file an application for a permit or license under this title.

17.08.200 Area.

A piece of land that can be definitively described and located with specific boundaries.

17.08.210 Artisan crafts manufacturing.

Manufacture of crafts, art, sculpture, jewelry, apparel, candles, and similar items using hand tools and small mechanical devices (e.g., drills and saws, hammers and chisels, paint brushes and sprayers, pottery wheels and kilns, sewing machines, spinning wheels, etc.) and the incidental direct sale to consumers of only those goods produced on-site. Where there are no incidental direct sales to customers, the use may be considered an “artist studio” or “handcraft industries.”

17.08.220 Artist studio.

An establishment engaged in the creation of art or crafts that requires artistic skill. Such an establishment may participate in periodic open studios (a maximum of six (6) days per year) but is otherwise subject to the applicable zoning district’s limitations on retail sales. Artist studios may include rehearsal spaces not designed for public performances. Examples of persons typically engaged in this work include woodworkers, potters/ceramicists, costume makers, set designers, stained-glass makers, glassblowers, textile artists and weavers, jewelry makers, painters, fine art printmakers, photographers/filmmakers, leather workers (no tanning), metal workers, musical instrument makers, model makers, papermakers, installation artists, sculptors, video artists, and other makers of art and crafts consistent with this definition. The use of computers in an activity does not by itself prevent its classification as an artist studio. This use excludes architectural and landscape services, industrial or graphic design services, computer systems design services, and other commercial activities normally conducted in an office environment. See “artisan crafts manufacturing” for artist studios that include the incidental sale of goods made on-site.

17.08.230 Automated teller machines (ATMs).

Computerized, self-service machines used by banking customers for financial transactions, including deposits, withdrawals, and fund transfers, without contact with financial institution personnel. The machines may be located at or within banks, or in other locations, in compliance with allowed use provisions.

17.08.240 Automobile and vehicle sales and rental.

Retail establishments selling and/or renting automobiles, trucks, vans, motorbikes, recreation vehicles, and motorized boats. May also include repair shops and the sales of parts and accessories incidental to vehicle dealerships.

17.08.250 Automobile parts and supplies sales.

Stores that sell new and reconditioned automobile parts and accessories. Does not include installation of parts or vehicle repair.

17.08.260 Automobile service stations.

A retail place of business engaged in supplying goods and services essential to the normal operation of automobiles, such as: dispensing of automotive fuel and motor oil; tire sales and service, not including recapping; battery service, charging, and replacement, not including repair and rebuilding; lubrication of motor vehicles; brake servicing; wheel balancing; and minor automotive repair. May include drive-through car washes as an accessory use to fuel sales. Does not include the storage or repair of abandoned, wrecked, or dismantled vehicles, vehicle painting, body or fender work, or the rental of vehicle storage or parking spaces.

17.08.270 Awning.

Any structure made of a flexible fabric or similar material covering a metal frame attached to a building, whether or not the same is so erected as to permit its being raised to a position flat against the building when not in use.

17.08.280 Banks and financial services.

Financial institutions including: banks and trust companies, credit agencies, holding (but not primarily operating) companies, lending and thrift institutions, other investment companies, securities/commodity contract brokers and dealers, security and commodity exchanges, vehicle finance (equity), and leasing agencies.

17.08.290 Bed and breakfast inn.

A single residential property with up to five (5) bedrooms rented for overnight lodging, where at least one (1) meal is provided to overnight guests only subject to applicable Health Department regulations. A bed and breakfast inn with more than five (5) guest rooms is considered a hotel or motel.

17.08.300 Billiard parlor.

A building, structure, or portion thereof in which are located three (3) or more tables designed or used for pool, billiards, bagatelle, snooker, bumper pool, or similar games.

17.08.310 Block.

All property fronting upon one side of a street, between intersecting and intercepting street, or between a street and a railroad right-of-way, waterway, dead-end street or unsubdivided land. An intercepting street shall determine only the boundary of the block on the side of a street that it intercepts.

17.08.320 Brewpub.

A restaurant with an on-site brewery that sells a minimum of twenty-five (25) percent of the beer brewed on-site for on-premises consumption.

17.08.330 Building.

Any structure having a roof supported by columns or by walls and designed for the shelter or housing of any person, animal, or property.

17.08.340 Building footprint.

The land area covered by a building as measured at its perimeter foundation walls including any roofed area that may not have perimeter foundation walls.

17.08.350 Building frontage.

The exterior building wall of a ground floor business establishment on the side of the building that fronts or is oriented towards a public street, highway, or parkway. "Building frontage" shall be measured continuously along the building wall for the entire length of the business establishment, including any portion not parallel to the remainder of the wall.

17.08.360 Building height.

The vertical distance from the average base elevation to the highest point on the structure, excluding chimneys, antennae, and similar nonstructural elements. Average base elevation is determined by taking the elevation of the lowest point at the ground and the elevation of the highest point at the ground and finding the average. This definition is not intended to preclude applicable usage of the definition in the building code(s) adopted by the city.

17.08.370 Building intensity.

The percentage of land area covered over by the building footprint or land use.

17.08.380 Building materials stores and yards.

Retail establishments selling lumber and other large building materials, where most display and sales occur indoors but outdoor storage is typically required. Includes paint, wallpaper, glass, and fixtures. Includes stores selling to the general public, even if contractor sales account for a major proportion of total sales. Hardware stores are considered “retail sales.”

17.08.390 Building official, building inspector

The individual in charge of the City of Tulelake Building Department or responsible for performing the city's building inspections.

17.08.400 Building site.

The portion of a parcel of land, in a single or joint ownership, occupied or to be occupied by a building, together with such setbacks as are required by the terms of this zoning ordinance and having its principal frontage on a public street, road, or highway.

17.08.410 Bus shelter.

A small structure designed for the protection and convenience of waiting transit passengers that has a roof and usually two (2) or three (3) sides.

17.08.420 Business.

A land use or activity established for the purposes of commerce and as a means of generating revenue or income.

17.08.430 Business day.

Any day the city’s offices located at 591 Main Street, Tulelake, California, are open to the public.

17.08.440 Business office.

An office where common business services are provided to the general public, such as consumer services, insurance, real estate, tax preparation, travel, utility company offices, etc. These uses typically have a higher rate of walk-in traffic than a professional office and visits are often made without an appointment.

17.08.450 Business support services.

Establishments primarily within buildings, providing other businesses with services including maintenance, repair and service, testing, rental, etc., also includes: blueprinting business; equipment repair services; commercial art and design (including production); computer-related

services (rental, repair); copying, quick printing, and blueprinting services; equipment rental businesses located entirely within buildings; heavy equipment repair services where repair occurs on the client site; janitorial services; mail advertising services (reproduction and shipping); mail box services; notary services; advertising services; photocopying and photofinishing; soils and materials testing laboratories; and window cleaning.

17.08.460 Car washing and detailing.

Permanent, drive-through, self-service and/or attended car washing establishments, including fully mechanized facilities. May include detailing services. Does not include temporary car washes which are fundraising activities typically conducted at a service station or other automotive-related business, where volunteers wash vehicles by hand, and the duration of the event is limited to one (1) day.

17.08.470 Caretaker housing.

A residence that is accessory to a non-residential primary use of the site, where needed for security, twenty-four (24)-hour care or supervision, or monitoring of facilities, equipment, or other conditions on the site.

17.08.480 Cargo container.

A metal or similar rectangular container designed for the temporary storage and transportation of goods on rail cars, truck beds, and ships.

17.08.490 Carport.

A structure that is attached or detached from another building, and that is open on at least two (2) sides with a covering for vehicle storage.

17.08.500 Cemetery.

Land used for the storage of the deceased, and dedicated for cemetery purposes, including crematories, columbaria, and mausoleums.

17.08.510 Centerline.

The line located equidistant from the edges of an easement or right-of-way. Centerline of a road right-of-way or easement does not necessarily mean the center of the physical location of the road.

17.08.520 Certified farmers' market.

A temporary outdoor gathering of individual retailers primarily focused on the sale of fresh produce, but also including other foods, beverages, handicrafts, art objects, and similar items.

17.08.530 Chemical product manufacturing.

Manufacturing facilities that produce or use basic chemicals, and other establishments creating products predominantly by chemical processes. Facilities included in this definition manufacture three general classes of products: basic chemicals, including acids, alkalis, salts, and organic chemicals; chemical products to be used in further manufacture, including synthetic fibers, plastic materials, dry colors, and pigments; and finished chemical products to be used for ultimate consumption, including drugs, cosmetics, and soaps; or to be used as materials or supplies in other industries including paints, fertilizers, and explosives.

17.08.540 City property.

Real property over which the City of Tulelake: (1) has fee title, an easement (including a public right-of-way), a leasehold interest, or other legal interest; and (2) has the present right of possession and control.

17.08.550 Clear vision triangle, clear vision distance.

The clear vision area (sometimes called the “sight triangle”) formed by measuring twenty (20) feet along two intersecting streets from the point of intersection, and diagonally connecting the ends of the two lines (see Figure 17.08-1). Visual obstructions within this area are strictly managed so that drivers stopped at or approaching an intersection can see pedestrians and oncoming traffic.

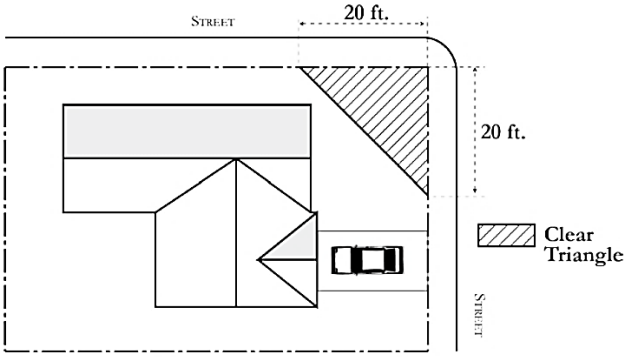


Fig. 17.08-1, Clear Vision Triangle

17.08.560 Clothing and fabric product manufacturing.

An establishment that assembles clothing, draperies, and/or other products by cutting and sewing purchased textile fabrics and related materials, including fur, leather, plastics, and rubberized fabrics, and which does not include the on-site sale of products to the end consumer. Does not include custom tailors and dressmakers not operating as a factory.

17.08.570 Clubs, lodges, and private meeting halls.

Permanent, headquarters-type and meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, including facilities for: business associations; civic, social and fraternal organizations; labor unions and similar organizations; political organizations; professional membership organizations; and other membership organizations.

17.08.580 Collectibles.

Any tangible personal property which has an enhanced value because of its rarity and which is commonly bought, sold, or exchanged among collectors and shall include such things as rare coins, stamps, and jewelry.

17.08.590 Commercial vehicle.

A motor vehicle used for commercial, industrial, or agricultural purposes and rated more than one (1) ton capacity. Examples of commercial use vehicles include but are not limited to; tow trucks, flat-bed trucks, mobile food preparation vehicles including large trucks converted as food vehicles, street sweepers, buses, utility trucks with hydraulic arms or lifts, and tractors and semi-trailers, etc.

17.08.600 Common area.

A parcel or parcels that are part of a subdivision, which are retained in the common ownership of the property owners of the subdivisions for common use or development.

17.08.610 Community center.

Multipurpose meeting and recreational facilities owned and maintained by a public agency and typically consisting of one (1) or more meeting or multipurpose rooms, kitchen, and/or outdoor barbecue facilities that are available for use by various groups for such activities as meetings, parties, receptions, dances, etc.

17.08.620 Community garden.

A site where flowers, fruits, herbs, nuts, seeds, and/or vegetables are cultivated by individuals of a neighborhood.

17.08.630 Community resource center.

Any building maintained by a governmental authority or not-for-profit agency used for supplementary educational services, employment assistance, food services, and/or constructive recreational activities.

17.08.640 Concrete batching or ready-mix concrete manufacturing.

A facility used for the delivery of limestone aggregate, sand or screenings, cement and water into mixer trucks as part of the concrete manufacturing process. This facility may contain a system of conveyor belts, chutes, storage silos, stockpile areas, water and air systems, and weight scales and meters for the accurate dispensing of the raw materials to produce the desired strength and type of concrete. A concrete batching plant or ready-mix concrete plant facility includes queuing and parking spaces for trucks, materials handling equipment, and administrative, control and office buildings.

17.08.650 Conditional use permit.

A land use permit issued in a zone for uses that have the potential to be incompatible with neighboring land uses and zoning, and are to be permitted, but may be denied, following a public hearing in which interested parties have the opportunity to comment.

17.08.660 Condominium.

An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a building on such real property.

17.08.670 Construction.

The physical development of a parcel, including site excavation and grading, framing, and finishing, up to the point of final inspection, use, or occupancy, whichever occurs first.

17.08.680 Consumer electronics.

Analog or digital electronic equipment intended for everyday entertainment, communications, and recreation use. Consumer electronics include but are not limited to home or portable audio and video equipment, audio and video equipment for boats and automobiles, camcorders, cameras, drones, electronic musical instruments, karaoke machines, game consoles, GPS instruments and

software, personal computers, mobile phones, smart appliances, smart watches, virtual reality goggles, and other wearable technology.

17.08.690 Convenience stores.

Easy access retail stores of five thousand (5,000) square feet or less in gross floor area, which carry a range of merchandise oriented to convenience and travelers' shopping needs.

17.08.700 Corner lot.

A lot that has two (2) or more parcel lines contiguous to a public street.

17.08.710 Cottage food operation.

As defined in Chapter 17.84 (Live Work Units and Home-Based Businesses).

17.08.720 Craft food and beverage production.

A business, not exceeding ten thousand (10,000) square feet in gross floor area, engaged in on-site commercial production of beverage and/or food products to a final form employing batch-processing or handcrafting using traditional methods, and that distributes to customers on-site via product tasting and direct sales and/or offsite to retailers and wholesalers. Typical uses include but are not limited to artisan cheesemakers, bakeries, chocolatiers, coffee roasters, condiment makers, confectioneries, ice cream shops, microdistilleries, nanobreweries, and any other craft beverage manufacturing. Does not include water bottling.

17.08.730 Customer area.

That portion of a structure that is used for the purposes of transacting business, purchasing, or selling products or services, and does not include any portion of the structure used for warehousing or storage that is inaccessible to public use.

17.08.740 Date of decision.

Granting or denying a permit under this title means the date on which the decision is announced or a final vote is taken.

17.08.750 Density.

A. For residential use, “density” means the number of dwelling units per acre.

B. For non-residential development, “density” means the percentage of lot coverage.

17.08.760 Density bonus.

A density increase over the otherwise maximum allowable residential density under the applicable land use designation and zoning district.

17.08.770 Density transfer.

The exchange of permitted density within a proposed development so that the number of parcels or lots created are equal to the number permitted by the General Plan, but individual lots or parcels are potentially smaller than the minimum parcel size requirement.

17.08.780 Development agreement.

Refers to agreements entered between developers and the city pursuant to Government Code Section 65864 et seq. as those sections exist or are hereafter amended or renumbered.

17.08.790 Dormitory.

A building providing group living accommodations, occupied by individuals not sharing a common household, characterized by separate sleeping rooms without individual kitchen facilities and containing congregate bath and/or dining facilities or rooms.

17.08.800 Drive-in and drive-through sales and services.

Facilities where food, products, or services may be purchased by motorists without leaving their vehicles, including but not limited to drive-thru restaurants and coffee shops, banks, pharmacies, and other businesses with drive-up windows, and automated car washes.

17.08.810 Duplex residential.

A single building containing two (2) independent dwelling units separated from each other by a wall, floor, or ceiling; provided, however, that a building containing a single-family dwelling and a lawful accessory dwelling unit or junior accessory dwelling unit shall not be deemed a duplex.

17.08.820 Dwelling group.

Three (3) or more detached single-family dwellings occupying a parcel of land, in one (1) ownership and having a yard court in common, but not including manufactured home parks, hotels, motels, and transient occupancy uses.

17.08.830 Dwelling unit.

A building or portion of a building designed for, or occupied exclusively by, persons living as one (1) household.

17.08.840 Easement.

Any legal right defined as an easement in the California Code of Civil Procedure Section 800 et al. Generally, an easement is a right to the use of another's land.

17.08.850 Emergency shelter.

Housing with minimal supportive services for homeless persons that is limited to occupancy of six (6) months or less by a homeless person. No individual or households may be denied emergency shelter because of an inability to pay. “Emergency shelter” also includes other interim interventions, including, but not limited to, a navigation center, bridge housing, and respite or recuperative care.

17.08.860 Employee housing.

A. “Small employee housing” means housing for employees consisting of six (6) or fewer persons in a single-family dwelling.

B. “Large employee housing” means housing for employees consisting of no more than thirty-six (36) beds in group quarters or twelve (12) units or spaces designed for use by a single family or household.

17.08.870 Encroachment permit.

A permit issued by a government agency to allow private work within publicly owned property (e.g., to connect with a city street).

17.08.880 Equipment and material storage yards.

All uses related to outdoor storage of large construction equipment or machinery, company vehicles, or large quantities of other materials. Excludes storage associated with vehicle service and equipment.

17.08.890 Equipment sales and rental.

Service establishments with outdoor storage/rental yards, which may offer a wide variety of materials and equipment for rental, including construction equipment.

17.08.900 Event center.

Any room, place, or space that the primary business is to routinely rent or make available to members of the public for general social purposes such as weddings and wedding receptions, birthday parties, celebrations, gatherings, and similar events.

17.08.910 Explosives.

Includes any chemical compound or mechanical mixture, that is commonly used or intended for the purpose of producing an explosion, and that contains any oxidizing and combustible units, packing, that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing effects on contiguous objects or of destroying life or limb.

17.08.920 Family.

See definition of “Household.”

17.08.930 Family childcare home.

A state licensed facility that provides non-medical care and supervision of minor children for periods of less than twenty-four (24) hours within a single-family residence.

A. In small family daycare homes, the occupant of the residence provides care and supervision generally to six (6) or fewer children. As described in the California Health and Safety Code, small family daycare homes may provide services for up to eight (8) children when specific conditions are met.

B. In a large family daycare home, the occupant of the residence provides care and supervision generally for seven (7) to fourteen (14) children. As described in the California Health and Safety Code, large family daycare homes may provide services for up to sixteen (16) children when specific conditions are met.

17.08.940 Fence.

A structurally sound barrier constructed of posts, supports, and cross members that serves as an obstruction to mark property lines or delineate or restrict access to a portion of property.

17.08.950 Firearms sales.

Any establishment which sells or offers for sale firearms. Does not include the sale of ammunition, firearms parts and accessories, hunting supplies, reloading equipment and supplies, targets and other shooting supplies, or FFL transfers.

17.08.960 Floor area ratio.

The net floor area of a building or buildings on a lot divided by the lot area or site area.

17.08.970 Food and beverage manufacturing.

Manufacturing establishments that produce or process foods and beverages for human consumption, and certain related products. Includes coffee roasters; dairy products, fats, and oil manufacturing; curing, preserving, and related processing; fruit and vegetable canning; microbreweries; juice and soft drink production; grain mill products and by-products; wholesale bakeries; water bottling plants; and miscellaneous food item preparation from raw products. Uses are predominantly wholesale although may include tasting rooms and accessory retail sales of food or beverages produced on site, such as a taproom. Does not include retail bakeries or the brewing of beer or the distilling of spirits as part of a nanobrewery, brew pub, microdistillery, or restaurant.

17.08.980 Front yard.

A yard extending across the front of the lot between the side lot lines and measured from the front lot line to the building or structure wall.

17.08.990 Fuel storage and distribution.

A large-scale facility where fuel, such as propane and gasoline, is stored and distributed without retail sales.

17.08.1000 Furniture and fixtures manufacturing.

Manufacturers producing cabinetry and shelving; draperies, blinds, and shades; household, office, and store furniture; mattresses and foundations; and rugs and carpets. Includes furniture reupholstering businesses, but not sawmills or planing mills.

17.08.1010 Garage.

A covered space that can be accessed from a public or private roadway for the storage of automobiles. Each parking space shall have a minimum area of ten (10) feet by twenty (20) feet. If attached to the main building, such garage shall meet the requirements of this title applicable to the main building. If detached from the main building, the garage shall meet the requirements for an accessory structure. This definition does not replace the definition of a garage in the California Building Code.

17.08.1020 Garage sale, yard sale.

A temporary garage, yard, lawn, patio, or similar-type sale held anywhere on the premises in a residential zone or when incidental to residential use in a mixed-use zone for the purpose of disposing of personal property.

17.08.1030 Garden center, plant nursery.

Establishments providing for the cultivation and sale of ornamental trees, shrubs, and plants, including the sale of garden and landscape materials (packaged and/or bulk sale of unpackaged materials), yard tools, and equipment.

17.08.1040 General Plan.

The City of Tulelake General Plan as currently adopted, including all amendments.

17.08.1050 General vicinity, proximity.

The parcels of land surrounding or near a subject property that have the potential to be affected by the proposed land use or land usage of the subject property. General vicinity or proximity cannot be defined by a specific distance or direction in that one type of land use may impact a greater area than another type of land use.

17.08.1060 Glass product manufacturing.

Manufacturing establishments larger than ten thousand (10,000) square feet that produce flat glass and other glass products which are pressed, blown, or shaped from glass produced in the same establishment.

17.08.1070 Grocery store, supermarket.

A retail business where a majority of the floor area open to the public is occupied by food products packaged for preparation and consumption away from the site of the store.

17.08.1080 Gross density.

The total number of dwelling units per acre, based on the minimum lot size, using the total acreage of the undeveloped site before public rights-of-way or other dedications are factored in.

17.08.1090 Gross floor area.

The total square footage of a structure as measured around the exterior perimeter including any non-walled areas under roof and any outside storage or sales areas.
fewer persons who are in need of twenty-four (24) hour-a-day care and/or supervision.

17.08.1100 Handcraft industries.

Small-scale manufacturing establishments that manufacture and/or assemble small products primarily by hand, including but not limited to jewelry, pottery and other ceramics, art and craft products, musical instruments, brooms and brushes, pens, pencils, and stationary, costume novelties, toys, sporting goods, and taxidermy.

17.08.1110 Health clinics, medical offices, and laboratories.

Facilities primarily engaged in furnishing outpatient medical, mental health, surgical, and other personal health services, but which are separate from hospitals, including: medical and dental laboratories, medical, dental, psychologists, and psychiatrists, out-patient care facilities, other allied health service. Includes complementary and alternative medical services such as acupuncture, chiropractic medicine, energy therapies, herbal medicine, and ayurvedic medicine.

17.08.1120 Hedges and equivalent screening.

Vegetation other than trees that block at least fifty (50) percent of light passage, is four (4) feet or more in diameter or width within two (2) feet of ground level, and has the purpose or effect of obscuring or blocking casual viewing through it.

17.08.1130 Highway

A state or federal route as defined by the State of California Department of Transportation (Caltrans) or the Federal Highway Administration.

17.08.1140 Home occupation.

As defined in Chapter 17.84 (Live Work Units and Home-Based Businesses).

17.08.1150 Hospice care.

A facility or program designed to provide a caring environment for supplying the physical and emotional needs of the terminally ill.

17.08.1160 Hospitals.

Medical centers and similar facilities engaged primarily in providing diagnostic services and extensive medical treatment, including surgical and other health services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. May include on-site accessory clinics and laboratories, accessory retail uses, and emergency heliports. Does not include “ambulance service”, which is defined separately.

17.08.1170 Hotels and motels.

Commercial facility that contains five (5) or more guest rooms, suites, cabins, and/or chalets provided with or without kitchen facilities, rented to the general public for transient lodging (less than thirty (30) days). Often includes a variety of guest services in addition to lodging (e.g., restaurant, swimming pool, meeting facilities, personal services, etc.). Hotels typically provide access to guest rooms from an interior walkway, and motels typically provide access to guest rooms from an exterior walkway.

17.08.1180 Household.

One or more persons, whether or not related by blood, marriage or adoption, sharing a dwelling unit.

17.08.1190 Indemnification.

Compliance with a request to relieve the city of liability, or to accept the costs for defending the city, from any action brought as a result of the project.

17.08.1200 Indoor entertainment facility.

Establishments providing indoor entertainment services for a fee or charge, including but not limited to billiard parlors, bingo parlors, bowling alleys, and electronic game arcades as a primary use. An establishment or premises with more than ten (10) electronic games or coin-operated amusements and/or where fifty (50) percent or more of the floor area is occupied by amusement devices is considered an electronic game arcade as described above. Ten (10) or fewer machines are not considered a land use separate from the primary use of the site.

17.08.1210 Indoor sports and fitness facility.

A center where exercises and related activities are performed entirely within an enclosed building for the purpose of physical fitness, improved circulation or flexibility, and/or weight control. Typical uses include athletic clubs, gyms, indoor ball courts, fitness centers, indoor climbing facilities, and yoga studios.

17.08.1220 Junior accessory dwelling unit.

As defined in Chapter 17.100 (Accessory Dwelling Units).

17.08.1230 Junk.

Includes but is not limited to, trash; refuse; paper; glass; cans; bottles; rags; ashes; trimming from lawns, yards, trees, and shrubbery, including plants and leaves; and other solid waste or salvageable materials other than garbage; inoperable appliances, parts, tools; inoperable and unregistered vehicles; vehicle parts; vehicle hulks; discarded furniture; dirt; rocks; and materials from the demolition, alteration or construction of buildings or structures, unless such dirt, rocks, or other materials from demolition, alteration or construction are being used for purposes of fill.

17.08.1240 Kitchen.

Any room or portion thereof containing facilities designed or used for the preparation of food, including but not limited to stoves, ranges, or hotplates.

17.08.1250 Landscaping.

The replacement of developed or excavated areas of a parcel with introduced new living vegetation, shrubbery, trees, ground cover and combinations thereof.

17.08.1260 Legal description.

The terminology, words, mapping, or language contained in a deed or other legal document describing the location of a parcel of land or location of an easement.

17.08.1270 Library.

A public, nonprofit facility, room, or building containing printed information, electronic information, and pictorial material, such as books, manuscripts, computers, recordings, or films, which are kept for use by or loaning to patrons of the facility but are not normally offered for sale.

17.08.1280 Live/work unit.

As defined in Chapter 17.84 (Live/Work Units and Home-Based Businesses).

17.08.1290 Living area.

The interior habitable area for a dwelling unit, including basements and attics.

17.08.1300 Lot, parcel.

A legally established parcel of land mapped or otherwise described. May also mean a parcel established for tax purposes, sometimes called an assessor’s parcel.

17.08.1310 Lot coverage.

The percent of lot area covered by all building footprints.

17.08.1320 Lot depth.

The average distance from the property line fronting a road or road easement to the rear or opposite property line.

17.08.1330 Lot frontage, street frontage.

The length of a lot or parcel of land along or fronting on a street or other principal thoroughfare but not including such length along an alley, watercourse, railroad right-of-way or limited access roadway or interstate.

17.08.1340 Lot line.

A. Any legally described parcel line, as follows:

1. “Front lot line” is the shortest property line along the road or road easement.
2. “Side lot line” is the property line intersecting with the front lot line and dividing the parcel from other adjacent parcels or another public street.
3. “Exterior lot line” is the property line intersecting with the front lot line and contiguous with a public street on a corner lot.
4. “Interior lot line” is any property line dividing the parcel from other adjacent parcels.
5. “Rear lot line” is the property line opposite the front lot line.

B. In the case of an irregularly shaped lot, the city planner shall determine the front and side lot lines in such a manner as to best promote the orderly development of the immediate area.

17.08.1350 Lot width.

The distance from one side property line to the other side property line measured along the building setback line.

17.08.1360 Low barrier navigation center.

As defined in Section 17.80.260 (Low barrier navigation centers).

17.08.1370 Lumber and wood product processing facility.

Manufacturing, processing, and sales involving the milling of forest products to produce rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes.

17.08.1380 Main building.

A building that is designed for or in which is conducted the principal use of the lot and/or building site on which it is situated.

17.08.1390 Manufactured home.

As defined in the California Health and Safety Code Section 18007, means a structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight (8) body feet or more in width, or forty (40) body feet or more in length, in the traveling mode, or, when erected on site, is three hundred and twenty (320) or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and

electrical systems contained therein. Manufactured home includes any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974.

17.08.1400 Manufactured home park.

Any area of land or property that has at least two (2) mobile homes, manufactured homes, recreational vehicles, and/or lots that are held out for rent or lease.

17.08.1410 Media production.

Commercial arts and art-related business services including audio and film recording and editing studios and services, film and video production, photographers and photography studios, radio and television broadcast, special effects production, titling, video and film libraries, and similar uses.

17.08.1420 Metal products fabrication, machine/welding shops.

Establishments engaged primarily in the assembly of metal parts, including the following uses that produce metal duct work, tanks, towers, cabinets, and enclosures, metal doors, and gates, and similar products, blacksmith, and welding shops, sheet metal shops, machine shops, and boiler shops.

17.08.1430 Microbrewery.

A brewery that produces less than fifteen thousand (15,000) barrels of beer per year and sells seventy-five (75) percent or more of its beer off-site.

17.08.1440 Microdistillery.

A business where less than fifty thousand (50,000) proof gallons of distilled spirits are manufactured (distilled, rectified, or bottled, blended), packaged, and distributed for wholesale and/or retail distribution annually and which includes the incidental direct sale to consumers of only those goods produced on-site.

17.08.1450 Mixed-use building.

A type of mixed-use development that has at least two (2) uses, each occupying a minimum of thirty (30) percent of the gross floor area of the building.

17.08.1460 Mixed-use development.

More than one type of land use within a building, set of buildings, or area. See also “vertical mixed-use development.”

17.08.1470 Mobile food commissary.

As defined in Chapter 17.96 (Mobile Food Sales).

17.08.1480 Mobile food court.

As defined in Chapter 17.96 (Mobile Food Sales).

17.08.1490 Mobile food vendor.

As defined in Chapter 17.96 (Mobile Food Sales).

17.08.1500 Mobile home.

As defined in the California Health and Safety Code Section 18008, a structure that was constructed prior to June 15, 1976, is transportable in one or more sections, is eight (8) body feet or more in width, or forty (40) body feet or more in length, in the traveling mode, or, when erected on-site, is three hundred and twenty (320) or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation system when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. Mobile home includes any structure that meets all the requirements of this paragraph and complies with the state standards for mobile homes in effect at the time of construction. Mobile home does not include a commercial modular, as defined in Health and Safety Code (HSC) Section 18001.8, factory-built housing, as defined in HSC Section 19971, a manufactured home, as defined in HSC Section 18007, a multifamily manufactured home, as defined in HSC Section 18008.7, or a recreational vehicle, as defined in HSC Section 18010.

17.08.1510 Mortuaries and funeral homes.

Funeral homes and parlors, where deceased are prepared for burial or cremation, and funeral services may be conducted.

17.08.1520 Multifamily residential.

A building or a portion of a building designed and intended for occupancy by three (3) or more households living independently of each other, each in a separate dwelling unit, which may be owned individually or by a single landlord (e.g., apartment, apartment house, townhouse, condominium).

17.08.1530 Nanobrewery.

A brewery that produces no more than three (3) barrels of beer in one batch and no more than two thousand (2,000) barrels annually.

17.08.1540 Net density.

The total number of dwelling units per acre, based on the minimum lot size and acreage of the site, but excluding land area devoted to public rights-of-way and other dedications.

17.08.1550 Net land area.

The area or land remaining after any required public dedication.

17.08.1560 Nonconforming building or use.

A. "Non-conforming building" means a structure that does not conform to present regulations.

B. "Nonconforming use" means a land use which does not conform to present regulations.

C. "Legally existing" means a use that predates present regulations but was legally constructed or established at the time the use or construction first commenced.

D. “Grandfathered” is a colloquial term means the same as “legally existing” non-conforming building or use as described in subsection C above.

17.08.1570 Occupancy.

The establishment of a use within a structure or upon a parcel of land, including and not limited to installing display fixtures in a completed structure, stocking of inventory, or commencing temporary or permanent residency, whether or not a structure has been subject to an approved final inspection or a certificate of occupancy. Each separate use of property carried on at all or a portion of a building parcel is a separate occupancy.

17.08.1580 Official plan line.

The boundaries and limits of a planned right-of-way, including the future right-of-way of an existing street as it is proposed to be widened and including all lands necessary for the building, widening or maintenance of any road, street, highway or any other type of public way which planned right-of-way is based on the general plan of the city.

17.08.1590 Off-site.

An improvement, feature, or action located or occurring on property separate from the property under discussion.

17.08.1600 On-site.

An improvement, feature, or action located or occurring on the property under discussion.

17.08.1610 Open space.

The portion of the lot or parcel from the ground upward that is unoccupied by buildings, structures, parking lots and driveways, except as otherwise permitted by city code. Clubhouses, recreation buildings, pools, saunas, interior walkways, paths, and similar amenities may be included in open space.

17.08.1620 Outdoor commercial recreation facility.

Facility for various outdoor sports and recreation activities where a fee is charged for use, including amusement and theme parks, golf driving ranges, miniature golf courses, skateboard parks, swim and tennis clubs, waterparks, and similar uses.

17.08.1630 Paper product manufacturing.

An establishment that converts pre-manufactured paper or paperboard into boxes, envelopes, paper bags, wallpaper, etc., and/or that coats or glazes pre-manufactured paper. Does not include the manufacturing of pulp, paper, or paperboard.

17.08.1640 Park and ride facility.

A designated area where a vehicle may be left in order to carpool with other commuters or to ride public transit.

17.08.1650 Parking space or facility.

An area or structure used for the temporary storage of vehicles.

A. “Parking space” means an unobstructed space or area other than a street or alley that is permanently reserved, maintained, and accessible for the parking of one (1) motor vehicle.

B. “Public parking” means a parking lot or parking space located on public or private property, which generally is advertised, designated, or otherwise available for public use.

C. “Private parking” means a parking lot or parking space located on private property, which, generally, is not available for public use, except with the specific permission of the property owner.

17.08.1660 Parks, picnic areas, and playgrounds.

Public parks, play lots, playgrounds, and athletic fields for neighborhood or community use, including swimming pools, ball fields, bocce courts, basketball, tennis, pickleball, and handball courts.

17.08.1670 Pending applications.

Means any formal application submitted to the city for land use or development permit or action that has been deemed complete but has not yet been acted upon/finally decided by the designated authority, including any appeal determination.

17.08.1680 Permit.

An authorization to proceed issued by the city for a specific activity.

17.08.1690 Personal services.

Establishments providing non-medical services as a primary use, including barber shops and beauty salons, catering (excluding onsite mobile food sales and commissaries), cleaning services, costume and clothing rental, day spas, guide services, shoe and small item repair, locksmiths, licensed massage therapy, self-service laundromats, small equipment maintenance and repair, and tailors. These uses may also include limited accessory retail sales of products related to the services provided.

17.08.1700 Pharmacy.

A retail store engaged in the sale of prescription drugs and medicine, carrying related items such as vitamins, cosmetics, personal care, and toiletries and such unrelated items as tobacco, alcohol, and novelty merchandise.

17.08.1710 Places of worship and spiritual assembly.

Facility operated by religious organizations for worship, or the promotion of religious activities, including churches, mosques, synagogues, temples, etc.; and accessory uses on the same site, such as living quarters for ministers and staff, and child day care facilities where authorized by the same type of land use permit required for the religious facility itself. Other establishments maintained by religious organizations, such as full-time educational institutions, hospitals and other potentially related operations are classified according to their respective activities.

17.08.1720 Principally permitted use.

A use which does not require the issuance of a conditional use permit, but which may be subject to a building permit, business license, and other required permits. Where more than one use is located on the parcel, the principal use is that activity to which the greatest amount of floor and/or ground space is devoted.

17.08.1730 Printing and publishing.

Establishments engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying; and other establishments serving the printing trade including

bookbinding, typesetting, engraving, photoengraving, and electrotyping. This use also includes establishments that publish newspapers, books, and periodicals; establishments manufacturing business forms and binding devices.

17.08.1740 Private schools.

Private educational institutions, including but not limited to: preschools, elementary, middle, junior high, and high schools, homeschooling cooperatives, business, secretarial, and vocational schools, folk schools, colleges and universities, establishments providing courses by mail or online, professional schools (law, medicine, etc.), and seminaries/religious ministry training facilities. Includes schools offering specialized programs in art, communication, dance, design, drama, driver education, emergency response and preparedness, environmental education, health and fitness, finances, flight training, food preparation, gardening, language, management, massage, music, self-defense, outdoor recreation, technology, and wilderness survival. Does not include boarding.

17.08.1750 Professional office.

An office-type facility occupied by a business that provides direct professional services and/or is engaged in the production of intellectual property. Examples of these uses include, but are not limited to accounting, auditing, and bookkeeping services, advertising agencies, architects, attorneys, commercial artists and graphic designers, construction contractors (office only), consultants, counselors, designers, engineers, financial counseling, management and public relations services, private investigators, social workers, surveyors, therapists, and title and escrow companies.

17.08.1760 Project.

Proposed development or a new land use.

17.08.1770 Property line.

A legal boundary of parcel land.

17.08.1780 Public agency.

A political subdivision of the federal, state, or local government or its departments, or governmental jurisdictions or districts.

17.08.1790 Public and quasi-public facilities.

A land use maintained by a public agency or private non-profit organization that provides a service to and benefits the public, including but not limited to animal shelters, bus shelters, chamber of commerce, city hall, community center, community resource center, corporation yards, historical society, library, museums, municipal offices, park and ride facilities, public parking, public safety facilities, public restrooms, public schools, and visitor centers. Does not include wastewater treatment plants or airports.

17.08.1800 Public nuisance.

A nuisance that unreasonably interferes with a right that is common to the general public.

17.08.1810 Public right-of-way.

A strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a road, trail, water line, sanitary sewer, and/or other public uses.

17.08.1820 Public safety facility.

A facility operated by a public agency, including fire stations, other fire prevention and firefighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities. Does not include airports or firearms qualification and training facilities.

17.08.1830 Public schools.

Public educational institutions including, but not limited to elementary, middle, junior high, and high schools, community colleges, colleges and universities, and military academies.

17.08.1840 Public services.

Services needed for development of a parcel of land. This may include, but is not limited to water, wastewater, phone, electricity, gas, and internet.

17.08.1850 Public utility.

A public agency or private business that provides a general service to the public, such as telecommunications, electricity, water, or other services.

17.08.1860 Rear yard.

A yard extending across the full width of the rear portion of the lot and measured between the rear line of the lot to the building or structure wall.

17.08.1870 Recreational vehicle.

A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, originally designed for human habitation for recreational, emergency, or other occupancy, which meets all of the following criteria:

1. It contains less than three hundred and twenty (320) square feet of internal living room area, excluding built-in equipment, including wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms;
2. It contains four hundred (400) square feet or less of gross area measured at maximum horizontal projections;
3. It is built on a single chassis; and
4. It is either self-propelled, truck-mounted, or permanently towable on the highways without a towing permit.

17.08.1880 Recreational vehicle park.

A site where two (2) or more spaces are used, or are intended to be used, by campers with recreational vehicles or tents. Recreational vehicle parks may include public restrooms, water, sewer, and electric hookups to each RV space. May include accessory retail uses when such retail is clearly incidental and intended to serve recreational vehicle park patrons only.

17.08.1890 Recycling facility.

A recycling facility used for the acceptance by donation, redemption, or purchase of recyclable materials from the public that may occupy more than five hundred (500) square feet and include permanent structures. Facility does not use power-driven processing equipment except for compacting, baling, plastic shredding, and other activities necessary for efficient temporary storage and material shipment. Does not include automobile dismantling or processing of hazardous materials.

17.08.1900 Residential care facility.

A facility licensed by the State of California that provides twenty-four (24)-hour non-medical care for more than six (6) persons eighteen (18) years of age or older, or emancipated minors, with chronic, life-threatening illness in need of personal services, protection, supervision, assistance, guidance, or training essential for sustaining the activities of daily living, or for the protection of the individual. This classification includes group care homes, residential care facilities for the elderly, adult residential facilities, wards of the juvenile court, and other facilities licensed by the State of California. Uses that otherwise meet this definition, but which do not provide licensable services, are allowed as a single-family residential use of property subject only to the generally applicable, nondiscriminatory health, safety, and zoning laws that apply to all single-family residential uses.

17.08.1910 Residential care home.

A home licensed by the State of California that provides twenty-four (24)-hour non-medical care for six (6) or fewer persons eighteen (18) years of age or older, or emancipated minors, with chronic, life-threatening illness in need of personal services, protection, supervision, assistance, guidance, or training essential for sustaining the activities of daily living, or for the protection of the individual. This classification includes group care homes, rest homes, adult residential facilities, wards of the juvenile court, and other facilities licensed by the State of California. Uses that otherwise meet this definition, but which do not provide licensable services, are allowed as a single-family residential use of property subject only to the generally applicable, nondiscriminatory health, safety, and zoning laws that apply to all single-family residential uses.

17.08.1920 Restricted personal services.

Personal service establishments that are dispersed to minimize their potentially blighting impact on surrounding land uses, including: check cashing services; fortune tellers, palm readers, psychics, and similar services; and tattooing, piercing, and similar services. These uses may also include accessory retail sales of products related to the services provided.

17.08.1930 Restricted retail sales.

Stores and shops that are dispersed to minimize their potentially blighting impact on surrounding land uses, including firearm sales, alcoholic beverage sales, secondhand sales, thrift stores, and tobacco and vape shops.

17.08.1940 Retail food establishment.

A restaurant, brewpub, delicatessen, bakery, coffee shop, or other retail business selling food and beverages prepared and/or served on the site, for on- or off-premise consumption. Outdoor dining is permitted pursuant to Section 17.80.150 (Commercial outdoor dining and seating) as an incidental activity to a retail food establishment.

17.08.1950 Retail sales.

Stores and shops selling multiple lines of merchandise (indoor sales only, except as otherwise permitted). These stores and lines of merchandise include: apparel, art galleries, art supplies, automobile parts and supplies, bakeries (including production), bicycles, books, cameras, clothing and accessories, craft and hobby supplies, dry goods, fabrics and sewing supplies, florists and houseplant stores, furniture, home furnishings, household supplies, general stores, gift and souvenir shops, hardware stores, jewelry, leather goods, luggage, musical instruments, orthopedic supplies, personal electronics, pet food and supplies (no pets), pharmacies, small wares, specialty shops, sporting goods and equipment, stationery, toys and games, and variety stores.

17.08.1960 Salvage yard.

A place in which junk, salvaged materials, or products, scrap, or other waste materials are stored, broken up, dismantled, sorted, distributed, or sold privately or commercially.

17.08.1970 Second dwelling unit.

An attached or detached dwelling unit constructed prior to January 1, 2017, which provides complete independent living facilities for one or more persons, with permanent provisions for living, sleeping, eating, cooking and sanitation sited on the same parcel as the primary dwelling unit. Includes granny flats.

17.08.1980 Secondhand sales.

Indoor retail establishments that require a secondhand dealer license from the state, as provided in the California Business and Professions Code Sections 21625 - 21647, or where at least ten (10) percent of the products offered for sale are used.

17.08.1990 Setback.

The distance by which a structure, parking area, or other development feature must be separated from a lot line, other structure, or development feature, or street centerline.

17.08.2000 Shopping center.

A retail commercial business consisting of three (3) or more retail tenants having shared parking facilities.

17.08.2010 Short-term rental.

As defined in Chapter 17.88 (Short-Term Rentals).

17.08.2020 Side yard.

A yard between the sideline of the lot and the building or structure wall and extending from the required front setback to the required rear setback.

A. “Exterior side yard” means the side yard that is adjacent to a public street on a corner lot.

B. “Interior side yard” means the side yard that is adjacent to another lot on an interior or corner lot.

17.08.2030 Sign.

As defined in Chapter 17.68 (Signs).

17.08.2040 Single-family residential.

A building that includes only one (1) household on a single lot. This classification includes manufactured homes.

17.08.2050 Small equipment maintenance and repair.

Establishments providing on-site repair and accessory sales of supplies for appliances, office machines, home electronic/mechanical equipment, bicycles, tools, or garden equipment, conducted entirely within an enclosed building. This classification does not include maintenance and repair of vehicles.

17.08.2060 Special event.

An event, or series of related events, of cultural, civic, economic, social, recreational, or educational nature sponsored by an individual or individuals, a non-profit organization or community group, charitable organization, or for-profit organization or group, that is: (1) held wholly or partially on property owned or maintained by the city; or (2) held on any other property, and that requires for its successful execution, the partial or complete closure of streets or sidewalks or the provision and coordination of municipal services to a degree over and above the level that the city normally provides. Special event also includes any other organized activity that involves the use of, or has a direct or indirect impact on, public property or facilities or that can reasonably be foreseen to have such an impact on, or to require a higher level of, public safety services or other municipal services, including advance planning services, than that normally provided by the city.

17.08.2070 Split zoning.

A split-zoned parcel is a parcel to which two or more zoning districts apply. This does not include overlay zones.

17.08.2080 Sporting goods.

Equipment commonly used by a participant in a sporting or recreational event or activity, not including motorized vehicles or firearms.

17.08.2090 Stone product manufacturing.

An establishment that cuts, shapes, and/or finishes marble, granite, slate, and/or other stone for construction and miscellaneous uses. Does not include establishments engaged primarily in buying or selling partly finished monuments and tombstones.

17.08.2100 Storage facility.

A. Indoor storage. The storage of various materials entirely within a structure as the primary use of the structure. The storage of materials accessory and incidental to a primary use is not considered a land use separate from the primary use.

B. Outdoor storage. The storage of various equipment and materials outside of a structure as a principal use, such as vehicle storage. The storage of materials accessory and incidental to a primary use is not considered a land use separate from the primary use.

17.08.2110 Structure.

Anything constructed or erected, the use of which requires attachment to the ground or attachment to something located on the ground. For purposes of this title, the term “structure” includes “buildings”.

17.08.2120 Supportive housing.

Any dwelling unit or a group living accommodation that is occupied by the target population as defined in subdivision (d) of Section 53260 of the CA Health and Safety Code with no limit on length of stay, that is linked to on-site or off-site services that assist the supportive housing residents in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community.

17.08.2130 Taproom brewery.

A brewery that sells twenty-five (25) percent or more of its beer for on-premises consumption and does not operate full food service. The beer is brewed primarily for sale in the taproom and is often dispensed directly from the brewery’s storage tanks.

17.08.2140 Temporary structure.

A building or structure to be utilized for a permitted use applicable to a parcel of land, which is crafted of impermanent materials, such as poles and awning or similar materials.

17.08.2150 Temporary Use.

A land use defined as accessory to a permitted or conditionally permitted land use that: does not permanently change the character or physical facilities of the premises or property; is in keeping with the purposes of the zoning district where it is located; and which may occur on the property for a period not to exceed twelve (12) calendar months. Some provisions of this title may provide more precise land use standards for longer or shorter temporary uses in accordance with the provisions of the applicable chapter of this code. In no case shall a temporary use be permitted for any period to exceed a total of twenty-four (24) calendar months unless overall public health and safety are clearly demonstrated to the city at the time of initial issuance.

17.08.2160 Theaters and playhouses.

Indoor facilities for public assembly and group entertainment, where seats are arranged so that spectators have an unobstructed view of performers on a stage or movie screen(s). Includes concert halls, auditoriums, movie theaters, playhouses, and similar facilities devoted to the live performances of music, dance, plays, orations, and other stage performances and/or the showing of projected motion pictures and videotapes. Does not include adult-oriented businesses.

17.08.2170 Townhouse.

A single-family dwelling of two (2) or sometimes three (3) stories that is typically connected to a similar dwelling or dwellings by a common sidewall.

17.08.2180 Transient occupancy.

A dwelling unit, room, or space occupied by paying guests for periods of less than thirty (30) days.

17.08.2190 Transitional housing.

Any dwelling unit or a group living accommodation configured as a rental housing development but operated under program requirements that call for the termination of assistance and recirculation of the assisted units to another eligible program recipient at some predetermined future point in time, which shall be no less than six (6) months.

17.08.2200 Uplighting.

The placement of individual light sources at the base of architectural details or points of interest, typically around the perimeter of a space, to draw attention to those details.

17.08.2210 Utility infrastructure.

Pipelines for water, gas, and sewage collection and disposal; and facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Also includes telephone, telegraph, cable television, and other communications transmission facilities utilizing direct physical conduits. Does not include offices, service centers, or distribution substations.

17.08.2220 Variance.

A discretionary entitlement that permits the departure from the strict application of the development standards contained in this title.

17.08.2230 Vehicle storage.

Storage of operative and inoperative vehicles for limited periods of time. Includes storage of parking tow-aways, impound yards, and storage lots for automobiles, trucks, vans, boats, and recreational vehicles. Does not include vehicle dismantling or retail sales.

17.08.2240 Vehicles for hire.

A business specializing in the provision of two (2) or more vehicles and drivers to the general public for the purpose of transportation (e.g., taxi or limousine service). May also include a business office and the maintenance, minor repair, and on-site storage of vehicles for hire. Does not include automobile rental services.

17.08.2250 Vehicular access.

The physical means by which an individual in a vehicle is able to enter upon or exit public or private property from a street. "Ingress" (to enter) and "egress" (to exit) are words describing the type of access.

17.08.2260 Vertical mixed-use development.

A multistory mixed-use building that contains one (1) or more nonresidential use at street level and residential use on the upper floor(s).

17.08.2270 Veterinary office.

An enclosed building or buildings where medical care is provided for animals. Does not include overnight accommodations or outside runs or kennels. Grooming of animals and pet food sales are permitted as accessory to the medical use.

17.08.2280 Wholesale business.

The selling of commodities in large quantities to retailers rather than directly to consumers, but not including the storing and/or sale of any material or commodity, and not including the processing or manufacture of any product or substance.

17.08.2290 Wireless telecommunications facility.

As defined in Chapter 17.104 (Wireless telecommunications facilities).

17.08.2300 Yard.

The area between a property line and structures on residential lots.

17.08.2310 Zero lot line.

The location of a structure on a lot in such a manner that one or more of the structure's sides rest directly on a lot line.

17.08.2320 Zoning district.

A portion of the territory in the city within which territory certain uniform regulations and requirements, or various combinations thereof, apply pursuant to this title.

CHAPTER 17.08
DEFINITIONS

Sections:

17.08.010 Generally.
17.08.020 Abut, abutting, adjoining.
17.08.030 Accessory dwelling unit.
17.08.040 Accessory structure.
17.08.050 Accessory use.
17.08.060 Acre.
17.08.070 Administrative permit.
17.08.080 Adult day programs.
17.08.090 Adult-oriented business.
17.08.100 Aggrieved party.
17.08.110 Agricultural processing plant.
17.08.120 Airport.
17.08.130 Alcoholic beverage sales.
17.08.140 Alley.
17.08.150 Ambulance service.
17.08.160 Animal boarding.
17.08.170 Animal grooming.
17.08.180 Animal hospital.
17.08.190 Applicant.
17.08.200 Area.
17.08.210 Artisan crafts manufacturing.
17.08.220 Artist studio.
17.08.230 Automated teller machines (ATMs).
17.08.240 Automobile and vehicle sales and rental.
17.08.250 Automobile parts and supplies sales.
17.08.260 Automobile service stations.
17.08.270 Awning.
17.08.280 Banks and financial services.
17.08.290 Bed and breakfast inn.
17.08.300 Billiard parlor.
17.08.310 Block.
17.08.320 Brewpub.
17.08.330 Building.
17.08.340 Building footprint.
17.08.350 Building frontage.
17.08.360 Building height.
17.08.370 Building intensity.
17.08.380 Building materials stores and yards.
17.08.390 Building official, building inspector.
17.08.400 Building site.
17.08.410 Bus shelter.
17.08.420 Business.
17.08.430 Business day.
17.08.440 Business office.
17.08.450 Business support services.
17.08.460 Car washing and detailing.

17.08.470 Caretaker housing.
17.08.480 Cargo container.
17.08.490 Carport.
17.08.500 Cemetery.
17.08.510 Centerline.
17.08.520 Certified farmers' market.
17.08.530 Chemical product manufacturing.
17.08.540 City property.
17.08.550 Clear vision triangle.
17.08.560 Clothing and fabric product manufacturing.
17.08.570 Clubs, lodges, and private meeting halls.
17.08.580 Collectibles.
17.08.590 Commercial vehicle.
17.08.600 Common area.
17.08.610 Community center.
17.08.620 Community garden.
17.08.630 Community resource center.
17.08.640 Concrete batching or ready-mix concrete manufacturing.
17.08.650 Conditional use permit.
17.08.660 Condominium.
17.08.670 Construction.
17.08.680 Consumer electronics.
17.08.690 Convenience stores.
17.08.700 Corner lot.
17.08.710 Cottage food operation.
17.08.720 Craft food and beverage production.
17.08.730 Customer area.
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17.08.750 Density.
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17.08.780 Development agreement.
17.08.790 Dormitory.
17.08.800 Drive-in and drive-through sales and services.
17.08.810 Duplex residential.
17.08.820 Dwelling group.
17.08.830 Dwelling unit.
17.08.840 Easement.
17.08.850 Emergency shelter.
17.08.860 Employee housing.
17.08.870 Encroachment permit.
17.08.880 Equipment and material storage yards.
17.08.890 Equipment sales and rental.
17.08.900 Event center.
17.08.910 Explosives.
17.08.920 Family.
17.08.930 Family childcare home.
17.08.940 Fence.
17.08.950 Firearms sales.
17.08.960 Floor area ratio.
17.08.970 Food and beverage manufacturing.

17.08.980 Front yard.
17.08.990 Fuel storage and distribution.
17.08.1000 Furniture and fixtures manufacturing.
17.08.1010 Garage.
17.08.1020 Garage sale, yard sale.
17.08.1030 Garden center, plant nursery.
17.08.1040 General Plan.
17.08.1050 General vicinity, proximity.
17.08.1060 Glass product manufacturing.
17.08.1070 Grocery store, supermarket.
17.08.1080 Gross density.
17.08.1090 Gross floor area.
17.08.1100 Handcraft industries.
17.08.1110 Health clinics, medical offices, and laboratories.
17.08.1120 Hedges and equivalent screening.
17.08.1130 Highway.
17.08.1140 Home occupation.
17.08.1150 Hospice care.
17.08.1160 Hospitals.
17.08.1170 Hotels and motels.
17.08.1180 Household.
17.08.1190 Indemnification.
17.08.1200 Indoor entertainment facility.
17.08.1210 Indoor sports and fitness facility.
17.08.1220 Junior accessory dwelling unit.
17.08.1230 Junk.
17.08.1240 Kitchen.
17.08.1250 Landscaping.
17.08.1260 Legal description.
17.08.1270 Library.
17.08.1280 Live-work unit.
17.08.1290 Living area.
17.08.1300 Lot, parcel
17.08.1310 Lot coverage.
17.08.1320 Lot depth.
17.08.1330 Lot frontage, street frontage.
17.08.1340 Lot line.
17.08.1350 Lot width.
17.08.1360 Low barrier navigation center.
17.08.1370 Lumber and wood product processing facility.
17.08.1380 Main building.
17.08.1390 Manufactured home.
17.08.1400 Manufactured home park.
17.08.1410 Media production.
17.08.1420 Metal products fabrication, machine/welding shops.
17.08.1430 Microbrewery.
17.08.1440 Microdistillery.
17.08.1450 Mixed-use building.
17.08.1460 Mixed-use development.
17.08.1470 Mobile food commissary.
17.08.1480 Mobile food court.

17.08.1490 Mobile food vendor.
17.08.1500 Mobile home.
17.08.1510 Mortuaries and funeral homes.
17.08.1520 Multifamily residential.
17.08.1530 Nanobrewery.
17.08.1540 Net density.
17.08.1550 Net land area.
17.08.1560 Nonconforming building or use.
17.08.1570 Occupancy.
17.08.1580 Official plan line.
17.08.1590 Off-site.
17.08.1600 On-site.
17.08.1610 Open space.
17.08.1620 Outdoor commercial recreation facility.
17.08.1630 Paper product manufacturing.
17.08.1640 Park and ride facility.
17.08.1650 Parking space or facility.
17.08.1660 Parks, picnic areas, and playgrounds.
17.08.1670 Pending applications.
17.08.1680 Permit.
17.08.1690 Personal services.
17.08.1700 Pharmacy.
17.08.1710 Places of worship and spiritual assembly.
17.08.1720 Principally permitted use.
17.08.1730 Printing and publishing.
17.08.1740 Private schools.
17.08.1750 Professional office.
17.08.1760 Project.
17.08.1770 Property line.
17.08.1780 Public agency.
17.08.1790 Public and quasi-public facilities.
17.08.1800 Public nuisance.
17.08.1810 Public right-of-way.
17.08.1820 Public safety facility.
17.08.1830 Public schools.
17.08.1840 Public services.
17.08.1850 Public utility.
17.08.1860 Rear yard.
17.08.1870 Recreational vehicle.
17.08.1880 Recreational vehicle park.
17.08.1890 Recycling facility.
17.08.1900 Residential care facility.
17.08.1910 Residential care home.
17.08.1920 Restricted personal services.
17.08.1930 Restricted retail sales.
17.08.1940 Retail food establishment.
17.08.1950 Retail sales.
17.08.1960 Salvage yard.
17.08.1970 Second dwelling unit.
17.08.1980 Secondhand sales.
17.08.1990 Setback.

17.08.2000 Shopping center.
17.08.2010 Short-term rental.
17.08.2020 Side yard.
17.08.2030 Sign.
17.08.2040 Single-family residential.
17.08.2050 Small equipment maintenance and repair.
17.08.2060 Special event.
17.08.2070 Split zoning.
17.08.2080 Sporting goods.
17.08.2090 Stone product manufacturing.
17.08.2100 Storage facility.
17.08.2110 Structure.
17.08.2120 Supportive housing.
17.08.2130 Taproom brewery.
17.08.2140 Temporary structure.
17.08.2150 Temporary use.
17.08.2160 Theaters and playhouses.
17.08.2170 Townhouse.
17.08.2180 Transient occupancy.
17.08.2190 Transitional housing.
17.08.2200 Uplighting.
17.08.2210 Utility infrastructure.
17.08.2220 Variance.
17.08.2230 Vehicle storage.
17.08.2240 Vehicles for hire.
17.08.2250 Vehicular access.
17.08.2260 Vertical mixed-use development.
17.08.2270 Veterinary office.
17.08.2280 Wholesale business.
17.08.2290 Wireless telecommunications facilities.
17.08.2300 Yard.
17.08.2310 Zero lot line.
17.08.2320 Zoning district.

17.08.010 Generally.

For the purposes of this title certain terms are defined in this chapter. If any of the definitions in this chapter conflict with definitions in other chapters of the Tulelake Municipal Code, these definitions shall prevail for the purposes of this title. If a word used in this title is not defined in this chapter, or other titles of the Tulelake Municipal Code, the most common dictionary definition is assumed to be correct.

A. The present tense shall include the future, the singular number shall include the plural, and the plural the singular.

B. The words "shall," "will," "must," and "is" denote a mandatory action. The word "may" or "should" indicate a permissive action.

17.08.020 Abut, abutting, adjoining.

"Abut," "abutting," or "adjoining" all mean contiguous to or touching.

17.08.030 Accessory dwelling unit.

As defined in Chapter 17.100 (Accessory Dwelling Units).

17.08.040 Accessory structure.

A structure that is physically detached from, secondary, and incidental to, and commonly associated with the existing primary structure. Does not include any tent, trailer, recreational vehicle, or other vehicle, or any building designed or used for human habitation.

17.08.050 Accessory use.

A use that is conducted on the same parcel as the principal use or structure to which it is related, and which is clearly subordinate and incidental to the principal use.

17.08.060 Acre.

An area of land measuring forty-three thousand five hundred sixty (43,560) square feet.

17.08.070 Administrative permit.

Any permit issued as a ministerial act by the city.

17.08.080 Adult day programs.

Facilities licensed by the California Department of Social Services as an Adult Day Program that provide non-medical care and supervision to persons eighteen (18) years of age or older in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of these individuals, in a day care setting, on less than a sixteen (16)-hour basis.

A. Small adult day programs provide supervision and non-medical care to six (6) or fewer adults.

B. Large adult day programs provide supervision and non-medical care to more than six (6) adults.

17.08.090 Adult-oriented business.

A business whose primary purpose is the sale or display of matter that, because of its sexually explicit nature, may, pursuant to state law or local regulatory authority, be offered only to persons over the age of eighteen (18) years.

17.08.100 Aggrieved party.

A person, organization, corporation, concerned citizen, or any individual or group that demonstrates to the city council that they have an interest, either financial or otherwise, in property affected by the decision of the original decision maker. This definition is not intended to and does not confer standing to maintain an action in a court of law where standing would not otherwise exist.

17.08.110 Agricultural processing plant.

A building, facility, area, or location for the refinement, treatment, or conversion of agricultural products where physical, chemical or similar change of an agricultural product occurs. Examples of agricultural processing include, but are not limited to, fruit dehydrators, cold storage houses, hulling operations, and the sorting, cleaning, packing, and storing of agricultural products

preparatory to sale and/or shipment in their natural form including all uses customarily incidental thereto.

17.08.120 Airport.

A place on land or water, where aircraft may land and take off, receive and disembark passengers or cargo, take on fuel, purchase accessories, or obtain service or repair. Includes appurtenant areas, buildings, facilities, and rights-of-way necessary to facilitate such use or intended use.

17.08.130 Alcoholic beverage sales.

A. “On-sale alcoholic beverage sales” means the retail sale of beer, wine, liquor, and/or other alcoholic beverages for on-site consumption as the principal use, typically with a Type 42 or 48 ABC license. This definition shall not include uses wherein the sale, offer, or dispensing of alcohol is incidental to the conduct of a permitted or conditionally permitted use, such as hotels, restaurants, theaters, and playhouses.

B. “Off-sale alcoholic beverage sales” means the retail sale of beer, wine, liquor, and/or other alcoholic beverages for off-site consumption as the principal use. This definition shall not include uses wherein the sale of alcohol is incidental to the conduct of a permitted or conditionally permitted use, such as grocery stores and supermarkets.

17.08.140 Alley.

A public way permanently reserved as a secondary means of access to abutting property at the rear or sides thereof.

17.08.150 Ambulance service.

Emergency medical care and transportation, including incidental storage and maintenance of vehicles.

17.08.160 Animal boarding.

A facility where domestic animals are housed, fed, and cared for, excluding an animal hospital or veterinary clinic, for a period greater than twenty-four (24) hours for commercial purposes.

17.08.170 Animal grooming.

A fixed or mobile facility where domestic animals are trimmed, bathed, or groomed other than by the owner on a regular basis for compensation (no boarding).

17.08.180 Animal hospital.

An enclosed building or buildings where animals are brought for medical and surgical treatment and are held during the time of such treatment, including overnight. Grooming of animals and pet food sales are permitted as accessory to the medical use.

17.08.190 Applicant.

A person who is required to file an application for a permit or license under this title.

17.08.200 Area.

A piece of land that can be definitively described and located with specific boundaries.

17.08.210 Artisan crafts manufacturing.

Manufacture of crafts, art, sculpture, jewelry, apparel, candles, and similar items using hand tools and small mechanical devices (e.g., drills and saws, hammers and chisels, paint brushes and sprayers, pottery wheels and kilns, sewing machines, spinning wheels, etc.) and the incidental direct sale to consumers of only those goods produced on-site. Where there are no incidental direct sales to customers, the use may be considered an “artist studio” or “handcraft industries.”

17.08.220 Artist studio.

An establishment engaged in the creation of art or crafts that requires artistic skill. Such an establishment may participate in periodic open studios (a maximum of six (6) days per year) but is otherwise subject to the applicable zoning district’s limitations on retail sales. Artist studios may include rehearsal spaces not designed for public performances. Examples of persons typically engaged in this work include woodworkers, potters/ceramicists, costume makers, set designers, stained-glass makers, glassblowers, textile artists and weavers, jewelry makers, painters, fine art printmakers, photographers/filmmakers, leather workers (no tanning), metal workers, musical instrument makers, model makers, papermakers, installation artists, sculptors, video artists, and other makers of art and crafts consistent with this definition. The use of computers in an activity does not by itself prevent its classification as an artist studio. This use excludes architectural and landscape services, industrial or graphic design services, computer systems design services, and other commercial activities normally conducted in an office environment. See “artisan crafts manufacturing” for artist studios that include the incidental sale of goods made on-site.

17.08.230 Automated teller machines (ATMs).

Computerized, self-service machines used by banking customers for financial transactions, including deposits, withdrawals, and fund transfers, without contact with financial institution personnel. The machines may be located at or within banks, or in other locations, in compliance with allowed use provisions.

17.08.240 Automobile and vehicle sales and rental.

Retail establishments selling and/or renting automobiles, trucks, vans, motorbikes, recreation vehicles, and motorized boats. May also include repair shops and the sales of parts and accessories incidental to vehicle dealerships.

17.08.250 Automobile parts and supplies sales.

Stores that sell new and reconditioned automobile parts and accessories. Does not include installation of parts or vehicle repair.

17.08.260 Automobile service stations.

A retail place of business engaged in supplying goods and services essential to the normal operation of automobiles, such as: dispensing of automotive fuel and motor oil; tire sales and service, not including recapping; battery service, charging, and replacement, not including repair and rebuilding; lubrication of motor vehicles; brake servicing; wheel balancing; and minor automotive repair. May include drive-through car washes as an accessory use to fuel sales. Does not include the storage or repair of abandoned, wrecked, or dismantled vehicles, vehicle painting, body or fender work, or the rental of vehicle storage or parking spaces.

17.08.270 Awning.

Any structure made of a flexible fabric or similar material covering a metal frame attached to a building, whether or not the same is so erected as to permit its being raised to a position flat against the building when not in use.

17.08.280 Banks and financial services.

Financial institutions including: banks and trust companies, credit agencies, holding (but not primarily operating) companies, lending and thrift institutions, other investment companies, securities/commodity contract brokers and dealers, security and commodity exchanges, vehicle finance (equity), and leasing agencies.

17.08.290 Bed and breakfast inn.

A single residential property with up to five (5) bedrooms rented for overnight lodging, where at least one (1) meal is provided to overnight guests only subject to applicable Health Department regulations. A bed and breakfast inn with more than five (5) guest rooms is considered a hotel or motel.

17.08.300 Billiard parlor.

A building, structure, or portion thereof in which are located three (3) or more tables designed or used for pool, billiards, bagatelle, snooker, bumper pool, or similar games.

17.08.310 Block.

All property fronting upon one side of a street, between intersecting and intercepting street, or between a street and a railroad right-of-way, waterway, dead-end street or unsubdivided land. An intercepting street shall determine only the boundary of the block on the side of a street that it intercepts.

17.08.320 Brewpub.

A restaurant with an on-site brewery that sells a minimum of twenty-five (25) percent of the beer brewed on-site for on-premises consumption.

17.08.330 Building.

Any structure having a roof supported by columns or by walls and designed for the shelter or housing of any person, animal, or property.

17.08.340 Building footprint.

The land area covered by a building as measured at its perimeter foundation walls including any roofed area that may not have perimeter foundation walls.

17.08.350 Building frontage.

The exterior building wall of a ground floor business establishment on the side of the building that fronts or is oriented towards a public street, highway, or parkway. "Building frontage" shall be measured continuously along the building wall for the entire length of the business establishment, including any portion not parallel to the remainder of the wall.

17.08.360 Building height.

The vertical distance from the average base elevation to the highest point on the structure, excluding chimneys, antennae, and similar nonstructural elements. Average base elevation is determined by taking the elevation of the lowest point at the ground and the elevation of the highest point at the ground and finding the average. This definition is not intended to preclude applicable usage of the definition in the building code(s) adopted by the city.

17.08.370 Building intensity.

The percentage of land area covered over by the building footprint or land use.

17.08.380 Building materials stores and yards.

Retail establishments selling lumber and other large building materials, where most display and sales occur indoors but outdoor storage is typically required. Includes paint, wallpaper, glass, and fixtures. Includes stores selling to the general public, even if contractor sales account for a major proportion of total sales. Hardware stores are considered “retail sales.”

17.08.390 Building official, building inspector

The individual in charge of the City of Tulelake Building Department or responsible for performing the city's building inspections.

17.08.400 Building site.

The portion of a parcel of land, in a single or joint ownership, occupied or to be occupied by a building, together with such setbacks as are required by the terms of this zoning ordinance and having its principal frontage on a public street, road, or highway.

17.08.410 Bus shelter.

A small structure designed for the protection and convenience of waiting transit passengers that has a roof and usually two (2) or three (3) sides.

17.08.420 Business.

A land use or activity established for the purposes of commerce and as a means of generating revenue or income.

17.08.430 Business day.

Any day the city’s offices located at 591 Main Street, Tulelake, California, are open to the public.

17.08.440 Business office.

An office where common business services are provided to the general public, such as consumer services, insurance, real estate, tax preparation, travel, utility company offices, etc. These uses typically have a higher rate of walk-in traffic than a professional office and visits are often made without an appointment.

17.08.450 Business support services.

Establishments primarily within buildings, providing other businesses with services including maintenance, repair and service, testing, rental, etc., also includes: blueprinting business; equipment repair services; commercial art and design (including production); computer-related

services (rental, repair); copying, quick printing, and blueprinting services; equipment rental businesses located entirely within buildings; heavy equipment repair services where repair occurs on the client site; janitorial services; mail advertising services (reproduction and shipping); mail box services; notary services; advertising services; photocopying and photofinishing; soils and materials testing laboratories; and window cleaning.

17.08.460 Car washing and detailing.

Permanent, drive-through, self-service and/or attended car washing establishments, including fully mechanized facilities. May include detailing services. Does not include temporary car washes which are fundraising activities typically conducted at a service station or other automotive-related business, where volunteers wash vehicles by hand, and the duration of the event is limited to one (1) day.

17.08.470 Caretaker housing.

A residence that is accessory to a non-residential primary use of the site, where needed for security, twenty-four (24)-hour care or supervision, or monitoring of facilities, equipment, or other conditions on the site.

17.08.480 Cargo container.

A metal or similar rectangular container designed for the temporary storage and transportation of goods on rail cars, truck beds, and ships.

17.08.490 Carport.

A structure that is attached or detached from another building, and that is open on at least two (2) sides with a covering for vehicle storage.

17.08.500 Cemetery.

Land used for the storage of the deceased, and dedicated for cemetery purposes, including crematories, columbaria, and mausoleums.

17.08.510 Centerline.

The line located equidistant from the edges of an easement or right-of-way. Centerline of a road right-of-way or easement does not necessarily mean the center of the physical location of the road.

17.08.520 Certified farmers' market.

A temporary outdoor gathering of individual retailers primarily focused on the sale of fresh produce, but also including other foods, beverages, handicrafts, art objects, and similar items.

17.08.530 Chemical product manufacturing.

Manufacturing facilities that produce or use basic chemicals, and other establishments creating products predominantly by chemical processes. Facilities included in this definition manufacture three general classes of products: basic chemicals, including acids, alkalis, salts, and organic chemicals; chemical products to be used in further manufacture, including synthetic fibers, plastic materials, dry colors, and pigments; and finished chemical products to be used for ultimate consumption, including drugs, cosmetics, and soaps; or to be used as materials or supplies in other industries including paints, fertilizers, and explosives.

17.08.540 City property.

Real property over which the City of Tulelake: (1) has fee title, an easement (including a public right-of-way), a leasehold interest, or other legal interest; and (2) has the present right of possession and control.

17.08.550 Clear vision triangle, clear vision distance.

The clear vision area (sometimes called the “sight triangle”) formed by measuring twenty (20) feet along two intersecting streets from the point of intersection, and diagonally connecting the ends of the two lines (see Figure 17.08-1). Visual obstructions within this area are strictly managed so that drivers stopped at or approaching an intersection can see pedestrians and oncoming traffic.

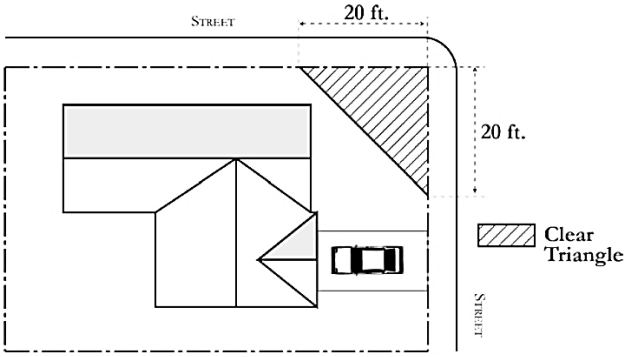


Fig. 17.08-1, Clear Vision Triangle

17.08.560 Clothing and fabric product manufacturing.

An establishment that assembles clothing, draperies, and/or other products by cutting and sewing purchased textile fabrics and related materials, including fur, leather, plastics, and rubberized fabrics, and which does not include the on-site sale of products to the end consumer. Does not include custom tailors and dressmakers not operating as a factory.

17.08.570 Clubs, lodges, and private meeting halls.

Permanent, headquarters-type and meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, including facilities for: business associations; civic, social and fraternal organizations; labor unions and similar organizations; political organizations; professional membership organizations; and other membership organizations.

17.08.580 Collectibles.

Any tangible personal property which has an enhanced value because of its rarity and which is commonly bought, sold, or exchanged among collectors and shall include such things as rare coins, stamps, and jewelry.

17.08.590 Commercial vehicle.

A motor vehicle used for commercial, industrial, or agricultural purposes and rated more than one (1) ton capacity. Examples of commercial use vehicles include but are not limited to; tow trucks, flat-bed trucks, mobile food preparation vehicles including large trucks converted as food vehicles, street sweepers, buses, utility trucks with hydraulic arms or lifts, and tractors and semi-trailers, etc.

17.08.600 Common area.

A parcel or parcels that are part of a subdivision, which are retained in the common ownership of the property owners of the subdivisions for common use or development.

17.08.610 Community center.

Multipurpose meeting and recreational facilities owned and maintained by a public agency and typically consisting of one (1) or more meeting or multipurpose rooms, kitchen, and/or outdoor barbecue facilities that are available for use by various groups for such activities as meetings, parties, receptions, dances, etc.

17.08.620 Community garden.

A site where flowers, fruits, herbs, nuts, seeds, and/or vegetables are cultivated by individuals of a neighborhood.

17.08.630 Community resource center.

Any building maintained by a governmental authority or not-for-profit agency used for supplementary educational services, employment assistance, food services, and/or constructive recreational activities.

17.08.640 Concrete batching or ready-mix concrete manufacturing.

A facility used for the delivery of limestone aggregate, sand or screenings, cement and water into mixer trucks as part of the concrete manufacturing process. This facility may contain a system of conveyor belts, chutes, storage silos, stockpile areas, water and air systems, and weight scales and meters for the accurate dispensing of the raw materials to produce the desired strength and type of concrete. A concrete batching plant or ready-mix concrete plant facility includes queuing and parking spaces for trucks, materials handling equipment, and administrative, control and office buildings.

17.08.650 Conditional use permit.

A land use permit issued in a zone for uses that have the potential to be incompatible with neighboring land uses and zoning, and are to be permitted, but may be denied, following a public hearing in which interested parties have the opportunity to comment.

17.08.660 Condominium.

An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a building on such real property.

17.08.670 Construction.

The physical development of a parcel, including site excavation and grading, framing, and finishing, up to the point of final inspection, use, or occupancy, whichever occurs first.

17.08.680 Consumer electronics.

Analog or digital electronic equipment intended for everyday entertainment, communications, and recreation use. Consumer electronics include but are not limited to home or portable audio and video equipment, audio and video equipment for boats and automobiles, camcorders, cameras, drones, electronic musical instruments, karaoke machines, game consoles, GPS instruments and

software, personal computers, mobile phones, smart appliances, smart watches, virtual reality goggles, and other wearable technology.

17.08.690 Convenience stores.

Easy access retail stores of five thousand (5,000) square feet or less in gross floor area, which carry a range of merchandise oriented to convenience and travelers' shopping needs.

17.08.700 Corner lot.

A lot that has two (2) or more parcel lines contiguous to a public street.

17.08.710 Cottage food operation.

As defined in Chapter 17.84 (Live Work Units and Home-Based Businesses).

17.08.720 Craft food and beverage production.

A business, not exceeding ten thousand (10,000) square feet in gross floor area, engaged in on-site commercial production of beverage and/or food products to a final form employing batch-processing or handcrafting using traditional methods, and that distributes to customers on-site via product tasting and direct sales and/or offsite to retailers and wholesalers. Typical uses include but are not limited to artisan cheesemakers, bakeries, chocolatiers, coffee roasters, condiment makers, confectioneries, ice cream shops, microdistilleries, nanobreweries, and any other craft beverage manufacturing. Does not include water bottling.

17.08.730 Customer area.

That portion of a structure that is used for the purposes of transacting business, purchasing, or selling products or services, and does not include any portion of the structure used for warehousing or storage that is inaccessible to public use.

17.08.740 Date of decision.

Granting or denying a permit under this title means the date on which the decision is announced or a final vote is taken.

17.08.750 Density.

A. For residential use, “density” means the number of dwelling units per acre.

B. For non-residential development, “density” means the percentage of lot coverage.

17.08.760 Density bonus.

A density increase over the otherwise maximum allowable residential density under the applicable land use designation and zoning district.

17.08.770 Density transfer.

The exchange of permitted density within a proposed development so that the number of parcels or lots created are equal to the number permitted by the General Plan, but individual lots or parcels are potentially smaller than the minimum parcel size requirement.

17.08.780 Development agreement.

Refers to agreements entered between developers and the city pursuant to Government Code Section 65864 et seq. as those sections exist or are hereafter amended or renumbered.

17.08.790 Dormitory.

A building providing group living accommodations, occupied by individuals not sharing a common household, characterized by separate sleeping rooms without individual kitchen facilities and containing congregate bath and/or dining facilities or rooms.

17.08.800 Drive-in and drive-through sales and services.

Facilities where food, products, or services may be purchased by motorists without leaving their vehicles, including but not limited to drive-thru restaurants and coffee shops, banks, pharmacies, and other businesses with drive-up windows, and automated car washes.

17.08.810 Duplex residential.

A single building containing two (2) independent dwelling units separated from each other by a wall, floor, or ceiling; provided, however, that a building containing a single-family dwelling and a lawful accessory dwelling unit or junior accessory dwelling unit shall not be deemed a duplex.

17.08.820 Dwelling group.

Three (3) or more detached single-family dwellings occupying a parcel of land, in one (1) ownership and having a yard court in common, but not including manufactured home parks, hotels, motels, and transient occupancy uses.

17.08.830 Dwelling unit.

A building or portion of a building designed for, or occupied exclusively by, persons living as one (1) household.

17.08.840 Easement.

Any legal right defined as an easement in the California Code of Civil Procedure Section 800 et al. Generally, an easement is a right to the use of another's land.

17.08.850 Emergency shelter.

Housing with minimal supportive services for homeless persons that is limited to occupancy of six (6) months or less by a homeless person. No individual or households may be denied emergency shelter because of an inability to pay. “Emergency shelter” also includes other interim interventions, including, but not limited to, a navigation center, bridge housing, and respite or recuperative care.

17.08.860 Employee housing.

A. “Small employee housing” means housing for employees consisting of six (6) or fewer persons in a single-family dwelling.

B. “Large employee housing” means housing for employees consisting of no more than thirty-six (36) beds in group quarters or twelve (12) units or spaces designed for use by a single family or household.

17.08.870 Encroachment permit.

A permit issued by a government agency to allow private work within publicly owned property (e.g., to connect with a city street).

17.08.880 Equipment and material storage yards.

All uses related to outdoor storage of large construction equipment or machinery, company vehicles, or large quantities of other materials. Excludes storage associated with vehicle service and equipment.

17.08.890 Equipment sales and rental.

Service establishments with outdoor storage/rental yards, which may offer a wide variety of materials and equipment for rental, including construction equipment.

17.08.900 Event center.

Any room, place, or space that the primary business is to routinely rent or make available to members of the public for general social purposes such as weddings and wedding receptions, birthday parties, celebrations, gatherings, and similar events.

17.08.910 Explosives.

Includes any chemical compound or mechanical mixture, that is commonly used or intended for the purpose of producing an explosion, and that contains any oxidizing and combustible units, packing, that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing effects on contiguous objects or of destroying life or limb.

17.08.920 Family.

See definition of “Household.”

17.08.930 Family childcare home.

A state licensed facility that provides non-medical care and supervision of minor children for periods of less than twenty-four (24) hours within a single-family residence.

A. In small family daycare homes, the occupant of the residence provides care and supervision generally to six (6) or fewer children. As described in the California Health and Safety Code, small family daycare homes may provide services for up to eight (8) children when specific conditions are met.

B. In a large family daycare home, the occupant of the residence provides care and supervision generally for seven (7) to fourteen (14) children. As described in the California Health and Safety Code, large family daycare homes may provide services for up to sixteen (16) children when specific conditions are met.

17.08.940 Fence.

A structurally sound barrier constructed of posts, supports, and cross members that serves as an obstruction to mark property lines or delineate or restrict access to a portion of property.

17.08.950 Firearms sales.

Any establishment which sells or offers for sale firearms. Does not include the sale of ammunition, firearms parts and accessories, hunting supplies, reloading equipment and supplies, targets and other shooting supplies, or FFL transfers.

17.08.960 Floor area ratio.

The net floor area of a building or buildings on a lot divided by the lot area or site area.

17.08.970 Food and beverage manufacturing.

Manufacturing establishments that produce or process foods and beverages for human consumption, and certain related products. Includes coffee roasters; dairy products, fats, and oil manufacturing; curing, preserving, and related processing; fruit and vegetable canning; microbreweries; juice and soft drink production; grain mill products and by-products; wholesale bakeries; water bottling plants; and miscellaneous food item preparation from raw products. Uses are predominantly wholesale although may include tasting rooms and accessory retail sales of food or beverages produced on site, such as a taproom. Does not include retail bakeries or the brewing of beer or the distilling of spirits as part of a nanobrewery, brew pub, microdistillery, or restaurant.

17.08.980 Front yard.

A yard extending across the front of the lot between the side lot lines and measured from the front lot line to the building or structure wall.

17.08.990 Fuel storage and distribution.

A large-scale facility where fuel, such as propane and gasoline, is stored and distributed without retail sales.

17.08.1000 Furniture and fixtures manufacturing.

Manufacturers producing cabinetry and shelving; draperies, blinds, and shades; household, office, and store furniture; mattresses and foundations; and rugs and carpets. Includes furniture reupholstering businesses, but not sawmills or planing mills.

17.08.1010 Garage.

A covered space that can be accessed from a public or private roadway for the storage of automobiles. Each parking space shall have a minimum area of ten (10) feet by twenty (20) feet. If attached to the main building, such garage shall meet the requirements of this title applicable to the main building. If detached from the main building, the garage shall meet the requirements for an accessory structure. This definition does not replace the definition of a garage in the California Building Code.

17.08.1020 Garage sale, yard sale.

A temporary garage, yard, lawn, patio, or similar-type sale held anywhere on the premises in a residential zone or when incidental to residential use in a mixed-use zone for the purpose of disposing of personal property.

17.08.1030 Garden center, plant nursery.

Establishments providing for the cultivation and sale of ornamental trees, shrubs, and plants, including the sale of garden and landscape materials (packaged and/or bulk sale of unpackaged materials), yard tools, and equipment.

17.08.1040 General Plan.

The City of Tulelake General Plan as currently adopted, including all amendments.

17.08.1050 General vicinity, proximity.

The parcels of land surrounding or near a subject property that have the potential to be affected by the proposed land use or land usage of the subject property. General vicinity or proximity cannot be defined by a specific distance or direction in that one type of land use may impact a greater area than another type of land use.

17.08.1060 Glass product manufacturing.

Manufacturing establishments larger than ten thousand (10,000) square feet that produce flat glass and other glass products which are pressed, blown, or shaped from glass produced in the same establishment.

17.08.1070 Grocery store, supermarket.

A retail business where a majority of the floor area open to the public is occupied by food products packaged for preparation and consumption away from the site of the store.

17.08.1080 Gross density.

The total number of dwelling units per acre, based on the minimum lot size, using the total acreage of the undeveloped site before public rights-of-way or other dedications are factored in.

17.08.1090 Gross floor area.

The total square footage of a structure as measured around the exterior perimeter including any non-walled areas under roof and any outside storage or sales areas.
fewer persons who are in need of twenty-four (24) hour-a-day care and/or supervision.

17.08.1100 Handcraft industries.

Small-scale manufacturing establishments that manufacture and/or assemble small products primarily by hand, including but not limited to jewelry, pottery and other ceramics, art and craft products, musical instruments, brooms and brushes, pens, pencils, and stationary, costume novelties, toys, sporting goods, and taxidermy.

17.08.1110 Health clinics, medical offices, and laboratories.

Facilities primarily engaged in furnishing outpatient medical, mental health, surgical, and other personal health services, but which are separate from hospitals, including: medical and dental laboratories, medical, dental, psychologists, and psychiatrists, out-patient care facilities, other allied health service. Includes complementary and alternative medical services such as acupuncture, chiropractic medicine, energy therapies, herbal medicine, and ayurvedic medicine.

17.08.1120 Hedges and equivalent screening.

Vegetation other than trees that block at least fifty (50) percent of light passage, is four (4) feet or more in diameter or width within two (2) feet of ground level, and has the purpose or effect of obscuring or blocking casual viewing through it.

17.08.1130 Highway

A state or federal route as defined by the State of California Department of Transportation (Caltrans) or the Federal Highway Administration.

17.08.1140 Home occupation.

As defined in Chapter 17.84 (Live Work Units and Home-Based Businesses).

17.08.1150 Hospice care.

A facility or program designed to provide a caring environment for supplying the physical and emotional needs of the terminally ill.

17.08.1160 Hospitals.

Medical centers and similar facilities engaged primarily in providing diagnostic services and extensive medical treatment, including surgical and other health services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. May include on-site accessory clinics and laboratories, accessory retail uses, and emergency heliports. Does not include “ambulance service”, which is defined separately.

17.08.1170 Hotels and motels.

Commercial facility that contains five (5) or more guest rooms, suites, cabins, and/or chalets provided with or without kitchen facilities, rented to the general public for transient lodging (less than thirty (30) days). Often includes a variety of guest services in addition to lodging (e.g., restaurant, swimming pool, meeting facilities, personal services, etc.). Hotels typically provide access to guest rooms from an interior walkway, and motels typically provide access to guest rooms from an exterior walkway.

17.08.1180 Household.

One or more persons, whether or not related by blood, marriage or adoption, sharing a dwelling unit.

17.08.1190 Indemnification.

Compliance with a request to relieve the city of liability, or to accept the costs for defending the city, from any action brought as a result of the project.

17.08.1200 Indoor entertainment facility.

Establishments providing indoor entertainment services for a fee or charge, including but not limited to billiard parlors, bingo parlors, bowling alleys, and electronic game arcades as a primary use. An establishment or premises with more than ten (10) electronic games or coin-operated amusements and/or where fifty (50) percent or more of the floor area is occupied by amusement devices is considered an electronic game arcade as described above. Ten (10) or fewer machines are not considered a land use separate from the primary use of the site.

17.08.1210 Indoor sports and fitness facility.

A center where exercises and related activities are performed entirely within an enclosed building for the purpose of physical fitness, improved circulation or flexibility, and/or weight control. Typical uses include athletic clubs, gyms, indoor ball courts, fitness centers, indoor climbing facilities, and yoga studios.

17.08.1220 Junior accessory dwelling unit.

As defined in Chapter 17.100 (Accessory Dwelling Units).

17.08.1230 Junk.

Includes but is not limited to, trash; refuse; paper; glass; cans; bottles; rags; ashes; trimming from lawns, yards, trees, and shrubbery, including plants and leaves; and other solid waste or salvageable materials other than garbage; inoperable appliances, parts, tools; inoperable and unregistered vehicles; vehicle parts; vehicle hulks; discarded furniture; dirt; rocks; and materials from the demolition, alteration or construction of buildings or structures, unless such dirt, rocks, or other materials from demolition, alteration or construction are being used for purposes of fill.

17.08.1240 Kitchen.

Any room or portion thereof containing facilities designed or used for the preparation of food, including but not limited to stoves, ranges, or hotplates.

17.08.1250 Landscaping.

The replacement of developed or excavated areas of a parcel with introduced new living vegetation, shrubbery, trees, ground cover and combinations thereof.

17.08.1260 Legal description.

The terminology, words, mapping, or language contained in a deed or other legal document describing the location of a parcel of land or location of an easement.

17.08.1270 Library.

A public, nonprofit facility, room, or building containing printed information, electronic information, and pictorial material, such as books, manuscripts, computers, recordings, or films, which are kept for use by or loaning to patrons of the facility but are not normally offered for sale.

17.08.1280 Live/work unit.

As defined in Chapter 17.84 (Live/Work Units and Home-Based Businesses).

17.08.1290 Living area.

The interior habitable area for a dwelling unit, including basements and attics.

17.08.1300 Lot, parcel.

A legally established parcel of land mapped or otherwise described. May also mean a parcel established for tax purposes, sometimes called an assessor’s parcel.

17.08.1310 Lot coverage.

The percent of lot area covered by all building footprints.

17.08.1320 Lot depth.

The average distance from the property line fronting a road or road easement to the rear or opposite property line.

17.08.1330 Lot frontage, street frontage.

The length of a lot or parcel of land along or fronting on a street or other principal thoroughfare but not including such length along an alley, watercourse, railroad right-of-way or limited access roadway or interstate.

17.08.1340 Lot line.

A. Any legally described parcel line, as follows:

1. “Front lot line” is the shortest property line along the road or road easement.
2. “Side lot line” is the property line intersecting with the front lot line and dividing the parcel from other adjacent parcels or another public street.
3. “Exterior lot line” is the property line intersecting with the front lot line and contiguous with a public street on a corner lot.
4. “Interior lot line” is any property line dividing the parcel from other adjacent parcels.
5. “Rear lot line” is the property line opposite the front lot line.

B. In the case of an irregularly shaped lot, the city planner shall determine the front and side lot lines in such a manner as to best promote the orderly development of the immediate area.

17.08.1350 Lot width.

The distance from one side property line to the other side property line measured along the building setback line.

17.08.1360 Low barrier navigation center.

As defined in Section 17.80.260 (Low barrier navigation centers).

17.08.1370 Lumber and wood product processing facility.

Manufacturing, processing, and sales involving the milling of forest products to produce rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes.

17.08.1380 Main building.

A building that is designed for or in which is conducted the principal use of the lot and/or building site on which it is situated.

17.08.1390 Manufactured home.

As defined in the California Health and Safety Code Section 18007, means a structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight (8) body feet or more in width, or forty (40) body feet or more in length, in the traveling mode, or, when erected on site, is three hundred and twenty (320) or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and

electrical systems contained therein. Manufactured home includes any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974.

17.08.1400 Manufactured home park.

Any area of land or property that has at least two (2) mobile homes, manufactured homes, recreational vehicles, and/or lots that are held out for rent or lease.

17.08.1410 Media production.

Commercial arts and art-related business services including audio and film recording and editing studios and services, film and video production, photographers and photography studios, radio and television broadcast, special effects production, titling, video and film libraries, and similar uses.

17.08.1420 Metal products fabrication, machine/welding shops.

Establishments engaged primarily in the assembly of metal parts, including the following uses that produce metal duct work, tanks, towers, cabinets, and enclosures, metal doors, and gates, and similar products, blacksmith, and welding shops, sheet metal shops, machine shops, and boiler shops.

17.08.1430 Microbrewery.

A brewery that produces less than fifteen thousand (15,000) barrels of beer per year and sells seventy-five (75) percent or more of its beer off-site.

17.08.1440 Microdistillery.

A business where less than fifty thousand (50,000) proof gallons of distilled spirits are manufactured (distilled, rectified, or bottled, blended), packaged, and distributed for wholesale and/or retail distribution annually and which includes the incidental direct sale to consumers of only those goods produced on-site.

17.08.1450 Mixed-use building.

A type of mixed-use development that has at least two (2) uses, each occupying a minimum of thirty (30) percent of the gross floor area of the building.

17.08.1460 Mixed-use development.

More than one type of land use within a building, set of buildings, or area. See also “vertical mixed-use development.”

17.08.1470 Mobile food commissary.

As defined in Chapter 17.96 (Mobile Food Sales).

17.08.1480 Mobile food court.

As defined in Chapter 17.96 (Mobile Food Sales).

17.08.1490 Mobile food vendor.

As defined in Chapter 17.96 (Mobile Food Sales).

17.08.1500 Mobile home.

As defined in the California Health and Safety Code Section 18008, a structure that was constructed prior to June 15, 1976, is transportable in one or more sections, is eight (8) body feet or more in width, or forty (40) body feet or more in length, in the traveling mode, or, when erected on-site, is three hundred and twenty (320) or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation system when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. Mobile home includes any structure that meets all the requirements of this paragraph and complies with the state standards for mobile homes in effect at the time of construction. Mobile home does not include a commercial modular, as defined in Health and Safety Code (HSC) Section 18001.8, factory-built housing, as defined in HSC Section 19971, a manufactured home, as defined in HSC Section 18007, a multifamily manufactured home, as defined in HSC Section 18008.7, or a recreational vehicle, as defined in HSC Section 18010.

17.08.1510 Mortuaries and funeral homes.

Funeral homes and parlors, where deceased are prepared for burial or cremation, and funeral services may be conducted.

17.08.1520 Multifamily residential.

A building or a portion of a building designed and intended for occupancy by three (3) or more households living independently of each other, each in a separate dwelling unit, which may be owned individually or by a single landlord (e.g., apartment, apartment house, townhouse, condominium).

17.08.1530 Nanobrewery.

A brewery that produces no more than three (3) barrels of beer in one batch and no more than two thousand (2,000) barrels annually.

17.08.1540 Net density.

The total number of dwelling units per acre, based on the minimum lot size and acreage of the site, but excluding land area devoted to public rights-of-way and other dedications.

17.08.1550 Net land area.

The area or land remaining after any required public dedication.

17.08.1560 Nonconforming building or use.

A. "Non-conforming building" means a structure that does not conform to present regulations.

B. "Nonconforming use" means a land use which does not conform to present regulations.

C. "Legally existing" means a use that predates present regulations but was legally constructed or established at the time the use or construction first commenced.

D. “Grandfathered” is a colloquial term means the same as “legally existing” non-conforming building or use as described in subsection C above.

17.08.1570 Occupancy.

The establishment of a use within a structure or upon a parcel of land, including and not limited to installing display fixtures in a completed structure, stocking of inventory, or commencing temporary or permanent residency, whether or not a structure has been subject to an approved final inspection or a certificate of occupancy. Each separate use of property carried on at all or a portion of a building parcel is a separate occupancy.

17.08.1580 Official plan line.

The boundaries and limits of a planned right-of-way, including the future right-of-way of an existing street as it is proposed to be widened and including all lands necessary for the building, widening or maintenance of any road, street, highway or any other type of public way which planned right-of-way is based on the general plan of the city.

17.08.1590 Off-site.

An improvement, feature, or action located or occurring on property separate from the property under discussion.

17.08.1600 On-site.

An improvement, feature, or action located or occurring on the property under discussion.

17.08.1610 Open space.

The portion of the lot or parcel from the ground upward that is unoccupied by buildings, structures, parking lots and driveways, except as otherwise permitted by city code. Clubhouses, recreation buildings, pools, saunas, interior walkways, paths, and similar amenities may be included in open space.

17.08.1620 Outdoor commercial recreation facility.

Facility for various outdoor sports and recreation activities where a fee is charged for use, including amusement and theme parks, golf driving ranges, miniature golf courses, skateboard parks, swim and tennis clubs, waterparks, and similar uses.

17.08.1630 Paper product manufacturing.

An establishment that converts pre-manufactured paper or paperboard into boxes, envelopes, paper bags, wallpaper, etc., and/or that coats or glazes pre-manufactured paper. Does not include the manufacturing of pulp, paper, or paperboard.

17.08.1640 Park and ride facility.

A designated area where a vehicle may be left in order to carpool with other commuters or to ride public transit.

17.08.1650 Parking space or facility.

An area or structure used for the temporary storage of vehicles.

A. “Parking space” means an unobstructed space or area other than a street or alley that is permanently reserved, maintained, and accessible for the parking of one (1) motor vehicle.

B. “Public parking” means a parking lot or parking space located on public or private property, which generally is advertised, designated, or otherwise available for public use.

C. “Private parking” means a parking lot or parking space located on private property, which, generally, is not available for public use, except with the specific permission of the property owner.

17.08.1660 Parks, picnic areas, and playgrounds.

Public parks, play lots, playgrounds, and athletic fields for neighborhood or community use, including swimming pools, ball fields, bocce courts, basketball, tennis, pickleball, and handball courts.

17.08.1670 Pending applications.

Means any formal application submitted to the city for land use or development permit or action that has been deemed complete but has not yet been acted upon/finally decided by the designated authority, including any appeal determination.

17.08.1680 Permit.

An authorization to proceed issued by the city for a specific activity.

17.08.1690 Personal services.

Establishments providing non-medical services as a primary use, including barber shops and beauty salons, catering (excluding onsite mobile food sales and commissaries), cleaning services, costume and clothing rental, day spas, guide services, shoe and small item repair, locksmiths, licensed massage therapy, self-service laundromats, small equipment maintenance and repair, and tailors. These uses may also include limited accessory retail sales of products related to the services provided.

17.08.1700 Pharmacy.

A retail store engaged in the sale of prescription drugs and medicine, carrying related items such as vitamins, cosmetics, personal care, and toiletries and such unrelated items as tobacco, alcohol, and novelty merchandise.

17.08.1710 Places of worship and spiritual assembly.

Facility operated by religious organizations for worship, or the promotion of religious activities, including churches, mosques, synagogues, temples, etc.; and accessory uses on the same site, such as living quarters for ministers and staff, and child day care facilities where authorized by the same type of land use permit required for the religious facility itself. Other establishments maintained by religious organizations, such as full-time educational institutions, hospitals and other potentially related operations are classified according to their respective activities.

17.08.1720 Principally permitted use.

A use which does not require the issuance of a conditional use permit, but which may be subject to a building permit, business license, and other required permits. Where more than one use is located on the parcel, the principal use is that activity to which the greatest amount of floor and/or ground space is devoted.

17.08.1730 Printing and publishing.

Establishments engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying; and other establishments serving the printing trade including

bookbinding, typesetting, engraving, photoengraving, and electrotyping. This use also includes establishments that publish newspapers, books, and periodicals; establishments manufacturing business forms and binding devices.

17.08.1740 Private schools.

Private educational institutions, including but not limited to: preschools, elementary, middle, junior high, and high schools, homeschooling cooperatives, business, secretarial, and vocational schools, folk schools, colleges and universities, establishments providing courses by mail or online, professional schools (law, medicine, etc.), and seminaries/religious ministry training facilities. Includes schools offering specialized programs in art, communication, dance, design, drama, driver education, emergency response and preparedness, environmental education, health and fitness, finances, flight training, food preparation, gardening, language, management, massage, music, self-defense, outdoor recreation, technology, and wilderness survival. Does not include boarding.

17.08.1750 Professional office.

An office-type facility occupied by a business that provides direct professional services and/or is engaged in the production of intellectual property. Examples of these uses include, but are not limited to accounting, auditing, and bookkeeping services, advertising agencies, architects, attorneys, commercial artists and graphic designers, construction contractors (office only), consultants, counselors, designers, engineers, financial counseling, management and public relations services, private investigators, social workers, surveyors, therapists, and title and escrow companies.

17.08.1760 Project.

Proposed development or a new land use.

17.08.1770 Property line.

A legal boundary of parcel land.

17.08.1780 Public agency.

A political subdivision of the federal, state, or local government or its departments, or governmental jurisdictions or districts.

17.08.1790 Public and quasi-public facilities.

A land use maintained by a public agency or private non-profit organization that provides a service to and benefits the public, including but not limited to animal shelters, bus shelters, chamber of commerce, city hall, community center, community resource center, corporation yards, historical society, library, museums, municipal offices, park and ride facilities, public parking, public safety facilities, public restrooms, public schools, and visitor centers. Does not include wastewater treatment plants or airports.

17.08.1800 Public nuisance.

A nuisance that unreasonably interferes with a right that is common to the general public.

17.08.1810 Public right-of-way.

A strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a road, trail, water line, sanitary sewer, and/or other public uses.

17.08.1820 Public safety facility.

A facility operated by a public agency, including fire stations, other fire prevention and firefighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities. Does not include airports or firearms qualification and training facilities.

17.08.1830 Public schools.

Public educational institutions including, but not limited to elementary, middle, junior high, and high schools, community colleges, colleges and universities, and military academies.

17.08.1840 Public services.

Services needed for development of a parcel of land. This may include, but is not limited to water, wastewater, phone, electricity, gas, and internet.

17.08.1850 Public utility.

A public agency or private business that provides a general service to the public, such as telecommunications, electricity, water, or other services.

17.08.1860 Rear yard.

A yard extending across the full width of the rear portion of the lot and measured between the rear line of the lot to the building or structure wall.

17.08.1870 Recreational vehicle.

A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, originally designed for human habitation for recreational, emergency, or other occupancy, which meets all of the following criteria:

1. It contains less than three hundred and twenty (320) square feet of internal living room area, excluding built-in equipment, including wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms;
2. It contains four hundred (400) square feet or less of gross area measured at maximum horizontal projections;
3. It is built on a single chassis; and
4. It is either self-propelled, truck-mounted, or permanently towable on the highways without a towing permit.

17.08.1880 Recreational vehicle park.

A site where two (2) or more spaces are used, or are intended to be used, by campers with recreational vehicles or tents. Recreational vehicle parks may include public restrooms, water, sewer, and electric hookups to each RV space. May include accessory retail uses when such retail is clearly incidental and intended to serve recreational vehicle park patrons only.

17.08.1890 Recycling facility.

A recycling facility used for the acceptance by donation, redemption, or purchase of recyclable materials from the public that may occupy more than five hundred (500) square feet and include permanent structures. Facility does not use power-driven processing equipment except for compacting, baling, plastic shredding, and other activities necessary for efficient temporary storage and material shipment. Does not include automobile dismantling or processing of hazardous materials.

17.08.1900 Residential care facility.

A facility licensed by the State of California that provides twenty-four (24)-hour non-medical care for more than six (6) persons eighteen (18) years of age or older, or emancipated minors, with chronic, life-threatening illness in need of personal services, protection, supervision, assistance, guidance, or training essential for sustaining the activities of daily living, or for the protection of the individual. This classification includes group care homes, residential care facilities for the elderly, adult residential facilities, wards of the juvenile court, and other facilities licensed by the State of California. Uses that otherwise meet this definition, but which do not provide licensable services, are allowed as a single-family residential use of property subject only to the generally applicable, nondiscriminatory health, safety, and zoning laws that apply to all single-family residential uses.

17.08.1910 Residential care home.

A home licensed by the State of California that provides twenty-four (24)-hour non-medical care for six (6) or fewer persons eighteen (18) years of age or older, or emancipated minors, with chronic, life-threatening illness in need of personal services, protection, supervision, assistance, guidance, or training essential for sustaining the activities of daily living, or for the protection of the individual. This classification includes group care homes, rest homes, adult residential facilities, wards of the juvenile court, and other facilities licensed by the State of California. Uses that otherwise meet this definition, but which do not provide licensable services, are allowed as a single-family residential use of property subject only to the generally applicable, nondiscriminatory health, safety, and zoning laws that apply to all single-family residential uses.

17.08.1920 Restricted personal services.

Personal service establishments that are dispersed to minimize their potentially blighting impact on surrounding land uses, including: check cashing services; fortune tellers, palm readers, psychics, and similar services; and tattooing, piercing, and similar services. These uses may also include accessory retail sales of products related to the services provided.

17.08.1930 Restricted retail sales.

Stores and shops that are dispersed to minimize their potentially blighting impact on surrounding land uses, including firearm sales, alcoholic beverage sales, secondhand sales, thrift stores, and tobacco and vape shops.

17.08.1940 Retail food establishment.

A restaurant, brewpub, delicatessen, bakery, coffee shop, or other retail business selling food and beverages prepared and/or served on the site, for on- or off-premise consumption. Outdoor dining is permitted pursuant to Section 17.80.150 (Commercial outdoor dining and seating) as an incidental activity to a retail food establishment.

17.08.1950 Retail sales.

Stores and shops selling multiple lines of merchandise (indoor sales only, except as otherwise permitted). These stores and lines of merchandise include: apparel, art galleries, art supplies, automobile parts and supplies, bakeries (including production), bicycles, books, cameras, clothing and accessories, craft and hobby supplies, dry goods, fabrics and sewing supplies, florists and houseplant stores, furniture, home furnishings, household supplies, general stores, gift and souvenir shops, hardware stores, jewelry, leather goods, luggage, musical instruments, orthopedic supplies, personal electronics, pet food and supplies (no pets), pharmacies, small wares, specialty shops, sporting goods and equipment, stationery, toys and games, and variety stores.

17.08.1960 Salvage yard.

A place in which junk, salvaged materials, or products, scrap, or other waste materials are stored, broken up, dismantled, sorted, distributed, or sold privately or commercially.

17.08.1970 Second dwelling unit.

An attached or detached dwelling unit constructed prior to January 1, 2017, which provides complete independent living facilities for one or more persons, with permanent provisions for living, sleeping, eating, cooking and sanitation sited on the same parcel as the primary dwelling unit. Includes granny flats.

17.08.1980 Secondhand sales.

Indoor retail establishments that require a secondhand dealer license from the state, as provided in the California Business and Professions Code Sections 21625 - 21647, or where at least ten (10) percent of the products offered for sale are used.

17.08.1990 Setback.

The distance by which a structure, parking area, or other development feature must be separated from a lot line, other structure, or development feature, or street centerline.

17.08.2000 Shopping center.

A retail commercial business consisting of three (3) or more retail tenants having shared parking facilities.

17.08.2010 Short-term rental.

As defined in Chapter 17.88 (Short-Term Rentals).

17.08.2020 Side yard.

A yard between the sideline of the lot and the building or structure wall and extending from the required front setback to the required rear setback.

A. “Exterior side yard” means the side yard that is adjacent to a public street on a corner lot.

B. “Interior side yard” means the side yard that is adjacent to another lot on an interior or corner lot.

17.08.2030 Sign.

As defined in Chapter 17.68 (Signs).

17.08.2040 Single-family residential.

A building that includes only one (1) household on a single lot. This classification includes manufactured homes.

17.08.2050 Small equipment maintenance and repair.

Establishments providing on-site repair and accessory sales of supplies for appliances, office machines, home electronic/mechanical equipment, bicycles, tools, or garden equipment, conducted entirely within an enclosed building. This classification does not include maintenance and repair of vehicles.

17.08.2060 Special event.

An event, or series of related events, of cultural, civic, economic, social, recreational, or educational nature sponsored by an individual or individuals, a non-profit organization or community group, charitable organization, or for-profit organization or group, that is: (1) held wholly or partially on property owned or maintained by the city; or (2) held on any other property, and that requires for its successful execution, the partial or complete closure of streets or sidewalks or the provision and coordination of municipal services to a degree over and above the level that the city normally provides. Special event also includes any other organized activity that involves the use of, or has a direct or indirect impact on, public property or facilities or that can reasonably be foreseen to have such an impact on, or to require a higher level of, public safety services or other municipal services, including advance planning services, than that normally provided by the city.

17.08.2070 Split zoning.

A split-zoned parcel is a parcel to which two or more zoning districts apply. This does not include overlay zones.

17.08.2080 Sporting goods.

Equipment commonly used by a participant in a sporting or recreational event or activity, not including motorized vehicles or firearms.

17.08.2090 Stone product manufacturing.

An establishment that cuts, shapes, and/or finishes marble, granite, slate, and/or other stone for construction and miscellaneous uses. Does not include establishments engaged primarily in buying or selling partly finished monuments and tombstones.

17.08.2100 Storage facility.

A. Indoor storage. The storage of various materials entirely within a structure as the primary use of the structure. The storage of materials accessory and incidental to a primary use is not considered a land use separate from the primary use.

B. Outdoor storage. The storage of various equipment and materials outside of a structure as a principal use, such as vehicle storage. The storage of materials accessory and incidental to a primary use is not considered a land use separate from the primary use.

17.08.2110 Structure.

Anything constructed or erected, the use of which requires attachment to the ground or attachment to something located on the ground. For purposes of this title, the term “structure” includes “buildings”.

17.08.2120 Supportive housing.

Any dwelling unit or a group living accommodation that is occupied by the target population as defined in subdivision (d) of Section 53260 of the CA Health and Safety Code with no limit on length of stay, that is linked to on-site or off-site services that assist the supportive housing residents in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community.

17.08.2130 Taproom brewery.

A brewery that sells twenty-five (25) percent or more of its beer for on-premises consumption and does not operate full food service. The beer is brewed primarily for sale in the taproom and is often dispensed directly from the brewery’s storage tanks.

17.08.2140 Temporary structure.

A building or structure to be utilized for a permitted use applicable to a parcel of land, which is crafted of impermanent materials, such as poles and awning or similar materials.

17.08.2150 Temporary Use.

A land use defined as accessory to a permitted or conditionally permitted land use that: does not permanently change the character or physical facilities of the premises or property; is in keeping with the purposes of the zoning district where it is located; and which may occur on the property for a period not to exceed twelve (12) calendar months. Some provisions of this title may provide more precise land use standards for longer or shorter temporary uses in accordance with the provisions of the applicable chapter of this code. In no case shall a temporary use be permitted for any period to exceed a total of twenty-four (24) calendar months unless overall public health and safety are clearly demonstrated to the city at the time of initial issuance.

17.08.2160 Theaters and playhouses.

Indoor facilities for public assembly and group entertainment, where seats are arranged so that spectators have an unobstructed view of performers on a stage or movie screen(s). Includes concert halls, auditoriums, movie theaters, playhouses, and similar facilities devoted to the live performances of music, dance, plays, orations, and other stage performances and/or the showing of projected motion pictures and videotapes. Does not include adult-oriented businesses.

17.08.2170 Townhouse.

A single-family dwelling of two (2) or sometimes three (3) stories that is typically connected to a similar dwelling or dwellings by a common sidewall.

17.08.2180 Transient occupancy.

A dwelling unit, room, or space occupied by paying guests for periods of less than thirty (30) days.

17.08.2190 Transitional housing.

Any dwelling unit or a group living accommodation configured as a rental housing development but operated under program requirements that call for the termination of assistance and recirculation of the assisted units to another eligible program recipient at some predetermined future point in time, which shall be no less than six (6) months.

17.08.2200 Uplighting.

The placement of individual light sources at the base of architectural details or points of interest, typically around the perimeter of a space, to draw attention to those details.

17.08.2210 Utility infrastructure.

Pipelines for water, gas, and sewage collection and disposal; and facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Also includes telephone, telegraph, cable television, and other communications transmission facilities utilizing direct physical conduits. Does not include offices, service centers, or distribution substations.

17.08.2220 Variance.

A discretionary entitlement that permits the departure from the strict application of the development standards contained in this title.

17.08.2230 Vehicle storage.

Storage of operative and inoperative vehicles for limited periods of time. Includes storage of parking tow-aways, impound yards, and storage lots for automobiles, trucks, vans, boats, and recreational vehicles. Does not include vehicle dismantling or retail sales.

17.08.2240 Vehicles for hire.

A business specializing in the provision of two (2) or more vehicles and drivers to the general public for the purpose of transportation (e.g., taxi or limousine service). May also include a business office and the maintenance, minor repair, and on-site storage of vehicles for hire. Does not include automobile rental services.

17.08.2250 Vehicular access.

The physical means by which an individual in a vehicle is able to enter upon or exit public or private property from a street. "Ingress" (to enter) and "egress" (to exit) are words describing the type of access.

17.08.2260 Vertical mixed-use development.

A multistory mixed-use building that contains one (1) or more nonresidential use at street level and residential use on the upper floor(s).

17.08.2270 Veterinary office.

An enclosed building or buildings where medical care is provided for animals. Does not include overnight accommodations or outside runs or kennels. Grooming of animals and pet food sales are permitted as accessory to the medical use.

17.08.2280 Wholesale business.

The selling of commodities in large quantities to retailers rather than directly to consumers, but not including the storing and/or sale of any material or commodity, and not including the processing or manufacture of any product or substance.

17.08.2290 Wireless telecommunications facility.

As defined in Chapter 17.104 (Wireless telecommunications facilities).

17.08.2300 Yard.

The area between a property line and structures on residential lots.

17.08.2310 Zero lot line.

The location of a structure on a lot in such a manner that one or more of the structure's sides rest directly on a lot line.

17.08.2320 Zoning district.

A portion of the territory in the city within which territory certain uniform regulations and requirements, or various combinations thereof, apply pursuant to this title.

CHAPTER 17.12
DISTRICTS GENERALLY

Sections:

17.12.010 Districts designated.
17.12.020 Zoning map.
17.12.030 Determination of uncertain boundaries.
17.12.040 Prezoning.
17.12.050 Split zoning.

17.12.010 Districts designated.

A. Zoning Districts. The districts established by this title are as follows:

R-1	Low Density Residential
R-2	Medium Density Residential
R-3	High Density Residential
MU-1	Limited Mixed Use
MU-2	Mixed Use
MU-3	Vertical Mixed Use
G-C	General Commercial
M	Manufacturing
P-F	Public Facilities
O-S	Open Space
P-D	Planned Development

B. The permitted uses and development standards for each zoning district are set forth in this title.

17.12.020 Zoning map.

The designations, locations, and boundaries of the districts established are delineated upon the map entitled “City of Tulelake Zoning Map”, which map and all notations and information thereon are made a part of this title by reference. The zoning map is on file in the office of the city clerk. Any land within the incorporated limits of the city, now or in the future, and not designated or indicated on the zoning map shall be placed in the proper zoning district by initiation of amendment procedure as set forth in Chapter 17.120 (Amendments).

17.12.030 Determination of uncertain boundaries.

Where any uncertainty exists as to the correct location of any zoning district boundary shown on the zoning map referred to under Section 17.12.020 (Zoning map), the following rules apply:

1. Zoning district boundaries shown as approximately following the property line of a parcel shall be construed to follow the property line.
2. Zoning district boundaries shown as following roads or other rights-of-way, natural features such as creeks, or constructed features such as irrigation canals shall be construed to follow the centerline of the roads, rights-of-way, creeks, or irrigation canals.
3. When zoning district boundaries do not follow property lines, roads, rights-of-way, or natural or constructed features, the city council shall establish and clarify the correct location of uncertain zoning district boundaries according to the purpose of this title.

17.12.040 Prezoning.

Territory annexed to the city and not shown as part of the city by the zoning map herein, shall upon the effective date of such annexation be classified and zoned as Low Density Residential (R-1), unless the city council has prior to such effective date zoned said territory to another classification, subject to annexation.

17.12.050 Split zoning.

No parcel shall be created, reconfigured, or zoned to have split zoning.

CHAPTER 17.16
LOW DENSITY RESIDENTIAL, R-1

Sections

17.16.010 Purpose and applicability.
17.16.020 Permitted uses.
17.16.030 Accessory uses.
17.16.040 Conditional uses.
17.16.050 Lot requirements.
17.16.060 Development standards.

17.16.010 Purpose and applicability.

The Low Density Residential (R-1) zoning district is intended to be applied to areas suitable for low density residential development consistent with the Low Density Residential land use designation.

17.16.020 Permitted uses.

Subject to issuance of a building permit, business license, and/or other required permit(s), none but the following uses, or uses which in the opinion of the city council are similar, will be allowed as a principally permitted use in the R-1 zoning district:

A. Residential care homes.

B. Single-family residential.

C. Small employee housing.

D. Supportive housing.

E. Transitional housing.

17.16.030 Accessory uses.

When established or constructed concurrently with or subsequent to the principally permitted use, the following uses are permitted in the R-1 zoning district subject to issuance of a building permit, business license, or other required permit(s):

A. Accessory dwelling units and junior accessory dwelling units pursuant to Chapter 17.100 (Accessory Dwelling Units).

B. Cottage food operations pursuant to Section 17.84.050 (Cottage food operations).

C. Family childcare homes.

D. Home occupations pursuant to Section 17.84.040 (Home occupations).

E. Second dwelling units pursuant to Section 17.80.040 (Second dwelling units).

F. Short-term rentals pursuant to Chapter 17.88 (Short-Term Rentals).

G. Signs pursuant to Chapter 17.68 (Signs).

H. Usual and customary structures associated with a permitted use, including fences and walls pursuant to Section 17.80.120 (Fences, walls, hedges, and equivalent screening).

17.16.040 Conditional uses.

The following uses are permitted in the R-1 zoning district upon approval and validation of a conditional use permit in addition to any other permits or licenses required for the use:

A. Community gardens pursuant to Section 17.80.160 (Community gardens).

B. Parks, picnic areas, and playgrounds (no use permit when associated with development approved by city council).

C. Places of worship and spiritual assembly.

D. Public and private schools.

E. Public and quasi-public facilities.

F. Residential care facilities.

G. Other uses similar to those listed in this section.

17.16.050 Lot requirements.

A. Minimum parcel size. Six thousand six hundred (6,600) square feet.

B. Minimum width.

1. Interior and corner lots: Fifty (55) feet.
2. Cul-de-sac lot: Fifty-five (55) feet at front yard setback.

C. Minimum depth. One hundred twenty (120) feet.

17.16.060 Development standards.

A. Dwelling units per acre: One (1) to six (6) units.

B. Maximum building height.

1. All uses, except as specified herein: Thirty (30) feet and two (2) stories.
2. Accessory structures: Fifteen (15) feet.
3. Building and structures taller than established height limits may be permitted pursuant to Section 17.80.180 (Height limits).

C. Maximum lot coverage: Forty (40) percent.

D. Minimum front yard setback: Twenty (20) feet.

E. Minimum rear yard setback.

1. All uses, except as specified herein: Twenty (20) feet.
2. Accessory structures: Five (5) feet.
3. Accessory structures on lots with alley access: One (1) foot.

F. Minimum side yard setback.

1. Interior side yard.
    a. All uses, except as specified herein: Five (5) feet.
    b. Nonresidential uses: Ten (10) feet.
2. Exterior side yard.
    a. All uses, except as specified herein: Ten (10) feet.

b. Accessory structures: Twenty (20) feet.

G. Minimum distance between buildings: As required by California Building Code.

H. Minimum parking: As specified in Chapter 17.64 (Off-Street Parking).

CHAPTER 17.20
MEDIUM DENSITY RESIDENTIAL, R-2

Sections

17.20.010 Purpose and applicability.
17.20.020 Permitted uses.
17.20.030 Accessory uses.
17.20.040 Conditional uses.
17.20.050 Lot requirements.
17.20.060 Development standards.

17.20.010 Purpose and applicability.

The Medium Density Residential (R-2) zoning district is intended to be applied to areas suitable for a combination of low density and medium density residential development consistent with the Medium Density Residential land use designation.

17.20.020 Permitted uses.

Subject to issuance of a building permit, business license, and other required permits, none but the following uses, or uses which in the opinion of the city council are similar, will be allowed as a principally permitted use in the R-2 zoning district:

A. Duplex residential.

B. Residential care homes.

C. Single-family residential.

D. Small employee housing.

E. Supportive housing.

F. Transitional housing.

17.20.030 Accessory uses.

When established or constructed concurrently with or subsequent to the principally permitted use, the following uses are permitted in the R-2 zoning district subject to issuance of a building permit, business license, or other required permit(s):

A. Accessory dwelling units and junior accessory dwelling units pursuant to Chapter 17.100 (Accessory Dwelling Units).

B. Cottage food operations pursuant to Section 17.84.050 (Cottage food operations).

C. Family childcare homes.

D. Home occupations pursuant to Section 17.84.040 (Home occupations).

E. Second dwelling units pursuant to Section 17.80.040 (Second dwelling units).

F. Short-term rentals pursuant to Chapter 17.88 (Short-Term Rentals).

G. Signs pursuant to Chapter 17.68 (Signs).

H. Usual and customary structures associated with a permitted use, including fences and walls pursuant to Section 17.80.120 (Fences, walls, hedges, and equivalent screening).

17.20.040 Conditional uses.

The following uses are permitted in the R-2 zoning district upon approval and validation of a conditional use permit, in addition to any other permits or licenses required for the use:

A. Community gardens pursuant to Section 17.80.160 (Community gardens).

B. Parks, picnic areas, and playgrounds (no use permit when associated with development approved by city council).

C. Places of worship and spiritual assembly.

D. Public and private schools.

E. Public and quasi-public facilities.

F. Residential uses:

1. Multifamily residential, four (4) dwelling units or fewer.

2. Residential care facilities.

G. Other uses similar to those listed in this section.

17.20.050 Lot requirements.

A. Minimum parcel size. Six thousand six hundred (6,600) square feet.

B. Minimum width.

1. Interior and corner lots: Fifty-five (55) feet.

2. Cul-de-sac lot: Fifty-five (55) feet at front yard setback.

C. Minimum depth. One hundred twenty (120) feet.

17.20.060 Development standards.

A. Dwelling units per acre: One (1) to twelve (12) units.

B. Maximum building height.

1. All uses, except as specified herein: Thirty (30) feet and two (2) stories.

2. Accessory structures: Fifteen (15) feet.

3. Building and structures taller than established height limits may be permitted pursuant to Section 17.80.180 (Height limits).

C. Maximum lot coverage: Fifty (50) percent.

D. Minimum front yard setback: Twenty (20) feet.

E. Minimum rear yard setback.

1. All uses, except as specified herein: Twenty (20) feet.

2. Accessory structures: Five (5) feet.

3. Accessory structures on lots with alley access: One (1) foot.

F. Minimum side yard setback.

1. Interior side yard.

a. All uses, except as specified herein: Five (5) feet.

b. Nonresidential uses: Ten (10) feet.

2. Exterior side yard.
    a. All uses, except as specified herein: Ten (10) feet.
    b. Accessory structures: Twenty (20) feet.

G. Minimum distance between buildings: As required by California Building Code.

H. Minimum parking: As specified in Chapter 17.64 (Off-Street Parking).

CHAPTER 17.24
HIGH DENSITY RESIDENTIAL, R-3

Sections

17.24.010 Purpose and applicability.
17.24.020 Permitted uses.
17.24.030 Accessory uses.
17.24.040 Conditional uses.
17.24.050 Lot requirements.
17.24.060 Development standards.

17.24.010 Purpose and applicability.

The High Density Residential (R-3) zoning district is intended to be applied to areas suitable for a variety of low-, medium-, and high-density residential development consistent with the High Density Residential land use designation.

17.24.020 Permitted uses.

Subject to issuance of a building permit, business license, and/or other required permits, none but the following uses, or uses which in the opinion of the city council are similar, will be allowed as a principally permitted use in the R-3 zoning district:

A. Dormitories.

B. Duplex residential.

C. Multifamily residential.

D. Residential care homes.

E. Single-family residential.

F. Small employee housing.

G. Supportive housing.

H. Transitional housing.

17.24.030 Accessory uses.

When established or constructed concurrently with or subsequent to the principally permitted use, the following uses are permitted in the R-3 zoning district subject to issuance of a building permit, business license, or other required permit(s):

A. Accessory dwelling units and junior accessory dwelling units pursuant to Chapter 17.100 (Accessory Dwelling Units).

B. Cottage food operations pursuant to Section 17.84.050 (Cottage food operations).

C. Family childcare homes.

D. Home occupations pursuant to Section 17.84.040 (Home occupations).

E. Second dwelling units pursuant to Section 17.80.040 (Second dwelling units).

F. Short-term rentals pursuant to Chapter 17.88 (Short-Term Rentals).

G. Signs pursuant to Chapter 17.68 (Signs).

H. Usual and customary structures associated with a permitted use, including fences and walls pursuant to Section 17.80.120 (Fences, walls, hedges, and equivalent screening).

17.24.040 Conditional uses.

The following uses are permitted in the R-3 zoning district upon approval and validation of a conditional use permit, in addition to any other permits or licenses required for the use:

A. Adult day programs.

B. Bed and breakfast inns pursuant to Chapter 17.92 (Bed and Breakfast Inns).

C. Community gardens pursuant to Section 17.80.160 (Community gardens).

D. Crop and tree farming.

E. Off-site parking and shared parking facilities pursuant to Chapter 17.64 (Off-Street Parking).

F. Parks, picnic areas, and playgrounds (no use permit when associated with development approved by city council).

G. Places of worship and spiritual assembly.

H. Public and private schools.

I. Public and quasi-public facilities.

J. Residential uses:

1. Dwelling groups.
2. Residential care facilities.
3. Single-room occupancy pursuant to Section 17.80.100 (Single-room occupancy).

K. Other uses similar to those listed in this section.

17.24.050 Lot requirements.

A. Minimum parcel size. Eight thousand (8,250) square feet.

B. Minimum width.

1. Interior and corner lots: Fifty-five (55) feet.
2. Cul-de-sac lot: Fifty-five (55) feet at front yard setback.

C. Minimum depth. One hundred fifty (150) feet.

17.24.060 Development standards.

A. Dwelling units per acre: One (1) to fifteen (15) units.

B. Maximum lot coverage: Seventy-five (75) percent.

C. Maximum building height.

1. All uses, except as specified herein: Thirty (30) feet and two (2) stories.
2. Accessory structures: Fifteen (15) feet.
3. Building and structures taller than established height limits may be permitted pursuant to Section 17.80.180 (Height limits).

D. Minimum front yard setback: Twenty (20) feet.

E. Minimum rear yard setback.
    1. All uses, except as specified herein: Twenty (20) feet.
    2. Accessory structures: Five (5) feet.
    3. Accessory structures on lots with alley access: One (1) foot.

F. Minimum side yard setback.
    1. Interior side yard.
        a. All uses, except as specified herein: Five (5) feet.
        b. Nonresidential uses: Ten (10) feet.
    2. Exterior side yard.
        a. All uses, except as specified herein: Ten (10) feet.
        b. Accessory structures: Twenty (20) feet.

G. Minimum distance between buildings: As required by California Building Code.

H. Minimum parking: As specified in Chapter 17.64 (Off-Street Parking).

CHAPTER 17.28
LIMITED MIXED USE, MU-1

Sections

17.28.010 Purpose and applicability.
17.28.020 Permitted uses.
17.28.030 Accessory uses.
17.28.040 Conditional uses.
17.28.050 Lot requirements.
17.28.060 Development standards.

17.28.010 Purpose and applicability.

The Limited Mixed Use (MU-1) zoning district is intended to be applied primarily to areas suitable for a combination of lower density residential development and compatible nonresidential uses. The MU-1 zoning district is consistent with the Mixed Use land use designation.

17.28.020 Permitted uses.

Subject to issuance of a building permit, business license, and/or other required permits, none but the following uses, or uses which in the opinion of the city council are similar, will be allowed as principally permitted uses in the MU-1 zoning district:

A. Artisan crafts manufacturing.

B. Artist studios.

C. Banks and financial services.

D. Business and professional offices.

E. Business support services.

F. Community gardens pursuant to Section 17.80.160 (Community gardens).

G. Convenience stores and pharmacies.

H. Craft food and beverage production, alcohol with use permit.

I. Garden centers and plant nurseries.

J. Grocery stores and supermarkets.

K. Health clinics, medical offices, and laboratories.

L. Indoor sports and fitness facilities.

M. Live/work units pursuant to Section 17.84.030 (Live/work units).

N. Media production.

O. Mixed-use developments of two (2) or more uses permitted pursuant to this section.

P. Personal services.

Q. Places of worship and spiritual assembly.

R. Printing and publishing.

S. Public and private schools.

T. Public and quasi-public facilities.

U. Residential uses:

1. Residential care homes.
2. Single-family residential.
3. Small employee housing.
4. Supportive housing.
5. Transitional housing.

V. Retail food establishments.

W. Retail sales.

X. Small adult day programs.

Y. Transient occupancy uses:

1. Bed & breakfast inns pursuant to Chapter 17.92 (Bed and Breakfasts).
2. Hotels and motels.

17.28.030 Accessory uses.

When established or constructed concurrently with or subsequent to the principally permitted use, the following uses are permitted in the MU-1 zoning district subject to issuance of a building permit, business license, or other required permit(s):

A. Accessory dwelling units and junior accessory dwelling units pursuant to Chapter 17.100 (Accessory Dwelling Units).

B. Certified farmers' markets.

C. Cottage food operations pursuant to Section 17.84.050 (Cottage food operations).

D. Family childcare homes.

E. Home occupations pursuant to Section 17.84.040 (Home occupations).

F. Mobile food sales pursuant to Chapter 17.96 (Mobile Food Sales).

G. Second dwelling units pursuant to Section 17.80.040 (Second dwelling units).

H. Short-term rentals pursuant to Chapter 17.88 (Short-Term Rentals).

I. Signs pursuant to Chapter 17.68 (Signs).

J. Temporary outside sales associated with a permitted nonresidential use, such as sidewalk or patio sales, not exceeding three (3) days in any thirty (30)-day period.

K. Usual and customary structures associated with a permitted use, including fences and walls pursuant to Section 17.80.120 (Fences, walls, hedges, and equivalent screening).

17.28.040 Conditional uses.

The following uses are permitted in the MU-1 zoning district upon approval and validation of a conditional use permit in addition to any other permits or licenses required for the use. Setbacks and development criteria may be amended during the conditional use permit process.

A. Animal grooming, animal hospitals, and veterinary offices.

B. Automobile and vehicle sales and rental.

C. Building material stores and yards.

D. Car washing and detailing.

E. Clubs, lodges, and private meeting halls.

F. Funeral homes.

G. Hospitals and hospice care.

H. Indoor entertainment facilities.

I. Large adult day programs.

J. Mobile food commissaries.

K. Mobile food courts pursuant to Chapter 17.96 (Mobile Food Sales).

L. Off-site parking and shared parking facilities pursuant to Chapter 17.64 (Off-Street Parking).

M. Outdoor commercial recreation facilities.

N. Parks, picnic areas, and playgrounds (no use permit when associated with development approved by city council).

O. Residential uses:

    1. Duplex residential.

    2. Dwelling groups.

    3. Residential care facilities.

    4. Single-room occupancy pursuant to Section 17.80.100 (Single-room occupancy).

P. Restricted personal services.

Q. Restricted retail sales.

R. Theaters and playhouses.

S. Vehicles for hire.

T. Other uses similar to those listed in this section.

17.28.050 Lot requirements.

A. Minimum parcel size: Six thousand (6,000) square feet.

B. Minimum width.

    1. Interior and corner lots: Fifty (50) feet.

    2. Cul-de-sac lot: Fifty (50) feet at front yard setback.

C. Minimum depth: One hundred twenty (120) feet.

17.28.060 Development standards.

A. Dwelling units per acre: One (1) to six (6) units.

B. Maximum lot coverage: Seventy-five (75) percent.

C. Maximum building height.

1. All uses, except as specified herein: Thirty (30) feet and two (2) stories.
2. Accessory structures: Fifteen (15) feet.
3. Building and structures taller than established height limits may be permitted pursuant to Section 17.80.180 (Height limits).

D. Minimum front yard setback: Ten (10) feet.

E. Minimum rear yard setback.
1. All uses, except as specified herein: Ten (10) feet.
2. Accessory structures: Five (5) feet.
3. Accessory structures on lots with alley access: One (1) foot.

F. Minimum side yard setback.
1. Interior side yard: Five (5) feet.
2. Exterior side yard.
    a. All uses, except as specified herein: Ten (10) feet.
    b. Accessory structures: Twenty (20) feet.

G. Minimum distance between buildings: As required by California Building Code.

H. Minimum parking: As specified in Chapter 17.64 (Off-Street Parking).

CHAPTER 17.32
MIXED USE, MU-2

Sections

17.32.010 Purpose and applicability.
17.32.020 Permitted uses.
17.32.030 Accessory uses.
17.32.040 Conditional uses.
17.32.050 Lot requirements.
17.32.060 Development standards.

17.32.010 Purpose and applicability.

The Mixed Use (MU-2) zoning district is intended to be applied primarily to areas suitable for higher density residential development and compatible nonresidential uses. The MU-2 zoning district is consistent with the Mixed Use land use designation.

17.32.020 Permitted uses.

Subject to issuance of a building permit, business license, and/or other required permits, none but the following uses, or uses which in the opinion of the city council are similar, will be allowed as principally permitted uses in the MU-2 zoning district:

A. Artisan crafts manufacturing.

B. Artist studios.

C. Banks and financial services.

D. Building material stores and yards.

E. Business and professional offices.

F. Business support services.

G. Clubs, lodges, and private meeting halls.

H. Community gardens pursuant to Section 17.80.160 (Community gardens).

I. Convenience stores and pharmacies.

J. Craft food and beverage production, alcohol with use permit.

K. Garden centers and plant nurseries.

L. Grocery stores and supermarkets.

M. Health clinics, medical offices, and laboratories.

N. Indoor sports and fitness facilities.

O. Live/work units pursuant to Section 17.84.030 (Live/work units).

P. Media production.

Q. Mixed-use developments of two (2) or more uses permitted pursuant to this section.

R. Personal services.

S. Places of worship and spiritual assembly.

T. Printing and publishing.

U. Public and private schools.

V. Public and quasi-public facilities.

W. Residential uses:

1. Dormitories.
2. Duplex residential.
3. Dwelling groups.
4. Emergency shelters pursuant to Section 17.80.110 (Emergency shelters).
5. Low barrier navigation centers pursuant to Section 17.80.260 (Low barrier navigation centers).
6. Multifamily residential.
7. Residential care homes.
8. Single-family residential.
9. Small employee housing.
10. Supportive housing.
11. Transitional housing.

X. Retail food establishments.

Y. Retail sales.

Z. Small adult day programs.

AA. Transient occupancy uses:

1. Bed & breakfast inns pursuant to Chapter 17.92 (Bed and Breakfasts).
2. Hotels and motels.

17.32.030 Accessory uses.

When established or constructed concurrently with or subsequent to the principally permitted use, the following uses are permitted in the MU-2 zoning district subject to issuance of a building permit, business license, or other required permit(s):

A. Accessory dwelling units and junior accessory dwelling units pursuant to Chapter 17.100 (Accessory Dwelling Units).

B. Certified farmers' markets.

C. Cottage food operations pursuant to Section 17.84.050 (Cottage food operations).

D. Family childcare homes.

E. Home occupations pursuant to Section 17.84.040 (Home occupations).

F. Mobile food sales pursuant to Chapter 17.96 (Mobile Food Sales).

G. Second dwelling units pursuant to Section 17.80.040 (Second dwelling units).

H. Short-term rentals pursuant to Chapter 17.88 (Short-Term Rentals).

I. Signs pursuant to Chapter 17.68 (Signs).

J. Temporary outside sales such as sidewalk or patio sales not exceeding three (3) days in any thirty (30)-day period.

K. Usual and customary structures associated with a principally permitted use, including fences and walls pursuant to Section 17.80.120 (Fences, walls, hedges, and equivalent screening).

17.32.040 Conditional uses.

The following uses are permitted in the MU-2 zoning district upon approval and validation of a conditional use permit in addition to any other permits or licenses required for the use.

A. Animal grooming, animal hospitals, and veterinary offices.

B. Automobile and vehicle sales and rental.

C. Automobile service stations.

D. Car washing and detailing.

E. Drive-in and drive-through sales and services.

F. Equipment sales and rental.

G. Event centers.

H. Funeral homes.

I. Garden centers and plant nurseries.

J. Hospitals and hospice care.

K. Indoor entertainment facilities.

L. Large adult day programs.

M. Mobile food commissaries.

N. Mobile food courts pursuant to Chapter 17.96 (Mobile Food Sales).

O. Off-site parking and shared parking facilities pursuant to Chapter 17.64 (Off-Street Parking).

P. Outdoor commercial recreation facilities.

Q. Parks, picnic areas, and playgrounds (no use permit when associated with development approved by city council).

R. Recreational vehicle parks pursuant to Section 17.80.080 (Recreational vehicle parks).

S. Residential uses:

1. Dormitories.
2. Dwelling groups.
3. Large employee housing.
4. Manufactured home parks pursuant to Section 17.80.060 (Manufactured home parks).
5. Residential care facilities.
6. Single-room occupancy pursuant to Section 17.80.100 (Single-room occupancy).

T. Restricted personal services.

U. Restricted retail sales.

V. Theaters and playhouses.

W. Vehicles for hire.

X. Other uses similar to those listed in this section.

17.32.050 Lot requirements.

A. Minimum parcel size: Five thousand (5,000) square feet.

B. Minimum width: Fifty (50) feet.

C. Minimum depth: One hundred (100) feet.

17.32.060 Development standards.

A. Dwelling units per acre: One (1) to sixteen (16) units.

B. Maximum lot coverage: Seventy-five (75) percent.

C. Maximum building height.

1. All uses, except as specified herein: Thirty (30) feet and two (2) stories.
2. Accessory structures: Fifteen (15) feet.
3. Building and structures taller than established height limits may be permitted pursuant to Section 17.80.180 (Height limits).

D. Minimum setbacks.

1. Front yard: Ten (10) feet.
2. Rear yard.
    a. All uses, except as specified herein: Ten (10) feet.
    b. Accessory structures: Five (5) feet.
    c. Accessory structures on lots with alley access: One (1) foot.
3. Side yard: Five (5) feet.

E. Minimum distance between buildings: As required by California Building Code.

F. Minimum parking: As specified in Chapter 17.64 (Off-Street Parking).

CHAPTER 17.36
VERTICAL MIXED USE, MU-3

Sections

17.36.010 Purpose and applicability.
17.36.020 Permitted uses.
17.36.030 Accessory uses.
17.36.040 Conditional uses.
17.36.050 Lot requirements.
17.36.060 Development standards.

17.36.010 Purpose and applicability.

The Vertical Mixed Use (MU-3) zoning district is intended to be applied primarily to properties along Main Street in areas that are suitable for a compatible mixture street-level nonresidential use and residential development on the upper floor(s). The MU-3 zoning district is consistent with the Mixed Use land use designation.

17.36.020 Permitted uses.

Subject to issuance of a building permit, business license, and/or other required permits, none but the following uses, or uses which in the opinion of the city council are similar, will be allowed as principally permitted uses in the MU-3 zoning district:

A. Artisan crafts manufacturing.

B. Banks and financial services.

C. Business and professional offices.

D. Business support services.

E. Community gardens pursuant to Section 17.80.160 (Community gardens).

F. Convenience stores and pharmacies.

G. Craft food and beverage production.

H. Garden centers and plant nurseries.

I. Grocery stores and supermarkets.

J. Health clinics, medical offices, and laboratories.

K. Hotels and motels.

L. Indoor entertainment facilities.

M. Indoor sports and fitness facilities.

N. Live/work units pursuant to Section 17.84.030 (Live/work units).

O. Media production.

P. Mixed-use developments of two (2) or more uses permitted pursuant to this section.

Q. Personal services.

R. Places of worship and spiritual assembly.

S. Printing and publishing.

T. Public and private schools.

U. Public and quasi-public facilities.

V. Retail food establishments.

W. Retail sales.

X. Small adult day programs.

Y. Theaters and playhouses.

Z. Vertical mixed-use developments of one (1) or more permitted nonresidential use and one (1) or more of the following residential uses:

1. Emergency shelters pursuant to Section 17.80.110 (Emergency shelters).
2. Duplex residential.
3. Low barrier navigation centers pursuant to Section 17.80.260 (Low barrier navigation centers).
4. Multifamily residential.
5. Residential care homes.
6. Single-family residential.
7. Small employee housing.
8. Supportive housing.
9. Transitional housing.

17.36.030 Accessory uses.

When established or constructed concurrently with or subsequent to the principally permitted use, the following uses are permitted in the MU-3 zoning district subject to issuance of a building permit, business license, or other required permit(s):

A. Accessory dwelling units and junior accessory dwelling units pursuant to Chapter 17.100 (Accessory Dwelling Units).

B. Certified farmers' markets.

C. Cottage food operations pursuant to Section 17.84.050 (Cottage food operations).

D. Family childcare homes.

E. Home occupations pursuant to Section 17.84.040 (Home occupations).

F. Mobile food sales pursuant to Chapter 17.96 (Mobile Food Sales).

G. Short-term rentals pursuant to Chapter 17.88 (Short-Term Rentals).

H. Signs pursuant to Chapter 17.68 (Signs).

I. Temporary outside sales such as sidewalk or patio sales not exceeding three (3) days in any thirty (30)-day period.

J. Usual and customary structures associated with a principally permitted use, including fences and walls pursuant to Section 17.80.120 (Fences, walls, hedges, and equivalent screening).

17.36.040 Conditional uses.

The following uses are permitted in the MU-3 zoning district upon approval and validation of a conditional use permit in addition to any other permits or licenses required for the use.

A. Animal grooming, animal hospitals, and veterinary offices.

B. Automobile and vehicle sales and rental.

C. Automobile service stations.

D. Building material stores and yards.

E. Car washing and detailing.

F. Clubs, lodges, and private meeting halls.

G. Drive-in and drive-through sales and services.

H. Equipment sales and rental.

I. Event centers.

J. Funeral homes.

K. Hospitals and hospice care.

L. Large adult day programs.

M. Mobile food commissaries.

N. Mobile food courts pursuant to Chapter 17.96 (Mobile Food Sales).

O. Off-site parking and shared parking facilities pursuant to Chapter 17.64 (Off-Street Parking).

P. Outdoor commercial recreation facilities.

Q. Parks, picnic areas, and playgrounds (no use permit when associated with development approved by city council).

T. Residential uses pursuant to subsection Y of Section 17.36.020 (Permitted uses) when residential use is located at street level.

U. Restricted personal services.

V. Restricted retail sales.

W. Vehicles for hire.

X. Other uses similar to those listed in this section.

17.36.050 Lot requirements.

A. Minimum parcel size: Six thousand (6,000) square feet.

B. Minimum width: Fifty (50) feet.

C. Minimum depth: One hundred twenty (120) feet.

17.36.060 Development standards.

A. Dwelling units per acre: One (1) to sixteen (16) units.

B. Maximum lot coverage: One hundred (100) percent.

C. Maximum building height.

1. All uses, except as specified herein: Thirty (30) feet and two (2) stories.
2. Accessory structures: Fifteen (15) feet.
3. Building and structures taller than established height limits may be permitted pursuant to Section 17.80.180 (Height limits).

D. Minimum setbacks.
1. Front yard: None.
2. Rear yard. None.
3. Side yard: None.

E. Minimum distance between buildings: As required by California Building Code.

F. Minimum parking: As specified in Chapter 17.64 (Off-Street Parking).

CHAPTER 17.40
GENERAL COMMERCIAL, G-C

Sections

17.40.010 Purpose and applicability.
17.40.030 Permitted uses.
17.40.040 Accessory uses.
17.40.050 Conditional uses.
17.40.060 Lot requirements.
17.40.070 Development standards.

17.40.010 Purpose and applicability.

The General Commercial (G-C) zoning district is intended to be applied to areas suitable for heavier commercial uses than those typically allowed in the mixed-use zoning districts consistent with the Heavy Commercial land use designation.

17.40.020 Permitted uses.

Subject to issuance of a building permit, business license, and/or other required permits, none but the following uses, or uses which in the opinion of the city council are similar, will be allowed as principally permitted uses in the G-C zoning district:

A. Animal grooming, animal hospitals, and veterinary offices.

B. Artisan crafts manufacturing and sales.

C. Automobile and vehicle sales and rental.

D. Automobile service stations, no fuel sales.

E. Banks and financial services.

F. Building material stores and yards.

G. Business and professional offices.

H. Business support services.

I. Car washing and detailing.

J. Convenience stores and pharmacies.

K. Craft food and beverage production, alcohol with use permit.

L. Equipment sales and rental.

M. Garden centers and plant nurseries.

N. Grocery stores and supermarkets.

O. Health clinics, medical offices, and laboratories.

P. Indoor sports and fitness facilities.

Q. Media production.

R. Mixed-use developments of two (2) or more uses permitted pursuant to this chapter.

S. Mobile food courts pursuant to Chapter 17.96 (Mobile Food Sales).

T. Personal services.

U. Printing and publishing.

V. Public and quasi-public facilities.

W. Retail food establishments.

X. Retail sales.

Y. Theaters and playhouses.

17.40.030 Accessory uses.

When established or constructed concurrently with or subsequent to the principally permitted use, the following uses are permitted in the G-C zoning district subject to issuance of a building permit, business license, or other required permit(s):

A. Certified farmers' markets.

B. Mobile food sales pursuant to Chapter 17.96 (Mobile Food Sales).

C. Signs pursuant to Chapter 17.68 (Signs).

D. Temporary outside sales associated with a permitted nonresidential use, such as sidewalk or patio sales, not exceeding three (3) days in any thirty (30)-day period.

E. Uncovered storage for allowable uses on the rear half of the lot if screened by solid fencing a minimum of six (6) feet in height.

F. Usual and customary structures associated with a principally permitted use, including fences and walls pursuant to Section 17.80.120 (Fences, walls, hedges, and equivalent screening).

17.40.040 Conditional uses.

The following uses are permitted in the G-C zoning district upon approval and validation of a conditional use permit, in addition to any other permits or licenses required for the use. Setbacks and development criteria may be amended during the conditional use permit process:

A. Ambulance service.

B. Animal boarding,

C. Automobile service stations that include fuel sales.

D. Drive-in and drive-through sales and services.

E. Equipment and material storage yards.

F. Event centers.

G. Food and beverage manufacturing.

H. Mobile food commissaries pursuant to Chapter 17.96 (Mobile Food Sales).

I. Outdoor commercial recreation facilities.

J. Restricted personal services.

K. Restricted retail sales.

L. Storage facilities.

M. Wholesale businesses.

N. Other uses similar to those listed in this section.

17.40.050 Lot requirements.

A. Minimum parcel size: Five thousand (5,000) square feet.

B. Minimum width: Fifty (50) feet

C. Minimum depth: One hundred (100) feet.

17.40.060 Development standards.

A. Dwelling units per acre: None.

B. Maximum building height.

1. All uses, except as specified herein: Thirty (30) feet and two (2) stories.
2. Accessory structures: Fifteen (15) feet.
3. Building and structures taller than established height limits may be permitted pursuant to Section 17.80.180 (Height limits).

C. Maximum lot coverage: Seventy-five (75) percent.

D. Minimum front yard setback: Ten (10) feet.

E. Minimum rear yard setback: Ten (10) feet.

F. Minimum side yard setback: Ten (10) feet.

G. Minimum distance between buildings: As required by California Building Code.

H. Minimum parking: As specified in Chapter 17.64 (Off-Street Parking).

CHAPTER 17.44
MANUFACTURING, M

Sections

17.44.010 Purpose and applicability.
17.44.030 Permitted uses.
17.44.040 Accessory uses.
17.44.050 Conditional uses.
17.44.060 Lot requirements.
17.44.070 Development standards.

17.44.010 Purpose and applicability.

The Manufacturing (M) zoning district is intended to be applied to areas suitable for heavier commercial and manufacturing uses than permitted in the commercial and mixed-use zoning districts, provided such uses are not detrimental to the public health, safety, and general welfare by reason of odor, smoke, gas, dust, vibration, or noise, or are not deemed to be exceptional fire of explosion hazards. The M district is consistent with the Industrial land use designation.

17.44.020 Permitted uses.

Subject to issuance of a building permit, business license, and/or other required permits, none but the following uses, or uses which in the opinion of the City Council are similar, will be allowed as principally permitted uses in the M zoning district:

A. Agricultural processing plants.

B. Animal grooming, animal hospitals, and veterinary offices.

C. Artisan crafts manufacturing and sales.

D. Automobile and vehicle sales and rental.

E. Automobile service stations, no fuel sales.

F. Building material stores and yards.

G. Business and professional offices.

H. Car washing and detailing.

I. Clothing and fabric product manufacturing.

J. Craft food and beverage production.

K. Equipment sales and rental.

L. Garden centers and plant nurseries.

M. Handcraft industries.

N. Indoor sports and fitness facilities.

O. Mixed-use developments of two (2) or more uses permitted pursuant to this chapter.

P. Paper product manufacturing.

Q. Printing and publishing.

R. Public and quasi-public facilities.

S. Retail food establishments.

T. Retail sales.

U. Small equipment maintenance and repair.

17.44.030 Accessory uses.

When established or constructed concurrently with or subsequent to the principally permitted use, the following uses are permitted in the M zoning district subject to issuance of a building permit, business license, or other required permit(s):

A. Mobile food sales pursuant to Chapter 17.96 (Mobile Food Sales).

B. Signs pursuant to Chapter 17.68 (Signs).

C. Uncovered storage for allowable uses on the rear half of the lot if screened by solid fencing a minimum of six (6) feet in height.

D. Usual and customary structures associated with a principally permitted use, including fences and walls pursuant to Section 17.80.120 (Fences, walls, hedges, and equivalent screening).

17.44.040 Conditional uses.

The following uses are permitted in the M zoning district upon approval and validation of a conditional use permit, in addition to any other permits or licenses required for the use.

A. Ambulance service.

B. Animal boarding.

C. Automobile service stations that include fuel sales.

D. Concrete batching or ready-mix concrete manufacturing.

E. Equipment and material storage yards.

F. Food and beverage manufacturing.

G. Fuel storage and distribution.

H. Furniture and fixtures manufacturing.

I. Glass product manufacturing.

J. Lumber and wood product processing facilities.

K. Metal products fabrication, machine/welding shops.

L. Off-site parking and shared parking facilities pursuant to Chapter 17.64 (Off-Street Parking).

M. Paper product manufacturing.

N. Recycling facilities.

O. Restricted retail sales.

P. Stone product manufacturing.

Q. Storage facilities.

R. Wholesale businesses.

S. Other uses similar to those listed in this section.

17.44.050 Lot requirements.

A. Minimum parcel size: Seven thousand five hundred (7,500) square feet.

B. Minimum width: Seventy-five (75) feet.

C. Minimum depth: One hundred (100) feet.

17.44.060 Development standards.

A. Dwelling units per acre: None.

B. Maximum building height:

1. All uses, except as specified herein: Thirty (30) feet and two (2) stories.

2. Building and structures taller than established height limits may be permitted pursuant to Section 17.80.180 (Height limits).

C. Maximum lot coverage: Seventy-five (75) percent.

D. Minimum front yard setback: Twenty-five (25) feet.

E. Minimum rear yard setback.

1. Adjacent M: Ten (10) feet.

2. Adjacent all other zoning districts: Twenty (20) feet and screened with six (6) foot solid fencing.

F. Minimum side yard setback.

1. Adjacent M: Ten (10) feet.

2. Adjacent all other zoning districts: Twenty (20) feet and screened with six (6) foot solid fencing.

G. Minimum distance between buildings: As required by California Building Code.

H. Minimum parking: As specified in Chapter 17.64 (Off-Street Parking).

CHAPTER 17.48
PUBLIC FACILITIES, P-F

Sections

17.48.010 Purpose and applicability.
17.48.020 Permitted uses.
17.48.030 Accessory uses.
17.48.040 Conditional uses.
17.48.050 Lot requirements.
17.48.060 Development standards.

17.48.010 Purpose and applicability.

The Public Facilities (P-F) zoning district is intended to be applied to public lands that house public and non-public utilities, government offices, emergency services, schools, and other public and quasi-public facilities consistent with the Public Agency land use designation.

17.48.020 Permitted uses.

Subject to issuance of a building permit, business license, and/or other required permits, none but the following uses, or uses which in the opinion of the city council are similar, will be allowed as principally permitted uses in the P-F zoning district:

A. Parks, picnic areas, playgrounds.

B. Public and quasi-public facilities.

C. Public schools.

D. Public utilities, except wireless telecommunication facilities.

17.48.030 Accessory uses.

The following uses are permitted in the P-F zoning district as an accessory to the primary permitted or conditionally permitted use:

A. Certified farmers' markets.

B. Mobile food sales pursuant to Chapter 17.96 (Mobile Food Sales).

C. Signs pursuant to Chapter 17.68 (Signs).

D. Special events.

E. Usual and customary structures associated with a principally permitted use.

17.48.040 Conditional uses.

The following uses are permitted in the P-F zoning district upon approval and validation of a conditional use permit, in addition to any other permits or licenses required for the use:

A. Wastewater treatment facilities.

17.48.050 Lot requirements.

A. Minimum parcel size: None.

B. Minimum lot width: None.

C. Minimum lot depth: None

17.48.060 Development standards.

A. Dwelling units per acre: None.

B. Maximum building height.

1. All uses, except as specified herein: Forty (40) feet.
2. Accessory structures: Fifteen (15) feet.

C. Maximum lot coverage: Eighty (80) percent.

D. Minimum setbacks.

1. Front yard: Ten (10) feet.
2. Side yard: Ten (10) feet.
3. Rear yard: Ten (10) feet.

E. Minimum distance between buildings: As required by California Building Code.

F. Minimum parking: As specified in Chapter 17.64 (Off-Street Parking).

CHAPTER 17.52
OPEN SPACE, O-S

Sections

17.52.010 Purpose and applicability.
17.52.020 Permitted uses.
17.52.030 Accessory uses.
17.52.040 Conditional uses.
17.52.050 Lot requirements.
17.52.060 Development standards.

17.52.010 Purpose and applicability.

The Open Space (O-S) zoning district is intended to be applied to public lands such as parks and playgrounds and other lands that that should be preserved in a natural state and/or that provide active or passive recreational opportunities consistent with the Open Space land use designation.

17.52.020 Permitted uses.

Subject to issuance of a building permit, business license, and/or other required permits, none but the following uses, or uses which in the opinion of the city council are similar, will be allowed as principally permitted uses in the O-S zoning district:

A. Parks, picnic areas, playgrounds.

B. Public and quasi-public facilities.

C. Public utilities, except wireless telecommunication facilities.

D. Resource protection and restoration.

E. Resource-related recreation.

17.52.030 Accessory uses.

When established or constructed concurrently with or subsequent to the principally permitted use, the following uses are permitted in the O-S zoning district subject to issuance of a building permit, business license, or other required permit(s):

A. Certified farmers' markets.

B. Mobile food sales pursuant to Chapter 17.96 (Mobile Food Sales).

C. Signs pursuant to Chapter 17.68 (Signs).

D. Special events.

E. Usual and customary structures associated with a principally permitted use.

17.52.040 Conditional uses.

The following uses are permitted in the O-S zoning district upon approval and validation of a conditional use permit, in addition to any other permits or licenses required for the use.

A. Cemeteries.

B. Concession facilities.

C. Other uses similar to those listed in this section.

17.52.050 Lot requirements.

A. Minimum parcel size: None.

B. Minimum width: None.

C. Minimum depth: None.

17.52.060 Development standards.

A. Dwelling units per acre: None.

B. Maximum building height.

   1. All uses, except as specified herein: Thirty (30) feet.

   2. Accessory structures: Fifteen (15) feet.

C. Maximum lot coverage: Twenty-five (25) percent.

D. Minimum setbacks.

   1. Front yard: Ten (10) feet.

   2. Side yard: Ten (10) feet.

   3. Rear yard: Ten (10) feet.

E. Minimum distance between buildings: As required by California Building Code

F. Minimum parking: As specified in Chapter 17.64 (Off-Street Parking).

CHAPTER 17.56
PLANNED DEVELOPMENT, P-D

Sections

17.56.010 Purpose and applicability.
17.56.020 Permitted uses.
17.56.030 Accessory uses.
17.56.040 Conditional uses.
17.56.050 Development standards.
17.56.060 Prohibited uses.
17.56.070 Processing of an application for a planned development permit.

17.56.010 Purpose and applicability.

The Planned Development (P-D) zoning district is intended to enable and encourage flexibility of design and development of land in such manner as to promote its most appropriate use. The P-D zoning district also allows diversification in the relationship of various uses, structures, and spaces.

Planned developments, involving the careful application of design, are encouraged to achieve a more functional, aesthetically pleasing and harmonious living and working environment within the city which otherwise might not be possible by strict adherence to the regulations of specific zoning districts. The P-D zoning district is designed to accommodate various types of developments, such as shopping centers, single-family housing developments, multifamily housing developments, professional and administrative areas, commercial service centers and industrial parks, or any other use or combination of uses that can be made appropriately a part of a planned development.

The proposed development shall be designed to produce an environment with a stable and desirable character and shall provide standards of open space and permanently reserved areas for off-street parking adequate for the occupancy proposed, and at least equivalent to those required elsewhere by the provisions of this title for such use. In case of residential development, it should include provisions for recreation areas to meet the needs of the anticipated population. The P-D zoning district is consistent with the Planned Development land use designation.

17.56.020 Permitted uses.

Provided there is no division of property, and subject to issuance of a building permit, business license or other required permit(s), the following uses, and uses which in the opinion of the city council are similar, are allowed as principally permitted uses in the P-D zoning district without the need for a planned development permit:

A. Public and quasi-public facilities.

B. Residential care homes.

C. Single-family residential.

D. Small employee housing.

E. Supportive housing.

F. Transitional housing.

17.56.030 Accessory uses.

When established or constructed concurrently with or subsequent to the principally permitted use, the following uses are permitted in the P-D zoning district subject to issuance of a building permit, business license, or other required permit(s):

A. Accessory dwelling units and junior accessory dwelling units pursuant to Chapter 17.100 (Accessory Dwelling Units).

B. Cottage food operations pursuant to Section 17.84.050 (Cottage food operations).

C. Family childcare homes.

D. Home occupations pursuant to Section 17.84.040 (Home occupations).

E. Short-term rentals pursuant to Chapter 17.88 (Short-Term Rentals).

F. Signs pursuant to Chapter 17.68 (Signs).

G. Usual and customary structures associated with a principally permitted use, including fences and walls pursuant to Section 17.80.120 (Fences, walls, hedges, and equivalent screening).

17.56.040 Conditional uses.

Upon approval and validation of a conditional use permit, in addition to any other permits or licenses required for the use, the following uses are permitted in the P-D zoning district without need for a planned development permit, provided there is no division of property:

A. Parks, picnic areas, and playgrounds.

B. Places of worship and spiritual assembly.

C. Public and private schools.

D. Shared parking facilities and public or private parking lots.

E. Other uses similar to those listed in this section.

17.56.050 Development standards.

The standards of site area and dimensions, site coverage, yard spaces, distances between structures, off-street parking and off-street loading facilities, and landscaped areas need not be equivalent to the standards prescribed for the regulations for other districts, which involve similar uses if the applicant has demonstrated, by their design proposal, that the objectives of this title will be achieved.

The average population density per net acre may not exceed the maximum population density prescribed in the general plan. Since planned developments also typically involve the subdivision process, the applicant must be prepared to show what changes in conventional street and lot design will be necessary to achieve the desired goals.

17.56.060 Prohibited uses.

No use shall be permitted, and no process, equipment, or material shall be employed, which is found by the city council to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illuminations, glare, unsightliness or heavy truck traffic or to involve any hazard of fire or explosion.

17.56.070 Processing of an application for a planned development permit.

A. Prior to development of properties within the P-D zoning district that includes subdivision of property, the owner/applicant shall submit an application to the city:

1. The application shall be accompanied by a development plan of the entire site, drawn to scale and showing the contours of the site in intervals of not more than five feet and provisions for: stormwater detention; public utility rights-of-way; streets; public and private access; driveways and sidewalks; off-street parking and loading facilities; reservations and dedications for public uses; residential uses, including dwelling types; nonresidential uses, including types; lot layout, including setbacks; heights and elevations of structures; and landscaped areas.

2. In addition to the data prescribed in subsection (A)(1) of this section, the application shall be accompanied by a tabulation of the area proposed to be devoted to each land use and a tabulation of the average population density per net acre and per gross acre in the area or areas proposed to be devoted to residential use.

3. The application shall also be accompanied by text that establishes development standards for the planned development including lot sizes, setbacks, building heights, parking requirements, etc.

4. A written statement setting forth the source of water supply, method of sewage disposal, and provisions for maintenance of landscaped areas.

5. Proposed parcel or subdivision map consistent with the development plan.

B. The city council shall review and act upon the parcel map or tentative subdivision map application in accordance with the procedures prescribed by the Subdivision Map Act and Title 16 (Subdivisions). Any approval shall be conditioned on the map becoming effective concurrently with the effective date of the rezone establishing the planned development district.

C. The city council may recommend approval of the planned development permit application and establishment of the planned development district only if it first makes the following findings:

1. That the proposed location of the planned development is in accordance with the objectives of this title.

2. That the proposed location of the planned development and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or be materially injurious to properties or improvements in the vicinity.

3. That the proposed planned development will comply with each of the applicable provisions of this chapter.

4. That the standards of population density, site area and dimensions, site coverage, yard spaces, heights of structures, distance between structures, off-street parking and off-street loading facilities, and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of the city.

5. That the standards of population density, site area and dimensions, site coverage, yard spaces, height of structures, distances between structures and off-street parking and off-street loading facilities will be such that the development will not generate more traffic than the streets in the vicinity can carry without congestion and will not overload utilities.

6. That the combination of different dwelling types and variety of land uses in the development will complement each other and will harmonize with existing and proposed land uses in the vicinity.

7. The proposed planned development or the first use or group of uses can be substantially completed within the time schedule submitted by the applicant.

D. The city council shall consider the application and development plan, together with the recommendation of staff. The council may approve the planned development permit and establish the planned development district if it finds that:

1. The proposed district and development plan are consistent with the general plan and with the purposes of this title.

2. The proposed district and all uses provided for therein will be compatible with existing and anticipated development in the general vicinity.

E. An ordinance establishing a planned development district, if enacted by the city council, shall reference the development plan for the district approved by the city council.

CHAPTER 17.60
SIMILAR USE DETERMINATIONS

Sections:

17.60.010 Purpose.
17.60.020 Applicability.
17.60.030 Application required.
17.60.040 Review procedure.
17.60.050 Findings.
17.60.060 City council modifications.
17.60.070 Amendments.
17.60.080 Record of determinations.

17.60.010 Purpose.

All possible land uses may not be listed within the provisions of this title. When a particular use is not specifically listed in this title and it is unclear whether the use is permitted, the similar use determination allows the city council to determine whether or not a proposed use is similar to a permitted or conditionally permitted use and whether it may be permitted in a particular zoning district.

17.60.020 Applicability.

A similar use determination is required when a use is not specifically listed in this zoning code but may be permitted if it is determined to be similar in nature to a permitted or conditionally permitted use.

17.60.030 Application required.

An application for a similar use determination shall be filed with the city council on a form prescribed by the city clerk, accompanied by an application fee as established by the city council.

17.60.040 Review procedure.

No public hearing is required for review and processing of a similar use determination.

17.60.050 Findings.

The city council shall approve a similar use determination only if it first makes the following findings. If the city council is unable to make any of the findings, the similar use determination shall be denied.

A. The characteristics of and activities associated with the proposed use are equivalent to one or more of the permitted uses and will not involve a higher level of activity, environmental impact, or population density than the uses provided for in the zoning district.

B. The proposed use will be consistent with the purposes of the applicable zoning district.

C. The proposed use would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity in which the proposed use will be allowed.

D. The proposed use will be consistent with the general plan and this code.

17.60.060 City council modifications.

The city council may require modifications to the proposed use, in whole or in part, to ensure consistency with the findings in Section 17.60.050 (Findings).

17.60.070 Amendments.

To amend a similar use determination following approval by the city council, a new similar use determination application shall be required.

17.60.080 Record of determinations.

The city clerk shall maintain a record of approved similar use determinations in a format convenient for public use and shall cause the approved similar use determinations to be added to the zoning ordinance at least once each year.

CHAPTER 17.64
OFF-STREET PARKING

Sections

17.64.010 Purpose.
17.64.020 General regulations.
17.64.030 Amount of off-street parking.
17.64.040 Parking for compact cars.
17.64.050 Off-site parking.
17.64.060 Shared parking facilities.
17.64.070 Accessible parking facilities.
17.64.080 Off-street loading.
17.64.090 Design, construction, and maintenance standards.
17.64.100 In-lieu parking fees.
17.64.110 Carports.
17.64.120 Conversion of residential garages.
17.64.130 Exceptions.
17.64.140 Minimum off-street parking requirements.

17.64.010 Purpose.

Off-street parking and loading facilities are necessary to ensure functional, aesthetic, and secure parking and to reduce parking congestion and hazards during snow removal. The regulations and design standards of this chapter are intended to ensure usefulness of facilities, to protect public safety, and where appropriate, to mitigate potential adverse impacts on adjacent land uses.

17.64.020 General regulations.

A. Unless stipulated by other provisions of this title, off-street parking facilities shall be provided for any new building or land use established. Off-street parking facilities shall be provided for any addition or enlargement of an existing building or use, or any change of occupancy or manner of operation that would result in additional parking spaces being required; provided, that the additional parking shall be required only for the addition, enlargement, or change and not for the entire building or use.

B. Facilities being used for off-street parking on the effective date of this ordinance codified in this title shall not be reduced in capacity to less than the number of parking spaces required or altered in design or function to less than the minimum standards prescribed by this title, except as provided by Section 17.64.130 (Exceptions) and Chapter 17.100 (Accessory Dwelling Units).

C. For sites with more than one land use, or for adjacent sites served by a common parking facility, the parking requirement shall be the total number of spaces required for each site or use, except as provided by Section 17.64.060 (Shared parking facilities).

D. Parking facilities constructed or substantially reconstructed subsequent to the effective date of the ordinance codified in this title shall conform to the design standards set forth in Sections 17.64.090 (Design, construction, and maintenance standards) and 17.64.140 (Minimum off-street parking requirements).

E. Required parking facilities shall be maintained for the duration of the land use for which it is required and shall not be used for the sale, display, or storage of merchandise.

F. Required parking facilities shall be on the same site as the land use for which required, except as authorized pursuant to Section 17.64.050 (Off-site parking).

G. A land use that is subject to approval of a use permit may be required to provide more or fewer parking spaces than prescribed by this chapter as determined by the city engineer.

17.64.030 Amount of off-street parking.

Parking facilities for each land use shall be provided according to the minimum requirements set forth in Section 17.64.140 (Minimum off-street parking requirements), applied as follows:

A. When application of Section 17.64.140 (Minimum off-street parking requirements) results in a fractional parking requirement, a fraction of one half (0.5) or greater shall be resolved to the higher whole number.

B. For purposes of this chapter, requirements shall be based on gross floor area, but excluding enclosed or covered areas used for off-street parking or loading.

C. When requirements are based on seats or capacity, Building Code provisions applicable at the time of determination shall be used to define capacity.

17.64.040 Parking for compact cars.

In a parking facility of ten (10) or more spaces, a maximum of twenty-five (25) percent of the spaces may be designed for compact cars. Spaces for compact vehicles shall be located in a manner affording desirability and usability equivalent to standard spaces.

17.64.050 Off-site parking.

A. Where permitted by use permit, the city council may authorize a portion or all the parking spaces required for a land use to be located on another site. An application for off-site parking shall require submission of a use permit application; payment of the applicable application fee deposit; a detailed and scaled site plan of the proposed parking facility; and a written statement addressing the relevant factors listed in subsection B of this section.

B. In determining whether to approve an application for a use permit for off-site parking, the city council shall consider all relevant factors, including:

1. The locations of the land use and the proposed off-site parking facility, and the parking demand created by other land uses in the vicinity.

2. The characteristics of the land use, including employee and customer parking demand, hours of operation, and projected convenience and frequency of use of off-site parking.

3. Convenience and safety of pedestrian access between the land use and off-site parking facility.

4. Difficulty or impracticality of providing all required parking on the same site as the land use the parking facility serves.

5. The recommendations of the city engineer and city planner.

C. The city council may require such guarantees as deemed necessary to assure continued availability and usability of any off-site parking.

17.64.060 Shared parking facilities.

A. When two (2) or more uses are located on the same lot or parcel of land, the number of off-street parking spaces required shall be the sum total of the requirements of the various individual uses computed separately in accordance with this chapter.

B. Where permitted by use permit, the city council may authorize an adjustment in the total parking requirement for separate land uses located on the same site, or for separate uses located on adjacent sites and served by a common parking facility. A request for adjustment shall require submission of a use permit application; payment of the applicable application fee deposit; a detailed and scaled site plan of the proposed parking facility; and a written statement addressing the relevant factors listed in subsection E of this section.

C. Subject to the granting of a use permit in accordance with Chapter 17.76 (Use Permits and Variances), the total parking requirement for all land uses served by a shared parking facility may be reduced by an amount not to exceed the following:

Total Requirement for All Uses	Maximum Allowable Reduction
10 or fewer spaces	30 percent
11-30 spaces	40 percent
More than 30 spaces	50 percent

D. A parking facility subject to adjustment under this section shall be designed as a common, unified parking facility providing reasonably equivalent accessibility and convenience to all land uses which the parking facility is intended to serve.

E. In determining whether to approve an adjustment for mixed-use developments and shared parking facilities, the city council shall consider all relevant factors, including:

1. The characteristics of each land use and the differences in projected peak parking demand, including days or hours of operation.
2. Potential reduction in vehicle movements afforded by multipurpose use of the parking facility by employees, customers, or residents of the uses served.
3. Potential improvements in parking facility design, circulation, and access afforded by a joint parking facility.
4. The recommendations of the city engineer and city planner.

F. A use permit authorizing a reduction in the amount of off-street parking shall be granted only when all of the following findings can be made, based on substantial evidence:

1. The specific characteristics of the land use for which the reduction is requested do not necessitate the number of parking spaces that would otherwise be required by this chapter.
2. Information provided by the applicant for a reduction in required parking documents and supports the need for fewer parking spaces.
3. The reduced parking standards will be adequate to accommodate all parking demands generated by the proposed land use and will not be detrimental to the public health, safety, and general welfare.

G. The city council may require such guarantees as deemed necessary to assure the continued availability of parking and adequacy of maintenance and operating agreements to retain the usability of the parking facility.

17.64.070 Accessible parking facilities.

A. Accessible parking spaces for serving disabled persons shall be established in accordance with the regulations of Section 1129 B of Title 24, California Code of Regulations.

B. Accessible parking space facilities may be permitted to be established within a yard setback area pursuant to Chapter 17.108 (Reasonable Accommodations).

17.64.080 Off-street loading.

A. Each off-street loading space required by this title shall be of sufficient size to park commercial vehicles loading and unloading merchandise and materials on the property on which a space is located, together with such additional area which the city engineer determines is necessary to safely maneuver a vehicle between the loading space and any public right-of-way or any road, street, or alley adjoining the property.

B. Private off-street loading space for the handling of goods, materials, and equipment shall be provided as follows:

1. Buildings fifteen thousand (15,000) square feet or greater of gross floor area (including building conversions): one (1) off-street loading space, plus one (1) additional space for each additional thirty thousand (30,000) square feet of gross floor area.

2. Buildings less than fifteen thousand (15,000) square feet of gross floor area shall not be required to install an off-street loading space.

17.64.090 Design, construction, and maintenance standards.

A. Use of Standards. The design standards established by this section are basic guidelines for design, construction, and maintenance of parking and loading facilities. The city engineer may authorize minor variations or adjustments to the design, function, attractiveness, and protection to adjoining uses in a manner equal to or greater than the specific requirements of this section.

B. Minimum Dimensions. The following are the minimum dimensions for parking and loading spaces:

Parking Space Type	Length (feet)	Width (feet)	Vertical Clearance (feet)
Standard	19	9	7.5
Compact	16	8	
Accessible	19	12	8.5
Accessible Access Aisle	19	5	8.5
Commercial Loading	40	12	15

C. Landscaping. The following basic standards shall apply, except where conflicts may arise with any water efficient landscaping ordinance in effect in the city, in which case the water efficient landscaping ordinance shall prevail.

1. Each parking facility having twelve (12) or more spaces shall provide a perimeter landscaped strip at least five (5) feet wide where the facility adjoins a property line. Perimeter landscaping shall be continuous, except for necessary access to the site or to the parking facility.

2. Each parking facility shall provide interior landscaping, including shade trees where appropriate, in accordance with the following schedule. Where possible, existing trees

shall be incorporated into landscaped areas. Interior landscaping shall be distributed throughout the parking facility to reduce the visual impact of large, paved areas.

Size of Parking Facility (square feet)	Minimum Interior Landscaping as a Percentage of Parking Facility Size
< 10,000	-
10,000 – 19,999	5.0
20,000 – 29,999	7.5
≥ 30,000	10.0

3. Landscaped areas shall be provided with irrigation facilities and shall be protected with curbs or equivalent barriers.

D. Paving and Drainage. The following standards shall apply:

1. All parking and loading facilities shall be graded and provided with permanent storm drainage facilities.

2. Surfacing, curbing, and drainage improvements shall be sufficient to preclude free flow of water onto adjacent properties or streets and to provide adequate drainage within the facility.

3. The surfacing of parking and loading facilities shall be asphalt, concrete, brick pavers, or an alternative all-season hardscape deemed appropriate by the city engineer.

F. Safety Features. The following standards shall apply:

1. Safety barriers, protective bumpers, or curbing, and directional markings shall be provided to assure safety, efficient utilization, protection to landscaping, and to prevent encroachment onto adjoining public or private property.

2. Visibility of and between pedestrians, bicyclists, and motorists shall be assured within the parking facility and at all access driveways.

3. Internal circulation patterns, and the location and traffic direction of all access drives, shall be designed and maintained in accord with accepted principles of traffic engineering and traffic safety.

G. Lighting. Aboveground lighting fixtures shall be designed to reflect away from any residential land uses, and to minimize glare and reflection onto adjoining properties.

H. Noise. Areas used for primary circulation, frequent idling of vehicle engines, or loading activities shall be designed and located to minimize impacts on adjoining properties, including provisions for screening or sound baffling, as appropriate.

I. Maintenance. Parking and loading facilities shall be maintained to assure desirability and usefulness, free of refuse, debris, or other accumulated matter. Landscaping, screening, fencing, signing, lighting, surfacing, striping, and other features shall be maintained in a usable manner.

17.64.100 In-lieu parking fees.

A. Applicability. With the development of any new or expanded commercial, industrial, or mixed-use land use in the city, in lieu of providing off-street parking spaces as required by the provisions of Section 17.64.140 (Minimum off-street parking requirements), such requirements may be satisfied subject to city approval by payment to the city, prior to the issuance of a building permit, business license, or other permit which may be required, of a

sum of money for each parking space required by this chapter in an amount prescribed by the city council. The funds so deposited shall be retained by the city and shall be exclusively for the purpose of acquiring and developing public off-street parking facilities.

B. Establishment of Fee. The city council shall, by resolution and following a public hearing, establish and/or modify the amount of money that may be deposited in lieu of providing the off-street parking facilities required by this chapter.

C. Purchase of Property. When sufficient funds are available to the city to acquire or to improve municipal off-street parking, the city may proceed to implement this section by acquisition or improvement of the said parking facilities. The city council shall have the sole determination as to when and where the off-street public parking facilities contemplated to be provided pursuant to this section shall be acquired and developed.

D. Refund of Fee. An in-lieu parking payment may be refunded by the city, without interest, to the person who made such payment, or his assignee or designee, if, prior to the date said funds are spent or committed by the city to acquire or develop off-street parking facilities, additional off-street parking spaces are provided for such building other than by the city, so as to satisfy the parking requirement for which the in-lieu payment was made.

17.64.110 Carports.

Carports required herein shall be permanent structures anchored to the ground and constructed in such a manner that they comply with all structural, foundation, and snow load requirements of the Building Code, as adopted by the city.

17.64.120 Conversion of residential garages.

A. The owner of an existing single-family dwelling or duplex may apply for an administrative use permit to convert the garage or carport for each such dwelling unit into an area for other residential purposes upon applying for and obtaining from the city an administrative use permit therefore, on the following terms and conditions:

1. For each garage space or carport space converted, the owner shall provide one off-street parking space on the subject property, unless the subject property will otherwise have adequate parking pursuant to this chapter. The parking spaces shall not be located within any required building setback area.

2. Such alternate parking space shall be paved with concrete, asphalt, brick, or a similar hardscape all-weather surface.

3. The design and location of the alternate parking space, together with the access thereto, shall be administratively approved by the city.

4. Submission by the applicant of such plans for the garage conversion and construction of the parking place as may be required by the building inspector for the issuance of a building permit.

5. Prior to issuing the use permit, the city shall make a finding that the majority of residences on the block lack garages and the proposed conversion is consistent with other development in the neighborhood.

6. No use permit shall be required for conversion of the garage or carport into an accessory dwelling unit pursuant to Chapter 17.96 (Accessory Dwelling Units).

B. No work shall commence on any such conversion or on construction of alternate parking prior to the issuance of the administrative use permit by the city and the applicant obtaining

a building permit for such construction and conversion and paying the necessary fee therefor.

17.64.130 Exceptions.

A. The amount of off-street parking required by Section 17.64.140 (Minimum off-street parking requirements) may be reduced by up to twenty-five (25) percent subject to the granting of an administrative permit in accordance with Section 17.76.010 (Administrative permits). An administrative permit authorizing a reduction in the amount of off-street parking shall be granted only when all of the findings pursuant to subsection F of Section 17.64.060 (Shared parking facilities) can be made.

B. Uses permitted by right in the MU-3 district are exempt from the off-street parking requirements in Section 17.64.140.

C. No off-street parking shall be required for units within a supportive housing development that are occupied by supportive housing residents and located within one-half (0.5) mile of a transit stop.

D. No replacement off-street parking shall be required for the conversion of a garage to an accessory dwelling unit located within one-half (0.5) mile of a transit stop.

E. No replacement off-street parking shall be required for a parking space modified to accommodate an electric vehicle charging station.

F. Garage or carport exception. When a residence is being constructed or significantly rehabilitated as part of the local Community Development Block Grant program, the provision for a garage or carport, as required herein, shall not be required. Instead, two (2) paved, concrete, brick, or similar hardscape off-street parking spaces shall be required, at least one of which is outside of required setbacks.

17.64.140 Minimum off-street parking requirements.

The following are the minimum off-street parking requirements for all uses in the city:

Use	Minimum Required Off-Street Parking Spaces
Residential Uses	
Single-family residential Supportive housing Transitional housing Small employee housing Residential care homes Family childcare homes	Two (2) spaces per dwelling unit At least one (1) space must be in a covered garage or carport outside of required setbacks
Duplexes and townhouses	One and one half (1.5) spaces per unit, plus one (1) guest space for every three (3) units
Multifamily residential < 700 sq. ft.	One and one quarter (1.25) spaces per unit, plus one (1) guest space for every three (3) units
Multifamily residential 700 - 1,200 sq. ft.	One and one half (1.5) spaces per unit, plus one (1) guest space for every three (3) units
Multifamily residential > 1,200 sq. ft.	One and three quarters (1.75) spaces per unit, plus one (1) guest space for every three (3) units
Senior housing	One and one quarter (1.25) spaces per unit

Use	Minimum Required Off-Street Parking Spaces
Accessory dwelling units	As required by Chapter 17.116 (Accessory Dwelling Units)
Dormitories	One (1) space per bed
Dwelling groups	Two (2) spaces per dwelling unit, at least one (1) space must be in a covered garage or carport outside of required setbacks
Live/work units	One (1) space per unit
Manufactured home parks	One and one half (1.5) spaces per unit
Residential care facilities	One half (0.5) space per non-resident employee at maximum shift, plus one half (0.5) space per resident
Second dwelling units	One (1) space per unit
Single-room occupancy units	One (1) space for every two (2) units
Emergency shelters Low barrier navigation centers	One (1) space per five (5) allowed occupants, plus one (1) space for staff
All other residential uses	As required by the city council
Commercial Uses	
Adult day programs	One (1) space per employee at maximum shift
Alcoholic beverage sales (off-sale)	One (1) space per two hundred (200) square feet
Alcoholic beverage sales (on-sale)	One (1) space per two (2) persons seating capacity, plus one (1) space per two (2) employees at maximum shift
Animal grooming, animal hospitals, and veterinary offices	One (1) space per five hundred (500) square feet, plus one (1) space per employee
Artisan crafts manufacturing	One (1) space per two hundred (200) square feet of incidental sales area, plus one (1) space per two (2) employees at maximum shift
Artist's studios	One (1) space per one thousand (1,000) square feet
Automobile and vehicle sales and rental	One (1) space per four hundred (400) square feet of office, one (1) space per two hundred twenty-five (225) square feet of repair and service area, and one (1) space per two thousand (2,000) square feet of indoor showroom area and/or outdoor display area
Automobile service stations	One (1) space per five hundred (500) square feet, plus one (1) space per two (2) employees at maximum shift
Banks and financial services	One (1) space per two hundred (200) square feet
Bed and breakfast inns	One (1) space per guest room, plus two (2) spaces for the residential use, at least one (1) of which must be in a covered garage or carport outside of required setbacks.
Building material stores and yards	One (1) space per five hundred (500) square feet indoors, plus one (1) space per seven hundred fifty (750) square feet outdoor sales or rental area
Business and professional offices	One (1) space per three hundred (300) square feet
Business support services	One (1) space per four hundred (400) square feet

Use	Minimum Required Off-Street Parking Spaces
Car washing and detailing	Two times (2x) the number of vehicles capable of being serviced simultaneously, plus one (1) space per employee
Convenience stores and pharmacies	One (1) space per two hundred fifty (250) square feet
Craft food and beverage production	One (1) space per two hundred (200) square feet of incidental sales area, plus one (1) space per two (2) employees at maximum shift
Crop and tree farming	None
Equipment sales and rental	One (1) space per three hundred (300) square feet of floor area, plus one (1) space per one thousand (1,000) square feet of outdoor storage and rental area
Event center	One (1) space per every three (3) fixed seats, or if no fixed seats, twenty (20) spaces per one thousand (1,000) square feet
Garden centers and plant nurseries	One (1) space per three hundred (300) square feet of floor area, plus one (1) space per one thousand (1,000) square feet of outdoor sales and/or cultivation area
Grocery stores and supermarkets	One (1) space per two hundred fifty (250) square feet
Health clinics, medical offices, and laboratories	One (1) space per two hundred (200) square feet
Hospitals and hospice care	One (1) space per two and one half (2.5) beds, plus one (1) space per employee at maximum shift
Hotels and motels	One (1) space per guest room, plus one (1) space per two (2) employees at maximum shift.
Indoor entertainment facilities	One (1) space per four (4) persons capacity
Indoor sports and fitness facilities	One (1) space per five hundred (500) square feet
Laundromat (self service)	One (1) space per four hundred (400) square feet
Media production	One (1) space per five hundred (500) square feet
Mobile food commissaries	One (1) space per four hundred (400) square feet of floor area, plus one (1) space per mobile food vendor
Mortuaries and funeral homes	One (1) space per four (4) persons capacity, plus one (1) space per employee at maximum shift
Outdoor commercial recreation facilities	One (1) space per six (6) persons capacity, plus one (1) space per two (2) employees at maximum shift
Personal services	One (1) space three hundred (300) square feet
Recreational vehicle parks	One (1) RV space and one (1) space for an accompanying motor vehicle per RV space, plus one (1) space per two (2) employees at maximum shift
Recycling facilities	One (1) space per three hundred (300) square feet, plus one (1) space per four thousand (4,000) square feet outdoor storage area

Use	Minimum Required Off-Street Parking Spaces
Retail food establishments	Fixed table: One (1) space per three (3) persons seating capacity, plus one (1) space per two (2) employees at maximum shift Drive-in/Fast food: One (1) space per two (2) persons capacity, plus one (1) space per two (2) employees at maximum shift
Retail sales	One (1) space per two hundred fifty (250) square feet
Short-term rentals	As required by Chapter 17.100 (Short-Term Rentals)
Small equipment maintenance and repair	One (1) space per six hundred (600) square feet
Theaters and playhouses	One (1) space per every four (4) fixed seats, or if no fixed seats, twenty (20) spaces per one thousand (1,000) square feet
Vehicle storage	One (1) space per five hundred (500) square feet
Vehicles for hire	Two (2) spaces per facility, plus one (1) space per employee at maximum shift
Wholesale businesses	One (1) space per eight hundred (800) square feet
All other commercial uses	As required by the city council
Manufacturing Uses	
Agricultural processing plants	One (1) space per thousand (1,000) square feet, plus one (1) space per two hundred (250) square feet of office
Clothing and fabric product manufacturing	
Furniture and fixtures manufacturing	
Handcraft industries	
Indoor storage facilities	One (1) space per one thousand five hundred (1,500) square feet, plus two (2) spaces for office use
Metal products fabrication and machine/welding shops.	One (1) space for each two hundred (250) square feet of office, plus one (1) space for each one thousand (1,000) square feet of indoor or outdoor area devoted to other than office.
Paper product manufacturing	
Printing and publishing	
All others	As required by the city council
Other Uses	
Cemeteries	None
Certified farmer's markets	None
Clubs, lodges, and private meeting halls	One (1) space per four (4) persons capacity
Community gardens	None
Libraries and museums	One (1) space per (4) persons capacity
Parks, picnic areas, and playgrounds	Two (2) spaces per acre
Places of worship and spiritual assembly	One (1) space per ten (10) individual seats equivalent
Private schools	One (1) space per ten (10) seats equivalent

Use	Minimum Required Off-Street Parking Spaces
Public schools	Seven (7) spaces per facility, plus one (1) space per employee at maximum shift
Public and quasi-public facilities	One (1) space per three hundred (300) square feet
All others	As required by the city council

Chapter 17.68
SIGNS

Sections:

17.68.010 General.
17.68.020 Definitions.
17.68.030 Exempt signs.
17.68.040 Prohibited signs.
17.68.050 Sign permits.
17.68.060 Regulations applicable to zoning districts.
17.68.070 Regulations applicable to all land uses.
17.68.080 Special signs.
17.68.090 Nonconforming signs and uses.
17.68.100 Relocation of off-site signs pursuant to relocation agreements.
17.68.110 Removal and disposition of signs by city.
17.68.120 Construction standards.
17.68.130 Maintenance of signs.
17.68.140 Variances.
17.68.150 Use permits.
17.68.160 Appeals.
17.68.170 Violations.

17.68.010 General.

A. Purpose. The purpose of the sign regulations set forth in this chapter shall be to eliminate potential hazards to motorists and pedestrians; to encourage signs which, by their good design, are integrated with and harmonious to the buildings and sites which they occupy, and which eliminate excessive and confusing sign displays; to preserve and improve the appearance of the city as a place in which to live and to work and as an attraction to nonresidents who come to visit or trade; to safeguard and enhance property values; to protect public and private investment in buildings and open spaces; to supplement and be a part of the regulations set forth elsewhere under this title; and to promote the public health, safety, and general welfare.

B. Government Messages and Signs. Nothing in this chapter applies to or restricts the following:

1. The city's use of city property to display the city's own messages.

2. Governmental signs for regulatory purposes such as traffic control and public safety (e.g., street signs, danger signs, railroad-crossing signs, signs of public-service companies indicating danger, and aids to service or safety).

C. Sign Content.

1. Subject to the consent of the landowner and the sign owner, a constitutionally protected noncommercial message of any type may be substituted, in whole or in part, in place of any commercial message or any other noncommercial message on a sign if the sign structure or mounting device is legal without consideration of message content. Similarly, an on-site commercial message may be substituted for another commercial message on an on-site sign if the substitution does not also involve a

change of the physical structure or mounting device for the sign. Such message substitutions may be made without any additional approval or permitting.

2. The purposes of this section are to prevent any inadvertent favoring of commercial speech over noncommercial speech or of any particular noncommercial message over any other noncommercial message and to allow a change of commercial messages on an on-site sign without a new permit.

3. This section does not create a right to increase the total amount of signage on a parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted. This section does not allow the substitution of an off-site commercial message in place of an on-site commercial message or the conversion of a sign to general advertising for hire.

4. In addition to message substitution, whenever a parcel has a right to display area that is unused, that area may be used for constitutionally protected non-commercial messages on temporary signs, without permits or approvals; it may also be used for display of noncommercial messages on permanent structures, if the structure is properly permitted.

5. This section prevails over any more specific provision to the contrary within this chapter.

D. Location of Noncommercial Messages. Throughout this chapter, the on-site/off-site distinction applies only to commercial messages on signs. There is no location criterion for noncommercial messages on signs.

17.68.020 Definitions.

The following words and phrases when used in this chapter shall be construed as defined in this section:

“Animated sign” means a sign that is designed and constructed (a) to display a message through a sequence of progressive changes of parts, lights, or degrees of lighting; or (b) to incorporate physical motion.

“Architectural projection” means a marquee, porch, canopy, or other similar architectural projection.

“Attached sign” means any sign which is fastened, attached, connected, or supported in whole or in part by a building or structure, other than a sign structure supported wholly by the ground.

“Billboard” means a permanent sign structure that is in a fixed location and is used, in whole or part, for general advertising for hire.

“Detached sign” means any sign not supported in whole or in part by a building or structure, other than by a sign structure which is supported wholly by the ground.

“Directly illuminated sign” means any sign designed to provide artificial light directly or through transparent or translucent material from a source of light within or on such sign, including but not limited to neon and incandescent lamp signs.

“Display area” means the entire area within a single continuous perimeter composed of squares or rectangles that enclose the extreme limits of the advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface, or space of a similar nature, together with any frame or other material, color, or condition that forms an integral part of the display and is used to differentiate the sign from the wall or background against which it is located, excluding the necessary sign supports or uprights on which the sign is located. Where a sign has

two (2) or more display faces, the area of all faces will be included in determining the area of the sign. Further, where a sign consists only of individual letters, numerals, symbols, or other similar components and is painted on or attached flat against the wall of a building, and where the individual components are without integrated background definition and are not within a circumscribed frame area, the total area of the sign will be the sum of the areas of the squares or rectangles surrounding each individual sign component.

“Establishment” means any legal use of land, other than long-term residential uses, that involves the use of structures subject to the adopted building code(s). Examples of an “establishment” are businesses, churches, schools, libraries, hotels, motels, offices, and hospitals, but “establishment” does not include single-family residential or duplex residential dwellings, manufactured homes, multifamily residential units, residential care facilities, or similar uses. A multifamily residential development is an “establishment” while under construction, but an individual unit within such a development is not an “establishment” after a certificate of occupancy has been issued or a full-time residency begins.

“Flashing sign” means an illuminated sign which exhibits changing light or color effect by blinking or any other such means so as to provide a nonconstant illumination.

“Front footage of building occupancy” means a single lineal dimension measured horizontally along the front of a building which defines the limits of a particular occupancy at that location.

“General advertising” and “general advertising for hire” mean the displaying of messages that advertise or promote the establishments, activities, or causes of others, typically for a fee or other consideration.

“Height of sign” means the vertical distance measured from the adjacent street grade or upper surface of the nearest curb of a street other than an elevated roadway, whichever permits the greatest height, to the highest point of such sign.

“Indirectly illuminated sign” means a sign whose illumination is derived entirely from an external artificial source which is arranged so that no direct rays of light are projected from such artificial source into residences or streets.

“Monument sign” means a sign which is erected with its base on the ground or on a support substantially equivalent in width and depth to the base of the sign; which incorporates into its design the design and building materials of the building and structures on the same premises that the sign serves.

“Moving sign” means any sign or device which has any visible moving part, visible revolving part, or visible mechanical movement of any description, or other apparent visible movement achieved by electrical, electronic, or kinetic means, including intermittent electrical pulsations, or by actions of wind currents.

“Nonconforming sign” means an existing sign legally existing at the time of the effective date of the ordinance codified in this chapter which does not conform to the provisions of this chapter.

“Off-site sign” means any sign that: (a) is used to display messages other than general advertising for hire; and (b) is not located on the premises of the message sponsor.

“On-site sign” means a sign that: (a) directs attention to an establishment or activity conducted on, or to a product, service, or entertainment sold or offered on, the same premises as those upon which the sign is maintained; and (b) does not display general advertising for hire.

“Portable sign” means any sign not permanently affixed to the ground or a structure on the premises it is intended to occupy.

“Projecting sign” means any sign which is located, in whole or in part, in or over the right-of-way of any street, sidewalk, or alley, or other public thoroughfare. A projecting sign shall also include any sign affixed to or part of a marquee, canopy, or vestibule where such sign is located in or over the street right-of-way.

“Roof sign” means any sign or portion thereof located on or extending over the roof of a building and either supported by the roof or by an independent structural frame. A sign which is attached flat against the wall of a penthouse or other similar roof structure which is part of the enclosed floor area of the building shall not be considered a roof sign.

“Rotating sign” means any sign or portion thereof which physically revolves about an axis.

"Sandwich board sign" means any portable sign that is capable of standing without support or attachment and is hinged or designed to fold up for easy moving by hand. Such signs are generally known as A-frame signs, sandwich signs, or sandwich board signs and typically resemble the letter “A” but may also resemble the letters “T” (upright or inverted) or “U” or “H.”

“Sign” means any visually communicative image located on public display and visible from the exterior of any portion of the public right-of-way or other place that is open to passage by the public. It includes every advertising message, announcement, declaration, demonstration, display, projected image, illustration, insignia, surface, statue, object, or space erected or maintained in view of the observer for identification, advertisement, or promotion of the interests of any person, entity, product, or service.

“Sign structure” means a structure of any kind or character, erected, used, or maintained for the primary purpose of supporting a sign.

“Swinging sign” means a sign that is supported by cables against movement due to wind in such a way that, in the event of an emergency such cables may be cut, and the sign swung back against the building and in such a position will continue to be supported by the building with no danger of falling.

“Unilluminated sign” means a sign not illuminated, directly or indirectly, by anything other than ambient light.

“Wind sign” means any sign or portion thereof or series of signs, banners, or other objects designed and fastened in such a manner as to move upon being subjected to pressure by wind or breeze.

17.68.030 Exempt signs.

The signs specified in this section are exempt from the sign permit provisions of this chapter, and the display area of such signs is not to be included in the cumulative display area of signs allowed for any parcel, use, or occupancy.

A. Incidental Small Signs. Unilluminated signs that have a display area not exceeding four (4) square feet; display messages other than general advertising; and do not constitute a nuisance or hazard to vehicular traffic, pedestrians, or adjacent properties. The cumulative display area of all such signs on a parcel may not exceed one (1) square foot per five (5) linear feet of street frontage.

B. Flags. Flags that display messages other than general advertising; are displayed on private property; and do not constitute a nuisance or hazard to vehicular traffic, pedestrians, or adjacent properties. The cumulative display area of all flags on a parcel, calculated by measuring one (1) side of each flag, may not exceed one (1) square foot for every three (3) linear feet of street frontage.

C. Interior Signs. Signs located within the interior of any building, or within an enclosed lobby of any building, and signs for and located within the inner or outer lobby, court, or entrance of any theater; provided however, that no sign will be exempt hereunder unless it is designed, located, and intended to be viewed primarily from inside the premises and not from the public right-of-way.

D. Public Parks. Signs within public parks, provided that such signs are displayed in compliance with regulations of the recreation and parks district or other public agency responsible for administration of the parks.

E. Public Schools. Signs within public school property, provided that such signs are displayed in compliance with the regulations of the applicable school district.

F. Community Gardens. Unilluminated signs within community gardens provided that such signs display messages other than general advertising; are located outside of accessible paths of travel; do not exceed six (6) feet in height; do not individually exceed twenty-four (24) square feet in sign display area; and do not constitute a nuisance or hazard to vehicular traffic, pedestrians, or adjacent properties. The cumulative display area of all such signs on a parcel may not exceed two (2) square feet per five (5) linear feet of street frontage.

G. Farmers' Markets. Unilluminated signs for certified farmers' markets located on property where a certified farmers' market is permitted. Such signs shall be located outside of accessible paths of travel and displayed only on market day and up to twenty-four (24) hours prior.

H. Sandwich Board Signs. Sandwich boards subject to the following:

1. One (1) sign used to display messages other than general advertising is permitted per business.
2. Signs shall have a maximum of two (2) sign faces and a maximum of six (6) square feet per sign face.
3. No sign shall exceed three (3) feet in width or four (4) feet in height when opened for display.
4. Signs must be constructed of durable, weather-resistant materials and shall be professionally executed. Stenciled plywood is not permitted.
5. Location. Signs shall not block accessible paths of travel or inhibit sight distance for ingress and egress.
6. Stabilization. All signs shall be freestanding and be able to withstand wind gusts or must be removed during inclement weather. Signs shall not be secured to structures, landscape trees, benches, or any other features.
7. Daily Removal. The sign shall be removed at the close of business each day.
8. Liability. Each person or entity that displays a sandwich board sign on a city sidewalk is solely responsible for all injuries and damage caused by the sign and shall indemnify the city against all liabilities, claims, demands, damages, and costs arising in any way from the sign.

I. Sponsorship Signs for Electric Vehicle Charging Stations (EVCS). Signs affixed to a structure or apparatus that provides the public with access to subsidized, non-proprietary charging of electric vehicles and located on city property under an agreement between the city and the owner of the structure or apparatus.

1. Each such structure or apparatus (an “EVCS”) may have up to two (2) sponsorship signs that display instructions for use of the EVCS and identify the sponsor(s).

2. Each sponsorship sign for an EVCS must comply with all of the following:

    a. The display area of each sign may not exceed eight (8) square feet;

    b. Any illumination must be from a light source within the sign;

    c. The sign may not use digital display technology;

    d. The sign must comply with subsection G of Section 17.68.120 (Construction standards);

    e. General advertising may not be displayed;

    f. The sign must not constitute a nuisance or hazard to vehicular traffic, pedestrians, or adjacent property; and

    g. The sign must satisfy all requirements, conditions, and restrictions in the agreement between the city and the owner of the structure or apparatus.

J. Temporary Signs. Signs that meet the following criteria are exempt temporary signs:

1. Residential Zoning Districts. In the R-1, R-2, and R-3 zoning districts, temporary signs are allowed on any developed or undeveloped parcel provided the cumulative display area of all temporary signs on the parcel does not exceed twelve (12) square feet.

2. Mixed-Use Districts. In the MU-1 MU-2, and MU-3 zoning districts, temporary signs are allowed on any developed or undeveloped parcel provided the cumulative display area of all temporary signs on the parcel does not exceed twenty-four (24) square feet.

3. Commercial and Manufacturing Zoning Districts. In the G-C and M zoning districts, temporary signs are allowed on any developed or undeveloped parcel provided the cumulative display area of all temporary signs on the parcel does not exceed forty-eight (48) square feet.

4. A temporary sign shall not be illuminated except by ambient light, exceed six (6) feet in height, or be displayed on a parcel more than a total of ninety (90) days in a calendar year.

5. A temporary sign may be staked in the ground; may be tacked, pasted, or otherwise temporarily affixed to legally existing fences, structures, and buildings; and may be taped, painted, or otherwise temporarily affixed to the interior or exterior surfaces of building windows.

6. A temporary sign may not be located within or over the public right-of-way, except as approved by the city council.

K. Underground Utilities. Signs by utility providers to mark the presence of underground facilities or utilities for public safety.

17.68.040 Prohibited signs.

No person shall erect, alter, or relocate any sign of the type specified in this section.

A. Traffic Hazards. No sign shall be permitted at the intersection of any street in such a manner as to obstruct free and clear vision of motor vehicle operators or at any location where by reason of its position, shape or color it may interfere with or be confused with any authorized

traffic sign, signal, or device or which makes use of a word, symbol, phrase, shape or color in such a manner as to interfere with, mislead, or confuse traffic.

B. Animated and Intensely Lighted Signs. No sign shall be permitted which is animated by means of flashing, scintillating, blinking, or traveling lights or any other means not providing constant illumination. No sign shall be permitted which because of its intensity of light constitutes a nuisance or hazard to vehicular traffic, pedestrians, or adjacent properties.

C. Moving Signs. No sign or any other portion thereof shall be allowed that moves or assumes any other motion constituting a nonstationary or fixed condition.

D. Outline Tubing. Outlining of a building or structure by means of exposed neon tubing, exposed incandescent lighting, or other artificial lighting, or an equivalent effect is prohibited.

E. Off-Site Signs and Billboards. Notwithstanding any contrary provision of this chapter, the construction, erection, installation, and use of new off-site signs and billboards is prohibited, subject to the following:

1. This section does not prohibit the city from entering into relocation agreements regarding existing billboards, as authorized by Section 17.68.090 (Nonconforming signs and uses) and state law.

2. This section does not affect billboards that legally existed on the effective date of the ordinance codified herein, were legal when constructed; and are in conformance with all applicable laws. This section also does not affect the city's ability to condemn any existing billboards.

3. This section does not affect billboards constructed on or after the effective date of the ordinance codified herein, under a relocation agreement authorized by Section 17.68.090 and state law.

F. Parking of Advertising Vehicles Prohibited. No person shall park any vehicle or trailer on a public right-of-way or public property or on private property so as to be visible from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby property. This section is not intended to apply to standard advertising or identification practices where such signs or advertising devices are painted on or permanently attached to a business or commercial vehicle.

G. Emission of Sound, Odor, or Visible Matter. No advertising sign or device shall be permitted which emits audible sound, odor, or visible matter.

H. Fixed Balloon Signs. The use of a fixed balloon within the city as a sign is prohibited. The term "fixed balloon" shall mean any lighter-than-air or gas-filled balloon attached by means of a rope or tether to a definite or fixed location.

I. Miscellaneous Signs and Posters. The tacking, painting, pasting, or otherwise affixing of signs or posters of a miscellaneous character, visible from a public way, located on the walls of a building, barns, sheds, on trees, poles, posts, fences, or other structures is prohibited.

J. Public Areas, Removal, Liability for Costs. No sign shall be allowed that is located on any curb, sidewalk, post, pole, electrolier, hydrant, bridge, tree, or other surface located on public property or over or across any street or public thoroughfare except as may otherwise expressly be authorized by this chapter.

1. Any sign found located, posted, or otherwise affixed upon any public property contrary to the provisions of this section may be removed by any company, organization, or individual owning or responsible for maintaining that property, or by the city.

Notwithstanding the provisions of Section 17.68.110 (Removal and disposition of signs by city), no advance notice or hearing shall be required. The person responsible for any such illegal placement, posting, or affixing shall be liable for the costs incurred in the removal thereof, and the city administrator is authorized to effect the collection of any removal costs incurred by the city. Any such sign may be disposed of in any manner deemed appropriate by the person who removes it.

2. Removal Costs. For purposes of this section, the following persons are responsible for placing a sign and to pay removal costs:

    a. The person whose name, address, or contact information appears as the sponsor or promoter of the activity or event referred to on the sign;

    b. The person whose name, address, or contact information appears as the person to contact on the sign;

    c. The owner, or lessee if the property is leased, of property used for a commercial activity or event advertised on the sign;

    d. The promoter or sponsor of any activity or event to which the sign refers;

    e. The candidate named on a sign which promotes a candidate for public office;

    f. The real estate broker, agent, brokerage firm, or other person whose name or telephone number appears on a sign advertising property for sale, lease, or rent;

    g. The owner, or lessee if the property is leased, of property used for a yard or garage sale advertised on the sign.

3. Any person responsible for paying removal costs may avoid such liability by demonstrating that they did not cause, authorize, permit, encourage, direct, recommend, or approve the posting of the sign on public property.

K. Other Prohibited Signs. Except as otherwise provided in this chapter, the following signs are prohibited:

1. Pennants, streamers, bunting, and wind signs.

2. Signs that are located on or project over the roof of a building or structure.

    a. Notwithstanding the above, a conditional use permit for a roof sign may be granted by the city council, following application and public hearing.

3. Off-site signs and signs displaying general advertising for hire.

4. Statues, real or simulated, utilized for advertising purposes.

5. Sidewalk clocks.

17.68.050 Sign permits.

A. Sign Permit Required. Except as otherwise provided in this chapter, it is unlawful for any person to erect, alter, install, or relocate, or to direct or order a person in their employ to erect, alter, install, or relocate, a sign within the city without first obtaining a sign permit or permits from the building official.

B. Permission of Property Owner. No person shall erect, construct, or maintain any sign upon any property or building without the consent of the owner, person entitled to possession of the property or building if any, or their authorized representatives.

C. Application for a Sign Permit. An application for a sign permit must be submitted to the building official upon a form provided by the city, must be accompanied by payment of all required fees, and must include the following information and documents:

1. Drawings to scale indicating the sign location, dimensions, and construction; the associated electrical wiring and components; and the method of attachment and the character of structural members to which the sign will be attached. The building official may also require that the applicant furnish additional information and documents, prepared by an engineer who is registered under the California Professional Engineers Act, concerning the structural design and proposed attachments.

2. Any permits or other entitlements required under this title or required by other governmental entities with jurisdiction (e.g., Caltrans).

3. Any other information and documents the building official may need to determine whether the proposed sign complies with all applicable laws and regulations.

D. Issuance of Sign Permits.

1. Within thirty (30) days after submission of an application for a sign permit, the building official shall do one of the following:

   a. If the building official determines that the proposed sign complies with all applicable laws and regulations, then the building official shall issue the permit.

   b. If the building official determines that the application is incomplete or that the proposed sign does not comply with all applicable laws and regulations, then the building official shall issue a notice to the applicant that identifies the deficiencies. Within thirty (30) days after receiving the notice, the applicant may correct the deficiencies and resubmit the application without paying any additional fees, and the building official shall process the resubmission in the same way that new applications are processed. Only one (1) resubmission is allowed. If the building official determines that a resubmitted application is still incomplete or that the proposed sign still does not comply with all applicable laws and regulations, then the application will be deemed denied.

2. An application will be deemed denied if the building official does not act on it as required by subsection (D)(1) of this section within thirty (30) days after the application is submitted or resubmitted unless the applicant has waived the thirty (30)-day requirement.

3. Every sign permit issued by the building official will expire if the work authorized by the permit is not commenced within sixty (60) days after the issuance date of the permit or if the work is suspended or abandoned for one hundred twenty (120) consecutive days or more after the work is commenced. Before the work may be commenced or resumed after expiration, a new permit must first be obtained, and the fee therefor will be one-half (0.5) the amount required for a new permit for the work, except as follows: if changes have been made or will be made in the original plans and specifications for the work, or if the suspension or abandonment exceeds one (1) year, then the fee will be the same as the fee for a new permit.

4. The building official may, in writing, suspend, or revoke a sign permit whenever the permit is issued on the basis of a material omission or misstatement of fact or in violation of this chapter or any ordinance.

5. When deciding whether to issue, deny, suspend, or revoke a permit, the building official shall not consider the content or graphic design of messages other than to determine legality under federal or state law.

E. Effect of Issuance. No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain a public or private nuisance nor shall any permit issued hereunder constitute a defense in an action to abate a nuisance.

F. Fees. Permits shall be subject to such fees as are specified by resolution of the city council; provided, however, that the minimum fee for a permit exclusive of any permit costs for electrical components, shall be as established by resolution of the city council. In addition, when any sign is hereafter erected, located, installed, or otherwise established on any property prior to obtaining permits as required by this chapter the fees therefor shall be doubled, but the payment of such double fee shall not relieve any person from complying with other provisions of this chapter or from penalties prescribed herein.

G. Inspection of Signs.

1. A person or entity that erects, alters, installs, or relocates a sign shall notify the building official within three (3) business days after completion of the work for which a sign permit or permits have been issued.

2. Upon receiving the notice, the building official shall inspect the sign and notify the person or entity that erected, altered, installed, or relocated the sign of any deficiencies. If all identified deficiencies are not cured to the building official's reasonable satisfaction within ten (10) days after the notice of deficiencies, then the building official may, in writing, suspend or revoke the sign permit.

17.68.060 Regulations applicable to zoning districts.

A. General. The regulations in this section are adopted governing the number, size, type, location, and other provisions relating to signs within the various zoning districts of the city as the zoning districts are established and designated by this title. No signs shall be allowed in these zoning districts unless allowed by this chapter or unless such signs comply with the regulations established in Section 17.68.090 (Nonconforming signs and uses).

B. Residential Zoning Districts. In the R-1, R-2, and R-3 districts, signs are allowed as follows:

1. For each single-family residential, duplex residential, dwelling group, small employee housing, supportive housing, or transitional housing, one (1) unilluminated, attached sign not exceeding a combined display area of one (1) square foot per occupancy.

2. For dormitories, one (1) unilluminated, attached sign, not exceeding eight (8) square feet of display area.

3. For multifamily residential, one (1) attached sign, of not more than five (5) square feet per dwelling unit, up to a maximum of forty (40) square feet.

4. For residential care homes and facilities, one (1) attached or detached sign not exceeding twenty-four (24) square feet of display area.

5. For a meeting place at which the public or membership groups are assembled regularly or occasionally, such as places of worship and religious assembly, private schools, and similar uses, one (1) attached or detached sign not exceeding thirty-two (32) square feet of display area, plus one (1) additional attached sign not exceeding eight (8) square feet of display area.

6. For all other nonresidential uses in the R-1, R-2, and R-3 districts, one (1) attached sign not to exceed sixteen (16) square feet of display area.

7. Attached signs in the R-1, R-2, and R-3 districts shall be located flat against a building, fence, or wall or be designed as part of an architectural feature thereof. No height limit is specified for attached signs provided the sign complies with all other provisions of this chapter.

8. Detached signs in the R-1, R-2, and R-3 districts shall meet the following requirements:

    a. Detached signs shall be a monument type sign with a maximum height of six (6) feet or incorporated into a low-profile decorative entry wall(s). If the detached sign is located on a free-standing base, a double-faced sign is allowed. If the detached sign is affixed flat against an entry wall, one (1) single-faced sign on each side of the driveway is allowed.

    b. A detached sign may be located in a front yard or exterior side yard setback area; however, it must be located farther than five (5) feet from the public right-of-way.

C. Mixed-Use Zoning Districts.

1. In the MU-1, MU-2, and MU-3 districts, residential uses shall be allowed signs as provided in subsection B of this section.

2. In the MU-1, MU-2, and MU-3 districts, nonresidential uses and mixed-use developments shall be allowed signs as follows:

    a. Attached signs located flat against the front of the building or located on, attached to, or an integral part an architectural projection not to exceed a total aggregate display area of three (3) square feet of display area per lineal foot of building frontage, up to a maximum of one hundred fifty (150) square feet of display area.

    b. One (1) sign attached flat against the side or rear of the building or located on, attached to, or an integral part an architectural projection, not to exceed one (1) square foot of display area for every lineal foot of building frontage, up to a maximum of forty (40) square feet, when such side or rear faces a public parking lot or street.

    c. One (1) attached projecting sign located perpendicular to the front of the building per occupancy not to exceed one (1) square foot per each front foot of building occupancy.

    d. One (1) detached sign not to exceed two (2) square feet of display area per lineal foot of building frontage, up to a maximum of one hundred fifty (150) square feet of display area. Automobile service stations are allowed additional signs on fuel pumps, provided such signs are located in compliance with state law.

    e. For a permitted use that includes drive-through sales or service, two (2) additional signs, not to exceed thirty-two (32) square feet in area per sign, provided such signs are located within or adjacent to a drive-through lane and are substantially screened from view of public rights-of-way.

    f. The maximum combined sign display area for all signs shall not exceed four (4) square feet per each lineal foot of building frontage.

    g. Height limits.

        i. Attached signs: Twenty (20) feet.

ii. Detached signs: Thirty-five (35) feet.

iii. Notwithstanding the above, a conditional use permit for signs taller than the established height limits may be granted by the city council, following application and public hearing.

D. General Commercial and Manufacturing zoning districts. Within the G-C and M districts, signs are subject to the following regulations:

1. Attached signs located flat against the front of the building or located on, attached to, or an integral part an architectural projection not to exceed a total aggregate display area of three (3) square feet of display area per lineal foot of building frontage, up to a maximum of two hundred (200) square feet of display area.

2. One (1) attached sign located flat against the side or rear of the building, not to exceed (2) square feet of display area for every lineal foot of building frontage, up to a maximum of one hundred (80) square feet of display area, when such side or rear faces a public parking lot or street.

3. One (1) detached sign per building, not to exceed one (1) square foot of display area for every lineal foot of building frontage, up to a maximum of two hundred (200) square feet of display area per building. Automobile service stations are allowed additional signs on fuel pumps, provided such signs are located in compliance with state law.

4. For a permitted use that includes drive-through sales or service, two (2) additional signs, not to exceed thirty-two (32) square feet in area per sign, provided such signs are located within or adjacent to a drive-through lane and are substantially screened from view of public rights-of-way.

5. The maximum combined display area for all signs may not exceed four (4) square feet per each lineal foot of building frontage.

6. Height limits:

a. Attached signs: Twenty (20) feet.

b. Detached signs: Thirty-five (35) feet.

c. Notwithstanding the above, a conditional use permit for signs taller than the established height limits may be granted by the city council, following application and public hearing.

E. Planned Development Zoning District. In order to preserve the character of a planned development in accordance with Chapter 17.56 (Planned Development, P-D), the development standards adopted for a planned development may specify a sign program that allows for signage that otherwise would be prohibited under this chapter, including, but not limited to, signs that would be prohibited by subsection B of Section 17.68.140 (Variances); and to prohibit signage that otherwise would be allowed under this chapter.

17.68.070 Regulations applicable to all land uses.

The signs permitted by this chapter shall be subject to the additional requirements, conditions, and exceptions specified in this section.

A. Combining Allowances. On buildings having more than one (1) street frontage or occupancy, the maximum allowable number and square footage of attached signs is not transferable either in whole or in part from one (1) street frontage to another nor from one (1) occupancy to another occupancy.

B. General Provisions Relating to Location.

1. No sign shall be located nearer than five (5) feet to an interior property line nor shall any sign be located nearer than five (5) feet to any common wall or other point common to two (2) separate occupancies on the same parcel. This regulation does not apply to signs painted on or otherwise attached flat against the wall or architectural projection of a building on the same parcel.

2. A sign may be located within or project into a required front or exterior side yard setback area. However, no sign may project into or over an abutting public right-of-way except as otherwise provided in this chapter.

C. Corner Lots.

1. When a sign is erected at the street intersection corner of the parcel, or at the intersection of a building front, and is situated at an angle so as to be visible from both streets or both frontages, such sign shall not exceed the maximum display area allowed for the longest street footage or building occupancy.

2. When a detached sign is erected within the front or exterior side yard setback area of a corner lot, placement of said sign shall maintain a clear vision triangle for the intersection. The sign shall also be located a minimum of twenty (20) feet from all other detached signs unless both signs have been incorporated into a low-profile decorative entry wall.

D. Access Regulated. No sign or its supporting members shall be erected, altered, or relocated so as to interfere with or restrict access to a window or other opening in a building in such manner as to unduly limit air circulation or obstruct or interfere with the free use of a fire escape, exit, standpipe, stairway, door, ventilator, or window or similar opening, provided, however, that the building official may approve a swinging sign or other form of sign or its attachment, when, in their judgment, such sign will not restrict access to such openings.

E. Sign Clearance. No permit for any sign shall be issued and no sign shall be constructed or maintained which has less horizontal or vertical clearance from communications lines and energized electrical power lines than that prescribed by the laws of the state of California or rules and regulations duly promulgated by agencies thereof.

F. Sign Illumination. The following regulations shall apply to sign clearance and sign illumination:

1. All illuminated signs in the R-1, R-2, and R-3, zoning districts shall be indirectly illuminated. Directly illuminated signs are allowed in the R-1, R-2 and R-3 zoning districts subject to approval of a conditional use permit.

2. In all other zoning districts illuminated signs may be of direct or indirect illumination subject to the following:

   a. Signs directly illuminated with exposed neon tubing, exposed incandescent lighting, or other artificial lighting shall be subject to issuance of a conditional use permit.

   b. When internally illuminated, only internal illumination protected by a plastic face or other acceptable material shall be permitted.

G. Location and Depth of Flat Signs. Signs located flat against a building must be erected parallel thereto and the outside face of such sign may extend no more than eighteen (18) inches from the wall of such buildings.

H. Signs on Parapet Walls, Sloping and Shed Roofs. The following regulations shall apply to the location and height of signs on parapet walls and various roof structures.

1. Parapet Wall. A sign may be attached to the face of a parapet wall but may not be located so as to extend more than twenty-four (24) inches above the highest point of such parapet wall.

2. Sloping Roof. A sign may be attached to the fascia of or located on the sloping roof of a structure but may not be located so as to extend more than twenty-four (24) inches above the upper edge of the fascia of such sloping roof.

3. Shed Roof. A sign may be attached to the fascia of a shed roof of a structure but may not be located so as to extend more than twenty-four (24) inches above the lower edge of the fascia of such shed roof.

I. Detached Signs.

1. Monument Type Signs. The primary material of the monument base or wall shall be decorative masonry or similar material which compliments the design of the main building(s). Backlit canned plastic signs are not allowed.

2. Number of Panels. A detached sign may consist of more than one (1) sign panel provided all such sign panels are attached to one (1) common integrated sign structure. The total display area of all such panels shall not exceed the maximum allowable display area specified for a detached sign on the parcel. Where a sign message consists of separated or individual letters, modules, or symbols, each portion of such sign message shall not be considered as a one (1) sign panel. In such cases, a single continuous perimeter completely surrounding the sign message shall be utilized to determine its display area.

3. Projection Over Public Right-of-Way. No detached sign shall project over a public right-of-way except in compliance with subsections J and (K)(2) of this section.

4. Projection Over Canopy. A detached sign supported by a sign structure which is imbedded in the ground and independent of a canopy for structural support, may project over a canopy. This section shall not be deemed to allow a detached sign to be located over, in whole or in part, the roof of a building. A detached sign which projects over a canopy shall comply with all other applicable regulations of this chapter.

5. Minimum Clearance. Except for monument type signs, a detached sign shall have a minimum clearance of ten (10) feet between the ground surface and the bottom of the sign, provided that the minimum clearance standard shall not apply if the sign is located in an area not accessible to pedestrian or vehicular traffic, the sign is located at least ten (10) feet from any property line and ten (10) feet from the edge of any driveway entrance, and the sign will not obstruct free and clear vision of motor vehicle operators.

6. Embellishment. On detached signs the sign structure may extend above the maximum allowable height of the sign for embellishment purposes. Under no circumstances, however, may such extension exceed twenty (20) percent of the maximum allowable height for the sign or include any commercial or non-commercial text, logos, or trademarks.

J. Signs Projecting Over Public Right-of-Way.

1. Revocable Permit.

a. All rights and privileges acquired under the provisions of this chapter, permitting the erection or maintenance of signs over sidewalks or public rights-of-way are mere licenses, revocable at any time without compensation with or without cause, by the city council and all such permits shall contain this provision.

b. If the city council elects to revoke any such license, it shall give notice of such revocation to the permittee or owner of the property on which the sign is situated and the address shown on the permit or, in the case of the owner, at the address shown on the last equalized assessment roll, and shall afford the owner a period of not less than fourteen (14) days within which to remove the sign or to reconstruct it in such a manner that it does not protrude over the public right-of-way.

c. If the permittee or owner fails to remove the sign within the period prescribed by the council, it shall be removed by the building official in the manner provided for in Section 17.68.110 (Removal and disposition of signs by city).

2. Projecting Signs Must Be Double-Faced. All projecting signs must be double-faced except signs located flat against a building or projecting V-shaped signs attached to a building at the open points of the V. Double-faced signs shall have a minimum of two (2) inches and a maximum of twenty-four (24) inches between faces. The faces of such signs shall be fastened to an incombustible metal frame of such construction as to adequately support the sign faces.

3. Maximum Distance of Projection. An attached sign placed flat against the building may project over a public right-of-way a distance not exceeding eighteen (18) inches. Signs on architectural projections extending over a public right-of-way may project a distance not exceeding six (6) feet. All other attached projecting signs may project over a public right-of-way a distance of not more than three (3) feet; provided, however, no projecting sign shall have an over-all horizontal length in excess of eight (8) feet.

4. Maximum Display Area. Except for flat wall signs, any attached sign which projects over a public right-of-way shall not exceed a total display area of one hundred fifty (150) square feet.

5. Minimum Height Above Sidewalk. Except as otherwise provided in this chapter, no projecting sign shall be erected, altered, or relocated over a public right-of-way unless the bottom of the sign is ten (10) feet or more above the sidewalk.

6. Distance From Wall. No attached projecting sign shall be erected, altered, or relocated a distance of greater than eighteen (18) inches between the face of the building or structure wall to which it is attached and the nearest point of the sign.

7. Angle of Projection. A sign which projects over a public right-of-way may have the faces of the sign set at any angle to the building face. However, the maximum allowance projection is determined by measurement at a right angle to the building face.

8. Location and Projection Above Alleys. A sign which projects into or above a public alley shall be located not less than fourteen (14) feet above the alley grade and shall not project more than twelve (12) inches from the building face.

9. Materials. All projecting signs in excess of four (4) square feet of display area shall be constructed of noncombustible material, or of fire-retardant material approved by the building official.

K. Signs on Architectural Projections.

1. General. Signs may be located above or below an architectural projection of a building and may be supported by said architectural projection when such projection is designed to carry the additional weight of such signs, subject to the following:

    a. Such signs, if illuminated, shall be double-faced signs, with a minimum of two (2) inches and a maximum of twenty-four (24) inches between faces. No exposed tubing or incandescent lamps are allowed. All such lighting devices shall be protected by acceptable shatterproof material.

    b. Any sign attached to or located on an architectural projection shall be located not less than eight (8) feet above a sidewalk, walkway, surfaced area, or ground level below such sign.

    c. No sign may be erected on or attached to an architectural projection in such a manner as to constitute a hazard to firefighters or other emergency responders climbing a ladder located against such architectural projection.

2. Architectural Projections Extending Over a Public Right-of-Way. In addition to the general requirements in subsection (K)(1) of this section, the following regulations shall apply to signs which are located on, attached to, or which are integral parts of, an architectural projection which extends over a public right-of-way.

    a. No sign attached to or which is an integral part of the face of an architectural projection shall extend above or below the face of such projection.

    b. A sign erected on top of an architectural projection shall not exceed a maximum height of two (2) feet above the upper edge of such projection.

    c. A sign may be located entirely below and supported by an architectural projection of a building shall not exceed six (6) feet in length or sixteen (16) inches in height. Such signs shall not project beyond the face of the architectural projection or more than eight (8) feet from the face of the building.

3. Architectural Projections not Extending Over a Public Right-of-Way. In addition to the general requirements in subsection (K)(1) of this section, the following regulations shall apply to signs which are located on, attached to, or are an integral part of an architectural projection which does not extend over a public right-of-way:

    a. A sign which is attached to or which is an integral part of the face of an architectural projection may extend a maximum of four (4) feet above or below the face of such projection.

    b. A sign erected on top of an architectural projection may not exceed a height of four (4) feet above the upper edge of the fascia of such projection.

L. Signs Located on Awnings or Canopies. Signage on any awning or canopy erected and maintained in accordance with this code may be painted, located, or installed only on the hanging border of the awning or canopy; and shall comply with all other appropriate provisions of this chapter.

M. Moving, Relocating, or Altering Signs.

1. No existing sign may be moved or relocated to any other parcel, building, structure, or portion thereof, unless such sign complies in its new location with all other provisions of this chapter, or is altered so as to comply therewith. No existing sign may be moved or relocated on the same parcel, building, structure, or portion thereof, unless such sign also complies with all other provisions of this chapter, or is altered so as to comply therewith.

2. No existing sign may be altered unless such sign, after alteration thereof, complies with all other provisions of this chapter.

17.68.080 Special signs.

A. Construction-Site Signs. In any zoning district, one unlighted sign per development not to exceed thirty-two (32) square feet of display area, may be located on the lot or attached to the outside of a building during its construction period.

B. Temporary Signs on Undeveloped Land.

2. Residential and Mixed-Use Zoning Districts. If a parcel in the R-1, R-2, R-3, MU-1, MU-2, or MU-3 zoning district is undeveloped, then, in addition to the temporary signs allowed by subsection J of Section 17.68.030 (Exempt signs), one (1) unilluminated, temporary sign is permitted per three hundred (300) feet of lot frontage that does not exceed four (4) feet by six (6) feet in dimension and twenty-four (24) square feet of display area is allowed if it is authorized by a sign permit issued under Section 17.68.050 (Sign permits). The sign(s) may display general advertising, may be up to six (6) feet in height, and may be displayed for up to one (1) year from the issuance date of the sign permit. When the permit expires, at least ninety (90) days must pass before another permit for such a sign may be issued.

3. Commercial and Manufacturing Zoning Districts. If a parcel in a G-C or M zoning district is undeveloped, then, in addition to the signs subsection (J)(3) of Section 17.68.030 (Exempt signs), one (1) unilluminated, temporary sign per three hundred (300) feet of lot frontage that does not exceed eight (8) feet by eight (8) feet in dimension and sixty-four (64) square feet of display area is allowed if it is authorized by a sign permit issued under Section 17.68.050 (Sign permits). The sign may display general advertising, may be up to ten (10) feet in height, and may be displayed for up to one (1) year from the issuance date of the sign permit. When the permit expires, at least ninety (90) days must pass before another permit for such a sign may be issued.

C. Neighborhood Signs. In any zoning district, a sign, masonry wall, landscaping, and other similar materials or features may be combined to form a display for neighborhood or tract sign provided a conditional use permit has been granted by the city council in accordance with Section 17.68.150 (Use permits).

D. Cemetery Signs. In any zoning district, two (2) attached and/or detached signs, of which no display face shall exceed one hundred (100) square feet. A double-faced sign shall be counted as two (2) signs, provided that the limitation of one hundred (100) square feet shall apply to each face separately.

E. Signs to be Designed as Integrated Architectural Features. In order to encourage and promote a harmonious relationship between buildings and signs, the city council shall have the authority to issue a conditional use permit in accordance with Section 17.68.150 (Use permits) for signs which are designed into and are a part of an integrated architectural feature of a building where the strict application of the provisions of this chapter would otherwise prohibit such signs.

F. Signs for Shopping Centers. Signage for shopping center uses shall comply with the following standards:

1. Maximum Signage. Attached signs shall have a maximum display area of one (1) square foot per front foot of first-floor building occupancy provided that in no event shall the total display area of attached signs exceed two hundred (200) square feet.

2. Number of Signs. One (1) sign per building and no more than two (2) signs per site to be located above twenty (20) feet in height.

3. Prohibited Signs. No attached sign shall in any manner identify a specific product(s) to be sold on the site. Sign may consist of a company logo and/or a company name only.

4. Materials and Design. All attached signs shall be constructed in a manner which is compatible with the design and materials of the structure on which it is to be affixed.

5. Review and Approval. Proposed signs shall require a conditional use permit pursuant to Section 17.68.150 (Use permits).

17.68.090 Nonconforming signs and uses.

A. Signs for Legal Nonconforming Uses. Subject to the provisions of this section, signs for a legal nonconforming use are allowed. Signs for a legal nonconforming use shall be deemed to comply with the provisions of this chapter if they comply with the sign regulations for the most restrictive zoning district which permits the nonconforming use as an allowed use. Such signs shall be allowed only so long as the nonconforming use is allowed. Any such sign legally existing on the effective date of the ordinance codified herein, but which does not comply with the regulations of this chapter shall be deemed to be a nonconforming sign under the provisions of this chapter and shall be subject to alteration or removal in accordance with the provisions of subsection B of this section. Notwithstanding any provision to the contrary herein, no new or additional detached sign after the effective date of the ordinance codified herein, for a nonconforming use shall be allowed. The owner of the property on which the sign is located shall have the primary responsibility for removing the signs required to be removed or altered under this section.

B. Alteration or Removal of Nonconforming Signs.

1. At no cost to the city, signs existing on the effective date of the ordinance codified herein and rendered nonconforming by adoption of the ordinance codified herein shall be removed, or altered so as to comply with the provisions of this chapter, within the following time limits:

a. Within one (1) year from the effective date of the adoption of the ordinance codified herein:

i. Signs that interfere with the clear vision triangle of an intersection.

ii. “A” frame signs.

iii. Portable signs on advertising vehicles.

iv. Canvas signs, banners, flags, pennants, streamers, bunting, and wind signs.

b. Within three (3) years after the effective date of the ordinance codified herein:

i. Animated signs.

ii. Moving signs.

iii. Signs emitting sound, odor, or visible matter.

iv. Statuary or representative figures used for advertising purposes.

v. Signs with exposed neon tubing, incandescent lighting, or other artificial lighting except as otherwise provided in subsection (F)(2)(a) of Section 17.68.070 (Regulations applicable to all land uses).

vi. Signs in excess of the number of signs or display area allowance specified in this chapter.

c. Within five (5) years from the effective date of the ordinance codified herein:

i. Projecting signs.

ii. Signs and sign structures exceeding the maximum permitted height.

iii. Roof signs except as otherwise provided in subsection (K)(2)(a) of Section 17.68.040 (Prohibited signs).

2. Off-site signs and billboards existing at the time of adoption of the ordinance codified herein, and rendered nonconforming by adoption of the ordinance codified herein, may remain. However, the structure of such signs may not be modified or relocated except as otherwise provided in this chapter.

C. Notice of Nonconforming Signs. Upon the effective date of the ordinance codified in this section, the building official or code enforcement officer shall compile a list of signs in existence on the effective date of the ordinance codified in this section which are required to be removed or altered so as to comply with the provisions of subsection B of this section and with this chapter. Upon the completion of such list, the building official or code enforcement officer shall notify by mail the owners of property upon which such signs are located that compliance with this section is required within the time limit specified. For the purpose of notification, the last known name and address of the owner or owners of the property involved shall be used as shown on the last equalized assessment roll. Notification of the owners of the property involved shall be deemed to be notification of the owners of the signs involved, unless the name and address of the owner of the sign appears thereon, in which event notice will be sent to such sign owner. Notwithstanding any provision to the contrary herein, failure to notify the owner of the property or sign or the failure of such owner to receive such notice shall not relieve such owner of the duty to comply with the provisions of subsection B of Section 17.68.090 (Nonconforming signs and uses) regarding the alteration or removal of nonconforming signs.

D. Signs Hereafter Rendered Nonconforming. Any sign which becomes nonconforming subsequent to the effective date of the ordinance codified in this chapter, either by reason of annexation to the city of the territory upon which the sign is located, or the amendment of this chapter, this title, or other provision of this code so as to render such sign nonconforming shall be subject to the provisions of this section. The period within which such sign must be removed shall commence to run upon the effective date of the annexation, amendment, or the date upon which the sign otherwise becomes nonconforming.

17.68.100 Relocation of off-site signs pursuant to relocation agreements.

A. Purpose. The purpose of relocation agreements approved pursuant to this section is to allow for the removal and relocation of existing, nonconforming off-site signs to new and different locations, and to enable the substitute of off-site signs meeting modern standards for such existing, nonconforming, off-site signs. For purposes of this section “off-site sign” and its variants includes “billboards”, and “relocation” includes the removal of existing nonconforming, off-site signage and the construction of new replacement off-site signage or alteration of existing off-site signage, subject to compliance with the requirements of this section.

B. Off-Site Signs Pursuant to Relocation Agreement. Notwithstanding provisions of this chapter to the contrary, a new or relocated off-site sign that does not comply with all of the requirements of this chapter may be allowed pursuant to a relocation agreement approved by the city council pursuant to this section, subject to the requirements and procedures set forth below.

C. Applicability. Any legal, nonconforming off-site sign may be considered as a candidate for relocation pursuant to a relocation agreement as provided in this section. Such off-site signs may be relocated to a new site or relocated on the present site only in accordance with this section.

D. Procedure. Relocation agreements may be approved by the city council upon recommendation of the city council. Applications for relocation agreements shall be publicly noticed and heard before the city council and city council in accordance with the procedures established for use permits pursuant to Section 17.68.150 (Use permits).

E. Application—Property Owner's Consent or Indemnity. To the extent the applicant is not the owner of the property on which the nonconforming, off-site sign proposed for relocation is located, or is not the owner of the property to which the nonconforming, off-site sign will be relocated, the applicant shall, either at the time of application, either provide documentation of the consent of the owner(s) to the application or, agree to indemnify the city against any and all claims from owner(s) concerning the processing and approval, should approval occur, of the relocation agreement application.

F. Requirements for Relocated Off-Site Signs. The off-site sign(s) approved for relocation pursuant to a relocation agreement under this section shall comply with the requirements of this chapter, except as specifically provided below:

1. Size. The maximum size of an individual off-site sign relocated pursuant to a relocation agreement shall not exceed seven hundred (700) square feet;

2. Distance Between Off-Site Signs. Except as prohibited by the California Outdoor Advertising Act, off-site signs may be located at or greater than two hundred fifty (250) feet from another off-site sign on the same side of the street; and to the extent an off-site sign is located on one (1) street but is oriented to be viewed from another street, no such sign shall be located nearer than two hundred fifty (250) feet to any other off-site sign on the same side of the street on which it is located or any other off-site sign located on the nearest side of the street to which said sign is oriented.

3. Zoning. Lawfully existing, nonconforming off-site signs may be altered, modified, or relocated in the same location, regardless of zoning, pursuant to a relocation agreement.

4. Reduction in Number of Signs and Square Footage. No relocation agreement shall be approved unless the relocation agreement results in a net reduction in the number of off-site signs lawfully allowed and a net reduction in the total square footage of off-site signage lawfully allowed.

5. Consistency with Outdoor Advertising Act. In addition to complying with the other requirements set forth in this section, the relocated off-site sign must also comply with the requirements of the Outdoor Advertising Act, Chapter 2 in Division 3 of the California Business and Professions Code, including, but not limited to, the restrictions on size, height, proximity to highways and interstates, and other regulations set forth in Articles 7 and 8 of the Act. To the extent any conflict arises between this section and the Outdoor Advertising Act, the Outdoor Advertising Act will prevail.

6. Findings. A relocation agreement may be approved if the council makes the following findings concerning the signage proposed for relocation pursuant to the relocation agreement;

    a. The relocated signage complies with the purpose and requirements of this section and this chapter;

    b. The relocated signage is compatible with the uses and structures on the site and in the surrounding area, including parks, trails, and other public facilities and amenities;

    c. The relocated signage will not interfere with on-site access, circulation, or visibility;

    d. The relocated signage will not create a traffic or safety hazard;

    e. The relocated signage will not result in any undue or significant increase in visual clutter in the area surrounding the site.

7. Removal of Existing Off-Site Sign. The off-site sign(s) approved for relocation must be removed from the original location prior to construction or installation of the off-site sign(s) authorized by the relocation agreement.

17.68.110 Removal and disposition of signs by city.

A. Removal of Signs by Building Official.

1. The building official or code enforcement officer shall remove or cause to be removed any abandoned, dangerous, defective, illegal, prohibited, nonconforming sign subject to removal under the provisions of Section 17.68.090 (Nonconforming signs and uses) which has not been removed within the time period specified in such Section 17.68.090, or any other sign maintained in violation of the provisions of this chapter. The building official or code enforcement officer shall prepare a notice which shall describe the sign and specify the violation involved and which shall state that if the sign is not removed or the violation is not corrected within ten (10) days the sign shall be removed in accordance with the provisions of this section.

2. For signs described under the provisions of subsection A of Section 17.68.090 the notice shall be mailed or given to the occupant of the property or their employee or representative upon which the sign is located.

3. For all other signs the notice shall be mailed to the owner of the property on which the sign is located as shown on the last equalized assessment roll. If known, the notice may also be mailed or delivered to the owner of the sign and the occupant of the property.

4. Any person having an interest in the sign or the property may appeal the determination of the building official or code enforcement officer ordering removal or compliance by filing a written notice of appeal with the city clerk within ten (10) days after the date of mailing the notice, or ten (10) days after receipt of the notice if the notice was not mailed. The appeal shall be heard by the city council or a committee of the city council which the city council is authorized to create by resolution. Such a committee, if created, shall be called the sign code board of appeals.

5. Notwithstanding the above, in cases of emergency, the building officials may cause the immediate removal of a dangerous or defective sign without notice.

B. Disposal of signs—Fees.

1. Any sign removed by the building official or code enforcement officer pursuant to the provisions of this section shall become the property of the city and may be disposed of in any manner deemed appropriate by the city. The cost of removal of the sign by the city shall be considered a debt owed to the city by the owner of the sign and the owner of the property, and may be recovered in an appropriate court action by the city or by assessment against the property as hereinafter provided. The cost of abatement or removal shall include any and all incidental expenses incurred by the city in connection with the sign abatement or removal.

2. If the costs are to be assessed against the property, a hearing to confirm such cost shall be held before the city council. At such hearing the owner of the property or other interested person may appear and object to the proposed assessment. Notice of the hearing shall be given at least ten (10) days prior to the date of the hearing to the property owner by mailing a notice of the hearing to the address of such property owner as shown on the last equalized assessment roll. If proof is made that notice, as required to be given herein, has in fact been given, the failure of any owner or owners to receive such notice shall not invalidate any proceedings hereunder either as to removal or abatement of such sign or the cost or assessment made in connection therewith. If a cost assessment is confirmed by the city council, such assessment shall be added to and collected with the next property tax bill and shall be treated as a real property tax or assessment and have the same priority as such tax or assessment.

17.68.120 Construction standards.

A. Compliance With Building Code. All signs shall comply with the appropriate detailed provisions of the city building code relating to design, structural members, and connections. Signs shall also comply with the applicable provisions of the electrical code of the city and the additional construction standards hereinafter set forth in this section.

B. Wind Loads.

1. All signs, except those attached flat against the wall of a building, shall be constructed to withstand wind speeds of ninety (90) mile per hour and as otherwise prescribed in the most current edition of the building code.

2. The building inspector is authorized to exercise reasonable discretion and waive the basic wind speed requirements and standards set forth in the building, sign code, and this chapter with regard to the display surface only of signs, if the building inspector finds that such display surfaces, although not in conformance with the aforesaid requirements and standards relating to basic wind speed, nevertheless do not constitute a dangerous condition. Methods of eliminating the dangerous condition which may be considered by the building inspector may include, without necessarily being limited to, one or more of the following:

   a. Display surfaces constructed or manufactured of cloth or other materials which would not produce injury in the event that the display surfaces become dislodged due to high winds.

   b. An encasement surrounding the display surfaces that prevents the display surfaces, or parts thereof, from falling in the event they are dislodged.

3. It shall be the burden of the proponent of any such proposed method of eliminating the dangerous condition to produce sufficient evidence, at the proponent's expense, to prove the safety thereof to the reasonable satisfaction of the building inspector. Such

proof may, if necessary, require the certification of a properly licensed engineer or other professional person.

C. Supports and Braces. Metal supports or braces shall be designed for and have sufficient strength to support any sign which is attached thereto.

D. Sign Anchoring. No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action. Signs shall be anchored to prevent any lateral movement that would cause wear on supporting members or connections.

E. Detached Signs. All detached sign structures or poles shall be self-supporting structures erected on and permanently attached to concrete foundations. Such structures or poles shall be fabricated only from painted steel or such other materials as may be approved by the building official.

F. Glass. When glass is used for sign letters or transparent panels, it shall be at least double strength thickness for display areas up to and including three hundred (300) square inches. When glass is used for sign letters or transparent panels for display areas in excess of three hundred (300) square inches at least one-quarter (0.25) inch wire glass shall be used and the maximum span between supports shall be four (4) feet.

G. Electric Signs. All electric signs shall be approved and labeled as conforming to the standards of the United States Bureau of Standards, the Underwriters' Laboratories, Inc., or other similar institution of recognized standing. The full number of illuminating elements thereof shall be kept in satisfactory working condition or immediately repaired or relocated. Signs that are only partially illuminated shall meet all electrical requirements for that portion directly illuminated. All electric signs shall have a disconnect switch located in accordance with the provisions of this title and the electrical code adopted by the city council.

H. Strength of Parapet Wall. A parapet wall must be designed for and have sufficient strength to support any sign which is attached thereto.

17.68.130 Maintenance of signs.

A. Generally. Each sign shall be maintained in a safe, presentable, and good condition, including the replacement of defective parts, painting, repainting, cleaning, and other acts required for the maintenance of such sign. The building official shall require compliance or removal of any sign determined to be in violation of this section in accordance with the provisions of Section 17.68.110 (Removal and disposition of signs by city).

B. Abandoned Signs. Any sign which is located on property which becomes vacant and unoccupied for a period of three (3) months or more, or any sign which was erected for an occupant or business unrelated to the present occupant or their business, or a sign which pertains to a time, event, or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six (6) months or more. An abandoned sign is prohibited and shall be promptly removed by the owner of the sign or owner of the premises.

C. Dangerous or Defective Signs. No person shall maintain or permit to be maintained on any premises owned or controlled by them any sign which is in a dangerous or defective condition. Any such sign shall be promptly removed or repaired by the owner of the sign or the owner of the premises.

D. Illegal Signs. No person shall erect or maintain or permit to be erected or maintained on any premises owned or controlled by them any sign which does not comply with the provisions of this chapter.

17.68.140 Variances.

A. When the strict application of the provisions of this chapter would result in unnecessary hardship or a result inconsistent with the general purposes of this chapter, a variance from the provisions of this chapter may be granted in accordance with Chapter 17.76 (Use Permits and Variances).

B. No “use variance” shall be granted. A “use variance” is one which permits a particular type of sign to be located in a zoning district in which it is prohibited by this chapter.

17.68.150 Use permits.

Where a conditional use permit is authorized or required by this chapter, such permit may be granted at the discretion of the city council. The commission shall consider all the factors relating to the proposed sign, whether such sign will adversely affect the public health, safety, and welfare, and whether the application complies with Section 17.68.010 (General) relating to the purpose of this chapter.

A. The decision to grant or deny a conditional use permit or to impose conditions on a conditional use permit may not be based on the content of messages except to the extent needed to determine legality under federal or state law.

B. Before granting a conditional use permit, the city council shall consider all of the factors relating to the proposed sign and, based on the evidence submitted, make the following findings, as applicable:

1. The proposed sign will not produce adverse spillover effects (glare, flashing, etc.) on other nearby land uses.
2. The sign is architecturally compatible, in terms of comparative scale and scope, with building heights in the existing neighborhood.
3. The sign does not impose a foreign or inharmonious element to the existing skyline.
4. The location and placement of the sign will not endanger motorists or pedestrians.
5. The sign will not materially obstruct any prominent view of a structure or facade of historical or architectural significance.
6. The sign will not materially obstruct any prominent view of a natural feature of regional or statewide significance.
7. The sign will not materially obstruct views of users of adjacent buildings to side yards, front yards, or open space. The sign will not adversely affect the visual quality of a public open space as a public recreation facility, square, plaza, courtyard, or other similar use.
8. The sign’s lighting will not cause hazardous or unsafe driving conditions for motorists.

17.68.160 Appeals.

A. Any person aggrieved or dissatisfied with the action of staff resulting from the administration of this chapter may appeal therefrom to the city council in accordance with Section 17.124.020 (Appeals of administrative action).

B. When deciding to affirm, modify, or reverse the action or decision appealed, the city council shall not consider the content or graphic design of messages other than to determine legality under federal or state law.

17.68.170 Violations.

In the event any person should erect, alter, relocate, or maintain a sign in violation of the provisions of this chapter, the same is declared a public nuisance and the city attorney is authorized to bring and prosecute an action in court of competent jurisdiction to enjoin such person from continuing such violation. Any person violating the provisions of this chapter is guilty of an infraction.

CHAPTER 17.72
NONCONFORMING USES, STRUCTURES, AND PARCELS

Sections:

17.72.010 Purpose and applicability.
17.72.020 Continuation and maintenance.
17.72.030 Modification or expansion.
17.72.040 Destruction and replacement.
17.72.050 Abandonment of nonconforming status.
17.72.060 Nonconforming parcels.

17.72.010 Purpose and applicability.

This chapter establishes special regulations for nonconforming land uses, structures, and parcels that were lawful prior to the adoption or amendment of this title, but which would be prohibited, regulated, or restricted differently under the current terms of this title or future amendments. It is the intent of these regulations to allow the continuation of nonconformities under limited conditions outlined herein and reconstruction in the event of disaster. Generally, any expansion of nonconforming uses or structures is prohibited; however, this chapter establishes special regulations for the potential expansion of nonconformities where specific findings can be made.

17.72.020 Continuation and maintenance.

A. Nonconforming Uses. A lawfully established nonconforming use may continue to operate in perpetuity, be transferred, or be sold; provided, that the use shall not be enlarged or intensified, nor be expanded to occupy a greater area than it lawfully occupied before becoming nonconforming. Likewise, plans for any use approved as of the date the ordinance codified in this chapter becomes effective may be carried out as approved. Any extension of such approval for which the applicant was entitled to apply as of the effective date may be granted according to the regulations in effect prior to the effective date; if granted, such extension will be considered the same as an approval granted before the effective date. The person asserting the nonconforming use must present evidence that the use existed before enactment of the regulations prohibiting or discontinuing the use.

B. Nonconforming Structures. A nonconforming structure may be maintained or improved as follows:

   1. A nonconforming structure shall be maintained and repaired as necessary to keep the building or structure in sound condition. Maintenance does not include replacement of the structure.

   2. Repairs, alterations, or reconstruction to reinforce unreinforced masonry structures or to comply with building code requirements shall be allowed, provided that the work is exclusively to comply with applicable safety standards and the building code.

   3. Structural alteration of a nonconforming structure is permitted to improve safety or to reduce fire hazard.

17.72.030 Modification or expansion.

A. Nonconforming Uses. A legal nonconforming use may be modified or expanded, subject to the granting of a use permit in accordance with Chapter 17.76 (Use Permits and Variances).

B. Nonconforming Structures. An addition, enlargement, extension, or relocation of a

nonconforming structure may be allowed if the changes to the structure conform to applicable provisions of this title and provided such modifications do not expand the extent of nonconformity or result in additional nonconformities.

17.72.040 Destruction and replacement.

If a nonconforming structure, or a conforming structure occupied by a nonconforming use, is involuntarily damaged or destroyed, the structure may be repaired or rebuilt and reoccupied in the same manner in which it originally existed if the restoration is started within one (1) year of the date of the damage and is diligently pursued to completion.

17.72.050 Abandonment of nonconforming status.

If a nonconforming use is discontinued for a continuous period of one (1) year or more, rights to nonconforming status shall terminate. A determination that a use has been abandoned requires both evidence of discontinuance of the use, and an act or failure to act which shows or implies that the owner does not continue to claim or retain an interest in the nonconforming use. Evidence may include, but is not limited to, removal of equipment, furniture, machinery, structures, or other components of the nonconforming use, disconnected or discontinued utilities, or no business records to document continued operation. Maintenance of a valid business license is not considered a continuation of the use. Without further action by the city, any subsequent use of the site or structure shall comply with all of the regulations of the applicable zoning district and all other applicable provisions of this title.

17.72.060 Nonconforming parcels.

Any lot or parcel of land of record on the effective date of the ordinance codified in this title may be used as a building site even when it has less area or width then required by the regulations for the district in which it is located provided there are no adjoining parcels under the same ownership. The applicant shall submit a site plan in accordance with Section 17.80.020 (Site Plan). Upon review of the site plan and the finding that the application otherwise complies with all other provisions of this title, the city administrator or their designee may approve the site plan. If the city administrator or their designee denies the application or imposes conditions unacceptable to the applicant, the applicant may file the request with the city council who may approve the use if it finds the application otherwise complies with all other provisions of this title.

CHAPTER 17.76
USE PERMITS AND VARIANCES

Sections:

17.76.010 Administrative permits.
17.76.020 Conditional use permits.
17.76.030 Variances.
17.76.040 Application.
17.76.050 Public hearing.
17.76.060 Action by the city council on a use permit.
17.76.070 Action by the city council on a variance.
17.76.090 Modification of site plan for which a use permit has been granted.
17.76.090 Revocation of use permits.
17.76.100 Revocation of variances.

17.76.010 Administrative permits.

A. Uses requiring an administrative permit. Uses shall be required to obtain an administrative permit as specified in this section.

B. Application.

1. Application for an administrative permit shall be made on a form prescribed by the city clerk and accompanied by a fee established by the city council. If the applicant does not own the property for which a permit is requested, the application shall be signed by the owner of the property.

2. No public hearing is required for the review and processing of an administrative permit.

3. The city administrator or their designee may grant or deny an application for an administrative permit under the provisions of this section.

4. Written notice of decision shall be provided within ten (10) days of the date of decision to the applicant and to all parties who submitted comments or who provided contact information to receive notice. The notice shall include:

a. The application request as acted upon by the city administrator or their designee;

b. The action taken by the city administrator or their designee;

c. A brief statement explaining the criteria and standards considered relevant to the decision;

d. A statement of the standards relied upon in rendering the decision;

e. Findings as listed for each entitlement for the decision based on the criteria, standards, and facts set forth; and

f. The deadlines, criteria, and fees for filing an appeal.

C. Revocation. After providing a ten (10)-day notice to the permittee and holding a hearing, the city council may revoke any administrative permit that has been granted pursuant to the provisions of this section upon finding any of the following, based on substantial evidence:

1. Any of the terms or conditions of the permit have been violated.

2. A law, including any requirement in this title, has been violated in connection with the permit.

3. The permit was obtained by fraud.

D. Appeals. If the applicant or any other person is dissatisfied with a city staff action regarding an administrative permit, they may appeal said action pursuant to Section 17.124.020 (Appeals of Administrative Action).

17.76.020 Conditional use permits.

A conditional use permit may be issued in the manner specified in this chapter for any of the uses or purposes for which such conditional use permits are required by the terms of this title.

17.76.030 Variances.

A. The city council may approve variances from the terms of this title only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this title deprives such property of privileges enjoyed by the other property in the vicinity and under identical zoning classification.

B. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

C. A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise authorized by the zoning district governing the parcel of property.

17.76.040 Application.

A. Application for a conditional use permit shall be made to the city council in writing on a form prescribed by the city clerk and shall be accompanied by a site plan of sufficient detail to show the detail of the proposed use of land or building. Such application shall be accompanied by a fee established by resolution of the city council.

B. Application for a variance shall be made to the city council in writing on a form prescribed by the city clerk and shall be accompanied by a detailed statement justifying a variance and plans and elevations necessary to show the detail of the proposed variance. Such application shall be accompanied by a fee established by resolution of the city council.

C. The city shall have thirty (30) days to determine if the application is complete and will give written notice of any additional information required to make the application complete.

17.76.050 Public hearing.

A public hearing by the city council shall be held within forty-five (45) days after the filing of an application for a conditional use permit or variance that has been determined complete for processing provided that compliance with the California Environmental Quality Act has been completed. Notice of the hearing shall be given in the manner set forth in Section 17.124.010 (Notice Required).

17.76.060 Action by the city council on a use permit.

A. In order to grant any conditional use permit, the findings of the city council shall be that the establishment, maintenance or operation of the use or building applied for will not, under the circumstances of the particular case, be materially detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of

such proposed use, or be materially detrimental to property or improvements in the neighborhood or to the general welfare of the city.

B. The city council may designate such conditions in connection with approval of a conditional use permit as it deems necessary to secure the purposes of this title and may require that such conditions will be complied with by the permittee.

C. The city council shall render its decision on any conditional use permit within thirty-five (35) days following close of the public hearing. Failure of the city council to render its decision within the period shall be deemed to be a denial of the application. The granting of any use permit, when conforming to the provisions of this paragraph, is an administrative function, the authority and responsibility for performing which is imposed upon the city council, and the action thereon by the city council shall be final and conclusive.

17.76.070 Action by the city council on a variance.

In order to grant any variance, the findings of the city council shall be:

A. Because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

B. That the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

C. The variance is not for and does not authorize a use or activity which is not otherwise permitted in the relevant zoning district.

17.76.080 Modification of site plan for which a use permit has been granted.

Any use permit granted pursuant to this chapter shall be conducted only in accordance with a site plan submitted pursuant to Section 17.80.020 (Site plan) and approved at the time of issuance of the use permit. In the event the holder of a use permit desires to modify said site plan, an application shall be filed for modification of the site plan for approval or disapproval of the city council, in accordance with the same procedure for the issuance of a use permit as provided in this chapter. Notwithstanding the foregoing, minor alterations of the site plan may be granted by the city administrator or their designee, if they find that such modification does not materially change the site plan or have the potential to adversely impact adjacent property owners and is otherwise in full compliance with all other provisions of this code or any other laws, rules, or regulations relating thereto.

17.76.090 Revocation of use permits.

A. The city may move to revoke an approved use permit if: the use permit is not used within one (1) year from the date of approval, in the event the use permitted is abandoned or not utilized for a period of one (1) year, or the permittee fails to comply with the conditions of approval of the permit.

B. Any use permit granted in accordance with the terms of this title may be revoked if any of the conditions or terms of such permit are violated, or if any law or ordinance is violated in connection therewith, or if the city council finds that the continuance of the use permit will endanger the public health, safety, or welfare.

C. The city council shall hold a hearing on any proposed revocation after giving written notice to the permittee at least ten (10) days prior to the hearing.

17.76.100 Revocation of variances.

A. The city may move to revoke an approved variance if not used within one (1) year from the date of approval, or in the event the use for which the variance is approved is abandoned or not utilized for a period of one (1) year.

B. Any variance granted in accordance with the terms of this title may be revoked if any of the conditions or terms of such variance are violated or if any law or ordinance is violated in connection therewith, or if the city council finds, that the continuance of the variance will endanger the public health, safety, or welfare.

C. The city council shall hold a hearing on any proposed revocation after giving written notice to the permittee at least ten (10) days prior to the hearing.

CHAPTER 17.80
SPECIAL PROVISIONS

Sections:

17.80.010 Application.
17.80.020 Site plan.
17.80.030 Official plan lines.
17.80.040 Second dwelling units.
17.80.050 Manufactured homes.
17.80.060 Manufactured home parks.
17.80.070 Recreational vehicles.
17.80.080 Recreational vehicle parks.
17.80.090 Open space requirements for multifamily developments.
17.80.100 Single-room occupancy.
17.80.110 Emergency shelters.
17.80.120 Fences, walls, hedges, and equivalent screening.
17.80.130 Temporary uses.
17.80.140 Temporary structures.
17.80.150 Commercial outdoor dining and seating.
17.80.160 Community gardens.
17.80.170 Garage sales.
17.80.180 Height limits.
17.80.190 Setback exceptions.
17.80.200 Dish-type or satellite antennas.
17.80.210 Cargo containers.
17.80.220 Outdoor lighting.
17.80.230 Trash and recycling enclosures.
17.80.240 Screening.
17.80.250 Cannabis and cannabis products.
17.80.260 Low barrier navigation centers.

17.80.010 Application.

All regulations specified in this chapter shall be subject to the general provisions, conditions, and exceptions contained in this title.

17.80.020 Site plan.

A. When a site plan is required by this title, the applicant shall submit at least one (1) copy of the site plan to the city clerk for review. The site plan should be drawn to scale and shall indicate clearly and with full dimensions the information required.

B. Site plan requirements:

1. Exterior boundary lines, dimensions, and size of the property.
2. North arrow and scale.
3. Name of property owner, property address, and assessor parcel number(s).
4. Label all adjacent streets or rights-of-way.

5. All existing and proposed buildings and structures, including their location, size (approximate square footage), height, and proposed or existing use (e.g., home, garage, fence, etc.).
6. Location and name of adjacent and on-site streets/alleys.
7. Location and dimensions of all existing/proposed easements, points of access, driveways and parking areas, and pavement type.
8. All areas proposed for grading or landscaping.
9. Distances from all structures to property lines, easements, and other structures on the property.
10. Any nearby buildings relevant to the application and their use.
11. Any existing significant natural features, such as watercourses.

C. The city shall approve, approve with such conditions as are deemed necessary to protect the public health, safety, peace, comfort, and general welfare, or disapprove the site plan. In approving the site plan, city staff or the city council shall ascertain that all applicable provisions of this title are complied with.

D. Revisions by the applicant to an approved site plan shall be made pursuant to the initial application procedure set forth in this chapter.

17.80.030 Official plan lines.

Whenever an official plan line has been established for any street, required setbacks shall be measured from such line and in no case shall the provisions of this title be construed as permitting any encroachment upon any official plan line.

17.80.040 Second dwelling units.

The following development standards shall apply to second dwelling units:

A. The second dwelling unit shall have been constructed prior to January 1, 2017, and in accordance with all laws in effect at the time.

B. The maximum square footage of a second dwelling unit is one thousand two hundred (1,200) square feet.

C. A maximum building height of twenty-five (25) feet is permitted.

D. Second dwelling units shall comply with the setback requirements of the zoning district in which they are located, except that a rear yard setback of no less than five (5) feet shall be permitted.

E. The required off-street parking for the primary dwelling unit plus one (1) off-street parking space per bedroom for the second dwelling unit must be provided.

F. One (1) second dwelling unit per parcel is allowed.

G. The second dwelling unit can be attached or detached from the primary dwelling unit.

H. The second dwelling unit shall be architecturally compatible with the primary dwelling unit or the immediate neighborhood.

I. The second dwelling unit shall be compatible with the scale of the adjoining residence and blend into the existing neighborhood.

J. All HVAC or other mechanical units shall be placed not in public view or shall be screened from public view by a fence, wall, or permanent landscaping.

K. The second dwelling unit shall not exceed the allowable density for the lot upon which it is located.

17.80.050 Manufactured homes.

Pursuant to Government Code Section 65852.3(a), a manufactured home shall be permitted on any lot zoned for a conventional single-family dwelling if such manufactured home is placed on a permanent foundation in compliance with Health and Safety Code Section 18551. Said manufactured home is subject to all requirements for a single-family residence in the applicable zone district in which it is proposed to be located. Manufactured homes which are more than ten (10) years old are not permitted. Proof of the date of manufacture of the manufactured home shall be required at the time of building plan check submittal.

17.80.060 Manufactured home parks.

A. Site Area. A manufactured home park shall have a minimum site area of two (2) acres and shall have not less than three thousand (3,000) square feet of area for each manufactured home space located on the site.

B. Open Space. A minimum of one hundred (100) square feet of outdoor or indoor recreation area shall be provided for each manufactured home lot exclusive of required yards or vehicle parking areas. The minimum size for any single outdoor recreation area shall be two thousand five hundred (2,500) square feet.

C. Location Restrictions. No manufactured home space or dwelling unit shall be located in a front, side or rear yard required of the zoning district within which it may be located.

D. Accessory Structures. No accessory structure other than a carport, garden structure, storage building, sun or wind shelter shall be erected within a manufactured home space for the use of the occupants of an individual manufactured home.

E. Separation Requirements. The minimum distance between manufactured homes shall be ten (10) feet. The minimum distance between an accessory structure on one (1) site and a manufactured home on an adjacent site shall be ten (10) feet.

F. Landscaping and Screening. No less than five (5) feet of yard adjoining a property line of a manufactured home park shall be landscaped and permanently maintained. The city council may require additional landscaping and fences or walls where necessary to ensure privacy, protect adjoining property, insulate against wind, noise or glare, or screen unsightliness.

17.80.070 Recreational vehicles.

No motorhome, recreational vehicle, camper van, or other vehicle shall be used for human habitation or occupied for living or sleeping quarters except when installed within a licensed recreational vehicle park or mobile home park. Recreational vehicles or motor homes maintained upon any lot, piece, or parcel of land, other than a recreational vehicle park or manufactured home park, shall comply with the following conditions:

A. Outside Maintenance. Such vehicles shall not be parked or maintained in any required setback.

B. Use as a Residence. Such vehicles shall not be used for sleeping quarters, nor shall any sanitary or cooking facilities contained therein be used.

C. Connected to Utilities. Such vehicles shall not be connected to utilities, including but not limited to water, wastewater, electricity, or gas.

D. Temporary exceptions to the above restrictions may be granted when the use of such vehicle is necessary to the construction of permanent structure(s) within the city limits. Prior to such temporary use, an administrative permit for such use shall be obtained from the city pursuant to Section 17.76.010 (Administrative permits). Said permit shall permit use for a period not to exceed one hundred twenty (120) days. Any extension or renewal of said permit shall be at the discretion of the city council. The subject permits shall state the specific location of the vehicle and shall not be transferable.

17.80.080 Recreational vehicle parks.

A. Purpose. This section establishes standards for the development and operation of recreational vehicle (RV) parks to ensure RV parks conform to applicable state laws and regulations, are compatible with surrounding land uses, and provide a suitable environment for travelers and other occupants.

B. Compliance with State Law. All RV parks shall conform to Title 25, Chapter 5 of the California Administrative Code, Division 13 of the and all other state laws and regulations that apply to RV parks. In the event of conflict between this section and any controlling state law or regulation, the state law or regulation shall apply. If the state law or regulation is not controlling, then the more restrictive provision shall apply.

C. Occupancy Requirements.

1. Maximum Length of Occupancy. No more than thirty (30) days in one (1) continuous stay, and no more than ninety (90) days in any consecutive three hundred sixty-five (365)-day period.

2. Permitted Vehicles. Occupancy of an RV space is limited to one (1) RV and one (1) additional motor vehicle. Permanent buildings are prohibited within RV spaces.

3. Tag of Certification. An RV which stays for more than thirty (30) continuous days in a RV park shall have a tag of certification documenting compliance with state and federal RV manufacturing requirements. A tag of certification may be issued by:

   a. The California Department of Housing and Community Development under Section 4032, Title 25, Division 1, Chapter 3 of the California Code of Regulations ("state insignia") or other state or Canadian province; or

   b. The Recreational Vehicle Industry Association (RVIA) or a third-party certification company recognized by the city as being substantially equivalent.

4. Registration Required.

   a. RV parks shall maintain a register listing the name, home address, vehicle identification number, and length of each of each park occupant. Erasures or alterations on the register is prohibited and unlawful.

   b. Each register page shall include a statement that the register is open to city inspection at all times. Registers shall be kept in a conspicuous place and shall be made available for city inspection upon request.

5. City Verification. The city has the authority to allow a designated city staff member to visit an RV park, record vehicle identification numbers, vehicle license numbers and vehicle model types in spaces.

D. Development Standards.

1. Park Size and Dimensions.

    a. Minimum RV park area: Five (5) acres total and two thousand (2,000) square feet per RV space.

    b. Minimum street frontage: One hundred (100) feet.

2. RV Space Size and Dimensions.

    a. Minimum RV space area: One thousand (1,000) square feet.

    b. Minimum RV space depth: Forty (40) feet.

    c. Minimum RV space frontage on an internal RV park road: Twenty (20) feet.

3. RV Park Roadways.

    a. Minimum internal roadway width: Twenty-eight (28) feet.

    b. Minimum entry roadway width: Thirty-two (32) feet or sixteen (16) for one-way traffic originating and terminating in a two-way roadway.

    c. Roadways shall be paved to a thickness and material to meet city standards.

4. Setbacks.

    a. Structures and vehicles shall be setback the minimum distance from exterior park boundaries as required by the applicable zoning district.

    b. Structures and vehicles shall be setback a minimum of ten (10) feet from vehicles in separate spaces, buildings, and roadways.

    c. The main entrance of a park shall have an additional ten (10) feet of landscaped setback above the minimum front setback of the applicable zoning district.

5. Permanent Buildings.

    a. RV parks may contain one (1) or more permanent buildings solely to serve residents of the park.

    b. Permanent buildings shall comply with the development standards of the applicable zoning district and the setback requirements in subsection (D)(4) of this section.

    c. Permanent buildings may not occupy more than fifteen (15) percent of an RV park.

    d. Permanent buildings may be used only for the following purposes:

        i. RV park administration and office.

        ii. Recreational amenities and meeting areas.

        iii. Sales of packaged food, sundries and other convenience items customarily sold by convenience stores.

        iv. Storage of park equipment, excluding commercial storage for nonresidents of the RV park.

        v. Other subordinate uses as described in the conditional use permit for the RV park which are necessary and customary in order to operate a park.

6. Amenities. RV parks shall provide amenities in proportion to the area of each park as follows:

    a. Restrooms: One (1) restroom building for the first fifty (50) spaces, plus one (1) additional building for each additional one hundred (100) spaces. Restrooms shall include toilets and shower facilities.

    b. Solid waste stations: One (1) solid waste station per two hundred (200) spaces in addition to a sewer connection for each space.

    c. Recreation centers: One (1) recreation center per two hundred (200) spaces. Recreation centers may contain swimming pools, picnic shelters, horseshoe pits, athletic fields, volleyball courts, shuffleboard courts, tennis courts, and similar facilities.

7. Landscaping.

    a. All required front setbacks and RV park entrances shall be landscaped consistent with city standards and requirements.

    b. The minimum landscaped area for each RV space is ten (10) percent of the space area or two hundred (200) feet, whichever is greater. At least one (1) tree shall be planted, if not already present, and maintained within each RV space. No more than seventy (70) percent of a space shall be nonpermeable (paved) area.

    c. The minimum landscaped area for the RV park is twenty (20) percent of total area, including individual RV space landscaping. Required amenities listed in subsection (6)(c) of this section, including recreational buildings and pools, may be counted within the park landscaping requirement.

8. Sewer. Each RV space shall be connected to a sewer lateral meeting city standards which is connected to the RV park master sewer system. The RV park master sewer system shall be connected to the city sewer system. Septic tank connections are prohibited.

9. Water. Each vehicle space shall be connected to a water lateral meeting city standards which is connected to the RV park master water system, providing potable, safe and sanitary water. The RV park master water system shall be connected to the city water system.

10. Perimeter Screening. Each RV park shall have a perimeter fence or wall built to city standards, at least six (6) feet high, except that a fence or wall is not required in the landscaped front setback if individual RV spaces are not visible through the setback area from an adjacent public roadway.

11. Accessory buildings and awnings. An RV space may contain temporary accessory building as follows:

    a. Accessory Buildings. One factory-enamel-coated metal shed per RV space, not to exceed fifty (50) square feet in area, which is portable and not permanently affixed to the ground. Permitted use of such shed may include storage of the personal effects of the occupant or shelter for a pet.

    b. All accessory buildings and awnings within RV spaces shall be the property of the occupants of the space and shall not remain on the space after the occupants have vacated the space; nor shall the park owner own or maintain such accessory buildings or awnings on spaces.

12. Signs. RV parks may have identification, directory, and directional signs pursuant to Chapter 17.68 (Signs).

17.80.090 Open space requirements for multifamily developments.

On each multifamily development of five (5) units or more within any district, whether such development is on a single recorded lot or on two (2) or more adjacent recorded lots, such development shall be provided with usable and accessible open space for the recreation and outdoor living enjoyment of the development's residents and their guests. Such open space shall not be less than twenty-five (25) percent of the size of residential living space and shall satisfy the following criteria:

A. Open space may be provided in more than one location.

B. To qualify as required open space, such area shall have no area less than twenty (20) square feet and at least fifty (50) percent open to the sky or trees above and free of any overhead structural or architectural projections.

C. Open space shall be landscaped and/or otherwise improved to serve the outdoor needs of occupants. Improvements may consist of plantings, gardens, walkways, patios, pools, shade elements, recreation equipment and facilities, and such other appurtenances as are appropriate to serve the outdoor living needs of the residents.

D. Garages, carports, open off-street parking areas, vehicular access driveways, trash enclosures, and non-landscaped areas shall not be included in calculating required open space.

17.80.100 Single-room occupancy.

The following development standards shall apply to single-room occupancy residential units:

A. Tenancy of single-room occupancy residential units shall not be less than thirty (30) days.

B. Each unit shall accommodate a maximum of two (2) persons.

C. No unit may exceed four hundred (400) square feet.

D. Single-room occupancy residential unit facilities shall provide individual or shared bathing facilities and may provide individual or shared kitchen facilities.

E. Common laundry facilities shall be provided at a rate of one (1) washer and dryer per ten (10) units, with a minimum of one (1) washer and dryer.

F. An on-site management office or administrator's unit shall be provided.

G. Each unit shall have a separate closet.

H. On-site parking shall be provided in accordance with Chapter 17.64 (Off-Street Parking).

17.80.110 Emergency shelters.

The following development standards shall apply to emergency shelters:

A. Physical Characteristics.

1. The facility shall comply with applicable state and local uniform housing and building code requirements.

2. The facility shall have on-site security during all hours when the shelter is in operation.

3. The facility shall provide exterior lighting on pedestrian pathways and parking lot areas on the property. Lighting shall reflect away from residential areas and public streets.

4. The facility shall provide secure areas for personal property.

B. Maximum Number of Beds per Facility. Emergency shelters shall not exceed fifteen (15) beds.

C. Limited Terms of Stay. The maximum term of staying at an emergency shelter is six (6) months.

D. Parking. The emergency shelter shall provide on-site parking pursuant to Chapter 17.64 (Off-Street Parking).

E. Emergency Shelter Management. Emergency shelters shall provide on-site management.

17.80.120 Fences, walls, hedges, and equivalent screening.

A. An administrative fence permit shall be obtained from the city prior to the installation of any fence or wall.

B. No fence or wall shall hereafter be constructed to exceed six (6) feet in height within the area encompassed by the rear yard setback or the side yard setback to the front yard setback line, nor shall any fence, wall, hedge, or equivalent screening exceed four (4) feet in height within the area encompassed by the front yard setback.

C. When there is no requirement for a front yard setback, the maximum height of any fence, wall, hedge, or equivalent screening within a front yard or along the front lot line shall be limited to six (6) feet.

D. No fence, wall, hedge, or equivalent screening shall be located within three (3) feet of a fire hydrant such that it hinders access to the hydrant as determined by the fire chief.

E. The applicant shall submit a site plan for any proposed fence or wall to the city for review and approval. The site plan shall include all property dimensions, outlines of existing structures, location of all driveways and streets, and any other access onto the property, and shall clearly delineate the proposed fences and/or walls. An elevation of the proposed fence or wall with height measurements shall also be included.

F. All fences and walls shall be constructed of durable and weather-resistant materials as approved by the city. The use of cardboard or other corrugated material, tarps, barbed wire, rope, electrified fence, glass, razor wire, or similar materials in conjunction with a fence or wall, or by itself within any zoning district, is prohibited.

G. Fences and walls used for noise control shall be made of materials most suited for noise reduction, and which minimize reflective sound.

H. Decorative columns, post caps, or similar features not more than one (1) foot in height may be added on top of fences or walls. Such features shall be consistent with the design and materials of the fence or wall and shall not be less than eight (8) feet apart generally.

I. A single arbor-style entry element, substantially open to the passage of light and air, may be allowed provided the entry element is located over a walkway or pathway and does not exceed eight (8) feet in height, five (5) feet in width, and three (3) feet in depth.

J. Fences, walls, hedges, equivalent screening, and combinations thereof shall be measured in height from the uphill perspective if located on a grade or slope.

K. Where the topography of sloping sites, a difference in grade between adjoining sites, need for animal control, or similar consideration warrants an increase in height to maintain a level of privacy or effectiveness as typically provided by such fence, wall, hedge, or equivalent screening under similar circumstances, up to two (2) feet may be added to the height limits in subsection A of this section and administratively approved subject to the following:

1. No hedge or equivalent landscape screening that exceeds four (4) feet in height shall be located within five (5) feet of the front property line;

2. Lattice, decorative wrought iron, or other material that is at least fifty (50) percent open to the passage of light and air when viewed horizontally, excluding framing, may be added to the top of a fence or wall provided the lattice, decorative wrought iron, or other material is determined by the city clerk, or their designee, to be compatible with the design and materials of the fence or wall;

3. The proposed height increase shall not create a hazard to vehicular or pedestrian traffic;

4. Review of the proposed height increase shall include consultation with fire, law enforcement, and public works, and notification to all owners of property that border the proposed fence or wall; and

5. Permits for fences and walls that exceed the height limits in subsection A of this section shall not be issued until ten (10) days have elapsed from the approval thereof and, in the event an appeal is filed, shall not be issued until a decision has been made by the appropriate decision-making body.

L. Notwithstanding the foregoing, the street intersection of a corner lot shall have no fence, hedge, wall, or equivalent screening exceeding three feet in height within a triangle of twenty-five (25) feet along the side of each street, or ten (10) feet along the side of each alley, as measured from the intersection unless the owner of such property obtains a use permit for a greater height by a showing that no hazard exists to vehicular or pedestrian traffic. Such permit may be granted by the city council provided all provisions of this code are otherwise satisfied and the city council determines no safety hazard is created by the greater height.

M. Ordinary maintenance and repairs may be made to any nonconforming fence or wall provided the fence or wall is not enlarged, expanded, or relocated and no more than fifty (50) percent of the nonconforming fence or wall is replaced within a one (1)-year period. When more than fifty (50) percent of the nonconforming fence or wall is to be replaced within a one (1)-year period, the entire fence or wall shall be brought into compliance.

N. Fences, walls, hedges, and equivalent screening that do not meet the above standards shall only be authorized upon the applicant first obtaining a conditional use permit.

O. Applicants aggrieved by a decision made under this section may appeal the decision to the city council pursuant to Section 17.124.020 (Appeals of administrative action).

17.80.130 Temporary uses.

A. Purpose. The purpose of this section is to allow for those short-term and intermittent activities that the city council determines would be compatible with adjacent and surrounding uses.

B. Temporary Use Permit Required. Upon approval of a temporary use permit, the city council may allow a short-term and/or intermittent use in any zoning district.

C. Activities. Short-term and intermittent activities include but are not limited to carnivals, concerts, vendor fairs, and other special events; use of a modular home as a construction office; parking and storage of earthmoving or construction equipment when incidental to a development project; removal of minerals, earth, and other natural materials; temporary batch plant operations; and other activities of limited duration with no potential to detrimentally affect those working and living in the vicinity.

D. Applications. Applications for temporary use permits shall be made and processed in accordance with the procedures for conditional use permits set forth in Chapter 17.76 (Use Permits and Variances).

E. In cases where the city council is able to make the findings required by Section 17.76.060 (Action by the city council on a use permit), the city council may, but is not obliged to, issue a temporary approval for a specific time period, not to exceed twelve (12) months.

17.80.140 Temporary structures.

A. A conditional use permit for any such temporary structure shall be required in accordance with procedures set forth in Chapter 17.76 (Use Permits and Variances). Any non-complying aspects of the temporary structure shall only be approved by the city council if it makes the findings required by Section 17.76.060 (Action by the city council on a use permit).

B. In cases where the city council is able to make the findings required by Section 17.76.060, the city council may, but is not obliged to, issue a temporary approval for a specific time period, not to exceed twelve (12) months.

C. All temporary structures, which may not otherwise be subject to building code requirements, shall still meet all of the accessory building setback requirements of this title.

17.80.150 Commercial outdoor dining and seating.

A. No person or business shall place or caused to be placed any outdoor dining or seating for commercial purposes or use without first obtaining an outdoor dining and seating permit.

B. Applications for outdoor dining and seating permits shall be accompanied by an outdoor seating plan and the applicable fee established by resolution of the city council.

C. The city administrator or their designee, in acting upon any application for an annual outdoor dining and seating permit, shall either approve, approve with conditions, or deny the issuance of a permit based on the following principles and standards:

1. That the proposed outdoor dining and seating are in compliance with all applicable provisions of this section;

2. That the proposed outdoor dining and seating are so arranged as to ensure the protection of public health, safety, and general welfare, and prevent interference with users of the right-of-way and holders of other permits; and

3. That the proposed outdoor dining and seating and associated business will properly comply with the provisions and development standards prescribed in this title, or as prescribed by the city council.

D. All outdoor dining and seating shall conform to the following standards:

1. A minimum of four (4) feet of clear space on the sidewalk is required for the safe passage of pedestrians.

2. All umbrellas used in outdoor dining and seating areas shall be a minimum height of seven (7) feet.

3. The outdoor dining and seating area shall be operated and maintained in accordance with the approved outdoor seating plan.

4. When located within twenty (20) feet a fire hydrant or standpipe fixture, the placement of outdoor dining and seating furniture, apparatus, decoration, or appurtenance used in connection therewith shall be reviewed and approved by the fire chief.

5. No furniture, apparatus, decoration, or appurtenance used in connection with the operation of the outdoor dining and seating shall be:

   a. Located in or project or protrude into the required pedestrian passageway;

   b. Be located in such a way as to impede the safe and speedy ingress and egress to or from any building or structure; or

   c. Be attached to the sidewalk or sidewalk surface, nor shall any of those items cause damage to the sidewalk in any manner.

6. Any table service provided shall be provided by persons engaged or employed for that purpose and shall be furnished to seated patrons only. Table service is not required, and retail food establishments that do not provide table service may provide outdoor dining and seating for their patrons.

7. As a condition of the issuance of the outdoor seating permit, the permit holder shall defend, indemnify and hold harmless the city and shall present, along with each application or renewal application for an annual permit, evidence of liability insurance in a form acceptable to the city administrator.

17.80.160 Community gardens.

A. Purpose and Applicability. This section establishes standards for community gardens to provide the following benefits:

   1. Strengthen the health and social fabric of the community by encouraging and supporting community gardens.

   2. Encourage sustainable food production and distribution.

   3. Increase community access to fresh local produce.

B. Performance Standards.

   1. The growing, production, or sale of agricultural products may not involve hazardous materials or processes or create offensive or objectionable noise, vibration, odors, heat, dust, or electrical disturbance perceptible by a person beyond the lot line of the subject lot.

   2. The cultivation of cannabis is prohibited in community gardens.

C. Sales and Donations.

   1. When located within a mixed-use or commercial zoning district, the sale of agricultural products grown and produced on-site is permitted.

   2. The donation of agricultural products grown and produced on-site is permitted in all zoning districts where community gardens are allowed.

3. If selling or donating products to the public, the use shall comply with all applicable food safety laws, including the California Health and Safety Code.

D. Garbage and Compost.

1. Garbage and compost receptacles must be screened from the street and adjacent properties by utilizing landscaping, fencing, or storage structures and all garbage shall be removed from the site weekly.

2. Compost piles and containers must be set back at least ten (10) feet from residential buildings when a community garden abuts a residential use or mixed-use development.

E. Farm Equipment. Use of mechanized farm equipment is not permitted in the R-1, R-2, and R-3 zoning districts, and when the community garden is located within one hundred (100) feet of a residential use in any zoning district, with the following exceptions:

1. Heavy equipment may be used initially to prepare the land for agricultural use.

2. Landscaping equipment designed for household use is permitted.

3. Equipment when not in use must be enclosed or otherwise screened from sight.

F. Exceptions. Exceptions to the foregoing provisions may be granted by the city council with a use permit provided the use would not increase vehicular traffic, parking congestion, noise, nuisance odors, or negatively impact the public health, safety, peace, comfort, or general welfare.

17.80.170 Garage sales.

A. Frequency and Duration of Sale. It is unlawful for any person or persons to conduct, cause or permit to be conducted, at the same address, more than one (1) garage sale within thirty (30) calendar days and more than two (2) garage sales during any calendar year. No single garage sale shall continue for more than two (2) consecutive days.

B. Property Permitted to be Sold. It is unlawful for any person or persons to sell or offer to sell at any garage sale any property other than personal property accumulated for personal use by the occupant or occupants residing at the address at which said sale is to be held; provided, however, nothing herein shall prohibit neighbors in the same residential area from conducting a combined garage sale at one specified address.

C. Advertising. It is unlawful to place a sign or other form of advertisement of a proposed garage sale upon any public property within the city. It is unlawful to exhibit a sign or other form of advertisement for more than one (1) day prior to the day said sale is to commence, or to allow such sign to remain after 8:00 p.m. on the termination date of such sale. Two (2) signs only, not exceeding twenty (20) by thirty (30) inches in size, may be placed in the front or side yard of the premises where the sale is conducted.

D. Hours of Operation. It is unlawful to conduct a garage sale before 7:00 a.m. or after 6:00 p.m.

E. Notification Prior to Sale. Prior to conducting any garage sale, any person proposing to conduct a garage sale shall notify the city, which such notification shall include all of the following:

1. Name and address of person proposing to conduct garage sale.

2. Location of proposed sale.

3. Date(s) during which the proposed sale is to be conducted.

F. Violation – Penalty. Any person violating any of the provisions of this section is guilty of an infraction with a fine of fifty dollars ($50.00) for the first offense, one hundred dollars ($100.00) for the second offense within one (1) year, and two hundred fifty dollars ($250.00) for the third offense within one (1) year. Nothing herein shall be construed to prevent the city from seeking injunctive or other relief which may be necessary to enforce the provisions of this code.

17.80.180 Height limits.

A. Buildings and structures up to ten (10) feet taller than the established height limit may be permitted in all zoning districts upon first securing a use permit for the increased height limit. In any zoning district where a conditional use permit is secured for an increased height limit, all setbacks shall be increased by one (1) foot for each foot or portion of a foot in excess of the established height limit.

B. The exceptions to established height limits in subsection A of this section shall not apply to the height limits for fences, walls, hedges, and equivalent screening pursuant to Section 17.80.120 (Fences, walls, hedges, and equivalent screening).

C. Spires, chimneys, machinery, towers, radio and television towers, penthouses, scenery lofts, cupola, water tanks and similar architectural structures may be built and used to a height of not more than fifteen (15) feet above the height limit established for the district in which the structures are located; provided, however, that no such architectural structure in excess of the allowable height shall be used for sleeping or eating quarters or for any commercial advertising purpose.

D. Public utility distribution and transmission lines, and towers and poles for such lines, are allowed in all districts to greater heights than established for the district in which the structures are located.

17.80.190 Setback exceptions.

A. Where four (4) or more lots in a block have been improved with buildings, the minimum required front yard for the main building shall be the average of the front yards of the improved lots if less than the front yard requirements herein.

B. Architectural features such as cornices, eaves, and canopies shall not extend more than two (2) feet into the front, side, and rear yard setbacks.

C. Open uncovered porches or landing places shall not extend more than four (4) feet into any side yard setback, and not more than six (6) feet into any front yard setback.

D. On any parcel of land existing at the time of adoption of the ordinance codified herein and having an average width of less than fifty-five (55) feet, and the owner thereof owns no adjoining land, then the width of each side yard may be reduced to ten (10) percent of the width of such parcel, but in no case to less than three (3) feet.

E. In case an accessory building is attached to and made structurally a part of the main building, it shall comply in all respects with the requirements of this title applicable to the main building except as provided for in this title.

F. Notwithstanding subsections G and H of this section, an accessory building or structure in a residential or mixed-use zoning district shall not project into the front yard setback, and unless attached shall be located at least ten (10) feet from any residential dwellings existing or under construction on the same lot or any adjacent lot. In the case of a corner lot where

there is a key lot abutting said corner lot, an accessory building shall not project beyond the front yard required on the key lot.

G. Fences, walls, hedges, and equivalent screening may occupy setbacks to the extent provided in Section 17.80.120 (Fences, walls, hedges, and equivalent screening). Vegetation, however, may be subject to the California Solar Shade Control Act.

H. Arbors may occupy setbacks subject to the extent provided in Section 17.80.120 (Fences, walls, hedges, and equivalent screening). Arbors shall not be connected to or supported by a building, nor shall they be designed to support loads other than vines or similar plantings.

I. Signs. Signs in conformance with the sign regulations codified in Chapter 17.68 (Signs) may occupy setbacks to the extent provided in that chapter.

17.80.200 Dish-type or satellite antennas.

No person shall install, either as owner or agent, or employee of the owner, or as an independent contractor for the owner, or otherwise, any dish-type or satellite antenna, any additions thereto or substitution for such antenna, when such antenna exceeds three (3) feet in diameter, unless a use permit is obtained in accordance with the provisions of this title. Any such use permit for the placement of dish-type or satellite antenna shall be conditioned upon the following:

A. In any residential or mixed-use zoning district, such antennas shall be treated as an accessory structure and shall comply with height, setback, and lot coverage requirements for the zoning district in which it is located.

B. Dish-type or satellite antenna placed within a residential or mixed-use zoning district shall be screened from view of streets and abutting properties by use of fences, hedges, or appropriate plant materials.

C. Within the G-C and M zoning districts, a site plan shall be submitted showing the location for placement of such antenna, in addition to such other information as is required for a use permit. As to each such antenna site, there shall be available nine hundred (900) square feet of property which is not otherwise required for parking or otherwise occupied by structures and improvements upon the property.

D. The restrictions as set forth in subsections A and B of this section shall not be applicable to a community antenna television system operating under a license granted by the city council, except to the extent that any such condition may be imposed by the city council as a condition for issuance of such use permit.

17.80.210 Cargo containers.

A. Use in Residential and Mixed-Use Zoning Districts. The permanent use of prefabricated exterior storage containers, such as cargo containers or truck trailers, is prohibited in the R-1, R-2. R-3, MU-1, MU-2, and MU-3 districts. Temporary use of storage containers in these zoning districts may be approved subject to the following:

1. A use permit is required for temporary use of storage containers pursuant to Section 17.80.140 (Temporary structures).

2. Temporary use of cargo containers may be approved for up to six (6) months. A one-time extension of up to twelve (12) months may be granted in the case of unforeseeable property damage or natural disaster.

B. Use in Commercial Districts.

1. Temporary and/or permanent use of prefabricated exterior storage containers, such as cargo containers or truck trailers, may be approved as an accessory use to the primary permitted use in the G-C zoning district subject to the following:

    a. A use permit is required for temporary use of storage containers pursuant to Section 17.80.140 (Temporary structures).

    b. A use permit is required for permanent use of storage containers pursuant to Chapter 17.76 (Use Permits and Variances).

    c. The city council shall determine appropriate siting, time limits, and other conditions as may be necessary to minimize potential impacts to adjacent properties.

C. Use in Manufacturing Districts. The use of storage containers in the M district is permitted as an accessory use to the primary permitted use.

D. General Requirements. The use of storage containers in any zoning district within the city limits must adhere to the following conditions:

1. Storage containers may only be used for the storage of merchandise, inventory, shelving displays, or other incidental items related to the operation of the business.

2. Business or sale of merchandise shall not be conducted from the storage container, nor shall the storage container be used a habitable space, office, or meeting area, and shall be kept closed and secured at all times other than when items are being moved to or from the storage container.

3. Storage containers must be oriented to minimize the view from the public right-of-way. In no case shall storage containers be placed so as to cover, block, or otherwise impact required parking, or impact circulation and emergency access.

4. Storage containers shall be painted in a color matching or similar to the field color of the primary structure and/or properly screened with screening walls and/or landscaping. Graffiti shall be removed within twenty-four (24) hours from any storage container or screening.

5. The placement of any signs, advertising copy, banners, or similar item is prohibited on storage containers.

6. No more than two (2) storage containers with a combined floor area of no more than six hundred and forty (640) square feet shall be allowed. Storage containers shall not exceed a height of ten (10) feet.

7. Storage container location: Setbacks shall be the same as those for the underlying zone.

E. Additional permitted temporary uses of storage containers include the following:

1. Construction sites.

2. This section shall not apply to a location with a permitted business actively engaged in transporting cargo containers or truck trailers provided such container or trailer is only on the property temporarily and is not utilized for outside storage purposes.

17.80.220 Outdoor lighting.

A. Purpose. It is the purpose of this section is to accomplish the following:

1. Promote a safe, glare-free, and pleasant nighttime environment for residents and visitors;

2. Protect and improve safe travel for all modes of transportation;

3. Prevent nuisances caused by unnecessary light intensity, glare, and light trespass;

4. Protect the ability to view the night sky by restricting unnecessary upward projection of light;

5. Better ensure land use compatibility; and

6. Promote lighting practices and systems that conserve energy.

B. Applicability.

1. New Outdoor Lighting. All outdoor lighting fixtures installed after the effective date of this section, when located on a property used for a public, quasi-public, multifamily, commercial, industrial, or institutional use, shall conform to the requirements established by this section.

2. Existing Outdoor Lighting. All existing outdoor lighting fixtures installed prior to the effective date of this section, when not in conformance with this section and located on a property used for a public, quasi-public, multifamily, commercial, industrial, or institutional use, shall be brought into conformance within one (1) year of the effective date of this section.

C. Exemptions.

1. The following are exempt from the provisions of this section:

a. Seasonal displays using multiple low wattage bulbs of approximately fifteen (15) lumens or less, provided that they do not constitute a fire hazard, create a nuisance, and are maintained in a safe condition.

b. All temporary lighting used for the construction or repair of roadways, utilities, and other public infrastructure.

c. Streetlights, vehicular lights, and all temporary emergency lighting needed by law enforcement, the fire department, and other emergency services.

d. All lighting required by state or federal regulatory agencies.

2. The city administrator or their designee may authorize additional property specific exemptions when proposed outdoor lighting does not conflict with the purposes of this section. An application for such an exemption must be made in writing and include an outdoor lighting plan pursuant to subsection E of this section.

D. General requirements. The following general standards apply to all non-exempt outdoor lighting fixtures:

1. All outdoor lighting fixtures shall be designed, located, and installed aimed downward or toward structures located on the same premises, retrofitted if necessary, and maintained in order to prevent glare, light trespass, and light pollution.

2. Fixtures and lighting systems shall be in good working order and maintained in a manner that serves the original design intent of the system.

3. Outdoor lighting shall be designed to avoid harsh contrasts in light levels between the property on which it is located and adjacent properties.

4. Fixture Types. All new outdoor lighting shall use full cut-off luminaries with the light source downcast and fully shielded with no light emitted above the horizontal plane, with the following exceptions:

a. Fixtures that have a maximum output of four hundred (400) lumens or less, regardless of the number of bulbs, may be left unshielded provided the fixture has an opaque top to prevent the light from shining upward.

b. Motion activated flood lights that have an output of three thousand (3,000) lumens or less, provided that the lamps are not illuminated more than five (5) minutes per activation, the lamp is not visible from adjacent residences or public streets, no direct glare is produced, and the fixture is oriented downward to prevent light from shining upward.

c. Floodlights that do not meet the definition of "full cut-off" may be used if permanently directed downward, if no light is projected above the horizontal plane, and if fitted with external shielding to prevent glare and off-site light trespass. Unshielded floodlights and "barnyard"-type fixtures are prohibited.

5. Accent Lighting. Architectural features may be illuminated by uplighting, provided that the light is effectively contained by the structure, the lamps are low intensity to produce a subtle lighting effect, and no glare or light trespass is produced. For national flags, statues, public art, or other objects of interest that cannot be illuminated with down-lighting, upward lighting may only be used in the form of one (1) narrow-cone spotlight that confines the illumination to the object of interest.

6. The provisions of this section are not intended to prevent the use of any design, material, or method of installation or operation not specifically prescribed herein, provided that the city administrator or their designee has approved any such alternative. A proposed alternative may be approved if it provides at least approximate equivalence to the applicable specific requirements of this section, or if it is otherwise satisfactory and complies with the intent of this section.

E. Outdoor lighting plans.

1. An outdoor lighting plan shall be submitted in conjunction with an application for a building permit for new multifamily, commercial, or industrial structures five thousand (5,000) square feet and larger. The building official or their designee may request outdoor lighting plans from applicants for other types of projects due to project location, size, or proposed use, as necessary. An outdoor lighting plan shall include at least the following:

a. Manufacturer specification sheets, cut-sheets, or other manufacturer provided information for all proposed outdoor lighting fixtures to show fixture diagrams and light output levels;

b. The proposed location, mounting height, and aiming point of all outdoor lighting fixtures, preferably on a site plan; and,

c. If building elevations are proposed for illumination, drawings for all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, the luminance level of the elevations, and the aiming point for any remote light fixture.

2. If needed to review the proposed outdoor lighting fixture installation, the building official or their designee may require additional information following the initial outdoor lighting plan submittal, including but not limited to a written narrative to demonstrate the objectives of the lighting, photometric data, Color Rendering Index (CRI) of all lamps and other descriptive information on the fixtures, computer generated photometric grid showing foot-candle readings every ten (10) feet within the property or site and ten

(10) feet beyond the property lines (an iso-foot-candle contour line style plan may be acceptable), and/or landscaping information to describe potential screening.

3. The building official, or their designee, may approve, deny, or require modifications to any outdoor lighting plan in order to meet the purpose of this section.

17.80.230 Trash and recycling enclosures.

A. When Required. All new and expanded commercial and industrial development with a floor area exceeding seven hundred fifty (750) square feet, all intensifications of commercial and industrial uses that increase the square footage by fifty (50) percent or more, all new mixed-use projects, and all new multifamily residential projects shall provide and maintain at least one (1) trash and recycling enclosure. Trash and recycling enclosures may be located indoors or outdoors to meet the requirements of this section.

B. Location.

1. General.

a. Outdoor trash and recycling enclosures required under this section shall not be located within any required setback.

b. Enclosures shall be located so that no dwelling is closer than twenty (20) feet, including those on abutting properties, or more than one hundred (100) feet from a residential unit if located on property occupied by a residential use. No minimum distance from dwellings is required if dumpsters are located within a fully enclosed room.

c. No outdoor trash and recycling enclosure shall be located within any public right-of-way, or in any location where it would obstruct pedestrian walkways, vehicular access, reduce motor vehicle sightline, or in any way create a hazard to health and safety.

2. Exception. Enclosures that have been approved in conjunction with a discretionary permit or approval may be located within a required side yard or rear yard setback, provided no part of the enclosure is less than three (3) feet from any property line.

C. Maintenance. Outdoor trash and recycling enclosures required shall be maintained in the following manner:

1. There shall be the prompt removal of visible signs of overflow of garbage, recycling, smells emanating from the enclosure, graffiti, pests, and vermin.

2. Trash enclosure covers shall be closed when not in use.

3. Trash enclosures shall be easily accessible for garbage and recyclables collection.

4. Trash enclosures shall be regularly emptied of garbage and recycling.

D. Design of Enclosure Area.

1. Each trash and recycling enclosure shall be of a material and colors that complement the architecture of the buildings they serve or shall have exterior landscape planting that screens the walls.

2. The trash and recyclables enclosure shall provide convenient and secure access to the containers to prevent access by unauthorized persons and minimize scavenging, while allowing authorized persons access for disposal and collection of materials.

3. An opening shall be provided so that pedestrians can access the enclosure without opening large gates.

4. Lighting shall be provided at enclosures for residential and mixed-use developments for nighttime security and use.

5. All outdoor trash and recycling enclosures shall be a minimum of five (5) feet tall to screen unsightly views. The design of the structure and the materials used shall be compatible with the on-site architecture.

6. Designs, materials, or methods of installation not specifically prescribed by this section may be approved by city. In approving such a request, the reviewing authority shall find that the proposed design, materials, or method provides approximate equivalence to the specific requirements of this section or is otherwise satisfactory and complies with the intent of these provisions.

17.80.240 Screening.

All exterior mechanical and electrical equipment associated with new multifamily residential, mixed-use, commercial, and industrial development shall be screened or incorporated into the design of buildings so as not to be visible from the street. Equipment to be screened includes, but is not limited to, all roof-mounted equipment, air conditioners, heaters, utility meters, cable equipment, telephone entry boxes, backflow prevention devices, irrigation control valves, electrical transformers, pull boxes, and all ducting for air conditioning, heating, and blower systems. Screening materials shall be consistent with the exterior colors and materials of the building.

17.80.250 Cannabis and cannabis products.

Unless expressly permitted by the Tulelake Municipal Code, or the California Health and Safety Code Section 11362.1(a), all cultivation, manufacture, distribution, possession, storing, laboratory testing, labeling, transportation, delivery or sale of cannabis or cannabis products is prohibited within the city.

17.80.260 Low barrier navigation centers.

A. Purpose. The purpose of this section is to establish development standards for low barrier navigation centers and to ensure this use is constructed and operated in a manner that is consistent with the requirements and allowances of state law, specifically Article 12 of Chapter 3 of Division 1 of Planning and Zoning Law commencing with California Government Code Section 65660.

B. Applicability. The provisions of this chapter shall apply to all low barrier navigation center projects.

C. Definitions. The following words, phrases, and terms as used in this section shall have the following meanings:

1. “Low barrier navigation center” means a Housing First, low barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.

2. “Low barrier” means best practices to reduce barriers to entry, and may include, but is not limited to, the following:

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

b. Pets.

c. The storage of possessions.

d. Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two (2) beds, or private rooms.

3. "Use by right" means that the city's review of the owner-occupied or multifamily residential use may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.

4. "Coordinated entry system" means a centralized or coordinated assessment system developed pursuant to Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, as those sections read on January 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.

D. Permit Required. An administrative use permit shall be required prior to the establishment of any low barrier navigation center project. The permit shall be a ministerial action without discretionary review or a hearing. The city shall notify a developer whether the developer's application is complete within thirty (30) days, pursuant to California Government Code Section 65943. Action shall be taken within sixty (60) days of a complete application being filed.

E. Development and Operational Standards. A low barrier navigation center development is a use by-right in areas zoned for mixed-use and nonresidential zones permitting multifamily uses, provided it meets all of the following requirements:

1. Connected Services. It offers services to connect people to permanent housing through a services plan that identifies services staffing.

2. Coordinated Entry System. It is linked to a coordinated entry system, so that staff in the interim facility or staff who co-locate in the facility may conduct assessments and provide services to connect people to permanent housing.

3. Code Compliant. It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.

4. Homeless Management Information System. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System, as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.

CHAPTER 17.84
LIVE/WORK UNITS AND HOME-BASED BUSINESSES

Sections

17.84.010 Purpose and applicability.
17.84.020 Definitions.
17.84.030 Live/work units.
17.84.040 Home occupations.
17.84.050 Cottage food operations.

17.84.010 Purpose and applicability.

A. The purpose of this chapter is to:

1. For home-based businesses, prescribe the conditions under which limited nonresidential activities may be conducted when incidental to residential activities.

2. For live/work units, prescribe the conditions under which limited residential activities may be conducted when incidental to nonresidential activities.

3. Promote jobs/housing balance and reduce vehicle miles traveled through allowances for live/work units and home-based businesses.

B. The regulations shall apply to all home-based businesses and live/work units operating in the city.

17.84.020 Definitions.

For this chapter, the following words are defined:

A. “Cottage food operation” means an enterprise that is operated by a cottage food operator and has not more than one (1) full-time equivalent cottage food employee, not including a family member or household member of the cottage food operator, within the registered or permitted area of a private home where the cottage food operator resides and where cottage food products are prepared or packaged for direct and/or indirect sale to consumers.

B. “Home based business” means an accessory activity of a nonresidential nature, which is performed within a living unit, accessory structure located on the premises, or within a garage attached thereto and reserved therefor, by an occupant of the living unit, and which is customarily incidental to the residential use of the living unit. This use shall be considered residential for the purposes of determining development standards.

C. “Live/work unit” means an integrated housing unit and working space, occupied and utilized by a single household in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes the following: complete kitchen space and sanitary facilities in compliance with the building code, and working space reserved for and regularly used by one or more occupants of the unit. This use shall be considered commercial for the purposes of determining development standards.

17.84.030 Live/work units.

A. Purpose. The purpose of this section is to:

1. Provide standards for live/work units, including the reuse of existing commercial buildings to accommodate live/work units.

2. Promote a mix of housing options by allowing business operators to live in the same building that contains the commercial activity, particularly artists, small business owners, and craftspeople.

3. Allow combined residential uses with commercial or small-scale manufacturing uses in the same building space, generally with the resident using the combined or adjacent workspace for their business. Typical uses include artist lofts, studio spaces, small offices, and similar low-intensity uses, either in new developments or as adaptive reuse of existing structures.

B. Use Limitations. The nonresidential component of a live/work unit shall be a use allowed within the applicable zoning district, subject to the following additional limitations:

1. Conditional Uses. A conditional use permit is required for live/work units with three (3) or more nonresident employees.

2. Changes in Use. After approval, a live/work unit shall not be converted to a single use without first bringing the unit up to current building code standards.

3. Prohibited Uses. Any activity or use, as determined by the review authority to be incompatible with residential activities and/or to have the possibility of adversely affecting the health or safety of live/work unit residents including dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, waste, or by-products is prohibited.

C. Development Standards.

1. Floor Area Requirement. The floor area shall be a minimum of six hundred and fifty (650) square feet and a maximum of three thousand (3,000) square feet. The nonresidential portion of the live/work unit shall be no more than fifty (50) percent of the total unit area and comply with all California Building Code, Fire Code, and Municipal Code requirements.

2. Separation and Access to Units. Each live/work unit shall be separated from other units and other uses in the same building and shall have an access separate from other live/work quarters or other uses within the structure. Access to the live/work unit shall be provided only from exterior access points, the nonresidential workspace, and from common access areas, corridors, or hallways.

3. Active Frontage. To maintain activity and commercial access along the frontage, the living space shall be located at the rear of the building or situated on the second floor and above. Exceptions may be granted subject to obtaining a conditional use permit in accordance with Chapter 17.76 (Use Permits and Variances).

4. Nonresidential Facilities. A live/work unit shall be designed to accommodate nonresidential uses, such as ventilation, interior storage, flooring, and other physical improvements commonly found in nonresidential facilities used for the same work activity.

5. Mixed-Use Buildings. If a building contains mixed uses of live/work units and other nonresidential uses, uses other than live/work shall meet all applicable requirements for those uses.

6. Parking. Each live/work unit shall be provided off-street parking in accordance with Chapter 17. 64 (Off-Street Parking).

D. Operating Requirements.

1. Occupancy. A live/work unit shall be occupied and used only by the operator of the business within the unit, or a household of which at least one (1) member shall be the business operator.

2. Business License Required. All businesses operating within a live/work unit shall obtain a license to operate in compliance with city regulations.

3. Notice to Occupants. The owner or manager of any building containing live/work units shall provide written notice to all occupants that the property may be subject to higher noise levels than would be expected in a strictly residential area.

4. Nonresident Employees. Up to two (2) persons who do not reside in the live/work unit may work in the unit. The employment of three (3) or more persons who do not reside in the live/work unit may be permitted subject to obtaining a conditional use permit in accordance with Chapter 17.76 (Use Permits and Variances). The owner may be required to provide proof of tax forms verifying the number of employees as deemed necessary by the city.

5. Client and Customer Visits. Client and customer visits to live/work units are permitted.

17.84.040 Home occupations.

A. Subject to issuance of a business license and a home occupation permit, home occupations are permitted in all zoning districts that permit residential uses subject to the following standards:

1. Residential compatibility. The activity is one which is customarily incidental to and not inconsistent with the use of the premises as a dwelling.

2. Size. The activity occupies no more than twenty-five (25) percent of the floor area of the dwelling unit or four hundred (400) square feet, whichever is less.

3. On-Site Client Contact. Except for a minor accompanied by a parent or guardian, no more than one (1) client/customer is permitted at the residence at the same time. Customer or client visits are limited to four (4) per day or six (6) per day for personal instruction services (e.g., musical instruction or training, art lessons, academic tutoring).

4. Sales. With the exception of direct sales for cottage food operations in accordance with Section 17.84.050 (Cottage food operations), and as allowed by state law, no product shall be displayed for sale or sold upon the premises. Products created on the premises may be sold off-site.

5. Outdoor Storage Prohibited. Goods, equipment, and materials associated with a home occupation shall be stored within a fully enclosed structure.

6. Hazardous Materials Prohibited. The storage of flammable, combustible, or explosive materials is prohibited.

7. Animals. No animal-related services, including grooming or personal care, requiring animals to be present on the residential property shall be allowed on the premises.

8. Employees. No person shall be employed by the home occupation at the premises other than the resident(s) of the dwelling.

9. Performance Standards. Home occupations shall not generate dust, odors, noise, vibration, or electrical interference or fluctuation that is perceptible beyond the property line.

10. Signs. Signs or displays used to identify the home occupation are prohibited.

11. Vehicle Traffic. Home occupations may not generate more than twenty (20) vehicle trips per day. A round trip to and from the residence is one (1) vehicle trip and multiple trips by the same vehicle shall count towards the maximum amount. Vehicle trips include trips by clients, customers, vendors, delivery services, or any other vehicle associated with the home occupation.

12. Residential Appearance. The appearance of the dwelling shall not be altered, nor shall the home occupation be conducted in such a manner that it may be reasonably recognized as serving a nonresidential use, either by color, materials, construction, lighting, signs, sounds, odors, or vibrations. Such use shall be of a nature and conducted in such a manner that there is no evidence of the use from the street or neighboring property.

B. Applications for a home occupation permit may be approved by the city clerk provided the use is in compliance with subsection A of this section. In the event an application is denied by the city clerk, the applicant may file the application with the city council and the application shall be heard and determined as provided in Section 17.124.020 (Appeals of Administrative Action).

C. Exceptions to the foregoing provisions may be granted subject to obtaining a conditional use permit in accordance with Chapter 17.76 (Use Permits and Variances).

17.84.050 Cottage food operations.

Cottage food operations are permitted in dwelling units pursuant to Health and Safety Code Section 113758 subject to the following rules and standards:

A. The applicant for the cottage food operation permit shall be the individual who conducts the cottage food operation from their dwelling unit and is the owner of the cottage food operation. The permit shall not be transferable to another operator nor transferable to another site.

B. No more than one (1) cottage food employee, as defined by Health and Safety Code Section 113758(b)(1), and not including a family member or household member of the cottage food operator, shall be permitted on the premises of the cottage food operation.

C. The cottage food operation shall be registered or permitted by the County Health Officer in accordance with Health and Safety Code Section 114365. Cottage food operations shall comply with all requirements of state law.

D. The use shall be conducted within the kitchen of the subject dwelling unit except for attached rooms within the dwelling that are used exclusively for storage or bookkeeping. No greater than twenty-five (25) percent of the dwelling, or fifty (50) percent of an accessory building, may be used for the cottage food operations.

E. There shall be no change in the outside appearance of the dwelling unit or premises, or other visible evidence of the conduct of such cottage food operation.

F. Except for home gardening use and vehicle parking, no outdoor portions of the premises shall be utilized for cottage food operation including outdoor sales and visitation.

G. No greater than one (1) visitor's vehicle and one (1) nonresident employee's vehicle shall be parked on site at any time.

H. Direct sales of products from the site of the cottage food operation shall be conducted by prior appointment only and shall not exceed more than ten (10) visitors in any single day. No customers of the cottage food operation shall be permitted to dine at the premises.

I. Direct sales and cottage food operation related deliveries shall not occur between the hours of 8:00 p.m. and 7:00 a.m.

J. Gross annual sales shall comply with Health and Safety Code Section 113758.

CHAPTER 17.88
SHORT-TERM RENTALS

Sections:

17.88.010 Purpose.
17.88.020 Definitions.
17.88.030 Prohibitions.
17.88.040 Registration certificate requirements.
17.88.050 Inspections.
17.88.060 Operational standards.
17.88.070 Penalties - Certificate denial, suspension, and revocation.
17.88.080 Changes in ownership.

17.88.010 Purpose.

Being situated in an area of scenic natural beauty adjacent to a major transportation corridor, Tulelake offers easy access to recreational opportunities throughout the region. As a result, short-term rentals have existed in the community for many years. Nevertheless, growth in the popularity of this lodging type has generated a need to establish short-term rental regulations that protect the public health, safety, comfort, and general welfare of the city's residents and visitors. In addition to the requirements, regulations, and standards for short-term rentals imposed by this chapter, all other applicable requirements, regulations, and standards imposed elsewhere in the Tulelake Municipal Code and pursuant to state and federal law apply.

17.88.020 Definitions.

The following words, phrases, and terms as used in this chapter shall have the following meanings:

"Bedroom" means a room that contains a minimum of seventy (70) square feet and a closet, the construction of which was authorized by a building permit, if a building permit was required at the time of construction, and which currently meets all requirements of the California Residential Code and contains a window or opening that can be used for emergency egress.

"Guest" or "Guests" means the individual or individual(s) occupying the short-term rental for the purpose of staying overnight.

"Local contact person" means an individual who is personally available by telephone on a twenty-four (24)-hour basis and who maintains the ability to be onsite within forty-five (45) minutes and who has access and authority to assume management of the short-term rental. An agent or professional property management company that meets the availability requirements can serve as the local contact person.

"Operator" means any and all of the following: the person who is a legal owner of a short-term rental; a person who has the legal right to possession of a short-term rental; a person who has a legal right to receive or collect any monies as rent for the occupancy of a short-term rental; and any manager, agent, representative or other similar person acting under the authority or at the direction of the owner or other operator of a short-term rental.

"Property owner" means the owner or owners of record of the subject real property as shown on the latest equalized assessment role of Siskiyou County or as otherwise actually known to the city clerk or the city clerk's designee, including but not limited to individuals, groups, corporations, and other legal entities with at least five (5) percent ownership in the subject real property.

"Short-term rental" means any residential place, space, or structure, or portion of any residential place, space, or structure, which is or may be occupied, or intended or designed for occupancy

by transients for purposes of sleeping, lodging, or similar use in conformance with the city's zoning regulations, and shall include, but not be limited to the following: single-family dwellings, cabins, cottages, apartments, studios, condominiums, townhouses, duplexes, triplexes, fourplexes, a bedroom or bedrooms within an existing residential unit, second dwelling units and guesthouses constructed prior to January 1, 2017, and other forms of residential shelter constructed with a building permit and rented for the purpose of continuous overnight lodging for a period of not less than one (1) night and not more than thirty (30) days.

"Transient occupancy registration certificate" means a certificate of registration issued by the city that certifies the person named on the face thereof has registered with the city for the purpose of collecting from transients any required transient occupancy tax and remitting said tax to the city. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, nor to operate a short-term rental without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any board, commission, department or office of this city. This certificate does not constitute a permit.

17.88.030 Prohibitions.

A. Registration certificate required. It is unlawful for any person to advertise, maintain, operate, or use a short-term rental within the city without a transient occupancy registration certificate, or in violation of the terms and conditions of the certificate or of this chapter (including without limitation the occupancy restrictions set forth in the certificate).

B. Accessory dwelling units. It is unlawful for any person to advertise, maintain, operate, or use as a short-term rental an accessory dwelling unit or junior accessory dwelling unit as those terms are used in California Government Code Sections 65852.2 and 65852.22, or as amended. No transient occupancy registration certificate shall be issued for any accessory dwelling unit or junior accessory dwelling unit. Each rental occurring without a transient occupancy registration certificate and each rental of an accessory dwelling unit or junior accessory dwelling unit shall be a separate violation.

C. Prohibited short-term rentals. A structure or property with a recorded covenant, deed restriction, or agreement restricting its use, including without limitation dwelling units with affordability restrictions, and dwelling units for which short-term rentals are prohibited, shall not be used for short-term rentals. Short-term rentals are prohibited in structures not intended for residential occupancy under the California Building Code Standards and this code.

D. Incidental camping. A transient occupancy registration certificate does not authorize incidental camping, which means any overnight camping, sleeping in tents or on decks attached to the short-term rental unit, or sleeping in travel trailers or recreational vehicles parked on the short-term rental property.

E. Outdoor fires. No outdoor fires (e.g., firepits, campfires, etc.) are permitted at short-term rentals. Propane burning fireplaces and firepits are acceptable provided the device is in the rear yard at least ten (10) feet from all structures, neighboring property, flammable material, and vegetation. Outdoor fires do not include annual yard maintenance by the property owner or operator in compliance with local and state regulations.

F. Grills and barbeques. Grills and barbeques are not permitted beneath a potentially flammable source including trees, umbrellas, decks, or other appurtenant structures. All grills and barbecues shall be no less than ten (10) feet away from a structure and any flammable materials, such as a woodpile. Grills and barbeques other than electric powered pellet grills and propane grills are prohibited at short-term rentals.

G. Subletting. Guests are prohibited from subletting a short-term rental. Only operators with a valid transient occupancy registration certificate may advertise and rent a residential unit as a short-term rental.

H. Special events. Weddings, corporate events, commercial functions, and any other similar events which have the potential to cause traffic, parking, noise, or other problems in the neighborhood are prohibited from occurring at a short-term rental property.

17.88.040 Registration certificate requirements.

A. Annual registration required. Transient occupancy registration certificates shall be renewed annually, and separate certificates are required for each short-term rental. The certificate requirements for short-term rentals are set forth below. The issuance of any certificate pursuant to this article does not relieve the owner of the obligation to comply with the other provisions of this code pertaining to the use and occupancy of the short-term rental or the property in which it is located. Short-term rentals are allowed in all zone districts that allow residential use with approval of a transient occupancy registration certificate, however, no more than two (2) transient occupancy registration certificates shall be issued to any property owner for short-term rentals located in the R-1, R-2, and R-3 zoning districts.

B. Application process. An application for a transient occupancy registration certificate shall be submitted by the property owner to the city clerk or the clerk's designee. Each transient occupancy registration certificate application shall be accompanied by a nonrefundable transient occupancy registration certificate fee. The fee schedule shall be established by resolution of the city council following a public hearing and may be adjusted by resolution of the city council following a public hearing. Permits and fees required by this chapter are in addition to any license, permit, certificate, or fee required by any other chapter of this code. Each application shall at a minimum include the following:

1. Property owner name and contact information.
2. Operator name and contact information.
3. The name of the local contact person, if different from the operator, and a telephone number at which the local contact person may be immediately reached.
4. Address and assessor's parcel number for property at which the short-term rental is located.
5. Rental unit type (i.e., single-family dwelling, duplex, apartment, etc.). If more than one (1) residential unit is located on the property, the application must identify if the rental unit is the property's primary or secondary dwelling.
6. Maximum occupancy. The maximum occupancy of a short-term rental shall be two (2) guests per bedroom, plus two (2) additional people excluding children under five (5) years of age. Occupancy limits shall apply between the hours of 10:00 pm and 7:00 am.
7. Total number of off-street parking spaces available on-site.
8. Number of trash receptacles satisfying the requirements of subsection D of Section 17.88.060 (Operational standards).
9. Number and location of fire extinguishers, smoke detectors, and carbon monoxide alarms, and certification of compliance with Fire Code and fire safety requirements, including those pertaining to fire extinguishers, smoke detectors, and carbon monoxide alarms.

10. Date of the most recent inspection of the short-term rental conducted by city staff and the Tulelake Multi-County Fire District pursuant to this chapter.

11. Acknowledgment that the operator has read and understood this chapter, and the city's parking, garbage collection, guest safety, and operational standards.

12. If the information supplied by the operator on the application for a transient occupancy registration certificate is not consistent with city records, an additional inspection may be required prior to or after the issuance of the transient occupancy registration certificate. An inspection fee shall be charged for the inspection.

C. Term and scope of certificate. A transient occupancy registration certificate issued under this chapter shall expire at the end of the calendar year for which it is issued, unless revoked or suspended earlier. The certificate authorizes the operator to operate the short-term rental only in accordance with the terms and conditions of the certificate. Subject to the provisions of Section 17.88.060 (Operational standards), a certificate will be renewed if prior to expiration, the following is provided: updated application information (if changes have occurred), new certifications and acknowledgments required in subsections (B)(9) and (B)(11) of this section, and payment of the registration fee. Renewal applications may be submitted commencing on October 1st of each year. Renewals for which applications received after November 30th in a given year might not be received by applicants prior to January 1st, and the advertisement or operation of a short- term rental for which a renewed certificate has not been received shall constitute a violation of this chapter.

D. Acceptance of registration certificate. Acceptance by an operator of a transient occupancy registration certificate shall constitute acknowledgment and acceptance of, and consent to, the requirements and provisions of this chapter.

17.88.050 Inspections.

All short-term rentals and the parcels on which they are located shall be inspected by the city and the Tulelake Multi-County Fire District prior to commencement of the use. The inspection(s) shall verify compliance with all standards and conditions of operation including safety requirements. After the initial inspection(s), said rental unit and short-term rental property shall be reinspected by the Tulelake Multi-County Fire District annually and by the city not less than once every three (3) years for as long as the unit is used as a short-term rental. The operator shall submit a completed inspection form or forms to the city showing that the unit has passed inspection and is approved for short-term rental. Completion of the inspections will be verified at the time of transient occupancy registration certificate renewal. The actual cost of such inspections, plus any administrative charges, shall be paid by the operator pursuant to the city's adopted fee schedule.

17.88.060 Operational standards.

All short-term rentals shall comply with the following standards and shall not generate other potential disturbances which may disrupt the peace, safety, and general welfare of the neighborhoods in which they are located.

A. Operator responsibilities and recordkeeping. The operator shall inform guests that they must not violate the standards of this chapter. The operator shall be responsible for taking any action necessary to ensure that guests abide by the terms of this chapter and other applicable provisions of this code. The operator shall collect and maintain for each guest registration the name and contact information of the registered guest, the number of guests, and the amount of rent paid (including all ancillary charges such as cleaning charges). All such records shall be maintained for a period of three (3) years and shall be furnished to the city within five (5) days upon request.

B. Local contact person. A local contact person shall be personally available by telephone on a twenty-four (24)-hour basis and shall be physically present at the short-term rental within forty (45) minutes of contact by city employees or agents or the guest(s). Upon receiving a call or complaint about physical conditions or circumstances that constitute an immediate threat to the public health and safety, the local contact person shall immediately contact the appropriate law enforcement, fire, or other authority.

C. Parking. When located in a zoning district where off-street parking is required, one off-street parking space shall be provided for short-term rentals with two (2) or fewer bedrooms and two (2) off-street parking spaces shall be provided for short-term rentals with three (3) or more bedrooms. When located on property with more than one (1) dwelling unit, the off-street parking requirement for the short-term rental is in addition to all other off-street parking requirements. No vehicle, including without limitation boat trailers and recreational vehicles, may be parked at a short-term rental outside of improved parking areas or in a location or manner that does not comply with city standards.

D. Trash and recycling. The accumulation of trash, debris, and recyclable materials outside of a short-term rental at any time is prohibited. Weekly trash collection and recycling shall be provided for each short-term rental. A minimum service level of one (1) trash can shall be maintained for each short-term rental in addition to recycling service. If one (1) trash can is insufficient to accommodate all trash generated by occupants of the short-term rental, the operator shall arrange for whatever increased level of service is required to accommodate all trash generated onsite. Garbage and recycling shall not be placed outside for collection prior to the day of pickup. When garbage and recycling are stored outdoors prior to the day of pick up, it shall be stored immediately adjacent to the unit and kept within a rodent-resistant container that is large enough to accommodate all garbage and recycling generated onsite within a one (1)-week period.

E. Interior posting requirements. The following information shall be posted within the interior of the rental unit in a visible location: the name of the operator and a telephone number at which that party can be reached on a twenty-four (24)-hour basis; the maximum number of guests permitted to stay overnight in the unit; the maximum number of vehicles that are allowed to be parked on the property; notification that trash and recyclable materials must be placed into cans provided for that purpose; notification that vehicles must be parked on improved parking areas on the property; the telephone number(s) of the police and fire departments; building exits, exit routes, and fire extinguisher locations; emergency evacuation information; use of outdoor fires and barbecues, when applicable; a notice regarding potential penalties associated with violation of this chapter; and for short-term rentals with wood-burning fireplaces or woodstoves, instructions on the safe operation of such appliances and the safe disposal of ashes.

F. Smoke alarms. Smoke alarms, in good working order, shall be installed at a minimum in each bedroom, and at least one (1) alarm on every level of the short-term rental, including basements and habitable attics.

G. Carbon monoxide alarms. Carbon monoxide alarms, in good working order, shall be installed at a minimum outside each bedroom, on every level of the rental unit, including basements and habitable attics, and bedrooms or attached bathrooms with a fuel-burning appliance, and shall be installed in accordance with the manufacturer's installation instructions.

H. Fire extinguisher and ash can. Each short-term rental shall be equipped with one (1) five (5)-pound fire extinguisher, type 3-A:40-B:C, installed at a readily available location near the kitchen. If the short-term rental has two (2) or more than levels, an extinguisher must be mounted within each level. Fire extinguishers shall be inspected annually by a certified

professional to ensure the extinguishers are in good working order. Each short-term rental with a wood-burning fireplace or woodstove shall be equipped with a metal container at least five (5) gallons in size with a tight-fitting lid, which shall be clearly labeled for ash disposal.

I. Visible address. Each short-term rental shall have an address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Whenever the address on the short-term rental unit will not be clearly visible from the street or access road fronting the property, the address shall also be placed at the public street or access road in a manner which is clearly visible from both directions of travel on the frontage road or street. Address identification characters shall contrast with their background and conform to the minimum size requirements of the California Fire Code. A short-term rental in a condominium or apartment building that does not have an individual address may utilize the condominium or apartment building address and need not comply with these requirements.

J. Emergency communications. If located in an area with inadequate cellular service, each short-term rental unit shall contain a working landline phone or Voice Over Internet Protocol phone.

K. Advertisements. Each advertisement for a short-term rental shall list the maximum number of occupants permitted by the transient occupancy registration certificate, the maximum number of parking spaces onsite, and the number of the transient occupancy registration certificate.

17.88.070 Penalties - Certificate denial, suspension, and revocation.

It is a public nuisance to violate any of the provisions of this chapter. Violations of this chapter are subject to the administrative citation provisions set forth in Chapter 1.20 (Administrative Citations and Hearings), provided that fines for violations of this chapter shall be as set forth below. Any person violating the provisions of this chapter, including without limitation guests, operators, and local contact persons may be subject to administrative and/or judicial remedies as set forth herein and elsewhere in this code. In addition, the city shall have the authority to suspend or revoke the transient occupancy registration certificate, or to maintain an action for injunctive relief. Unless otherwise expressly provided, the remedies, procedures and penalties provided by this section are cumulative as to each other and to any others available under state law or this code. In the event of any conflict between the penalties set forth in this chapter and any penalties set forth in state law, the maximum penalties allowable under state law shall govern.

A. Enforcement. An administrative penalty of up to five hundred dollars ($500) per day may be imposed for each violation of this chapter contained in a first administrative citation, and up to one thousand dollars ($1,000) per day for each violation contained in a second or subsequent administrative citation. A prior citation for purposes of this chapter shall be an earlier administrative citation for violation of this chapter on the same property that occurred less than one year prior to the current citation.

B. Denial, suspension, or revocation of a transient occupancy registration certificate. The city may deny, suspend, or revoke a transient occupancy registration certificate for any of the following reasons:

1. The transient occupancy registration certificate application is incomplete;

2. The transient occupancy registration certificate contains a false or misleading statement or omission of a material fact;

3. The short-term rental, operator, or guest is currently in violation of, has been found to be in violation of, or is under investigation for violation of, any local, state or federal

laws, statutes, ordinances, rules or regulations pertaining to the operation of a short-term rental;

4. The transient occupancy registration certificate of a short-term rental for which three (3) citations have been issued for violations of this chapter within a twelve (12)-month period and not overturned on appeal, including without limitation citations issued to guests and citations issued to operators, shall be revoked, and a new certificate shall not be issued for a period of twelve (12) months from the date of the certificate revocation.
5. The operator is delinquent on any payment to the city of any fees, penalties, taxes, or any other monies related to the short-term rental including, but not limited to, transient occupancy taxes;
6. A transient occupancy registration certificate application may be denied due to prior revocation or suspension of a transient occupancy registration certificate;
7. The operation of a short-term rental is a threat to the public health, safety, or welfare;
8. The lack of a fire inspection within the preceding year, a failed fire inspection unless documentation is provided that the conditions causing the failure were corrected and the short-term rental passed a subsequent fire inspection, or a refusal to allow a fire inspection or other inspection of the short-term rental;
9. Absence/expiration of a transient occupancy registration certificate; or
10. Any required application fee or renewal fee has not been paid.

C. Appeal. Any operator or guest may appeal an administrative penalty imposed pursuant to this chapter in accordance with Section 17.124.020 (Appeals of administrative action).

D. Costs of enforcement. All money and assets collected in payment of penalties for violations of this chapter and all money and assets collected for recovery of costs of enforcement of this chapter shall be used to offset the cost of enforcement of this chapter.

17.88.080 Changes in ownership.

Transient occupancy registration certificates issued for short-term vacation rentals do not provide a vested interest in or entitlement to the continued operation of a short-term rental upon a change of property ownership. The new owner of a property for which a transient occupancy registration certificate has been issued shall notify the city upon a change of ownership of the short-term rental. Transient occupancy registration certificates for short-term rentals shall not run with the land and shall expire upon any partial or complete transfer of ownership of a short-term rental, regardless of whether notice of the change in ownership has been provided to the city.

CHAPTER 17.92
BED AND BREAKFAST INNS

Sections:

17.92.010 Purpose.
17.92.020 General regulations.
17.92.030 Permit application.
17.92.040 Owner or manager residence required.
17.92.050 Off-street parking.
17.92.060 Number of units/conditions.
17.92.070 Inspection.

17.92.010 Purpose.

It is the purpose of this chapter to establish regulations for bed and breakfast inns and facilities to assure compatibility with surrounding residential neighborhoods, and to establish procedures for the processing of bed and breakfast inn applications.

17.92.020 General regulations.

A. In addition to any and all required permits and conditions pursuant thereto, and irrespective of whether a use permit is required in the particular instance, all bed and breakfast inns and facilities shall be subject to all other applicable provisions of the Tulelake Municipal Code.

B. The establishment of bed and breakfast inns and facilities in any particular location shall be harmonious with the character of the neighborhood and zoning district in which they are to be located.

C. Adequate off-street parking is of primary concern in the establishment of bed and breakfast inns and facilities.

D. No meals may be served to persons who are not also renters except for those persons who are non-paying personal guests of the occupying owner or manager of the inn.

17.92.030 Permit application.

All applications for use permits for bed and breakfast inns and facilities, when required, shall be accompanied by the following:

A. A floor layout and site plan, which accurately depict the following:

   1. All existing and proposed structures.

   2. Off-street parking and driveway access.

   3. Adjacent properties and improvements.

B. Photographs or drawings of existing elevations and drawings of any proposed changes thereto.

C. Sign details and proposed locations.

D. Any other information required by the city council during processing of the application.

17.92.040 Owner or manager residence required.

Bed and breakfast inns and facilities shall be permitted only where the occupying owner or manager maintains their primary place of residence on the site, and the bed and breakfast inn and facility shall be operated as an accessory use to the owner or manager's residence.

17.92.050 Off-street parking.

Off-street parking shall be provided in accordance with Chapter 17.64 (Off-Street Parking).

17.92.060 Number of units/conditions.

Bed and breakfast inns and facilities shall be limited to the number of rental rooms or units as follows:

A. Only bed and breakfast inns and facilities which are comprised of five (5) or fewer rental units may be allowed when the regulations set forth in this chapter are met.

B. No premises shall be utilized for a bed and breakfast inn and facility unless there are at least two (2) exits to the outdoors from such premises. Rooms utilized for sleeping shall have a minimum size of one hundred (100) square feet for two (2) occupants with an additional thirty (30) square feet for each additional occupant up to a maximum of four (4) occupants per room.

C. Each sleeping room used for the bed and breakfast operation shall have a separate smoke detector alarm, as required by the California Building Code and/or California Fire Code; in case of any differences between the requirements, the stricter shall control.

D. Lavatories and bathing facilities shall be available to all persons using any bed and breakfast operation.

17.92.070 Inspection.

Upon reasonable notice, any bed and breakfast inn may be inspected during normal business hours by the building inspector, fire chief, code enforcement officer, or health inspector to assure compliance with the provisions of this ordinance or any other applicable rules, regulations, statutes, or codes.

CHAPTER 17.96
MOBILE FOOD SALES

Sections:

17.96.010 Purpose
17.96.020 Applicability.
17.96.030 Definitions.
17.96.040 Mobile food vendor operating requirements.
17.96.050 Mobile food court requirements.
17.96.060 Exemptions

17.96.010 Purpose.

It is the purpose of this chapter to preserve the peace, safety, and welfare of the city and its residents by providing clear and concise standards for mobile food sales.

17.96.020 Applicability.

This chapter applies to mobile food sales within the city. No registration, permit, or licenses for mobile food sales shall be issued absent compliance with this chapter.

17.96.030 Definitions.

A. “Mobile food sales” means selling or offering to sell any type of food, beverage, or edible of any type, from a motorized vehicle, trailer, or pushcart.

B. “Mobile food vendor” means a retail food service in which food is served to walk-up customers from a motorized vehicle, trailer, or pushcart.

C. “Mobile food court” means a development on a privately owned parcel with two (2) or more mobile food vendors, an individual pad, service, and utility hook-ups for each mobile food vendor, and on-site amenities, such as restrooms, dining area, etc., for customers, and which are intended for regular food service from mobile food vendors. Mobile food courts may have mobile food vendors that operate on a temporary basis (up to four (4) hours per day) or a long-term basis (more than four (4) hours per day). Operations associated with a private catered event or a city-permitted special event are not considered a mobile food court.

D. “Mobile food commissary” means a development on a privately owned parcel that is utilized by one (1) or more mobile food vendors to: prepare or prepackage food for sale or service at other locations; store food, containers, or supplies; clean utensils; dispose of liquid and solid wastes; obtain potable water; and/or store motorized vehicles, trailers, pushcarts, and other equipment when not in use.

E. “Specialty food sales” means a retailer of pre-packaged or whole food products that does not involve on-site preparation. Specialty food sellers operate in a single location for no more than fifteen (15) minutes per occasion before changing locations (e.g., ice cream trucks).

17.96.040 Mobile food vendor operating requirements.

The following standards apply to mobile food vendors that operate in the city, whether located within public rights-of-way, on public property outside of rights-of-way, and on private property with the permission of the property owner:

A. Registration Required. An annual registration permit is required for mobile food vendors operating in the city. Permit applications shall be processed administratively provided that staff may, at their discretion, refer any application to the city council for consideration. As part of the annual registration process, mobile food vendors shall obtain a business license from the city and shall be responsible for obtaining all necessary licenses and permits required for the service of food and beverages, including a permit for mobile food service from the county.

B. Vehicle Compliance. Motorized vehicles and trailers used in conjunction with mobile food sales shall be in compliance with state motor vehicle laws.

C. Hours of Operation.

1. Residential zoning districts: Except as provided for herein, mobile food sales are limited to specialty food sales in the R-1, R-2, and R-3 zoning districts between the hours of 8:00 a.m. and 6:00 p.m.

2. Mixed Use zoning districts: All mobile food vendors operating in the MU-1, MU-2, and MU-3 districts shall cease operation between the hours of 8:00 p.m. and 7:00 a.m.

3. Commercial and Manufacturing zoning districts: All mobile food vendors operating in the G-C and M districts shall cease operation between the hours of 9:00 p.m. and 7:00 a.m.

4. Open Space and Public Facilities zoning districts: All mobile food vendors operating in the O-S and P-F districts shall cease operation between the hours of 8:00 p.m. and 7:00 a.m.

D. Time Limits. A mobile food vendor shall not vend within the public right-of-way at any location for more than three (3) hours without moving to a new location that is at least five hundred (500) feet from the previous location.

E. Intersections. Mobile food vendors shall not stop, stand, or park in any location that obstructs visibility of an intersection or of traffic entering or exiting an intersection.

F. No Parking and Loading Zones. Mobile food vendors shall not stop, stand, or park in or adjacent to any no parking or loading zone.

G. Parking Facilities. Operations within public and private parking facilities shall not conflict with traffic circulation, shall not interfere with pedestrian paths of travel or the minimum required on-site parking spaces for the principal use(s) on the property, and shall impact no more than (2) parking spaces.

H. Proximity to Fixed Restaurants. Mobile food vendors shall not operate within two hundred fifty (250) feet from the main customer entrance of any restaurant.

I. Proximity to Public Schools. Mobile food vendors shall not operate within a public parking lot, city park, or public right-of-way within five hundred (500) feet of a public school within thirty (30) minutes of the beginning and end of the school day.

J. ADA Access. Mobile food vendors shall not interfere with parking spaces established pursuant to the Americans with Disabilities Act (ADA) and shall maintain a clear path of travel on sidewalks and other pedestrian pathways that is free of customer queuing,

signage, and/or all portions of the vehicle, trailer, or pushcart for the clear movement of pedestrians.

K. Trash Receptacles. Mobile food vendors shall maintain trash receptacles immediately adjacent to the vending location for use by their customers and shall pick up all trash within twenty-five (25) feet of their vending location. Trash shall not be placed in city trash receptacles.

L. Self-Contained Operations. When located on public property, outside tables, seating, and shade canopies are not permitted.

M. Music and Audio. No amplified or non-amplified music or audio is permitted.

N. Alcoholic Beverages. The sale and/or service of alcohol is not permitted.

O. Private Property. When permitted by the zoning district, mobile food vendors may operate on private property subject to the following:

1. Unless located in an approved mobile food court, only one (1) mobile food vendor is allowed per site; mobile food sales are restricted to properties that include a business that it open during the hours of mobile food sales; and outside overnight storage of furniture is prohibited.

2. Properties used for mobile food sales must have all public improvements in place, including but not limited to curb, gutter, sidewalk, and vehicular access.

3. Mobile food vendors may only operate on paved surfaces. Operating on unimproved surfaces, landscaped areas, or within required setback areas is prohibited.

4. Tables, umbrellas, and chairs are permitted on paved and/or improved surfaces outside of required setbacks provided they do not obstruct visibility of traffic entering or exiting the property or adjacent intersections.

5. Prior to operating on private property, mobile food vendors shall obtain written permission from the property owner(s), which shall be made available to city staff upon request.

P. Exceptions.

1. By conditional use permit, the city council may grant exceptions to these provisions.

2. Mobile food sales on public streets or property at city sanctioned events shall not require a conditional use permit provided such sales are conducted at locations and in a manner and time as may be directed by the city.

3. Unless so conditioned, mobile food vendors operating in an approved mobile food court are not subject to the restrictions on hours of operation or the prohibition on the sale of alcohol and outside storage of furniture pursuant to this section.

17.96.050 Mobile food court requirements.

Mobile food courts are subject to all permit requirements and site development standards established by this code. Mobile food courts shall be further subject to the following standards:

A. An individual pad and individual service and utility hook-ups shall be provided for each mobile food vendor.

B. A restroom shall be provided on site for employees and customers.

C. Pedestrian-oriented amenities, including tables, seating, shaded areas, and landscaping, shall be provided.

D. Customer walkup areas may not extend into the public right-of-way.

E. With the exception of providing food service at community events, the maximum number of mobile food vendors per lot shall be as follows:

1. Maximum of two (2) mobile food vendors on lots less than one-half (0.5) acre.

2. Maximum of four (4) mobile food vendors on lots between one-half (0.5) acre and one (1) acre.

3. Maximum of six (6) mobile food vendors on lots greater than one (1) acre.

F. Exceptions. By conditional use permit, the city council may grant exceptions to these provisions.

17.96.060 Exemptions.

The following are exempt from the requirements of this chapter as specified below, but still must satisfy all other applicable permit requirements (e.g., business license, encroachment permit, county food facility permit, etc.).

A. Mobile food sales conducted in connection with the operations of a certified farmers' market.

B. Mobile food sales conducted at a city-sponsored special event, such as a street fair.

C. Mobile food sales at an event at a school facility, assembly use facility, or recreational facility if the vendor is in partnership with the organization conducting the event and is located on the site of the event (i.e., not in the public right-of-way).

D. Mobile food sales at a public park with approval of the city administrator.

E. Mobile food sales at a private event or party in a residential zone located either on the site of the event or in the public right-of-way with no retail sales to the general public.

CHAPTER 17.100
ACCESSORY DWELLING UNITS

Sections:

17.100.010 Purpose.
17.100.020 Definitions.
17.100.030 Accessory dwelling unit criteria.
17.100.040 Junior accessory dwelling unit criteria.

17.100.010 Purpose.

This chapter provides for accessory dwelling units (ADU) and junior accessory dwelling units (JADU) consistent with Government Code Sections 65852.2 and 65852.22.

17.100.020 Definitions.

A. "Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one (1) or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

1. An efficiency unit.

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

B. "Junior accessory dwelling unit" means a unit that is no more than five hundred (500) square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.

17.100.030 Accessory dwelling unit criteria.

A. Location.

1. Accessory dwelling units are permitted by right in all zoning districts that allow single-family residential and multifamily residential as a principally permitted use.

2. In addition, an existing dwelling unit that complies with the development standards for accessory dwelling units in subsection E of this section may be considered an accessory dwelling unit, and a new principal unit may be constructed, which would then be considered the principal dwelling unit.

B. Limitation.

1. Single-Family Residential. No more than one (1) accessory dwelling unit and one (1) junior accessory dwelling unit shall be located on the same parcel improved with a single-family dwelling.

2. Multifamily Residential.

a. No more than two (2) detached accessory dwelling units shall be allowed on a parcel improved with a multifamily dwelling.

b. When the accessory dwelling unit is created within a portion of the existing multifamily dwelling structure that is not used as livable space, and if each space

complies with applicable building and health and safety codes, the number of accessory dwelling units allowed on a parcel improved with a multifamily dwelling is limited to not more than twenty-five (25) percent of the number of multifamily dwelling units on the property, except that at least one (1) accessory dwelling unit shall be allowed.

C. Occupancy. Owner occupancy of a dwelling on the property is not required between January 1, 2020 and January 1, 2025.

D. All requirements and regulations of the district in which the lot is situated shall apply, except as set forth in subsection E of this section.

E. Conditions. An accessory dwelling unit may be established by the conversion of an attic, basement, garage, or other portion of an existing residential unit or by new construction, by the conversion of an accessory structure, or by new construction provided the following criteria are met:

1. Floor Area. The floor area of the accessory dwelling unit shall not exceed:

    a. Parcels sized ten thousand (10,000) square feet or greater: One thousand two hundred (1,200) square feet.

    b. All other parcels: Eight hundred and fifty (850) square feet for a studio or one (1)-bedroom accessory dwelling unit, or one thousand (1,000) square feet for an accessory dwelling unit that provides for more than one (1) bedroom.

2. The increased floor area of an attached accessory dwelling unit shall not exceed eight hundred (800) square feet or fifty (50) percent of the existing living area, whichever is greater.

3. Height. The height of a one (1)-story detached accessory dwelling unit shall not exceed eighteen (18) feet, and a detached two (2)-story accessory dwelling unit shall not exceed twenty-five (25) feet.

4. Architecture.

    a. Accessory dwelling units shall be substantially compatible with the principal dwelling and the neighborhood.

    b. For accessory dwelling units located within the required setbacks of the primary residence, all windows along the wall facing the adjoining property line within the required setback shall be clerestory (minimum of five (5) feet, six (6) inches sill height above the finished floor) or shall have permanently obscured glazing. Windows that vary from this standard may be allowed with written approval from the adjacent property owner that faces the window(s).

5. Setbacks.

    a. An accessory dwelling unit attached to the primary residence shall be subject to the same minimum side, front, and rear setback requirements as the primary residence.

    b. One (1)-story accessory dwelling units (both attached and detached) shall have side and rear setbacks of not less than four (4) feet.

    c. No setback shall be required for a garage or other accessory structure which was constructed with a building permit as of January 1, 2020, that is converted to an accessory dwelling unit.

d. A setback of no more than five (5) feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

6. Manufactured and Mobile Homes. Manufactured and mobile home accessory dwelling units that meet the requirements of state law shall be allowed provided they are constructed on a permanent foundation, are substantially compatible with the principal unit, and adhere to the development standards set forth in this chapter.

7. Utility Connections. At the discretion of the city administrator, utility connections (sewer, water, electricity, telephone) may or may not be connected to the principal dwelling unit. If utility connections are separate from the principal unit, power and telephone lines shall be underground from the point of source as approved by the respective utility purveyor to the accessory dwelling unit. However:

   a. For the creation of an accessory dwelling unit contained within the existing space of a single-family residence or accessory structure, the city shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

8. Selling Accessory Dwelling Units. The accessory dwelling unit shall not be sold separately from the primary dwelling unless the existing lot is divided into two or more lots consistent with city lot dimension and lot area standards resulting the primary and accessory residential structures being on individual lots. Full separate utility connections for all habitable structures shall be a requirement of approval of the lot division.

9. Renting Accessory Dwelling Units. The rental of an accessory dwelling unit is allowed, but not required. Accessory dwelling units shall not be utilized as short-term rentals (no transient occupancy) and must be rented for at least thirty (30) days.

10. Separate Entrance Required. The entry to an attached accessory dwelling unit shall be accessed separately and securely from the principal unit.

    a. No passageway shall be required in conjunction with the construction of an accessory dwelling unit. For the purpose of this chapter, a passageway is a pathway that is unobstructed clear to the sky and extends from a street to an entrance of the accessory dwelling unit.

11. Applicable Codes. Accessory dwelling units must comply with applicable building, fire and other health and safety codes.

12. Lot Coverage. Accessory dwelling units shall not be considered when calculating the maximum lot coverage allowed.

13. Parking.

    a. Parking requirements for accessory dwelling units shall not exceed one (1) parking space per unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on an existing driveway. However, no parking requirements shall be mandatory for those accessory dwelling units in any of the following instances:

       i. The accessory dwelling unit is located within one-half (0.5) mile of public transit.

       ii. The accessory dwelling unit is located within an architecturally and historically significant historic district.

iii. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.

iv. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

v. When there is a car share vehicle located within one (1) block of the accessory dwelling unit.

b. Off-street parking shall be permitted in setback areas in locations determined by the city or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.

c. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, no parking replacement spaces shall be required. Any other required on-site parking spaces shall be maintained for the principal unit and may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts.

F. Application Procedure. City administrator, or designee, approval shall be required for all accessory dwelling units. The property owner shall file a complete building permit application and pay all applicable fees. The completed application form shall include, but not be limited to, data on the floor space and height of the proposed unit and the existing residential unit(s), a photograph of the existing residential unit(s), and an accurately drawn site plan showing the location and size of all existing and proposed structures, the proposed accessory dwelling unit, setbacks, utility connections, and vehicle parking.

G. Existing Nonpermitted Accessory Dwelling Units. The city administrator may approve an accessory dwelling unit constructed without benefit of required permits; provided, that the unit conforms to the current building code, is subject to applicable current permit and impact fees, and conforms to setback, height, area, and other physical development standards otherwise applicable.

H. Accessory dwelling units shall not be counted as “development units” under the General Plan density requirements.

I. Accessory dwelling units converted from existing space shall not be considered new residential uses for the purposes of calculating connection fees or capacity charges for utilities, including sewer and water. Accessory dwelling units of seven hundred and fifty (750) square feet or less shall not be subject to impact fees. Accessory dwelling units larger than seven hundred and fifty (750) square feet may, as determined by the city council by resolution, be subject to impact fees charged proportionately in relation to the square footage of the primary dwelling unit.

J. The installation of fire sprinklers shall not be required in an accessory dwelling unit if they are not required for the primary residence (unless otherwise required by the fire chief based on state law). However, other fire protection mechanisms, as determined by the fire chief, may be required for fire and life safety in those accessory dwelling units not meeting setbacks.

K. An accessory dwelling unit created under this chapter shall be maintained with the provisions of this chapter and shall not be destroyed or otherwise converted to any other use (including reverting to a portion of the primary residence) except with approval of the

city administrator. In considering such requests, the city administrator shall consider the length of time such permit has been in force, the conditions of approval, the exceptions granted for the permit, and the impact on the city's affordable housing supply. As a condition of termination, the city administrator shall require the owner to make modifications to the property to comply with current building code requirements and to comply with current development standards in effect at the time of the request to terminate the use of the accessory dwelling unit.

17.100.040 Junior accessory dwelling unit criteria.

A. Location. Junior accessory dwelling units may be allowed only on parcels zoned for single-family residential use with an existing single-family dwelling unit on the parcel, or as part of a proposed single-family residential use when it is within the proposed space of a single-family dwelling.

B. Limitation. In no case shall more than one (1) accessory dwelling unit and one (1) junior accessory dwelling unit be placed on the same lot or parcel.

C. Occupancy. Owner-occupancy is required in the single-family dwelling unit in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the single-family dwelling unit or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is a governmental agency, land trust, or housing organization.

D. Existing Structure/Bedroom. A junior accessory dwelling unit shall be located within the walls of an existing or proposed single-family residence.

E. Entrance. A junior accessory dwelling unit shall include its own discrete entrance, separate from the main entrance to the structure. A permitted junior accessory dwelling unit may include an interior entry to the main living area and may include a second interior doorway for sound attenuation.

F. Kitchen. The junior accessory dwelling unit shall include an efficiency kitchen, which shall include all of the following: sink, food preparation counter, refrigerator, and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

G. Parking. Junior accessory dwelling units have no parking requirement.

H. Deed Restriction. The junior accessory dwelling unit shall not be offered for sale apart from the principal unit. A deed restriction, which shall run with the land, shall be filed with the city and shall include both of the following:

   1. A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers; and

   2. A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.

I. Timing. A permit shall be issued within sixty (60) days of submission of an application for a junior accessory dwelling unit that meets the criteria in this section and is part of an existing single-family dwelling.

J. For the purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

K. For the purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

L. A junior accessory dwelling unit created under this chapter shall be maintained with the provisions of this chapter and shall not be destroyed or otherwise converted to any other use, including reverting to a portion of the primary residence, except with approval of the city administrator. In considering such requests, the city administrator shall consider the length of time such permit has been in force, the conditions of approval, the exceptions granted for the permit, and the impact on the city's affordable housing supply. As a condition of termination, the city administrator shall require the owner to make modifications to the property to comply with current building code requirements and to comply with current development standards in effect at the time of the request to terminate the use of the junior accessory dwelling unit.

CHAPTER 17.104
WIRELESS TELECOMMUNICATIONS FACILITIES

Sections:

17.104.010 Purpose and objectives.
17.104.020 Definitions.
17.104.030 Use permit required for new facilities.
17.104.040 Development and design standards for new facilities not co-located.
17.104.050 Application requirements for new facilities not co-located.
17.104.060 Entitlement, term, renewal, and expiration.
17.104.070 Permit requirements for co-location facilities.
17.104.080 Development and design standards for co-location facilities.
17.104.090 Application requirements for co-location facilities.
17.104.100 Development and design standards for all wireless telecommunications facilities.
17.104.110 Performance standards for all wireless telecommunications facilities.
17.104.120 Other provisions.

17.104.010 Purpose and objectives.

The purpose of this chapter is to regulate the establishment and operation of wireless telecommunications facilities within the city to:

A. Allow for the provision of wireless communications services adequate to serve the public's interest within the city;

B. Require, where feasible, the co-location of wireless telecommunications facilities;

C. Minimize the negative aesthetic impact of wireless telecommunications facilities, establish a fair and efficient process for review and approval of applications, assure an integrated, comprehensive review of environmental impacts of such facilities, and protect the public health, safety and general welfare;

D. Strongly encourage the location of wireless telecommunications facilities in those areas of the city where the adverse aesthetic impact on the community is minimal;

E. Strongly encourage wireless telecommunications providers to configure all facilities in such a way that minimizes displeasing aesthetics through careful design, siting, landscaping, screening, and innovative camouflaging techniques;

F. Enhance the ability of the providers of telecommunications services to provide such services to the city quickly, effectively, and efficiently; and

G. Conform to all applicable federal and state laws.

17.104.020 Definitions.

In addition to those terms defined in Chapter 17.08 (Definitions), the following terms shall have the meanings set forth below, for the purposes of this chapter:

A. "Abandoned" means a wireless telecommunications facility that is not in use for six (6) consecutive months.

B. "Applicable law" means all applicable federal, state, and city laws, ordinances, codes, rules, regulations and orders, as the same may be amended or adopted from time to time.

C. "Co-location" means the placement or installation of wireless telecommunications facilities, including antennas and related equipment onto an existing wireless telecommunications facility in the case of monopoles, or onto the same building in the case of roof/building-mounted sites.

D. "Co-location facility" means a wireless telecommunications facility that has been co-located consistent with the meaning of "co-location" as defined in subsection C of this section. It does not include the initial installation of a new wireless telecommunications facility where previously there was none, nor the construction of an additional monopole on a site with an existing monopole.

E. "Monopole" means any single freestanding pole structure used to support wireless telecommunications antennas or equipment at a height above the ground. This includes those poles camouflaged to resemble natural objects.

F. "Public right-of-way" means any public highway, street, alley, sidewalk, parkway, and all extensions or additions thereto which is either owned, operated, or controlled by the city, or is subject to an easement or dedication to the city, or is a privately owned area within city's jurisdiction which is not yet dedicated, but is designated as a proposed public right-of-way on a tentative subdivision map approved by the city.

G. "Roof/building-mounted site" means any wireless telecommunications facility, and any appurtenant equipment, located on a rooftop or building, having no support structure such as a monopole or other type of tower.

H. "Wireless telecommunications facility" means equipment installed for the purpose of providing wireless transmission of voice, data, images, or other information including but not limited to, cellular telephone service, personal communications services, and paging services, consisting of equipment, antennas, and network components such as towers, utility poles, transmitters, base stations, conduits, pull boxes, electrical meters, and emergency power systems. "Wireless telecommunications facility" does not include radio or television broadcast facilities, nor radio communications systems for government or emergency services agencies.

17.104.030 Use permit required for new facilities.

A conditional use permit shall be obtained prior to the initial construction and installation of any new wireless telecommunication facility that is not a co-location facility.

17.104.040 Development and design standards for new facilities not co-located.

All new wireless telecommunications facilities that are not co-location facilities shall meet the following minimum standards:

A. Location. New wireless telecommunications facilities shall not be located in any residential zoning district unless the applicant demonstrates, by a preponderance of evidence, that a review has been conducted of other options with less environmental impact, and no other sites or combination of sites allows feasible service or adequate capacity and coverage. This review shall include, but is not limited to, identification of alternative site(s) within a one (1)-mile radius of the proposed facility. See additional application requirements in Section 17.104.050 (Application requirements for new facilities not co-located).

B. Co-location required. New wireless telecommunications facilities shall not be located in areas where co-location on existing facilities would provide equivalent coverage, network capacity, and service quality with less environmental or aesthetic impact.

C. Accommodation of co-location. Except where aesthetically inappropriate in the determination of the city administrator, new wireless telecommunications facilities shall be constructed so as to accommodate co-location and must be made available for co-location unless technologically infeasible. In cases where technological infeasibility is claimed, it shall be the responsibility of the party making such claim to demonstrate, by a preponderance of evidence, that such co-location is, in fact, infeasible.

D. Additional development and design standards. Wireless telecommunications facilities also shall be subject to the additional design standards specified in Section 17.104.100 (Development and design standards for all wireless telecommunications facilities).

17.104.050 Application requirements for new facilities not co-located.

In addition to the requirements set forth in Section 17.76.040 (Application) and Section 17.80.020 (Site plan), applicants for new wireless telecommunications facilities that are not co-location facilities shall submit the following materials regarding the proposed wireless telecommunications facility:

A. Photo simulations. Photo simulations of the facility from reasonable line-of-sight locations from public roads or viewpoints.

B. Maintenance plan. A maintenance plan detailing the type and frequency of required maintenance activities, including maintenance of landscaping and camouflaging, if applicable.

C. Five (5)-year build-out plan. A description of the planned maximum five (5) year build-out of the site for the applicant's wireless telecommunications facility, including, to the extent possible, the extent of potential expansion to accommodate future co-location facilities by other wireless service providers. The applicant shall use best efforts to contact all other wireless service providers known to be operating in the city upon the date of application, to determine the demand for future co-locations at the proposed site, and, to the extent feasible, shall provide written evidence that these consultations have taken place, and a summary of the results, at the time of application. The city shall, within thirty (30) days of its receipt of an application, identify any known wireless service providers that the applicant has failed to contact and with whom the applicant must undertake their best efforts to fulfill the above consultation and documentation requirements. The location, footprint, maximum tower height, and general arrangement of future co-locations shall be identified by the five (5) year build-out plan. If future co-locations are not technically feasible, a written explanation shall be provided.

D. Nearby facilities. Identification of existing wireless telecommunications facilities within a one (1)-mile radius of the proposed location of the new wireless telecommunications facility, and an explanation of why co-location on these existing facilities, if any, is not feasible. This explanation shall include such technical information and other justifications as are necessary to document the reasons why co-location is not a viable option. The applicant shall provide a list of all existing structures considered as alternatives to the proposed location. The applicant shall also provide a written explanation for why the alternatives considered were either unacceptable or infeasible. If an existing wireless telecommunications facility was listed among the alternatives, the applicant must specifically address why the modification of such wireless telecommunications facility is not a viable option. The written explanation shall also state the radio frequency coverage and capacity needs and objectives of the applicant, and shall include maps of predicted new coverage with the proposed facility.

E. Availability for co-location. A statement that the proposed wireless telecommunications facility is available for co-location, or an explanation of why future co-location is not technically feasible.

F. RF report. A radio frequency (RF) report describing the emissions of the proposed wireless telecommunications facility. The report shall demonstrate that the emissions from the proposed equipment as well as the cumulative emissions from the facility will not exceed the limits established by the Federal Communications Commission (FCC).

G. Alternative analysis. Applications for the establishment of new wireless telecommunications facilities inside residential zoning districts, shall be accompanied by a detailed alternatives analysis that demonstrates that there are no feasible alternative nonresidential sites available.

H. Height justification. An engineering certification providing technical data sufficient to justify the proposed height of any new monopole or roof/building-mounted site.

I. Deposit. A cash or other sufficient deposit for a third-party peer review as required by this chapter.

17.104.060 Entitlement, term, renewal, and expiration.

A. Conditional use permits and other entitlements for wireless telecommunications facilities, including approval of the five (5)-year build-out plan as specified in subsection (E)(3) of this section, shall be valid for ten (10) years following the date of decision. A ten (10)-year term is prescribed due to the unique nature of development, exceptional potential for visual and aesthetic impacts, and the rapidly changing technologic aspects that differentiate wireless telecommunications from other land uses allowed in the city. The applicant or operator shall file for a renewal for the entitlement with the city clerk and pay the applicable renewal application fees six (6) months prior to expiration of the permit, if continuation of the use is desired. In addition to providing the standard information and application fees required for renewal, wireless telecommunications facility renewal applications shall provide an updated build-out description prepared in accordance with the procedures established by subsection C of Section 17.104.050 (Application requirements for new facilities not co-located).

B. Where required, renewals for entitlements for existing wireless telecommunications facilities and co-location facilities constructed prior to the effective date of this chapter are subject to the provisions of Sections 17.104.030 through 17.104.050. Renewals of entitlements approved after the effective date of this chapter shall only be approved if all conditions of the original entitlement have been satisfied, and the five (5)-year build-out plan has been provided.

C. If the entitlement for an existing wireless telecommunications facility has expired, applications for renewed entitlements, modifications, expansions, or co-locations at that site shall be subject to the standards and procedures for new wireless telecommunications facilities set forth in Sections 17.104.030 through 17.104.050.

17.104.070 Permit requirements for co-location facilities.

A. Co-location facilities requiring a conditional use permit. Applications for co-location facilities will be subject to the standards and procedures set forth for new wireless telecommunications facilities in accordance with Sections 17.104.030 through 17.104.060, if any of the following apply:

1. No conditional use permit was issued for the original wireless telecommunications facility;

2. The conditional use permit for the original wireless telecommunications facility did not allow for future co-location facilities or the extent of site improvements involved with the co-location project (in this case, an application for a modification to the approved conditional use permit, subject to city council review, may be substituted for a new conditional use permit); or

3. No environmental review was completed for the location of the original wireless telecommunications facility that addressed the environmental impacts of future co-location facilities (in this case, an application for a modification to the approved conditional use permit, subject to city council review, may be substituted for a new conditional use permit).

B. Permit requirements for other co-location facilities.

1. All others. Applications for all other co-location facilities shall be subject to a building permit approval. Prior to filing an application for a building permit for co-location, the applicant shall demonstrate compliance with the conditions of approval, if any, of the original conditional use permit, and with all applicable provisions of this section, by submitting an application for an administrative review in accordance with Section 17.104.090 (Application requirements for co-location facilities). The applicant shall not file an application for a building permit until the applicant receives written notification that this administrative review is complete and approved. The applicant shall pay a fee for the administrative review in the amount adopted by resolution of the city council.

17.104.080 Development and design standards for co-location facilities.

A. Compliance with discretionary approvals. The co-location facility shall comply with all approvals and conditions of the existing discretionary permit for the wireless telecommunications facility.

B. Harmonious design. To the extent feasible, the design of co-location facilities shall be in visual harmony with the other wireless telecommunications facilities on the site.

C. Additional design standards. Co-location facilities also shall be subject to the additional design standards specified in Section 17.104.100 (Development and design standards for all wireless telecommunications facilities).

17.104.090 Application requirements for co-location facilities.

Applications that qualify for administrative review of co-location facilities in accordance with Section 17.104.070 (Permit requirements for co-location facilities) shall be required to submit the following:

A. Photo simulations of the facility from reasonable line-of-sight locations from public roads or viewpoints.

B. A maintenance and access plan that identifies any changes to the original maintenance and access plan associated with the existing wireless telecommunications facility and conditional use permit.

C. A radio frequency (RF) report demonstrating that the emissions from the co-location equipment as well as the cumulative emissions from the co-location equipment and the existing facility will not exceed the limits established by the Federal Communications Commission (FCC).

D. Prior to the issuance of a building permit, the applicant shall submit color samples, and materials samples if requested, for the co-location equipment and any screening devices.

Paint colors and materials shall be subject to the review and approval of the city administrator or their designee. Color verification shall occur in the field after the applicant has painted the equipment the approved color, but before the applicant schedules a final inspection.

17.104.100 Development and design standards for all wireless telecommunications facilities.

The following standards shall apply to all wireless telecommunications facilities and co-location facilities:

A. The adverse visual impact of wireless telecommunications facilities shall be avoided, minimized, and mitigated by:

1. Siting new wireless telecommunications facilities outside of public viewshed whenever feasible;

2. Maximizing the use of existing vegetation and natural features to cloak wireless telecommunications facilities;

3. Constructing towers or monopoles no taller than necessary to provide adequate coverage, network capacity, and service quality;

4. Grouping buildings, shelters, cabinets, ground lease areas, and other equipment together, to avoid spread of these structures across a parcel or lot;

5. Screening wireless telecommunications facilities and co-location facilities with landscaping consisting of drought-tolerant plant material. All ground lease areas shall be landscaped on the exterior of the enclosure wall, planted not more than four (4) feet on center. Adequate irrigation systems shall be provided for landscaping. The landscape screening requirement may be modified or waived by the city administrator in instances where landscaping would not be appropriate; and

6. Painting all equipment to blend with the surrounding environment as specified in subsection C of this section.

B. Pole design. Use of monopoles that attempt to replicate trees or other natural objects are disingenuous by their obvious falsity, are strongly discouraged, and shall be used only as a last resort when all other options have been exhausted

C. Paint colors. Paint colors for a wireless telecommunications facility and co-location facility shall minimize the facility's visual impact by blending with the surrounding environment, terrain, landscape, or buildings. Paint colors shall be subject to the review and approval of the city administrator or their designee. Color verification shall occur in the field after the applicant has painted the equipment in the approved color(s), but before the applicant schedules a final inspection.

D. Roof/building-mounted facilities. For roof/building-mounted wireless telecommunications facilities and co-location facilities, the following standards also shall apply:

1. Antenna location.

a. Antennas mounted on the facade of a building are strongly discouraged, but if approved, must be fully integrated into the architecture of the existing structure or otherwise screened from public view. "Stealth boxes" enclosing facade antennas shall not be considered adequate screening.

b. Antennas shall be mounted on building rooftops or roof decks whenever feasible as a preferred alternative to facade-mounting. Antennas located on the building rooftop shall be located above the ceiling plate of the highest occupied floor.

c. Antennas shall be located as far away as possible from the edge of the building or roof, with the goal of reducing or eliminating visibility of the installation from any and all vantage points.

2. Equipment location.

a. All equipment appurtenant to a roof/building-mounted wireless telecommunications site shall be located inside an existing building whenever possible, to the satisfaction of the city administrator or their designee.

b. If it is physically impossible for equipment to be located inside an existing building and the equipment is to be located on a building rooftop, the equipment shall be subject to the same screening and location requirements as the antennas. If no space for the equipment is available for lease in a building because all possible spaces are leased and occupied, this shall constitute a physical impossibility.

3. Screening required.

a. Where physically possible, antennas and equipment shall be located entirely within an existing architectural feature or screening device. This shall include areas used or occupied by other wireless service providers where feasible.

b. All antennas and equipment mounted on a building rooftop shall be screened in a manner that is architecturally compatible with the existing building and is otherwise made as unobtrusive as possible. Screening shall use matching colors, materials, and architectural styles to create a harmonious addition to the building's architecture without disrupting its form, volume, massing, or balance.

c. All antennas, including panel antennas, microwave antennas, GPS antennas, any other antennas, and all other equipment mounted on the building, shall be concealed behind the screening device on all sides such that the antennas and appurtenant equipment is not visible from the exterior of the subject property, from other property, or the public right-of-way.

d. All cable trays and cable runs shall be located within existing building walls whenever physically possible. Cable trays and runs on the facade of a building are strongly discouraged. Any facade-mounted cable trays and runs shall be painted and textured to match the building and shall be mounted as close to the facade surface as possible, with no discernible gap between. Cable trays and runs mounted on a roof deck and below the height of the parapet wall or screening device shall be exempt from this requirement, provided they are fully screened by the parapet wall or screening device. Exposed cable trays and runs on a sloped roof are prohibited.

e. At the discretion of the reviewing authority, part or all of a proposed roof/building-mounted wireless telecommunications facilities or co-location facility may be exempted from screening requirements if the best feasible screening design would result in greater negative visual impacts than if part or all of the proposed installation were unscreened.

E. Non-reflective materials. The exteriors of wireless telecommunications facilities and co-location facilities shall be constructed of non-reflective materials.

F. Underlying setbacks. Wireless telecommunications facilities and co-location facilities shall comply with all the setback requirements of the underlying zoning district(s), except as modified by this chapter.

G. Height. Facilities subject to the provisions of this chapter may be built and used to a greater height than the limit established for the zoning district in which the structure is located, except as otherwise provided below:

1. No monopole or other freestanding structure shall ever exceed a maximum height of one hundred twenty (120) feet in any zoning district. In any residential zoning district, no monopole or other freestanding structure shall exceed a maximum height of fifty-five (55) feet. However, if an applicant demonstrates that the monopole or structure will accommodate a minimum of two (2) carriers, the site may be permitted at a maximum height of sixty (60) feet; or the applicant demonstrates that the monopole or structure will accommodate three (3) carriers, the site may be permitted at a maximum height of sixty-five (65) feet.

2. A roof/building-mounted wireless telecommunications facilities shall not exceed the maximum height allowed in the applicable zoning district, or ten (10) feet above the building roof deck, whichever is higher, except that in any residential district, no roof/building-mounted site shall exceed the maximum height for structures allowed in that district.

3. Notwithstanding the height limits set forth in the preceding sections, for facilities to be mounted on towers used for high-voltage electrical power transmission between generating plants and electrical substations (not utility poles), the antennas may be mounted as high as necessary on the tower, provided that the top of the highest antenna is not higher than the top of the existing tower.

H. Accessory buildings. In any zoning district, accessory buildings in support of the operation of the wireless telecommunications facility or co-location facility may be constructed, provided that they comply with the development standards set forth for accessory structures for the zoning district in which the site is located.

I. Footprint. The overall footprint of each wireless telecommunications facility shall be as small as possible, to the satisfaction of the city administrator.

J. Generators and emergency power. Diesel generators are allowed as an emergency power source, although they are discouraged. When a feasible alternative technology for permanent on-site backup power becomes available, the city administrator may require the use of such technology in lieu of a diesel generator, unless the applicant provides written documentation explaining why such an alternative is not feasible. All generator installations shall comply with all containment requirements of the applicable Fire and Building Codes, without exception. Unless otherwise approved by the city administrator, generators and emergency power sources for wireless facilities located in the public right-of-way are prohibited.

K. Ground lease area enclosures and landscaping. If equipment appurtenant to a facility is to be located in a ground lease area, the lease area shall be enclosed by a block wall, or other appropriate fence, to the satisfaction of the city administrator or designee. The fence shall be of a minimum height of six (6) feet, unless waived at the discretion of the city administrator in cases of infeasibility. The exterior of all ground lease areas shall be landscaped with drought-tolerant plant material, and adequate irrigation systems shall be provided for landscaping. This landscaping requirement may be modified or waived by the city administrator in instances where landscaping would not be appropriate.

17.104.110 Performance standards for all wireless telecommunications facilities.

No use may be conducted in a manner that, in the determination of the city administrator or designee, does not meet the performance standards below:

A. Lighting. Wireless telecommunications facilities and co-location facilities shall not be lighted or marked unless required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), or the California Public Utilities Commission (CPUC).

B. Licensing. The applicant or operator shall file, receive, and maintain all necessary licenses and registrations from the FCC, the CPUC, and any other applicable regulatory bodies prior to initiating the operation of the wireless telecommunications facility. The applicant shall supply the city with evidence of these licenses and registrations prior to approval of a final inspection. If any required license is ever revoked, the operator shall inform the city clerk of the revocation within ten (10) days of receiving notice of such revocation.

C. Building permit required. Once a conditional use permit or other applicable entitlement is obtained, the applicant shall obtain a building permit and shall build in accordance with the approved plans.

D. Power connection. The project's final electrical inspection and approval of connection to electrical power shall be dependent upon the applicant obtaining a permanent and operable power connection.

E. Removal after end of use. The wireless telecommunications facility, and/or co-location facility, if present, and all equipment associated therewith shall be removed in its entirety by the operator, at the operator's sole expense, within ninety (90) days of a FCC or CPUC license or registration revocation or if the facility is determined to be abandoned pursuant to subsection A of Section 17.104.020 (Definitions) or is no longer needed. The site shall be restored to its pre-installation condition and where necessary revegetated to blend in with the surrounding area. In the case of roof/building-mounted facilities, all antennas, equipment, screening devices, support structures, cable runs, and other appurtenant equipment shall be removed and the building shall be restored to its to its pre-installation condition. Restoration and revegetation shall be completed within two (2) months of removal of the facility; hence a maximum of five (5) months from abandonment of the facility to completion of restoration. Facilities not removed within these time limits shall be removed immediately. The city shall not be responsible to provide notice that removal is required under the provisions of this chapter.

F. Maintenance. Wireless telecommunications facilities and co-location facilities shall be maintained by the permittee(s) and subsequent owners in a manner that implements all of the applicable requirements of this chapter and all other applicable zoning and development standards set forth in this title, and all permit conditions of approval. Site and landscaping maintenance shall be the responsibility of the property owner, who may designate an agent, including the operator, to carry out this maintenance.

G. Use of backup power sources. The use of diesel generators or any other emergency backup power sources shall comply with city noise standards. The use of backup power sources shall be limited to actual power-outage emergencies and any operation necessary for testing and maintenance. Permanent or continuous use of backup power sources is prohibited.

H. RF report. Within forty-five (45) days of commencement of operations, the applicant for the wireless communications facility shall provide (at the applicant's expense) the city administrator or designee with a report, prepared by a qualified expert, indicating that the actual radio frequency emissions of the operating facility, measured at the property line or

nearest point of public access and in the direction of maximum radiation from each antenna, is in compliance with the standards established by the Federal Communications Commission. This report shall include emissions from all co-location facilities, if any, at the site as well. The applicant shall subsequently provide such report to the city within forty-five (45) days following any change in design, number of antennas, operation, or other significant change in circumstances, or when such a report is otherwise required by the FCC, to the satisfaction of the city administrator.

17.104.120 Other provisions.

No use may be conducted in a manner that, in the determination of the city administrator, does not meet the performance standards below:

A. Temporary wireless telecommunication facilities. Installation, maintenance, or operation of any temporary wireless telecommunications site is prohibited except during a government-declared emergency or as allowed with a use permit for a special event authorized by the city.

B. Illegal facilities. Illegal wireless telecommunications facilities or co-location facilities have no vested rights and shall either be brought into legal conforming status in accordance with this chapter or shall be removed.

C. Modifications to wireless telecommunications facilities. Any modification to a wireless telecommunications facility or co-location facility, including but not limited to, replacement of antennas, installation of additional antennas, installation of additional equipment cabinets, installation of a backup generator, paint or camouflage changes, and other physical changes to the facility, shall require, at a minimum, an administrative approval, and, if necessary, a building permit. Prior to issuance of any approval for modification, the applicant shall submit an application for an administrative review to determine the compliance of the proposed modification with this chapter and the existing conditional use permit or other entitlement. For sites not located in the public right-of-way, applications for modification will be subject to the standards and procedures set forth for new wireless telecommunications facilities, as specified in Sections 17.104.030 through 17.104.060, if any of the following apply:

    1. No conditional use permit was issued for the original wireless telecommunications facility;

    2. The conditional use permit for the original wireless telecommunications facility did not allow for future modification or the extent of site improvements involved with the modification project (in this case, an application for a modification to the approved conditional use permit, subject to city council review, may be substituted for a new conditional use permit); or

    3. No environmental review was completed for the location of the original wireless telecommunications facility that addressed the environmental impacts of future modifications (in this case, an application for a modification to the approved conditional use permit, subject to city council review, may be substituted for a new conditional use permit).

D. Peer review. The city administrator is authorized to retain on behalf of the city an independent technical expert to peer review any application for a wireless telecommunications facility permit if reasonably necessary, as determined by the city administrator. The review is intended to be a review of technical aspects of the proposed wireless telecommunications facility and shall address all of the following:

    1. Compliance with applicable radio frequency emission standards;

2. Whether any requested exception is necessary to increase network capacity, or maintain service quality and is the least intrusive means of doing so;
3. The accuracy and completeness of submissions;
4. Technical demonstration of the unavailability of alternative sites or configurations and/or coverage analysis;
5. The applicability of analysis techniques and methodologies;
6. The validity of conclusions reached;
7. The compatibility of any required architectural screening;
8. Technical data submitted by the applicant to justify the proposed height of any new installation including monopoles or roof/building-mounted sites; and
9. Any specific technical issues designated by the city.

E. Appeals. All appeals shall be in accordance with Chapter 17.124 (Hearings and Appeals).

F. Revocation. The city council may, after a duly noticed public hearing, revoke, modify or suspend any wireless telecommunications permit on any one (1) or more of the following grounds:
1. That the wireless telecommunications permit was obtained by fraud or misrepresentation;
2. That the wireless telecommunications permit granted is being, or within the recent past has been, exercised contrary to the terms or conditions of such approval or in violation of any statute, ordinance, law or regulation; or
3. That the use permitted by the wireless telecommunications permit is being, or within the recent past has been, exercised so as to be detrimental to the public health or safety or as to constitute a nuisance.

G. Findings. A conditional use permit, site plan review, or modification for a wireless telecommunications facility or co-location facility may be granted only if the following findings are made by the designated reviewing authority, in addition to any findings applicable under Chapter 17.76 (Use Permits and Variances):
1. The proposed wireless telecommunications facility has been designed to achieve compatibility with the community to the maximum extent reasonably feasible;
2. An alternative configuration will not increase community compatibility or is not reasonably feasible;
3. The location of the wireless telecommunications facility on alternative sites will not increase community compatibility or is not reasonably feasible;
4. The proposed facility is necessary to increase network capacity, or maintain service quality, and is the least intrusive means of doing so;
5. The applicant has submitted a statement of its willingness to allow other wireless service providers to co-locate on the proposed wireless telecommunications facility wherever technically and economically feasible and where co-location would not harm community compatibility; and
6. Noise generated by equipment will not be excessive, annoying nor be detrimental to the public health, safety, and welfare.

H. Transfer or Change of Ownership/Operator. Upon assignment or transfer of an already approved wireless telecommunications facility or any rights under that permit, the owner and/or current operator of the facility shall within thirty (30) days of such assignment or transfer provide written notification to the city administrator of the date of the transfer and the identity of the transferee. The city administrator may require submission of any supporting materials or documentation necessary to determine that the proposed use is in compliance with the existing permit and all of its conditions including, but not limited to, statements, photographs, plans, drawings, models, and analysis by a state-licensed radio frequency engineer demonstrating compliance with all applicable regulations and standards of the FTC and the CPUC. If the city administrator determines that the proposed operation is not consistent with the existing permit, the city administrator or designee shall notify the applicant who may revise the application or apply for modification of the permit pursuant to the requirements of this chapter.

CHAPTER 17.108
REASONABLE ACCOMMODATIONS

Sections

17.108.010 Purpose.
17.108.020 Findings.
17.108.030 Applicability.
17.108.040 Notice to the public of availability of accommodation process.
17.108.050 Requesting reasonable accommodation.
17.108.060 Reviewing authority.
17.108.070 Required findings.
17.108.080 Written decision on the request for reasonable accommodation.
17.108.090 Appeals.

17.108.010 Purpose.

It is the policy of the city, pursuant to the federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act (hereafter “fair housing laws”), to provide individuals with disabilities reasonable accommodation in rules, policies, practices, and procedures to ensure equal access to housing and facilitate the development of housing for individuals with disabilities. This chapter establishes a procedure for making requests for reasonable accommodation in land use, zoning, and building regulations, policies, practices, and procedures of the city to comply fully with the intent and purpose of fair housing laws.

17.108.020 Findings.

A. The city council finds that the federal Fair Housing Amendments Act of 1988 and California's Fair Employment and Housing Act impose an affirmative duty on local governments to make reasonable accommodation in their land use and zoning regulations and practices when such accommodation may be necessary to afford individuals with disabilities an equal opportunity to housing.

B. The Attorney General of the State of California has recommended that cities and counties implement fair housing reasonable accommodation procedures for making land use and zoning determinations concerning individuals with disabilities to further the development of housing for individuals with disabilities.

C. A fair housing reasonable accommodation procedure for individuals with disabilities and developers of housing for individuals with disabilities to seek relief in the application of land use, zoning, and building regulations, policies, practices, and procedures will further the city's compliance with federal and state fair housing laws and provide greater opportunities for the development of critically needed housing for individuals with disabilities.

17.108.030 Applicability.

A. Reasonable accommodation in the land use and zoning context means providing individuals with disabilities or developers of housing for people with disabilities, flexibility in the application of land use and zoning and building regulations, policies, practices, and procedures, or even waiving certain requirements, when it is necessary to eliminate barriers to housing opportunities.

B. An individual with a disability is someone who has a physical or mental impairment that limits one or more major life activities; anyone who is regarded as having such impairment; or anyone with a record of such impairment.

C. A request for reasonable accommodation may be made by any individual(s) with a disability, their representative, or a developer or provider of housing for individuals with disabilities, when the application of a land use, zoning, or building regulation, policy, practice, or procedure acts as a barrier to fair housing opportunities.

17.108.040 Notice to the public of availability of accommodation process.

Notice of the availability of reasonable accommodation shall be prominently displayed at city hall, advising the public of the availability of the procedure for eligible individuals. Forms for requesting reasonable accommodation shall be available to the public at city hall.

17.108.050 Requesting reasonable accommodation.

A. In order to make housing available to an individual with a disability, any eligible person as defined in Section 17.108.030 (Applicability) may request a reasonable accommodation in land use, zoning, and building regulations, policies, practices, and procedures.

B. Requests for reasonable accommodation shall be in writing and provide the following information:

1. Name and address of the individual(s) requesting reasonable accommodation;
2. Name and address of the property owner(s);
3. Address of the property for which accommodation is requested;
4. Description of the requested accommodation and the regulation(s), policy, or procedure for which accommodation is sought; and
5. Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling.

C. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.

D. A request for reasonable accommodation in regulations, policies, practices, and procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.

E. If an individual needs assistance in making the request for reasonable accommodation, the city will provide assistance to ensure that the process is accessible.

17.108.060 Reviewing authority.

A. Where no approval is sought other than the request for reasonable accommodation, requests shall be reviewed by the city administrator or their designee using the criteria set forth in Section 17.108.070 (Required findings).

1. The city administrator or their designee shall issue a written decision on a request for reasonable accommodation within thirty (30) days of the date of the application and may either grant, grant with modifications, or deny a request for reasonable

accommodation in accordance with the required findings set forth in Section 17.108.070.

2. If necessary to reach a determination on the request for reasonable accommodation, the city administrator or their designee may request further information from the applicant consistent with fair housing laws, specifying in detail the information that is required. In the event that a request for additional information is made, the thirty (30)-day period to issue a decision is stayed until the applicant responds to the request.

B. Requests for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the authority reviewing the discretionary land use application.

17.108.070 Required findings.

The written decision to grant, grant with modifications, or deny a request for reasonable accommodation shall be consistent with fair housing laws and based on the following factors:

A. Whether the housing, which is the subject of the request for reasonable accommodation, will be used by an individual with disabilities protected under fair housing laws;

B. Whether the requested accommodation is necessary to make housing available to an individual with disabilities protected under the fair housing laws;

C. Whether the requested accommodation would impose an undue financial or administrative burden on the city; and

D. Whether the requested accommodation would require a fundamental alteration in the nature of the city's land use and zoning or building program.

17.108.080 Written decision on the request for reasonable accommodation.

A. The written decision on the request for reasonable accommodation shall explain in detail the basis of the decision, including the reviewing authority's findings on the criteria set forth in Section 17.108.070 (Required findings). All written decisions shall give notice of the applicant's right to appeal and to request reasonable accommodation in the appeals process as set forth below. The notice of decision shall be sent to the applicant by certified mail.

B. The written decision of the reviewing authority shall be final unless an applicant appeals it to the city council in compliance with Chapter 17.124 (Hearings and Appeals).

C. If the reviewing authority fails to render a written decision on the request for reasonable accommodation within the thirty-day time period allotted by Section 17.108.060 (Reviewing authority), the request shall be deemed granted.

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

17.108.090 Appeals

A. Within thirty (30) days of the date of the reviewing authority's written decision, an applicant may appeal an adverse decision. Appeals from the adverse decision shall be made in writing.

B. If an individual needs assistance in filing an appeal on an adverse decision, the city will provide assistance to ensure that the appeals process is accessible.

C. All appeals shall contain a statement of the grounds for the appeal. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.

D. Nothing in this procedure shall preclude an aggrieved individual from seeking any other state or federal remedy available.

CHAPTER 17.112
RESIDENTIAL DENSITY BONUSES

Sections:

17.112.010 Purpose.
17.112.020 Definitions.
17.112.030 Application requirements.
17.112.040 Density bonus calculations and procedures.
17.112.050 Incentives and concessions.
17.112.060 Waivers and reductions.
17.112.070 Qualifying units.
17.112.080 Regulatory agreements.

17.112.010 Purpose.

The purpose of this chapter is to facilitate the development of affordable housing consistent with the goals, policies, and programs of the housing element and to provide incentives for the development of housing for very low-, low-, and moderate-income, special needs, and senior households in accordance with Government Code Sections 65915-65918.

17.112.020 Definitions.

A. Terms Defined. Terms used in this chapter are defined as follows:

1. “Base project” means the maximum allowable residential density on a housing development site pursuant to the applicable zoning district.

2. “Density bonus units” means those residential units, floor area, rental beds, or bedrooms added to the base project pursuant to the provisions of Government Code Section 65915 and this chapter.

3. “Eligible housing development” means as defined in Government Code Section 65917.2.

4. “Housing development” means as defined in Government Code Section 65915(i).

5. “Incentive and concession” mean an incentive or a concession as the terms are used in Government Code Section 65915 and in particular as defined in Section 65915(k) thereof. The city may request reasonable documentation from the applicant to support the request.

6. “Qualifying unit” means a unit that is provided at a below market-rate rent or sales price as set forth in Government Code Section 65915 to receive a density bonus and/or waivers and reductions and/or incentives and concessions.

7. “Waiver and reduction” means a waiver or a reduction as the terms are used in Government Code Section 65915 and in particular in Section 65915(e) thereof, including any and all changes to or exemptions from physical lot development standards that are required to avoid precluding the construction of a housing development with density bonus units, as set forth in Section 65915(e). The city may request reasonable documentation from the applicant to support the request.

B. Terms Not Defined. Terms not defined in this section shall be interpreted to give this chapter its most reasonable meaning and application, consistent with applicable state and federal law.

17.112.030 Application requirements.

In addition to any other information required by this title, an application for a density bonus must include the following information:

A. A description of how the proposed project will satisfy the eligibility requirements of Government Code Section 65915 or 65917.2.

B. The requested density bonus pursuant to Section 17.112.040 (Density bonus calculations and procedures).

C. Any waivers and reductions that are sought under Government Code Section 65915(e) that would be required to accommodate the housing development including the density bonus units.

D. Any incentives and concessions that are sought under Government Code Section 65915(d) accompanied by documentation of resulting cost reductions to provide for affordable housing costs.

E. Any requested additional bonus units under Government Code Section 65915(n).

F. Any requested parking reductions under Government Code Section 65915(p).

G. Whether the applicant elects to receive a density bonus that is less than that mandated by Government Code Section 65915, including a density bonus of zero. In such cases, the applicant retains their entitlement to incentives and concessions.

H. Documentation of how a project complies with regulations regarding replacement units as described in Government Code Section 65915(c)(3).

17.112.040 Density bonus calculations and procedures.

A. Calculation. Density bonuses must be calculated as set forth in Government Code Sections 65915 and 65917.2.

B. Procedures. Density bonus requests must accompany housing development permit applications and will be decided upon concurrent with the underlying permit for the project.

17.112.050 Incentives and concessions.

A. Calculation. For purposes of this chapter, the number of incentives and concessions are counted as follows:

1. Any incentive and concession that would otherwise require discretionary approval by the city council of any single dimensional lot development standard, such as height or setbacks, or any single quantitative lot development standard, such as parking or open space, counts as one (1).

2. A proposed incentive and concession that would involve exceedance of a single physical lot development standard counts as one (1) even if that exceedance would otherwise require more than one (1) permit (e.g., extra height may require permits for height, floor area ratio, and/or number of stories but would count as one (1) incentive and concession for height).

3. Where it is ambiguous as to whether a proposed incentive and concession involves one (1) or more dimensional or quantitative lot development standards, the stricter interpretation applies, as determined by the review authority.

B. Procedural Requirements.

1. The city shall grant incentives and concessions unless findings are made as set forth in Government Code Section 65915(d)(1).

2. The city is not required to deny a proposed incentive and concession solely because it can make a finding under Government Code Section 65915(d)(1).

3. The city bears the burden of proof for the denial of a requested incentive and concession.

4. Unless denied under Government Code Section 65915, incentives and concessions are exempt from discretionary review of permits under this title and by law do not modify the CEQA review status of a project.

17.112.060 Waivers and reductions.

A. Proposal. An applicant may submit to the city a proposal for waivers and reductions of development standards that physically prevent construction of a housing development and density bonus units meeting the criteria of Government Code Section 65915(b).

B. Negotiated Process. The city may negotiate changes to the requested waivers and reductions as part of the use permit and objective design review process, in coordination with the applicant, to address aspects of the project that may be of concern in the community or inconsistent with overarching principles of the general plan, zoning ordinance, and objective design guidelines.

C. Denial. The city may deny waivers and reductions for the reasons set forth in Government Code Section 65915(e)(1).

17.112.070 Qualifying units.

Qualifying units must meet the following standards:

A. Recipient Requirement.

1. All qualifying units other than those in limited equity cooperatives shall be sold or rented to:

   a. Very low-income households, low-income households, or lower-income households; or

   b. The city or its designee.

2. Qualifying units in limited equity cooperatives shall be sold or rented to households whose gross incomes do not exceed one hundred twenty (120) percent of the median household income.

B. Agreement. The applicant shall execute a written agreement with the city indicating the number, type, location, approximate size, and construction schedule of all dwelling units and other information as required to determine compliance with this chapter.

C. Timing. All qualifying units in a project and phases of a project shall be constructed concurrently with, or before, the construction of non-qualifying units.

D. Criteria. All qualifying units shall be:

1. Reasonably dispersed throughout the project;

2. Of the same size and contain, on average, the same number of bedrooms as the non-qualifying units in the project; and

3. Comparable with the design or use of non-qualifying units in terms of appearance, materials, and finish quality.

E. In-Lieu Fee Requirement. In projects where calculating the unit requirement results in a fraction of a unit, the fraction shall be paid in the form of an in-lieu fee to the city.

1. Where Government Code Section 65915 does not apply, the in-lieu fee shall be the fractional value of the difference between development cost (excluding marketing costs and profit) and actual sales price for the average comparable unit in projects.

2. Where Government Code Section 65915 does apply, the in-lieu fee shall be the difference between affordable cost for an appropriately sized household and the fractional value of the average comparable actual sales price for the fraction of the unit in projects to require a density bonus or equivalent incentive.

F. Use of In-Lieu Fees.

1. The in-lieu fee shall be used by the city or its designee, such as a non-profit housing development corporation, to provide, construct, or promote the creation or retention of low-income housing in the city.

2. The use of in-lieu fees for specific housing programs shall be brought before the city council for review and approval.

G. Exceptions. Where the applicant shows, and the city agrees, that the direct construction and financing costs of the qualifying units, excluding marketing cost, profit, and land costs, exceeds the sales prices allowed for qualifying units by this chapter, the city council may approve one (1) or more of the following measures to reduce costs or increase profitability:

1. Reduce the floor area or the interior amenities of the qualifying units, provided that such units conform to applicable building and housing codes.

2. Increase the number of bedrooms in the qualifying units.

3. Waive the in-lieu fees for fractions of units.

17.112.080 Regulatory agreements.

Before issuance of a certificate of occupancy for a housing development that has received a density bonus, the applicant must enter into a regulatory agreement in a form provided by the city that implements Government Code Sections 65915-65918 and this chapter.

CHAPTER 17.116
OBJECTIVE DESIGN STANDARDS

Sections:

17.116.010 Purpose.
17.116.020 Applicability.
17.116.030 Approval authority.
17.116.040 Objective design standards.

17.116.010 Purpose.

The objective design standards set forth in this chapter supplement the development standards in this title and serve as minimum requirements for multifamily residential development and mixed-use development that contains residential uses.

17.116.020 Applicability.

These standards are mandatory for any qualifying residential project that requests streamlined processing and ministerial approval pursuant to state law provisions that reference objective design standards. Qualifying residential projects are those that comply with Government Code Section 65913.4(a).

Section 65913.4(a)(2)(C) provides that Section 65913.4 applies to areas within a jurisdiction that are zoned for residential use or residential mixed-use development or have a general plan designation that allows residential use or a mix of residential and nonresidential uses, and at least two-thirds of the square footage of the development is designated for residential use. As such, these objective design standards apply to developments meeting these requirements within the following zoning districts: R-1, R-2, R-3, MU-1, MU-2, and MU-3. Section 65913.4(a)(1) defines a multifamily development as a development that contains two (2) or more residential units.

17.116.030 Approval authority.

The city administrator or designee shall use the objective design standards set forth in this chapter to approve developments that meet all of the criteria set forth in Government Code Section 65913.4.

17.116.040 Objective design standards.

A. Site Standards.

1. Street connectivity.

a. External Connectivity. Streets within any proposed subdivision or development site shall be aligned with existing and planned streets in adjacent neighborhoods so as to create a continuous street pattern. All streets, alleys, and pedestrian pathways in any subdivision or development site shall connect to other streets and to existing and planned streets outside the proposed subdivision or development.

b. Internal connectivity. New streets must form a continuous and linked vehicular and pedestrian network within the development.

c. Cul-de-sacs and dead-end streets. Any cul-de-sac or other dead-end street longer than three hundred (300) feet shall be connected to other streets by a pedestrian path.

d. No gates/barriers. Automobile and pedestrian access points into multifamily residential developments shall not be gated or closed off to the public.

e. Block length/mid-block pedestrian connections. Blocks shall not exceed six hundred (600) feet in length, measured from street centerline to street centerline, unless mid-block pedestrian connections are provided at intervals of no more than three hundred fifty (350) feet apart. Such pedestrian connections shall include a walkway at least ten (10) feet wide.

2. Parking required.

a. Pursuant to Government Code Section 65913.4(e), no parking shall be required for those developments located within one-half (0.5) mile of public transit or within a designated historic district.

b. Pursuant to Government Code Section 65913.4(e), the maximum required parking shall be one (1) space per dwelling unit. A carport or enclosed garage is optional.

3. Parking location, design, and access.

a. All parking areas shall have adequate ingress and egress to and from a street or alley. Sufficient room for turning and maneuvering vehicles shall be provided on the site. Barriers shall be provided where deemed necessary by the city to protect property.

b. Entrances and exits to parking lots and other parking facilities shall be provided at locations approved by the city engineer.

c. The parking area, aisles, and access drives shall be constructed with a minimum of six (6)-inch base and a double chip and seal to provide a durable, dustless surface, and shall be graded and drained to dispose of surface water, with the design and specifications for such work approved by the city engineer.

d. The use of cluster parking spaces into small parking areas, dispersed around the site, to avoid large paved expanses is required.

e. All parking lots shall include appropriately striped spaces for standard and compact cars as well as accessible spaces.

f. No parking is allowed in setback areas along project boundaries.

g. A separation of pedestrian and automobile traffic paths is required to minimize conflict areas for safety.

h. Walkways to connect parking lots to building entrances shall be provided. Landscaping, lighting, and paving shall be used to define walkways.

4. Parking lot lighting.

a. Light fixture design shall be compatible with the design and the use of the principal structure on the site. Light fixtures shall be equipped with appropriate reflectors and shielded to prevent illumination of the adjacent properties.

b. Incorporate placement of light fixtures into the landscape scheme of the project. Show location and type of all exterior lights on the landscape plans.

c. Height of any light poles shall be appropriate for the project and surrounding environment. Height of the light poles shall not exceed that of the main building.

d. Use bollard type luminaries, maximum of eight (8) feet high for pedestrian areas.

e. Shield light sources to prevent any glare or direct illumination on public streets, adjacent properties, or highways.

f. All area lights shall be energy efficient type (LED, High Pressure Sodium, or equivalent).

g. All on-site pedestrian and automobile traffic areas shall be illuminated for safety and security.

5. Onsite open space and outdoor recreation areas.

a. On each multifamily development of five (5) units or more, the open space requirements pursuant to Section 17.80.090 (Open space requirements for multifamily developments) shall be met.

b. In addition to those standards in Section 17.80.090, any multifamily project of fifteen (15) or more units shall provide a recreation area that complies with the following:

i. A defined and fenced recreation area which may include fixed play equipment, pools, ball courts, and similar facilities.

ii. The recreation area shall not be less than five hundred (500) square feet, or twenty-five (25) square feet per dwelling unit, whichever is greater.

iii. The recreation area shall be visible from more than one (1) dwelling unit within the project.

iv. The recreation area shall be protected from any adjacent streets or parking lots with a fence or other barrier at least four (4) feet in height.

c. Exemptions. The recreation area requirement shall not apply to any development that is:

i. Located within five hundred (500) feet of a public park; or

ii. Age-restricted to senior citizens.

d. For minimum setback requirements, refer to the zoning district.

6. Landscaping.

a. At a minimum, the following landscaping is required:

i. All areas not occupied by parking, driveways, pedestrian walkways, recreation areas, buildings, structures, and hardscape shall be landscaped.

ii. The required front yard shall be landscaped and not used for parking. The only area not landscaped within the required front yard is the driveway access to the required parking area, which shall not exceed twenty-five (25) feet in width.

iii. Landscaping within the front setback area shall include one (1) fifteen (15)-gallon size tree for each fifty (50) feet of frontage, and at least one (1) one (1)-gallon sized shrub for each five (5) feet of frontage.

iv. In addition to the required trees and shrubs, the landscaped area may also be planted with lawn or ground cover plants. Other decorative, non-plant ground covers may be used as long as they do not exceed twenty-five (25) percent of the landscaped area.

v. Parking lot landscaping shall be provided to enhance sites and building parking areas in compliance with subsection C of Section 17.64.090 (Design, construction, and maintenance standards).

vi. Where landscaping is provided, adequate irrigation and maintenance thereof shall be provided, including replacement of dead trees, shrubs, vines or other ground cover required pursuant to this section.

7. Fencing.

a. All fences shall comply with Section 17.80.120 (Fences, walls, hedges, and screen planting).

b. Any perimeter fencing utilized along a public street shall be constructed of decorative iron, pre-painted welded steel, vinyl, or wood picket material.

c. Fences and walls shall be compatible in style and material with the main structures on a site.

d. To avoid the monotony of long, solid walls and fences around the perimeter of projects, variation in height and depth is encouraged.

e. Barbed wire and chain link fencing is prohibited.

f. Fences and walls used for noise control shall be made of materials most suited for noise reduction and which minimize reflective sound.

g. Security fencing and gates shall be of an open type to allow for maximum visibility of the secured area. Wrought iron and cast-iron fences are recommended for security fences and gates for all uses.

8. Refuse containers. Provide dumpsters for garbage collection and containers for recycling within a screened enclosure design specifically for that use pursuant to Section 17.80.230 (Trash and recycling enclosures).

B. Building Design Standards.

1. Building mass and articulation.

a. Building length. Buildings shall not be less than twenty (20) feet or exceed two hundred (200) feet in width or length on any side.

b. Facade articulation. All building facades that face or will be visible from a public street shall include one (1) or more of the following treatments.

i. Exterior building walls shall vary in depth through a pattern of offsets, recesses, or projections.

ii. The building height shall be varied so that a portion of the building has a noticeable change in height; or roof forms are varied over different portions of the building through changes in pitch, plane, and orientation.

iii. The building facades shall incorporate details such as window trim, window recesses, cornices, belt courses, and other design elements.

c. Maximum building height. As established for the zoning district in which the development is located.

d. Vertical articulation for tall buildings. In buildings of three (3) or more stories, upper and lower stories shall be distinguished by incorporating one (1) or more of the following features. These features may be applied to the transitions between any floors, except where otherwise specified.

i. A change in facade materials, along with a change in plane at least one (1) inch in depth at the transition between the materials.

ii. A horizontal design feature such as a water table, belt course, or belly band.

iii. A base treatment at the ground floor consisting of a material such as stone, concrete masonry, or other material distinct from the remainder of the facade and projecting at least one (1) inch from the wall surface of the remainder of the building.

iv. Setting back the top floor(s) of the building at least five (5) feet from the remainder of the facade.

2. Facade transparency/limitation on blank walls.

a. At least twenty (20) percent of the area of each street-facing facade of a residential building must consist of windows, doors, or other openings. No wall that faces a sidewalk, pedestrian walkway, or publicly accessible outdoor space shall run in a continuous plane of more than thirty (30) feet without a window, door, or other opening.

3. Roofline.

a. Minimum roof slope: 3:12.

b. Minimum roof eave overhang. Twelve (12) inches.

4. Exterior theme.

a. Buildings shall carry the same theme on all elevations. For the purposes of this standard, a theme includes primary (non-accent) materials and colors.

b. Affordable units and market rate units in the same development shall be constructed of the same or similar exterior materials and details such that the units are not distinguishable.

5. Screening. All exterior mechanical and electrical equipment shall be screened or incorporated into the design of buildings in accordance with Section 17.80.240 (Screening).

CHAPTER 17.120
AMENDMENTS

Sections:

17.120.010 When made.
17.120.020 Initiation.
17.120.030 Public hearings.
17.120.040 Action by city council.

17.120.010 When made.

Subject to the approval of the city council, the districts established by this title, or the boundaries thereof, may be changed, amended, or altered, or any provision thereof may be changed, altered, or amended, and any property within the city may be rezoned, reclassified, or established whenever the public convenience, necessity, or general welfare require the same by following the procedure set forth in this chapter.

17.120.020 Initiation.

Any such change, amendment, alteration, rezoning, or establishment (singly or collectively referred to herein as an “amendment”) may be initiated by verified petition of one (1) or more owners of the property affected by the proposed amendment, which petition shall be filed and accompanied by a fee set by the city council, or by action of the city council.

17.120.030 Public hearings.

The city council shall hold a public hearing on any proposed amendment and shall give notice of the time and place of the hearings, as set forth in Section 17.124.010 (Notice required). Any such hearing may be continued from time to time.

17.120.040 Action by city council.

After notice has been given as provided in Section 17.124.010 (Notice required), the city council shall at a regular or special meeting or meetings publicly hear and consider the matter. Any such hearing may be continued from time to time. Within sixty (60) days after the conclusion of the hearing, the city council may amend, alter, adopt, or reject the amendment.

CHAPTER 17.124
HEARINGS AND APPEALS

Sections:

17.124.010 Notice required.
17.124.020 Appeals of administrative action.

17.124.010 Notice required.

A. Notice of any public hearing required under the terms of this title shall be given at least ten (10) days prior to the first hearing by at least one (1) publication in a newspaper of general circulation within the city, and by the U.S. Mail, postage prepaid, to all persons whose name and address appear on the latest adopted tax roll as owning property within a distance of not less than three hundred (300) feet from the exterior boundaries of the real property subject to the hearing. If there is no newspaper of general circulation, in lieu of publication, the public hearing notice shall be posted in three (3) public places in the city in accordance with Government Code Section 65090.

B. Any defect or error appearing in such notice shall not divest the city council of jurisdiction nor invalidate any proceedings.

17.124.020 Appeals of administrative action.

A. All interpretations and decisions of the city staff authorized by this title are subject to appeal. Appeals of any administrative interpretation or decision shall be made by filing a written appeal with the city clerk. Such appeal shall be accompanied by the applicable fee provided in the fee schedule currently in effect in the city.

B. The city council shall hear and decide on the appeal within forty-five (45) days of filing the appeal and shall make findings supporting their decision on the matter. The city council may reverse, set aside, affirm, amend, or modify the action of staff, provided that the actions of the council are consistent with the general plan and are in compliance with city code. The council may also refer said matter back to staff for additional consideration or to obtain additional information. The decision of the city council shall be final on all matters.

C. No building permit shall be issued in any case where a conditional use permit is required by the terms of this title until after the period allowed for appeal. In the event of an appeal no such permit shall be granted until the matter has been finally approved by the city council. Building permits issued pursuant to this chapter shall conform to the terms and conditions of the conditional use permit granted.

CHAPTER 17.128
ENFORCEMENT AND PENALTIES

Sections:

17.128.010 Officials and city employees to conform – Enforcement.
17.128.020 Penalty for violation.
17.128.030 Nuisance abatement.
17.128.040 Remedies cumulative.

17.128.010 Officials and city employees to conform – Enforcement.

All departments, officials, and public employees of the city vested with the duty or authority to issue permits or licenses shall conform to the provisions of this title, and shall issue no permit or license for uses, buildings, structures, or purposes in conflict with the provisions of this title; and any such permit or license issued in conflict therewith shall be null and void. It shall be the duty of the building inspector of the city to enforce the provisions of this title pertaining to the erection, construction, reconstruction, maintenance, moving, conversion, alteration, or addition to any building or structure. Any city official may refer any request for interpretation of this title to the city council.

17.128.020 Penalty for violation.

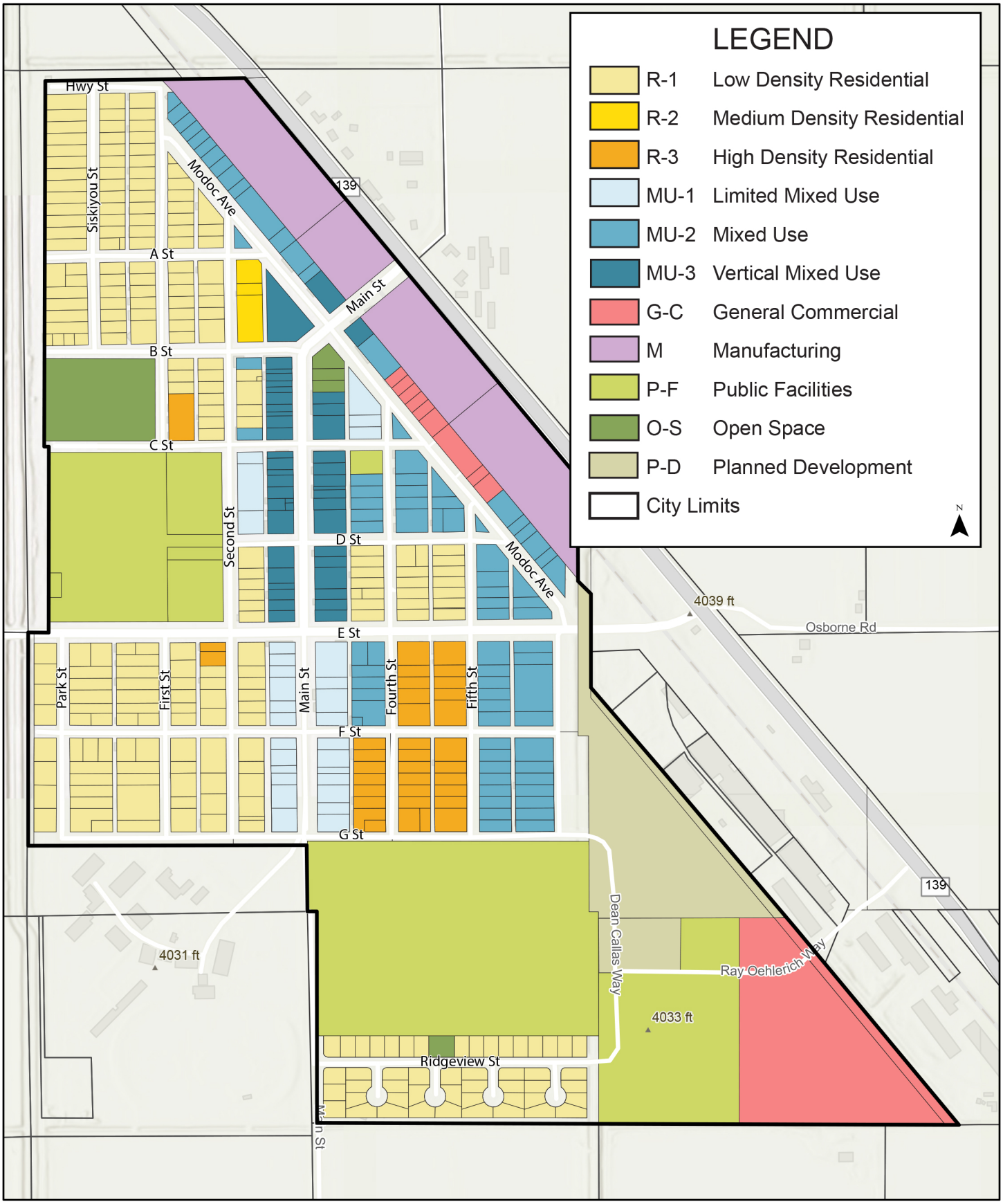
Any person, firm, or corporation, whether as principal, agent, employee, or otherwise, violating or causing the violation of any of the provisions of this title, is guilty of an infraction or misdemeanor, as determined by the code enforcement officer, and upon conviction thereof, shall be punishable by a fine of not more than five hundred dollars ($500.00) or by imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment. Such person, firm or corporation, shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this title is committed or continued by such person, firm, or corporation, and shall be punishable as provided in this section.

17.128.030 Nuisance abatement.

Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this title, and any use of lands, buildings, or premises established or conducted thereon, operated or maintained contrary to the provisions of this title is unlawful and a public nuisance; and the city attorney shall, upon order of the city council, immediately commence action or proceedings for the abatement and removal and enjoinment thereof in the manner prescribed by law, and shall take such other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate and remove such buildings or structures, and restrain and enjoin any person, firm, or corporation from setting up, erecting, building, maintaining, or using any such building, structure, or land contrary to the provision of this title.

17.128.040 Remedies cumulative.

The remedies provided for herein shall be cumulative and not exclusive.


LEGEND
R-1 Low Density Residential
R-2 Medium Density Residential
R-3 High Density Residential
MU-1 Limited Mixed Use
MU-2 Mixed Use
MU-3 Vertical Mixed Use
G-C General Commercial
M Manufacturing
P-F Public Facilities
O-S Open Space
P-D Planned Development
City Limits
N
Hwy St
Siskiyou St
Modoc Ave
139
A St
Main St
B St
C St
Second St
D St
Modoc Ave
E St
Park St
First St
Main St
Fourth St
Fifth St
F St
G St
4039 ft
Osborne Rd
139
4031 ft
Dean Callas Way
Ray Oehlerich Way
4033 ft
Ridgeview St
Main St

Zoning Map

APPENDIX C
CALIFORNIA NATURAL DATABASE SEARCH RESULTS

APPENDIX C
CNDDB Search Results - August 2023

Species	Quadrangle[1]						Status[2]
	T	N	C	H	TP	CJS	
WILDLIFE							
Golden eagle *Aquila chrysaetos*	• golden eagle	•	•		•		SFP, WL
Swainsons hawk *Buteo swainsoni*		•	•	•		•	ST
Great egret *Ardea alba*				•	•		None
Great blue heron *Ardea herodias*				•			None
Snowy egret Egretta thula				•			None
Black-crowned night heron *Nycticorax nycticorax*				•			None
Western snowy plover *Charadrius nivosus nivosus*				•			FT, SSSC
Prairie falcon *Falco mexicanus*	•	•	•	•	•	•	WL
Greater sandhill crane *Antigone canadensis tabida*	•			•	•	•	FT, SFP
Purple martin *Progne subis*					•		SSSC
Bank swallow *Riparia riparia*	•	•		•	•	•	ST
Tricolored blackbird *Agelaius tricolor*	•			•	•	•	ST, SSSC
Black tern *Chlidonias niger*					•		SSSC
California gull *Larus californicus*				•			WL
American white pelican *Pelecanus erythrorhynchos*				•			SSSC
Greater sage-grouse *Centrocercus urophasianus*	•		•	•			SCE, SSSC
Columbian sharp-tailed grouse *Tympanuchus phasianellus columbianus*				•			SSSC
Long-billed curlew *Numenius americanus*						•	WL
Short-eared owl *Asio flammeus*	•	•	•		•		SSSC
White-faced ibis *Plegadis chihi*				•			SWL
American badger *Taxidea taxus*	•	•	•	•		•	SSSC
Pronghorn *Antilocapra americana*		•	•	•	•	•	None
Desert bighorn sheep *Ovis canadensis nelsoni*						•	SFP

Species	Quadrangle[1]						Status[2]
	T	N	C	H	TP	CJS	
Gray wolf *Canis lupus*	•	•	•	•		•	FE, SE
North American porcupine *Erethizon dorsatum*				•		•	None
Townsends big-eared bat *Corynorhinus townsendii*					•	•	SSSC
Western pond turtle *Emys marmorata*	•						SSSC
Shortnose sucker *Chasmistes brevirostris*	•	•	•	•	•	•	FE, SE, SFP
Lost River sucker *Deltistes luxatus*	•	•	•	•	•	•	FE, SE, SFP
Blue chub *Gila coerulea*	•	•			•	•	SSSC
Highcap lanx *Lanx alta*	•						None
Montane peaclam *Pisidium ultramontanum*	•			•	•	•	None
California floater *Anodonta californiensis*				•			None
Western ridged mussel *Gonidea angulata*	•			•	•	•	None
Morrison bumble bee *Bombus crotchii*	•				•	•	None
Crotch bumble bee *Bombus crotchii*	•	•	•		•		SCE
PLANTS							
Dotted onion *Allium punctum*			•				2B.2
Cusicks stickseed *Hackelia cusickii*					•	•	4.3
Columbia yellow cress *Rorippa columbiae*	•	•				•	1B.2
Wheat sedge *Carex atherodes*					•		2B.2
Square stem phlox *Phlox muscoides*						•	2B.3
Newberrys cinquefoil *Potentilla newberryi*		•				•	2B.3

Highlighting denotes the quadrangle in which the City of Tulelake is located. The six-quadrangle search contains the following quadrangles: Tulelake, Newell, Copic, Hatfield, The Panhandle, and Captain Jack's Stronghold.

Quadrangle Codes

T= Tulelake
N = Newell
C = Copic
H = Hatfield
TP = The Panhandle
CJS = Captain Jack's Stronghold

Species	Quadrangle[1]						Status[2]
	T	N	C	H	TP	CJS	

Status Codes

Federal

FE = Federally Listed – Endangered
FT = Federally Listed - Threatened
FC = Federal Candidate Species
FP = Federal Proposed Species
FSC = Federal Species of Concern
FD = Federally Delisted

State

SE = State Listed – Endangered
SR = State Rare
SE = State Listed - Endangered
ST = State Listed - Threatened
SC = State Candidate
SD = State Delisted
SFP = State Fully Protected
SSSC = State Species of Special Concern
SWL = State Watch List

Other

None = Not a special-status species

California Rare Plant Rank

List 1A = Presumed extirpated in California and either rare or extinct elsewhere
List 1B = Rare or Endangered in California and elsewhere
List 2A = Presumed extirpated in California, but more common elsewhere
List 2B = Rare or Endangered in California, but more common elsewhere
List 3 = Plants for which we need more information - Review list (generally not considered special-status, unless unusual circumstances warrant)
List 4 = Plants of limited distribution - Watch list (generally not considered special-status, unless unusual circumstances warrant)

California Rare Plant Threat Rank

0.1 = Seriously Threatened in California
0.2 = Fairly Threatened in California
0.3 = Not Very Threatened in California