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#### California Environmental Quality Act (CEQA) and Guidelines

The California Environmental Quality Act (CEQA) —was adopted by the state legislature in response to a public mandate for thorough environmental analysis of projects that might affect the environment. The provisions of the law and environmental review procedure are described in the CEQA Statutes and the CEQA Guidelines which were amended in 1998. Implementation of CEQA ensures that during the decision making stage of development, City officials and the general public will be able to assess the environmental impacts associated with private and public development projects.

#### City of San Juan Capistrano Zoning Ordinance

San Juan Capistrano adopted its first Zoning Ordinance 1961 and adopted the current Zoning Ordinance and related Zoning Map in 1975. The ordinance has since —been updated to incorporate changes to the General Plan and within the community. The Zoning Ordinance is the primary implementation tool for the Land Use Element. Together, the Zoning Ordinance and Zoning Map identify specific types of land use, intensity of use, and development and performance standards applicable to specific areas and parcels of land within the City.

#### ~~Historic Town Center Master Plan~~

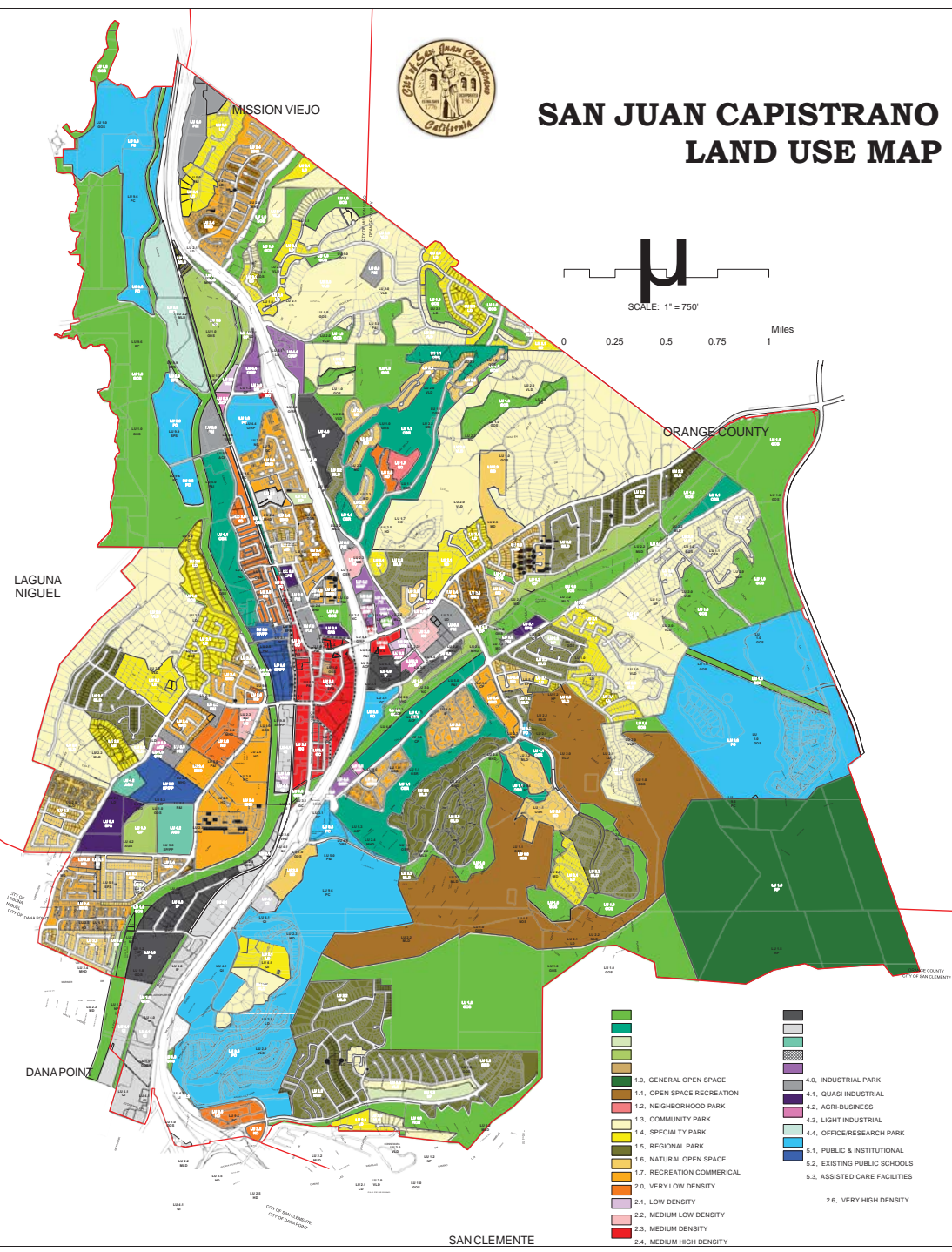
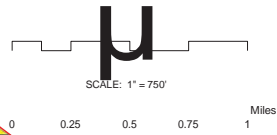
~~The Historic Town Center Master Plan was adopted by the City in 1995 to address the specific needs of the downtown area. The Master Plan contains goals and policies for the downtown area based on the opportunities and constraints that were identified during the planning process. These goals and policies provide direction on how the General Plan should be implemented in the historic downtown center.~~

#### Los Rios Precise Plan

The Los Rios Precise Plan was adopted in February 1978 and is in the process of being revised. The Precise Plan addresses the special planning needs identified by the community for the historic Los Rios District. The Plan provides goals, policies and specific development standards for future development in the Los Rios Precise Plan area. Implementation of the Precise Plan is consistent with the goals and policies contain within this General Plan.



# SAN JUAN CAPISTRANO LAND USE MAP



- |                            |                               |
|----------------------------|-------------------------------|
| 1.0. GENERAL OPEN SPACE    | 4.0. INDUSTRIAL PARK          |
| 1.1. OPEN SPACE RECREATION | 4.1. QUASI INDUSTRIAL         |
| 1.2. NEIGHBORHOOD PARK     | 4.2. AGRI-BUSINESS            |
| 1.3. COMMUNITY PARK        | 4.3. LIGHT INDUSTRIAL         |
| 1.4. SPECIALTY PARK        | 4.4. OFFICE/RESEARCH PARK     |
| 1.5. REGIONAL PARK         | 5.1. PUBLIC & INSTITUTIONAL   |
| 1.6. NATURAL OPEN SPACE    | 5.2. EXISTING PUBLIC SCHOOLS  |
| 1.7. RECREATION COMMERCIAL | 5.3. ASSISTED CARE FACILITIES |
| 2.0. VERY LOW DENSITY      | 2.6. VERY HIGH DENSITY        |
| 2.1. LOW DENSITY           |                               |
| 2.2. MEDIUM LOW DENSITY    |                               |
| 2.3. MEDIUM DENSITY        |                               |
| 2.4. MEDIUM HIGH DENSITY   |                               |
| 2.5. HIGH DENSITY          |                               |

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## Land Use Element

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3.1. NEIGHBORHOOD COMMERCIAL  
3.2. GENERAL COMMERCIAL

PUBLISHED: 02/2019



Table LU-2  
Land Use Classification System

Major Land Use Groupings	Dwelling Units Per Gross Acre Range or Maximum Floor Area Ratio (a)	Average Dwelling Units Per Acre or Average Floor Area Ratio (b)	Land Use Designation and Summary Description
Open Space & Recreational	0.20:1	0.0001:1	1.0 General Open Space - An individual use or combination of the uses listed in other open space and recreation designations. Site-specific uses are determined during review of development applications.
	0.10:1	0.005:1	1.1 Open Space Recreation - Outdoor recreational facilities, including golf courses, swimming schools, tennis clubs and equestrian clubs.
	0:10:1	0.005:1	1.2 Neighborhood Park - Small neighborhood parks serving residential areas in immediate vicinity.
	0.05:1	0.01:1	1.3 Community Park - Major active recreation sites, serving a larger population and geographic area.
	0.20:1	0.05:1	1.4 Specialty Park - Unique or specialized forms of recreational activity.
	0.01:1	0.001:1	1.5 Regional Park - Active and passive recreational activities serving a large population and geographic area extending beyond the City.
	0.01:1	0.0001:1	1.6 Natural Open Space - Natural open space land preserving highly visible open space areas and allowing equestrian/hiking trails and public utilities.
	0.4-0:1	0.1:1	1.7 Recreation Commercial - Indoor recreational activities, including bowling, cinemas, gymnasiums and similar activities.
Residential	0-1.0	1	2.0 Very Low Density - Detached single-family dwellings. Allows up to 1 dwelling units per gross acre.
	1.1-2.0	2	2.1 Low Density - Detached single-family dwelling. Allows up to 2 dwelling units per gross acre.
	2.1-3.5	3.3	2.2 Medium Low Density - Single-family dwelling. Allows up to 3.5 dwelling units per gross acre.
	3.6-5.0	4.5	2.3 Medium Density - Single-family dwellings, mobile home parks, duplexes, and multi-family dwellings including condominiums, and townhomes. Allows up to 5 dwelling units per gross acre.
	5.1-8.0	7.5	2.4 Medium High Density - Single-family dwellings, mobile home parks, duplexes, and multi-family dwellings including condominiums, and townhomes. Allows up to 8 dwelling units per gross acre.
	8.1-18.0	17	2.5 High Density - Single-family dwellings, mobile home parks, duplexes, and multi-family dwellings including condominiums, townhomes, and apartments. Allows up to 18 dwelling units per gross acre.
	18.1-30.0	30	2.6 Very High Density - Single-family dwellings, mobile home parks, duplexes, and multi-family dwellings including condominiums, townhomes, apartments, and cooperatives. Allows up to 30 dwelling units per gross acre.

**Table LU-2**  
**Land Use Classification System**

Major Land Use Groupings	Dwelling Units Per Gross Acre Range or Maximum Floor Area Ratio(a)	Average Dwelling Units Per Acre or Average Floor Area Ratio(b)	Land Use Designation and Summary Description
Commercial	0.25:1	0.20:1	3.1 Neighborhood Commercial - Retail, office, and service-oriented business activities serving a local community area and population.
	.50:1	0.30:1	3.2 General Commercial - Retail, office, and service-oriented business activities serving a community-wide area and population or broader market.
	0.75:1	1.5:1	3.2.3 General Commercial - Town Center (TC) and Town Center Edge (TCE) Districts - A maximum floor area ratio (FAR) of 0.75 is permitted within the TC and TCE Districts. Up to 1.5
Industrial	0.40:1	0.30:1	4.0 Industrial Park - Light industrial and manufacturing uses. Allowable uses include wholesale businesses, light manufacturing and assembly, research and development, warehousing and storage, and distribution and sales.
	0.40:1	0.30:1	4.1 Quasi-Industrial - Light industrial and manufacturing uses, including those allowed in the Industrial Park designations. Also allows variety of regional and sub-regional commercial activities, such as vehicle sales and large box retail.
	0.10:1	0.05:1	4.2 Agri-Business - Agricultural crop production and sales, and animal breeding, boarding, raising and training.
	0.40:1	0.30:1	4.3 Light Industrial - Light industrial and manufacturing uses. Allowable uses include research & development light manufacturing and processing, offices, warehousing and storage, and high technology production.
	0.40:1	0.25:1	4.4 Office/Research Park - Single-tenant and multi-tenant offices, including legal, medical, financial, administrative, R&D, corporate and general business.
Public/Institutional	0.40:1	0.25:1	5.0 Public & Institutional - Schools, churches, fire stations, community centers, utility substations, and office complexes.
	0.30:1	0.25:1	5.1 Existing Public Schools - Existing public schools.
	0.30:1	0.25:1	5.2 Potential Public Schools - Future public schools.
	0.40:1	0.40:1	5.3 Assisted Care Facilities - Specialized care and housing facilities for seniors and persons requiring special medical housing.
Special	Varies	Varies	Special Study - Areas that have unique features, environmental conditions, and/or development constraints requiring special regulations or standards designed to address or preserve those conditions.
	Varies	Varies	Specific Plan/Precise Plan - Areas governed by a specific plan or precise plan adopted prior to development.
	Varies	Varies	Planned Community - Denotes large areas of land under single or common ownership for detailed planning and development for residential, commercial, industrial, public/institutional, -recreation and open space uses.

(a) Maximum allowable level of development standard for individual parcels of land.  
 (b) Assumed overall average level of development. Since the development which has occurred to date has not reached the maximum allowed level of density or intensity on every parcel of land, future development is expected to be less than the maximum on a city-wide basis. Therefore, an average level of density/intensity is used when projecting: 1) total future dwelling units/population for residential development; and 2) future square footage for non-residential development where floor area is used as a measurement of building intensity.

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*Commercial Designations*

3.1 Neighborhood Commercial: The Neighborhood Commercial land use designation provides for a variety of retail, office, and service-oriented business activities serving a local community area and population. Other uses that are determined to be compatible with primary uses, such as public facilities, may also be allowed. Neighborhood commercial land uses serve local areas and generally include professional and business offices, retail and commercial services, and public facilities. Site development standards for this land use designation encourage smaller projects and provide for appropriate setbacks, parking, landscaping, buffering from residential land use areas and other features which create well-designed, attractive projects. The maximum intensity of development is a floor area ratio of 0.25:1 and the average intensity of development is a floor area ratio of 0.20:1.

3.2 General Commercial: The General Commercial land use designation provides for a variety of retail, office, and service-oriented business activities serving a community-wide area and population, as well as broader market area. Other uses that are determined to be compatible with primary uses, such as public facilities, may also be allowed. General Commercial land uses serve local, as well as broader market areas and generally include professional and business offices, retail and commercial services. Site development standards for this land use designation encourage larger tenant projects and provide for appropriate setbacks, parking, landscaping, buffering from residential land use areas and other features which create well-designed, attractive projects. The maximum intensity of development is a floor area ratio of 0.50:1 and the average intensity of development is a floor area ratio of 0.30:1. Adjacent to Mission San Juan Capistrano in the area identified as the ~~historic downtown~~ Town Center (TC) and Town Center Edge (TCE), the maximum and average floor area ratio shall be 0.75 and up to 1.5 FAR for building(s) providing public gathering space. The maximum and average floor area ratio shall be considered for the whole area and not for individual parcels.

**Table LU-4  
Development Capacity**

Land Use Designations'	Acres*	Expected DUs per acre or FAR	Dwelling Units	Square Feet	Average Persons Per Dwelling Unit	Population'
<b>Open Space &amp; Recreation</b>						
General Open Space	1,552	0.0001 :1 FAR		6,795		
Open Space Recreation	648	FAR		141,134		
Neighborhood Park	29	0.005:1 FAR		6,316		
Community Park	134	0.005:1 FAR		58,370		
Specialty Park	3	0.01:1 FAR		6,534		
Regional Park	579	0.05:1 FAR		25,221		
Natural Open Space	449	0.001:1 FAR		1,956		
Recreation Commercial	10	0.0001:1 FAR		43,560		
<b>SUBTOTAL</b>	<b>3,404</b>			<b>289,886</b>		
<b>Residential</b>						
Very Low Density Residential	1,488	1 du/ac	1,488			4,330
Low Density Residential	408	2 du/ac	816			2,375
Medium Low Density Residential	604	3.3 du/ac	1,993			5,800
Medium Density Residential	438	4.5 du/ac	1,971			5,736
Medium High Density Residential	528	7.5 du/ac	3,960			11,524
High Density Residential	107	17 du/ac	1,819			5,293
Affordable Family/Senior	19	25 du/ac	475			1,382
<b>SUBTOTAL</b>	<b>3,592</b>		<b>12,522</b>		<b>2.91</b>	<b>36,440</b>
<b>Non-Residential</b>						
Neighborhood Commercial	33	0.20:1 FAR		287,496		
<b>General Commercial</b>	<b>115</b>	<b>0.30:1 FAR</b>		<b>1,502,820</b>		
Industrial Park	133	0.30:1 FAR		1,738,044		
Quasi-Industrial	168	0.30:1 FAR		2,195,424		
Agri-Business	74	0.05:1 FAR		152,460		
Light Industrial	36	0.30:1 FAR		470,448		
Office/Research Park	74	0.25:1 FAR		805,860		
Public & Institutional	186	0.25:1 FAR		2,025,540		
Existing Public	49	0.25:1 FAR		533,610		
Schools Assisted Care	25	0.40:1 FAR		435,600		
<b>SUBTOTAL</b>	<b>889</b>			<b>10,147,302</b>		
<b>Special</b>						
Special Study	7	Varies				
Los Rios Specific Plan	31	Varies				
<b>SUBTOTAL</b>	<b>38</b>					
<b>Roadways</b>	<b>787</b>					
<b>Freeway</b>	<b>265</b>					
<b>TOTAL</b>	<b>8,975</b>		<b>12,522</b>	<b>10,437,188</b>		<b>36,440</b>

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DUs or du = dwelling units

FAR = Floor Area Ratio

\* Does not include the 93 acres located in the City's sphere of influence.

Growth for the 93 acre sphere of influence is based on expected FARs identified above:

Public & Institutional - 65 acres - 707,850 square feet

Assisted Care Facility - 16 acres - 278,784 square feet

General Open Space - 3 acres

Roadways - 9 acres

<sup>1</sup> A 10% reduction in acreage has been made to account for undeveloped and recently subdivided areas, and areas served by private roads.

<sup>2</sup> Persons per dwelling unit is calculated based on average persons per dwelling unit of 2.91

0 250 500 Feet

December 14, 1999

**Figure LU-4**  
**Historic Town Center**  
**Master Plan Area**

San Juan Capistrano General Plan

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**Sec. 9-3.303. Commercial districts.**

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(a) Purpose and intent. The following ~~four-five~~ (45) commercial districts have been established for the following purpose and intent:

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(1) ~~Tourist Commercial~~ Town Center (TC) District. The purpose and intent of the ~~Tourist Commercial~~ Town Center (TCC) District is to provide for ~~small-scale~~ retail and service uses within the City's downtown area immediately adjacent to the Mission San Juan Capistrano which ~~would~~

~~serve~~ would serve tourists ~~as well as~~ and local residents. The TC District is intended to serve as the cultural, shopping, entertainment and civic core of San Juan Capistrano. The development standards applied to development projects in the ~~Tourist Commercial~~ (TC) District are intended should be designed to reflect the Spanish heritage and semi-rural character of the community and be compatible with the historic significance of the downtown ~~(especially Mission San Juan Capistrano).~~

(2) Town Center Edge (TCE) District. The purpose and intent of the Town Center Edge (TCE) District is to provide a broader mix of retail and service uses between the City's downtown area and Interstate 5 (I- 5). The development standards applied to the TCE District are intended to reflect the Spanish heritage and semi-rural character of the community.

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(~~23~~) Neighborhood Commercial (NC) District. The purpose and intent of the Neighborhood Commercial (NC) District is to provide for small-scale, convenience retail shopping facilities at the neighborhood level located in accordance with the General Plan and encourage the compatible integration of small-scale, shopping centers into the neighborhood area which it serves.

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(~~34~~) General Commercial (GC) District. The purpose and intent of the General Commercial (GC) District is to provide for a wider range variety of commercial land uses than those permitted in the ~~Town Center~~ (~~Tourist Commercial~~ (TC)) District, Town Center Edge (TCE) District and Neighborhood Commercial (NC) District in order to accommodate most of the retail and service needs of the residents of the City.

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(~~45~~) Office Commercial (OC) District. The purpose and intent of the Office Commercial (OC) District is to provide for the development of office centers and accessory retailing and service uses to permitted office uses and provide for the small-scale development of office complexes and individual buildings which can be located so as to be compatible with adjacent properties.

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(b) Uses regulations.

(1) Table 3-4 identifies the uses permitted in the ~~Tourist Commercial~~ Town Center (TC), Town Center Edge (TCE), Neighborhood Commercial (NC), General Commercial (GC), and Office Commercial (OC) Districts.

(2) Uses listed as conditionally permitted uses are subject to the review requirements and conditions contained in Section 9-2.317 Conditional Use Permit. Accessory uses are subject to the review requirements and conditions contained in Section 9-3.501 Accessory Uses and Structures.

(3) The "notes and exceptions" column of Table 3-4 indicates more precisely the use regulations for specific uses or operating characteristics. The notes and exceptions must be reviewed in conjunction with the other information for the class of use.

(4) Certain permitted uses and conditionally permitted uses may be subject to special conditions regarding location, operation, or the design of the use. The sections of this title governing these uses are identified in the “notes and exceptions” column of Table 3-4.

**Table 3-4**  
**Business and Commercial Districts**  
 (please refer to end of table for notes)

Use	TC	TCE	NC	GC	OC	Notes and Comments
Alcoholic beverage retail sale (including wine tasting)	<u>CC</u>	C	C	C	—	Sale for off-premises consumption.
Ambulance services	—	—	—	C	—	
Assembly (industrial products)	—	P	—	—	—	Small scale electronics and small appliance assembly.
Automated teller machines	<u>AA</u>	A	A	A	A	
Banquet/Assembly	C	C	—	—	—	Includes conference facilities.
Bed and breakfasts	<u>CP</u>	P	C	C	C	NC, GC, and OC - Subject to Section 9-3.509 Bed and Breakfasts.
Bookbinding	—	—	—	C	—	
Broadcasting/Motion Picture Studio	—	P	—	—	—	
Car washes (automatic)	—	—	—	C	—	Permitted only in conjunction with fuel dispensing stations in compliance with Section 9-3.541 Service and Fuel Dispensing Stations.
Caretaker residences (permanent)	—	—	—	A	—	Subject to Section 9-3.511 Caretaker Residences.
Caretaker residences (temporary)	<u>AA</u>	—	A	A	A	Subject to Section 9-3.553 Temporary Uses and Structures.
Cemeteries	<u>C</u>	—	C	C	C	
Child day care centers	—	P	C	C	—	
Church, religious, or fraternal	—	—	C	C	C	Includes synagogues, temples, mosques, and other buildings used for the purposes herein but excludes day care centers, and private and/or secondary educational facilities.
Clubs and lodges (private)	C	P	—	P	—	
Convenience services	P	—	P	P	—	Such as dry cleaners, laundromats, barber shops, beauty shops, manicure shops, mail services, home appliance repairs,

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Use	TC	TCE	NC	GC	OC	Notes and Comments
		P				copy centers, <u>computer repair</u> , bicycle repair, tailor shops, photography studios, ticket agencies, watch repair, locksmiths, pet grooming, <u>repair of leather, luggage and shoes</u> , and similar uses.
Dancing and live entertainment	C	C	-	C	-	
Drive-through facilities	-	C	C	C	C	As defined in Appendix A, contingent upon approval of a Discretionary Use Permit.
Eating and drinking establishments	P	P	P	P	A	<u>Eating and drinking café with or without alcohol, and restaurant without drive-through</u>
Financial services uses	-P	P	P	P	P	a. Includes banks, savings and loan association, and credit unions. b. For TC, TCE and GC District - Excludes check cashing facilities.
Finishing or working of jewelry, leather goods, pottery, and similar items (small-scale)	A	A	-	-	-	
Fortunetelling	-	P	-	-	-	
Fruit/Agriculture Stand	P	-	-	-	-	Temporary Use Permit required in accordance with the provisions of Section 9-3.553.
Fuel dispensing station	-	-	-	C	-	<u>In accordance with the provisions of Section 9-3.541</u>
Game machines (three [3] or fewer)	AA	A	-	A	-	
Game machines centers (three [3])	-C	P	-	C	-	
Gasoline or fuel dispensing facilities	-	-	C	C	-	<u>In accordance with the provisions of Section 9-3.541</u>
Hospitals	-	-	-	C	-	
Hotels	CC	C	C	C	C	In accordance with provisions of Section 9-3.524
Massage therapy	C-	-	-	C	C	As defined in Section 5-24.02 of this Municipal Code.
Massage therapy (accessory)	CP	P	-	A	-	As defined in Section 5-24.02 of this Municipal Code.
Medical and dental offices	PP	P	P	P	P	<u>NC, GC, &amp; OC - A maximum of three (3) such offices per development.</u> <u>TC- Does not include outpatient clinics.</u>

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Use	TC	TCE	NC	GC	OC	Notes and Comments
						<u>All Districts - Includes medical and dental laboratories.</u>
Medical and dental centers and complexes	—	—	—	P	P	
Mining, oil drilling, and other resource extraction	<u>E</u>	—	C	C	C	Includes necessary incidental buildings and appurtenances.
Mortuaries	—	—	—	C	—	
Motels	<u>E</u>	—	—	C	—	
<u>News Rack</u>	P	P	P	P	P	<u>Located on private property and subject to pedestrian and vehicular access requirements.</u>
Office uses (general)	PP	P	P	P	P	Includes business, professional, real estate, travel agencies, <u>publishing, interior design, vehicle leasing and/or rental</u> and similar office uses.
Parking lots (commercial and public)	PP	P	A	P	A	<u>Includes parking structures.</u>
Pet stores	—	P	—	P	—	
Pool halls and billiard centers	—	C	—	C	—	
Public buildings and facilities	PP	P	P	P	P	a. Includes museums, libraries, governmental buildings, parks, public utility offices and exchanges, bus, taxicab, <u>cultural centers</u> , and railroad stations, and tourist information centers. b. For TC, NC and OC Districts- Excludes public schools, police stations, fire stations, and hospitals. c. For GC District - Includes police stations and fire stations.
Radio and television towers and installations, radar installations, microwave relay stations, and cellular towers and installations (commercial)	C	C	C	C	C	Subject to Section 9-3.507 Antennas.
Recreation and leisure uses (without outdoor facilities)	—	P	—	P	C	Includes bowling lanes, ice and roller skating rinks <u>skate parks, theaters</u> , athletic/health clubs <u>and recreation centers</u> .
Recreational uses (requiring outdoor facilities)	—	—	—	C	—	Includes night lighting for such facilities, such as tennis clubs, in compliance with Sections 9-3.501 Accessory Uses and Structures and 9-3.529 Lighting Standards;

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Use	TC	TCE	NC	GC	OC	Notes and Comments
Recycling facilities	P		P	P	P	Subject to Section 9-537 Recycling Facilities. Section 9-537 Recycling Facilities identifies the specific allowed recycling uses.
Research and development					P	Includes research and development of computer software, information systems, communication systems, transportation, geographic information systems, multimedia and video technology. Development and construction of prototypes may be associated with this use.
Residential dwellings (townhouse or apartment)	C			C	C	Shall be in conjunction with a commercial establishment or use.
Retail sales (general)	P	P	P	P		a. For TC and TCE Districts - Including sale of apparel, fabric, dry goods, ornamental plants, flowers, candy, baked goods, hobby supplies, art and craft supplies, <u>copy center</u> , <u>photo shop</u> , photography supplies, stationery, newspapers, magazines, <u>paints</u> and similar items which require small-scale retail outlets which are consistent with a pedestrian shopping environment. b. For NC District - Retail sales of meats, groceries, baked goods, pharmaceutical, cosmetics, notions, flowers, jewelry, stationery, apparel, newspapers, magazines, fabrics, computers, video/audio media and similar retail sales activities which serve neighborhood residential areas
Retail sales (small scale)	P	P		P		a. Such as the sale of artwork, <u>ceramics</u> , photography, antiques, curios, gifts, novelties, books, jewelry, leather goods, pottery, and similar items. b. For TC District – Includes but not limited to <u>Antique sales; Art gallery studio; Bakery (can include on-premises baking); Books; Clothing / Apparel; Candy; Convenience / mini-market (up to 5,000 sq ft floor area); Fabric and crafts; Flowers; Furniture, furnishings and appliances; Jewelry; Music instruments; Office supplies and equipment; Pharmacy; Equestrian supplies &amp; tack.</u> c. For TCE District – Includes but not limited to TC list above plus: <u>Automotive Parts; Groceries Market up to 35,000 sq ft; Hardware; Home improvement (lumber, garden); Nursery/Garden supply; pet store; plumbing supplies and equipment (including rental).warehouse retail</u> d. Auto part installation permitted as accessory to the retail use.

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Use	TC	TCE	NC	GC	OC	Notes and Comments
Retail sales (small-scale accessory)	—	<u>A</u>	—	—	A	a. Includes office cafeterias, delicatessens, snack bars, pharmacies, newsstands, mail services, and other small-scale accessory retail uses. b. May be permitted outdoors as set forth in Section 9-3.549 Storage and Display.
Retail sales (large scale)	—	<u>P</u>	C	P	—	a. For NC District - Includes groceries, meats, bakery auto - parts supplies, bicycles, hardware, paint, floor and wall covering materials, pets, and supporting goods. b. For GC District - Includes the sales of bicycles, furniture, home appliances, groceries, meats, musical instruments and supplies, hardware, paint, sporting goods, cosmetics, pharmaceutical, feed and grain, nurseries, and floor and wall covering materials.
Secondhand stores	—	—	—	P	—	Prohibited activities shall be those uses defined as secondhand dealers, pawnbrokers, and coin-currency dealers by Section 5.18 of the Municipal Code.
Schools (business vocational, and professional schools not requiring outdoor facilities)	<u>P</u>	<u>P</u>	—	P	P	a. Includes secretarial, art, dance, drama, <u>swim schools</u> , <u>martial arts studios</u> and music schools. b. Excludes <u>swimming schools</u> , preschools, and public and private primary and secondary schools.
Small scale assembly of goods	—	<u>P</u>	—	—	—	<u>Includes small scale electronics and small appliances.</u>
Storage and display (outside)	<u>A</u>	<u>A</u>	A	A	—	Subject to Section 9-3.549 Storage and Display.
Taverns and brewpubs	<u>C</u>	<u>P</u>	—	C	—	<u>Includes on-site brewing, wine-making and distilling.</u>
Taxicab services	—	—	—	C	—	
Theaters (walk-in)	<u>PP</u>	<u>P</u>	—	P	—	<u>For TC and TCE Districts – Includes cinema (movie) and stage, and auditoriums.</u>
Veterinary offices and clinics	—	<u>P</u>	C	C	C	

P = Principal use permitted by right — TUP — Permitted only as a temporary use.

— = Not permitted

A = Accessory use permitted by right (subject to Section 9-3.501 Accessory Uses and Structures)

C = Conditional use permit required (subject to Section 9-2.317 Conditional Use Permit)

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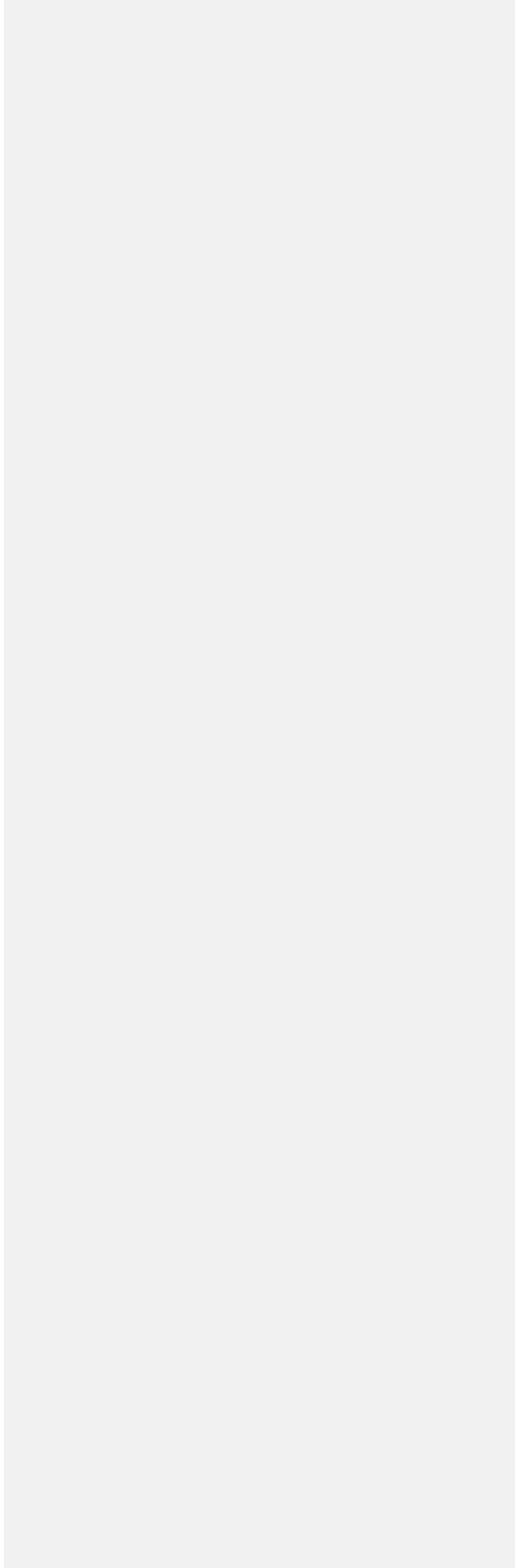
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~~(2)~~ See 'Notes'

~~X~~ Land Use not permitted



(c) Development standards. Table 3-5 identifies the development standards for the Tourist Commercial (TC), Town Center (TC), Town Center Edge (TCE), Neighborhood Commercial (NC), General Commercial (GC), and Office Commercial (OC) Districts.

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**Table 3-5**  
**Development Standards for**  
**Commercial Districts**

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			One Story	One Story	One Story	Two Story	Two Story	Two Story	Floor Area Ratio	Floor Area Ratio	
District	Min. Lot Area	Min. Street Frontage <sup>1</sup>	Min. Front Yd <sup>2</sup>	Min. Side Yd. <sup>2,3</sup>	Min. Rear Yd. <sup>2,4</sup>	Min. Front Yd. <sup>2</sup>	Min. Side Yd. <sup>2,3</sup>	Min. Rear Yd. <sup>2,4</sup>	1st Flr/Lot Area	% 2nd Flr to 1st Flr	Bldg Hgt
TC and TCE <sup>5</sup>	See footnote 5 Section 9-3.5547, 200 sq. ft.										
	See below 60 ft.										
	See below 0 ft.										
	See below 0 ft.										
	See below 0 ft.										
	See below 0 ft.										
	See below 0.75										
See below 80%											
See below 25 ft.											
NC <sup>5</sup>	5 acres	150 ft.	20 ft.	10 ft.	20 ft.	20 ft.	20 ft.	20 ft.	0.25	50%	35 ft.
GC <sup>5</sup>	7,200 sq. ft.	60 ft.	20 ft.	5 ft.	20 ft.	20 ft.	10 ft.	25 ft.	0.40	25%	35 ft.
OC <sup>5</sup>	1 acre	60 ft.	20 ft.	5 ft.	20 ft.	20 ft.	10 ft.	20 ft.	0.30	80%	35 ft.

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Note: Min.=Minimum, DU=Dwelling Unit, Yd=Yard, Flr=Floor, Bldg=Building, and Hgt=Height

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<sup>1</sup> Lots with street frontages below the minimum set forth in this table may be permitted without the approval of a variance if all of the following conditions are met:

- (a) The lot's street frontage remains a minimum of 20 feet;
- (b) The lot is designed such that the reduced width portion constitutes an access corridor to the buildable portion, which is set back away from the street;

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(c) The minimum width of the buildable portion of the lot conforms to the requirements of this table; and

(d) The Planning Commission determines that adequate visitor parking will be provided on the lot to compensate for the loss of street frontage parking.

—The actual creation of reduced frontage lots shall be subject to normal City approval of required tract or parcel maps. The reduced frontage portion of such lots shall not be included in the computation of lot area (see Section 9-4.315 Irregular and Cul-de-Sac Lots).

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<sup>2</sup> The criteria for measuring setbacks on irregularly-shaped and cul-de-sac lots are set forth in Section 9-4.315 Irregular and Cul-de-Sac Lots.

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<sup>3</sup> Architectural projections may extend into required side yards no more than 40% of the applicable district requirement, or more than 3 feet whichever is greater.

<sup>4</sup> On lots with an existing building setback encroachment into a required rear yard, structural additions having the same said encroachments shall be permitted without the approval of a variance. However, no new encroachment in excess of that existing, nor any new encroachment may be permitted without the approval of a variance (see Section 9-3.353 Nonconforming Uses, Lots, and Structures).

<sup>5</sup> Design Standards

(a) All development and redevelopment in the ~~Tourist Commercial~~ Town Center (TTC), Town Center Edge (TCE), Neighborhood Commercial (NC), General Commercial (GC), and Office Commercial (OC) Districts shall conform to the following standards:

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- (1) General. Development shall comply with the design principals in the General Plan Community Design Element;
- (2) Architectural design. Projects shall comply with the applicable policies of the City's adopted Architectural Design Guidelines;
- (3) Prohibited features. Features which detract from the architectural design including, but not limited to, paint-on façades, super graphics, and structures which visually dominate historic sites or buildings shall be prohibited.

(b) The following requirement shall also apply in the Neighborhood Commercial (CN) District:

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- (1) Scale. Neighborhood centers will be scaled to serve the residential neighborhoods which adjoin and would be served by them. Buildings shall be arranged in pedestrian-oriented, clusters of shops as opposed to arranged in a single linear structure.

(c) See Section 9-3.554 for specific development requirements for the Town Center (TC) and Town Center Edge (TCE) Districts.

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**Table 3-554-1. – Development Standards in the Town Center (TC) and Town Center Edge (TCE) Districts**

<u>Standards</u>	<u>TC and TCE</u>	
	<u>Districts</u>	
<u>Placement/Type</u>	<u>Min.</u>	<u>Max.</u>
<u>a</u> Lot width	50'	200'
<u>b</u> Lot Depth	50'	NA
<u>c</u> Front setback <sup>F*</sup>	0'	10'
<u>d</u> Side street setback <sup>F*</sup>	10'	15'
<u>e</u> Side setback <sup>FC*</sup>	0'	NA
<u>f</u> Rear setback <sup>A*</sup>	10'	NA
<b>Notes:</b>		
F - <u>As</u> specified for the selected frontage type.		
FC - Fire Code - building protection per local fire/safety code.		
*In addition to property line setbacks; new buildings shall be setback from any adjacent IHCL listed structure one foot for every foot of new building height.		
<u>Standards</u>	<u>TC and TCE</u>	
<u>Configuration</u>	<u>Min.</u>	<u>Max.</u>
<u>h</u> Building Height (stories)	1	2 <sup>R</sup> /3 <sup>BH</sup>
<u>h</u> Building Height (feet)	10' <sup>R</sup>	35' <sup>R</sup> /45' <sup>*H</sup>
<u>i</u> Ground floor level <sup>S</sup>	2'	4'
<u>j</u> Ground floor height <sup>S</sup>	10' <sup>R</sup>	20' <sup>R</sup>
<u>L</u> Landscape per City design review		
<b>Notes:</b>		
*H - Hotel use		
R - Subject to requirements of Frontage.		
S- Measured vertically from average adjacent sidewalk grade along frontage. Sidewalk grade must comply and in compliance with ADA requirements.		
A - Where an alley provides vehicular access, minimum setback is 5'.		

(D) Frontages and Encroachments:

(i) Buildings in locations identified in Figure 3-554-3 shall incorporate the required frontage identified in Section 554.3(b)(B).

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(ii) Buildings shall be designed using the allowed frontage types as identified in Table 3-554-2 and accompanying Figure 3-554.2.

(iii) Building elements may encroach into setbacks as identified in Figure 3-554-2.

Figure 3-554-2. – Development Standards in the Town Center (TC) and Town Center Edge (TCE) Districts

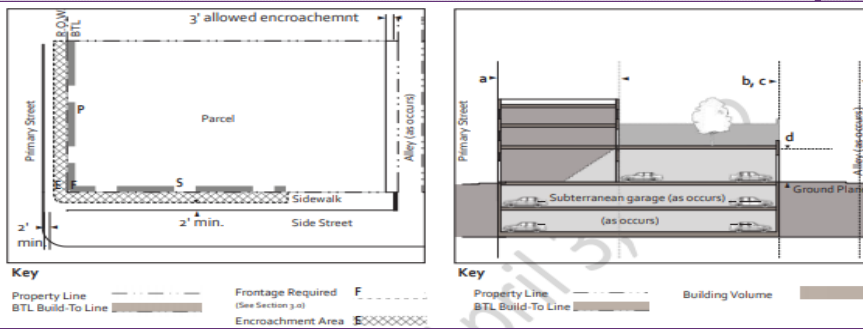


Table 3-554-2. – Frontage Standards in the Town Center (TC) District

Standards	TC and TCE Districts	
	% of Lot Frontage	
Frontage Location	Min.	Max.
P Along "primary street"	100%	n.a.
S Along "secondary street"	65%	100%
<b>E Allowed frontages encroaching into the public right-of-way (encroachment permit required)</b>		
Arcade	See Frontage standards.	
Gallery	See Frontage standards.	
<b>F Allowed frontages</b>		
Storefront and awning		
Forecourt		
Stoop	See Frontage standards	
Terrace (Dooryard)		
Porch and wall/fence		
The letter references above relate to Figure 3-554.2		

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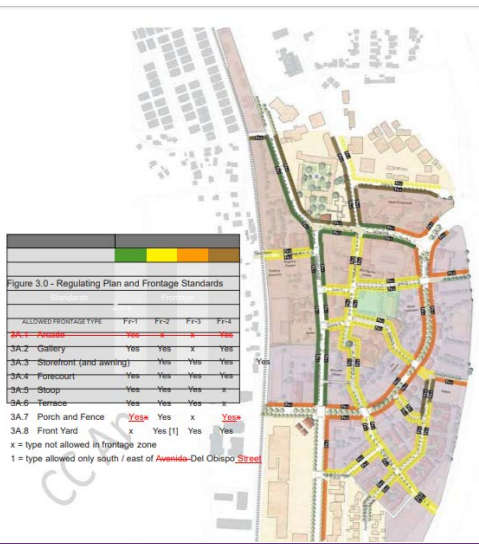
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**Figure 3-554-3. – Frontages in the Town Center (TC) and Town Center Edge (TCE) Districts**



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**(E) Parking and Above-Ground Utilities**

(i) Parking and above-ground utilities shall be located on the lot as shown in Figure 3-554-2 above and Table 3-554.3 below. To the extent possible, utilities shall be underground and/or in alleys.

(ii) For allowable parking standards, see Section 9-3.535(h).

**Table 3-554-3. – Parking and Screening Development Standards in the Town Center (TC) and Town Center Edge (TCE) Districts**

<u>Standards</u>	<u>Setback</u>	<u>Screening, notes</u>
<u>Parking Location</u>		
<u>a</u> <u>Front setback</u>	<u>50'</u>	<u>Building, wall, or hedge; 3' min. height.<sup>5</sup></u>
<u>b</u> <u>Rear setback to Alley</u>	<u>5'</u>	<u>No screening required.</u>
<u>c</u> <u>Rear setback-no Alley</u>	<u>10'</u>	<u>Wall or fence; 5' min. height.</u>

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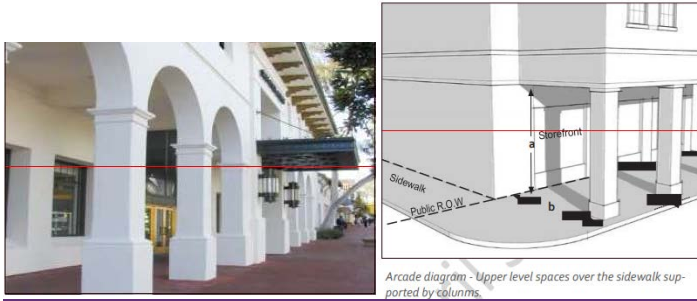


<u>d</u> Max. above ground plane	N.A.	1 story with wall or fence, 5' min. height; 3 stories for hotel with architectural design and landscaping incorporated.
<u>e</u> Side street setback	5'	Wall or hedge; 3' min. height. <sup>5</sup>
<u>Notes:</u> S- Measured vertically from average adjacent sidewalk grade.		

(2). Frontage Standards. The following frontages apply to the various blocks and streets within the TC and TCE Districts as identified in Figure 3-554-3. Figures 3-554-4 through 3-554-10 identify the allowed frontages for each block and street. Tables 3-554-7 through 3-554-13 identify the requirements for how a building is to address the lot's frontage line(s). Buildings shall be designed with vertical and horizontal mass articulation and upper floors shall be setback from lower floors.

(A) Arcade

Figure 3-554-4, Arcade



(i) Arcades are composed of a building with ground floor facades which align with the property line, and upper floors which project over the property line to cover the sidewalk. A colonnade structurally and visually supports the building mass which encroaches into the public right-of-way. An encroachment permit or license agreement may be required prior to issuance of a building permit. Arcades contain ground-floor storefronts, making them ideal for retail use. Landscaping is not required. Vines may be employed at the arcade columns and shall be planted on grade in vine pockets located between the columns and street curb. Planter boxes or pots may be placed in between columns to provide enclosure for such uses as café or restaurant seating.

(ii) Design Standards.

- a. Arcades shall be large enough in dimension to allow passage along the sidewalk without impediments both horizontally and vertically.
- b. Arcades may be combined with the Storefront frontage type.

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- c. Arcades may encroach over the sidewalk in the public right-of-way, subject to the issuance of an encroachment permit or license agreement prior to issuance of a building permit.
- d. Column spacing and colonnade detailing shall be consistent with the style of the building to which it is attached.
- e. Columns shall be placed in relation to curbs so as to allow passage around and to allow for passengers of cars to disembark. Clearances per table below.

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Table 3-554-7. – Frontage Standards, Arcade

Standards	Arcade		Storefront	
	Min.	Max.	Min.	Max.
a. Height (clear from sidewalk grade to ceiling)	12'	16'	See Figure 3-554-4	
b. Depth (facade to interior column face)	10'	16'	n/a	n/a
c. Depth (exterior column face to street curb)	2'	14'	n/a	n/a

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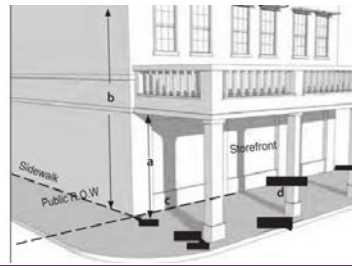
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(B) Gallery

Figure 3-554-5, Gallery



Gallery Example - a 1 story version with colonnade, roof, and open deck which shades both the sidewalk and storefront display windows.

Gallery diagram - storefront and columns making up the Gallery.

- (i) Gallery frontages are composed of a building where the facade is aligned on the front property line, and includes an attached cantilevered shed or a roof or deck supported by a colonnade overlapping the sidewalk. Galleries may be two stories

in height, with the upper portion of the Gallery being open loggias or decks. Galleries contain ground-floor storefronts, making them ideal for retail use.

Landscaping may be required. Vines may be employed at the gallery columns and shall be planted on grade in vine pockets located at the columns. Planter boxes or pots may be placed adjacent to columns to provide enclosure for such uses as cafe or restaurant seating. Pottery may be used where possible.

(ii) Design Standards

- a. Galleries shall be large enough in dimension to allow passage along the sidewalk without impediments both horizontally and vertically.
- b. Galleries may be combined with the Storefront frontage type.
- c. Galleries may encroach over the sidewalk in the public right-of-way, subject to the issuance of an encroachment permit or license agreement prior to issuance of a building permit.
- d. Column spacing and colonnade detailing shall be consistent with the style of the building to which it is attached.
- e. Columns shall be placed in relation to curbs so as to allow passage around and to allow for passengers of cars to disembark. Clearances per table below.

Table 3-554-8. – Frontage Standards, Gallery

<u>Standards</u>	<u>Gallery</u>		<u>Storefront</u>	
	<u>Min.</u>	<u>Max.</u>	<u>Min.</u>	<u>Max.</u>
<u>a. Height 1st level (from sidewalk grade to ceiling)</u>	<u>10'</u>	<u>16'</u>	<u>See Figure 3-554-5</u>	
<u>b. Height 2nd level (from sidewalk grade)</u>	<u>21'</u>	<u>26'</u>	<u>n/a</u>	<u>n/a</u>
<u>c. Depth (façade to interior column face)</u>	<u>6'</u>	<u>16'</u>	<u>n/a</u>	<u>n/a</u>
<u>d. Depth (exterior column face to street curb)</u>	<u>2'</u>	<u>14'</u>	<u>n/a</u>	<u>n/a</u>

(C) Storefront and Awning

Figure 3-554-6, Storefront and Awning

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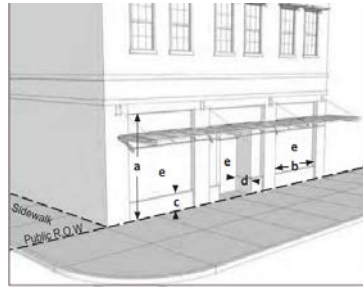
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*Storefront & Awning Example - large glazing area of display window, tile bulkhead under window, glass door, clerestory and shade awning.*

*Storefront & Awning diagram - elements and dimensions making up the frontage.*

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- (i) Storefront and Awning is the frontage type for buildings with ground floor commercial/retail uses. The frontage is made by insertion of large openings filled with transparent windows at the ground level facades. The facade is located near or at the property line. Recessed storefronts are allowed. The building entrance is at the grade of the sidewalk, and provides direct access to the commercial/retail uses on the ground floor.

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The basic architectural elements comprising the storefront are large windows, doors with glass, clerestory glass, and a solid base (bulkhead). Optional elements include awnings, cantilevered shed roof or canopy, signage, lighting, and cornices. Awnings, shed roofs, or canopies are optional and may encroach into the public right-of-way and cover the sidewalk within a few feet of the curb. Awnings, signage, and other encroachments shall comply with this code for minimum height above sidewalk grade for safety. See standards table this page.

Landscaping may be required for this frontage type. Vines grown in vine pockets at the building facade are allowed and may encroach into the public way. Pottery may be used where possible.

(ii) Design Standards

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- a. Storefronts shall be tall enough to provide adequate view into ground floor spaces.
- b. Storefronts may occur at the property line.
- c. Storefront glass shall be clear without reflective glass or dark tinting, frosting.
- d. Storefront windows may have clerestory windows (horizontal panels) between the storefront and second floor. Glass in clerestory windows may be of a character to allow light, while moderating it as the clerestory is located above awnings such as stained glass, glass block, painted glass, or frosted glass.
- e. Storefront bulkhead: Shall be of material similar or complementary to main materials of the building.

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**Table 3-554-9. – Frontage Standards Storefront and Awning**

<u>Standards</u>	<u>Storefront</u>		<u>Awning</u>		
	<u>Min.</u>	<u>Max.</u>	<u>Min.</u>	<u>Max.</u>	
<u>a. Height 1<sup>st</sup> level (from sidewalk grade to top of opening)</u>	10'	16'	8'	18'	<i>See Figure 3-554-6</i>
<u>b. Width</u>	8'	20'	8'	20'	
<u>c. Height (bulkhead)</u>	8"	2'	-	-	
<u>d. Depth of entrance recess</u>	0'	3'	10' or 50% of sidewalk width, which ever is less for 65% of facade	-	
<u>e. Glass area (% of ground facade)</u>	65%	n/a	n/a	n/a	

(D) Forecourt

**Figure 3-554-7, Forecourt**



Forecourt Example - a brick wall and metal gate form the forecourt for this building, comprising 1/3 of the building's facade.

- (i) Forecourts are open or semi-enclosed areas adjacent to the sidewalk made from setting back a portion of the building facade from the front property line. Typically the setback portion is the middle section, which creates a small entry court. This can also be achieved by setting back the facade when a building's neighboring structures have zero set-back at their respective property lines.

Forecourts may be combined with other Frontage Types as allowed by this code.

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Forecourts may be further defined by low walls or landscape between the sidewalk and adjacent property line. Forecourts may be landscaped or paved. Landscape may include lawn, grasses, small shrubs, and accent trees with sufficiently transparent canopies to allow views of the building facade.

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(ii) Design Standards

- a. Forecourts dimensions per the table below.
- b. Forecourts may be elevated from the adjacent sidewalk as allowed by this code. An elevated forecourt shall meet accessibility code for access with the building and the sidewalk.

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Table 3-554-10. – Forecourt

Standards	Depth		Width		Height*		See Figure 3-554-7
	Min.	Max.	Min.	Max.	Min.	Max.	
a. Dimensions	10'	Forecourt width	10'	1/3 Bldg. Facade	-	-	
b. Wall	n/a	n/a	n/a	n/a	1'	1 story	
c. Fence	n/a	n/a	Na/	n/a	3'	4'	

\* Measured vertically from average adjacent sidewalk grade.

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(E) Stoop

Figure 3-554-8, Stoop



Stoop Example - stairs, landing, and landscape area of a typical stoop. Stoop diagram- elements and dimensions making up the Stoop frontage type.

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Stoop Example - stairs, landing, and landscape area of a typical stoop. Stoop diagram- elements and dimensions making up the

Stoop frontage type.

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- (i) Stoops are exterior stairs with landings which provide access to buildings located at their front property lines. The ground floor of the building is raised to provide some privacy for the rooms facing the public street and passersby. The exterior stairs can be perpendicular or parallel to the adjacent sidewalk. The landing may be covered or uncovered.

Landscaping shall be placed on the sides of the stoop at grade or in raised planters. Demarcating garden walls is allowed subject to this code.

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(ii) Design Standards

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a. Stoops shall be of such dimensions to allow for easy access to the ground floor of the building. See table below:

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Table 3-554-11. – Stoop

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Standards	Depth		Width		Height*		See Figure 3-554-8
	Min.	Max.	Min.	Max.	Min.	Max.	
a. Dimensions	3'	-	3'	-	2'	3'	
b. Wall	n/a	n/a	n/a	n/a	1'	4'	
c. Fence	n/a	n/a	n/a	n/a	2'	3'	

\*Maximum height one story for stoop cover

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(F) Terrace

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Figure 3-554-9, Terrace

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(i) The Terrace frontage sets back the building facade back from the front property line, and places an elevated garden or terrace in that setback. Terraces are enclosed by a low wall at or near the property line with a stair or ramp from the sidewalk up onto the terrace. The building activities are slightly separated from the adjacent sidewalk by the terrace height, and the depth of the terrace provides a buffer. The buffer provides clear area distinctions for commercial uses such as dining patios, and provides private yards and residences secure buffers from public encroachment.

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(ii) Design Standards

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a. Terrace dimensions per the table below.  
 b. Terrace may be enclosed by low walls or fences. Walled terraces may additionally have fences to provide for safety.

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Table 3-554-12. – Terrace

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Standards	Depth		Width		Height	
	Min.	Max.	Min.	Max.	Min.	Max.
TERRACE						

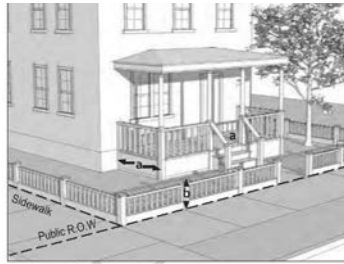
a. Terrace Yard	Per Bldg. Setback	0'	Lot width	0.5'	3.5'	See Figure 3-554-9
b. Wall or fence	-	-	-	0'	5'	

**(G) Porch and Wall/Fence**

**Figure 3-554-10, Porch and Fence**



*Porch and Fence Example - low wall creates privacy for front yard, while maintaining relationship with sidewalk and street for neighborhood character and security.*



*Porch and Fence diagram - low wall at property line and minimum porch size attached to building.*

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(i) The Porch and Fence consists of a building with a front set back from the property line, and a porch attached to it, and a wall or fence at or near the property line. The porch and fence encroach into the front setback. The porch shall have dimensions (per table this page) which allow a useful space which is raised above the average front grade of the lot.

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This frontage provide the necessary physical separation from the public sidewalk and the private lot, while maintaining visual connection between buildings and the public space of the street.

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(ii) Design Standards

a. Porch and Fence dimensions as identified below.

**Table 3-554-13. – Porch and Fence**

Standards	Depth		Width*		Height**		See Figure 3-554-10
	Min.	Max.	Min.	Max.	Min.	Max.	
a. Porch	8'	-	40%	80%	1.5'	3.5'	
b. Wall of fence	0'	5'	n/a	n/a	1'	5'	

**Notes**

\* Width: based on % of building facade width.

\*\* Porch deck height: above average adjacent sidewalk grade

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(3) Architectural Style Standards. Buildings within the TC and TCE shall utilize one of the following architectural styles. Figures 3-554-11 through 3-554-15 identify the allowed architectural styles for each block and street. Each architectural style provides a narrative description of the characteristics commonly utilized. Similar to the frontage standards, buildings shall be designed with vertical and horizontal mass articulation and upper floors shall be setback from lower floors.

(A) Mediterranean Revival.

Figure 3-554-11, Mediterranean Revival



The Mediterranean Revival style is a part of the vast Eclectic movement of 1890-1940 in the U.S. Mediterranean Revival is the broad term which includes several architectural styles including the Spanish Colonial Revival, Mission Revival, and Italianate. Inspired by precedents from Classical, Medieval, and Renaissance periods, Mediterranean Revival draws from those origin periods and cultural traditions - Spanish, North African Moorish, Italian, Greek. It also incorporates these same cultures' later colonial efforts in North and South America (1690-1800), which adapted to new indigenous climates, materials, and cultures. Mediterranean Revival is distinguished by its restrained, horizontal massing. Smooth plaster walls, light earth tone or off-white colors, deeply set windows and doors, and red tile roofs [or flat roofs] make up the signature palette. The generally bulky mass of the building is punctuated by rhythmic placement of deeply set windows and doors, which can be regular or syncopated. A regular rhythm is typically varied by window type or window treatment to prevent repetition. Color and decoration are used sparingly as compared with other styles, these items being reserved for such details as wrought iron railings, grilles, and gates, or stone and colorful tile surrounds at key doors, windows, and water features. Shading is provided by the deeply recessed openings, as well as devices [arcades, galleries, overhangs, balconies, awnings] which are arranged as counterpoints to the austere building forms.

(B) Main Street Commercial.

Figure 3-554-12, Main Street Commercial



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Main Street Commercial is the generic stylistic title for a multi-story building found on most U.S. main streets (hence the term), town squares, and plazas. The style is derived from a number of historic precedents, including Spanish Colonial Revival, Greek Revival, Victorian, Victorian Italianate, and Richardsonian Romanesque. While varying in stylistic details, the basis of the style is found in a simple, rectangular building form made up of a logical, repetitive, and legible structural framework which is expressed externally by the rhythmic placement of structural elements, doors, windows, and storefronts. Original building frameworks were of load-bearing masonry, but the style is easily adapted to steel, poured concrete, or wood. The building type and style proliferated in the late nineteenth century when cities began densifying and housing was built over ground floor store fronts. The Main Street Commercial style building stands adjacent to others of similar building type (flex block, lined block, row house), with little or no side setbacks, thus forming a solid enclosure for the street or square. This means that only one facade (or two if located on a corner) need detailed design attention. The plane of the facade wall is articulated by expression of the structural underlayment by means of vertical protrusions or setbacks defining columns and lintels. The facade is articulated into a base, a body, and a top, with the ground floor base being the tallest of the individual floors. The style tops the building with a flat roof line which is stopped visually by a projecting cornice or articulated parapet (protruding or recessed). The ground floor houses commercial uses such as offices or retail businesses, and therefore is quite open visually with expansive storefront windows and doors. Upper levels are punctuated with relatively smaller openings which belie their purpose for offices or apartments. Substantial materials express the civic nature of the style, using brick, stone, or heavy cementitious plaster.

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(C) Agricultural Heritage.

**Figure 3-554-13, Agricultural Heritage**



Agricultural Heritage style is based on structures built specifically for agricultural purposes in the U.S. during the 19th century. This tradition is found in San Juan Capistrano and in California. Using the forms, materials and colors of these purposeful precedents in new buildings, where appropriate, helps maintain a continuum of the vernacular of the region. Buildings utilizing this style would be made of simple, limited forms (1 form for 1 use), typically rectangular, with a pitched metal roof, and sheathed in wood or metal siding. There is little architectural ornament, with functional building elements providing the detail to the building. These would include items such as roof, rafter tails, ridge beams (protruding), overhangs & struts, lanterns, clerestories, exposed columns, and exposed foundations. Colors used for these structures were traditionally muted, as the paints were derived from milk and a minimal amount of pigment. Original agricultural buildings were single purpose-built for

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distinct agricultural processes, and hence, this was not a style. The buildings represent a distinct change in architecture for the region in the 1800's. Several factors changed the way Californians built, shifting from handmade masonry Spanish Colonial buildings, to the more expedient wood "balloon framed" buildings. The Gold Rush of 1849, the Homestead Act of 1862, and the development of the railroads brought property ownership for new waves of citizens, displaced native peoples, and changed settlement patterns. Houses were made quickly of wood to establish the farming homestead. Example: Agricultural heritage present in new building - simple massing, useful porches (galleries), wood siding and were either placed in a rural pattern of isolated farmsteads, or in loose townships. This was in contrast to Spanish Colonial and Eastern US patterns of contained urban villages with farmlands beyond. During the period of change, new-comers built from their memories of the East or Midwest, or used simple technical manuals called "pattern books". Both these manners changed the style and method of building, with pioneers using the "balloon frame" technique in the 1840's and 1850's. Buildings were made of wood which was mill-cut, in standardized board sizes, and fastened with standard, manufactured nails. This was a much faster way to build than using the traditional masonry. It allowed anyone to easily build the framework of the house which was then covered with siding. Along with the "pattern books" and balloon framing came the firm tradition of agricultural buildings and methods of farming in the East and Midwest. Farming there had established a tradition of purpose-built structures made with no adornment and with materials found readily at hand. Structures were pragmatic, and generally constructed for a distinct, single purpose, such as silos to hold grain, barns to house livestock, water cisterns to collect water, etc.. As most locations had access to trees, lumber became the primary material for agricultural out-buildings. Rail road development increased access to mechanized wood working tools, and to light metals, which helped create more standardized shapes/forms, more weather-tight techniques, and more long-lasting roofing/siding methods.

(D), Craftsman.

Figure 3-554-14, Craftsman



The Arts and Crafts movement of the late 1880's had its origins in England, led by Architect William Morris. He and the English Arts and Crafts Exhibition Society inspired U.S. architects such as Bernard Maybeck, Gustav Stickley, and brothers Charles and Henry Greene of Pasadena, California who evolved the style. This style treated all parts of the home - both exterior and interior - as artwork, focusing on honest use and detailing of natural materials such as redwood, stone, brick, tile, and copper. Greene and Greene Architects designed the paradigmatic works which are located in Pasadena. They also designed modest, inexpensive and low-profile bungalow homes in the region. Popular magazines of the time (1909), such as Good Housekeeping, made the style familiar to the general public. Pattern book makers, in turn, made the Craftsman style house the most reproduced style in the

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country. Pre-cut lumber packages soon became available as well to assist contractors in building the style. Craftsman's interior/exterior space relationship and its adaptability to varying weather conditions allowed regional variations to easily occur, thus increasing its popularity. Building massing is a simple rectangle or square with horizontal proportions in one and two story volumes. An additional 3rd floor is sometimes concealed within the volume of the roof with the assistance of dormers. Additional volumes are sometimes attached to the main mass, which receive independent roof forms. Porches are numerous and generous in depth. Roofs are large, low-pitched forms, and vary from 3:12 to 6:12. In larger two story versions, it is common for gabled roofs to have a high pitch as much as 10:12. Roof eaves project a minimum of 2' over the wall, and have exposed rafter tails. Gable roof projections are supported by large timber braces or extended beams. Walls receive horizontally oriented wood siding or shingles, and the foundation base is expressed with stucco, brick or river stone. Windows and doors are vertical in proportion, and are combined into horizontal patterns. They are trimmed in large scale wood.

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(E) Art Moderne.

Figure 3-554-15, Art Moderne



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The Art Moderne is also called Streamline Moderne and American Deco. The style was utilized from 1920 to 1940. It derived from two sources: 1) Eliel Saarinen's competition design for the Chicago Tribune headquarters in Chicago which was largely of the precedent style Art Deco; and 2) the streamlined graphic arts and industrial design for ships, planes, autos, and even household appliances which evolved Saarinen's designs. Smooth surfaces, curved corners, and horizontal emphasis gave the impression of smooth movement through a stream of air, hence the term streamlined. Initially, Art Moderne style was applied to commercial building types such as airport terminals, railroad depots, and other transportation-related buildings. It then became popular enough to grace public institutional buildings, and eventually single family homes. While not contributing any evolution to floor plans or construction technology, the style represents still a merging of the machine age in U.S. building styles. Building massing is a simple rectangle or square with horizontal proportions in one and two story volumes. The massing is asymmetrical. Additional volumes are sometimes attached to the main mass, which receive independent roof forms. There are no porches typically on this style. Roofs are flat and hidden by parapet walls. Parapet wall edges are usually defined by a small protruding ledge (coping) at roof line. These are sometimes covered in metal with a striated, or linear pattern. Walls are smooth stucco, with rounded corners at main volumes. Horizontal grooves or lines are recessed into wall plaster. Details include steel pipe balustrades give additional horizontal emphasis. Windows and doors are horizontal in proportion, and are continuous around corners. They are made of metal. Glass blocks are used for windows or entire portions of walls, and occasionally round windows are found in elevational compositions.

(4) Projects proposed within the Town Center (TC), and Town Center Edge (TCE), Districts shall be subject to applicable review procedures as set forth in Article 3, Development Review Procedures, of Chapter 2 of this title.

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(5) For sign, parking, fence, swimming pool, and similar regulations for the Town Center (TC), and Town Center Edge (TCE) Districts, see Article 5, Supplementary District Regulations, of this chapter.

(6) Environmental overlay standards. Standards related to management of project effects on sensitive natural resources (i.e., floodplains, ridgelines, etc.) shall be as set forth in Article 4, Environmental Overlay Districts, of this chapter.

(7) A public gathering space is an area open and accessible to the general public such as courtyards, squares and plazas that are visually identifiable from the public right-of-way and allow the community to enjoy through gatherings, exhibits or entertainment. Place into definitions.

(8) General Requirements. This section provides standards for particular elements of buildings/sites as well as certain operational standards to ensure a consistent and high level of quality in building design, materials, and operations. This section applies to all zoning districts unless otherwise specified:

(A) Alterations, restoration, rehabilitation, ordinary repair and maintenance. See San Juan Capistrano Municipal Code section 9-3.533.

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(B) Building Entrances.

(i) The primary entrance shall be distinguished by architectural features such as, but not limited to: an entry portal; change in material or color; change in scale of other openings; addition of columns, lintels or canopies.

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(ii) Secondary entrances shall have architectural features that are smaller in height and width, with fewer or simpler architectural elements than the primary entrance in scale and detail.

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(C) Awnings and Canopies. Awnings and/or canopies shall accentuate the character-defining features of a building as follows:

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(i) Awnings and canopies shall be mounted to highlight architectural features such as moldings that may be found above the storefront.

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(ii) Awnings and canopies shall match the shape of the opening that they are shading.

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(iii) Odd shapes and bubble awnings are prohibited except where the shape of an opening requires a bubble awning, or a historic precedent shows they have been previously used on the building.

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(iv) Canopies and awnings shall not conflict with the buildings' proportions or with the shape of the openings that the awning or canopy covers.

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(v) Awnings and canopies may be constructed of metal, wood or fabric, subject to the approval of the Development Services Director.

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(vi) Lights that illuminate the pedestrian way beneath the awning shall be reviewed by the Development Services Director to determine if they are appropriate for their context;

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a. Lights may illuminate the storefront;

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b. Internally illuminated awnings that glow are prohibited.

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(D) Site Walls (Street screen) and Fences.

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(i) Site walls and fences shall not be erected in such a way as to block views of or from public spaces and are not allowed where a frontage is required.

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(ii) Low walls (24 inches to 36 inches in height) may be used to divide space, create a variety in landscaping and to define site edges.

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(iii) Screening elements shall be used to screen service areas, storage areas, or garbage areas from public view from the street or pedestrian ways.

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(iv) Solid walls (up to 96 inches in height) are permitted to screen mechanical equipment, garbage receptacles, loading areas and other unsightly areas; and provide privacy at the back of lots and along streets in compliance with the requirements for frontages.

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(v) All chain link fences are prohibited except for dark vinyl coated chain link fences used in conjunction with landscape buffering and screened with plantings.

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(E) Lighting.

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(i) Site lighting shall be designed and maintained consistent with the Title 9, Land Use Code lighting standards and the City's Architectural Design Guidelines.

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**Sec. 9-3.535. Parking.**

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(a) Purpose and intent. The provisions of this section are established to provide for the off-street parking of motor vehicles which are attracted by uses on the premises. The parking facilities required by this section for motor vehicle parking and maneuvering are assumed to be the minimum need for such facilities created by each particular land use. It is intended that the provisions of this section will:

- (1) Result in properly designed parking areas of adequate capacity which will reduce traffic congestion, promote increased business, and enhance public safety;
- (2) Where appropriate, insulate surrounding uses from the adverse impacts of parking facilities; and
- (3) Prescribe the minimum off-street parking and loading requirements for the various structures and uses irrespective of the districts in which they occur.

(b) General requirements.

(1) Certificates of use and occupancy. A certificate of use and occupancy for any structure or premises shall be issued only after all the required parking and loading facilities have been completed in conformance with the provisions of this section.

(2) Changes in uses. When the use of any structure or premises is changed to a different use having a higher parking requirement, additional parking shall be provided to meet the new requirements prior to the issuance of a new certificate of use and occupancy. When the use of any premises is enlarged or expanded, additional parking to meet the requirements of this section shall be provided for the enlarged or expanded portion only.

(3) Existing required facilities. Off-street parking and loading facilities in existence on September 17, 1975, or authorized by an approved development plan, shall not be reduced below the requirements for an equivalent new structure or use. All such facilities shall be continued for as long as the structure or use served is continued or until equivalent facilities are substituted in conformance with the provisions of this section.

(4) Facilities not required. Any off-street parking or loading facility which is permitted but not required by this section shall comply with all the provisions of this section governing the location, design, improvement, and operation of such facilities.

(5) Location of facilities. All permitted or required accessory parking and loading facilities shall be provided on the same site as the structure or use served, except where specifically permitted to be located off the site by the provisions of subsection (c) of this section.

(6) Use of facilities for storage. The storage of merchandise, motor vehicles for sale, recreational vehicles, trucks, or wrecked or junked vehicles or the repair of vehicles in areas designed for off-street parking shall be prohibited.

(7) Requirements for unspecified uses. Parking requirements for structures and uses not set forth in subsection (g) of this section shall be determined by the Planning Director, and such determinations shall be based on the requirements for the most comparable structure or use specified.

(c) Parking facilities—Joint use/shared parking.

(1) Authorized. Parking facilities may be provided jointly subject to the satisfaction of the requirements of this section and approval by the Planning Commission pursuant to Section 9-2.317 Conditional Use Permit.

(2) Joint usage where there is an overall deficiency in the number of spaces provided. Parking facilities for adjoining uses whose peak hours of operation are substantially different may be provided jointly. Such joint usage shall be subject to:

(A) The granting of a conditional use permit by the City in each case; and

(B) The satisfaction of the following conditions:

(i) Absence of conflicts. Sufficient evidence shall be submitted demonstrating that no substantial conflict in the principal hours or periods of peak demands of the structures or uses for which the joint use is proposed will exist.

(ii) Amount of credit. The number of parking spaces which may be credited against the requirements for each structure or use involved shall not exceed the number of spaces reasonably anticipated to be available during the differing hours of operation.

(iii) Location. The parking facilities designated for joint use shall be contiguous to all the structures and uses served.

(iv) Recorded agreements. The City may require a written agreement, approved by the City Attorney as to form and content, to be executed by all parties concerned and filed in the office of the County Recorder. Such agreement shall be a covenant running with the land or other enforceable restriction and shall assure the continued availability of the number of spaces designated for joint use at the periods of time indicated.

(3) Joint usage where there is no overall deficiency in the number of spaces provided. If two (2) or more adjoining uses are under common ownership, or if the ownership is not common and the respective owners thereof have acquired recordable easements appurtenant for off-street parking, such buildings or uses collectively may provide the required off-street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.

(4) Mixed land use developments (shared parking). Shared parking may be considered in determining the specific number of parking spaces that can be used to serve two (2) or more individual land uses without conflict or encroachment. Any program that would use a shared parking concept may be granted by the Planning Commission if it determines in any individual use that the following findings can be satisfied:

(A) Variations in the peak accumulations of parking vehicles as the result of different activity patterns of mixed land use will not result in a deficiency of parking spaces (by hour, by day, by season).

(B) Relationship among land use activities that results in people's attraction to two (2) or more land uses on a single trip to the development.

In preparing information for consideration by the Planning Commission, a methodology acceptable to the Planning Director and Director of Public Works is to be used.

(d) Parking facilities—Design and improvement standards.

(1) General design requirements.

(A) All spaces shall be provided adequate access by means of maneuvering lanes. Spaces designed so that it is necessary to back directly into a public street to enter or to leave them shall be prohibited, except for residential garages and carports serving single-family dwellings and duplexes.

(B) Adequate entries and exits to and from parking facilities by means of clearly defined drives shall be provided for all vehicles. Circulation within a parking facility shall be such that:



(i) A vehicle using the parking facility need not enter the street to reach another aisle within the same facility.

(ii) All parking spaces, garages, and carports shall be accessible and usable for the full number of parking spaces required whenever the use or structure which they were built to serve is in operation.

(C) Continuous curbs and/or headers shall be used instead of individual wheel stops, unless otherwise approved by the Planning Director.

(D) The illumination of a parking or loading facility shall conform to the requirements standards contained in Section 9-3.529 Lighting.

(E) The entire parking area, including the parking spaces and maneuvering lanes required by this section, shall be paved with asphaltic, concrete surfacing, or other acceptable material in accordance with specifications approved by the City Engineer and Orange County Fire Authority.

(2) Specific design requirements.

(A) Markings. In all parking facilities, individual stalls shall be marked with hairpin lines four (4) inches to six (6) inches wide forming an elongated "U" between twelve (12) inches and twenty-four (24) inches wide around the centerline of each stall, except that parking facilities serving not more than two (2) dwelling units on a single lot need not be marked. The space widths set forth in this subsection shall be the overall width of the stall, including the areas required for marking.

In all parking facilities containing twenty-one (21) or more spaces, the aisles, approach lanes, and maneuvering areas shall be clearly marked with directional arrows and lines to expedite traffic movement. Once a parking facility has been marked in accordance with the approved site plan, the markings shall be permanently maintained.

(i) Marking maintenance. Will be properly marked and maintained.

(ii) Changes. If any changes to existing markings are approved by the City, existing markings shall first be ground out or sand blasted prior to remarking the parking area. Painting over existing markings without first grinding out or sand blasting is not permitted. Remarking of the parking area according to the approved, revised site plan will be done in accordance with this section.

(B) Layout. Plans for the layout of off-street parking facilities shall be in accordance with the minimum requirements set forth in Table 3-32 and Figure 3-4. For landscape islands at the end of aisles, the length of the island shall be rounded with a maximum dimension of fifteen (15) feet from the front of the parking stall to the end of the landscape island (as shown in Figure 3-4).

(C) Residential garages. For residential uses, single-car garages shall be a minimum of ten (10) feet wide by twenty (20) feet deep, and two (2) car garages shall be a minimum of nineteen (19) feet wide by twenty (20) feet deep, provided no washer/dryer or water heaters are located within said designated area.

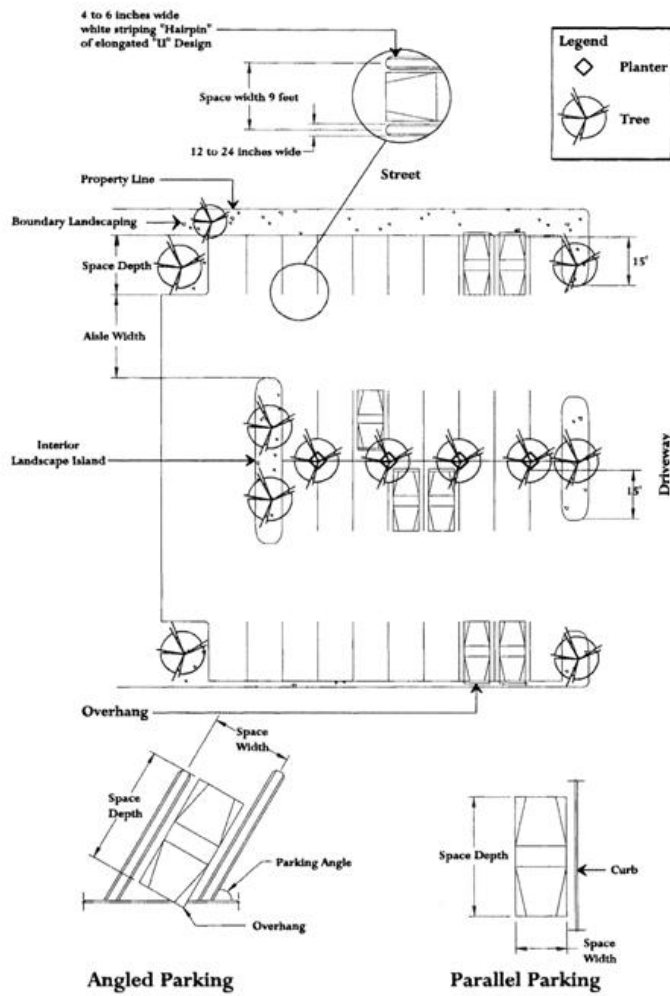
**TABLE 3-32  
MINIMUM PARKING FACILITY  
STANDARDS**

<b>Parking Angle (Degrees)</b>	<b>Aisle Width* (One-Way Flow)</b>	<b>Space Width All Uses</b>	<b>Space Depth** All Uses</b>
Parallel Parking (0°)***	13 feet	9 feet	24 feet
1-34	13 feet	9 feet	19 feet
35-44	15 feet	9 feet	19 feet
45-54	16 feet	9 feet	19 feet
55-64	19 feet	9 feet	19 feet
65-74	22 feet	9 feet	19 feet
75-90	25 feet	9 feet	19 feet

\* For two-way flow, the aisle widths, approach lanes, and maneuvering areas shall be a minimum of 25 feet wide for all parking angles.

\*\* For parking angles greater than 59 degrees, up to 2 feet of the space depth may be provided in overhang beyond the front curb.

\*\*\* If parallel parking spaces are paired, with at least 8 feet of red curbing between the pairs, the space depth may be a minimum of 20 feet.



**Figure 3-4**  
**Parking Facility Design Requirements**

- (e) Parking facilities—Landscaping. Refer to Section 9-3.529(h) (1) and (2) Landscape.
- (f) Off-street parking requirements—General.
- (1) Units of measurements.

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(A) Fractional remainders. When the unit of measurement determining the number of required parking spaces results in the requirement of a fractional space, any fraction up to, but not including, one-half (1/2) shall be disregarded, and fractions equal to, or greater than, one-half (1/2) shall require one (1) parking space.

(B) Number of employees. When the unit of measurement determining the number of required parking spaces is based on the number of employees, the maximum shift or employment period during which the greatest number of employees is present at the structure or use shall be used in the computation.

(C) Net floor area. When the unit of measurement determining the number of required parking spaces is based upon the net floor area, such area shall be calculated by measuring the total floor area from within the exterior surface of the walls of the structure but shall exclude:

- (i) Mechanical equipment spaces and shafts; and
- (ii) Elevators, common restrooms, stairways, escalators, and enclosed or covered parking facilities, loading berths, docks, and ramps.

(D) Fixed seats. When the unit of measurement determining the number of required parking spaces is based upon the number of fixed seats in a structure or use, each 24 inches of pew, bench, or other seating space shall count as one seat.

(2) Spaces required for commercial vehicles and for loading.

(A) Spaces for commercial vehicles. In addition to the parking spaces required by subsection (g) of this section for owners, occupants, employees, customers, and visitors of structures and uses, one parking space shall be provided for each commercial vehicle used in conjunction with the operation of any structure or use. The parking spaces for such accessory vehicles shall be provided within a designated parking space on the same lot as, or adjacent to, the structure or use to which the vehicles are necessary.

(B) Off-street loading. Off-street loading space shall be required on the same building site with every building; storage warehouse, auto dealership, wholesale distributor, goods display center, department store, market, hotel, hospital, funeral home, laundry, dry cleaning, and other similar uses involving the receipt or distribution by vehicle of materials or merchandise incidental to carrying on such activity. Such space shall be sufficient to permit the standing, loading, and unloading of vehicles to avoid undue interference with the public use of streets and alleys and shall not be a part of the building site area used for the off-street parking required for each particular use.

(3) Spaces for handicapped persons. Parking spaces for handicapped persons shall be provided in accordance with accepted State standards, and shall be considered as part of the parking space requirements for the given facility.

(4) In-lieu fee program. To provide for adequate off-street parking facilities and allow for creative solutions to parking issues, the City may adopt an in-lieu fee program to assist in the funding of off-street parking.

(g) Off-street parking requirements—Schedule.

(1) Use. Off-street parking requirements for a project shall be based on the land use and or zoning district.

(2) Parking Management Plan—Criteria. The numerical parking requirements set forth in this subsection may be reduced through the granting of an exception by the Planning Commission when a parking management plan is developed for a project. Such parking requirements shall be reduced only if

the parking management plan incorporates provisions encouraging the use of public transportation facilities or otherwise aimed at reducing the growth of total vehicle miles traveled.

(3) Residential uses. The parking requirements for residential uses shall be in addition to the spaces required for any recreation or community center provided within a residential development. The space requirements for recreation and community centers shall be determined pursuant to subsection (5) of this subsection. The Planning Commission, in conjunction with the development review procedure pursuant to Article 3 Development Review Procedures of Chapter 2 of this title, may credit some or all of the recreation or community center spaces provided toward the satisfaction of the visitor parking requirements for the development if such spaces are in close proximity to residences within the development.

For residential developments within the Multiple-Family (RM), Affordable Family/Senior Housing (AF/SH), Mobilehome Park (MHP), and Planned Community (PC) Districts, there shall also be provided one recreational vehicle space for every seven (7) dwelling units, as well as for developments in the Hillside Residential (HR), Single-Family (RS-10,000, RS-7,000 and RS-4,000) and Residential Garden (RG-7,000 and RG-4,000) Districts wherein any individual lot sizes are less than 10,000 square feet for the exclusive use of project residents.

The numerical parking requirements for residential uses are identified in Table 3-33.

**Table 3-33  
Residential Parking Requirements**

Land Use Type	Required Off-Street Parking	Notes and Comments
Apartment - Studio	2.0 off-street parking spaces per dwelling unit, at least 1 space per dwelling unit shall be in a garage; and 0.5 spaces per dwelling unit visitor parking	
Apartment - One (1) bedroom units	2.0 off-street parking spaces per dwelling unit, at least 1 space per dwelling unit shall be in a garage; and 0.5 spaces per dwelling unit visitor parking.	
Apartment - Two (2) bedroom units	2.5 off-street parking spaces per dwelling unit, at least 1 space per dwelling unit shall be in a garage; and 0.5 spaces per dwelling unit visitor parking.	
Apartment - Three (3) or more bedroom units	<u>23.50 off-street parking spaces per dwelling unit, at least 1 space per dwelling unit shall be in a</u>	

	<u>garage</u> : 0.5 spaces per dwelling unit visitor parking.	
Senior Apartments (age restricted)	1.0 space per unit.	
<u>Bed &amp; Breakfast (B &amp; B)</u>	<u>2.0 spaces for the resident manager and one space for each guest room.</u>	<u>See Code Section 9-3.509</u>
Boarding and lodging houses, student housing, dormitories, and fraternity and sorority housing	1.0 off-street parking spaces per guest rooms and 1.0 per each dwelling unit.	In dormitories, each 100 square feet of gross floor area shall be considered equivalent to 1 guest room.
Mobilehome parks	2.0 off-street parking spaces per dwelling site, at least 1 space per dwelling to be covered, 1 space may be tandem; 0.4 spaces per dwelling site for visitor parking, plus the spaces required for recreation centers, if any.	Visitor parking shall be evenly distributed throughout the park.
Multiple-family residences	2.0 off-street parking spaces per dwelling unit, at least 1 of which shall be either in a garage or covered (tandem parking prohibited); and 0.8 spaces per dwelling unit visitor parking.	The visitor parking ratio shall be maintained within each subarea of a development so that all residences are within reasonable walking distance from the nearest visitor parking space. The design and location of visitor parking areas shall be subject to approval by the Planning Commission in conjunction with the development review procedure.
Single-family residences (Single-family detached dwellings, two-family dwellings (duplexes), and zero lot line dwellings utilizing a common wall)	2.0 off-street parking spaces per dwelling unit in a garage; and 0.8 spaces per dwelling unit visitor parking.	

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(4) Business and commercial uses. The numerical parking requirements for business and commercial uses are identified in Table 3-34. For the purposes of this section, "shopping center" shall mean a group of two (2) or more commercial establishments planned and developed, owned, and managed as a unit, with off-street parking and loading provided on the property.

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**Table 3-34**  
**Business and Commercial Uses**

### Parking Requirements

Land Use Type	Required Off-Street Parking	Notes and Comments
Building materials and equipment sales and storage yards	1.0 off-street parking space per each 800 square feet of gross floor area; and 1.0 per each 10,000 square feet of outdoor sales, storage, or service area; and 1.0 per each registered motor vehicle operated in conjunction with the use or building.	
Car washes, except self-operated	1.0 off-street parking space per employee, plus reservoir (lineup) parking equal to 5 times the capacity of the car wash	In determining capacity, each 20 linear feet of wash line shall equal 1 car length.
Car washes, self-operated	5.0 off-street parking spaces per each 2 wash stalls	A wash stall shall not be counted as a parking space.
Coin-operated laundries	1.0 off-street parking space per each 3 washing machines	
Commercial repair establishments, such as motor vehicle repair garages, marine service establishments, appliance service, and similar type uses	1.0 off-street parking space per each 500 square feet of gross floor area	Square footage calculation shall not include areas used exclusively for storage or loading.
Fast food and takeout restaurants not having drive-thru facilities	1.0 off-street parking space per each 50 square feet of gross floor area, but not less than 8.0 per each such use	
Food stores, grocery stores, supermarkets, and similar uses in shopping centers or individually developed	1.0 off-street parking space per each 200 square feet of gross floor area	
<u>Fruit/Agriculture Stand</u>	<u>1.0 off-street parking space per each 500 square feet of gross floor area</u>	
Furniture and appliance establishments	1.0 off-street parking space per each 500 square feet of gross floor area, except areas used exclusively for storage or loading, but not less than 5.0 off-street parking spaces per each such use	

General retail in individually-developed establishments or within shopping centers	1.0 off-street parking space per each 250 square feet of leasable floor area	
General wholesale establishments	1.0 off-street parking space per each 1,500 square feet of gross floor area, but not less than 6.0 per each such use	
Hotels/motels	1.0 off-street parking space per each guest unit. The planning commission may require additional parking spaces for accessory uses to include, and not be limited to, restaurants and banquet/ conference/ meeting facilities.	Parking standards may be reduced with a parking study and/or shared parking agreement.
New and used vehicle sales, <a href="#">leasing or rental</a> and services, including bicycle shops	1.0 off-street parking space per each 500 square feet of gross floor area, except areas used exclusively for storage or loading	
Restaurants, cafes, taverns, and cocktail lounges	1.0 off-street parking space per each 40 square feet of dining or drinking area, but not less than 8.0 off-street parking spaces per each such use	Dining or drinking area shall include all the floor area, except restrooms, kitchens, sculleries, storage, and equipment areas.
Retail plant nurseries, garden shops, and similar uses with outdoor sales and display areas	1.0 off-street parking space per each 500 square feet of display and sales area, but not less than 5.0 per each such use	Calculation of square footage includes both indoor and outdoor, excluding areas used exclusively for the storage or propagation of plants.
Service stations	1.0 off-street parking space per each 2,500 square feet of gross site area, but not less than 8.0 per each such use	

(5) Office, service, health, and professional uses. The numerical parking requirements for office, service, health, and professional uses are identified in Table 3-35.

**Table 3-35  
Office, Service, Health, and Professional Uses Parking Requirements**

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Land Use Type	Required Off-Street Parking	Notes and Comments
Banks, savings and loan institutions, ticket agencies, and other similar establishments utilizing window services for patrons within individually developed establishments or office complexes	1.0 off-street parking space per each 200 square feet of gross floor area	
Barber shops	2.0 off-street parking spaces per barber chair, but not less than 1.0 per each such use	
Beauty salons	3.0 per beautician station, but not less than 6.0 per each such use	
Convalescent and nursing homes, assisted care facilities, senior living facilities, children's homes, and sanitariums	1.0 off-street parking space per each 3 beds	
Hospitals	1.5 off-street parking spaces per each patient bed	
General office	3.5 off-street parking spaces per 1,000 square feet of gross floor area or 1.0 space per employee, whichever is greater	
Medical and dental offices, centers, and clinics, but excluding hospitals	1.0 off-street parking space per each 200 square feet of gross floor area; and 1.0 per each separate medical or dental office or laboratory	Calculating the gross floor area includes pharmacies and other retail uses, but excludes corridor and lobby areas.
Office park that includes general office, restaurants, banks, savings and loans and support services	1.0 off-street parking space per 200 square feet of gross floor area	
Research centers devoted nearly exclusively to research and development activities; may also contain offices and some light fabrication areas	1.0 off-street parking space per 300 square feet of gross floor area	
Veterinary offices and clinics and veterinary hospitals	1.0 off-street parking space per each 250 square feet of gross floor area; and 1.0 per each separate medical or dental office or laboratory	

(6) Recreational uses and places of assembly. The numerical parking requirements for recreational uses and places of assembly are identified in Table 3-36.

**Table 3-36**  
**Recreational Uses and Places of Assembly Parking Requirements**

<b>Land Use Type</b>	<b>Required Off-Street Parking</b>	<b>Notes and Comments</b>
Bowling lanes, pool halls and billiard halls	5.0 off-street parking spaces per bowling lane and 2.0 per pool or billiard table, plus the spaces required for additional uses on the site	
Churches, chapels, and mortuaries	1.0 off-street parking space per each 3 fixed seats; and 1.0 off-street parking space per every thirty (30) square feet of seating area where there are no fixed seats	
Driving ranges	1.5 off-street parking spaces per tee, plus the spaces required for additional uses on the site	
Golf courses and country clubs that include clubhouses with bars and banquet facilities	1.3 off-street parking spaces per gross acre	
Health studios, spas, and athletic clubs	1.0 off-street parking space per each 150 square feet of gross floor area	For the purposes of this use, swimming pools shall be counted as a part of the gross floor area.
Lodges, clubs, dancing, and similar uses	1.0 off-street parking space per each 3 people allowed under the maximum occupancy.	
Pitch and putt and miniature golf courses	2.0 off-street parking spaces per hole, plus the spaces required for additional uses on the site	
Recreation centers, community centers, and noncommercial swimming pools	1.0 off-street parking space per each 4 persons, based upon the maximum capacity of all facilities capable of simultaneous use as determined by the Planning	

	Director; and 1.0 off-street parking space per employee	
Skating rinks, ice and roller, including arena hockey	1.0 off-street parking space per each 100 square feet of gross floor area, plus the spaces required for additional uses on the site	
Stables (commercial)	1.0 off-street parking space per each 5 horses based on the maximum number of horses capable of being boarded as determined by Section 9-3.515 Equestrian Standards	
Swimming pools (commercial)	1.0 off-street parking space per each 200 square feet of water area, plus the spaces required for additional uses on the site	
Tennis, squash, and handball courts	4.0 off-street parking spaces per court or 1,000 square feet of gross floor area, whichever is greater	
Theaters, auditoriums, gymnasiums, arenas, and stadiums	1.0 off-street parking space per each 3 fixed seats; and 1.0 per every 30 square feet of seating area where there are no fixed seats	<u>-Includes convention halls and assembly halls.</u>

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(7) Educational and cultural uses. The numerical parking requirements for educational and cultural uses are identified in Table 3-37.

**Table 3-37**  
**Educational and Cultural Uses**  
**Parking Requirements**

Land Use Type	Required Off-Street Parking	Notes and Comments
Business, professional, and trade schools	1.0 off-street parking space per faculty, staff member, or employee; and 1.0 off-street parking space per each 3 students; and the additional requirements for auditoriums and stadiums	

Child care centers, day nurseries, and preschool and nursery schools	1.0 off-street parking space per employee or staff member; and 1.0 off-street parking space per every 8 children allowed under the maximum occupancy	
Colleges and universities, including auditoriums and stadiums on the site	1.0 off-street parking space per faculty, staff member, or employee; and 1.0 off-street parking space per each 3 students and the additional requirements for auditoriums and stadiums	
Private elementary and junior high schools, including auditoriums and stadiums on the site	1.0 off-street parking space per teacher, staff member, or employee; and 1.0 space per 15 students for student loading/unloading and visitor parking; and the additional requirements for auditoriums and stadiums	
Libraries, museums, and public art galleries	1.0 off-street parking space per each 250 square feet of gross floor area	
School administration buildings	3.5 off-street parking spaces per each 1,000 square feet of gross floor area	
Private senior high schools, including auditoriums and stadiums on the site	1.0 off-street parking space per teacher, staff member, or employee; and 1.0 off-street parking space per each 5 students regularly enrolled; and the additional requirements for auditoriums and stadiums	

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(8) Manufacturing and related uses. The numerical parking requirements for manufacturing and related uses are identified in Table 3-38. In addition to the requirements set forth in Table 3-38, each manufacturing or related use shall provide one parking space per each registered motor vehicle operated in conjunction with the use or building.

**Table 3-38  
Manufacturing and Related Uses  
Parking Requirements**

<b>Land Use Type</b>	<b>Required Off-Street Parking</b>	<b>Notes and Comments</b>
Industrial parks containing a number of industrial, manufacturing, warehouse facilities or related facilities	3.0 off-street parking spaces per 1,000 square feet of gross floor area	

Laboratories and research establishments	1.0 off-street parking space per each 300 square feet of gross floor area, but not less than 3.0 per each 4 employees	
Single tenant manufacturing and industrial establishments, including offices and other incidental operations on the same site	1.0 off-street parking space per each 500 square feet of gross floor area, but not less than 3.0 per each 4 employees	
Mini-storage facilities which provide rent or leasable storage areas of maximum 600 square feet per storage unit	1.0 off-street parking space per each 4,000 square feet of gross leasable area	
Public utility facilities, including electric, gas, water, telephone, and telegraph facilities not having business offices on the premises	1.0 off-street parking space per each employee, but not less than 2.0 per each such facility	
<u>Vehicle storage, including recreational vehicles and boats</u>	<u>1.0 off-street parking space per each 10,000 square feet of gross land or floor area, but not less than 2.0 parking spaces.</u>	
Warehouses and storage buildings	1.0 off-street parking space per each 1,000 square feet of gross floor area, but not less than 1.0 per each employee	

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(h) Establishment of Shared Parking/Park Once Standards and Land Use Parking Ratios in the ~~Historic~~ Town Center ~~Master Plan~~ Area for Nonresidential Properties, Five (5) Minute Walking Distance Radius (i.e., approximately 1,500 linear feet of the intersection of Camino Capistrano and Forster Street) from City-Owned Public Parking Lots as Set Forth in Exhibit "A".

(1) Standards. The establishment, operation, use, expansion or occupancy of any nonresidential business or land use in the ~~Historic~~ Town Center ~~Master Plan~~ Area, as identified in the boundaries of Ordinance No. 980 set forth in Exhibit "A", shall comply with the following parking development standards:

(A) City-Owned Public Parking Lots: Parking requirements for nonresidential uses may utilize shared parking/park once in their parking calculations if the property for the business or use and the public parking lot is located within the limits of the city parking regulating plan identified in Ordinance No. 980 as set forth by Exhibit "A". Shared parking/park once may be approved for businesses by the Development Services Director or his/her designee. Properties or businesses shall utilize all parking available on their sites in the parking calculations prior to park once.

(B) Shared/Reciprocal Parking: Parking requirements for nonresidential businesses and uses may be satisfied by entering into a shared parking agreement if such business or use and the public off-street parking facilities are located within the limits of the city parking regulating plan identified in Ordinance No. 980 as set forth by Exhibit "A". Such agreements may be approved by the Development Services Director or his/her designee. Such agreements will be based on Municipal Code parking standards and monitored by the Development Services Department.

(C) Restaurants (sit down and take out), cafes, nightclubs, taverns, and cocktail lounges: Shall provide a minimum of one parking stall per 100 square feet of dining or drinking area (kitchens, prep areas and storage are excluded from this area).

(i) Outdoor dining or drinking areas parking requirements are included as part of the indoor parking calculations. No separate standards for outdoor dining or drinking areas are required as they are considered accessory to the principal use.

(ii) Outdoor dining or drinking areas shall not block or impede pedestrian access or obstruct ADA path of travel requirements.

(D) General Retail: Shall provide a minimum of one parking stall per 400 square feet of building or tenant lease area.

(E) General Office: Shall provide a minimum of one parking stall per 400 square feet of building area or tenant lease area.

(F) Service Uses (i.e., banks, barbers, salons, spas, markets, grocery stores, supermarkets and similar uses): Shall provide a minimum of one parking stall per 300 square feet of building area or tenant lease area.

(G) Other uses not listed in subsection (C) through (F) above but permitted in zoning districts in the Historic Town Center Master Plan area identified in “Exhibit A” [to Ordinance No. 980] shall provide parking consistent with Section 9-3.535 of the Title 9 Land Use Code.

(2) Definitions. For purposes of this subdivision (Code Amendment (CA) 10-02), the following are definitions in the Historic Town Center Master Plan Parking Area identified in this subdivision and Exhibit “A” [to Ordinance No. 980]:

“Building Area.” The total area in square feet of all rooms including corridors, elevators, stairwells, shaft spaces, bathrooms, closets, and storage areas (excluding garages and parking areas).

“City Parking Regulating Plan.” The area defined in “Exhibit A” [to Ordinance No. 980] as the Historic Town Center (TC) and Town Center Edge (TCE) Master Plan Shared Parking/Park Once area that is a five-minute walking distance radius approximately 1,500 linear feet from the intersection of Camino Capistrano and Forster Street.

“Dining/Drinking Area.” The area that includes tables and chairs used by patrons for dining and/or drinking purposes.

“Public Parking Lot.” An open public parking facility which is not accessory to a structure or used on the same or another lot and which is located within the Historic Town Center (TC) and Town Center Edge (TCE) Master Plan shared parking area set forth in Exhibit “A” [to Ordinance No. 980].

“Shared Parking/Park Once.” The development and use of City-owned public parking areas for joint use by more than one business. Such parking areas as identified in Exhibit “A” [to Ordinance No. 980] distribute shared public parking lots and public garages within a defined geographic area for the convenience of customers and to relieve individual properties of providing parking on their own lots.

“Shared/Reciprocal Parking Agreement.” A written binding document executed between property owners to provide a designated number of off-street parking stalls within a designated area to specified businesses or land uses.

**Sec. 9-3.533. Nonconforming uses, lots, and structures.**

(a) Purpose and intent. Within the districts established by Section 9-3.101 Districts Established, where there exist lots, structures, or uses of land and structures which were lawful before November 17, 1975, but which are prohibited or restricted by Chapter 3 of this title, this section provides for the regulation of such nonconformities by specifying the circumstances and conditions under which they may continue to exist.

(b) Continuation of nonconformities. Except as otherwise permitted by the provisions of Chapters 1 through 5 of this title, nonconformities may be continuously maintained provided there is no alteration or addition to any structure, nor any enlargement of area, space, or volume occupied by such nonconformity.

(c) Time periods affecting nonconformities. Unless otherwise specifically set forth, all time periods affecting nonconformities shall begin on November 15, 2002, or on the effective date of an amendment to the provisions of Chapters 1 through 5 of this title or change in the Official Zoning Map if such amendment or change causes a nonconformity.

~~If a nonconforming use has ceased operations for more than 12 months, as documented by business license records, it shall not be permitted to be re-established without meeting all code requirements.~~

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(d) Repairs and maintenance.

(1) Ordinary repairs and maintenance work. Ordinary repairs and maintenance work may be made to a nonconformity, subject to the following provisions:

(A) Maintenance work shall not include structural alterations, except those required by law or those required to make the structure and use conform to the standards and use regulations of the district in which such structure and use are located.

(B) Ordinary repairs and the repair or replacement of nonbearing walls, fixtures, wiring, and plumbing may be made to an extent not exceeding the latest assessed valuation of the structure. In no case, however, shall the cubic content of the structure as it existed when it became subject to nonconformity be increased.

(2) Repairs to damages. In the event such damage or destruction exceeds twice the assessed valuation of such structure, that structure shall not be reconstructed except in conformity with all use and area regulations for new structures in the district in which such structure is located.

(3) Strengthening and restoring. Nothing set forth in this section shall be deemed to prevent the strengthening or restoration to a safe condition of any structure or its support structure, or part thereof, declared to be unsafe by any officer of the City charged with protecting the public safety upon the order of such officer.

(e) Enlargement. A nonconformity shall not be enlarged in volume or extended or relocated beyond the area it occupies, unless its enlargement, extension, or relocation is:

(1) Made to conform to the regulations of the district in which it is located; and

(2) Conforms to the following provisions:

(A) Any exception permitting the enlargement, extension, or relocation shall not be construed to extend the termination date, if any, of the subject nonconformity.

(B) Where parking and loading requirements are the cause for nonconformity, the use shall not be intensified, nor associated structure enlarged or altered to create additional dwelling units, guest rooms, seating capacity, or floor area, unless additional parking and loading requirements are supplied and maintained to meet the parking requirements, subject to the provisions of Section 9-3.535 Parking.

(f) Change of nonconforming uses to other uses. A nonconforming use shall not be changed to another use, except to a use permitted in the district where it is located.

(g) Nonconforming lots and the construction of single-family dwellings. In any district in which single-family dwellings are permitted, a single family dwelling and the customary accessory structures may be erected on any lot which is only nonconforming with respect to the lot area and lot width standards. However, such lot shall be in separate ownership and not of continuous frontage with other lots in the same ownership.

(h) Nonconforming lots in single ownership. If two (2) or more unimproved lots with continuous frontage in single ownership are of record on September 17, 1975, and if all or part of such lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of Chapters 3 and 4 of this title. No portion of such a parcel shall be used or sold in a manner which diminishes compliance with the lot width and area requirements set forth in Chapters 3 and 4 of this title.

(i) Nonconforming uses in the Specific Plan/Precise Plan (SP/PP) District. Minor modifications to nonconforming uses in areas designated Specific Plan/Precise Plan (SP/PP) and subject to a Specific or Precise Plan may be approved subject to the requirements of Section 9-3.317 Specific Plan/Precise Plan (SP/PP) District.

(j) Nonconforming uses, buildings, structures and signs in the Town Center (TC) and Town Center Edge (TCE) Districts. Minor modifications to existing nonconforming buildings, structures and signs, including modification to nonconforming frontage standards in the Town Center (TC) and Town Center Edge (TCE) Districts may be approved by the Development Services Director subject to the requirements of Section 9-2.313 Architectural Control review.

(k) Nonconforming amateur radio antennas. All amateur radio antennas lawfully constructed and erected prior to the effective date of the ordinance codified in Section 9-3.507 Antennas are considered legal nonconforming and are not subject to the development standards included in Section 9-3.507 Antennas provided that a record of its size, location, height and any other information deemed necessary by the Planning Director is on file with the Department of Planning Services. In order to secure any right under Section 9-3.507 Antennas, the amateur radio antenna owner shall submit this record to the Department of Planning Services on a form or application supplied by the Department of Planning Services. The amateur radio antenna owner is responsible for providing the necessary information to the City for inclusion in the record of nonconforming antennas.

(k) Nonconforming home business uses.



(1) Removal within sixty (60) days. Any existing home business use in existence prior to November 15, 2002 which is nonconforming to the regulations of Section 9-3.523 Home Business are hereby deemed to be a public nuisance and shall be removed by the occupant within an amortization period of sixty (60) days from enactment of the ordinance codified in this section.

(2) Extensions. The Planning Director may grant an exception to the above-stated maximum period of time for removing the home business use by granting an additional permit of time for removal however, the extension of time shall not be greater than the time necessary to amortize documented expenditures directly associated with the home business use under applicable criteria of the Internal Revenue Code. The permittee shall have the burden of presenting creditable information to support the request.

~~(h)~~ Structures and plans previously approved.

(1) Any structure which was approved prior to November 15, 2002, but which does not conform to any or all of the provisions of Chapters 1 through 5 of this title, may be completed and used in accordance with the provisions of Chapters 1 through 5 of this title, or any amendment thereto, provided:

(A) The construction or proposed use of such structure is not in violation of any other law on November 15, 2002;

(B) Such structure is completed in accordance with the plans and specifications previously approved as to City requirements; and

(C) The building permits for the structure were obtained on or before November 15, 2002, and, once issued, the building permit did not become void.

(2) Approved tentative maps shall remain effective until November 15, 2002, or until such time as the map shall normally expire. If a tentative map approved prior to November 15, 2002, is considered for an extension, such extension may be granted upon a finding by the Planning Commission that the tentative map is in substantial compliance with the provisions of Chapters 3 and 4 of this title.

~~(h)~~ Removal of nonconforming uses or structures. The City may adopt abatement programs for nonconforming uses and structures that are found to cause a public nuisance. The abatement program shall identify an amortization period and process for the removal of nonconforming use or structure.

~~(p)~~ Violations. Any of the following violations shall immediately terminate the right to operate a nonconformity:

(1) Changing a nonconforming use to another use not permitted in the district or allowed pursuant to the provisions of subsection (f) of this section;

(2) Increasing or enlarging the area, space, or volume occupied by or devoted to such nonconforming use; or

(3) Increasing the number of personnel employed or volume of business performed so that such increase constitutes an intensification of the nonconforming use.

**Sec. 9-3.553. Temporary uses and structures.**

The following uses and structures may be established as temporary uses or structures subject to prior approval by the Planning Director according to Section 9-2.347 Temporary Use Permit. Additional temporary uses may be established by the City Council by resolution.

(a) Temporary storage of building materials. The temporary storage of building materials shall be restricted to those materials used during the construction of a building project. For the purposes of this subsection, "storage" shall include the temporary office of the contractor provided such office is located on the construction site or on property adjoining the construction site.

(b) Large construction in residential yards.

(1) Large construction in residential yards shall pertain to a type of construction which is not incidental to the residential use nor of a commercial nature such as boat, plane, nonoperable automobile restoration, etc. Such activities may be permitted within a residential district subject to the issuance of a temporary use permit by the Planning Director:

(2) The applicant for a temporary use permit for such purpose shall comply with all of the following requirements:

(A) The proposed construction shall be of a type which will not be permanent, to the site and which shall not require the issuance of a building permit, such as for boat construction and car restoration;

(B) The construction shall not project into any required front or exterior side yard;

(C) The proposed item for construction shall be for the personal use of the applicant or the members of his or her immediate family;

(D) The proposed construction shall adhere to the requirements limiting excessive noise as set forth in Section 9-3.531 Noise Standards; and

(E) The temporary use permit shall be issued for a period not longer than one year. Extensions may be granted subject to the approval of the Planning Director.

(c) Model homes and subdivision sales offices.

(1) General requirements. Temporary model homes and subdivision sales offices may be erected and maintained in conjunction with approved subdivisions in the City. Such uses shall be restricted to the first sales of lots or units within approved subdivisions and shall be subject to the following:

(A) All temporary elevation alterations of homes for commercial purposes shall be subject to prior approval by the Planning Director.

(B) The furnishings placed in a model home shall be maintained solely for the purposes accessory to the display of the model home.

(C) Banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners and other moving devices shall be prohibited.

(2) Use and occupancy. Temporary certificates of use and occupancy for the operation of model homes and subdivisions sales offices shall be issued by the Division of Building and Safety upon approval by the Planning Director, subject to record of administrative approval.

(3) Enforcement. Any violation of this Code pertaining to the operation or occupancy of model homes or subdivision sales offices shall be cause for the revocation of any use and occupancy permit previously issued for any model home or subdivision sales office.

(d) Temporary residences and temporary caretaker residences.

(1) Outside the Floodplain Management District.

(A) Temporary residences or temporary caretaker residences located outside the Floodplain Management District are subject to the following requirements:

(i) Temporary residences or temporary caretaker residences shall be listed as a permitted use in the applicable district; and

(ii) Temporary residences or temporary caretaker residences shall meet all yard setback requirements of the applicable district.

(B) Temporary residences or temporary caretaker residences located outside the Floodplain Management District are also subject the following requirements:

(i) Temporary residences and temporary caretaker residences shall have a floor area no greater than 750 square feet; and

(ii) Temporary residences and temporary caretaker residences shall be removed no later than nine (9) months after the issuance of the set-up permit for the permanent primary residence or temporary caretaker residence or upon the issuance of the "certificate of use and occupancy" for the permanent principal residence, permanent caretaker residence, or permanent use, whichever occurs first.

(C) The set-up permit for the temporary residence or temporary caretakers residence shall not be used until after the issuance of the building permit for the permanent principal residence, permanent caretakers residence, or permanent use.

(D) In order to assure compliance with the requirements of this subsection, a cash deposit or other form of surety shall be deposited in accordance with Section 9-5.101 Fees, Deposits, and Bonds.

(e) Within the Floodplain Management District. No temporary residences or temporary caretakers residences shall be situated within the Floodplain Management District.

(f) Use of vehicles. The temporary use of a mobilehome, recreational vehicle, truck, or other vehicle as a residence or commercial structure shall not exceed ten (10) days in all districts.

(g) Temporary classrooms for private schools. Temporary classrooms used at private schools shall be subject to the regulations contained in City Council Policy 415.

(h) Fruit or agriculture stands related or not related to an established use on site. The applicant for a temporary use permit for such purpose shall comply with all of the following requirements:

(A) The construction shall not project into any required setbacks.

(B) Banners shall be permitted per Section 9-3.543. Posters, pennants, ribbons, streamers, strings of light bulbs, spinners and other moving devices shall be prohibited.

(C) The temporary use permit shall be issued for a period not longer than six months. Extensions may be granted subject to the approval of the Development Services Director.

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**Sec. 9-3.101. Districts established.**

(a) Base districts. There are hereby established the following Base Districts into which the City is divided and which are designated as follows:

- (1) Residential/Agriculture District (RA);
- (2) Hillside Residential District (HR);
- (3) Single-Family-40,000 District (RSE-40,000);
- (4) Single-Family-20,000 District (RSE-20,000);
- (5) Single-Family-10,000 District (RS-10,000);
- (6) Single-Family-7,000 District (RS-7,000);
- (7) Single-Family-4,000 District (RS-4,000);
- (8) Residential Garden-7,000 District (RG-7,000);
- (9) Residential Garden-4,000 District (RG-4,000);
- (10) Multiple-Family District (RM);
- (11) Affordable Family/Senior Housing District (AF/SH);
- (12) Mobilehome Park District (MHP);
- (13.a) ~~Tourist Commercial~~ Town Center District (TC);
- (13.b) Town Center Edge District (TCE);
- (14) Neighborhood Commercial District (NC);
- (15) General Commercial District (GC);
- (16) Office Commercial District (OC);
- (17) Commercial Manufacturing District (CM);
- (18) Industrial Park District (IP);
- (19) Agri-Business District (A);
- (20) Public and Institutional District (P&I);
- (21) General Open Space (GOS);
- (22) Open Space Recreation District (OSR);
- (23) Neighborhood Park District (NP);
- (24) Community Park District (CP);
- (25) Specialty Park District (SP);

- (26) Regional Park District (RP);
- (27) Natural Open Space District (NOS);
- (28) Recreation Commercial District (RC);
- (29) Farm Market District (FM);
- (30) Solid Waste Facility District (SWF);
- (31) Planned Community District (PC);
- (32) Specific Plan/Precise Plan District (SP/PP); and
- (33) Senior Mobilehome Park Overlay (MHP-SO).

(b) Environmental overlay districts. ("In addition to the Base Districts established by the provisions of subsection (a) of this section, there are hereby established the following Environmental Overlay Districts which may be instituted by the City in combination with underlying Base Districts:

- (1) Floodplain Management District (FP);
- (2) Cultural Resources/Historic Preservation District (HP);
- (3) Noise Management District (N); and
- (4) Ridgeline and Open Space Preservation District (RP). (Ord. No. 869, § 2; Ord. No. 1049, § 6, 2017)

**Sec. 9-2.105. General zoning and lot requirements.**

(a) Except as hereinafter provided, buildings or structures shall be erected, reconstructed, structurally altered, enlarged, moved or maintained, and buildings, structures, or land shall be used or designed to be used, only for uses permitted in the zone in which such buildings, structures or land is located, and then only after applying for and securing all permits and licenses required by all applicable laws and ordinances.

(b) No parcels of land shall be reduced in any manner below the minimum lot area, size, or dimension specified in the zone district in which the parcel is located.

(c) Lot area shall not be so reduced or diminished that the required yards, open space or lot area shall be smaller than prescribed in this Code, nor shall population density or intensity of the use be increased in any manner except in conformity with the regulations established herein.

(d) Yards or other open spaces required around an existing building, or which are hereafter provided around any building for the purpose of complying with the provisions of this Code, shall not be considered as providing a yard or required open space on an adjoining lot whereon a building is to be erected.

(e) If two (2) or more parcels of land or portions thereof are being combined in order to create a building site which will more nearly meet the lot area requirements set forth herein, said parcels shall be deemed as having met the lot area requirements of this Code provided that the resulting lot shall not be less than eighty (80) percent of the lot area required by the applicable zone district at the time the lots are combined.

(f) If a lot or parcel of land has not less than the required area, and after the creation of such lot or parcel of land a part thereof is acquired for public use exclusively, in any manner including dedication, condemnation, or purchase, and if the remainder of such lot or parcel of land has not less than eighty (80) percent of the required area, then such remainder shall be considered as having the required lot area for zoning purposes.

(g) Required setbacks and yard areas shall be measured from the property line, right-of-way (public or private), or easement dedicated for trail purposes. No portion of an adjacent public or private right-of-way or trail easement may be used to calculate lot area, setbacks, or open space for the purpose of meeting the zoning requirements of this Code.

(h) Distance between structures, or between a structure and any property line, setback line, or other line or location prescribed by this Code, shall be measured to the exterior face of the nearest wall or vertical support of each structure.

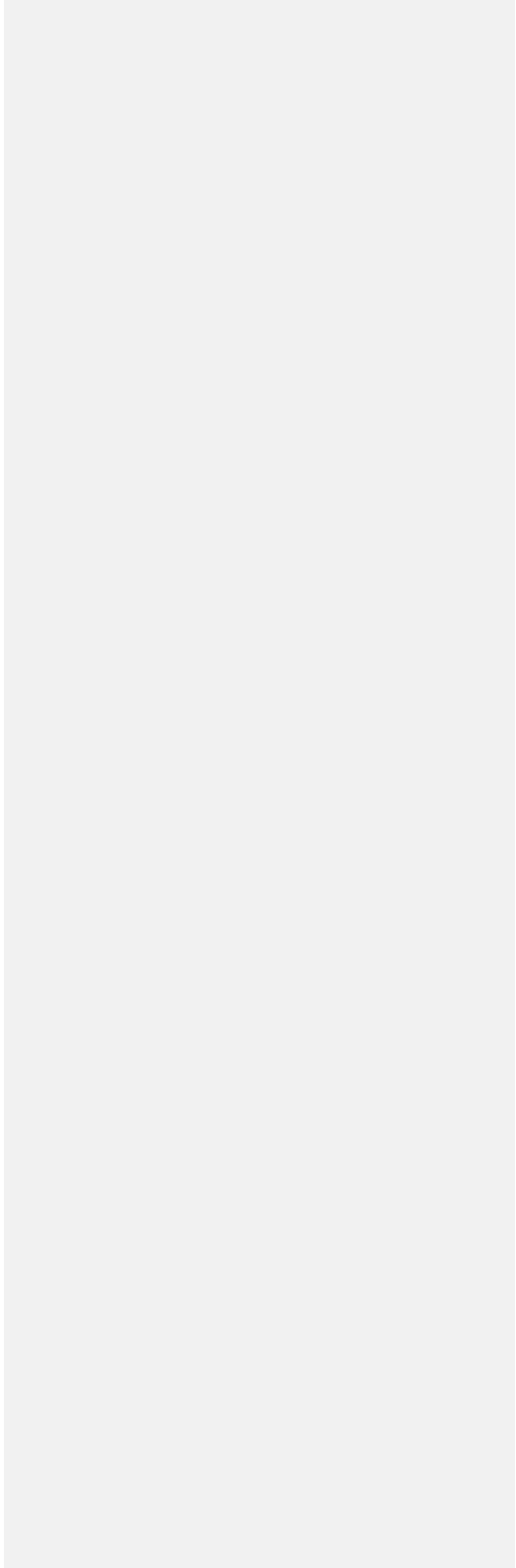
(i) When a portion of a lot or parcel of land is sold or transferred and as a result of such sale or transfer one or more parcels are created that no longer conform to the lot requirements of this Code, then the portion sold or transferred and the remainder shall be considered as one lot for zoning purposes in determining the permissible number and location of any buildings or dwellings on said lot.

(j) In cases of uncertainty regarding determination as to the location of front, side, and rear lot lines, the Planning Director shall determine these designations. (§ 2 Exh. A, Ord. 938, eff. July 3, 2008)

**Table 2-1**

**Zoning Consistency Matrix**

(On separate document- 11x17 )



**Sec. 9-3.529. Lighting standards.**

(a) Purpose and intent. The intent of these provisions is to balance the goals of the General Plan to maintain a small-village, rural atmosphere, with the need to provide for the safe movement of vehicles and people in all districts. To meet this intent, recommended lighting levels are to be defined at minimum levels to protect the public safety and at the same time enhance the appeal of buildings and landscaping to protect the desired atmosphere of the community. Standards contained in this section are based on the recommended standards of the Illuminating Engineering Society (IES).

(b) Commercial, industrial, and public institutional districts. All properties located within a commercial (TC, TCE, OC, NC, and GC) district, industrial (CM and IP) district, public institutional (P&I) district, Solid Waste Facility (SWF) district, Farm Market (FM) District, Recreation Commercial (RC) District, and nonresidential portions of special districts including Planned Community (PC) and Specific Plan/Precise Plan (SP/PP) districts shall be subject to the exterior lighting regulations set forth.

(1) Parking lot lighting. Parking lot lighting is vital for traffic safety; for protection against assault, theft and vandalism; for convenience and comfort to the user. Parking lot lighting design standards of Tables 3-22 and 3-23 have been established to provide for the safe movement of both vehicles and pedestrians.

(A) General parking and pedestrian areas. Unless determined by the Planning Director, as stated in paragraph (B) of this subsection, parking lot lighting within nonresidential districts shall meet the General Parking and Pedestrian Areas lighting standards contained in Table 3-22. Maximum allowable lighting level shall be determined by applying the uniformity ratio (maximum to minimum) contained in Table 3-22 to the minimum illuminance required by Table 3-22.

(B) Enhanced security areas. If the Planning Director determines that personal security or vandalism is a likely problem for a proposed project, he or she may require that the Enhanced Security Areas parking lot lighting standards contained in Table 3-22 be met. Maximum allowable lighting level shall be determined by applying the uniformity ratio (maximum to minimum) contained in Table 3-22 to the minimum illuminance required by Table 3-22.

**Table 3-22**

**Maintained Horizontal Illuminance for Parking Lots**

Open Parking Facilities		
	General Parking & Pedestrian Areas	Enhanced Security Areas



	Minimum Horizontal Illuminance (lux)*	Uniformity Ratio (Maximum to Minimum)**	Minimum Vertical Illuminance***	Minimum Horizontal Illuminance (lux)*	Uniformity Ratio (Maximum to Minimum)**	Minimum Vertical Illuminance***
Maintained Illuminance Values	2 lux/0.2 fc	20:1	1 lux/0.1 fc	5 lux/0.5 fc	15:1	2.5 lux/0.25 fc
<b>Covered Parking Facilities</b>						
	<b>Day</b>			<b>Night</b>		
Areas	Minimum Horizontal*	Max/Min Horizontal Uniformity Ratio**	Minimum Vertical***	Minimum Horizontal*	Max/Min Horizontal Uniformity Ratio**	Minimum Vertical***
<b>Open Parking Facilities</b>						
	<b>General Parking &amp; Pedestrian Areas</b>			<b>Enhanced Security Areas</b>		
	Minimum Horizontal Illuminance (lux)*	Uniformity Ratio (Maximum to Minimum)**	Minimum Vertical Illuminance***	Minimum Horizontal Illuminance (lux)*	Uniformity Ratio (Maximum to Minimum)**	Minimum Vertical Illuminance***
General parking and pedestrian areas	10 lux/1.0 fc	10:1	5 lux/0.5 fc	10 lux/1.0 fc	10:1	5 lux/0.5 fc
Ramps and corners	20 lux/2.0 fc	10:1	10 lux/1.0 fc	20 lux/1.0 fc	10:1	5 lux/0.5 fc
Entrance areas	500 lux/50 fc		250 lux/25 fc	10 lux/1.0 fc	10:1	5 lux/0.5 fc
Stairways	20 lux/2.0 fc		10 lux/1.0 fc	20 lux/2.0 fc		10 lux/1.0 fc

fc = footcandle

\* Measured on the parking surface, without any shadowing effect from parked vehicles or trees/columns at the points of measurement.

\*\* The highest horizontal illuminance point divided by the lowest horizontal illuminance point or area should not be greater than the values shown.

\*\*\* Measured at 5 feet above parking surface at the point of lowest horizontal illuminance, excluding facing outward along boundary.

(C) Parking lot lighting design standards. The lighting design standards depicted in Table 3-23 shall apply to parking lots.

**Table 3-23**

**Parking Lot Lighting Design Standards**

Feature	Standard
Fixture Height	<p>Pole mounted fixtures shall not exceed 20 feet in height as measured from finish grade to the bottom of the light fixture.</p> <p>Concrete pedestals shall not exceed 24 inches and shall be included in the overall height.</p> <p>Building mounted fixtures shall be located below the roof eave and not exceed the height of the pole mounted fixture (20 feet) whichever is lower.</p>
Light Source	<p>Metal halide, high pressure sodium, and similar sources shall be permitted. Halogen and mercury vapor sources shall be prohibited.</p>
Fixture Type	<p>Within the <del>Tourist Commercial</del> <u>Town Center (TC) and Town Center Edge (TCE) Districts</u>, contemporary styled fixtures shall be prohibited. Freestanding light fixtures must comply with the City-established list of pre-approved fixture styles using a horizontal light that does not project below the cut-off lenses. For building mounted fixtures, the Planning Director shall insure that the proposed fixture type will be in scale with the building elevation on which it is to be installed. The Planning Director may refer this latter determination to the Planning Commission.</p>
Spacing of Fixtures	<p>The distance separating lights shall be determined by the type of light fixture and the requirement to satisfy the intensity provisions for "Fixture Height" above.</p>
Shielding	<p>Shielding shall be required so that light measured 5 feet outside the property boundary shall not exceed 0.1 footcandle. Exterior lighting fixtures that will be visible from adjacent residential areas shall be oriented such that the light source is not visible from said adjacent property.</p>

(2) Pedestrian walkway lighting. The minimum standards in Table 3-24 shall be satisfied to insure the safe movement of pedestrians within a commercial, industrial or public project (excluding public facilities where the site is closed during non daylight hours). In areas where special pedestrian security is desired, the property owner should consider the specific recommendation for such activity areas noted in Table 3-25 for lighting illuminance. Maximum allowable lighting level shall be determined by applying the uniformity ratio (average to minimum/maximum) contained in Table 3-25 to the average illuminance required by Table 3-25.

**Table 3-24**  
**Pedestrian Ways Design Standards**

Feature	Standard
Illuminance	Minimum lighting shall meet the requirements as set forth in this table. Furthermore said light shall be directed in such a manner that any changes in elevation of the walkway (i.e. steps or curbs) shall be illuminated such that said features are clearly discernable (without shadow).
Fixture Type	Pedestrian walkway light fixtures can be a combination of freestanding pole, bollard, in-place step or building mounted fixtures. For building mounted fixtures, the Planning Director shall insure that the proposed fixture type will be in scale with the building elevation on which it is to be installed. The Planning Director may refer this latter determination to the Planning Commission.
Fixture Heights	Light fixtures shall not exceed the following height provisions:  Freestanding pole - Not greater than 14 feet as measured from finish grade to the bottom of the light fixture.  Building-mounted - Shall be located below the roof eave or 14 feet whichever is less.  Bollard - Said fixture type shall not exceed a height of 42 inches as measured from finish grade to the top of the fixture.

**Table 3-25**  
**Average Maintained Illuminance Levels for Pedestrian Ways\***

Walkway and Bikeway Classification	Minimum Average Horizontal Levels (Eavg)	Average Vertical Levels for Special Pedestrian Security (Eavg)
<b>Sidewalks (adjacent to roadways) and on-street bikeways</b>		
Commercial areas	10 lux/0.9 fc	22 lux/2 fc
Intermediate areas	6 lux/0.6 fc	11 lux/1 fc
Residential areas	2 lux/0.2 fc	5 lux/0.5 fc
<b>Walkways (not adjacent to roadways) and off-road bikeways</b>		
Walkways, bikeways, and stairways	5 lux/0.5 fc	5 lux/0.5 fc
Pedestrian tunnels	43 lux/4 fc	54 lux/5 fc

\* Crosswalks traversing roadways in the middle of long block and at street intersections should be provided with additional illumination.

Notes:

1. The average vertical levels for special pedestrian security is for pedestrian identification at a distance. Values at 6 feet above the walkway.
2. The average to minimum/maximum uniformity ratio in non-special pedestrian security areas shall not exceed 4:1.
3. The average to minimum/maximum uniformity ratio in special pedestrian security areas shall not exceed 5:1.

(3) Architectural and landscape lighting. The use of architectural or landscape lighting to highlight the unique features of a building and/or surrounding landscape treatment may be considered during the development review process. In order to consider whether such lighting should be approved, the following procedures and criteria have been prepared to assist in the consideration of such applications:

(A) Architectural and landscape lighting. The consideration and approval of said type lighting shall be reviewed and approved by the Planning Commission. The Planning Commission in considering such architectural and landscape highlighting shall determine whether the lighting satisfies the criteria in subsections (i) and (ii) and the general guidelines noted in subsections (iii) and (iv).

(i) The lighting will illuminate an architectural feature or landscape feature that is unique to the particular project due to the use of materials, colors, or design characteristics that relate to similar historic features that are found within the City; and,

(ii) The architectural lighting proposal will enhance the design of a project and is not solely used as an attraction getting device.

(iii) Location of fixtures. Highlighting fixtures may be located either on the building; on adjacent ground, and on ornamental standards. These fixtures are to be arranged such that they are not generally visible to the public.

(iv) Shielding for glare. Highlighting fixtures should be located and designed in such a manner that the actual lamp and reflector are shielded or louvered so that it is not seen from a normal public viewing area. Shielding or louvering is especially important in areas where there is considerable vehicle and pedestrian traffic that direct glare be avoided.

(B) Exposed string lighting regulations. Exposed string lighting is permitted subject to the following provisions:

(i) Exposed string lighting shall be defined as low wattage lights with individual bulb receptacle connected by electrical wires that are exposed to the outside surface of a plant or building feature, more specifically said lights shall be defined as a commercially available maximum 2.8 watt system, designed for exterior installation and use. Lights which are blinking or chasing are not permitted.

(ii) Temporary exposed seasonal string lighting shall be permitted during the period between the third Saturday of November and New Year's Day. Said lighting fixtures are to be removed by January 8th of each year.

(iii) Permanently exposed string lights are permitted in the General Commercial (GC), ~~Tourist Commercial~~ Town Center (TC), Town Center Edge (TCE), Farm Market (FM), and the Neighborhood Commercial (NC) Districts subject to the approval by the Planning Director provided that all of the following criteria are satisfied:

(a) Exposed permanent string lights shall be exclusively a white light with a clear bulb and are limited to the lighting of living landscape features (trees) if used in combination with other highlighting or pedestrian lighting fixtures within the immediate area.

(b) Exposed string lights shall be limited to designated outside dining or display areas and main pedestrian entry to a project site.

(c) Said lighting fixtures shall require an electrical permit for installation and shall be secured to the landscape feature with bands that will not puncture the skin of the plant.

(d) Applications for such lighting shall be limited to one per project and shall not involve an area greater than five (5) percent of the building square footage of a center nor more than fifteen (15) percent for a freestanding commercial building not part of a commercial center or plaza.

(e) Approval of applications shall be made by the Planning Director upon satisfactory compliance with the limitations and design parameters above. Said approval shall be conditioned to include compliance with minimum property maintenance standards of Title 8 Property Maintenance Standards. Failure to properly maintain the lights shall be subject to removal of said fixtures.

(iv) Applications for exposed string lights that are not consistent with the provisions of subsection (iii) above shall be subject to the review and approval of the Planning Commission.

(4) Exterior display lighting. Display lighting for use defined and permitted in accordance with Section 9-3.549 Storage and Display shall meet the standards contained in Table 3-26.

(5) Security lighting. Security lighting shall be provided and shall include all pedestrian lighting, signs (if used as security illumination), not more than one-tenth (0.1) of the parking lot lights (these lights shall be equipped with a photocell for dusk to dawn illumination), and required lights over all building entries. Exterior lighting including parking lots shall be reduced in intensity between 10:00 p.m., or one-half hour after close of business, whichever is later, and 6:00 a.m.

**Table 3-26**

**Exterior Display Lighting Design Standards**

Feature	Standard
Illuminance	The lighting of the display area will optimize the dispersion of light for a smooth transition throughout the display area. The amount of display area light projected onto the ground surface shall not exceed a 50-footcandle average (initial light intensity) with an average to minimum ratio of not less than 5 to 1 (5:1). This shall be the initial reading and not the maintained level of lighting.
Fixture Height	<p>The height of exterior light fixtures shall be as follows:</p> <ul style="list-style-type: none"> <li>• Building-mounted fixtures shall be located below the roof eave.</li> <li>• Pole-mounted shall not exceed 14 feet as measured from finish grade to the top of the light fixture. Concrete pedestals used to protect the light pole shall not exceed 24 inches in height and shall be included in the overall height calculation.</li> <li>• Roof mounted display lights are prohibited.</li> </ul>

(c) Outdoor recreational lighting. Outdoor lighting associated with a permitted recreational use, shall be subject to the approval of a conditional use permit by the City. All outdoor recreational lighting shall be designed to comply with the standards contained in Table 3-27.

**Table 3-27**

**Outdoor Recreation Lighting**

**Design Standards**

Feature	Standard
Illuminance	The average and/or maximum light illuminance, measured in footcandles, shall not exceed the recommended average or maximum guideline established for the proposed recreational use by the Illuminating Engineering Society. The City may, as part of the conditional use permit process, restrict lighting to a level less than the Illuminating Engineering Society recommended guideline.
Pole Height	The maximum height of outdoor lighting for courts (basketball, volleyball, handball, horseshoe, etc.) shall not exceed 25 feet as measured from finished grade. The maximum height of outdoor lighting for athletic fields (baseball, softball, football, soccer, etc.) shall be determined by the Planning Commission during consideration of the Conditional Use Permit.
Lighting Source	Lighting source shall be limited to metal halide.
Shielding	Lighting shall be directed to areas within the property line to minimize glare in surrounding areas. Spillover and glare shall be minimized by using fixture cutoffs and optically controlled luminaries on all lighting fixtures.

(1) Submission requirements. Application submission requirements shall be the same as those listed under subsection (e)(1), below.

(2) Tennis court light standards. Specific standards regarding tennis courts are found under Section 9-3.501 Accessory Uses and Structures.

(d) Residential districts. All properties zoned for residential use shall be subject to the exterior lighting standards in Table 3-28. Standards apply to security lighting and decorative lighting:

**Table 3-28**

**Residential Lighting Design Standards**

Feature	Standard
Illuminance	The amount of light projected onto any surface shall not exceed 5 footcandles.
Fixture Height	Building-mounted lights shall be installed below the eave line and no higher than 14 feet unless used to illuminate a second story entry eave, balcony, or outside stairway or door where in such case it shall be no higher than 8 feet above the floor elevation of the second story.

	Pole or wall-mounted fixtures shall be limited to 8 feet in height above finished grade.
Spacing of Fixtures	The distance separating lights shall be a minimum of 35 feet. An exception to this provision is for decorative lights located at the entrance to the main driveway to the residence where said lights are to be located on opposite sides of the edge of the driveway surface and low level pedestrian walkway lights (18 inches) not more than 5 footcandles in intensity (except low-wattage light sources that do not require an electrical permit).
Location of Fixtures	Lighting shall only be installed adjacent to buildings, walkways, driveways, or activity areas (swimming pools, spas, outdoor dining areas, equestrian barns, and other similar uses) and focal landscape areas located in close proximity to the residence or activity area.
Light Source	The use of high pressure sodium and metal halide are permitted light sources.
Shielding	Where the light source is visible from outside the property boundaries, such lighting shall not exceed 1 footcandle as measured at the property line common with an adjacent private property.

(e) Administrative procedures. The following administrative procedures shall be used in considering applications for exterior lighting permits:

(1) Plan submission requirements. Applications for exterior lighting shall be in a form approved by the Planning Director.

(2) All commercial, industrial, public institutional, and residential districts (subsection (b) and (d), above). All such permit actions are to be reviewed and determined to be in compliance with the applicable provisions of this section. Said permit approval is a ministerial action by the Planning Director pursuant to Section 9-2.303 Administrative Approvals.

(3) Outdoor recreational lighting (subsection (c), above). All such uses are subject to review and approval of a conditional use permit by the Planning Commission. Procedures for consideration of a conditional use permit shall be per Section 9-2.315 Conditional Use Permit.

(4) Exceptions. Exceptions to the above standards shall be considered by the Planning Commission after conducting a duly noticed and advertised public hearing. Exceptions shall only be granted by the Planning Commission if the following findings are made:

(A) The exception is consistent with the intent and purpose of these standards and it will not adversely impact immediately adjacent properties; and

(B) The exception is necessary to provide minimum lighting levels to provide for the safety of the public. (Ord. No. 869, § 2)



**Sec. 9-3.541. Service and fuel dispensing stations.**

(a) Intent and purpose. Service stations warrant special attention in this Code because they constitute a use attracting vehicular patronage exclusively. The exposed nature of the activity, distinctive physical appearance and long hours of operation necessitate special requirements to insure compatibility with the City General Plan as it relates to aesthetic and visual aspects.

(b) Locational criteria. Service stations and fuel dispensing stations shall not be located in the ~~Tourist Commercial Town Center (TC)~~, ~~Town Center Edge (TCE)~~ and General Commercial (GC) Districts bounded by Interstate 5 on the east, San Juan Creek on the south, Trabuco Creek on the west and La Zanja Street on the north.

(c) Development standards. The following development standards are the minimum standards with which service stations and accessory uses shall be evaluated:

(1) Dispensing islands location. Service stations located on a corner lot shall locate the service buildings to the front of the site, with the dispensing islands located behind the building, to visually screen the islands from the adjacent roadways.

(2) Project identification signs. All project identification signs shall conform to the design regulations as set forth in Section 9-3.543 Signs.

(3) Price sign identification. In accordance with Section 13531 of the [Business and Professions Code](#) of the State, service stations shall post all prices charged for the purchase of vehicle fuels. Such signs shall conform to said Section 13531, subject to the following design regulations:

(A) Pricing categories. Individual pricing signs shall identify the price of all grades of gasoline and diesel fuels sold on the premises, including any differential between "self-service" and "full-service" and whether the price is cash or credit.

(B) Advertising media. All letters, figures, or numerals used on signs designating the price of gasoline or motor fuels shall be a minimum of six (6) inches and a maximum of nine (9) inches in height. All letters or numerals designating the grade of gasoline or motor fuels shall not be less than one-sixth the size of the numerals designating the price. Such letters shall have a medium or heavy type face or stroke and shall be plainly visible. The colors of the letters shall contrast to the sign background so as to be easily readable.

(C) Sign location and size. Price identification signs shall be of a monument design with a maximum height of eight (8) feet with a sign face not exceeding thirty-two (32) square feet. Only one sign per street frontage shall be permitted. The location of the sign shall be approved by the Planning Director and shall not conflict with the vehicular sight distance requirements of Section 9-3.559 Visibility at Intersections/Driveways.

(D) Architectural style and color. The City encourages the design and location of such signs to be in harmony with the architectural style of the building on the premises. The use of earth-tone mission colors shall be encouraged. Examples of such colors include, but are not limited to, browns, pale yellows, tan, beige, and similar shades.

The use of an adopted lettering style or color scheme for an individual company may be permitted consistent with the provision of Section 9-3.543 Signs.

(4) Required signs by governmental agencies. Signs required to be placed at a service station, including, but not limited to, "No Smoking," "Licensed Inspections and Adjustments," and similar identification mandated by a governmental agency and not otherwise provided for in this section, shall be permitted.

(5) Pump island signs. Signs designating operation instructions, self-serve and full-serve islands, or similar information designed for customer convenience, provided the cumulative signage does not exceed ten (10) square feet per island, shall be permitted.

(6) Window signs. Temporary window signs may be permitted provided they do not exceed twenty-five (25) percent of the window area and do not advertise merchandise for which an alternate method of signage is permitted by this section or other applicable provisions of this article.

(7) Prohibited signs. All temporary signs not permitted by this section or Section 9-3.547 Special activities, shall be prohibited.

(8) Parking. The size, arrangement, and access of all parking areas shall conform to Section 9-3.535 Parking. All vehicles, except those within the main structure of the service station or those being serviced at the pump islands, shall be parked within the designated parking spaces.

(9) Outside activities. Activities conducted outside the permanent structure shall be limited to the dispensing of gasoline, diesel fuel, oil, air, water, and minor repairs, such as the replacement of fan belts, light bulbs, wiper blades, batteries, and tire changes. All repair activities shall be confined to a designated area on the site as approved by the City.

(10) Outside storage of motor vehicles. The outside storage of motor vehicles shall be strictly prohibited. For the purposes of this section, "outside storage" shall mean the parking of a motor vehicle outside the main structure of the service station for a period in excess of twenty-four (24) hours, unless such vehicle is in the process of being serviced, in which case it may be parked outside the main structure for a period not exceeding seven (7) days and located in a designated parking space. Such vehicles shall be stored in such a condition that all exterior components of the vehicle are in place (i.e., tires, doors, hoods, fenders, and the like).

(11) Accessory uses. The following accessory uses shall be permitted:

(A) Vending machines. Vending machines shall be either placed within the main building or in a designated area immediately adjacent to the building provided the area does not exceed forty (40) square feet.

(B) Merchandise displays. All merchandise shall be stored and/or displayed within the permanent building, with the exception of accessory and lubrication items, such as oil, wiper blades, and the like, which are normally kept on pump islands, in which case they shall be located in a specially designed case enclosure. The outside display of any other merchandise shall be prohibited. Except during those occasions when a special activity permit has been issued as set forth in Section 9-3.547 Special activities.

(C) Accessory uses not listed. The Planning Director may approve accessory uses not listed in this subsection (10) if such uses will not be detrimental to the safety and welfare of adjacent uses or potential patrons of the service station.

(12) Landscaping. Landscaping, including boundaries, streetscapes, and buildings, shall be approved during the development review.

(13) Drainage. Drainage resulting from the development of service and fuel dispensing stations shall meet all NPDES (National Pollutant Discharge Elimination System) and BMPs (Best Management Practices) requirements. (Ord. No. 869, § 2)

**Sec. 9-3.547. Special activities (nonresidential).**

(a) Intent and purpose. The intent and purpose of this section are to establish a permit procedure for the regulation of the display of merchandise and products and/or temporary banners outside normal sales areas which may occur in association with a special promotional/sale activity and in addition, certain short-term uses which due to their brief duration may be adequately managed through a permit process. This section is not intended to control or regulate the normal promotional/sale activities conducted within the approved display area of a business establishment as provided for by other applicable provisions of this Code.

(b) Applicability.

(1) Business owners/property owners who are engaged in conducting a permitted business activity in the Office Commercial (OC), Neighborhood Commercial (NC), ~~Tourist Commercial~~ [Town Center \(TC\)](#), [Town Center Edge \(TCE\)](#), General Commercial (GC), Farm Market (FM), Commercial Manufacturing (CM), and those portions of the Planned Community (PC) District which permit commercial uses may apply for a special activities permit.

(2) Christmas tree sales. The sale of Christmas trees shall be permitted only during the month of December, subject to the following requirements:

(A) A special activities permit shall be obtained prior to the issuance of any other permit relating to the operation of this use.

(B) The facility shall be removed and the premises upon which it was located shall be cleared of all debris and restored to its original condition by January 1st following the holiday.

(3) Carnivals, festivals, exhibits, and sidewalk sales. These uses and similar enterprises may be operated on a temporary basis provided they meet the following requirements:

(A) A special activities permit shall be obtained prior to the issuance of any other permit relating to the operations of this use;

(B) Sponsorship shall be limited to public agencies or religious, fraternal, or service organizations directly engaged in civic or charitable efforts;

(C) The time period for such activities shall not exceed five (5) consecutive days within any three (3) month period;

(D) Such activities shall not cause or produce dust, gas, smoke, fumes, odors, or vibration detrimental to other persons or properties in the vicinity;

(E) The lights used to illuminate the event shall be arranged so as to direct light away from nearby residences;

(F) No public address system shall be installed in conjunction with the event unless such system is modulated so as not to disturb the occupants of nearby dwellings;

(G) All structures, apparatus, and appurtenances shall be removed from the premises as soon as possible following the closing of the event; and

(H) The hours of operation shall be subject to the review and approval of the Planning Director.

(4) Car dealers desiring to use tents, pennants, banner signs, window decals, inflatable corporate logos, light-pole banners, ground flags, bounce houses and similar attraction devices to temporarily promote sales are subject to the following:

(A) A maximum period of up to ninety (90) days plus the month of March annually may be approved under a special event permit application issued by the Director.

(B) The annual period during which car dealers may use tents by special activity permit shall be on a calendar year basis.

(C) Design standards:

(i) No signs or other structures may be affixed to the tent.

(ii) Tents shall be situated within auto inventory and/or display areas and shall not displace any required guest/customer parking.

(iii) Use of tents shall be subject to Orange County Fire Authority (OCFA) review and approval.

(iv) Banner signs shall not exceed a maximum area of 100 square feet and shall not be affixed on the building above the eaves.

(v) Window decals/signage shall not exceed fifty (50) percent of the window area.

(vi) Inflatable corporate logos shall not exceed a maximum dimension, either height, width or depth, of fifteen (15) feet subject to Director approval; and, not exceed a maximum dimension of twenty-five (25) feet subject to Planning Commission approval.

(vii) Light-pole banners shall not exceed an area of twenty-four (24) square feet and ground flags shall not exceed a maximum area of fifteen (15) square feet.

(viii) Bounce houses and similar attraction devices shall be situated within auto inventory and/or display areas and shall not displace any required guest/customer parking.

(5) A grand opening event of fourteen (14) days shall be exempt from these provisions.

(c) Review process.

(1) The Planning Director, or designated agent, may issue special activities permits, pursuant to Section 9-2.303 Administrative Approvals, provided the following criteria are met and the application is consistent with the design standards set forth in subsection (d) of this section:

(A) The special activity permits shall be issued for not more than thirty-two (32) days during any twelve (12) month period with the exception of automobile dealerships for which special activity permits shall be issued for not more than ninety (90) days plus the month of March.

(B) The property owner has authorized the special activity in writing; and

(C) The application is submitted fourteen (14) days prior to the scheduled activity.

(d) Application information. The Planning Director shall prescribe the type and form of information required to process an administrative permit.

(e) Specific design standards. The following specific design standards shall apply to all special activities:

(1) Banners/signs. Banners and signs may be permitted in accordance with the provisions of Section 9-3.543 Signs.

(2) Flags. The use of flags shall be strictly prohibited.

(f) General conditions of approval. The following general operational conditions shall be considered for all special activity permits:

(1) Activities shall be restricted to that portion so designated on the site plan;

(2) A site plan has been approved by the Orange County Fire Authority and Orange County Sheriff's Departments for meeting public safety requirements when applicable;

(3) The City has reviewed the site plan regarding adequate parking and traffic circulation for both vehicular and pedestrian, including provisions for emergency ingress/egress;

(4) Adequate space shall be provided on walkways for the passage of pedestrian traffic (minimum five (5) feet);

(5) The site plan and all signage complies with this Code and the specific design standards set forth in subsection (e) of this section;

(6) Displays shall be removed by 10:00 p.m. on the last day of the activity;

(7) A valid business license has been issued for the applicant by the City;

(8) A cleaning deposit had been made if determined to be applicable by the Planning Director;

(9) The activities shall be confined to the sale of the specified goods only;

(10) Additional conditions as determined by the Planning Director or designated agent as necessary to protect the public's health, safety, and welfare shall be met; and

(11) Must be issued all applicable building permits.

(g) Additional activities. The Planning Director or his or her agent may approve, conditionally approve, or deny special activity permit requests for the following types of uses. These uses may be permitted for a period of time not to exceed thirty-two (32) days. The thirty-two (32) days allowed under a special use permit application shall not be broken into more than three (3) individual times per calendar year. Applications for such uses shall be on forms provided by the City and shall include all necessary information to review such requests for compliance with all applicable regulations.

(1) Christmas tree sales;

(2) Carnivals, festivals, and exhibits by nonprofit community groups;

(3) Sidewalk sales and special retail promotional events;

(4) Horse shows and exhibitions not located at an existing equestrian center;

(5) Reserved; and

(6) Any special activity proposed for a residential district (shall require adjacent property owner approval). (Ord. No. 869, § 2) (Ord. No. 996, § 2, 8-7-2012).

**Sec. 9-3.537. Recycling facilities.**

(a) Purpose and Intent. The provisions of this section are established to provide for the redemption and recycling of reusable materials and make such facilities convenient to the consumer in order to reduce the solid waste stream to landfills and increase the recycling of reusable materials. The recycling facilities outlined by this section are intended to encourage recycling services by providing a comprehensive and easily understood program of permitting and regulating such uses.

(b) Land Use Standards.

(1) Permit requirements. No person shall permit the placement, construction, or operation of any recycling facility without first obtaining approvals and a permit pursuant to the provisions set forth in this section. The fees associated with the processing of conditional use permits shall be established by separate City Council resolution. Recycling facilities shall be permitted as set forth in Table 3-39.

**Table 3-39  
Allowed Recycling Facilities**

Base District	Reverse Vending Machine	Small Collection Facility	Large Collection Facility	Light Processing Facility	Heavy Processing Facility
RA	—	—	—	—	—
HR	—	—	—	—	—
RSE-40,000	—	—	—	—	—
RSE-20,000	—	—	—	—	—
RS-10,000	—	—	—	—	—
RS-7,000	—	—	—	—	—
RS-4,000	—	—	—	—	—
RG-7,000	—	—	—	—	—
RG-4,000	—	—	—	—	—
RM	—	—	—	—	—
AF/SH	—	—	—	—	—
MHP	P	S	—	—	—
TC	<del>P</del>	<del>S</del>	—	—	—
<u>TCE</u>	<u>P</u>	<u>S</u>	—	—	—
NC	P	S	S	—	—
GC	P	S	S	C	C
OC	P	S	—	—	—



CM	P	S	S	C	C
IP	P	P	S	C	C
A	C/S	C/S	C/S	C/S	C/S
P&I	P	S	S	—	—
GOS	—	—	—	—	—
OSR	—	—	—	—	—
NP	—	—	—	—	—
CP	—	—	—	—	—
SP	—	—	—	—	—
RP	—	—	—	—	—
NOS	—	—	—	—	—
RC	P	S	—	—	—
FM	P	S	—	—	—
SWF	P	P	S	C	C
PC	P	S	—	—	—
SP/PP	P	S	—	—	—

— = Not permitted  
P = Permitted  
C = Conditional Use Permit  
S = Site Plan Review

(2) Operational/site standards. Those recycling facilities permitted shall meet all of the applicable criteria and standards listed. Those recycling facilities permitted with a conditional use permit shall meet the applicable criteria and standards provided that the Zoning Administrator or Planning Commission, as the case may be, may grant an exception to said stricter standards as an exercise of discretion upon finding that such modifications are reasonably necessary in order to implement the general intent of this section and would be compatible with adjacent uses.

The criteria and standards for recycling facilities are as follows:

(A) Reverse vending machines. Reverse vending machines located outside a structure do not require discretionary permits. Reverse vending machines do not require additional parking spaces for recycling customers and may be permitted in the districts identified in Table 3-39; provided, that they comply with the following standards:

- (i) Are established in conjunction with a commercial use or community service facility which is in compliance with the Zoning, Building and Fire Codes of the City of San Juan Capistrano;
- (ii) Are located near the entrance to the commercial structure and shall not obstruct pedestrian or vehicular circulation;
- (iii) Do occupy parking spaces required by the primary use;
- (iv) Do not occupy more than fifty (50) square feet of floor space;

- (v) Are constructed of durable rustproof and water proof material;
- (vi) Have sign area of a maximum of four (4) square feet per machine exclusive of operating instructions;
- (vii) Comply with illumination requirements in this code;
- (viii) Are maintained in a clean, dry, and litter-free condition on a daily basis;
- (ix) Are clearly marked to identify the phone number of the operator or responsible person if the machine is inoperative or in violation of this Code.

(B) Small collection facilities. Small collection facilities may be located in the districts identified in Table 3-39 and do not require additional parking spaces provided that they comply with the following standards:

(i) The facility shall be established in conjunction with an existing commercial use or community service facility which is in compliance with the Zoning, Building and Fire Codes of the City of San Juan Capistrano;

(ii) The facility shall be no larger than 500 square feet and occupy no more than five (5) parking spaces, not including space that will be needed periodically for removal of materials or exchange of containers, provided said parking spaces are not necessary to satisfy the minimum on-site parking requirements of the Municipal Code;

(iii) The facility shall be set back ten (10) feet from the street line and shall not obstruct pedestrian or vehicular circulation;

(iv) The facility and signs shall be in compliance with the requirements of Chapter 3 Zoning Districts and Standards of this title;

(v) No additional parking spaces will be required for customers of small collection facilities;

(vi) Hours of operations will be restricted to the same as the host use;

(vii) The facility shall be clearly marked to identify the phone number of the operator or responsible person if the machines are inoperative or in violation of this code;

(viii) The site shall be maintained free of litter and any other undesirable materials, and will be cleaned of loose debris on a daily basis.

(C) Large collection facilities. A large collection facility is one that is larger than 500 square feet, or is on a separate property not appurtenant to a host use, and which may have a permanent building. Large collection facilities are permitted in the districts identified in Table 3-39, subject to approval of a site plan review and/or conditional use permit, and the facility shall meet the following standards:

(i) The facility does not abut a property zoned or planned for residential use;

(ii) The facility will be screened from the public right-of-way by operating in an enclosed building or;

(a) Within an area enclosed by an opaque fence at least six (6) feet in height with landscaping;

(b) At least 150 feet from property zoned or planned for residential use;

(iii) The facility shall meet all development standards as required in Chapter 3 Zoning Districts and Standards of this title;

(iv) The site shall be maintained free of litter and any other undesirable materials, and will be cleaned of loose debris on a daily basis.

(D) Processing facilities. A processing facility is permitted in specific districts as identified under Table 3-39 of this Title, subject to approval of a conditional use permit, and shall meet the following conditions:

- (i) The facility does not abut a property zoned or planned for residential use;
  - (ii) Processors will operate in a wholly enclosed building except for incidental storage or:
    - (a) Within an area enclosed on all sides by an opaque fence or wall not less than six (6) feet in height and landscaped on all street frontages;
    - (b) Located at least 150 feet from property zoned or planned for residential use;
  - (iii) Operating hours shall be determined by the City through the required permitting process;
  - (iv) The site shall be maintained free of litter and any other undesirable materials, and will be cleaned of loose debris on a daily basis;
  - (v) The facility shall meet all development standards as required in Chapter 3 Zoning Districts and Standards of this title.
- (c) General Requirements for On-Site Collection and Loading Facilities for Recyclable Materials.
- (1) Any new development project for which an application for a building permit is submitted on or after October 1, 1995, shall include adequate, accessible, and convenient areas for collecting and loading recyclable materials.
- (2) Any improvements for areas of a public facility used for collecting and loading solid waste shall include adequate, accessible, and convenient areas for collecting and locating recyclable materials.
- (3) Any project for which an application for a building permit is submitted on or after October 24, 1994, for modifications that meet one or both of the conditions below shall include adequate, accessible and convenient areas for collecting and loading recyclable materials:
- (A) Modification to the project adds thirty (30) percent or more to the existing floor area; or
  - (B) The price of modification exceeds fifty thousand dollars (\$50,000.00) in value.
- (4) The following standards shall be applied to on-site recyclable materials collection facilities:
- (A) Single-family dwellings. Single-family dwelling detached receiving curbside service: 133 cubic feet of storage area, either interior or exterior, with minimum dimensions of eighty-four (84) inches wide by thirty-nine (39) inches deep by seventy-two (72) inches high and not visible from adjacent rights-of-way or other properties.
  - (B) Multifamily dwellings, detached. Multifamily dwellings detached receiving curbside service: ninety-five (95) cubic feet of storage area, either interior or exterior, with a minimum dimension of sixty (60) inches wide by thirty-eight (38) inches deep by seventy-two (72) inches high and not visible from adjacent rights-of way.
  - (C) Multifamily, attached. Multifamily dwellings attached receiving bin service shall provide interior and exterior storage areas as identified in Table 3-40.

**Table 3-40**  
**Multifamily Attached Uses On-Site Recyclable Storage Requirements**

Dwelling Units	External Space Allocation	Internal Space Allocation
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3-8 units	606 cubic feet of storage area with minimum dimensions 15' wide by 4' 6" deep	4 cubic feet of storage area within living area of each unit
9-16 units	1,212 cubic feet of storage area with minimum dimensions 15' wide by 4' 6" deep, no less than 200' from any unit	4 cubic feet of storage area within living area of each unit
17 and above units	Add 606 cubic feet to 1,212 cubic feet for every 8 units over 16 with minimum dimensions 15' wide by 4' 6" deep, no less than 200' from any unit	4 cubic feet of storage area within living area of each unit

(D) Commercial uses. Commercial uses shall provide interior and exterior storage areas for recyclable materials as identified in Table 3-41.

**Table 3-41  
Commercial Uses On-Site Recyclable  
Storage Requirements**

<b>Land Use</b>	<b>Building Floor Area</b>	<b>External Space Allocation</b>	<b>Internal Space Allocation</b>
Office/Retail	0-5,000 square feet	606 cubic feet with minimum dimensions 15' wide by 4'6" deep	44 cubic feet with minimum dimensions 60" wide by 36" deep by 74" high each suite
	5,001-25,000 square feet	1,212 cubic feet with minimum dimensions 15' wide by 4'6" deep, no less than 300' from any suite	44 cubic feet with minimum dimensions 60" wide by 36" deep by 74" high each suite
	25,001 square feet and above	Add 606 cubic feet to 1,212 cubic feet for every 5,000 square feet over 25,001 with minimum dimensions 15' wide by 4'6" deep, no less than 300 feet from any suite.	44 cubic feet with minimum dimensions 60" wide by 36" deep by 74" high each suite
Restaurant	0-3,000 square feet	606 cubic feet minimum dimensions 15' wide by 4'6" deep	44 cubic feet with minimum dimensions 60" wide by 36" deep by 74" high each suite
	3,001-6,000 square feet	1,212 cubic feet with minimum dimensions 15' wide by 4'6" deep, no less than 300' from any suite	44 cubic feet with minimum dimensions 60"

Land Use	Building Floor Area	External Space Allocation	Internal Space Allocation
			wide by 36" deep by 74" high each suite
	6,001 square feet above	Add 606 cubic feet to 1,212 cubic feet for every 5,000 square feet over 25,001 with minimum dimensions 15' wide by 4'6" deep, no less than 300' from any suite	44 cubic feet with minimum dimensions 60" wide by 36" deep by 74" high each suite
Hotel	0-50 rooms	606 cubic feet with minimum dimensions 15' wide by 4'6" deep	n/a
	51-100 rooms	1,212 cubic feet with minimum dimensions 15' wide by 4'6" deep, no less than 300' from any suite	n/a
	101 rooms and above	Add 606 cubic feet to 1,212 cubic feet for every 5,000 square feet over 25,001 with minimum dimensions 15' wide by 4'6" deep, no less than 300' from any suite	n/a

(d) Definitions. For the purposes of this section, unless otherwise apparent from the context, certain words and phrases used in this section are defined as follows:

(1) Development project. Development project shall mean any of the following:

(A) A project of which a building permit is required for a commercial, industrial, or institutional building, marina, or residential building having five (5) or more living units, where solid waste is collected and located and any residential project where solid waste is collected and loaded in a location serving five (5) or more living units.

(B) Any new public facility where solid waste is collected and located and any improvements for areas of a public facility used for collecting and loading solid waste.

(2) Project for which a building permit is required. A project for which a building permit is required includes all new projects, any single alteration of an existing project requiring a building permit, and any sum total of alterations requiring a building permit to an existing project conducted within a twelve (12) month period. (Ord. No. 869, § 2; Ord. No. 1042, § 17, 2017)

**Sec. 9-3.505. Affordable housing requirements.**

(a) Purpose and intent. The purpose and intent of the affordable housing requirements in this section are to achieve the following:

- (1) To create affordable housing requirements to facilitate the development of residential housing opportunities for low and very low income senior/households within the City;
- (2) To comply with state law to provide twenty-five (25) percent density bonuses for the creation of affordable housing projects which guarantee accessibility of housing for qualified low and very low income seniors and households for ten (10) years;
- (3) To comply with state law to provide density bonuses and an additional incentive for the creation of affordable housing projects which guarantee long-term (thirty (30) years) accessibility of housing for qualified low and very low income seniors and households;
- (4) To establish development criteria to ensure that the design of affordable senior and household housing projects are consistent with the City's General Plan Community Design Element and Architectural Guidelines.

(b) Affordable housing policies. City policies aimed at achieving the purpose and intent of this section are as follows:

- (1) Development restrictions. Development should be designed to be compatible with adjacent uses and to promote high quality affordable housing projects within all zone districts.
- (2) Materials and design. Materials and design shall be of high quality and architectural design and should be consistent with other City design standards.
- (3) Affordable housing in-lieu fees. In-lieu fees shall be collected pursuant to Section 9-5.103, Housing in-lieu fee, to facilitate the development of affordable housing opportunities.

(c) Density bonus description.

(1) The Density Bonus program is hereby created to permit affordable senior/household residential units subject to City Council approval of a density bonus permit in the following districts:

- (A) Hillside Residential (HR), Single-Family-10,000 (RS-10,000), Single-Family-7,000 (RS-7,000), and Single-Family-4,000 (RS-4,000);
- (B) Residential Garden-7,000 (RG-7,000) and Residential Garden-4,000 (RG-4,000);
- (C) Multiple-Family (RM) and Very High Density (VHD);
- (D) Mobilehome Park (MHP);
- (E) ~~Tourist Commercial (TC)~~, General Commercial (GC), and Office Commercial (OC);
- (F) Specific Plan/Precise Plan (SP/PP); and
- (G) Planned Community (PC).

(d) Density bonus program.

(1) Purpose and Intent. The purpose of this section is to implement the provisions of Government Code Section 65915 and the City's Housing Element regarding the provision of density bonuses and other regulatory incentives for affordable and senior housing projects.

(2) Applicability. The provisions of this section shall apply to projects qualifying for density bonuses provided for by **Government Code** Section 65915, in accordance with Section 9-3.505(d)(3).

(3) Standards.

(A) City obligation to provide density bonuses and incentives. When an applicant seeks a density bonus for a housing development within or for the donation of land for housing within the City, the City shall provide the applicant with incentives or concessions for the production of housing units and child care facilities as prescribed in this Section.

(B) Development entitled to bonuses and incentives. The City shall grant one density bonus, the amount of which shall be as specified in subdivision C.6, and incentives or concessions, as described in subdivision C.4, when an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this section, that will contain at least any one of the following:

(i) Ten (10) percent of the total units of a housing development for lower income households, as defined in Section 50079.5 of the California [Health and Safety Code](#).

(ii) Five (5) percent of the total units of a housing development for very low income households, as defined in Section 50105 of the California [Health and Safety Code](#).

(iii) A senior citizen housing development, as defined in Sections 51.3 and 51.12 of the California [Civil Code](#) and reprinted in Section 9-3.505(d)(6)(g) below, or mobile home park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the California [Civil Code](#).

(iv) Ten (10) percent of the total dwelling units in a common interest development as defined in Section 1351 of the California [Civil Code](#) for persons and families of moderate income, as defined in Section 50093 of the California [Health and Safety Code](#), provided that all units in the development are offered to the public for purchase.

(C) For purposes of calculating the amount of the density bonus pursuant to Section 9-3.505(d)(3) the applicant who requests a density bonus pursuant to this section shall elect whether the bonus shall be awarded on the basis of subparagraph (i), (ii), (iii), or (iv) of Section 9-3.505(d)(3)(B) above.

(D) For the purposes of this section, “total units” or “total dwelling units” do not include units added by a density bonus awarded pursuant to this section.

(E) An applicant shall agree to, and the City shall ensure, continued affordability of all low- and very low income units that qualified the applicant for the award of the density bonus for thirty (30) years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Rents for the lower income density bonus units shall be set at an affordable rent as defined in Section 50053 of the California [Health and Safety Code](#). Owner-occupied units shall be available at an affordable housing cost as defined in Section 50052.5 of the California [Health and Safety Code](#).

(F) The initial occupant of the moderate-income units that are directly related to the receipt of the density bonus in the common interest development, as defined in Section 1351 of the California [Civil Code](#), shall be persons and families of moderate income, as defined in Section 50093 of the California [Health and Safety Code](#), and the units shall be offered at an affordable housing cost, as that cost is defined in Section 50052.5 of the California [Health and Safety Code](#). The City shall enforce an equity sharing agreement, unless it is in conflict with the requirements of another public funding source or law. The following apply to the equity sharing agreement:

(i) Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller’s proportionate share of

appreciation. The City shall recapture any initial subsidy, as defined in Section 9-3.505(d)(3)(F)(ii), and its proportionate share of appreciation, as defined in Section 9-3.505(d)(3)(F)(iii), which amount shall be used within five years for any of the purposes described in subdivision (e) of Section 33334.2 of the California Health and Safety Code that promote home ownership.

(ii) For purposes of this subdivision, the City's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.

(iii) For purposes of this subdivision, the City's proportionate share of appreciation shall be equal to the ratio of the City's initial subsidy to the fair market value of the home at the time of initial sale.

(G) Regulatory Incentives and Concessions. An applicant for a density bonus pursuant to 9-3.505(d)(3)(B) may submit to the City a proposal for the specific incentives or concessions that the applicant requests pursuant to this Section, and may request a meeting with the City. If the City approves the Project, the City shall grant the concession incentive requested by the applicant unless the City makes a written finding, based upon substantial evidence, of any of the following:

(i) The concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the California Health and Safety Code, or for rents for the targeted units to be set as specified in Section 9-3.505(d)(3)(E) and Section 9-3.505(d)(3)(F).

(ii) The concession or incentive would have a specific adverse impact upon the public health and safety or upon the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.

(iii) The concession or incentive would be contrary to state or federal law.

(H) For the purposes of this Section, a concession or incentive means any of the following:

(i) A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the California Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions.

(ii) Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.

(iii) Other regulatory incentives or concessions proposed by the developer or the City that result in identifiable, financially sufficient, and actual cost reductions.

(I) The applicant shall receive the following number of incentives or concessions:



(i) One incentive or concession for projects that include at least 10 percent of the total units for lower income households, at least 5 percent for very low income households, or at least 10 percent for persons and families of moderate income in a common interest development.

(ii) Two incentives or concessions for projects that include at least 20 percent of the total units for lower income households, at least 10 percent for very low income households, or at least 20 percent for persons and families of moderate income in a common interest development.

(iii) Three incentives or concessions for projects that include at least 30 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a common interest development.

(J) The granting of a concession or incentive shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval.

(K) This Section 9-3.505(d)(3)(G) does not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly owned land, by the City, or the waiver of fees or dedication requirements.

(L) The City shall not apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of Section 9-3.505(d)(3)(B) at the densities or with the concessions or incentives permitted by this Section. An applicant may submit to the City a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development meeting the criteria of Section 9-3.505(d)(3)(B) at the densities or with the concessions or incentives permitted under this Section, and may request a meeting with the City. Nothing in this subdivision shall be interpreted to require the City to waive or reduce development standards if the waiver or reduction would have a specific adverse impact, as defined in subparagraph Section 9-3.505(d)(3)(G)(ii) above upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. In addition, nothing in this Section shall be interpreted to require the City to waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources or to grant any waiver or reduction that would be contrary to state or federal law.

(M) A proposal for the waiver or reduction of development standards pursuant to this subdivision shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to Section 9-3.505(d)(3)(G).

(4) Calculation of Density Bonus. The amount of density bonus to which the applicant is entitled shall vary according to the amount by which, the percentage of affordable housing units exceeds the percentage established in subdivision Section 9-3.505(d)(3)(B)The applicant may elect to accept a lesser percentage of density bonus.

(A) For housing developments meeting the criteria of Section 9-3.505(d)(3)(B)(i), the density bonus shall be calculated as follows:

<b>Percentage Low-Income Units</b>	<b>Percentage Density Bonus</b>
10	20
11	21.5
12	23

13	24.5
14	26
15	27.5
17	30.5
18	32
19	33.5
20	35

(B) For housing developments meeting the criteria of Section 9-3.505(d)(3)(B)(ii), the density bonus shall be calculated as follows:

Percentage Very Low Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

(C) For housing developments meeting the criteria of Section 9-3.505(d)(3)(B)(iii), the density bonus shall be 20 percent of the number of senior housing units.

(D) For housing developments meeting the criteria of Section 9-3.505(d)(3)(B)(iv) the density bonus shall be calculated as follows:

Percentage Moderate-Income Units	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13

19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

(E) All density calculations resulting in fractional units shall be rounded up to the next whole number. The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval.

(F) For the purpose of calculating a density bonus, the residential units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.

(5) Density Bonus for Donation of Land to City.

(A) When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to the City in accordance with this subdivision, the applicant shall be entitled to a 15-percent increase above the otherwise maximum allowable residential density for the entire development, as follows:

Percentage Very Low Income	Percentage Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

(B) This increase shall be in addition to any increase in density mandated by Section 9-3.505(d)(3)(B), up to a maximum combined mandated density increase of 35 percent if an applicant seeks an increase pursuant to both this Section and Section 9-3.505(d)(3)(B)(i) All density calculations resulting in fractional units shall be rounded up to the next whole number. Nothing in this Section shall be construed to enlarge or diminish the City’s authority to require a developer to donate land as a condition of development. An applicant shall be eligible for the increased density bonus described in this Section if all of the following conditions are met:

- (i) The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application;
- (ii) The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than 10 percent of the number of residential units of the proposed development;
- (iii) The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned with appropriate

development standards for development at a density of at least 30 units per acre, and is or will be served by adequate public facilities and infrastructure;

(iv) The transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, not later than the date of approval of the final subdivision map, parcel map, or residential development application, except that the City may subject the proposed development to subsequent design review to the extent authorized by subdivision (i) of California **Government Code** Section 65583.2 if the design has not been reviewed by the City prior to the time of transfer;

(v) The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with Section 9-3.505(d)(3)(E) and Section 9-3.505(d)(3)(F), which shall be recorded on the property at the time of the transfer;

(vi) The land is transferred to the City or to a City-approved housing developer. The City may require the applicant to identify and transfer the land to the approved housing developer;

(vii) The transferred land shall be within the boundary of the proposed development or, if the City agrees, within one-quarter mile of the boundary of the proposed development; and

(viii) A proposed source of funding for the very low income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application.

(6) Density Bonus for Provision of Child Care Facilities in Qualifying Housing Development.

(A) When an applicant proposes to construct a housing development that conforms to the requirements of subdivision Section 9-3.505(d)(3)(B) and includes a child care facility that will be located on the premises of, as part of, or adjacent to, the project, the City shall grant either of the following:

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

(ii) An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

(B) The City shall require, as a condition of approving the housing development that the following occur:

(i) The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable pursuant to subdivision Section 9-3.505(d)(3)(B); and

(ii) Of the children who attend the child care facility, the children of very low income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or families of moderate income pursuant to subdivision Section 9-3.505(d)(3)(B).

(C) Notwithstanding any requirement of this subdivision, the City shall not be required to provide a density bonus or concession for a child care facility if it finds, based upon substantial evidence, that the community has adequate child care facilities.

(7) Definitions. For purposes of this Section, the following definitions shall apply:

(A) "Child care facility" means a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school age child care centers,

(B) “Density bonus” means a density increase over the otherwise maximum allowable residential density as of the date of application by the applicant to the City.

(C) “Development standard” includes a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, or other City condition, law, policy, resolution, or regulation.

(D) “Housing development” means a development project for five or more residential units. For the purposes of this Section, “housing development” also includes a subdivision or common interest development, as defined in Section 1351 of the California [Civil Code](#), approved by the City, and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of Section 65863.4, where the result of the rehabilitation would be a net increase in available residential units.

(E) “Maximum allowable residential density” means the density allowed under the City’s zoning ordinance and the Land Use Element of the City’s General Plan, or, if a range of density is permitted, the maximum allowable density for the specific zoning range and land use designation in the General Plan applicable to the project. Where the density allowed under the zoning ordinance is inconsistent with the density allowed under the Land Use Element of the General Plan, the General Plan density shall prevail.

(F) “Senior citizen” means a person 62 years of age or older, or 55 years of age or older in a senior citizen housing development.

(G) “Senior citizen housing development” means a residential development developed, substantially rehabilitated, or substantially renovated for, senior citizens that has at least 35 dwelling units.

(8) Parking Incentives.

(A) The City shall not require the parking ratio, inclusive of handicapped and guest parking, for a housing development meeting the criteria of subdivision Section 9-3.505(d)(3)(B) to exceed the following ratios:

- (i) Zero to one bedroom: one onsite parking space.
- (ii) Two to three bedrooms: two onsite parking spaces.
- (iii) Four and more bedrooms: two and one-half parking spaces.

(B) If the total number of parking spaces required for a housing development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subdivision, a development may provide “onsite parking” through tandem parking or uncovered parking, but not through on street parking.

(C) This subdivision shall apply to a housing development that meets the requirements of subdivision Section 9-3.505(d)(3)(B) but only at the request of the applicant. An applicant may request parking incentives or concessions beyond those provided in this subdivision pursuant to subdivision Section 9-3.505(d)(3)(G).

(e) Application review process. All applications shall be reviewed in accordance with the provisions of Title 9 of the Municipal Code. The City Council, upon recommendation by the Planning Commission, shall make a positive finding for each of the following categories before approving an application:

(1) General plan consistency. A finding that the project application is consistent with the General Plan Land Use Element if the intensity of development is in compliance with the design standards as outlined in Table 3-17.

Findings of inconsistency with other elements shall be restricted to specific areas of demonstrated public health and safety hazards to future residents of the proposed development.

(2) Municipal Code consistency. A finding that the project application is consistent with design criteria herein as well as meeting all other provisions of this Title 9

(3) Potential adverse impacts on adjacent properties. A finding that the project does not have an adverse impact upon the surrounding properties that can not be reduced or minimized by a design change or condition regulating the project's operation.

(4) CC & R. A finding that the CC & R have included the provisions and terms of affordability as drafted in the affordability agreement for the project. (Ord. No. 869, § 2; Ord. No. 1007, § 3, 2-4-2014)

**APPENDIX A Definitions.**

— B —

Building Placement: the maximum horizontal envelope available for placing a building on a lot.

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Build-to Layer: the required location of a building facade.

Building Size: the specified length, depth, and height of any individual and combined volumes.

— C —

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Civic Space: an open area dedicated for public use, typically for community gatherings, physically defined by the intended use(s), size, landscape and by the buildings that align the space.

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Colonnade: a series of columns similar to an arcade but spanned by straight lintels rather than arches, linked together, usually as an element of a building.

Commercial district: A zoning district allowing specified commercial activities including Town Center (TC), Town Center Edge (TCE), Neighborhood Commercial (NC), General Commercial (GC), and Office Commercial (OC).

Commercially or industrially zoned land: Any land shown on the most current Official Zoning Map within any of the following zoning designations: Town Center (TC), Town Center Edge (TCE), Neighborhood Commercial (NC), General Commercial (GC), Office Commercial (OC), Commercial Manufacturing (CM), Industrial Park (IP), Agri-Business (A), Public and Institutional (P&I), Farm Market (FM), or any specific plan area for which the underlying General Plan designation or allowed uses are commercial or industrial.

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Commercial Frontage: the non-residential, ground floor frontage of a building. Non-residential activities subject to City approval are allowed within this space, which must be at least 25 feet in depth as measured from the adjacent public sidewalk or public space.

Context: the particular combination of elements that create a specific physical environment.

Curb: the edge of the vehicular pavement detailed as a raised curb or a swale.

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Developable Lot Area: those areas of a site that are not required as building setbacks, driveway access or open space.

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Elevation (Building): the exterior walls of a building not along a frontage. Also referred to as 'Facade' when the elevation is along a frontage line.

Entrance (Principal): the principal point of pedestrian access to a building. The principal entrance is typically along the building's primary frontage, a public streetscape or open space. In the case of a paseo which may be private, the principal entry may occur off such a space provided.

Entrance (Secondary): point(s) of pedestrian access to a building in addition to the principle entrance. Such entrances may occur anywhere along a building's exterior when in compliance with all applicable requirements.

— F —

Fabric Building: a building which is not civic or is otherwise typical of buildings in the overall context and which contributes to the forming of public space by being contextual to emphasize civic and community buildings.

Facade: the exterior wall of a building that is set along a frontage line. Facades support the public realm and are subject to frontage requirements additional to those required of elevations which are not set along frontage lines.

Frontage Line (Streetscape): those lot lines that coincide with a right-of-way or a private easement for a street, paseo or open space. One frontage line shall be designated as the Principal Frontage Line. Facades along Frontage Lines define the public streetscape or adjacent open space and are therefore more highly regulated than the elevations that coincide with other lot lines.

Frontage Type: the architectural element of a building between the public right-of-way and the private property associated with the building. Frontage Types combined with the public realm create the perceptible streetscape. The frontage types are described below:

Gallery: this frontage is composed of a building where the facade is aligned on the principal frontage line, and includes an attached cantilevered shed or a roof or deck supported by a colonnade overlapping the sidewalk. Galleries may be two stories in height, with the upper portion of the gallery being open loggias or decks.

Storefront and Awning: this frontage is made by insertion of large openings filled with transparent windows at the ground level facades. The facade is located near or at the principal frontage line. The building entrance is at the grade of the sidewalk, and provides direct access to the commercial/retail uses on the ground floor. The basic architectural elements comprising the storefront are large windows, doors with glass, clerestory glass, and a solid base or 'bulkhead'. Optional elements include awnings, cantilevered shed roof or canopy, signage, lighting, and cornices. Awnings, shed roofs, or canopies may encroach into the public right-of-way and cover the sidewalk within a few feet of the curb.

Forecourt: this frontage consists of an open or semi-enclosed areas adjacent to the sidewalk made by setting back a portion of the building facade from the principal frontage line. Typically

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the setback portion is the middle section, which creates a small entry court. This can also be achieved by setting back the facade when a building's neighboring structures have zero setback at their respective property lines. Forecourts may be combined with other frontage types.

Stoop: this frontage consists of exterior stairs with landings which provide access to buildings located near or at the principal frontage line. The ground floor of the building is raised to provide some privacy for the rooms facing the public street and passersby. This frontage is ideal for ground floor housing.

Walled Yard: this frontage consists of decorative and thematic walls at or near a frontage line for the purpose of enclosing an open space near the frontage or for enclosing service areas along the rear of a lot near a frontage. Buildings or entries within 10 feet of this frontage are joined with the wall to visually extend the architecture of the building and to demarcate the property boundary while positively shaping the adjacent streetscape.

Terrace: this frontage is made by setting back the building facade back from the principal frontage line, and placing an elevated garden or terrace in that setback. Terraces are enclosed by a low wall at or near the property line with a stair or ramp from the sidewalk up onto the terrace. The building activities are slightly separated from the adjacent sidewalk by the terrace height, and the depth of the terrace provides a buffer. The buffer provides clear area distinctions for commercial uses such as dining patios, and provides secure buffers for private yards and residences from public encroachment.

Porch and Fence: this frontage consists of a building with a front set back from the principal frontage line, and a porch attached to it, and a low fence or wall at or near the property line. This frontage encroaches into the front setback. This frontage provides the necessary physical separation for the private lot from the public sidewalk, while maintaining visual connection between buildings and the public space of the street. Front Yard: this frontage consists of the building facade being set back from the principal frontage line in a dimension large enough to create a front yard which is continuous with neighboring yards. These yards are unfenced, visually continuous within a block, and thus create a common landscape.

— L —

Liquor Store (land use type): a retail store that primarily sells wine, beer, and/or spirits, that may specialize in one or more of the above, and may also sell convenience merchandise including food products.

— P —

Paseo (also referred to as 'passage', 'promenade'): a public place or path designed for walking.

Pedestrian First: the practice of addressing the needs of people, once out of their automobiles, through a series of interdependent urban design and streetscape principles (e.g., traffic-calming, wide sidewalks,

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street trees and shade, on-street parking, outdoor dining, inviting storefronts, the feeling of being in an 'outdoor room', short crosswalk distances, interconnected and short blocks).

Podium Garage: an at-grade parking facility that is completely within a structure that supports an upper floor(s) of a building.

Principal Building: the main building on a lot, typically located toward the frontage.

Private Frontage: the privately held layer between the frontage line and the principal building facade which includes the depth of the setback and the combination of architectural elements such as front yards, fences, stoops, porches, forecourts, shopfronts and galleries.

Public Art: visual or performing art for temporary or permanent display in a public place, within a public right-of-way or public building, subject to City requirements.

Public Frontage (also referred to as 'streetscape'): the area between the frontage line and the edge of a public open space, paseo or curb of the vehicular lanes which includes the type and dimension of curbs, walks, planters, street trees and streetlights.

Public Garage ("park-once" facility): a parking lot or garage which provides the public with parking spaces for commercial, service and office uses.

Public Realm ('streetscape'): the combination of building facades, building frontages, signage, landscape, trees, sidewalks, streets and the activity within these areas that generate the physical character as viewed within the public right-of-way.

Public View: along a public street, alley or open space, all that is visible as to a pedestrian or motorist.

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Recess Line: a horizontal line, the full width of a facade, above which the facade sets back a specified distance from the facade below.

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Setback (parking): the area of a lot measured from a lot line to parking facilities and/or spaces that must be maintained clear of parking facilities and/or spaces.

Streetscape: the combination of building facades, building frontage(s), signage, street furnishings and equipment, sidewalk, and landscape. Streetscapes vary in response to their intended physical character and context.

Streetwall: a term referring to the vertical mass of an individual building or the combination of several buildings that shape the streetscape.

Streetscreen: a hedge or an opaque, freestanding wall built along the frontage line, or coplanar with the facade, often for the purpose of masking a parking lot or service area from public view. Streetscreens are constructed of a material matching the adjacent building facade. Streetscreens may have openings no larger than necessary to allow automobile and pedestrian access.

- T -

Transition Line: a horizontal line, the full width of a facade expressed by a material change or by a continuous horizontal articulation such as a cornice or a balcony.

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- Z -

Zaguan: a pedestrian passage of one to two rooms in depth and one story in height between a public street / open space and a courtyard or other open space.

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Table 2-1

Zoning Consistency Matrix

General Plan Land Use Designation	Residential/Agricultural (RA)	Hillside Residential (HR)	Single Family 40,000 (RSE-40,000)	Single Family 20,000 (RSE-20,000)	Single Family 10,000 (RS-10,000)	Single Family -7,000 (RS-7,000)	Single Family -4,000 (RS-4,000)	Residential -7,000 (RG-7,000)	Residential -4,000 (RG-4,000)	Multiple Family (RM)	Affordable Family/Senior Housing (AF/SH)	Mobility Home Park (MHP)	Planned Community (PC)	Tourist Commercial Town Center (TC)	Town Center Edge (TCE)	Office Commercial (OC)	Neighborhood Commercial (NC)	General Commercial (GC)	Commercial Manufacturing (CM)	Industrial Park (IP)	Agriculture Business (A)	Public and Institutional (P&I)	General Open Space (GOS)	Open Space Recreation (OSR)	Neighborhood Park (NP)	Community Park (CP)	Special Park (SP)	Regional Park (RP)	Natural Open Space (NOS)	Recreation Commercial (RC)	Specific Plan/Precise Plan (SP/PP)	Farm Market (FM)	Solid Waste Facility (SWF)										
Very Low Density (VLD)	X	X	X	X								X								X														X									
Low Density (LD)		X	X	X	X							X																								X							
Medium Low Density (MLD)		X		X	X	X	X	X				X																									X						
Medium Density (MD)		X			X	X	X	X	X			X	X																									X					
Medium High Density (MHD)		X				X	X	X	X	X		X	X																									X					
High Density (HD)		X					X	X	X	X		X																											X				
Affordable	X									X	X		X																												X		

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